

# **Written evidence submitted by The Runnymede Trust (BSAIB40)**

## **Border Security, Asylum and Immigration Bill Submission to Public Bill Committee**

### **About the Runnymede Trust**

The Runnymede Trust is Britain's leading independent racial justice think tank. For more than 50 years, we have worked tirelessly for racial justice. Proudly independent, we speak truth to power on race and racism without fear or favour. From broadening the curriculum to exposing the Windrush scandal, our work is rooted in challenging structural racism and its impact on communities of colour. Our authoritative, research-based interventions equip policy makers, practitioners and the general public with the tools to deliver genuine progress towards racial justice in Britain.

### **Introduction**

The Runnymede Trust is deeply concerned that the Border Security, Asylum and Immigration Bill continues a longstanding pattern of migration policies that disproportionately disadvantages communities of colour. By expanding detention powers, criminalising those seeking asylum, and introducing intrusive surveillance measures, this Bill reinforces a punitive approach that prioritises deterrence over protection, further marginalising asylum seekers and migrant communities.

Our recent report, *A Hostile Environment*, highlights how UK immigration law has long been shaped by the othering of communities of colour<sup>1</sup>, with the 'hostile environment' policy being its most recent manifestation. This legislative framework operates as a modern form of structural racism, designed to exclude people of colour and ethnically minoritised communities from the UK, while maintaining a facade of neutrality.

The racist riots of August 2024—in which asylum accommodation, mosques, and minority-owned businesses were systematically targeted by far-right groups—has demonstrated the urgent need for a fairer approach. Politicians and the media play a crucial role in shaping public attitudes towards migration, influencing perceptions of who 'belongs' in Britain. Our research, alongside these recent events, demonstrates that hostility towards migrants has been deeply embedded in public discourse

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<sup>1</sup> Julios-Costa, M. and Montiel-Mccann, C. (2025). *A hostile environment: Language, race, politics and the media*. [online] Available at: [https://cdn.prod.website-files.com/61488f992b58e687f1108c7c/6798ec9f5e429b786277f9db\\_A%20hostile%20environment\\_report\\_v4.pdf](https://cdn.prod.website-files.com/61488f992b58e687f1108c7c/6798ec9f5e429b786277f9db_A%20hostile%20environment_report_v4.pdf) [Accessed 14 Mar. 2025].

long before the former Prime Minister, Theresa May, formally introduced the ‘hostile environment’ policy in 2012<sup>2</sup>, and that this rhetoric has only intensified in recent years.

Given the serious consequences of such narratives and policies, we urge the Public Bill Committee to consider the broader impact of this Bill on communities of colour.

### **Immigration law exacerbating racial disparities:**

While the proposal to fully repeal the Safety of Rwanda (Asylum and Immigration) Act 2024 is welcome, clauses in the Border Security, Asylum and Immigration Bill are worrying. They risk further entrenching structural racism within the UK’s asylum and immigration system. It is essential that every aspect of the Bill is informed by robust research and historical context, ensuring provisions drafted are fair, just, and evidence-based.

Our joint briefing with Refugee Action, *Asylum is a Frontline for Racial Justice*, highlights that nearly 70% of migrant and asylum seeking communities in the UK since 2001, have come from countries with a history of British colonial rule.<sup>3</sup> The lasting effects of colonialism—economic exploitation, political instability, and military intervention—continue to drive displacement today. Recognising this historical context is crucial for shaping an equitable immigration system.

Instead of addressing these factors, the current immigration framework predominately criminalises and penalises asylum seeking and migrant communities. Our *Creating the Crisis briefing* outlines how immigration policies have historically reinforced the ‘othering’ of people of colour.<sup>4</sup> Similarly, the Home Office—commissioned report *The Historical Roots of the Windrush Scandal*, showcases how past immigration laws disproportionately disadvantaged Commonwealth citizens.<sup>5</sup> The Windrush Scandal itself stemmed from a failure to recognise how post-1948 immigration and citizenship changes uniquely harmed Black communities.

Given the deeply entrenched racial inequalities that drive forced migration, it is crucial that asylum and immigration policies do not exacerbate existing disparities. The clauses of concern outlined below, must undergo thorough scrutiny to assess their potential disproportionate impact on people of colour. A just asylum system must be grounded in principles of equality, historical understanding, and compassion—not in exclusionary practices that risk reproducing past injustices.

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<sup>2</sup> Joint Council for the Welfare of Immigrants (2024). *The Hostile Environment Explained*. [online] Joint Council for the Welfare of Immigrants. Available at: <https://jcwi.org.uk/reportsbriefings/the-hostile-environment-explained/>

<sup>3</sup>ASYLUM IN THE UK: A FRONT LINE FOR RACIAL JUSTICE. (2024). Available at: <https://www.refugee-action.org.uk/wp-content/uploads/2024/06/Asylum-In-The-UK-A-Front-Line-For-Racial-Justice-Briefing.pdf> .

<sup>4</sup> Aurelien Mondon and Aaron Winter Immigration, racism and the 2024 general election CREATING A CRISIS. (2024). Available at: [https://cdn.prod.website-files.com/61488f992b58e687f1108c7c/65a9687e61baa242752cf91c\\_Runnymede%20Reactionary%20Democracy%20briefing%20v2.pdf](https://cdn.prod.website-files.com/61488f992b58e687f1108c7c/65a9687e61baa242752cf91c_Runnymede%20Reactionary%20Democracy%20briefing%20v2.pdf)

<sup>5</sup> Home Office (2024). *The Historical Roots of the Windrush Scandal: independent research report* (accessible). [online] GOV.UK. Available at: <https://www.gov.uk/government/publications/the-historical-roots-of-the-windrush-scandal/the-historical-roots-of-the-windrush-scandal-independent-research-report-accessible>.

## **Key Concerns with the Bill:**

### **1. Continuing the Hostile Environment: Retaining Provisions from the Illegal Migration Act 2023**

The Runnymede Trust remains concerned by the decision to retain six sections of the Illegal Migration Act 2023. These provisions will disproportionately subject people seeking asylum—particularly people of colour—to hardship, further entrenching the hostile environment agenda. Rather than preserving some of the most harmful elements of past legislation, this Bill should prioritise fairness, justice, and protection.

The retained provisions in the Bill, such as Section 12, grants the Home Secretary sweeping powers to detain individuals indefinitely, eroding fundamental human rights and undermining the UK's international obligations. Section 29 strips vital protections from victims of modern slavery and human trafficking, leaving vulnerable individuals without essential safeguards. Sections 59 and 60 drastically restrict asylum rights by expanding inadmissibility rules for those from so-called “safe” countries—even when persecution is evident—and imposing an arbitrary cap on safe, legal migration routes. Finally, Section 62 broadens the definition of “identity document,” introducing stringent credibility tests that disproportionately disadvantage asylum seeking and migrant communities, often at the expense of privacy rights and due process.

Together, these measures worsen the challenges faced by those seeking refuge and undermine the principles of equality and justice that should guide asylum and immigration policy. By retaining these provisions, the Government prioritises deterrence over protection for people seeking asylum. This approach not only deepens systemic racial and social inequalities, but also strays from Britain's long-standing tradition of offering refuge to those in need.

We urge the full repeal of these sections to ensure the UK meets its moral and legal responsibilities, to those seeking safety.

### **2. Expansion of Criminal Offences and Detention Powers**

#### **Criminalisation of Asylum Seekers and Humanitarian Support (Clauses 13–18)**

The Bill currently criminalises the receipt or supply of any item that could facilitate an “unlawful” journey. This broad and ambiguous wording risks not only penalising those seeking asylum, but also aid workers, legal advisers, and others providing essential support to asylum seeking and migrant communities.

With no safe routes for those fleeing war and persecution, the UK offers no viable alternatives. This forces vulnerable individuals into irregular journeys—only to then criminalise them for seeking safety.

Given that the majority of those arriving irregularly come from formerly colonised nations, this approach disproportionately affects communities of colour, reinforcing long-standing racialised exclusions in immigration policy<sup>6</sup>.

Official statistics from the Home Office (2024)<sup>7</sup> reveal stark patterns in irregular migration, which must inform any assessment of the Bill’s equality implications. Table 1 (reproduced below for clarity) outlines the top nationalities detected across different entry methods:

**Table 1: Top 5 nationalities detected arriving for each irregular method of entry, in 2024<sup>1,2</sup>**

Rank	Small boat arrivals (% of total)	Inadequately documented air arrivals (% of total)	Recorded detections in the UK (% of total)	Recorded detections at UK ports (% of total)
1	Afghanistan, 17%	Iran, 24%	Sudan, 23%	Albania, 20%
2	Syria, 13%	Sri Lanka, 11%	Eritrea, 16%	Sudan, 12%
3	Iran, 12%	Georgia, 10%	Iran, 13%	India, 12%
4	Vietnam, 10%	Stateless, 7%	Iraq, 11%	Afghanistan, 7%
5	Eritrea, 10%	Afghanistan, 7%	Afghanistan, 6%	Eritrea / Pakistan / Turkey, 6% (each)
<b>Total</b>	<b>35,359</b>	<b>3,350</b>	<b>3,138</b>	<b>326</b>

**Source:** [Irregular migration to the UK detailed dataset, year ending December 2024 - Irr\\_D01](#)

Data clearly shows that most individuals arriving irregularly come from countries with colonial histories or regions affected by conflict, displacement, and political instability. Notably, Sudan, Eritrea, and Afghanistan—nations with significant ties to British colonialism or postcolonial interventions—consistently feature among the top countries of origin across all entry methods.

<sup>6</sup> ASYLUM IN THE UK: A FRONT LINE FOR RACIAL JUSTICE. (2024). Available at: <https://www.refugee-action.org.uk/wp-content/uploads/2024/06/Asylum-In-The-UK-A-Front-Line-For-Racial-Justice-Briefing.pdf>.

<sup>7</sup> Home Office, (2025). How many people come to the UK irregularly? [online] GOV.UK. Available at: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-december-2024/how-many-people-come-to-the-uk-irregularly>

These findings align with our joint briefing with Refugee Action, which demonstrated how forced migration is often driven by both historical and existing inequalities, including the lasting impacts of colonial exploitation and political destabilisation. As a result, the majority of those arriving irregularly, are from formerly colonised nations and would be perceived as people of colour.

In addition to this, Clause 13 criminalises the supply or offer of any “relevant article” if the supplier knows or suspects that it will be used in connection with an immigration offence under the Immigration Act 1971. Clause 14 extends this offence to cover receiving, disposing of, or assisting in the removal of such articles, while Clause 15 provides an overly broad definition of “relevant article” with minimal exemptions for essential items such as food, clothing, and life-saving equipment.

This approach, which explicitly employs the term “suspects”, is especially troubling as it lends fertile ground to racism and the continued deputisation of ordinary citizens to police immigration. Runnymede Trust’s extensive analysis of parliamentary publications, speeches, and media narratives—as detailed in our [A Hostile Environment](#) report—demonstrates that UK immigration law has long been underpinned by racist and xenophobic discourse. In an environment where the media and politicians routinely frame immigration through a prejudiced lens, the language of suspicion disproportionately affects people of colour, who are already systemically targeted by these policies. This dynamic reinforces discrimination in housing, education, marriage, and employment, further marginalising vulnerable groups.

The Migrant Rights Network’s Hostile Office<sup>8</sup> report reinforces these concerns, demonstrating that overtly racist language is not required to yield racially discriminatory outcomes. Instead, the policies constructed by the Home Office draw on colonial constructions of race, deservingness, and economic “usefulness”, disproportionately targeting racialised individuals from Britain’s former colonies. Such individuals are exposed to an elevated risk of raids, detention, deportation, and even deprivation of citizenship.

Moreover, Liberty’s research has uncovered “secret data-sharing deals between Government departments, enabling Immigration Enforcement to access confidential information provided by patients at doctors’ surgeries, schools of children, and others<sup>9</sup>.” This raises serious concerns about how such data may be used to facilitate enforcement actions under the Border Security, Asylum and Immigration Bill 2025. Clause 16 criminalises the collection or possession of information deemed useful for organising unlawful immigration, while Clause 17 extends these offences beyond UK borders, broadening the reach of enforcement measures. Additionally, the use of sensitive personal data could indirectly contribute to Clause 18, which penalises actions that endanger lives during sea crossings, potentially forcing asylum seekers towards even more irregular and risky routes. This surveillance infrastructure creates significant barriers to accessing vital services. Evidence from JCWI<sup>10</sup> demonstrates that these practices deter vulnerable individuals from seeking healthcare,

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<sup>8</sup> Migrants’ Rights Network. (n.d.). *The Hostile Office*. [online] Available at: <https://migrantsrights.org.uk/projects/hostile-office/>

<sup>9</sup> Liberty (n.d.). *Hostile Environment*. [online] Liberty. Available at: <https://www.libertyhumanrights.org.uk/fundamental/hostile-environment/>.

<sup>10</sup> Joint Council for the Welfare of Immigrants (2024). *The Hostile Environment Explained*. [online] Joint Council for the Welfare of Immigrants. Available at: <https://jcw.org.uk/reportsbriefings/the-hostile-environment-explained/>.

reporting crimes, or escaping exploitative working conditions, further increasing the risks posed by a system already seeking to criminalise those it deems “suspects”.

Based on evidence and research, we are concerned that these clauses not only endanger asylum seekers but also criminalise those seeking refuge, reinforcing an agenda that is rooted in suspicion. In practice, this enables racial profiling and encourages the deputisation of ordinary citizens in immigration enforcement. Such an approach deepens existing inequalities and disproportionately impacts people of colour, further entrenching systemic discrimination within the asylum system.

### **3. Unprecedented Search and Seizure Powers (Clauses 19–26)**

The Bill grants immigration and police officers sweeping powers to seize mobile phones and other electronic devices from migrant and asylum-seeking communities upon arrival, allowing access to, and copying of private data without consent. This invasive measure treats all asylum seekers as suspects rather than survivors of conflict, persecution, and human rights abuses—an assumption that, in practice, disproportionately affects people of colour.

For many fleeing war and oppression, mobile devices contain crucial evidence, including messages from family, health records, and documentation of their experiences. Confiscating these devices not only violates their privacy but also puts them at greater risk, creating opportunities for coercion and abuse. In a system that already disproportionately criminalises racialised individuals, such powers risk further entrenching injustice and deepening the stigmatisation of asylum-seeking and migrant communities.

This Committee must recognise that the use of the language of suspicion—and the associated practices it legitimises—fundamentally undermines the principles of justice and equality. It is vital that these measures are scrutinised for their significant human rights implications and their broader societal impact, which reinforce a hostile, racist, and xenophobic immigration environment.

### **4. Expansion of Biometric Data Collection (Clauses 34–35) and Surveillance (Clause 46)**

The clauses pertaining to data in this Bill significantly expand the collection and retention of biometric data from individuals seeking asylum in the UK. Given the profound implications of such measures, these clauses require particular scrutiny—especially in relation to their potential to disproportionately impact communities of colour. While biometric technology is often framed as an objective tool, research consistently demonstrates that its application in immigration enforcement, frequently results in discriminatory outcomes.

Research entitled ‘Digital Racial Borders’<sup>11</sup> highlights how border externalisation policies increasingly rely on invasive digital technologies like biometrics, reinforcing racialised exclusion and restricting the movement of Black, Muslim, and other marginalised migrant communities, asylum seekers, and

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<sup>11</sup> Achiume, E.T. (2021). Digital Racial Borders. *American Journal of International Law*, [online] 115, pp.333–338. doi:<https://doi.org/10.1017/aju.2021.52>.

refugees. The International Organization for Migration has acknowledged using mobile phone records, geotagging, and social media analysis to track populations on the move, allegedly to anticipate their needs. However, researchers caution against the rise of “surveillance humanitarianism”—the growing dependence on digital technologies by humanitarian organisations, which leads to the exclusion of refugees and asylum seekers from essential services, including access to food.

Professor Mirca Madianou’s work on “technocolonialism<sup>12</sup>” provides a valuable framework for understanding how digital innovation in humanitarian contexts entrenches power imbalances and deepens existing inequalities. Madianou observes that “colonialism is not a metaphor—it is an enduring structure whose legacy persists and shapes contemporary formations of race, gender, and class.” She argues that technological interventions in refugee camps and border control systems are not neutral, but rather a continuation of historical patterns of control and exclusion.

The biometric data provisions within this Bill risk deepening structural inequalities by subjecting asylum seeking and migrant communities —predominantly people of colour—to intrusive and disproportionate surveillance. This heightened monitoring takes place at a moment of profound vulnerability, when individuals are seeking protection and have little ability to refuse consent, or challenge how their data is collected and used. The consequences extend far beyond privacy concerns; such measures reinforce existing racial disparities in immigration, increasing the risk of wrongful detention, deportation, and exclusion from essential services.

Clause 46 further compounds these concerns by extending the use of electronic surveillance to individuals subject to serious crime prevention orders. However, this clause fails to provide a clear definition of what constitutes “monitoring” or to establish adequate safeguards to prevent excessive restrictions on individuals’ movement and privacy. This lack of clarity creates the potential for abuse, disproportionately affecting vulnerable groups, particularly people of colour seeking asylum. This clause risks unjustly treating individuals as criminals solely for entering the UK by irregular means, subjecting them to disproportionate and racially biased surveillance.

Given the well-documented racial disparities in policing and surveillance, these provisions risk deepening systemic racism, by expanding state control over communities of colour and reinforcing existing inequalities. Without robust safeguards and oversight, this Bill legitimises an approach towards immigration enforcement that is not only intrusive, but also fundamentally unjust.

## **5. Preventative Detention (Clause 41)**

Clause 41 grants the Government sweeping new powers to detain individuals pre-emptively while their deportation is under consideration. This effectively allows for the detention of individuals who have committed no crime, solely for seeking asylum. Such a policy raises profound ethical and legal

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<sup>12</sup> Madianou, M. (2019). Technocolonialism: Digital Innovation and Data Practices in the Humanitarian Response to Refugee Crises. *Social Media + Society*, 5(3), p.205630511986314. doi:<https://doi.org/10.1177/2056305119863146>.

concerns, particularly given the systemic racial bias already embedded within the UK's immigration system.

Evidence shows that this policy will disproportionately impact people of colour, subjecting them to prolonged and indefinite detention. Analysis of nationalities within the UK's immigration detention estate has consistently found that individuals from predominantly Black and brown-majority countries are held significantly longer than those from white-majority nations.

Data from Detention Action, reported in the Guardian, highlights this disparity. In 2019, 90% of Australian nationals were released within 28 days, whereas only 40% of Jamaican nationals and 60% of Nigerian nationals were released within the same period<sup>13</sup>. Such stark differences underscore the deep-rooted racial inequalities in immigration detention practices, which Clause 41 threatens to entrench further.

Granting the government greater powers to detain people pre-emptively and indefinitely risks exacerbating these injustices, leading to the disproportionate and prolonged incarceration of marginalised communities. This provision must be scrutinised and challenged to prevent further harm and discrimination within the UK's immigration system.

Given these concerns, it is crucial that the Committee critically examines the disproportionate impact of such a policy on communities of colour. Safeguards must be introduced to prevent arbitrary and indefinite detention, ensure access to legal representation, and uphold fundamental principles of fairness, dignity, and human rights in the UK's immigration system.

## **6. The revised "good character" guidance for British citizenship, introduced on 10 February 2025, adds further discriminatory obstacles for asylum seeking and migrant communities:**

The revised good character guidance for British citizenship, introduced on 10 February 2025, creates additional discriminatory barriers for people seeking asylum. In response to this change, we draw on the briefing we have prepared and signed in collaboration with Refugee Action, entitled *Changes to Home Office Guidance on Good Character Requirement for Citizenship – Parliamentary Briefing*. Under the new rules, individuals who enter the UK irregularly—including those crossing the Channel in small boats—will typically be refused citizenship, with very few exceptions. This policy punishes people for circumstances beyond their control, ensuring that even those granted asylum remain marginalised. Given that people of colour are disproportionately forced to use irregular routes, this guidance exacerbates racial injustice, denying many the stability, integration, and equal rights they deserve.

Key provisions of the updated guidance include anyone who has ever entered the UK irregularly will normally be refused citizenship, regardless of when they arrived. Applicants who entered without

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<sup>13</sup> Townsend, M. (2020). Home Office 'uses Racial bias' When Detaining Immigrants. [online] The Guardian. Available at: <https://www.theguardian.com/politics/2020/jun/21/home-office-uses-racial-bias-when-detaining-immigrants>.



valid clearance or via ‘dangerous’ journeys, such as Channel crossings, will also face refusal. These rules apply to all applications submitted on or after 10 February 2025, with previous guidelines only applying to earlier applications. While discretion may be exercised in “exceptional circumstances,” in practice, this is unlikely to be granted. Moreover, with a citizenship application fee of £1,630 and no right of appeal, many vulnerable individuals are effectively deterred from applying—even if they might qualify under these narrow exceptions.

These revisions in the guidance fail to recognise that asylum seeking and migrant communities often have no choice but to take irregular routes due to the absence of safe alternatives. This policy will affect an estimated 70,000 individuals, leading to further injustice in two key ways. First, it punishes those simply seeking safety, ignoring the reality that many undertake dangerous journeys because no viable alternatives exist. Second, it deepens racial inequality, as people of colour are disproportionately impacted by these restrictions, further entrenching systemic racism within immigration and citizenship processes.

By imposing rigid and punitive barriers, this guidance undermines the fundamental principles of fairness and protection that should underpin the UK’s asylum and citizenship system. We urge the Public Bill Committee to scrutinise these provisions, particularly in light of our shared briefing with Refugee Action, and consider their far-reaching consequences, to ensure asylum seeking and migrant communities are provided with the equal rights they deserve.

## **Conclusion**

The Border Security, Asylum, and Immigration Bill 2024-25, through its extensive criminalisation measures and expanded surveillance powers, entrenches racial discrimination across multiple levels of the immigration system. From criminalising irregular migration to the invasive seizure of mobile phones, the coercive collection of biometric data, and the restrictive “good character” guidance for citizenship, each provision worsens the marginalisation and criminalisation of people of colour. Instead of addressing the root causes of forced migration, which are inextricably tied to the enduring legacy of colonialism and global inequalities, the Bill reinforces exclusion and punitive state control. This approach not only breaches international obligations but also undermines the fundamental values of human dignity and racial justice.

It is vital that the Government reconsiders these provisions and repeals all elements of the Illegal Migration Act 2023. A fair, equal, and racially just framework is needed—one that genuinely upholds the rights and dignity of all asylum seeking and migrant communities. We call on the Public Bill Committee to reject the clauses outlined above in their current form and seek to champion a Bill that:

- Rejects the criminalisation of asylum seekers and mass detention
- Expands and creates safe routes for migration
- Ends the racialised targeting and deputation of asylum seeking and migrant communities
- Uplifts human rights and dignity as the cornerstone of UK migration policy.

As it stands, this Bill represents a missed opportunity to modernise the asylum and immigration system, as promised in the King's Speech. It fails to address the deep, systemic issues that undermine the fairness, equality, and humanity of the system.

What is needed now is a bold and compassionate approach that not only supports refugees but works in partnership with human rights and equalities-based organisations as well as local communities.

## **Contact**

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