

## The #RefugeeBanBill and human rights

**Human rights are about dignity and fairness for all.** The UK helped to develop, and has signed up to, several international human rights treaties and conventions. These treaties are meant to ensure that the UK Government protects and respects our rights, especially those most marginalised in our society.

**Human rights are universal.** To suggest that the human rights of only some people are to be protected but not others goes against the very idea of international human rights law. We should treat people with dignity because they are, simply, human. Protecting these fundamental rights should not depend on where you were born or what immigration paperwork you have or your economic circumstance – they need to be protected for everyone.

**This is why the [Illegal] Migration Bill, introduced at Westminster on 7 March 2023, is an urgent human rights emergency.**

### How our immigration system works now

Some people who need protection from war-torn countries like Afghanistan and Ukraine are given the right to live in the UK through special resettlement schemes. While the current routes are inadequate and limited in number, they give a few people the right to work and get some government support.

All other people who seek refuge need to put in an application for asylum when they arrive in the UK. But there is no way for them to enter the UK legally to claim asylum, and there is no way for them to apply for asylum before they get here. This includes unaccompanied children.

When people apply for asylum and they are found to be victims of trafficking, they are given particular support and protection during their legal processes.

Applying for asylum can take a VERY LONG [time](#), and whilst you apply you are not allowed to work. The UK Government gives you approximately £6 per day to live on and usually put you up in a hotel or institution.

If the Home Office decide that you should not be given the right to live here, they can deport you back to your home country or a third country.

## How this #RefugeeBan Bill will change our immigration system

This Bill abolishes the asylum system for almost all people who currently use it and need it. Instead, the government will detain people and remove them to either Rwanda or another so called 'safe third country'. The Bill gives the government the power to detain men, women and children indefinitely and it bars the courts from reviewing whether that is appropriate. The Bill also bans asylum seekers – and their children – from ever obtaining permission to live in the UK, unless in the most exceptional circumstances.

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, or a child escaping forced labour in Eritrea – none of them would have their claim for asylum considered. This proposed law slams the door on vulnerable people, including survivors of oppressive regimes and organised crime.

Finally, this Bill forces the Scottish Government to stop supporting survivors of human trafficking and exploitation, which they are required to do under human rights law. It also gives the Home Secretary the power to take charge of the care of unaccompanied children, rather than this sitting rightly with child protection experts in local authorities. That is [despite 222 lone children recently going missing](#) from Home Office "hotels".

## This Bill contravenes the principle that human rights are for all

**The whole Bill is not human rights-based:** The UK Government has issued a formal notice advising that they are uncertain if this Bill is in line with the European Convention on Human Rights (ECHR).

And usually, UK courts make decisions on the basis that all UK law should comply with the ECHR (whenever it is possible to do so). For the first time in a piece of legislation, this Bill says that courts should not consider how the ECHR applies to this immigration law. In effect, **the Bill says it does not matter whether this new law would protect human rights or not.**

**Right to seek refugee protection:** The United Nations High Commissioner for Refugees (UNHCR) has said that this Bill is a clear **breach of the Refugee Convention**. They said that the Bill would "[amount to an asylum ban](#) – extinguishing the right to seek refugee protection in the United Kingdom for those who arrive irregularly, no matter how genuine and compelling their claim may be, and with no consideration of their individual circumstances."

**Freedom from torture:** We all have the right to freedom against torture and inhumane and degrading treatment (Article 3 of the ECHR). However, this Bill means that the Government will not consider if someone has been tortured or any very serious impacts on their health, before detaining and removing them.

**Freedom from slavery:** We all have the right to freedom from slavery and forced labour (Article 4 of the ECHR). The European Court of Human Rights has said that protecting this right means that countries have a duty to take steps to protect victims of trafficking. They should also investigate situations of potential trafficking. This Bill strips support from people it knows are survivors of trafficking, and seeks to detain and remove them.

**Right to liberty and security:** We all have the right to liberty (Article 5 in the ECHR). However, this Bill prevents the courts from reviewing the lawfulness of detention and does not let people apply for bail until they have been in immigration detention for 28 days.

This Bill **reduces access to justice and ways to hold government to account.** Courts will not be able to stop a potentially unlawful removal. What's more, you can only challenge a removal order if you have compelling evidence of serious and irreversible harm, but it only gives a person 8 days to gather this evidence and obtain a lawyer. Given language barriers, trauma and potential detention, how will people be able to do this?

## Your Voice

In short, this Bill is out of step with everything we stand for in Scotland, and with the principle that human rights must be protected for all. It must be scrapped.

We ask people and organisations across Scotland:

- To publicly reject this Refugee Ban Bill, in its entirety, and ask others to do the same. On social media, you could use #RefugeeBanBill;
- 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;
- If your organisation is not a member of the Human Rights Consortium Scotland network, join [today](#).

We do not need new laws to prevent people from taking dangerous journeys; we simply need to provide safe, dignified, and legal routes.