



Joint Committee on Human Rights

Committee Office · House of Commons · London · SW1A 0AA

Tel 020 7219 4710 Email JCHR@parliament.uk Website www.parliament.uk



From Joanna Cherry KC MP

The Rt Hon Michael Tomlinson KC MP

Minister of State for Countering Illegal Migration

21 May 2024

Dear Michael,

Thank you for giving evidence to my Committee on 15 May. We are particularly grateful to you for your flexibility in bringing the session forward at our request. Unfortunately, there was insufficient time to put to you all the questions that had been planned for the session. We would therefore appreciate if you could answer the following questions in writing:

Safe and legal routes

1. While the UK has been generous towards people from Ukraine and Hong Kong, we have heard that only small numbers of asylum seekers from other countries can access safe and legal routes, making the existing routes unlikely to enable the UK to comply with its human rights obligations. Is the Government considering expanding safe and legal routes? If so, would routes be expanded to cover countries from where most asylum claims are successful in the UK?

International cooperation

2. What specific measures and actions are being taken by the Government to drive a coherent international response to mass displacement?

Delays

3. We have also heard about delays in asylum seekers receiving financial support, identity cards, and scheduling interviews, which could potentially leave asylum seekers in a position of destitution. What steps is the Government taking to address such delays in the asylum application process?

UK-Rwanda Partnership

4. The Safety of Rwanda Act prevents legal challenge to the conclusion that Rwanda is generally safe, including any claim based on flaws in the Rwandan asylum system or the risk of onward refoulement. Do you believe this is compatible with the UK's legal obligations, including under Article 13 ECHR, which is the right to an effective remedy? If so, why?
 - a. Circumstances might change. Why are courts not best positioned to determine the safety of Rwanda for asylum seekers on the basis of the latest developments and evidence on the ground?
5. You have [said](#) that the Safety of Rwanda Act (then Bill) would “apply in full in Northern Ireland, in the same way that it applies in the rest of the United Kingdom”. You have also [said](#) that “nothing in the Windsor framework (...) or in the withdrawal agreement affects the [then] Bill’s proper operation on a UK-wide basis”. Given the recent [decision](#)



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by the High Court in Northern Ireland concluding that parts of the Illegal Migration Act undermine the Good Friday Agreement and are incompatible with the ECHR, will the Government treat asylum seekers in Northern Ireland differently? Will the provisions of the Safety of Rwanda Act apply fully to individuals in Northern Ireland if the High Court judgment is not successfully appealed by Government?

6. The Rwandan Government told us that it could take up to 10,000 asylum seekers from the UK over the next 5 years. The Illegal Migration Act will have the effect of preventing those who have come to the UK on small boats having their asylum claims decided here, meaning those who arrive (including 8,700 between January and May of this year) are adding to the backlog of cases that is now over 200,000. Even if the Rwanda policy works as a deterrent looking forwards, what is the Government's plan for the many thousands of other asylum seekers already in the UK who Rwanda cannot take?

Accommodation

7. We have heard evidence that asylum seekers are often exposed to appalling conditions in asylum accommodation. Refugee Action told us they had "seen rat and bug infestations, damp and mould". They said that "in one instance, some of the children of a family (...) ingested rat poison that had been left out in the accommodation". What steps are the Government taking to address shortcomings in the provision of suitable accommodation to asylum seekers?
8. Does the Government plan to end its use of contingency accommodation for adults, such as hotels? If so, what steps are being taken to ensure this happens?
9. Early this year, we visited Bibby Stockholm, the barge being used to accommodate asylum seekers, with the Home Affairs Committee. We were approached by asylum seekers who told us about detrimental mental health effects caused by being accommodated on the vessel. We were told during our visit that no specialist mental health support was available at the time, but we understand this was later changed. Do asylum seekers at Bibby Stockholm currently have access to specialist mental health support? If so, how is this support provided?

Processing and Detention

10. We have heard evidence that many asylum seekers were held in short-term holding facilities beyond lawful limits, in violation of Article 5 ECHR, which is the right to liberty and security. This was particularly common for those detained in Manston in 2022. Why did this happen?
 - a. Were there any asylum seekers detained in short-term holding facilities beyond lawful limits in the past 12 months?
 - b. What steps is the Government taking to ensure that no asylum seekers are in the future unlawfully detained in such facilities?

Unaccompanied asylum-seeking children



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11. We have heard significant concerns about the placement of unaccompanied asylum-seeking children in hotels. You have told us that there are currently no more children in asylum hotels. What concrete steps have been taken to avoid resorting to hotels to house children, particularly in periods of high levels of asylum claims?
12. We have also heard extremely troubling evidence about children going missing from asylum hotels. How many unaccompanied children have gone missing from asylum hotels, and how many of those have been found?
 - a. What action is being taken to locate any remaining missing children, and to avoid asylum-seeking children going missing in the future?

Permission to work

13. Asylum seekers may apply for permission to work if they have not received an initial decision on their claim within 12 months through no fault of their own. How many asylum seekers currently qualify to apply for permission to work?
 - a. How many have applied for permission to work, and how many have been granted permission to work?
 - b. What factors are taken into account when deciding whether or not to grant an asylum seeker permission to work?
 - c. Has the Government calculated likely savings that could be made in respect of accommodation and support if asylum seekers were permitted to work?

Modern slavery and human trafficking

14. Government officials have repeatedly stated that the modern slavery system is being systematically abused by people “gaming the system”. We have not seen evidence of systematic abuse, despite repeated calls for this evidence to be made public from the former Anti-Slavery Commissioner and from the Office for National Statistics. Is there any evidence of systematic abuse of the modern slavery system?
15. It has recently been reported that in 2022, almost 2,000 children who had been identified as possible victims of trafficking fell out of the National Referral Mechanism at the point they turned 18. About half of these children were British. What steps is the government taking to ensure that potential victims of trafficking do not lose the support they need when they become adults?

We would be very grateful if you would respond to this letter by **12 June 2024**.

Yours sincerely,



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