

The Human Impact of the Illegal Migration Act and the Rwanda Plan

November 2023

The Illegal Migration Act, which became law on 20 July 2023, alongside the Government's Rwanda Plan, officially known as the Migration and Economic Development Partnership, fundamentally changes the way the UK's asylum system operates. If implemented fully it will prevent most people seeking asylum from being able to seek protection here. The legislation sets out that people will be detained and sent to a so called 'third safe country'. Despite the Supreme Court ruling that Rwanda is not a safe country for people seeking asylum, the Government is pushing ahead with plans to ensure people are sent there and intends to bring forward emergency legislation.

Previous [research from the Refugee Council](#) has highlighted the potential overall impact the legislation and Rwanda Plan will have, including how it:

- will leave hundreds of thousands of men, women and children in perpetual limbo,
- will result in tens of thousands of children being locked up in detention centres, and
- will cost billions of pounds.

All the while failing to achieve the Government's stated aims of 'stopping the boats'.

This report adds to that research by looking at the human impact behind those numbers. It is the first report looking specifically at how people who seek asylum will be personally impacted, and how behaviours are already changing even before the key provisions of the Act are implemented.

The report sets out the findings of research commissioned by the Refugee Council to assess the implications of the Illegal Migration Act and the Rwanda Plan for people seeking asylum. It was conducted between June and August 2023 and comprised:

- An online survey of 40 key organisations in the sector;
- Six online discussion groups with representatives of organisations across the refugee sector, including legal practitioners;
- Semi-structured interviews with key representatives from the voluntary and statutory sector including local government.

The research finds that the Illegal Migration Act and the Rwanda Plan will have a negative impact on the lives of very vulnerable people:

- People will take more dangerous journeys to reach the UK, rather than being deterred from travelling.

- There will be a greater fear of, and less incentive to engage with, statutory services.
- People will be less likely to seek the support of charitable organisations.
- People will be driven “underground” placing them at risk of harm and exploitation.
- Children who come to the UK alone seeking asylum will be at risk of going missing in the months leading up to their eighteenth birthday, the point when the duty to remove will apply to them.

The full research report is available on the [Refugee Council website \[PDF\]](#).

Background to the Illegal Migration Act and the Rwanda Plan

The key provisions of the Illegal Migration Act aim to prevent anyone who arrives in the UK irregularly from being able to gain permission to stay in the UK and to actively seek to remove them from the country. This includes people who are refugees. It places a duty on the Home Secretary to remove anyone who arrives in the UK after 20 July 2023 without permission and who didn't travel directly from the country they were fleeing. This includes, but is not limited to, those arriving by small boat across the Channel. There is an exemption to this duty for unaccompanied children, but only until they turn 18.

The Act also requires the Home Secretary to automatically and permanently deem any asylum or human rights claim made by someone covered by the duty to remove as inadmissible – i.e. it will never be considered within the UK's asylum process. This is the case no matter how strong the claim may be.

The Act compels the Home Secretary to seek to remove people either to their own country or, if that is not safe to do, to a “safe third country”. The Act gives the Home Secretary expanded powers to detain people, including children and families, to enable this.

The ability to implement the Act is dependent on the Rwanda Plan because it is intended to be a safe third country where people subject to the duty to remove can be sent. On 15 November, the plan was found to be unlawful by the Supreme Court on the grounds that Rwanda is not a safe country. The Supreme Court highlighted many failings of the existing Rwandan asylum system and concluded that people sent to Rwanda under the Plan would be at risk of being sent back to their country, a practice known as ‘refoulement’.

Responding to the judgment, the Prime Minister announced that the Government would turn the Rwanda Plan into a treaty, which would include a commitment by the Rwandan Government that nobody would be forcibly removed from Rwanda, even if their asylum application in Rwanda was refused. He also said this would be accompanied by “emergency legislation” to state that Parliament considers Rwanda to be a safe country.

Both are likely to be subject to in-depth parliamentary debate and future litigation. As a result, in reality there is no prospect of any flights to Rwanda in the foreseeable future. This will mean the key provisions of the Act are unworkable.

The Impact of the Act on people not yet in the UK

“We anticipate that some people seeking asylum may continue to come to the UK but may either try to avoid the authorities altogether, or after arrival seek to evade or lose touch with the authorities”.

Despite being designed to deter people from trying to get to the UK, the research found the Act is more likely to result in people taking journeys that are even more dangerous. Organisations who work with people currently in Northern France described that *“People are saying they will not stop coming: it’s better to die trying”*.

Currently nearly everyone who arrives in the UK does so having been intercepted by the UK coastguard, the Royal National Lifeboat Institution or the UK Border Force, with those in the boats actively contacting those agencies to be rescued. The Act is likely to change that behaviour so that people do not seek that assistance. Instead, they will try to complete the journey to the UK in small, overcrowded boats that are unseaworthy and dangerous. This will also mean that people are far less likely to encounter the UK authorities on arrival.

“The risk is that small boats won’t want to be detected. They’ll try to avoid Dover. They’ll end up on random beaches and get off and run away, which from a humanitarian perspective is pretty awful.”

The Impact of the Act on people in the UK

The government’s reforms will have a major impact on the decisions people take once they are in the UK. Critically, this includes their ability to access vital services and meet their essential needs. Organisations reported that they are already seeing people who are in the UK change their behaviour even before the Act is implemented, including in response to the Rwanda scheme.

This includes people going “underground” and retreating both from statutory services, including those provided by local authorities, as well as voluntary organisations. One charity reported that they had lost nearly half of their clients:

“A lot of people are going under the radar (we have gone from 70 clients down to 40). I fear that people are falling away from certain services fearing they might be rounded up and sent to Rwanda.”

If people know their asylum claim is going to be processed, even if there might be a delay in that happening, there is a clear incentive for them to stay in contact with the Home Office and access other services. The Illegal Migration Act breaks that link by making the vast majority of asylum claims automatically inadmissible, removing that incentive.

“What is someone’s incentive to stay known to the authorities - known to the Home Office – when, in theory, you’re being told, the only thing that will happen to you while you’re here is we will put you on a plane at some point to send you somewhere else? So what is anybody’s incentive to stay in the system, even if they’re being offered a hotel bed, some kind of accommodation not to just disappear? Which has a massive, especially if you’re talking about minors - a massive safeguarding risk.”

Voluntary organisations said that new arrivals to the UK often aren't clear on the differences between charities and governmental organisations. The fear of detention and removal is likely to make it even harder for organisations providing support to reach people.

“New arrivals often can't distinguish between charities, government and the policy. (My organisation) think people will stop trying to access their services.”

“Although we make it clear that we are not Home Office, as we interpret and explain Home Office policy, people are wary.”

Expert organisations believe this will only increase, rather than remove, the power and control of traffickers and those seeking to exploit vulnerable people. If people seeking asylum do not feel safe accessing Home Office or other services, and have no way of regularising their status in the UK, they will be at serious risk of exploitation. And once people are in those situations it will strengthen the hold of those coercing and exploiting them:

“Our worry is that people will simply be too frightened to come forward for help and, for example, for survivors of trafficking and modern slavery they might feel forced to remain with traffickers rather than come forward for help if this will result in detention and removal.”

Unable to work or access welfare support, organisations fear people will have to turn to other options to survive:

“clients already get offered “work” providing sexual services or cultivating drugs. While they may not take up those offers now, they may agree in the future”.

The research found a consensus that as a consequence of this, and the perpetual limbo the Act will leave people in, there will be a severe negative impact on the mental health of people seeking asylum. Organisations are already reporting the impact that the Rwanda Plan is having on people, even with no flights having taken off:

“One client said he'd end his life if he was sent to Rwanda. Many experience panic and fear at the prospect of being sent to Rwanda, fear and danger, just when they are feeling safe”.

There was a clear consensus that this negative impact on people's mental health and well-being will only get worse:

“We also expect mental distress to increase and clinical symptoms and presentation to deteriorate significantly, meaning more people will experience acute episodes of mental health breakdown and require emergency psychiatric care.”

The research also found that there are specific concerns relating to children who come to the UK alone seeking asylum. While children who are in the UK without their family will not be subject to the duty to remove immediately, their asylum claim will still be inadmissible and once they turn 18 the duty applies. Local authorities and organisations working with them said they are concerned that there will be a high risk of children disappearing as their eighteenth birthday approaches.

“All the young people we see have arrived via an irregular route. In our 15-year experience we have never encountered an unaccompanied minor seeking asylum who had arrived via a so-called “legal route”. All are therefore at risk of being significantly marginalised by this bill and their access to all relevant social, financial and legal services reduced. The work we are doing, of supporting them in building resilience and working to their rehabilitation, will be made impossible.”

Conclusion

The Illegal Migration Act removes the right to asylum for the vast majority of people who come to the UK to seek safety and introduces a duty to remove them to another country. The government’s Rwanda Plan is pivotal to the implementation of the legislation as without a so called ‘third country agreement’ in place it will not be possible to remove people from the UK. Based on Home Office data, [analysis by the Refugee Council](#) shows that three quarters of people who have crossed the channel in 2023 would be expected to be granted refugee status if their asylum claims were to be processed. The Act will deny people a fair hearing and the protection they need, instead placing them at risk of detention and removal. Previous analysis has highlighted the Act is unworkable, even in a scenario where the Rwanda Plan is operationalised. This research highlights the hugely damaging impact organisations supporting refugees and people seeking asylum believe it will have on them.

The research concludes that the Act won’t deter people from coming to the UK but is instead likely to lead to increasingly dangerous journeys. It will result in people avoiding contact with statutory and non-statutory services, placing them at serious risk of trafficking and exploitation. Far from weakening those who would take advantage, coerce and exploit vulnerable people, the research finds it will only make them stronger and more powerful.

Instead of excluding more and more people from the UK’s asylum process, the UK Government should be protecting the right to asylum. At the same time the UK Government should be focusing on creating more safe routes for refugees to reach the UK, increasing international cooperation to reduce the number of people taking dangerous journeys, and running a fair and efficient asylum system.

More detail on the Refugee Council’s alternative approach is available in our report [‘Towards a National Refugee Strategy’](#) which proposes:

- **Treating people who arrive in the UK fairly and with dignity**, including giving them access to a fair and efficient asylum system.
- **An expansion of safe routes**, including the pilot of a refugee visa that allows people to safely travel to the UK for the purpose of claiming asylum.
- **A bespoke agreement between the UK and the EU**, that would include the ability for people currently in the EU to be transferred to the UK to join family members, and for people who arrive in the UK having previously made an asylum application in the EU to be returned.
- **An agreement between the Governments of the UK and France**, that allows for families to be reunited and joint work on expanding safe routes.