

The Illegal Migration Bill is “the Refugee Ban Bill” and why we must fight back

On 7 March, Home Secretary Suella Braverman introduced the Illegal Migration Bill in the UK Parliament. We oppose the Bill in its entirety. This proposed law removes the right to seek asylum for people arriving in UK ‘irregularly’, instead rendering them permanently inadmissible to any protection status. This affects nearly all seeking asylum, as there are no ‘regular’ or safe routes to access the UK’s asylum system. The Bill also ends legal recognition for trafficking survivors, if arriving ‘irregularly’.

The UN Refugee Agency said the bill is effectively an “[asylum ban](#).” We agree. That is why we call it “the Refugee Ban Bill”. The Nationality and Borders Act 2022 criminalised irregular arrival to seek asylum - this Bill goes even further and extinguishes the right to even apply for asylum in the UK and have that claim considered. We should remember this is all meted out to refugees fleeing war, torture, and violence.

Through the Bill, the UK Government abandon not only their responsibilities under international law for refugee and anti-trafficking protection, but they also abandon people to be exploited and exposed to life-threatening harm; this time by smugglers and organised crime groups. That abandonment betrays the profound origins of these rights, from the [international community's resolve](#) for a human rights system, in direct response to the Holocaust perpetrated before and during the Second World War.

The human consequences of this Bill are devastating. It means a family fleeing the Taliban in Afghanistan, or a woman fleeing violence from the Iranian regime and sexually exploited as she fled, or a man escaping forced labour in Eritrea – none of them would be able to claim asylum or seek protection as a survivor of trafficking. This proposed law slams the door on vulnerable people, including survivors of oppressive regimes and organised crime.

The Bill replaces asylum and trafficking protections with a duty on the Home Secretary to seek the removal of all arriving ‘irregularly’, irrespective of their circumstances, protection needs or exploitation suffered. This “duty to remove” is the rotten core of the Bill, trumping all other considerations. There can never be a “[face behind the case](#)”. Women, men, and children are consigned to a limbo of forcible removal, detention, destitution, and re-exploitation.

This “duty to remove” regime operates via both reduced Home Office accountability for how and where it uses its power to detain people, and sharp increases in the detained population, including mandatory 28day initial detention with no possibility of bail in that period. This detention regime is to include children. The Bill also removes the court’s authority to challenge or overrule the decision to detain. Detention may be

where the Home Secretary deems appropriate, including- but not only- in a detention centre or a short-term holding facility such as the [Manston processing centre](#).

The Bill also gives the Home Secretary jurisdiction over the care of unaccompanied children. That is despite [222 lone children recently going missing from Home Office "hotels"](#). The Home Secretary will decide whether the Home Office or a local authority are the corporate parent. This is deeply inappropriate. Care responsibility must remain with child protection professionals working and accountable to Scots child law.

The Bill, in extinguishing recognition as a trafficking survivor if they arrived 'irregularly', may well be unlawful in human rights anti-trafficking law. That risk should underscore Scottish Ministers' response to this Bill to protect the Human Trafficking and Exploitation (Scotland) Act 2015. The Bill is explicit in seeking to cut off Scottish devolved competence on survivor rights in the 2015 Act as well as prevent a future Scottish trafficking survivor identification and decisions system. This Bill is about protecting traffickers and punishing survivors, including in Scotland.

What we must do now in Scotland – together – to stop this Refugee Ban Bill

In short, this Bill is out of step with everything we stand for in Scotland. It offends our values and sense of fairness. It must be scrapped. It is an assault on the principle that all people deserve equal protection under the law and contrary to our belief in a system built on dignity, respect for the rule of law, fairness, and compassion.

We call on the Scottish Government, and all MSPs in the Scottish Parliament:

- To oppose this Bill in its entirety, and to make that opposition clear in communication with the UK Government and the UK Parliament;
- To bring a motion for debate to (a) withhold legislative consent for the Bill, (b) reject the Bill as a whole, and (c) outline a plan to protect refugees and trafficking survivors;
- To take all possible legal steps to ensure that Scotland complies with its obligations to protect victims of trafficking in Scotland, including legislation and litigation;
- To take all possible steps to ensure that lone migrant children are not detained in Scotland, are cared for in accordance with Scots child law, with full access to their independent guardianship service entitlement and other related rights; and
- To reaffirm our commitments in Scotland to the universality of human rights, including compliance with the Refugee Convention and the European Convention on Human Rights, as well as concluding the incorporation of the



UN Convention on the Rights of the Child and introduction of a new Scottish Human Rights Bill.

We ask all MPs, in particular those representing Scottish constituencies:

- To oppose this Bill in its entirety, to seek to remove as many of its provisions as is possible and to work collaboratively across party lines to do this.

We ask people and organisations across Scotland:

- To publicly reject this Refugee Ban Bill, in its entirety, and ask others to do the same;
- To write to your MSP and [your MP](#) asking them to oppose the Bill in Parliament.
- Join [Together With Refugees](#) and help campaign for a compassionate asylum alternative.

We do not need new laws to prevent people from taking dangerous journeys, we simply need a government that starts doing its job, by providing safe, dignified, and legal routes.

We, the undersigned, will not stand for this Refugee Ban Bill to be passed in our names.

Emma Hutton, CEO, JustRight Scotland

Sabir Zazai, CEO, Scottish Refugee Council

Maggie Brunjes, Chief Executive, Homeless Network Scotland

Mhairi Snowden, Director, Human Rights Consortium Scotland

Cathy McCulloch, Co-Director, Children's Parliament

Mark Kelvin, Chief Executive, LGBT Health and Wellbeing

Anna Ritchie Allan, Executive Director, Close the Gap



Dr. Marsha Scott, CEO, Scottish Women's Aid
Joy M Gillespie, CEO, SOHTIS
Marguerite Hunter Blair, CEO, Play Scotland
Alison Phipps, UNESCO Chair University of Glasgow
Professor Gareth Morgan, Chair of Trustees, The Paristamen Charity
Dania Thomas, Director, Ubuntu Women Shelter
Aaliya Seyal CEO, Legal Services Agency Ltd.
Angela Ireland, Director, MILK Cafe Glasgow
Dave Black, General Manager, GREC
Asma Abdalla, CEO, Empower Women for Change
Morag Fulton, Human Rights Lead - Board Member, Welfare Scotland
Daniel Tsz Kin Kwok, Director, Hong Kong Scots CIC
Satwat Rehman, CEO, One Parent Families Scotland
Maggie Lennon, Director, Bridges Programmes
Alison Jardine, Chief Executive, Fife International Forum
Liz Murray, Head of Scottish campaigns, Global Justice Now
Clare MacGillivray, Director, Making Rights Real
Traci Kirkland, Head of Charity, Govan Community Project
Alan Gray, Chair, Forth Valley Migrant Support Network
Savan Qadir, Project Manager, Refugees for Justice
Dr Mhairi Crawford, Chief Exec, LGBT Youth Scotland
Alison Watson, Director, Shelter Scotland
Jess McQuail, Director, Just Fair
Lynn Williams, Glasgow Council for the Voluntary Sector
Jocelyn Dellar, National Coordinator, Women for Independence
Olivia Ndoti, Founder, Women Integration Network
Bronagh Andrew, Operations Manager, The TARA Service
Sandy Greene, CEO, ScrapAntics CIC



Maree Aldam, CEO. Amma Birth Companions

Colin Lee, Chief Executive, CEMVO Scotland

Dr Jude Turbyne, CEO, Children in Scotland

Lydia Burnett, Operations Manager, Massive Outpouring of Love

Caroline O'Connor, CEO, Migrant Help

Virginia Radcliffe, Artistic Director/CEO, Licketyspit Theatre & Play Company

Kate Polson, CEO, Rock Trust

Pinar Aksu, Human Rights and Advocacy Coordinator, Maryhill Integration Network

Louise Hunter, CEO, Who Cares? Scotland

Susan Bains, Project Co-ordinator NRPf: Tackling and Preventing Destitution, No Recourse North-East Partnership

Chris Dickson, Integration Development Officer, North Glasgow Integration Network

Agnes Tolmie, Chair, Scottish Women's Convention

Juliet Harris, Director, Together (Scottish Alliance for Children's Rights)

Sandy Brindley, Chief Executive, Rape Crisis Scotland

Nazek Ramadan, Director, Migrant Voice

Dr Hazel McFarlane, Senior Sensory Hub Officer, the ALLIANCE

Eman Hani, Chief Executive Officer, Central Scotland Regional Equality Council

Robina Qureshi, CEO, Positive action in housing

Annika Joy, Programme Director, Simon Community Scotland

JustCitizens

Hannah Sutherland, Committee chairperson, The Highlands Support Refugees

Joy Andrew, Development Manager, Restore Glasgow

Sonya Sceats, CEO, Freedom from Torture

Davy Thompson, Campaign Director, White Ribbon Scotland

Benjamin Napier, CEO, Citizens Advice Edinburgh

Claire Cooke, Project Worker, Women's Support Project (Rights & Choices)

Johannes Gonani, Operations Manager, Pachedu

Pat Rafferty, Scottish Secretary, Unite the Union



Roz Foyer, General Secretary, STUC

Catriona Phillips, Communications Manager, Clan Childlaw

Peter Kelly, Director, Poverty Alliance

SallyAnn Kelly, CEO, Aberlour

Dr Sarah Stewart, Volunteer and Partnership Manager, Friends of Scottish Settlers

Aneel Singh Bhopal, Deputy Director, West of Scotland Regional Equality Council

Parveen Ishaq, Manager, Edinburgh & Lothians Regional Equality Council

John Collings, Convenor of URC National Synod of Scotland Church & Society Committee

Nadia Almaini, Community Capacity Development Coordinator, The Welcoming Association

Sophie Reid MSYP, Chair, Scottish Youth Parliament

Robert Rae & Helen Trew, Co-Directors, Art27 CIC

Rev Gary Smith, Minister, Crown Terrace Baptist Church, Aberdeen

Michael Hutchinson, Clerk, Quakers in Scotland

Ako Zada, Chair, Community Infosource

The VOICES Network

Brian Linn, General Secretary, Aegis the Union

Catherine Murphy, Executive Director, Engender

Jonathan Senker, Chief Executive, VoiceAbility

Dr Patrick Roach, General Secretary, NASUWT

Tracy Gilbert, Regional Secretary, USDAW Scotland

Yvonne Stewart, National Officer, Society of Radiographers (Scotland)

Kate Alexander, Director, Scottish Detainee Visitors

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Jonathan Rimmer, Branch Secretary, NUJ Glasgow

Anne Burns, Volunteer Teacher, ESOL Project

Jude Currie Chair, Scottish Association of Social Work



Mike Arnott, Secretary, Dundee Trades Union Council

Liz Malcolm, President Elect, Soroptimist International Edinburgh

Andrea Bradley, General Secretary, Educational Institute of Scotland

Lena Wånggren, President, & Mary Senior, Scotland Official, University and College Union Scotland

Naomi McAuliffe, Scotland Programme Director, Amnesty International

Chris Birt, Associate Director for Scotland, Joseph Rowntree Foundation

Katy Mathieson, Co-Ordinator, Scottish Women's Rights Centre

Becky Duncan, CEO, Open Aye CIC

Susan Morrison, Partnership Officer, ACVO TSI

Michael Lynch, General Secretary, RMT