



asylum matters

Parliamentary Briefing

Border Security, Asylum and Immigration Bill (Second Reading 10th February)

Last updated: 7th February 2025

SUMMARY OF THE BILL

- The Government's new Border Security, Asylum and Immigration bill represents **continuity with the swathe of anti-refugee laws** passed by the previous government, dating back to the Nationality and Borders Act 2022 (NABA).
- The main focus of the bill is on **border securitisation and criminalisation**, with the intention of targeting people smugglers and deterring irregular migration, starting with giving the Border Security Command a statutory footing
- The bill introduces **a range of new criminal offences**, expanding those in the NABA which included 'illegal arrival' to now include;
 - *The supplying, offering to supply, and handling 'articles for use in immigration crime', with maximum sentences of 14 years imprisonment*
 - *'Collecting information for use in immigration crime', including where that information was collected abroad*
 - *'Endangering another during a sea crossing'*
- The bill grants further powers to immigration officials to search for, seize and retain 'articles', which is likely intended to **target mobile phones**
- The bill **repeals the Safety of Rwanda Act 2024**
- The bill repeals the 'duty to remove asylum seekers' aspect of the Illegal Migration Act 2023, but **retains the expanded detention powers, modifications to the modern slavery regime and the cap on entry under legal routes**

HARMS OF THE BILL

Securitisation

- The border securitisation measures included represent a **doubling-down on failed policies** instituted by the previous government

- The shift towards more focus on border enforcement and securitisation that this bill continues, has not deterred people from making Channel crossings, **nor has it deterred the smugglers** who facilitate their journeys
- Border securitisation has, however, succeeded in driving up Channel fatalities. **2024 was the most fatal year on record** for Channel crossings according the UNHCR, despite the number of people attempting the journey barely changing
- Therefore, this bill, if enacted will **needlessly cost lives**

This can be summarised as a borders bill that will stop no boats, smash no gangs, and succeed only in driving up the number of deaths in the Channel.

Criminalisation

- The criminal offences established in the NABA has already seen **556 people charged** with 'illegal arrival' and 455 convicted, including at least **26 children** with ongoing age disputes (at least 16 have spent time in prison sharing cells with adults)
- The majority of those charged with immigration offences since 2022 come from **high asylum grant rate nationalities** such as Sudan, South Sudan and Afghanistan, and many are accused of steering the dinghy
- There is **no evidence** these offences, that this bill expands, has had any **deterrence effect** on illegal migration
- Unlike previous legislation, this Bill introduces **new offences designed specifically to target individual migrants**
- Penalising people for the necessary actions they take to enter a country to seek asylum is **contrary to the Refugee Convention** and the Palermo Protocol on Smuggling

The expansion of offences outlined in this bill are unlikely to have any impact on people smugglers, and are more likely to continue criminalising people seeking asylum.

MISSING FROM THE BILL: ASYLUM POLICIES

- If this bill is aimed at deterring irregular migration, it's missing the only policy lever that can cut irregular migration and put people smugglers out of business - there is **no establishment of safe routes**
- Despite being labelled as an asylum bill, there are **no new discernible asylum policies** outlined
- There is no policy changes to the work ban faced by people seeking asylum, the enforced poverty thanks to asylum support rates, or the substandard accommodation including harmful camps
- Notably, the Government chose to skip the introduction of a White Paper, opting to **brief the media before the migration sector** on the contents of the bill - consequently there are no policies to fix the broken asylum system
- This **bill was an opportunity to fix our broken asylum system** by adopting the blueprint for change sent to the Prime Minister by hundreds of organisations and individuals on the frontline of the migration sector:

- **Defend the right to seek asylum** in the UK in line with international law, by repealing the Illegal Migration Act and the Nationality and Borders Act;
- **Open safe routes** for people seeking asylum to reach the UK so that people are not forced to risk their lives in the Channel, including providing visa routes, enabling families to reunite safely, and rebuilding refugee resettlement;
- **Abandon offshore processing**, and further border externalisation as typified by the EU Migration Pact, and ensure that people are able to have their cases processed in the UK in a fair and timely way;
- **Resolve the legal aid crisis** and ensure that everyone has access to good quality legal advice;
- **House people seeking asylum in communities, not camps**, and close down all institutional accommodation including barracks, barges, hotels and hostels which cause unnecessary lasting harm at an eye-watering cost to the taxpayer whilst community-based accommodation is available;
- **Restore the right to work** for people seeking asylum within six months of arrival so people can rebuild their lives in dignity and contribute £1.2 billion to the UK economy;
- **Increase asylum support rates** so people seeking safety are not locked into poverty and forced to choose between essentials like food and toiletries;
- **End the use of immigration detention** which restricts people's freedom and liberty and causes immense harm to people's physical and mental health;
- **End the criminalisation of people seeking asylum** which sets the UK out of step with international law, does nothing to deter irregular migration and punishes those often fleeing wars we started in countries we colonised for simply seeking safety;
- **End the use of harmful rhetoric** aimed at people seeking asylum, which contributes to a hostile environment which includes violence by far-right groups, and instead lead by example by promoting messages of compassion and welcome towards people seeking safety.

This can be summarised as an asylum bill without any new asylum policies. This was a chance to fix our broken system, but the bill contains nothing on the right to work, substandard accommodation or poverty-packet support rates.

BACKGROUND

- With thanks to Victoria Taylor and the University of Oxford's Centre for Border Criminology & Border Criminologies and Maddie Harris and Humans for Rights Network for their expertise on the criminalisation aspects of the legislation. You can find their full [briefing on this here](#)
- The Refugee and Migrant Children's Consortium [briefing](#) for the Second Reading in the House of Commons | Coram Children's Legal Centre's [summary](#) of the bill | Free Movement's [summary](#) of the bill

If you wish to meet or discuss the contents of this briefing further, or need assistance with amending or speaking to the bill, please contact nathan@asylummatters.org