



asylum matters

Evidence Submission by Asylum Matters - 28th February 2025

Border Security, Asylum and Immigration Bill (Committee Stage)

Asylum Matters has been campaigning under 'Fight the Anti-Refugee Laws' and now 'Fight for Asylum Rights' against hostile anti-refugee legislation since the introduction of the Nationality & Borders Bill in 2022. Our 'Fight the Anti-Refugee Laws' pledge has been signed by hundreds of individuals and organisations across the UK, with motions being passed in local councils from Calderdale to Ealing, representing communities that want to see a refugee system that protects rather than punishes people seeking safety.

Unfortunately, the 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 supposed 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' and in our view represents an acceleration of the process of border securitisation which is costing lives in the British Channel, and refugee criminalisation that is already seeing sanctuary seekers wrongly charged and imprisoned.

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. More border securitisation and enforcement by British and French agencies has meant more people piling on to smaller dinghies at riskier disembarkation points in more unpredictable weather conditions. 2024 was the most fatal year on record for Channel crossings according to the UNHCR.

It is our view that further securitising the border will not act as a deterrent. New counter-terror powers will stop no boats, smash no gangs, and succeed only in driving up the number of deaths in the Channel.

Likewise, the continuation of the previous government's efforts to criminalise irregular migrants will continue to fail at deterring people from risking their lives to come to the UK.

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'.¹

There is no evidence these offences, that this bill expands, has had any deterrence effect on illegal migration. Furthermore, 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.

It is our view that the expansion of offences outlined in this bill are unlikely to have any real impact on people smugglers, and are more likely to continue criminalising people seeking asylum.

We also strongly feel that this bill is missing a whole raft of common sense 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.

Furthermore, despite being labelled as an asylum bill, there are no new discernible asylum policies outlined. Sensible policies missing from the bill in our view include lifting the [work ban](#) faced by people seeking asylum, ending the enforced poverty of people seeking asylum by upholding pitiful [support rates](#), and overhauling the [substandard accommodation](#) endured by sanctuary seekers including deeply harmful camps such as Wethersfield and Napier. In addition, there is no introduction of greater scrutiny and accountability measures to monitor the increase in deaths both at our borders and in the asylum system that we've seen in recent years.

We feel the sector has not been adequately consulted, with the government choosing to skip the introduction of a White Paper and only calling for evidence after the bill received Second Reading, and even opting to brief the media before the migration sector on the contents of the bill ahead of its first reading. Consequently there are no policies to fix the broken asylum system this government has inherited that migration and refugee sector experts could have readily recommended.

¹ Victoria Taylor and the University of Oxford's Centre for Border Criminology & Border Criminologies and Maddie Harris and Humans for Rights Network - [briefing](#)

For example, this bill was an opportunity to fix our broken asylum system by adopting the [blueprint for change](#) sent to the Prime Minister after the General Election 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.

It is our view that this is 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. Instead it is a rehash and doubling down on failed deterrence policies that succeed only in driving up Channel fatalities and the criminalisation of people seeking safety.

Louise Calvey, Director
lou@asylummatters.org

Nathan Phillips, Head of Campaigns
nathan@asylummatters.org

Asylum Matters - www.asylummatters.org