

REFUGEE AND MIGRANT RIGHTS

Border Security, Asylum and Immigration Bill

On 30 January 2025, the government published its Border Security, Asylum and Immigration Bill (“the bill”).ⁱ The bill will pass through several stages in Parliament before it can become law and there may yet be many amendments or additions made to it. This briefing sets out key information about the bill at this time.

What is the bill for?

This is the first immigration bill of the Labour government that took office following the May 2025 general election. It, therefore, provides a strong indication of what the new government considers to be among its priorities on immigration.

Part 1 makes up about half of the bill. It is concerned with ‘border security’ and includes several new provisions to create a Border Security Commander. This person will have responsibilities for reducing the arrival or entry to the UK of people or goods, whose arrival or entry is regarded as contrary to UK law.ⁱⁱ Part 1 also includes several new or expanded offences, and associated powers, that relate to these responsibilities.ⁱⁱⁱ In significant part, these provisions are intended to further deter or prevent people coming to the UK to seek asylum. The key problem with this Part of the bill, and the position of Border Security Commander that it creates, is that it continues an approach of **increasing powers of immigration enforcement in ways that make people more dependent on dangerous journeys, people smuggling and trafficking gangs.**

Part 2 is mostly concerned with repealing some, but far from all, of the previous government’s asylum legislation. The Safety of Rwanda (Asylum and Immigration) Act 2024 is to be wholly repealed.^{iv} Large parts of the Illegal Migration Act 2023 are also to be repealed.^v [This legislation should be repealed.](#) However, the bill would retain significant provisions in the 2023 Act which strengthened powers to detain,^{vi} strengthened powers to refuse to consider someone’s asylum claim,^{vii} and widened exclusion of victims of slavery and human trafficking from vital protections.^{viii} Part 2 also includes new provisions that further strengthen detention powers in relation to deportation from the UK.^{ix} This Part of the bill, therefore, **compounds the problem with Part 1.** It does so, on the one hand, **by failing to repeal all the 2023 Act and other harmful legislation** and, on the other, adding new still more enforcement powers.

Part 3 concerns policing and crime, and seems unrelated to immigration policy.^x Part 4 contains one provision which is intended to retrospectively make it lawful for the Home Office to have imposed certain immigration fees on people when there had been no power for it to have required these charges.^{xi}

What happens next?

The bill will receive its first debate on 10 February 2025 in the House of Commons. This is called Second Reading. It is an opportunity for MPs to signal their broad position relating to the bill, ask questions about it, and raise any concerns about what is in it and what is missing from it.

After Second Reading, there will still be several stages for the bill to pass through in both the House of Commons and the House of Lords.^{xiii} These stages will include opportunities for the bill to be considered line-by-line, which essentially means looking at its individual provisions in turn rather than all together. This will include opportunities for amendments to be debated and voted on.

The bill may, therefore, change – for the better or worse – before it can become an Act of Parliament.^{xiii}

What are Amnesty's key concerns with this bill?

Amnesty has two broad concerns with this bill:

1. The bill **pursues the same harmful approach of previous governments, including this government's immediate predecessor.** That general approach is **to make prevention, deterrence, punishment and enforcement the priorities of immigration and asylum policy rather than respecting human rights and sharing asylum responsibilities.**^{xiv} The people who continue to be targeted by this approach include refugees and victims of slavery and human trafficking. It is they and the journeys they make that the policy aims to stop. The policy is largely insensitive to any need the people may have to make a journey, to their lack of choice or alternative in attempting it, the harm they may suffer in doing so, or any right they may have to do so. Among the penalties and punishments that are created to enforce the policy are several that directly target the people making these journeys^{xv} – including refugees who seek asylum in the UK where they have family and other connections but are, as all people who seek asylum in the UK, provided no other way to come or apply for asylum here. It also includes victims of human trafficking, whose journey to the UK is controlled by the people who exploit and abuse them. This approach is bad in many ways. It harms people in need of support and protection, including people entitled to that. It also ignores the reality of these people's lives and so works for nobody except those who continue to profit from people's vulnerability – which the approach makes worse – including people smuggling and trafficking gangs.^{xvi}
2. The bill **retains harmful legislation introduced by the previous government.** This includes all the Nationality and Borders Act 2022 and a few provisions of the Illegal Migration Act 2023. As succinctly explained in Amnesty's October 2024 briefing on [Asylum legislation in need of repeal](#), **all the 2023 Act must be repealed and much of the 2022 Act.**

Among the **most concerning asylum-related provisions of the 2022 Act** are those that:

- allow the Home Office to operate a two-tier asylum system under which some refugees are granted lesser status and rights as a penalty for passing through another country before coming to the UK;^{xvii}
- create a statutory basis for an inadmissibility regime under which the Home Secretary may simply refuse to consider someone's asylum claim;
- introduce complex and fast asylum procedures with penalties for non-compliance that include treating someone as untruthful, ignoring their evidence, and barring their right to any appeal;
- require the Home Office and courts to apply the Refugee Convention in ways that are contrary to international law and the decisions of UK courts; and

- use criminal law to deter people seeking asylum; and deter people who assist them, even when that assistance is to save life or for other humanitarian reasons.

What should the government do instead?

The government should adopt a different approach. It should:

- focus on making the UK's asylum system fair and efficient, and working with other countries to share responsibility with them for providing asylum to refugees. Amnesty's October 2024 and November 2024 briefings on [A fair and efficient process for making asylum decisions](#) and on [Responsibility-sharing and the right to asylum](#) explain this further;
- repeal all the Illegal Migrant Act 2023 and much of the Nationality and Borders Act 2022 (including the asylum provisions of that Act referred to above);
- ensure criminal offences, prosecutions, and other penalties are limited so that nobody is penalized for exercising their right to seek asylum, for being a victim of slavery or human trafficking, for saving life, or any other humanitarian action;
- work with other governments to create and operate safe routes for people to seek asylum in the UK, particularly people with family in the UK or other strong connections here; and
- create an immigration system that is more widely sensitive to the real lives, interests, and rights of people who cross borders so that policy can be implemented effectively, efficiently, and fairly.

Conclusion

The bill is **the clearest signal yet about the intentions of the government** that took office less than a year ago – particularly as regards asylum policy and how this affects refugees and victims of slavery or human trafficking.

Those intentions will be very unwelcome to many people who have suffered torture, exploitation, and other serious traumas on journeys that are controlled by others and to which the government makes no alternative available. Although the government has rightly scrapped some aspects of its predecessor's policy already, it had indicated its reasons for doing so were because those aspects were, in its view, ineffective or inefficient. Effectiveness and efficiency are important considerations, but only to the extent that they are considered in relation to policy, and its implementation, that gives due regard to the human dignity and worth of the people to whom it applies. **The bill, however, confirms an attitude to refugees and many other people that is dismissive of their humanity and hostile to their human rights.**

This should be considered alongside recent statements and actions of senior government ministers that indicate an intention:

- to close the limited schemes currently available for some Afghan refugees;^{xviii}
- to reduce the degree of security provided by the previous government to Ukrainians fleeing the war in their home country;^{xix}
- that no schemes shall be introduced for any other refugee;^{xx} and
- to continue discussion with other countries, in Europe or elsewhere, for the purpose of enlisting their help to avoid the UK receiving people seeking asylum or taking responsibility for people's asylum claims if they should continue to arrive.^{xxi}

Amnesty, therefore, supports the repeals of legislation set out in the government's Border Security, Asylum and Immigration Bill while continuing to call for much fuller repeal of harmful legislation and a fundamentally different approach to refugee and migrant rights. Amnesty will work to improve understanding and commitment to reform as this bill passes through Parliament.

Notes

ⁱ The bill and related material can be found on the [parliament.uk bill page](#). The current version of the bill is Bill 173. As the bill passes through Parliament, it may be amended and there will, therefore, be new versions produced. This may change the effect of the bill and/or the numbering of its various provisions (called clauses).

ⁱⁱ The functions and duties of the Border Security Commander are set out in Chapter 1 of Part 1 of the bill. Currently, the bill states that the Commander must have regard to maximising the effectiveness of actions of other public bodies, including the Home Office, for the purpose of minimising “threats to border security” [Clause 3(1), Bill 173]. There is no comprehensive definition of what is meant by “threats to border security”, but these are stated to include “the passage or conveyance of any person or thing towards, into or out of the United Kingdom” if that constitutes a criminal offence under UK law, creates the risk that such an offence will be committed, or threatens any kind of harm or people or property in the UK [Clause 3(7) and (8), Bill 173] but not if this relates to customs revenue [Clause 3(9), Bill 173].

ⁱⁱⁱ Chapter 2 of Part 1 contains several new offences and various new powers for searching people, seizing items from them, taking and using data that may be held on such an item (like a mobile phone), and sharing information.

^{iv} Clause 37, Bill 173

^v Clause 38, Bill 173

^{vi} Section 12, Illegal Migration Act 2023

^{vii} Section 59, Illegal Migration Act 2023

^{viii} Section 29, Illegal Migration Act 2023

^{ix} Clause 41, Bill 173

^x Clauses 43 to 50, Bill 173

^{xi} Clause 51, Bill 173

^{xii} The stages can be followed on the [parliament.uk bill page](#). That page will be updated as the bill passes through Parliament, including with dates of forthcoming stages, records of debates, and lists of amendments to be considered.

^{xiii} To become an Act of Parliament, each of House of Parliament must agree the final wording of the bill. After this, it will be passed to the King to receive Royal Assent. This last stage is a formality only, but the bill will not become an Act until Royal Assent is given. As is usual, the bill contains a provision [Clause 56, Bill 173] setting out when or how its various provisions will – if the bill becomes an Act – then become law. This is called commencement. Clause 56, Bill 173 identifies a few provisions that are to become law (be commenced) on the day the bill becomes an Act. Otherwise, the bill’s provisions are to become law (be commenced) at a date set in regulations made by the Home Secretary.

^{xiv} Operating [a fair and efficient asylum system](#) while [sharing responsibility with other countries for providing asylum](#) is what is needed. This requires making a priority out of ensuring the right to asylum is respected and met rather than, as now, seeking to avoid responsibilities and thereby encourage others to avoid their responsibilities too.

^{xv} Both in the UK and elsewhere, people seeking asylum have been among the main targets for criminal prosecution and punishment of what is said to be or be related to people smuggling.

^{xvi} People are dependent on people smugglers because they are without safe alternatives. When governments increase barriers to people’s movement, they increase their dependency on smugglers. When governments target particular routes or means of travel, they generally force people onto other, possibly more dangerous, routes. Even when governments successfully arrest and prosecute a real smuggler, doing nothing to address the need of people to make journeys only creates further opportunity for another smuggler. The harsher the environment in which this all occurs, the more vulnerable people needing to move are to exploitation by smugglers or human traffickers. At the same time, this government activity undermines any possibility people who make and attempt these journeys can trust officials and government systems. This makes people vulnerable to exploitation not just on their journeys but even after they may successfully complete a journey.

^{xvii} Article 31 of the 1951 UN Convention relating to the Status of Refugees generally prohibits the penalization of refugees for crossing borders to seek asylum. More generally, the Convention includes a general prohibition on discrimination (Article 3) and does not permit discrimination between refugees in providing asylum or the quality of asylum provided.

^{xviii} *Hansard* HC, [18 December 2024 : Col 37WS](#)

^{xix} [Statement of Changes in Immigration Rules \(HC 334\)](#) includes provision to narrow the scope and security provided by what began as the Homes for Ukraine Scheme and to close what began as the Ukraine Family Scheme.

^{xx} [Oral evidence of the Prime Minister to the Liaison Committee](#), 19 December 2024, Q78-Q87

^{xxi} See e.g. observations of the Home Secretary on support for returns from transit countries (*Hansard* HC, [11 December 2024 : Col 900](#)) and on the Italy-Albania deal (*Hansard* HC, [2 December 2024 : Col 56](#)).

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