

Draft motion for the European Greens 37th Extraordinary EGP Congress in Vienna June 2023

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The Motion

The UK government has presented the Illegal Immigration Bill¹ to parliament which will:

- automatically dismiss any asylum claims by people who arrive by irregular methods and not directly from their country of origin, and remove them with no right of appeal,
- restrict courts, including the ECHR, from stopping removals,
- allow for indefinite detention,
- and remove safeguards for children.

UNHCR has said that this Bill 'would amount to an asylum ban' as it would extinguish 'the right to seek refugee protection in the United Kingdom for those who arrive irregularly, no matter how compelling their claim may be'².

In response the UK Government has called for reform of the ECHR, with some government ministers threatening to leave the ECHR treaty altogether.

We demand that the UK Government

- *fulfils its international obligations under the Refugee convention,*
- *respects the rule of law,*
- *and treats people seeking asylum fairly and humanely.*

¹ <https://bills.parliament.uk/bills/3429>

² <https://www.unhcr.org/uk/uk-asylum-and-policy>

The Illegal Immigration Bill - A breakdown of the key clauses

- Clauses 2 and 4 allow the Home Secretary to automatically declare inadmissible claims by people who entered the UK:
 - by irregular means,
 - after 7th March 2023,
 - not directly from a country in which their life and liberty was threatened for a Refugee Convention,
 - And who do not already have leave to remain in the UK.

People who meet this criteria will never have their claim considered in the UK and there is no right of appeal. Children are not exempt from this rule.

This clause makes no exemptions for victims of slavery or trafficking. Article 4 ECHR and ECAT both prohibit slavery and trafficking and place positive obligations on the UK to protect victims of trafficking and to prevent their exploitation. Article 4 ECHR is not a right from which the UK can derogate in times of emergency.

- Clause 5 allows the Home Secretary to send people to a “safe third country” but those listed are not all safe for LGBTQI+ people and no consideration has been given to their human rights.
- Clause 10 allows for the detention of persons, including children and pregnant women, indefinitely without the requirement that their removal be imminent, breaching Article 5 ECHR.
- Clause 11 restricts the courts from challenging the detention of a person
- Clause 12 restricts the courts from granting bail for the first 28 days or to review the lawfulness of the detention.
- Clause 13 removes safeguard in place to protect children when removed or detained.
- Clause 14 is an attack on privacy, giving immigration officers wide powers to search persons, seize and access mobile phones, and search other property such as vehicles.
- Clauses 15-18 remove further safeguards for children relating to their accommodation and duty of care.
- Clauses 21-28 remove almost all protections for victims of modern slavery and trafficking who are targeted for removal.
- Clause 52 prevents a court from granting an interim remedy that prevents or delays, or that has the effect of preventing or delaying, the removal of the person from the United Kingdom in pursuance of the decision
- Clause 53 allows for interim measures of the ECHR to be ignored unless a Minister decides that they do apply to particular case
- Clause 55 disallows appeals on age assessments

In context

The latest figures we have from The Migration Observatory at the University of Oxford³ suggest that the United Kingdom does not have any special circumstances that would require this legislation to be enforced.

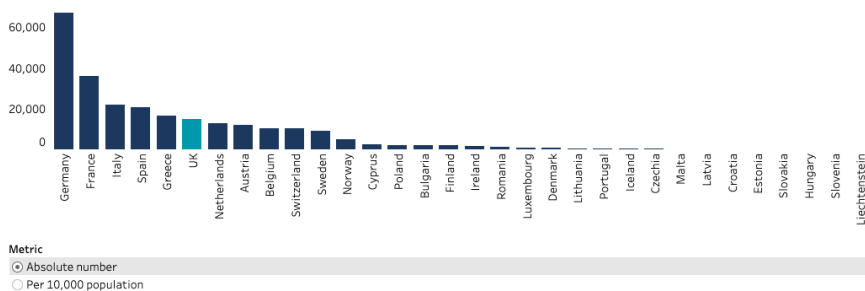
Instead, the United Kingdom is only 5th in the list of EU+ countries with the absolute number of refugees taken.

Total people given protection: the UK and the EU+

Per year, 2008 to 2021; absolute numbers and per 10,000 population; includes both people granted asylum from in-country applications (at initial decision) *and* resettled refugees

Select year:

2021



Metric

- ☒ Absolute number
☐ Per 10,000 population

Source: Migration Observatory analysis of Eurostat, 'First instance decisions on applications by citizenship, age and sex (migr_asycfstst)' (grants); and 'Resettled persons by age, sex and citizenship (migr_asysresa)'. Date of data retrieval: 17 August 2022. Population estimates are from Eurostat, demo_pjan, as at 1 January in each year. Note: People granted asylum comprises all people receiving a positive grant, which includes a grant of refugee status, authorisation to stay for humanitarian reasons, or any other kind of permission to stay. These are grants at initial decision, and therefore exclude the outcomes of successful appeals, which increase the overall grant rate.



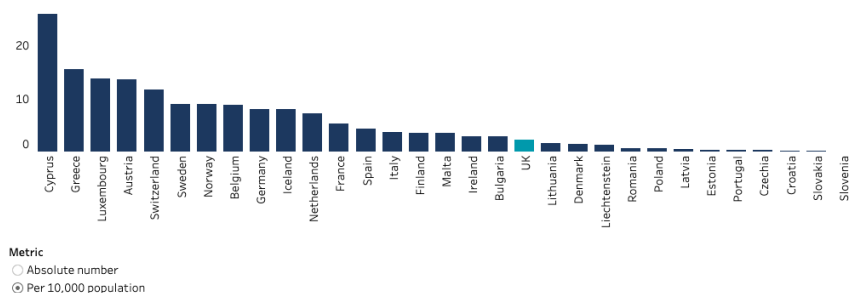
And 19th in list of number of refugees taken per relative to population size.

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These figures are before the invasion of Ukraine. According to the latest figures from UNHCR⁴ the United Kingdom has 205k Ukrainian refugees recorded in the country, compared to 520k in the Czech Republic, 1.6m in Poland, 1.1m in Germany.

³ <https://migrationobservatory.ox.ac.uk/resources/briefings/migration-to-the-uk-asylum/>

⁴ <https://data2.unhcr.org/en/situations/ukraine>