

Written evidence submission by Refugee Action

About Refugee Action

Refugee Action is a national charity with 40 years' experience helping refugees rebuild their lives. Our vision is for every refugee in the UK to thrive as part of a welcoming, rights-based and anti-racist society. We are a leading provider of reception and integration services for resettled refugees and offer advice and support to thousands of people seeking safety each year. In 2023-24 we spent over £10 million to change lives and create a fairer asylum system. We also helped over 4,000 people seeking safety receive critical support. We conduct research and lead campaigns, informed by the experiences of our asylum services clients, to protect the rights of people seeking asylum. Our work is shaped by the experiences and insights of refugees and people seeking asylum.

Executive summary

- The Bill's repeal of the Safety of Rwanda Act and elements of the Illegal Migration Act are welcome reforms to the UK's asylum system.
- We have serious concerns about some elements of the Bill in its current form and the impact it will have on the people Refugee Action supports now and in the future. Specifically, our evidence – outlined in this submission – suggests that:
 1. The Bill, as introduced, risks further targeting people seeking asylum for criminalisation and securitisation. There is a significant risk that a new offence of endangering another during a sea crossing would be used to prosecute people seeking asylum, and not the smugglers or traffickers that are this Bill's intended target, and that it may be used in this way even where the individuals concerned were coerced into piloting a boat by traffickers. The national security focus of the Bill risks furthering dangerous public perceptions of people seeking asylum as a "threat". Given that people seeking asylum in the UK are predominantly people of colour, this also risks exacerbating racial injustice in the UK.
 2. The Bill, as introduced, fails to repeal some key provisions of the Illegal Migration Act 2022 that continue to threaten the rights of people seeking asylum and refugees in the UK.
 3. The Bill does not include urgently needed reforms to the UK's asylum system. Additionally, changes to Home Office "good character" guidance made upon the introduction of this Bill and referred to by the Home Secretary during its second reading will potentially bar most refugees from UK citizenship.
- We recommend that the Bill is amended to reflect these concerns. Without significant amendments – which should focus on creating safe routes, extending the right to work, and guaranteeing the right to asylum – this Bill will continue the trend of eroding the right to asylum in the UK, and risks exacerbating harm to people seeking asylum and further inflaming social divisions in the wake of the 2024 riots.
- We also urge the Committee to hear firsthand from people with lived experience of the asylum system on how this Bill will impact them. Refugee Action would be able to facilitate this through our Experts by Experience network.

Our evidence

1. Criminalisation and securitisation of people seeking asylum

1.1 The new criminal offence created by Section 18 of the Bill, “Endangering another during sea crossing to United Kingdom”, risks further targeting and criminalising people seeking asylum to the UK. While the government’s stated aim for this legislation is to “smash people smuggling gangs”,ⁱ the reality is that people targeted by this offence are those making channel crossings themselves, not those who organise passage. There is extensive evidence that individuals piloting boats across the channel may be coerced into doing so, including where doing so may represent a danger to the lives of other passengers. For example, in the case of *R v Ibrahima Bah* (2024), the defendant was convicted and jailed for the existing common law offence of gross negligence manslaughter (and lost a subsequent appeal) despite the trial judge acknowledging that he was not himself a trafficker but a person seeking asylum in the UK, and that he was “put under verbal and some physical pressure” by “traffickers” to pilot a boat, after his protestations that the vessel provided may be unsafe.ⁱⁱ This case highlights first that existing common law is already used in cases of lives lost during channel crossings by people seeking asylum (calling into question the need of creating any new offence), and second that this criminalisation targets people seeking asylum rather than people traffickers.

1.2 Insight from our services, testimony of experts by experience, and our previous research has foundⁱⁱⁱ that a slew of recent legislation, including the Nationality and Borders Act 2022 and the Illegal Migration Act 2023, has contributed to the criminalisation and wider social demonisation of people exercising their right to seek asylum from conflict or persecution under the Refugee Convention. Section 18 of this Bill risks contributing to that erosion of access to the fundamental right to asylum in the UK and exacerbating the social divisions that fed last summer’s racist and anti-refugee riots. Criminalisation exacerbates the serious harms already experienced by people seeking asylum, both in their country of origin and in many cases on their journeys to the UK. During the passage of the Nationality and Borders Act, Refugee Action held six online focus groups with 28 people who have lived experience of seeking asylum, one participant stated:

“I ... thought the UK protected human rights, I was hoping for a human approach when I claimed asylum. I am so disappointed... the worst thing that makes me very sad is that they are trying to criminalise me, which I can’t understand”.^{iv}

The reality of channel crossings is that they are made by people who are vulnerable and often desperate, and who will – in most cases – submit an asylum application upon arrival in the UK, if they survive their voyage (2024 being the deadliest on record for channel crossings, with 82 deaths including 14 children^v). Any provisions in this Bill aimed at reducing channel crossings and saving lives should do so by establishing new safe routes to the UK that present a real alternative to those likely to attempt a crossing, and the Bill should be amended to include such safe routes provisions. Further criminalisation of people seeking asylum only exposes them to further potential harm, within and without the UK’s national borders.

1.3 In 2024 Refugee Action published a briefing drawing on peer research, conducted by and with people seeking asylum, that showed that asylum is a racial justice issue for the UK.^{vi} The majority

of people applying for asylum in the UK are people of colour, and come from countries impacted by the history of British colonialism and foreign policy interventionism. Representing asylum as a national security issue, as this Bill does (including the creation of a statutory Border Security Commander role through Sections 1-12), contributes to public perceptions that racially minoritised people seeking asylum represent a ‘threat’ to the UK’s wider population. These public perceptions, stoked by racist political narratives circulating in parliament and the media, and by hostile legislation, were central to last summer’s racist riots, which targeted asylum hotels. This Bill must not bolster racist narratives on people seeking asylum by framing their presence or mode of entry as a national security issue. One client supported by Refugee Action in Home Office-provided hotel accommodation spoke of the climate of fear created by anti-refugee racism:

“I feel very scared. They have told us we can’t leave the hotel and to close all the windows and blinds just in case protesters come and become aggressive. The situation is not good for my mental health. I have been having panic attacks all week ... I feel very frightened about these protests and the situation reminds me of what happened back in my country. It is re-traumatising, and I don’t understand why they hate us so much, I have done nothing wrong and came to the UK for protection but now I feel more scared.”

2. Sections of the Illegal Migration Act 2023 to remain on the statute book

2.1 We welcome the repeal of most of the core provisions of the Illegal Migration Act, which our previous research identified as contributing to racial injustice in the UK’s asylum system by removing “the last viable route to international protection in the UK for most Black and Brown people seeking asylum, because for the overwhelming majority of them there is no legal way to travel from their country of origin to the UK”.^{vii} But we are extremely concerned about the Government’s imposition of similarly deleterious restrictions to refugee rights through changes to Home Office guidance introduced with the Bill (see Section 3, below).

2.2 We are concerned by the Bill’s retention, through selective repeal, of some provisions of the Illegal Migration Act 2023. For example, Section 59 of the Illegal Migration Act 2023 is not repealed by the Bill, as introduced. This section of the Act makes asylum and human rights claims from a range of countries inadmissible and nationals from these countries would only be able to make asylum or human rights claims in “exceptional circumstances”. As noted in our recent joint briefing to parliamentarians on the Bill’s second reading, with Freedom From Torture and the Helen Bamber Foundation, this list includes countries, such as India and Albania, from which people continue to seek asylum internationally as a result of persecution and violence – including torture – and its retention risks the potential exclusion of people facing such situations from accessing their right to asylum in the UK.

3. Failure to include urgent reforms to the asylum system, and changes to Home Office ‘good character’ guidance

3.1 The Bill, as introduced, has “asylum” in its title, yet does very little to secure the right to asylum guaranteed by the 1951 Refugee Convention – a right which has been steadily eroded in the UK under successive governments. There is an urgent need to make legislative and policy changes that improve our asylum system, including: repealing other legislation (including the Nationality and Borders Act

2022, which is not repealed in the Bill as introduced) that harms people seeking asylum, erodes their right to do so, and conflicts with the UK's obligations in international law; creating safe routes targeted at reducing channel crossings; and extending the right to work for people seeking asylum. Any new legislation on asylum, including this Bill, must address these urgent reforms.

3.2 Furthermore, in response to Opposition criticism of the repeal of elements of the Illegal Migration Act during the Bill's second reading, the Home Secretary announced that changes have been introduced to the Home Office "good character" guidance. The result of these changes being that anyone who sought asylum in the UK following a "dangerous journey" will normally be deemed to have failed to meet good character requirements for applying for UK citizenship. This is an outrageous and entirely unacceptable change, which directly conflicts with the spirit of the Refugee Convention and the international asylum system and may also conflict with elements of the European Convention on Human Rights, the Equality Act 2010, the British Nationality Act 1981. It has had a devastating impact on people who are currently in the asylum system leading to increased anxiety and fear for the future, Refugee Action notes that an initial legal challenge has already been raised in relation to this guidance change and asks that parliamentarians ensure the government withdraws this change to the good character guidance immediately. As an expert by experience, Besiana from Refugee Women Connect, puts it:

"As a refugee, this means I may never truly belong anywhere. I can't get a passport from my home country, and now I'm being denied the chance to become a British citizen. Do you really believe that if I had the time and choice to find a way to come to this country legally I would have chosen the illegal way and risk my child's life going through all the terror I went through to come here and seek protection?"

Recommendations

This Bill should be revised and amended to:

- Prevent the further criminalisation and securitisation of people seeking asylum.
- Fully repeal previous legislation that conflicts with the UK's obligations to provide asylum.
- Include measures – such as new safe routes and improved access to the right to work – that secure and extend, rather than curtail, the rights of refugees and people seeking asylum in the UK. Relatedly, the government should withdraw the recent changes to the Home Office "good character" guidance on citizenship applications.

As this Bill progresses, parliamentarians should:

- Consult extensively with organisations supporting refugees and people seeking asylum, and particularly with individuals and groups who have direct lived experience of seeking asylum.

Further information and contact details

We would welcome the opportunity to further elaborate on this submission in writing or in oral evidence. For further information, please contact Ben Whitham, Senior Policy and Research Officer, at BenW@refugee-action.org.uk.

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- ⁱ Home Office (2025), 'Counter terror-style powers to strengthen ability to smash smuggling gangs' <https://www.gov.uk/government/news/counter-terror-style-powers-to-strengthen-ability-to-smash-smuggling-gangs>.
- ⁱⁱ Final Judgement, Case 202401008 B3, 202401009 B3 [2024] *R v Ibrahima Bah*. <https://www.judiciary.uk/wp-content/uploads/2024/12/Final-Judgment-202401008-R-v-Bah.pdf>.
- ⁱⁱⁱ For example: Refugee Action (2021) 'All Punishment, No Protection' <https://www.refugee-action.org.uk/all-punishment-no-protection/>.
- ^{iv} Refugee Action (2021) 'All Punishment, No Protection', p. 6.
- ^v Guardian (2025) 'Record number of children died crossing Channel last year, says UN' <https://www.theguardian.com/world/2025/feb/25/record-number-of-children-died-crossing-channel-last-year-says-un>.
- ^{vi} Refugee Action (2024) 'Asylum in the UK: A Front Line for Racial Justice'. <https://www.refugee-action.org.uk/racism/>.
- ^{vii} Refugee Action (2024) 'Asylum in the UK: A Front Line for Racial Justice', p. 11.