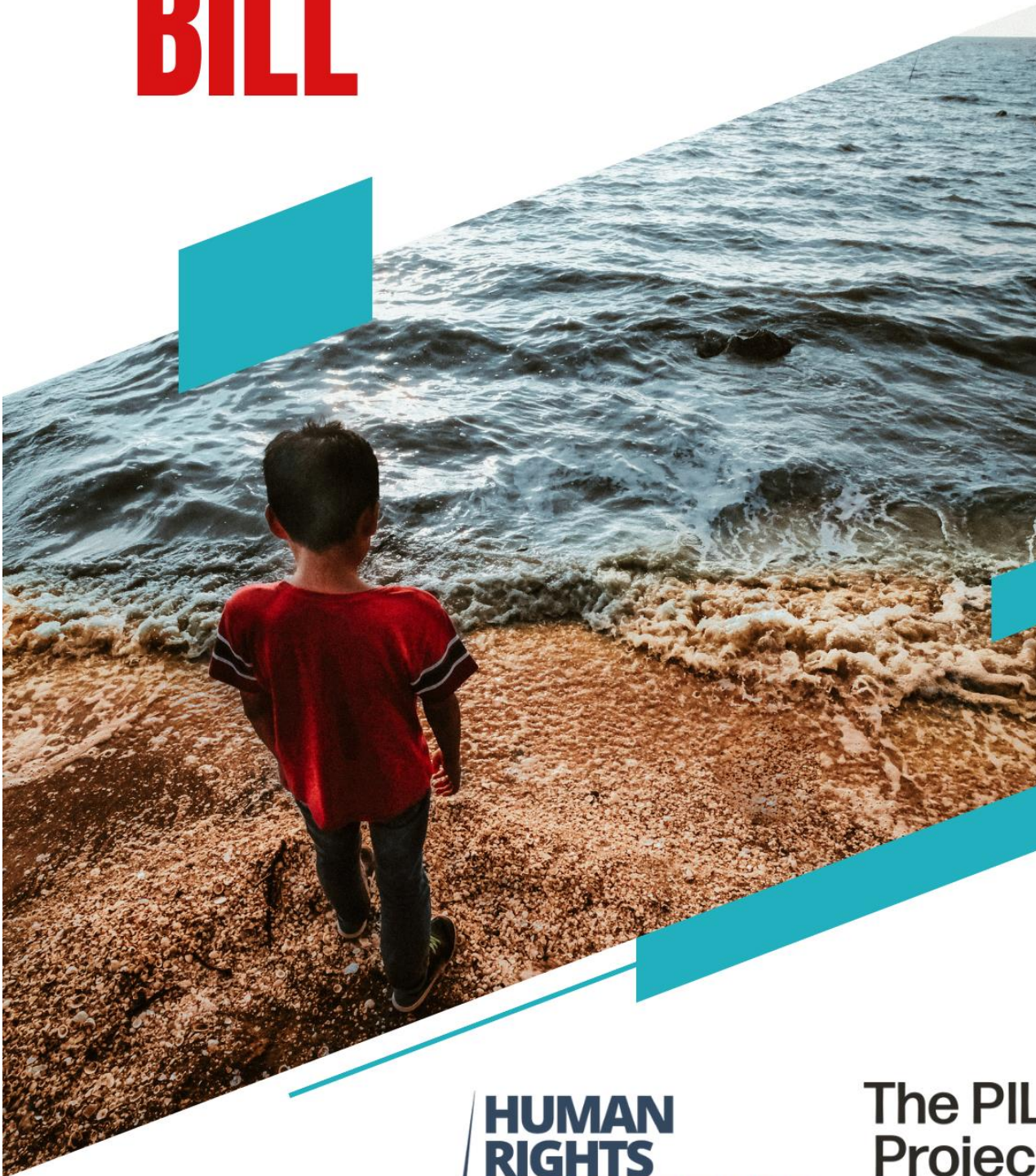


ILLEGAL MIGRATION BILL

JOINT BRIEFING



**HUMAN
RIGHTS
CONSORTIUM**

The PILS
Project



Illegal Migration Bill

Joint Briefing

March 2023

Table of Contents

- 1. Introduction**
 - 1.1. Headline Concerns
- 2. Changes to the Asylum System**
 - 2.1. Duty to Remove
 - 2.2. Duty to Make Asylum Claims Inadmissible
 - 2.3. Return agreements & “Safe Countries”
 - 2.4. Detention & Removal
 - 2.5. Challenging Removal - Suspensive Claims
 - 2.6. Suspensive Claim Appeal Process
- 3. Implications for Northern Ireland**
 - 3.1. Article 2 of the Protocol/Windsor Framework, the Belfast/Good Friday Agreement and the European Convention on Human Rights
 - 3.2. Access to Convention Rights
 - 3.3. Trafficking Directive
 - 3.4. Interim Measures
 - 3.5. Disapplication of Section 3 & Judicial Review
 - 3.6. Land Border
 - 3.7. Issues for Children and Young People
- 4. Conclusion**



1. Introduction

1.01. The Illegal Migration Bill, which was introduced in the House of Commons on March 7th 2023, replaces the UK's asylum system with a process designed to detain and remove individuals who enter the UK irregularly. We are deeply concerned that this new process breaches the European Convention on Human Rights (ECHR), the Refugee Convention, and various EU Directives. Under Article 2 of the Protocol/Windsor Framework, these agreements continue to have relevance in implementing legislation in NI. The Home Secretary has stated, on the face of the Bill, that she is unable to confirm that the provisions of the Bill are compatible with European Convention rights "but the Government nevertheless wished... to proceed...".

1.02. This briefing will provide an overview of the **changes to the asylum process** and address potential **implications for NI**. In particular, it will analyse the ways in which this Bill may contravene **Article 2 of the Protocol/Windsor Framework** and the **Belfast/Good Friday Agreement**.

1.1. Headline concerns:

1.11. The Illegal Migration Bill, as it would apply in Northern Ireland, would lead to several breaches of the Belfast/Good Friday Agreement, infringe on the commitments made by the UK Government in Article 2 of the Protocol/Windsor Framework, and derogate widely from the standards set by the European Court of Human Rights (ECtHR).

1.12. This Bill refuses entry into the asylum system for individuals who enter the UK 'irregularly' and subjects them to mandatory detention and removal. This system is inconsistent with the spirit of the Refugee Convention and its prohibition on imposing penalties upon asylum seekers who are unlawfully in a country of refuge.¹ This Bill will therefore remove the majority of pathways to obtaining refugee status for those who arrive in the UK 'irregularly'. Consequently, there will be no legal routes to claim asylum but for a small number of state-specific asylum programmes.

1.13. The Bill makes a myriad of changes to the way in which unaccompanied children are processed by the Home Office. It will provide the Home Secretary with discretionary powers to detain and deport those children, while denying a path to citizenship for children born in the UK to parents who may have arrived 'irregularly'. Further, responsibility for unaccompanied minors can be transferred between local authorities and the Home Secretary at her discretion. These changes raise significant concerns about the safeguarding of those minors.

¹ Refugee Convention, Article 31

1.14. Our colleagues in CAJ have identified² that the Bill “has the potential to cause severe impacts on the land border and on the island of Ireland. It is not clear if the UK government considered these unique impacts before pressing ahead with the legislation. The Common Travel Area and the land border are not mentioned in the bill or the explanatory memorandum. The application of this legislation on the land border needs to be urgently clarified.”

2. Changes to the Asylum System

2.1. Duty to Remove

2.11. The Bill imposes a duty on the Secretary of State to remove a person who: (1) entered the UK without leave, obtained leave by deception, entered without the required valid entry clearance or, entered without an electronic travel authorisation; (2) arrived in the UK on or after 7 March 2023; (3) did not come directly from a country where they experienced persecution, and; (4) does not have the required leave to enter or remain in the UK.³ The trigger date of 7 March 2023 means that the duty to remove applies retrospectively. If this Bill becomes law, individuals who entered on or after March 7, 2023, who were not subject to removal upon entry, will become subject to detention and removal on the date that this Bill becomes law.

2.12. There are two narrow and temporary exceptions to the removal duty: victims of human trafficking where, and for the time that, their presence in the UK is essential to their cooperation with a criminal investigation⁴ and unaccompanied minors until they turn 18, though the Secretary of State still has the discretion to remove minors before they turn 18.⁵

2.13. Individuals who enter irregularly and make an asylum claim can be removed to either their country of origin, their country of embarkation for the UK, or to a third country. Removal destinations are based on the individual’s country of origin. A national of a country on the “Safe State” list, comprised largely of the EEA states and Albania, can be removed to their home country unless the Secretary of State considers that there are exceptional circumstances which preclude their removal to a Safe State.⁶ Where there are considered to be exceptional circumstances, a national of a Safe State can still be removed to a third country listed in the Bill’s Schedule.⁷ An individual from any other state cannot be removed to their home state, and can be removed to a third country listed in the Bill’s Schedule.⁸ Their removal to these

² Committee on the Administration of Justice Briefing Note - [The Illegal Migration Bill Impacts on the land border](#)

³ Clause 2

⁴ Clauses 4(1)(c) and 21

⁵ Clauses 3(1) and 3(2)

⁶ Clauses 5(4) and 50

⁷ Clauses 5(6) and 5(7)

⁸ Clauses 5(8) and 5(9)

countries is entirely dependent on the UK government creating return agreements with the governments of the states listed in the Schedule. The UK government has not yet secured any such agreements, with the exception of its agreement with Rwanda.

2.2. Duty to Make Asylum Claims Inadmissible

2.21. Individuals are subject to removal where they have made an asylum claim. However, this Bill imposes a duty on the Secretary of State, to declare inadmissible, any asylum claim, or claim that removal breaches the Convention, of an individual who meets the four conditions for removal.⁹ This means that the UK will no longer process asylum claims for individuals who enter the UK irregularly and there is no way to appeal an inadmissibility declaration.¹⁰ Because of the few legal routes available to asylum seekers, these provisions effectively remove the UK's asylum system.

2.22. The Bill also removes any path to immigration status or citizenship for an individual who ever met the four conditions or an individual whose parent has ever met the four criteria.¹¹ The Secretary of State may lift the ineligibility for citizenship or immigration status if it is necessary to comply with the UK's obligations under the Convention or another international agreement.¹²

2.3. Detention Pending Removal

2.31. This Bill is drafted such that individuals who enter the UK irregularly will be detained. Immigration officers have broad powers to detain individuals who meet the four conditions or who they suspect might meet the four conditions, and their family members, even if their circumstances don't make them subject to removal.¹³

2.32. Individuals may be detained for such periods of time as the Secretary of State determines necessary to enable the appropriate steps in the process to be taken, as dictated by the Bill.¹⁴ This Bill eliminates the pre-existing 72-hour limit on the detention of pregnant women and subjects them to the same seemingly unlimited detention period.¹⁵ The Bill further provides for lengthy detention by requiring detention even where there is something preventing an asylum decision from

⁹ Clauses 4(2) and 4(5)

¹⁰ Clauses 4(3) and 4(4)

¹¹ Clauses 29(3)(2), 30(2), 30(3), and 30(4)

¹² Clauses 29(3)(3)(a) and (b), 29(3)(4)(a) and (b), and 35

¹³ Clauses 11(2)(a) and (d), 11(2D), and 8

¹⁴ Clause 12(1)(b)(17A)

¹⁵ Clause 11

proceeding. Here, the duty to declare asylum claims inadmissible stands in the way of the government processing asylum claims.¹⁶

2.33. The Bill provides only the most limited oversight of detention and specifically bars “any court” from intervening with an immigration officer’s decision to detain an individual (Clause 13(4)(2)). It precludes any finding that an immigration officer exceeded their powers, and ousts any application for judicial review relating to a decision to detain.¹⁷

2.34. An individual detained under the powers granted by this Bill can only apply for bail after 28 days of detention (Clause 13(3)(b)). A detained individual’s only recourse in the first 28 days is a writ of *habeus corpus*. However, there are concerns about the appropriateness and effectiveness of this remedy. Decisions under *habeus corpus* largely relate to whether the detaining authority has the power to detain the individual. Here, the Bill provides an extensive power to detain. It will be up to judges to determine whether they are willing to consider whether the period of detention awaiting deportation is excessive.

2.4. Challenging Removal - Suspensive Claims

2.41. Individuals subject to removal may challenge their removal by making one of two kinds of “suspensive claims”: a serious harm suspensive claim, and; a factual suspensive claim. An individual cannot be removed while they have a pending suspensive claim, and if a suspensive claim is successful the individual cannot be removed to the territory specified in the removal notice. The duty to remove re-engages after the suspensive claim process concludes, and the individual will likely be given another removal notice .

¹⁶ Clauses 12(1)(b)17A(2) and 12(1)(b)17A(1)

¹⁷ Clauses 13(4)(3)(a) and (b)

	Serious Harm	Factual
Claim	“Face a real risk of serious and irreversible harm if removed to the territory specified”	Relevant authority “made a mistake of fact in deciding that the person met the removal conditions”
Removal to	Third Country	Any Country
Claim Period	8 days	8 days
Decision Period	4 days	4 days
Appeal to	Upper Tribunal	Upper Tribunal
JR	Available	Unclear

2.42. A serious harm suspensive claim allows an individual who is given notice of their removal to a third country to claim that they face a real risk of serious and irreversible harm if removed to the territory specified. The term “serious and irreversible harm” is not defined in the Bill, and there is no existing judicial guidance on its meaning. This Bill also grants the Secretary of State powers to amend the Bill by regulations to define any aspect of the test and give examples of what meets the threshold.¹⁸

2.43. A factual suspensive claim allows an individual who is given a removal notice to claim that the relevant authority “made a mistake of fact in deciding that the person met the removal conditions”.¹⁹ Factual suspensive claims must contain compelling evidence of a factual mistake. Where the Secretary of State determines that an individual failed to provide compelling evidence that she might reasonably expect to be included in a factual suspensive claim, that failure must be a factor in her determination.²⁰

¹⁸ Clause 38

¹⁹ Clause 37(3)

²⁰ Clauses 41(5) and 41(4)

2.44. An individual must make a suspensive claim within 8 days of receipt of the notice of removal, and the Secretary of State must issue a decision on the claim within 4 days.²¹

2.5. Suspensive Claim Appeal Process

2.51. The claimant can appeal a negative decision on a suspensive claim to the Upper Tribunal unless, in her decision, the Secretary of State certifies that the claim is “clearly unfounded”.²² Claimants whose claims have been certified as “clearly unfounded” must obtain leave to appeal to the Upper Tribunal. Leave can only be granted where there is compelling evidence that the person would face an obvious and real risk of irreversible harm if removed, as set out in the removal notice.²³ In either instance, a claimant must submit their notice of appeal within 7 days of receipt of the negative decision, or the UT’s decision granting leave to appeal, and the Tribunal must give its decision within 23 working days.²⁴

2.52. The scope of the Upper Tribunal’s review on appeal appears to be limited by the Secretary of State. This raises concerns about the independence of the Tribunal’s process. While the Bill states that the Upper Tribunal may consider any matter which it considers relevant to the substance of the decision, it also provides that it may not consider a new matter unless the Upper Tribunal has obtained the Secretary of State’s consent.²⁵ This is particularly concerning because the Upper Tribunal is the only body that can hear an appeal of a substantive claim.²⁶

2.53. An individual may judicially review a decision to refuse a serious harm suspensive claim, but an application for judicial review does not suspend the Secretary of State’s removal duty.²⁷

2.54. There are provisions which allow the Tribunal to extend the time lines in the appeal process, and require the Secretary of State to consider suspensive claims submitted late, when there are compelling reasons for the person not to have made the claim in time.²⁸ An individual whose late claim was not accepted can seek a declaration from the Upper Tribunal that there are compelling reasons that the claim was made out of time, and require the Secretary of State to consider the suspensive claim.²⁹

²¹ Clauses 40(1), 40(2), 40(7), Clause 41(1), 41(2), and 41(7)

²² Clauses 42(2) and 43(2)

²³ Clauses 43(2) and 43(3)

²⁴ Clause 47(1)

²⁵ Clauses 46(2) and 46(3)

²⁶ Clauses 46(9), 48(1), and 48(2)

²⁷ Clause 4(1)(d)

²⁸ Clauses 47(4), 44(1), 44(2), and 44(3)

²⁹ Clauses 44(4) and 44(6)

3. Implications for Northern Ireland

3.1. Article 2 Protocol/Windsor Framework, the Belfast/Good Friday Agreement & the European Convention on Human Rights

3.11. Article 2 of the Windsor Framework, formerly the Protocol on Ireland and Northern Ireland, contains specific commitments by the UK Government that "no diminution of Rights, Safeguards and Equality of Opportunity, as set out in that chapter of the Belfast/Good Friday Agreement" (BGFA) should occur as a result of Brexit. It also details various equality and non-discrimination EU Directives with which Northern Ireland must "keep pace".

3.12. This chapter of the BGFA sets out specific rights enshrined in the Agreement for "everyone in the community" and also necessitates the "full incorporation in Northern Ireland law of the ECHR." The Human Rights Act (HRA) achieved this incorporation and further fulfilled the government's commitment to enable full access to domestic courts to enforce these rights and grant remedies for rights' violations. Further, the Dedicated Mechanisms have identified the "non-diminution" commitment as encompassing the full range of rights contained within the ECHR, to the extent that they are underpinned by EU law.³⁰ As such, these Article 2 commitments, the BGFA, the ECHR and the HRA are intertwined and interdependent.

3.13. This Bill must be interpreted in the context of Article 2 because the Dedicated Mechanism has identified that the term "everyone in the community" not only applies to, for instance, British or Irish citizens in Northern Ireland, but extends to everyone on the island.³¹ Victims of trafficking arriving in Northern Ireland are a group to whom the non-diminution principle specifically applies.³² This understanding is vital to properly interpreting this Bill in light of the Article 2 commitment.

3.2. Access to Convention Rights

3.21. The Illegal Migration Bill instructs the Secretary of State to declare inadmissible any claim that the removal of an individual would breach their Convention rights if that individual met the extremely broad criteria covered by the duty to remove.³³ It also explicitly states that this inadmissibility cannot be appealed. Applying these provisions to an individual who arrives in Northern Ireland would be a direct breach of the BGFA because it makes Convention rights inaccessible and restricts that individual's "direct access to the courts, and remedies for breach of the Convention".

³⁰ NIHR-ECNI Working Paper, The Scope of Article 2(1) of the Ireland/Northern Ireland Protocol, para 3.4

³¹ Ibid, para 3.10

³² Ibid

³³ Clause 4(5)

3.22. The serious harm suspensive claim procedure is inadequate to uphold the rights of refugees and asylum seekers. The short timeline of requiring an individual to make a claim within 8 days of receiving a removal order, and its determination by way of a hearing “on the papers”, provides claimants insufficient time to gather the required evidence to prove that they face a real risk of persecution.

3.23. This is compounded by the fact that the Bill prohibits human rights claims, and largely restricts judicial oversight of the claims and detention processes. The limited circumstances in which an individual can challenge their treatment and removal creates significant cause for concern regarding the baseline access to Convention rights for asylum seekers arriving in Northern Ireland.

3.3. Trafficking Directive

3.31. The UK Government has acknowledged that there are other EU laws, beyond the six Directives listed in Annex 1 of the Protocol, which underpin rights outlined in the “Rights, Safeguards and Equality of Opportunity” chapter of the BGFA³⁴. These include, but are not limited to, the Victims' Directive, the Parental Leave Directive, and the Pregnant Workers' Directive³⁵. The Dedicated Mechanisms have also identified the EU Trafficking Directive as falling within the scope of this Article 2, due to its proximity to the Victims Directive in its protection of a subset of victims in Northern Ireland.³⁶

3.32. The Illegal Migration Bill presents a significant challenge to the Trafficking Directive. The duty placed on the Secretary of State to make asylum claims inadmissible for those who arrived in the UK “irregularly” will encompass a large swathe of victims of trafficking and modern slavery. This duty, and the clear intention in the Bill to detain and deport potential trafficking victims would breach Article 8 of the Directive, which requires States to not prosecute victims of trafficking for crimes committed as a consequence of being trafficked.

3.33. Article 9 of the Directive requires States to take steps to identify victims of human trafficking, while Article 11 requires them to provide assistance and support as soon as there are reasonable grounds to believe an individual has been trafficked. This Bill disapplies these provisions and withdraws modern slavery support from, and the requirement to consider granting leave to remain to, potential victims of human trafficking and modern slavery. Instead, it subjects such victims or potential victims to removal, in direct contravention of the Directive.

3.34. These are but a few examples of the ways in which this Bill directly contravenes the Trafficking Directive. Insofar as the Bill applies in Northern Ireland,

³⁴ Northern Ireland Office, ‘UK Government Commitment to “no diminution of rights, safeguards and equality of opportunity” in Northern Ireland: What does it mean and how will it be implemented?’, (NIO, 2020), para 13

³⁵ Ibid

³⁶ Joint NIHRC / ECNI Briefing Paper on the Modern Slavery and Human Trafficking and Electronic Travel Authorisation provisions in the Nationality and Borders Bill, para

this would be a breach of the UK Government's commitments under Article 2 of the Protocol/Windsor Framework.

3.35. The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015³⁷ also places certain duties on “competent authorities” to ensure victims of human trafficking and modern slavery are provided with support for a period of at least 45 days³⁸, and longer if they feel it necessary. This support must not be conditional on compliance with criminal proceedings, unlike the Bill in question, and should continue to be provided if or when an individual leaves Northern Ireland.

3.36. Further, the Human Trafficking and Exploitation Act requires the appointment of an independent guardian to assist, represent and support children who are victims of trafficking or modern slavery. While this process may not immediately be under threat by the Bill, the Secretary of State will have the power to transfer care of unaccompanied children - including those who have been victims of trafficking - away from the care of local authorities, setting up potential conflict with the Act already in place.

3.4. Interim Measures

3.41. Clause 49 creates delegated powers for the Secretary of State to change by regulation how the Government and courts act on “interim measures” issued by the ECtHR. Interim measures are a vital tool which have enabled the ECtHR to respond to rights violations as they happen or even beforehand, as seen in the suspension of the removal of an individual to Rwanda last year.

3.42. The use of interim measures by the ECtHR is relatively constrained, mostly being utilised where there is a threat to life³⁹ or a risk of torture and inhuman or degrading treatment.⁴⁰ In “highly exceptional cases”, such as the aforementioned Rwanda deportation flight, interim measures can be used to support a claim in respect of the right to respect for private and family life (Article 8). However, across all these cases, these measures are imposed only where there is an “imminent risk of irreparable damage” if action were not taken to prevent that damage from occurring.⁴¹ In 2021, only 5 requests for interim measures against the UK were granted, with 9 refused and 37 found to be outside the scope of rules governing the use of interim measures⁴².

³⁷ Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

³⁸ Ibid, Part 3, Section 18

³⁹ ECHR, Article 2

⁴⁰ ECHR, Article 3

⁴¹ ECtHR: Rules of Court (Rule 39)

⁴² https://www.echr.coe.int/Documents/Stats_art_39_01_ENG.pdf

3.43. On the face of the Bill, it is unknown what the future adherence to interim measures will be: the Government explainer identifies this clause as a “placeholder” for future regulation, allowing the Government to essentially decide when it wishes to recognise and allow an interim measure to come into effect. The removal of this tool could result in a failure to protect against cruel and inhuman and degrading treatment of asylum seekers and refugees, and permit a rights-violating removal to proceed. It will likely also be a breach of the UK Government’s obligations under the ECHR, and would leave the Government vulnerable to challenge before the ECtHR.

3.5. Disapplication of Section 3 & Access to Courts

3.51. The Illegal Migration Bill precludes the courts from applying Section 3 of the Human Rights Act to interpret the Bill in a way which complies with the ECHR. This removes a vital remedy for individuals seeking to challenge this legislation and its outworkings and will severely undermine a claimant’s ability to challenge their detention or removal under this Bill.

3.52. The Bill also severely limits an individual’s access to the courts to uphold their rights. It precludes challenging the decision to detain via judicial review, which seems to only be available to challenge a negative decision arising from a “serious harm” suspensive claim. However, initiating an application for judicial review does not suspend the Secretary of State’s duty to remove, which could result in their removal to a third country before their appeal has been heard.

3.53. These suspensive claims, as referenced above, are deeply inadequate for considering the unique circumstances for each individual. The 8 day period for gathering evidence and challenging a detention or removal order is insufficient and will preclude individuals who may be less knowledgeable in navigating this new system or have less access to support from having direct access to the courts to uphold their rights. The limitations placed on appealing suspensive claims would also have this effect.

3.54. For refugees and asylum seekers arriving in Northern Ireland whose removal would breach their human rights, not being able to access the courts would constitute a breach of the BGFA and could be considered inconsistent with the ‘non-diminution’ commitment.

3.6. Land border

3.61. Our colleagues in the Human Rights Partnership, the Committee on the Administration of Justice (CAJ), released a [briefing note on the potential issues this Bill poses for the land border](#), where you can find further detail.

3.62. CAJ states that, “This bill has the potential to cause severe impacts on the land border and on the island of Ireland. It is not clear if the UK government considered these unique impacts before pressing ahead with the legislation. The Common

Travel Area and the land border are not mentioned in the bill or the explanatory memorandum. The application of this legislation on the land border needs urgently clarified.”

3.63. The conditions set out in the Secretary of State’s ‘duty to remove’ “seem to capture any visa national resident in the Republic of Ireland, who enters Northern Ireland (NI) without the correct leave to remain. This includes people with legal residence in the Republic of Ireland (ROI), but who require a visa to enter the UK (and therefore NI).”

3.64. CAJ raises a number of specific examples where this Bill could have impacts on non-British and non-Irish nationals residing in or visiting the Republic of Ireland. They identified that “this new legislation could result in, for example, a Kenyan national residing legally in Donegal, who travels to Derry to go shopping without obtaining the correct visa, being detained indefinitely in Great Britain without proper recourse to the courts, and potentially removed to a third country that is not the Republic of Ireland.

3.65. “It also appears that this legislation could result in, for example, a Brazilian or American (non-visa) national visiting Ireland, who travels to Northern Ireland for a day trip, without obtaining Electronic Travel Authorisation, being detained indefinitely in Great Britain, without proper recourse to the courts and potentially removed to a third country.”

3.7. Issues for Children & Young People

3.71. We are extremely concerned about the provisions in this Bill which allow the Secretary of State to make arrangements to detain and remove unaccompanied minors. Equally concerning is the Secretary of State’s power to transfer caring responsibilities for unaccompanied minors from local authorities, including the healthcare trusts in Northern Ireland, to the Secretary of State. Children’s organisations in England and Wales, including Action for Children, Barnardo’s, Become Children England, the Children’s Society, Coram, ECPAT UK, the National Children’s Bureau and the NSPCC, have condemned the Bill’s changes to support for children, and have expressed concern, in particular, over changes to the provision of accommodation for unaccompanied children⁴³.

3.72. “The Children Act 1989 is the legal foundation for protecting all children in England and Wales equally. Removing any group of children from any of its provisions profoundly undermines it, and creates an unacceptable segregation between those children who are entitled to the full care, support and protection of children’s legislation and other children who have been placed outside of it.”

⁴³ Care for every child: Duties to care for children must apply equally to all children - Joint statement in response to the Illegal Migration Bill

3.73. In Northern Ireland, the equivalent legislation is the Children’s (Northern Ireland) Order 1995⁴⁴, which places a general duty on Health and Social Care Trusts in Northern Ireland to provide a range of support and care to children who require it . As with the Children Act in England and Wales, it provides the legal foundation for the equal protection of children in Northern Ireland.

3.74. The ability of the Secretary of State to transfer care of unaccompanied asylum-seeking children away from local authorities, potentially to accommodate them in much worse conditions, or even remove them to a third country, raises significant safeguarding concerns. Further, the Bill itself does not speak to the standard of accommodation for unaccompanied minors and instead grants the Secretary of State power to determine this by way of regulation. This gives significant cause for concern regarding the safeguarding, support, and standard of living of the young people transferred into their care.

3.75. Finally, changes to citizenship rules as outlined above, which disqualify the children of individuals who were ever subject to the “duty to remove” from any path to citizenship, also breach the provisions of the Refugee Convention requiring an accessible process to naturalisation.

4. Conclusion

4.01. This Bill largely dismantles the asylum system in the UK by rendering all but a very limited group of claims inadmissible. The Government’s failure to create an asylum system which permits extra-territorial claims has resulted in a system in which there are few if any “safe and legal routes”. This Bill will breach the Refugee Convention, the European Convention on Human Rights. It will also undermine the UK Government’s standing on the international stage.

4.02. The Government has given no regard to its legal obligation to uphold its commitments under the Belfast/Good Friday Agreement, and the Protocol/Windsor Framework. Neither the Bill, nor its explanatory notes mention the B/GFA or the Protocol/Windsor Framework, let alone consider the challenges that this Bill may pose or propose mitigation strategies⁴⁵.

4.03. While we are willing to work with MPs and Lords to amend this Bill and mitigate the damage it will do, particularly from the Northern Ireland perspective, we ultimately believe that this legislation should be abandoned. The Bill is immoral, unworkable and - as identified in its title - illegal.

⁴⁴ The Children (Northern Ireland) Order 1995

⁴⁵ Illegal Migration Bill Explanatory Notes - UK Government

The PILS Project



[PILSNI.ORG](https://pilsni.org)



[INFO@PILSNI.ORG](mailto:info@pilsni.org)



COMMUNITY HOUSE
CITY LINK BUSINESS PARK
6A ALBERT STREET
BELFAST, BT12 4HQ



[HUMANRIGHTSCONSORTIUM.ORG](https://humanrightsconsortium.org)



[INFO@HUMANRIGHTSCONSORTIUM.ORG](mailto:info@humanrightsconsortium.org)



COMMUNITY HOUSE
CITY LINK BUSINESS PARK
6A ALBERT STREET
BELFAST, BT12 4HQ

The PILS
Project



ILLEGAL MIGRATION BILL



JOINT BRIEFING

**HUMAN
RIGHTS
CONSORTIUM**