

ALL MPs AND PEERS

By email:

7 March 2023

Dear colleague,

Illegal Migration Bill

Today, the Government is introducing the Illegal Migration Bill in the House of Commons. Stopping the boats was one of the five promises the Prime Minister made to the British people in January. This legislation will fulfil that promise. It will remove various barriers that are currently raised to thwart removals and make it unambiguously clear: If you enter Britain illegally from a safe country, you will be detained and swiftly removed back to your home country if it is safe, or to a safe third country such as Rwanda. This will break the business model of people-smuggling networks, and ultimately save lives. In turn, it will free up capacity so that we can better support those in genuine need of protection through safe and legal routes – which will be annually capped by Parliament, following consultation with Local Authorities.

The volume of illegal small boat arrivals has overwhelmed our asylum system. The backlog has ballooned to over 160,000. The asylum system now costs the British taxpayer £3bn a year. Since 2018, some 85,000 people illegally entered the UK by small boat - 45,000 of them in 2022 alone. All travelled through multiple safe countries in which they could and should have claimed asylum. Many came from safe countries, like Albania. The vast majority – 74% in 2021 – were adult males under the age of 40, rich enough to pay criminal gangs thousands of pounds for passage.

Upon arrival, most are accommodated in hotels across the country, costing the British taxpayer £6m a day. The risk remains that these individuals just disappear. And when we try to remove them, they turn our generous asylum laws against us to prevent removal. The need for reform is obvious and urgent.

The Government has prioritised this issue since the Prime Minister took office. We have already delivered: the largest ever small boats deal with France; a new, permanent, unified Small Boats Operational Command which will include over 700 new staff; tougher immigration enforcement with 200 new staff and a 50% increase in raids; a new deal with Albania which has already enabled the return of hundreds of illegal arrivals; plans to clear the legacy initial decision asylum backlog by the end of 2023; and we are procuring accommodation, including on military land, to end the farce of accommodating migrants in hotel.

But we must go further. Today, the Prime Minister and I (Home Secretary) are introducing new legislation to ensure that if you enter the UK illegally:

- The Home Secretary will be under a new duty to remove you.
- You will be detained, with no recourse to Immigration bail or judicial review, within the first 28 days. We can maintain detention thereafter so long as we have a reasonable prospect of removal.
- The number of appeals and challenges available to suspend removal will be radically narrowed. Only those under 18, medically unfit to fly, or at real risk of serious and irreversible harm in the country we are removing them to, will be able to delay their removal.
- Other human rights claims, including the right to private or family life, or other forms of Judicial Review cannot suspend your removal. They will be heard remotely, after removal.
- You will be disqualified from using Modern Slavery rules to prevent removal. If someone is identified as a potential victim of modern slavery, we will ensure they are safely returned home from where they were removed against their will, or to another safe country. Removal from the UK may only be deferred where a person is co-operating with law enforcement agencies in an investigation into the circumstances of their trafficking. This will mean that genuine victims are protected, while preventing people from abusing our modern slavery laws to thwart their removal from the UK.
- You will face a permanent bar on lawful re-entry to the UK and a permanent bar from securing settlement in the UK or from securing British citizenship through naturalisation or registration, subject only to very narrow exceptions.

The Rule 39 process that enabled the Strasbourg court to block at the last minute, removal flights to Rwanda last year, after our courts had considered the question and refused injunctions, was deeply flawed. Our ability to control our borders cannot be subject to an opaque process with no opportunity to make our case or even appeal decisions. That's why we've initiated discussions with Strasbourg, to ensure Rule 39 orders meet a basic natural justice standard – one which will prevent the abuse of Rule 39 to thwart removals. And it's why the Bill will set out the conditions for the UK's future compliance with such orders. Other countries share our dilemma and will understand the justice of our position.

Our approach is robust and novel, which is why I've made a statement under Section 19(1)(b) of the Human Rights Act 1998. This does not mean that the provisions in the Bill are incompatible with the Convention rights, only that there is a more 50% chance that they may not be. We are testing the limits but remain confident that this Bill is compatible with international law. Both Houses will have an opportunity to thoroughly scrutinise the Bill and once approved the measures in the Bill will have been expressly endorsed by Parliament and we would expect the courts to take that into account. The legislation will apply to the whole of the UK.

The only way to stop the boats and deter illegal migration is to make clear that if you arrive here illegally you are not going to be able to stay here. This is the only way to deliver the deterrent needed to stop people making these dangerous, unnecessary, and illegal crossings.

And as we reduce illegal migration, we will do more to help the most vulnerable who are at risk of war and persecution through safe and legal routes. Since 2015, the UK has offered safety to nearly 480,000 people from all over the world using our global routes as well as our country-specific routes for Syria, Afghanistan, Hong Kong and Ukraine. The Bill will introduce an annual cap, to be determined by Parliament, on the number of refugees the UK will accept, once illegal migration is under control. This will allow us to plan for an orderly system, in conjunction with Local Authorities, that takes in consideration local capacity for accommodation, public services, and support.

In the face of today's global migration crisis, yesterday's laws are simply not fit for purpose. Anyone proposing de facto open borders through unlimited safe and legal routes as the alternative, needs to be honest: According to the UN there are at least 100 million displaced people who qualify for protection under our current laws.

While our compassion to help may be infinite, our capacity to do so is not. The British people are above all else fair. It is this sense of fairness that is so affronted by the queue jumping, the gaming of our system, and the flagrant law breaking in the small boats crisis. The British people are also patient. But their patience has run out. Enough is enough. We must stop the boats.

We look forward to your support for the Bill as it is scrutinised by both Houses.

Rt Hon Suella Braverman KC MP
Home Secretary



Rt Hon Robert Jenrick MP
Minister for Immigration



Lord Murray of Blidworth
Lords Minister

