



**POLITICAL
INTELLIGENCE**

Stopping the Boats: Overview & Reaction to the Illegal Migration Bill

Introduction

On March 7, Prime Minister Rishi Sunak's government published the Illegal Migration Bill which would establish a legal duty for authorities to remove anybody who enters the country by irregular means within 28 days. The controversial bill, which would also block people deemed to have entered the UK illegally from returning or claiming British citizenship in future, represents the government's latest attempt to stem the flow of migrants crossing the English Channel to the UK. The bill is politically significant after Sunak made introducing new laws to stop the so-called small boats one of the government's five key priorities in January, along with halving inflation, growing the economy, reducing national debt, and cutting National Health Service waiting lists. While the legislation could prove popular with voters who are unhappy with the UK's record levels of net migration and harks back to Brexit promises to take control of the country's borders, opposition parties, human rights groups, and other critics have voiced concerns about its legality, morality, and practicality.

This Dods Political Intelligence report provides a one-stop guide to the Illegal Migration Bill, including a brief overview of its key elements and expected timeline, and a selection of initial political and stakeholder reaction with links to original sources.

Overview

Home Secretary Suella Braverman presented the government's "Stop the Boats" or [Illegal Migration Bill](#) in a House of Commons statement where she said the legislation would fulfil the prime minister's promise to the British people that anyone entering the country illegally would be detained and swiftly removed, "no half measures." The bill would mean that small boat arrivals who have passed through a country deemed to be safe will be legally required to be removed. The migrants may be detained for 28 days with no recourse for bail or judicial review, and then for as long as there is a reasonable prospect of removal, the government said.

Key measures:

- Home Secretary will have a legal duty to remove people who have entered the UK illegally.
- Strengthening detention powers so people can only apply for bail from the Courts (First-tier Tribunal) after 28 days (although habeus corpus will remain).
- Minors who come to the UK illegally will not be removed to a safe third country until adulthood, except in limited circumstances.
- People who come to the UK illegally will be prevented from settling in the country and will face a permanent ban from returning.

- People who come here illegally will have their asylum claims deemed inadmissible and considered in a safe third country.
- Modern slavery referrals for those who come to the UK illegally will be disqualified under public order grounds under the terms of the international anti-trafficking treaty, ECAT.
- Limit the circumstances in which legal challenges will prevent someone from being removed from the UK, such that most legal challenges will be considered after removal.
- Expanding the list of countries that are considered safe in law.
- Commitment to resettling a specific number of refugees in the UK every year.

“Now I understand there will be debate about the toughness of these measures – all I can say is we have tried it every other way and it has not worked...my policy is very simple: it is this country and your government who should decide who comes here, not criminal gangs,” Sunak said at a news conference following the publication of the bill.

With regard to the legality of the proposed legislation, observers have noted that the face of the bill includes an unusual statement from the Home Secretary saying she is unable to state that the provisions of the bill are compatible with the European Convention on Human Rights, but the government nevertheless wants MPs to proceed with the bill.

The government has had limited success in managing the rising numbers of migrants entering the country via irregular routes that circumvent usual border controls, with more than 45,000 estimated to have crossed the Channel in small boats last year. This has added to the large backlog of migrants in the UK who are waiting for a decision on their claims to remain in the country and contributed to more than £6m daily cost of providing hotel accommodation for asylum seekers. The government’s controversial plan announced in April 2022 to send asylum seekers to Rwanda has been blocked by legal challenges. In recent months it has secured an agreement with Albania which aims to speed up efforts to return that country’s nationals who come to the UK via unofficial routes. The UK government has also worked with France to thwart Channel crossings and clamp down on people smugglers. Discussions about those joint efforts are expected to feature when [Sunak holds talks with President Emmanuel Macron in France](#) on March 10. French officials have suggested the UK should set up an asylum processing centre in northern France, which could then allow people to travel to the UK if accepted, according to reports.

In terms of next steps, the Illegal Migration Bill could receive a second reading in the House of Commons as early as week starting March 13, according to BBC reports, with the government hoping for it to become law in the summer or autumn. The Home

Office declined to provide guidance on the government's parliamentary timetable for the legislation.

Reactions

Political

There was a range of political reaction to the Illegal Migration Bill following the Home Secretary's House of Commons statement on the legislation:

"Two months ago, the Prime Minister made a promise to the British people that anyone entering this country illegally will be detained and swiftly removed—no half measures. The Illegal Migration Bill will fulfil that promise. It will allow us to stop the boats that are bringing tens of thousands to our shores in flagrant breach of both our laws and the will of the British people." **Home Secretary Suella Braverman.**

"If the Government were serious, they would be working internationally to get a proper new agreement in place with France and Europe, including return agreements, properly controlled and managed legal routes such as family reunion, and reform of resettlement. Instead, this Bill makes that harder, unilaterally choosing to decide no asylum cases at all, but expecting every other country to carry on." **Yvette Cooper, Shadow Home Secretary.**

"Despite the dreary dog-whistle rhetoric, the Home Secretary's Bill will not lay a solitary finger on people smugglers or people traffickers, but it will cause serious and devastating harm to those who have already endured incredible suffering." **Stuart McDonald, SNP spokesman.**

"When asked by a reporter if foreign rapists and murderers should be deported to the country they came from, the lawyer of the Opposition replied that it depends. Well, I say get rid." **Lee Anderson, Conservative Part Deputy Chairman.**

"In the Home Affairs Committee report on channel crossings, which was published last summer, we found that small boats have not overwhelmed the asylum system as the Home Secretary is claiming...We said in that report: 'Poor resourcing, by successive governments, of staff and technology in the Asylum Operations function in the Home Office, has been a significant factor in this collapse.'" **Diana Johnson, Labour, Chair of Home Affairs Committee.**

Stakeholders

"UNHCR, the UN Refugee Agency, is profoundly concerned by the asylum bill... The effect of the bill (in this form) would be to deny protection to many asylum-seekers in need of safety and protection, and even deny them the opportunity to put forward their case. This would be a clear breach of the Refugee Convention and would undermine a

longstanding, humanitarian tradition of which the British people are rightly proud,” UN Refugee Agency (UNHCR) said in a [statement](#).

“This Bill will effectively allow the Government to commit human rights abuses without consequences. Excluding refugees and migrants from the protection of the Human Rights Act is abhorrent and wrong. Human rights are universal and it’s not up to the Government to pick and choose who does and doesn’t deserve them,” human rights group **Liberty** said in a [statement](#).

“The UK govt's approach to migration is cruel and inhumane. The absence of safe routes and the criminalisation of people seeking safety force more people to risk their lives at sea – with devastating effects,” said **Médecins Sans Frontières** in a [tweet](#).

“It seems the government now agrees with us...Those illegally crossing the Channel must be: detained immediately; processed quickly; removed swiftly” immigration campaign group **Migration Watch** said in a [tweet](#).

“This is an unworkable, costly and nasty piece of legislation. It treats refugees like criminals and suspected terrorists and puts the UK alongside the likes of Russia and Belarus as countries who show no respect for international law. It’s not who we are or who we want to be” Enver Solomon, CEO of campaign group **Refugee Council**, said in a [tweet](#).

“Attempting to disqualify people’s asylum claims en masse regardless of the strength of their case is a shocking new low for the Government...people fleeing persecution and conflict will be irreparably harmed by these proposals, while the UK is setting an utterly terrible example to other countries around the world,” Steve Valdez-Symonds, **Amnesty International UK’s** Refugee and Migrant Rights Director, said in a [statement](#).

“The Government’s plans are not only morally bankrupt, they are completely unworkable and will not stop refugees from risking their lives to seek safety here...” “If the Prime Minister was really serious about preventing dangerous journeys and breaking the smugglers’ business model, he would focus on opening safe routes for refugees to help them reunite with family and to seek safety here,” Beth Gardiner-Smith, CEO at **Safe Passage International**, said in a [statement](#).

“The Government's announcement shows a complete lack of compassion and a complete disregard for refugees. This is a sad day in our country's history. But we will continue to challenge these dehumanising policies and firmly stand in solidarity with migrants and refugees,” campaign group **Migrants’ Rights Network**, said in a [tweet](#).

“If this govt had compassion & sense, they'd introduce safe routes, the right to work + allow people to settle in our communities. Instead, they ramp up cruelty towards, & demonisation of people seeking safety here whenever it's politically convenient to.” The **Joint Council for the Welfare of Immigrants** group said in a [tweet](#).

"Ministers continue whipping up hysteria to cover the government's incompetence. The actual numbers we are talking about remain small...Our message to the government is that we're better than this. We don't want dangerous, hate-mongering laws from Westminster, we want a compassionate, common-sense asylum system that clears the backlog and sets up safe routes," **Greater Manchester Immigration Aid Unit** group said in a [statement](#).

"The bill announced today by the home secretary is both unethical and impractical...The government can pass law after law, but without a deal with France and new safe and legal routes for people seeking asylum, people will continue to be forced to make the perilous journey across the Channel," Marley Morris, associate director of the Institute for **Public Policy Research (IPPR)** think tank said in a statement posted on [Twitter](#).

"The headline pledge - that nobody coming over the Channel will be able to claim asylum - will inevitably be broken...if the government is serious about preventing illegal migration then they should focus on clearing the backlog, increasing the number of returns, introducing a system of digital identity verification and opening up safe and viable routes for asylum claims," Harvey Redgrave, home affairs expert at **Tony Blair Institute** quoted in The [Guardian](#).

"Suella Braverman's 'Illegal Migration Bill' is unworkable, cruel and acts as a green light for anti-migrant hatred. The Government's inflammatory language bolsters the far-right + feeds hatred against migrants," **Hope not hate** campaign group said in a [tweet](#).

"Unless you have a got in place those arrangements with third countries to return people the Home Secretary and the Prime Minister are not actually going to be able to fulfil what the law is proposing. I'm also really concerned about the capacity of the Home Office actually to deal with the detention of large numbers of people...if everyone who arrives on a small boat this year is to be detained that is going to take a lot of accommodation, a lot of arrangements," Diana Johnson, chair of the **Home Affairs Committee**, tells LBC radio in clip posted on [Twitter](#).

"Of course, a bill is not illegal simply because it does not comply with the human rights convention. Whatever parliament enacts is law. But Braverman's inability to make the normal human rights statement is an acknowledgment that the European Court of Human Rights may rule against the UK on a future challenge." Legal commentator **Joshua Rozenberg** said in a [blog](#).

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