# ‘Illegal Migration Bill’: Advocacy Points and Quotes from Christian Leaders

Christians who want to stand with refugees are engaging in advocacy on the controversial ‘Illegal Migration Bill’ - preaching, talking with members of their congregations, writing to the press or their MP, and meeting with MPs. If you are doing so, you may find it useful to have a summary of some key points where Christians with leadership roles in denominations or Christian charities are calling for change, together with quotes to explain why.

For ease of use, each identified issue in the Bill is summarised in bold; after which there are a selection of quotes relating to it. Some of the quotes come from statements or letters. The bulk come from speeches in the House of Lords. Many are short excerpts; in a few cases, however, we have a longer passage, as a statement raises a variety of significant points. The link at the end of the excerpt will take you to the full speech or statement. If you would like to see all speeches on the Bill by Church of England bishops in the House of Lords, click here.

We don’t yet know what amendments will be proposed and/or passed in the House of Lords, so we can’t give specific suggestions for amendments it’s worth asking MPs to support. But the speeches give the arguments behind the amendments that are likely to be proposed, so they can help you frame your discussions. We’ll publish updates after the Report Stage of the Bill.

You don’t need to read this whole document – jndeed, we don’t expect you will! Instead, we would suggest that everyone focus on the main issue – the abolition of the right to apply for asylum – and then scan the bold headings and pick one or two other points to raise. If you are working with a group of people from your church, you might each pick a different point, in order to get good coverage.

The areas which have had the most cross-party support for change are those relating to the importance of complying with international law, to the detention of children and pregnant women, and to the removal of support from victims of trafficking and modern slavery. These may be particularly useful areas on which to focus.

**The Bill is often presented as a response to pressures of migration. But in reality, the UK receives a relatively small number of asylum claims, and asylum seekers are a tiny proportion of the people seeking leave to remain in the UK.**

**"**Other countries…are taking far more refugees. Turkey alone was hosting nearly 3.6 million at the end of 2022. It is greatly to be admired, as are Rwanda, Uganda, the DRC and South Sudan, itself after 10 years of civil war having received almost three-quarters of a million people since the war broke out in Khartoum a few weeks ago.

Many other European countries also are taking more, including France and Germany… the UK ranked 18th in Europe for our intake of asylum applications per head of the population in the year ending September 2021. Most crucially, 76% of refugees are being hosted in low and middle-income countries—countries infinitely poorer than our own—and 70% in countries neighbouring their home countries. It is neither morally right nor strategically sensible to fail to engage with the global context or to leave other countries to deal with the crisis alone. Doing so damages our reputation as a nation, but it also risks unbearable pressures being placed on other countries and the possibility of state collapse and an ever-growing avalanche of further numbers of refugees across the world…." *(Archbishop of Canterbury)*

**"**I entirely accept… that we have to control migration. I do not think there is any argument about that, but does the noble Lord accept that of that 700,000 last year, or whatever the number turns out to be exactly, the Bill will cover only 45,000? The Bill is not about overall immigration." *(Archbishop of Canterbury)*

**The 'Illegal Migration Bill' states that irregular arrival is illegal – but in international law, it is legal to arrive irregularly in order to claim asylum, no matter how you arrive.**

"The great majority of those in need who seek to come to the UK do not have a safe or regular route available to them. I deliberately say "regular" rather than "legal" because I want to underline what we have already heard said very clearly: according to the refugee convention, there is no such thing as an illegal route. This is a really important point that needs to be underlined and repeated. Anyone arriving at a country by any means has the right to claim asylum." *(Bishop of Chelmsford)*

**Proponents of the 'Illegal Migration Bill' often state or imply that asylum seekers are bound to seek asylum in the first 'safe' country which they enter. There is no such obligation under international law – and what makes a country be, or feel to be, safe is often complex.**

"Proximity is no guarantor of true safety … In my work with the Commission on the Integration of Refugees, I have heard repeatedly of the importance of family, friendship, community and historical ties, and of activities and structures to help refugees integrate better. This is what safety means to people who have lost all those things in their home countries. They are not "asylum shopping", to use the offensive and disparaging term used by the Immigration Minister. Rather, they are choosing to come as directly as they can to the place where they feel they will be safest." *(Bishop of Chelmsford)*

**Because it prevents people who arrive irregularly from claiming asylum regardless of whether or not they have a legitimate claim, the Bill is widely regarded as flouting our commitments under the Refugee Convention.**

"Two or three years ago, I was asked to write a report to celebrate and commemorate the 70th anniversary of the 1951 convention. I consulted widely with people from the UNHCR and other United Nations agencies, as well as NGO bodies such as Amnesty International and others, and from countries around Europe … Even at that time, it was possible to see and recognise—and to note in the report—that the arrangements of the 1951 convention were under pressure in various places, and in some countries were being eroded. But at that time it was possible to stand up, as a United Kingdom spokesperson, and feel that we could contribute positively to the need to do the necessary forms and tidying-up.

At the heart of the report are three basic principles: that when a refugee seeks refuge in this country, or any country, there should be, first, no penalisation; secondly, no discrimination; thirdly, no refoulement—no pushback. It would not be difficult, in the time remaining to me, to show how in this and previous legislation every one of those core principles has been either threatened or undermined, or quite simply pushed to the side. It is time for us to look again at our commitments. I am not a lawyer; I cannot do this from a legal point of view. But I believe that I and every Member of your Lordships' House can understand those three principles without any difficulty, yet all of them are under threat and even worse." *(Lord Griffiths, former President of Methodist Conference)*

The Bill appears to be fundamentally about preventing those who have travelled irregularly to the UK from claiming refugee protection. This is in clear breach of the refugee convention and indiscriminately applies to everyone, regardless of the violence or persecution they may have fled. Let us be clear: this means even refusing to offer a child or a victim of trafficking the dignity of having their asylum case heard. (*Bishop of Durham*)

"The JCHR [Joint Committee on Human Rights] also heard concerns that Clauses 2 to 5 will ultimately lead to the UK failing to play its part in the global system of refugee protection, a theme that has been mentioned so often in the debate so far. Vicky Tennant, UK representative to the United Nations refugee agency, told the committee that the Bill is *"a series of unilateral measures that are about pushing refugees away and pushing responsibility on to other countries, it will undermine the trust and regional co-operation needed to manage these movements"*. Within the last 24 hours, the UNHCR has said that it *"breaks the core UN Conventions that UNHCR is mandated to safeguard: the 1951 Refugee Convention and the 1954 Statelessness Convention". (Lord Alton, Roman Catholic, former MP, co-founder of Jubilee Action)*

"It is deeply troubling that the Government continues to weaponise immigration and asylum matters for what appears to be political purposes. We need an immigration and asylum system that treats people with dignity; is integrity-driven, and most of all, fit for purpose. This Bill, among many other things, fails to comply with the obligations found in the UN Refugee Convention, to which we are signatories. I call on the Government to focus more on why people travel than how they travel, and ensure that those who are fleeing danger are treated with hospitality and not hostility." *(Richard Reddie, Director of Justice and Inclusion, CTBI)*

**Breaking our commitments to international agreements causes harm to the reputation of the UK, reduces our moral authority, impedes cooperation on refugee issues, and does harm to the international rule of law.**

**"**This Bill fails utterly to take a long-term and strategic view of the challenges of migration and undermines international co-operation, rather than taking an opportunity for the UK to show leadership, as we did in 1951…

What if other countries follow suit? The UNHCR has warned that the Bill could lead to the collapse of the international system that protects refugees. Is that what we want the United Kingdom's contribution to be in our leadership?"

This Bill is an attempt at a short-term fix. It risks great damage to the UK's interests and reputation at home and abroad, let alone the interests of those in need of protection or the nations that together face this challenge. Our interests as a nation are closely linked to our reputation for justice and the rule of law, and to our measured language, calm decision and careful legislation. None of those is seen here.

Long-term, globally co-ordinated solutions must be part of the way forward. This nation should lead internationally, not stand apart. *(Archbishop of Canterbury)*

**The 'Illegal Migration Bill' would permit the detention of children, which had previously been strictly limited by David Cameron's Government.**

"The Home Secretary's duty to detain and remove asylum seekers changes the nature of detention considerably. It moves it away from an administrative process to facilitate someone's removal to a wider system of confinement. Therefore, disturbingly, it does not discriminate. The state will view a child or a pregnant woman first and foremost as individuals subject to immigration control, not as an innocent child or a vulnerable mother due to give birth." *(Bishop of Durham)*

"Just less than a decade ago, the Conservatives introduced time limits for the use of child detention and, at the very least, I hope to see these limits back in the Bill for all children … As the Children's Commissioner for England has said: *"It is not acceptable for them to be treated in the same way as adults*". Safeguarding is not discretionary." *(Bishop of Durham)*

"The desire for deterrence cannot negate or supplant the duty of the UK and this Government to protect all children—every child, whatever their origins—within our jurisdiction. How a country treats its children is a mark of whether that country deserves to describe itself as civilised. How do convention duties square with indefinite detention in whatever place the Secretary of State and her officials deem appropriate and for however long she decides is reasonably necessary before she maybe decides that they should be cast out? How can our convention rights be squared with dispatching children to far-flung places without any true idea of what circumstances will await them there? Who will verify that appropriateness? What will be the criteria? How will such assessments be undertaken?" *(Lord Alton)*

"I believe that the strength of opposition to any change in the current detention limits for both accompanied and unaccompanied children is because it is one of the most alarming and unedifying provisions in the Bill. Ministers have set out what they see as the need to detain children for immigration purposes in order to ensure that we do not inadvertently create incentives for people smugglers to target vulnerable individuals. Were this the case, then there would be a case for

considering some sort of remedy. However, yet again we have been provided with no evidence that this is the case.

Building an asylum system with deterrence diffused throughout, as described by His Majesty's Government, has led to this inappropriate proposal to restart detaining children, potentially for an unlimited period. As the noble Baroness, Lady Mobarik, said, it was a Government led by the party currently in office who took the brave decision to end the routine detention of children. That was against significant departmental pressure to retain the practice. How have we arrived, just 10 years later, at the conclusion that the well-being and welfare of children can now be sacrificed in consequence of the need to control migration? …

Studies show that the inescapable institutional nature of detention is traumatic for children and detrimental to the child's physical and mental development. The Government are fully aware of the damaging impact of detention on children. I quote from one small section of the Home Office's *Assessing Age* guidance, published only this March:

*"Failure to adhere to the legal powers and policy on detaining children can have very significant consequences, for example … detention can be extremely frightening for a child, with their perception of what they might experience potentially informed by previous negative experiences of detention".*

It needs to be said explicitly that the Government will be sanctioning an intolerable level of emotional distress for the most vulnerable children. Understandably, a child will ask themselves, "What must be wrong with me to have been subjected to such conditions?".

The Prime Minister stated that the Government's objective behind the Bill is not the detention of children. None the less, that is what the Bill does. Given the Prime Minister's just objective, why has the 2014 requirement that child detention be for the shortest time possible been expressly removed? In the year to March 2023, more than 8,000 children entered the UK who would meet Clause 2 conditions and who therefore could be detained indefinitely. In the first three years of the Bill's operation, this may mean that up to 25,000 children will be deprived of their liberty. Should the deterrent effect of the Bill—about which we currently have no modelling whatever—fail, surely the 2014 requirement must be retained.

The Home Secretary bears a legal duty to safeguard children. Home Office guidance makes clear that this duty requires a demonstration of fair treatment that meets the same standard that a British child would receive. Would we tolerate the Bill's proposals for our own children or grandchildren?

I welcome the amendments made in this area in the other place, but they do not go far enough. Legislating for the option to place limits on detention and for these limits not to be specified in the Bill is simply not adequate. It is an area that cannot remain entirely at the discretion of a Secretary of State, and children must have a means of challenging the lawfulness of a decision. Also, there have been no equivalent provisions for children within families. Why is one child different from another? Children will be detained after they have fled unimaginable horrors at home or been trafficked against their will. Children will be born in detention and others will have their futures shaped by it. It is the hope on these Benches that we are better than this and know what is right, having banished this immoral practice before. It will take real courageous leadership to change course, but we must. There is concern among my brother and sister bishops about the state of the nation's soul if we tread so easily down this path." (*Bishop of Southwark, on behalf of the Bishop of Durham)*

Whatever limits on the detention of children are made in regulations issued by the Secretary of State, they are unlikely to be sufficient to meet the requirements of the United Nations Convention

on the Rights of the Child. Article 37(b) of the convention establishes the general principle that a child may be *"deprived of … liberty … only as a … last resort and for the shortest … period of time".*

The UK Committee for UNICEF says:

*"Two relevant UN Committees have stated that the possibility of detaining children as a measure of last resort … is not applicable in immigration proceedings as it would conflict with the principle of the best interests of the child and the right to development … The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has stated that 'within the context of administrative immigration enforcement … the deprivation of liberty of children based on their or their parents' migration status is never in the best interests of the child, exceeds the requirement of necessity, becomes grossly disproportionate and may constitute cruel, inhuman or degrading treatment of migrant children'"….* *(Lord Alton)*

**The Bill would also permit the detention of pregnant women, which had been limited to 72 hours by David Cameron's government.**

I share … concern about the impact of detention on pregnant women in particular, impact which we know is considerable. … His Majesty's Inspectorate of Prisons advises that there *"is no safe way to use force against a pregnant woman, and to initiate it for the purpose of removal is to take an unacceptable risk"….*

According to research by Women for Refugee Women, *"women seeking asylum who are pregnant are an extremely vulnerable group. Many have experienced trauma such as rape, trafficking and torture, and have significant physical and mental health issues".*

I appeal to the Minister to consider also the well-being of the unborn child involved. The Royal College of Midwives has said: *"The detention of pregnant asylum seekers increases the likelihood of stress, which can risk the health of the unborn baby".*

Antenatal care and support provided to women who are detained has often fallen short of the care normally available to pregnant women. Research by Medical Justice found that in Yarl's Wood, women often missed antenatal appointments. Some had no ultrasound scans while detained, and women did not have direct access to a midwife and could not request visits. In recent years we have seen the devastating consequences of holding pregnant women in prisons. These facilities, including detention centres, are on the whole not set up to provide the necessary health and welfare oversight. This violates women's dignity and puts lives at risk. The indefinite detention of pregnant migrant women, who are often extremely vulnerable and the victims of abuse and trafficking, is a very worrying and regressive move. The implication that force may be used against them, and against children, is beyond words. I hope wholeheartedly that the Committee supports these amendments and that His Majesty's Government give them the consideration they so justly merit. *(Bishop of Southwark)*

**The Bill would remove support and protection from victims of modern slavery, penalising vulnerable and traumatised people, giving people engaged in trafficking and exploitation a hold over their victims, and rendering prosecution of traffickers – the stated aim of the Bill – more difficult.**

Responses to claims the system is being abused

"Modern slavery victims are just 6% of small boat arrivals… [the Bill] will remove support and protection from many genuine victims … Paradoxically, we will empower traffickers and brothel owners and disempower the victims." *(Lord Alton)*

"The Home Secretary says that the system is being abused, to justify removal of the protections for victims of trafficking and modern slavery. In response to that, both Sir Iain Duncan Smith MP, former leader of the Conservative Party, and Theresa May, former Prime Minister, have said in terms that there is no evidence to justify that claim…." *(Lord Alton)*

""On the question of abuse, I am not naive enough to think that there is no abuse or attempted abuse in the current system… We know from our own Church-based projects that there are some such cases, but there are two clear issues. The first is whether it can possibly be justifiable to switch off all support and make subject to removal to Rwanda, for example, a cohort of many entirely legitimate victims on the basis of abuse by some. To me, this seems to be not so much throwing the baby out with the bathwater as demolishing the entire bathroom.

Secondly, even if it were justifiable in principle, is the level of abuse so apparent as to warrant such drastic measures? We have heard Ministers say that the number of referrals, including from small boat arrivals, has dramatically increased, but do increasing numbers necessarily entail evidence that there is abuse? For several years the Church of England's Clewer Initiative has devoted significant energy and time to raising awareness and helping civil society to identify potential victims. The same is true of many other charities over the past few years. First responders, including in the police and border control, have been greatly better trained and equipped to recognise signs of potential trafficking and modern slavery. We wanted to see referrals increase; that is evidence of a job well done, not necessarily of abuse.

In addition, we know that estimates from the Centre for Social Justice, the Global Slavery Index and many others put the estimated number of victims of slavery in the UK dramatically higher than the numbers ever identified to the NRM. We are still a long way from referrals matching the estimated number of victims. Therefore, surely even a dramatic increase in referrals needs a lot more analysis before it can be dismissed as evidence of abuse of the system. I have not seen the Government produce any such evidence.

My understanding is that the success rate on initial decisions remains very high—88% of reasonable grounds decisions were positive—and that the overwhelming majority of those who receive a reasonable grounds decision, 89% in 2022, ultimately go on to receive a conclusive grounds decision, albeit with significant delays in the processing of such claims by the Home Office. So, unless the Minister has other evidence, it appears that, after an extensive process by the Home Office, the overwhelming majority are found to have a genuine case.

The key limiting factor in assessing and identifying genuine victims and abusers appears to be not the widespread abuse of the system but the processing of evidence in a timely fashion. This is an expensive and damaging operational failure, but not one that requires any sort of legislative solution. It is cruel in the extreme to punish victims for the delays while eliminating their support." *(Bishop of Durham)*

Impact on ability to prosecute traffickers

"This Bill proposes that victims of modern slavery will … be subject to detention and removal. This seems wrong on so many levels, not least morally, but it will also be a substantial law enforcement issue. Why would anyone come forward as a victim of modern slavery and risk being sent to Rwanda?" *(Bishop of Gloucester)*

"We know that securing prosecutions and convictions is incredibly difficult because it requires the willing co-operation of those who have been smuggled. This is no small thing, for they are often traumatised and often in significant debt to the smugglers. They may have friends and family abroad or here in the UK who will be put at risk if they come forward. That difficulty is only exacerbated by our migration enforcement policies, which also deter victims from coming forward for fear of the hostile environment, detention and removal—including potentially to Rwanda or some other third country with which they have no connection. There is little incentive to co-operate with law enforcement, and significant risk in doing so." *(Bishop of Chelmsford)*

"We do not have enough prosecutions. The main way to deal with modern slavery is to prosecute the traffickers… There has been some success—but a limited success because you have to have witnesses to give the evidence. Even today there is not enough evidence given by witnesses, who are slow to come forward. I have to ask the Government: do they really think that if somebody is sent to another country against their will, having been already traumatised by being a victim of slavery, they are going to help the Government who deported them to deal with their traffickers? It seems extremely unlikely." (*Baroness Butler-Sloss*, former President of the Family Division of the High Court of Justice. Chaired the Crown Appointments Committee charged with the selection of a new Archbishop of Canterbury and was Chair of the Advisory Council of St Paul's Cathedral from 2000 to 2009))

Impact on victims of modern slavery – and moral responsibilities of UK

"The Bill directs that victims of modern slavery, including victims of sexual exploitation, shall be subject to detention and removal to their own country or to a third country. As we have heard, the principal exception to this is if the Secretary of State is satisfied that the individual is co-operating with criminal proceedings and that their presence in the United Kingdom is necessary for this to continue. We know that the Government have committed to victims of sexual violence and exploitation in this country. The UK ratified the 2011 Istanbul Convention on Preventing and Combating Violence Against Women and Domestic Violence only last summer and there has been much work done over the past few years to increase awareness and tackle perpetrators. To deny those who have arrived here safety and protection is a regressive move.

Research tells us that women who have been exploited often arrive confused, not always having been aware of their final destination or even that they were going to another country. They may have been exploited by their traffickers during the flight. The notion of removing them to a safe third country that contains their abusers is cruel and unnecessary. The moral basis of legislating for and the axiomatic assumption of the detention and removal of such women, as there is in Clause 21, is at best dubious.

I … will make one further point. Modern slavery and trafficking into the United Kingdom are not wholly outside the UK's control. They are not a consequence wholly of events far away for which we bear no responsibility. These crimes commodify and abuse human beings in industries and markets which are on our own soil. They represent a failure of policy and policing, and a broader societal indifference to human dignity which allows slavery to flourish in this country.

It would be all the more unacceptable, therefore, not to take responsibility for the care and support of victims who suffer as a consequence of our failings. Clause 21 as drafted refuses that responsibility. Victims brought and abused here it disposes of somewhere else. … Thus, my question to the Minister is: if these women are here because of the criminal and business activities of UK markets and the limitations of UK policies and policing, why are these victims not our responsibility? (*Bishop of Southwark*)

The feedback that has been coming from the Salvation Army, from Clewer [the Clewer Initiative] and from other groups in relation to the modern slavery provisions of the Bill ranges from trepidation to outright horror …

I query the impact of what happens to those legitimate victims of modern slavery who are set to be removed… I have seen government justifications of this policy amount to saying, "We will not abandon victims, because they will be able to get support in their home countries or, if they are moved there, in Rwanda". That is already an abrogation of responsibility. People are being trafficked here because of our labour market, our societal demands and our enforcement failures. It is an immediate ethical problem that instead of doing our bit to support people who have been victimised in our country, we instead expect the full burden of helping them and rebuilding their lives to be done by someone else.

More broadly, if we take at face value the claim that legitimate victims will not be disadvantaged by removal to Rwanda or another country, can the Government provide some information on what they will do to meet that unlikely sounding guarantee? The MoU on the Rwanda scheme is noticeably vague on providing any details of how and what support Rwanda can give to victims of modern slavery. It is worth noting that the Global Slavery Index already ranks Rwanda as having 4.3 victims of modern slavery per 1,000 of population, which puts it 28th out of 50 in Africa. That is more than twice the prevalence of the equivalent figure in the United Kingdom.

Please be clear: this is not a criticism of Rwanda, which is a country I love deeply and visit regularly. It is to suggest that Rwanda seems to have enough challenges, with far higher rates of slavery than we suffer here, without us potentially adding several thousand more to its mix. How can it possibly be the case that legitimate victims of slavery sent to Rwanda will meet the same level of specialist support and care that they would have received here? That simply is not plausible as a claim.

Nevertheless, I hope the Minister will at least be able to tell us what the UK will do to ensure that removed potential victims receive the care and support to which they are entitled, what checks and accountability will be in place to deliver that and what steps the Government will take if it emerges that victims are not in fact receiving the necessary specialist support, whether in Rwanda or anywhere else. Until that time, and for all the reasons given, I find it very difficult to see why Clause 21 can possibly continue to be part of the Bill. (*Bishop of Durham*)

"Clauses 22 to 24 carry through the logic of Clause 21 and remove protections and support from those who, crucially, have already been identified and assessed as having reasonable grounds to be considered a victim of trafficking or modern slavery. These victims are not self-identified or -assessed. They have to be referred by a first responder agency, such as the police, and assessed by the competent authority.

The insidious nature of applying these provisions retrospectively is that there are people now in safe houses who are receiving specialist support to rebuild their lives or to build a legal case against their abuser that might be used by law enforcement. To have those protections and support removed from them before a conclusive grounds decision can be reached on their case seems cruel. Someone

who has potentially just escaped an abusive situation and has been assessed by a first responder and the Home Office as having a reasonable case and who is for the first time receiving support from a specialist agency could be told out of the blue that support is withdrawn and they are subject to detention and removal. To deter one group of people, we will wash our hands of a much larger group who did not arrive by boat or even necessarily of their own volition.

The long and short of these clauses is that to weed out an unknown and unproven level of abuse, and without any evidence that it will deter Channel crossings, we will be simply abandoning victims. We will be doing so in a thoroughly dramatic and cruel way by withdrawing support that has been offered. I cannot see this is justifiable, still less desirable. (*Bishop of Durham*)

**The Bill only allows arrivals through Government-approved routes to receive refugee status, but 'safe and legal routes' don't exist for people coming from most countries, including some of those worst affected by conflict. Moreover, while the Bill requires the Government to show its intention to create safe and legal routes, it does not actually mandate the creation of any and suggests a cap on numbers of entrants, without stating whether that cap will include people coming in under existing schemes.**

"In the absence of safe and legal routes, families are left with the impossible choice to travel informally to claim sanctuary in the UK and are thus at the mercy of smugglers taking criminal advantage. We often forget that, to claim asylum in the UK, a person has to be physically present here but, for those most likely to be in need of protection, there is no visa available for this and there are no UK consulates on European soil to claim asylum before making a dangerous journey. The UNHCR has also needed to reiterate…that there is no mechanism through which refugees can simply approach the UNHCR itself to apply for asylum in the UK.

The Government cannot deny that it is a choice to require refugees who wish to seek asylum here to rely on dangerous journeys if we do not provide safe alternatives. It is a difficult choice, but a choice it is …

Afghans, Iranians, Syrians, Eritreans and Sudanese are among those currently crossing the channel in higher numbers, making up over half the boat crossings in the first quarter of this year: 2,086, to be precise. Although all these countries have an asylum grant rate at initial decision of over 80%, only 146 people from those same countries were resettled. Taking one country as an example from 2022, we can see that 5,642 Iranians crossed the channel but only 10 were resettled here:10 out of 5,642

Currently the Bill does not propose any new protection pathways to help change this; in fact, it proposes a cap on such schemes and does not place any obligation on the Government to facilitate any such safe routes, preferring simply to consult local authorities… Any long-term strategy for safe and legal routes must be formulated collaboratively with our international partners and wider refugee organisations, rather than simply in a Home Office vacuum. Protection routes must be informed by the refugee experience and explore innovative and sustainable solutions with human dignity at their hearts" (*Bishop of Durham*)

"If ever there was a contemporary example of ignoring our neighbour and walking by on the other side, this is it. On a moral level, these proposals lack compassion and respect for people's dignity. On a practical level, they fail to see that punishing people who cross the channel in small boats without offering alternative safe routes will only cause pain and increase the backlog of people who are stuck in unfit accommodation here in the UK. Even whilst some MPs are pushing for further tightening of

this cruel approach, we know that we can and must do better than this. Today we call on the government to lead the way to change by creating and implementing new safe routes by which people can come to the UK to seek sanctuary." (*Revd David Hardman, Joint Public Issues Team Leader*)

**The Bill forbids people to challenge their detention through judicial review. Among other things, this risks weakening protection against detention for people who are vulnerable because of mental health issues.**

"A statutory regime of clinical screening for people at risk of harm in detention and for healthcare professionals to be able to report concerns to the Home Office has been a cornerstone of safeguarding in immigration detention since 2001—and rightly so ….

The harmful impact of being in detention on people's mental health is widely evidenced. Professor Mary Bosworth's literature review for Stephen Shaw's 2016 *Review into the Welfare in Detention of Vulnerable Persons* summarised that evidence. She concluded: *"Literature from across all the different bodies of work and jurisdictions consistently finds evidence of a negative impact of detention on the mental health of detainees".*

This conclusion should not be set aside. It is most acute for those with pre-existing vulnerabilities. Given that, and the limitations of treating mental illness in detention, it is current Home Office policy not to routinely detain highly vulnerable people, including those with pre-existing mental illnesses and survivors of torture. Decisions to detain must be consistent with detention policies, in particular the adults at risk policy. This policy has statutory force under Section 59 of the Immigration Act 2016. The Government stated then that this policy would introduce into detention decision-making a clear presumption that people who are at risk should not be detained ….

How will this system of detention review on medical grounds be impacted by the provisions in the Bill? Do the Government agree with Stephen Shaw, the adults at risk policy and former ministerial colleagues that those whose care and support needs make it particularly likely that they would suffer disproportionate detriment from being detained would generally be considered unsuitable for immigration detention?

I shall of course listen carefully to the Minister's answer, but the Bill suggests that the answer is no. By refusing to allow those who are detained to challenge their detention during the first 28 days by way of judicial review, there is no longer a clear presumption that the vulnerable will not be detained. The adults at risk policy provides that vulnerable adults at particular risk of harm in detention should not normally be detained and can be detained only when immigration factors outweigh the presumption to release, but the Bill legislates that the immigration factors at play, namely the Secretary of State's new duty to detain and deport, will supersede this. If I am incorrect in this assumption, I shall be happy for the Minister to state the true position…

I fear that preventing any means of legal challenge for those in a very dangerous and precarious medical state could be a disaster waiting to happen. I therefore agree with the Royal College of Psychiatrists that: "the Bill is not compatible with the fundamental medical principle of doing no harm". (*Bishop of Southwark*)

**The Bill could result in the detention of large numbers of people, at a cost which is unclear. It is also unclear what support would be available to people deemed 'inadmissible'. Moreover,**

**because the Bill is retrospective in its application, it is unclear what would happen to people who entered irregularly and are already receiving support as asylum seekers.**

"Presuming that this legislation has only limited efficacy and that channel crossings continue in some form or another after this Bill has been passed, I ask my noble friend the Minister to outline how His Majesty's Government intend to implement the mass detention of irregular arrivals that will continue and how they will support those who are not able to be removed after 28 days of detention because of a lack of returns agreements. (*Bishop of Durham*)

"Those deemed inadmissible will include not just those whose asylum cases would likely have been found valid but individuals who would not have qualified. In the absence of any return deals, this could leave the Government in the absurd position of needing to support at public expense those who could be appropriately returned to their own country.

The Government will also need to support those excluded from the asylum system, who of course could support themselves and their families through employment after gaining refugee status. Let us remember again that more than three-quarters of asylum cases assessed last year were found to be valid. Support will need to be indefinitely provided to these families, and every year this group will increase in number.

Being confined to a life of permanent precarity and inescapable destitution … amounts to the continuation of detention simply without walls. It is therefore vital to understand what level of financial and accommodation support will be provided to those living in this state-sanctioned situation….

How will someone who is, in effect, banned from claiming asylum be able to apply for Section 4 support? It is not clear, as the current guidance for Section 4 states that those deemed inadmissible cannot apply on the grounds that there is no viable route of return to their own country as they are due to be removed to a third country. Individuals will also not be able to judicially review the inadmissibility decision and cannot demonstrate that they are taking reasonable steps to leave the UK, given that their country of origin may be unsafe, and they will not have permission to enter another jurisdiction. How will applications from those with inadmissible asylum claims therefore be treated when they apply for support?

What will happen to those who have arrived since 7 March and are currently in receipt of Section 95 support—a number already in the several thousands? Will their asylum claims be immediately declared inadmissible, removing eligibility to Section 95 support in one fell swoop? Can the Minister clarify what assistance this group will be given to apply for Section 4 support, or will he commit to automatically transferring people to Section 4 support without requiring a further application? Finally, what assessment has the Home Office made of how many people will be supported under Section 4 in the months and years after the Bill has come into effect? I stress that, to support the effective scrutiny of the Bill, we must know how many families with children will be left solely reliant on Section 4 support.

This set of amendments highlights major questions which remain unanswered about how the Bill is intended to work in practice, beyond the mantra that people will be "swiftly detained and removed" …. As the Government know, the asylum support system plays a vital role in ensuring that those who would otherwise be homeless and destitute, and who are unable to work and support themselves, have access to basic accommodation and financial support. There is a debate to be had about what form that accommodation should take and how much the financial support should be, but that debate is meaningless if the system is inaccessible. If the system is not adapted to respond

to the circumstances created by the Bill, tens of thousands of people could find themselves with no support. On top of the intolerable consequences that this will have for individuals and families, it will inevitably lead to local authorities, faith groups, communities and voluntary groups picking up the pieces.

We often find ourselves in moments of our lives needing to console ourselves and our loved ones that this stage is only temporary and that hope remains. I am constantly in awe of refugees who live with such instability but retain that sense of a brighter future. It is therefore only right that I close my comments by stating the obvious: there is a different way, where asylum seekers have their applications processed in an effective and timely manner so that hope, not desolation, remains a possibility." (*Bishop of Durham*)

**The Bill calls for people who enter the country irregularly to be deemed inadmissible and detained until removed. The UK does not, however, have agreements for removal with any countries except Albania and Rwanda. The result is that large numbers of asylum seekers may be left in the UK subject to detention. It is unclear where, at what cost, and under what conditions, they will be housed.**

"Dr Peter Walsh says that the current detention estate has capacity for about 2,500 individuals, yet we all know that last year 45,000 people arrived on our shores. In addition, there are 160,000 asylum seekers still awaiting decisions. If we take those numbers together, how do they square with the capacity that is planned for the estate? I was also struck by the Taskforce on Victims of Trafficking in Immigration Detention saying: *"We expect that tens of thousands of individuals will be indefinitely detained in immigration detention facilities, with the current already overstretched detention estate being unable to hold anywhere near the numbers anticipated".* (*Lord Alton*)

Have the Government looked at what is really happening on the ground, the numbers of people currently waiting to be removed—that is a very large number—and the numbers coming in? How on earth are they going to get people away?

What worries me as I have sat listening, today in particular but really throughout the debates on the Bill, is that I do not think the Government have yet put their mind to the problems of numbers and how on earth they are going to get rid of these people, if I may put it rather bluntly. (*Baroness Butler-Sloss*)

The Bill before us changes the nature and scope of detention considerably. It moves detention away from an administrative process to facilitate someone's removal to a punitive system of incarceration intended thereby to deter asylum seekers from travelling to the United Kingdom. Deterrence, as we have seen, is a key theme stressed by the Government, albeit no evidence or impact assessment has been adduced in its favour. This shift towards incarceration signals a major transition in policy, but in embarking on this shift in the purpose of detention, the Government leave us with a lack of detail on what rules and guidance will be adhered to when the Secretary of State is selecting a place of detention.

However, the Minister replied on 26 May to the right reverend Prelate the Bishop of Durham's Written Question that individuals can be detained for immigration purposes only "in places that are listed in the Immigration (Places of Detention) Direction 2021" … Furthermore, the Minister stated: "All Immigration Removal Centres … must operate in compliance with the Detention Centre Rules 2001, this includes any additional sites that are opened as IRCs to increase detention capacity".

Can the Minister therefore say whether it will remain unlawful for the Government to authorise places of detention outside those specified in the direction?

Secondly, will the Minister explain how the power granted by Clause 10 to the Secretary of State to detain people "in any place that the Secretary of State considers appropriate" marries up with the Immigration (Places of Detention) Direction 2021? The Minister may understand my concern that the power to deprive a person of their liberty, and how and where someone is detained, should be constrained by law and not the discretion of a Minister of the Crown, or anyone else …

The Government will understand the potential impact of wide discretionary powers to detain people anywhere, without adherence to particular standards, given the events at Manston in 2022. With a maximum capacity of 1,600, Manston became overcrowded, with the number of people detained there nearing 4,000 towards the end of 2022, and there are concerns that the conditions are likely to have amounted to inhuman and degrading treatment. We cannot allow another humanitarian crisis such as this to occur.

It is the concern of several of us that the proposed new regime of detention facilitated by the Bill does not distinguish whether you are a child, a victim of trafficking or a pregnant woman, and that you will be subject to initial detention of not less than 28 days. Due to the ouster clause, there are also no means for anyone to challenge the lawfulness of the Government's action, putting it beyond legal remedy. It is therefore of the utmost importance that we understand the legal framework that will be put in place to ensure that detention and safeguarding standards are established, and that detention sites are designated by law, not by expedient, as suitable." (*Bishop of Southwark*)

**The Bill provides for people deemed inadmissible to be removed to 'safe countries'. Among those to be removed are victims of trafficking and modern slavery, who are very often vulnerable. Moreover, the definition of 'safe country' is contentious. Some countries deemed 'safe' have problematic human rights records. Others may be 'safe' for some people, but not for others.**

"Survivors of modern slavery and human trafficking … too will be subject to removal from the UK if they have been deemed to enter the country irregularly. We know from experience the time it can take for a survivor to feel safe and begin their journey of recovery. We all know how heightened vulnerabilities need to be protected against trauma and the kinds of experiences people have had to endure…That is why we have to think very carefully about the protections we place in the legislation. We also know that removal of survivors to another country against their will—or the fear that they might be repatriated—can exacerbate their vulnerabilities, delay or prevent that recovery process and unfortunately lead to the individual being re-exploited or re-trafficked, doing nothing to break the wicked cycle of exploitation …

[The Bishop then makes points (referring to a Committee Stage amendment) about the importance of]

- "ensuring that if there is intention to remove people to specific countries, there is a detailed understanding of both the risks and legislation, policy and practical resources in-country to meet the needs of those seeking refuge and victims of modern slavery."
- "an assessment of the levels of protection and support, including risks of trafficking and retrafficking and wider direct and indirect non-refoulement."
- "detailed consultation with national and international stakeholders [to enable]… greater transparency for the implementation of this legislation and make sure that it is put into

place with appropriate structures around due diligence and accountability given the significant implications for those seeking refuge and victims of modern slavery.

- " the Government making clear how the duty in Clause 2 and the powers in Clause 3 do not contravene national or international legal instruments in the implementation of the Bill should it become law, which includes those various international conventions which I referred to earlier. The failure to be able to declare the compatibility of the Bill with the European Convention on Human Rights speaks to the remarks made earlier on today by my noble friend Lord Hannay about the reputational loss there will be to this country if we are seen to be derelict in our upholding of conventions and treaties which have served us so well in the past."

"There is real concern around naming a part of a country or territory as safe when much of the country might not be … It will [also] be vital that we take seriously examining the situations in specific countries as and when they arise. We recognise that countries change and might become safe when they are currently unsafe. Equally, countries that are currently deemed safe may become unsafe." (*Bishop of Durham*))

**There are particular issues for unaccompanied children. The Bill provides for them to be cared for until they turn 18 – but then to be subject to removal.**

"I spoke earlier, at greater length, about the unaccompanied child who comes to the age of 18 … "We know that some children of 10 have come through. With any luck, a child of 10 will not be kept in Home Office accommodation; he or she is likely to go into the care of a local authority under the Children Acts and will very likely be fostered. It is comparatively easy to be fostered at 10. The child would have spent eight years at an English school, would have grown into speaking English, probably forgetting his or her own language to some extent, and will be settled.

Immediately after the age of 18—subject to the Home Office's inordinate delays in removing people, but assuming that it achieves something better in the future—he or she can be removed and will go to a country. At the moment, there is only one, unless the child is Albanian, when they would have gone back earlier. That child aged 18, just grown up, will find him or herself in a country the language of which they probably do not speak and he or she will know absolutely nothing. I hope your Lordships agree with me that that, quite simply, is cruel." (Baroness Butler-Sloss)

**Overall, the Bill and the rhetoric surrounding it run the risk of spreading a culture of fear and diminishing tolerance.**

"Across Europe, we live in times in which feelings that so many of us had thought outdated now appear to be re-emerging and spreading". Pope Francis spoke those words when he reflected on the rising tide of intolerance on our continent. He went on to talk about the feelings of suspicion, fear, contempt and even hatred towards individuals or groups who are judged to be different based on their ethnicity, nationality or religion. Britain will face a state of moral decline if bigotry, intolerance and hatred feel at home in our country. Intolerance of people because they are different will dehumanise our society." (*Lord Touhig, Roman Catholic Knight of St Sylvester*)