

Illegal Migration Bill – Briefing on safe routes, Clause 51

24th March 2023

Outline of the key provisions within the bill

The Illegal Migration Bill seeks to make asylum applications for people who arrive irregularly into the UK **permanently inadmissible**, including those made by both accompanied and separated children.¹ Any claim that is declared inadmissible cannot subsequently be considered within the UK's asylum process.²

Clause 51 of the Bill will require the Home Secretary to set an **annual cap** on the number of people who can arrive through safe routes. There's no minimum number and even if the cap is relatively high, there is no obligation for the government to then facilitate that number of people arriving.

The Government have stated that they will only introduce new safe routes once the Bill has been enacted and they have 'stopped the boats'. However, Refugee Council believes that new routes are vital now both to reduce the instances of dangerous crossings and to provide protection for people fleeing war and persecution regardless of where they are from.

- **Need for more safe and legal routes**

Forced migration patterns are complex, however, we know that most refugees have to embark on dangerous journeys in order to seek safety. Refugees might not have documents, or they irregularly cross the borders as such, they are often unable to enter the UK through regular means, e.g., apply for a visa.³

In 2022, 83% of people who crossed the channel came from just seven countries.⁴ **During the same period, only 1,185 people from those same countries were resettled through a safe route, working in collaboration with the UNHCR, to the UK.** The majority of those people were resettled from Syria, with only 19 and 10 people resettled from Eritrea and Iran, respectively.

The safe routes available to refugees from other parts of the world are extremely limited, and fewer people are currently accessing them compared to before the Covid-19 pandemic. **Refugee resettlement provided in collaboration with the UNHCR is currently 75% lower than the pre-Covid level in 2019, and refugee family reunion visas⁵ are 40% down on their pre-covid level as this table shows.** There is a strong argument for increasing safe

¹ Clause 4(2) <https://publications.parliament.uk/pa/bills/cbill/58-03/0262/220262.pdf>

² Clause 4(3) *Ibid.*

³ In contrast, we saw a bespoke system being set up for refugees from Ukraine who could arrive to the UK through regular pathways. There were no Ukrainian nationals crossing the Channel in 2022 and entering the UK clandestinely.

⁴ And 48% were from just five countries; Afghanistan, Iran, Syria, Eritrea and Sudan – with grant rates of over 80%.

<https://www.refugeecouncil.org.uk/information/refugee-asylum-facts/top-10-facts-about-refugees-and-people-seeking-asylum/>

⁵ Adults with refugee status in the UK can apply to sponsor their close family members to join them. These family members are limited to

routes to the UK for people whose lives are at risk, however, the bill does nothing to increase them.

Safe Route	Resettlement arrivals / family reunion visas issued 2019	Resettlement arrivals / family reunion visas issued in 2022	Change	% change
Resettlement	5,612	1,185	-4,427	-75%
Family Reunion	7,456	4,473	-2,983	-40%

Table 1 – Arrivals through safe routes in 2019 and 2022

Key principles on safe routes

- The right to protection from persecution, discrimination and violence is a cornerstone of our international and domestic laws, including the 1951 Refugee Convention. **We are deeply concerned that provisions in the Bill will significantly undermine these principles.**
- **The Bill does not define what constitutes a safe and legal route, this will be left to secondary legislation, and it does nothing to create new protection pathways to the UK.** The UK currently operates limited resettlement and family reunion pathways alongside three bespoke visa schemes for Hong Kong, Afghan and Ukrainian nationals who are not awarded refugee status and the protections it entails.⁶ The Bill misses an opportunity for the UK to curb the number of irregular arrivals by creating more routes to safety.
- Specifically, the Bill should make it easier for families separated by war and violence to reunite by expanding existing schemes, **including by letting separated refugee children be joined by their closest family members.**
- The Bill could also provide for other safe routes, such as a **pilot refugee visas** for people seeking asylum to enable people to travel safely to the UK to have their asylum claims processed.
- The bill could create a **national framework for refugee support and integration** so that the UK is well-prepared to accept some of the world's refugees and people seeking asylum and can give people hope for a better future, once they are here.
- Importantly, the bill could strengthen our commitment to collaborate with partners internationally to make it safer for people to seek protection across the continent and to further crack down on people smugglers.

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spouses/partners and dependent children under the age of 18. There is no fee to apply for a visa, although people need to attend a Visa Applicant Centre to submit their application and, if their application is successful, pay for their travel to the UK.

⁶ Other than Pathway 2 ACRS Afghan refugees