

The Illegal Migration Bill is “the Refugee Ban Bill” and why we must fight back

On 7 March, Home Secretary Suella Braverman introduced the Illegal Migration Bill in the UK Parliament. We oppose the Bill in its entirety. This proposed law removes the right to seek asylum for people arriving in UK ‘irregularly’, instead rendering them permanently inadmissible to any protection status. This affects nearly all seeking asylum, as there are no ‘regular’ or safe routes to access the UK’s asylum system. The Bill also ends legal recognition for trafficking survivors, if arriving ‘irregularly’.

The UN Refugee Agency said the bill is effectively an “[asylum ban](#).” We agree. That is why we call it “the Refugee Ban Bill”. The Nationality and Borders Act 2022 criminalised irregular arrival to seek asylum - this Bill goes even further and extinguishes the right to even apply for asylum in the UK and have that claim considered. We should remember this is all meted out to refugees fleeing war, torture, and violence.

Through the Bill, the UK Government abandon not only their responsibilities under international law for refugee and anti-trafficking protection, but they also abandon people to be exploited and exposed to life-threatening harm; this time by smugglers and organised crime groups. That abandonment betrays the profound origins of these rights, from the [international community's resolve](#) for a human rights system, in direct response to the Holocaust perpetrated before and during the Second World War.

The human consequences of this Bill are devastating. It means a family fleeing the Taliban in Afghanistan, or a woman fleeing violence from the Iranian regime and sexually exploited as she fled, or a man escaping forced labour in Eritrea – none of them would be able to claim asylum or seek protection as a survivor of trafficking. This proposed law slams the door on vulnerable people, including survivors of oppressive regimes and organised crime.

The Bill replaces asylum and trafficking protections with a duty on the Home Secretary to seek the removal of all arriving ‘irregularly’, irrespective of their circumstances, protection needs or exploitation suffered. This “duty to remove” is the rotten core of the Bill, trumping all other considerations. There can never be a “[face behind the case](#)”. Women, men, and children are consigned to a limbo of forcible removal, detention, destitution, and re-exploitation.

This “duty to remove” regime operates via both reduced Home Office accountability for how and where it uses its power to detain people, and sharp increases in the detained population, including mandatory 28day initial detention with no possibility of bail in that period. This detention regime is to include children. The Bill also removes

the court's authority to challenge or overrule the decision to detain. Detention may be where the Home Secretary deems appropriate, including- but not only- in a detention centre or a short-term holding facility such as the [Manston processing centre](#).

The Bill also gives the Home Secretary jurisdiction over the care of unaccompanied children. That is despite [222 lone children recently going missing from Home Office "hotels"](#). The Home Secretary will decide whether the Home Office or a local authority are the corporate parent. This is deeply inappropriate. Care responsibility must remain with child protection professionals working and accountable to Scots child law.

The Bill, in extinguishing recognition as a trafficking survivor if they arrived 'irregularly', may well be unlawful in human rights anti-trafficking law. That risk should underscore Scottish Ministers' response to this Bill to protect the Human Trafficking and Exploitation (Scotland) Act 2015. The Bill is explicit in seeking to cut off Scottish devolved competence on survivor rights in the 2015 Act as well as prevent a future Scottish trafficking survivor identification and decisions system. This Bill is about protecting traffickers and punishing survivors, including in Scotland.

What we must do now in Scotland – together – to stop this Refugee Ban Bill

In short, this Bill is out of step with everything we stand for in Scotland. It offends our values and sense of fairness. It must be scrapped. It is an assault on the principle that all people deserve equal protection under the law and contrary to our belief in a system built on dignity, respect for the rule of law, fairness, and compassion.

We call on the [Scottish Government](#), and all [MSPs](#) in the Scottish Parliament:

- To oppose this Bill in its entirety, and to make that opposition clear in communication with the UK Government and the UK Parliament;
- To bring a motion for debate to (a) withhold legislative consent for the Bill, (b) reject the Bill as a whole, and (c) outline a plan to protect refugees and trafficking survivors;
- To take all possible legal steps to ensure that Scotland complies with its obligations to protect victims of trafficking in Scotland, including legislation and litigation;
- To take all possible steps to ensure that lone migrant children are not detained in Scotland, are cared for in accordance with Scots child law, with full access to their independent guardianship service entitlement and other related rights; and
- To reaffirm our commitments in Scotland to the universality of human rights, including compliance with the Refugee Convention and the European



Convention on Human Rights, as well as concluding the incorporation of the UN Convention on the Rights of the Child and introduction of a new Scottish Human Rights Bill.

We ask all MPs, in particular those representing Scottish constituencies:

- To oppose this Bill in its entirety, to seek to remove as many of its provisions as is possible and to work collaboratively across party lines to do this.

We ask people and organisations across Scotland:

- To publicly reject this Refugee Ban Bill, in its entirety, and ask others to do the same;
- To write to your MSP and [your MP](#) asking them to oppose the Bill in Parliament.
- Join [Together With Refugees](#) and help campaign for a compassionate asylum alternative.

We do not need new laws to prevent people from taking dangerous journeys, we simply need a government that starts doing its job, by providing safe, dignified, and legal routes.