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## **Committee on Migration, Refugees and Displaced Persons**

# **Grave concerns regarding the United Kingdom's Illegal Migration Bill**

### **Declaration<sup>1</sup>**

The Committee declares the following:

The right to seek asylum is a fundamental right. If passed, the Illegal Migration Bill would deny protection to asylum seekers who entered the UK unauthorised, including victims of trafficking. The bill also foresees a greater use of detention in border management including for children.

In March 2023, UNHCR warned that the proposed Illegal Migration Bill would amount to an asylum ban. The Council of Europe's Commissioner for Human Rights and the Group of Experts on Action against Trafficking in Human Beings both expressed their profound concern at the reverse made in denying protection if not exposing victims of trafficking and children to abuse.

The provisions of this bill are a wilful distortion of core UN and European conventions which the UK itself contributed to design. Its provisions would jeopardise the right to an effective remedy, breach the non-refoulement principle, endanger victims of forced labour and modern slavery, and strip international protection seekers of their right to seek asylum, with no regard for the best interest of the child. The government-proposed amendment to the Bill announced this week, which puts into question the obligation under Article 34 of the European Convention on Human Rights to respect interim measures, is of immense concern.

Non-discrimination, non-penalisation and non-refoulement are the pillars of the Refugee Convention requiring effective access to fair and individualised procedures. In practice, applying such core principles may prove challenging to state and local authorities in seeking to determine individual applications fairly. Nevertheless, the repeated legislative changes in the UK are resulting in removing much-needed protection for refugees and victims of trafficking, severely disrespecting fundamental human rights standards. Such measures are not a valid policy response to the issues at stake.

Recently, PACE unanimously endorsed a report commemorating the 70<sup>th</sup> anniversary of the Refugee Convention and which called for greater and effective solidarity across Europe to uphold the rights of asylum-seekers. The Council of Europe and its member States should muster their renewed commitment to these core principles.

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<sup>1</sup> Declaration proposed at the initiative of Lord Leslie Griffiths (United Kingdom, SOC).