



Border Security, Asylum and Immigration Bill, HL Bill 101

House of Lords Second Reading, 2 June 2025

The Border Security, Asylum and Immigration Bill is an opportunity for the Government and Parliament to set a new approach and tone as regards immigration policy – particularly as this relates to refugees and victims of modern slavery. Regrettably, if the Bill is passed in its present form that opportunity will be missed. If so, the consequences will be miserable.

Questions to raise at Second Reading:

- **When will His Majesty's Government learn the lesson laid bare by its predecessor that a policy to deter and prevent people seeking asylum achieves the very opposite of preventing and deterring the ruthless criminal enterprise that exploits these people?**
- **Why is His Majesty's Government retaining provisions of the Illegal Migration Act 2023 and the Nationality and Borders Act 2022 that, when in opposition, it condemned as immoral and destructive of human rights commitments?**
- **Why has His Majesty's Government failed – whether within or alongside this Bill – to make any provision for safe routes to this country for people seeking asylum, including people with close family and other connection here?**
- **Why has the grant rate of people seeking asylum from Afghanistan, Eritrea and Iran fallen so sharply and what assessment has His Majesty's Government made of the impact of this upon fair and efficient management of the asylum system?**
- **Will His Majesty's Government reflect, before Committee stage, on the extraordinary provision of Clause 43 to make Terrorism Prevention and Investigation Measure-type powers an ordinary, and unregulated, feature of the general administrative control of every migrant to the country bar those permitted to settle?**

Consequences of Government policy on asylum and irregular immigration

These consequences can be predicted because they have persisted for many years as a result of the same or similar attempts to simply 'smash gangs' and 'stop boats' rather than address the human needs and rights of people who are compelled to rely on those gangs and attempt journeys by those boats and other unsafe, sometimes fatal, means.

Those consequences include the following. Refugees continuing to endure severe hardship and trauma in their search for safety, even when having family in the UK or other strong connection here. Ruthless criminal enterprise continuing to thrive from the increased vulnerability of people compelled to make dangerous journeys for want of any real or safe alternative. Victims of slavery and human trafficking remaining among the people punished and penalised rather than being protected and cared for. Administrative dysfunction and excessive cost persisting because Government policy pursues impracticable and counter-productive aims¹ – avoiding shared responsibilities (such as the duty to provide asylum)² and ignoring the realities of the people to whom the policy directly relates. Respect for international and domestic human rights law again being strained precisely because the policy is

¹ The human, financial, and administrative consequences of the previous Government's attempt at pursuing the same policy aim of deterrence and prevention were elaborated in a [February 2024 Amnesty briefing](#).

² The duty to share responsibility is explained in a [November 2024 Amnesty briefing](#).

so badly out of touch with people's realities and its ambitions are incompatible with human dignity and human rights.

What is different, how and why

The Government vocally presents itself as distinct from its predecessor.³ This Bill, however, does not fit that presentation. It must be acknowledged that the Government has abandoned some worst extremes of recent years. It has scrapped the plan to expel people seeking asylum to an unreliable and, as recently affirmed by *The Times* among others, internally repressive and externally aggressive human rights abusing government in Kigali.⁴ It has scrapped some miserable sites of accommodation including the monolithic Bibby Stockholm barge. It has committed to deciding asylum claims that had previously been placed in indefinite limbo. This Bill would repeal legislation underpinning much of this. That is all to the good.

However, ministers have been clear that their reasons for differences on policy detail are about effectiveness and cost-efficiency.⁵ For all that these are important considerations, they are not in themselves a basis for policy or the ambition of policy. Just as the health service must consider effectiveness and efficiency, but with an aim of promoting health; so any proper asylum system or modern slavery system must aim to provide protection to people.

What is unchanged

The Bill provides insight into what of principle and ambition underpins Government immigration and asylum policy. More is revealed by what it would not repeal than what it would.⁶ Among provisions of the Illegal Migration Act 2023 that are not to be repealed is section 29. That section permits the Home Secretary to withhold protections from victims of slavery and human trafficking on the basis of convictions and sentences, which may well be in connection with the hugely uplifted – and to be further uplifted by this Bill⁷ – armoury of offences and sentences facing people who cross borders without permission, including under the control of human traffickers. Also absent from the repeals in this Bill, is any of the harmful asylum, immigration and modern slavery provisions of the Nationality and Borders Act 2022.

Moreover, while the Government has returned to making decisions on people's asylum claims it is has slashed asylum recognition rates – including of Afghans, Eritreans and Iranians despite there being no change in those countries to warrant an improved assessment of the safety of return⁸ – and is now refusing asylum to thousands of people. In this way, it is shifting a backlog from initial decisions to appeals and potentially onto an extended limbo beyond the asylum system that is reminiscent of what was done under the last Labour administration.⁹

³ See e.g., *Hansard* HC, 2 December 2024 : Col 41 and 11 December 2024 : Col 901 *per* the Home Secretary.

⁴ [The Times view on conflict in Africa: Rwandan Aggression](#), 3 February 2025

⁵ See, e.g., the Government's reasons for abandoning its predecessor's Rwanda plan as set out by the Home Secretary in a statement on 'Border Security and Asylum': *Hansard* HC, 22 July 2024 : Col 385.

⁶ A concise analysis of asylum legislation in immediate need of repeal is provided in an [October 2024 Amnesty briefing](#).

⁷ Part 1 and Part 3 each include several provisions to extend criminal offences and powers relating to immigration.

⁸ Immigration statistics published on 22 May 2025 (immigration quarterly statistics) show a fall in grant rates of Afghans (from 98% to 44%), of Eritreans (from 99% to 86%) and of Iranians (from 84% to 58%).

⁹ Asylum backlogs over the past more than two decades are explained in an [April 2025 Amnesty briefing](#).

Parliament's role

Amnesty asks peers to press ministers closely on these glaring omissions to repeal harmful legislation, which this administration vocally condemned when in opposition not so long ago.¹⁰

The Bill also provides opportunity to reflect further on the Government's intentions – recently affirmed by the Prime Minister – to close down rather than open up safe and managed routes by which some refugees may seek safety in this country;¹¹ and seek new arrangements for offloading responsibility and transporting people to poorer countries.¹² While safe routes will never provide an answer to all who must seek safety, it is lamentable that policy continues to offer ever more deterrence and punishment for people who attempt unsafe journeys when no alternatives are offered to any of them – even those with close family and other strong connections here.¹³ UK policy continues to encourage a race to the bottom with EU neighbours, each seeking ways to abandon human, moral and legal responsibilities in exchange for political capital and cash.¹⁴ Meanwhile, the will and capacity of those poorer, and often less stable, countries that have long-hosted by far the greater number of the world's refugees continues to weaken in the face of this reckless rejection of far lesser responsibility on the part of those with far greater resource and capacity.¹⁵

Regular migration and the wider immigration system

The Bill also contains provisions concerning the wider immigration system. Of most immediate and alarming concern is Clause 43. This would extend the Secretary of State's general and unrestricted power under section 3(1) of the Immigration Act 1971 to impose conditions for the purpose of administration of the immigration system upon people permitted to enter and stay in the UK for a limited period of time (and extend to the same extent her powers to impose immigration bail conditions on people without permission).¹⁶ The extension would be from such current matters as restrictions on work, study or access to public funds to imposing electronic tagging, curfews, confinement to or exclusion from designated areas, and any such other condition she may think fit. The effect is to introduce policing and counter-terror measures for all migrants in the UK, other than those who are permanent residents, without legislating for any of the constraints or oversight to be found in policing and counter-terror legislation;¹⁷ and to do so as if this were all just part and parcel of the ordinary

¹⁰ On the Nationality and Borders Act 2022, the then Shadow Home Secretary moved that it not be given a Second Reading for reasons including it "*breaches the 1951 Refugee Convention*" (*Hansard* HC, 19 July 2021 : Col 719). On the Illegal Migration Act 2023, the then Shadow Home Secretary moved that it not be given a Second Reading for reasons including it "*leaves victims of modern day slavery without any protections*" (*Hansard* HC, 13 March 2023 : Col 582).

¹¹ Oral evidence of Prime Minister before the Liaison Committee, 19 December 2024, in answer to questions from Dame Karen Bradley and the Chair, Q78 *et seq.* The previous day the Defence Secretary indicated an intention to close the Afghan scheme: *Hansard* HC, 18 December 2024 : Col 37WS.

¹² Recent reports indicate Government's desire to make deals with Balkan countries for removing people of other nationality rather than take direct responsibility for them and their safe return, if possible, to their home countries.

¹³ People seeking asylum in the UK must make a claim on the territory of the UK. However, immigration rules both require a visa to travel to the UK but exclude any visa for someone to come to the UK for that purpose.

¹⁴ The EU is currently proposing to amend legislation to permit Member States to follow the UK's lead in seeking to greatly expand potential to remove people seeking asylum to countries other than those of which they are nationals.

¹⁵ Of especial concern at the present time is the attitude of the Pakistan government towards millions of Afghan refugees on its territory, many of thousands of whom it has already expelled.

¹⁶ Clause 14 amends section 3(1)(c) of the Immigration Act 1971 for the purpose of imposing conditions on permission to enter or remain in the UK; and amends Schedule 10 to the Immigration Act 2016 to do so on immigration bail.

¹⁷ The specified conditions that Clause 43 will allow to be imposed are akin to specific measures to be found in Schedule 1 of the Terrorism Prevention and Investigation Measures Act 2011; and the clause includes a catchall ("*such other conditions as the Secretary of State thinks fit*") that may permit other such measures.

function of managing the immigration system.¹⁸ Clause 43 is a profound overreach that would not merely provide the Home Office with extraordinary new powers but would fundamentally destabilise the legislative foundations of the immigration system in the Immigration Act 1971.

Finally, the Bill requires consideration of much else of immigration policy. That should include excessive and increasing use of wide powers of detention, deportation, and criminal prosecution in response to migration – often with little independent oversight – that has been repeated for decades. The Home Office has consistently sought more powers and greater freedom to exercise those powers, arguing that these are necessary for it to finally deliver an immigration system that is fair, efficient and effective. Successive administrations and Parliaments have licensed or encouraged this, notwithstanding that it has repeatedly failed to deliver what is promised. This is bad from almost any perspective, save for that of those who exploit the fear and lack of trust in authorities it perpetuates – their exploitation being financial, sexual or political. The current trend across much mainstream and social media to stir suspicion and hate of the legal system, lawyers and judges, with an especial focus on Article 8 of the Human Rights Act 1998, by reckless or wilful misrepresentation of individual cases and decisions is one example of that exploitation (financial and political).¹⁹

¹⁸ Section 3 establishes general provisions for regulation and control of lawful immigration. Its purpose is fundamentally distinct from any purpose that ministers have, or indeed could, suggest for Clause 43.

¹⁹ Amnesty International UK is gravely concerned at recent reporting in mainstream media and its impact on social media targeting individual judges and decisions.