



Statement on UK Asylum Bill

07 March 2023

UNHCR, the UN Refugee Agency, is profoundly concerned by the asylum bill introduced by the UK Government to the House of Commons today. In its current form, the Bill compels the Home Secretary to deny access to the UK asylum system to those who arrive irregularly. Rather than being provided with protection, these asylum-seekers would instead be subject to detention in the UK, while arrangements are pursued to remove them to another country.

The legislation, if passed, would amount to an asylum ban – extinguishing the right to seek refugee protection in the United Kingdom for those who arrive irregularly, no matter how genuine and compelling their claim may be, and with no consideration of their individual circumstances.

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.

Most people fleeing war and persecution are simply unable to access the required passports and visas. There are no safe and “legal” routes available to them. Denying them access to asylum on this basis undermines the very purpose for which the Refugee Convention was established. The Convention explicitly recognises that refugees may be compelled to enter a country of asylum irregularly.

Based on the Home Office’s most recently published data, the vast majority of those arriving to the UK in small boats over the Channel would be accepted as refugees were their claims to be determined. Branding refugees as undeserving based on mode of arrival distorts these fundamental facts.

International law does not require that refugees claim asylum in the first country they reach. Returns or transfers to safe third countries may nonetheless be appropriate if certain thresholds are met – in particular, if Refugee Convention rights will be respected there, and the arrangement helps share the responsibility for refugees equitably among nations. The framework in place between EU member states is an example of such an arrangement. Currently, the UK is not part of any such agreement, and its bilateral arrangement with Rwanda fails to meet the necessary international standards. As such, asylum-seekers arriving in the UK irregularly would find themselves in limbo, unable to claim protection in line with the Convention.

UNHCR shares the UK Government's concern regarding the number of asylum-seekers resorting to dangerous journeys, not only across the Channel but also elsewhere, as in the Mediterranean. Making the asylum system work is key to tackling this challenge. Fast, fair and efficient case processing, as well as enhanced reception conditions, would accelerate the integration of those found to be refugees and facilitate the swift return of those who have no legal basis to stay. UNHCR has presented the UK Government with concrete and actionable proposals in this regard and welcomes constructive, ongoing efforts to clear the current asylum backlog. UNHCR continues to support the UK Government in strengthening its asylum system and addressing such challenges directly.

UNHCR will also continue to work with the UK Government to expand safe, regular pathways for refugees to reach the UK, including through resettlement. While critical, these remain very limited, and can never substitute for access to asylum.

UNHCR also welcomes the UK's enhanced dialogue with France and encourages efforts to enhance regional cooperation with its European neighbours to address current challenges.

We urge the Government, and all MPs and Peers, to reconsider the Bill and instead pursue more humane and practical policy solutions.