



Home Office

Rt Hon Robert Jenrick MP
Minister of State for Immigration

2 Marsham Street
London SW1P 4DF
www.gov.uk/home-office

Joanna Cherry MP
Chair
Joint Committee on Human Rights
House of Commons
London
SW1A 0AA

7 March 2023

Dear Joanna,

Illegal Migration Bill

As you will have seen, the Illegal Migration Bill was introduced in the House of Commons today, 7 March.

This country has a long and proud history of offering sanctuary to refugees from across the world through global safe and legal routes, as well as in recent years country-specific routes from Syria, Hong Kong, Afghanistan and Ukraine. But we cannot focus our support on those who need it most or effectively control our borders without tackling illegal migration facilitated by people smugglers who have no scruples about putting people's lives at risk by sending them across the Channel in a flimsy small boat or in the back of an airless lorry. We must break this lethal business model by removing the demand for their abhorrent activities. This type of illegal migration puts unsustainable pressures on our public services and local communities. The annual cost of the asylum system is the highest in over two decades at £3 billion – and it is rising.

The Nationality and Borders Act 2022 includes significant new measures to increase the fairness of our system so that we can better protect and support those in need of asylum, to deter illegal entry into the UK and to remove more easily from the UK those with no right to be here. We must continue to respond to the evolving threat. The numbers arriving on small boats in 2022 exceeded 45,700, significantly surpassing the 2021 total of 28,500.

We will only break the business model of the people smugglers and deter those seeking illegally to enter the UK by putting in place a system where it is unambiguously clear to all that anyone arriving illegally in this country will not have their asylum, human rights or modern slavery claim considered here but they will instead be promptly removed to their home country or a safe third country. The Illegal Migration Bill will do just that.

I attach a memorandum which sets out our ECHR analysis of the Bill. In preparing the Bill we have considered carefully the impact of the Bill's provisions on the human rights of asylum seekers and the Joint Committee will no doubt wish to consider this further as part of its current inquiry.

Unusually, on introduction of the Bill the Home Secretary has made a statement under section 19(1)(b) of the Human Rights Act 1998 to the effect that although I am unable to

make a statement to the effect that in my view the provisions of the Bill are compatible with the Convention rights, the Government nonetheless wishes the House to proceed with the Bill. This does not mean that the provisions in the Bill are incompatible with the Convention rights. Indeed, the Government is satisfied that the provisions of the Bill are capable of being applied compatibility with those rights.

The Government has concluded that radical solutions are required to put a stop to the small boats crossing the Channel. The approach adopted in the Bill is therefore new and ambitious but taking such an approach means that the Home Secretary is unable to make a statement under section 19(1)(a) of the 1998 Act. Both Houses will have an opportunity to thoroughly scrutinise the Bill and once approved the measures in the Bill will have been expressly endorsed by Parliament and we would expect the courts to take that into account.

I am ready to respond to any questions the Committee may have, and my officials would be ready to provide a briefing for the Committee's legal advisers.

Rt Hon Robert Jenrick MP
Minister for Immigration

A handwritten signature in dark ink, reading "Robert Jenrick". The signature is written in a cursive style with a horizontal line underneath the name.

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