

Written Evidence by the Migrants at Work and Migrants' Rights Network (IMB0060)

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1. Introduction

We welcome the Committee's inquiry which is timely given the widespread concerns around the Illegal Migration Bill amongst the Third Sector and rise in anti-migrant and refugee demonstrations and rhetoric. The experiences and views of those with refugee protection needs are often omitted from policy decisions impacting them. In compiling this response, we consulted people in the asylum system residing in Home Office accommodation, many of whom crossed the English Channel in small boats, about the factors that forced them to make this journey and their experiences of the asylum system in the UK. Our response also analyses the Bill's potential impact on the UK's modern slavery provisions and how this will affect victims of modern slavery.

a. Migrants' Rights Network

The Migrants' Rights Network is a UK charity that stands in solidarity with migrants in their fights for rights and justice. They use collaborative activism and legal avenues to create societal change, extending beyond the individual impact on migrants' lives, to tackle oppression at its source.

a. Migrants at Work

Migrants at Work is an organisation empowered by lived experience which exists to understand and tackle human trafficking, as a process and stand-alone prohibition, for work crimes including slavery, forced labour and servitude.

2. Safe routes and human rights

This section will address question 1 and 19 of the Committee's inquiry

It is evident there are very few routes available to people seeking safety in the UK. Current routes available to migrants are available to very select groups. These include the UK Resettlement Scheme, Community Sponsorship Scheme, Mandate Resettlement Scheme, Refugee Family Reunion, Afghan Citizens Resettlement Scheme and the Immigration Route for British Nationals Overseas¹. However, through the work of the Migrants' Rights Network and people in the asylum system residing in Home Office accommodation, it is clear these schemes are restrictive, and many 'eligible' people are refused.

¹ Nationality and Borders Bill: Factsheet Safe and Legal Routes - GOV.UK

By criminalising forced migrants arriving on small boats the UK Government constructs *de facto* unsafe passages to the UK. This leads to serious emotional and psychological harm, and deaths in the channel, all of which defy the UK's human rights obligations in Article 3 of the ECHR. Furthermore, the limited existence of these routes and specifically who they are open to, should raise questions about the concept of who is welcome. The lack of "safe and legal routes" from a wide range of areas ultimately forces people into so-called 'illegal' routes such as crossing the Channel in small boats. Arguably, the increasingly restrictive measures set out in the Government's proposed legislation has constructed the label of an "illegal immigrant" and limited options for safe passage.

Furthermore, our research in Home Office accommodation found that thirty percent of those we interviewed are willing to abandon the asylum system and go underground due to fear of deportation, if they face deportation to Rwanda or to a third 'safe country'. In addition, there is a question of what is considered a 'safe country' and for who. For example, a Ugandan gay asylum seeker deported to a 'safe country' like Ghana, now faces risk of persecution because of the anti-LGBTQIA laws that have recently passed². Additionally, Albania has been constructed as a prime example of a safe country in order to seemingly justify the Government's deportation policies. However, are numerous human rights issues in the country including for LGBTQ+ people, journalists and women and girls, along with violations of the right to privacy and freedom of expression³.

3. Removal to country of origin or third country

This section will address question 3 of the Committee's inquiry

The UK has an obligation under the UN Refugee Convention to give people a fair hearing, regardless of how they arrive in the country. Without a 'fair hearing', many people in the asylum system face being returned to their country of origin to endure further human rights abuses, which will be intensified because they fled their country in the first place. There are little to no provisions on redressing any deportations where an individual experiences further persecution and human rights abuses if returned to their country of origin or to a third 'safe country'.

Additionally, the Government must take into account its human rights obligations under the ECHR, namely Article 3, to determine whether the victims of ill-treatment should be qualified as torture victims. Unless the Government can evidence that the victims' country of origin is free from human trafficking, or the 'extradition' to a third country will not exacerbate the victim's health, it cannot, therefore, be known whether they risk treatment contrary to Article 3 in the country of origin.

If the Government has regard to the distinction embodied in Article 3 between the relevant elements and find that inhuman or degrading treatment is likely to repeat itself, the

² <https://asylumineurope.org/reports/country/united-kingdom/asylum-procedure/the-safe-country-concepts/safe-country-origin/&sa=D&source=docs&ust=1680801591035639&usg=AOvVaw1O-3jo19NRTg1cRHs7mMC0>

³ [Human rights in Albania Amnesty International](#)

Government has a negative obligation to refrain from causing further harm to the victim. Failing to do so could deprive them of dignity, which would amount to a breach of Article 3.

The fear of being deported is leaving many people in the asylum system stressed and depressed. Whether deported back to their country of origin or Rwanda, they fear revisiting the trauma they thought they had left behind.

The Migrants' Rights Network carried out research in Home Office accommodation in order to understand how the contents of the Illegal Migration Bill would impact people in the asylum system, particularly those who arrived through irregular means. Eighty percent of those we interviewed stressed that they would take the journey back to the UK if they were deported to Rwanda. Among the respondents was a victim of trafficking who has been heavily mentally scarred from the experience. He lost both his brother and sister in the journey to the UK, and sees no point in living if he is deported to Rwanda. *'There is no future in Rwanda,'* is what most of the respondents said.

Twenty percent of the respondents even said they would go back to France if they face being deported to Rwanda. They mentioned coming to the UK in search of a 'welcoming and safe country', but would risk giving their lives to smugglers again to leave. Although France was deemed unwelcoming by the respondents due to language barriers and other factors, some are willing to return due to fear of going to Rwanda.

4. Modern slavery

This section will answer question 12 and 13 of the Committee's inquiry

The Bill is likely to cause enormous harm to people who are victims of modern slavery and trafficking. The Bill contrasts with various modern slavery provisions for those who enter or arrive in the UK irregularly in accordance with the four conditions set out in clause 2. In addition, it will effectively punish people who arrive through so-called 'illegal' routes, creating two groups of modern slavery victims. Removing potential victims of trafficking and slavery from the UK is inhumane because they are in need of support and protection, and ultimately removes the State's responsibility to tackle slavery and safeguard victims.

In addition, the Bill will increase cases of domestic slavery and prevent victims from coming forward whilst giving perpetrators more ways to exploit people. The removal of potential victims of slavery or trafficking, as currently allowed under the Modern Slavery Act 2015 and equivalent provisions in Scotland and Northern Ireland, is not compatible with the UK's obligations under Article 4 ECHR and Europe Convention on Action against Trafficking. The Bill will create a statutory position of vulnerability and will lead to an increase in the number of trafficking and slavery cases involving people who have come to the UK to seek asylum. Thirty percent of those we interviewed during this discussion are willing to abandon the asylum system and go underground due to fear of deportation.

The High Court ruled that discretionary leave to remain should be granted to recognised modern slavery victims seeking asylum based on the fear of being re-trafficked upon return to

their home countries. The purpose of granting leave for the person concerned is to recover from and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities. However, contrary to what the Home Office believes, it is not only to put the perpetrators on trial. Moreover, the influence of the traffickers does stop because leave has been granted or because the victims are no longer within their immediate reach.

Treatment is considered to be “degrading” when it humiliates or debases an individual, showing a lack of respect for, or diminishing, his or her human dignity, or arouses feelings of fear, anguish or inferiority capable of breaking an individual’s moral and physical resistance. By revoking the victims’ leave, the government is punishing the victim, and not the perpetrator(s). A punishment does not lose its degrading character just because it is believed to be, or actually is, an effective deterrent, and it is never permissible to have recourse to punishments which are contrary to Article 3, whatever their deterrent effect may be.

The Government must acknowledge the *raison d’être* of the Council of Europe Convention on Action against Trafficking in Human Beings. This aims to prevent and combat trafficking in human beings and to protect the human rights of the victims of trafficking. It sets out a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution.

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