

Trashing Asylum: The UK's Illegal Migration Bill

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*He was standing before a lectern at Downing Street. The words on the support looked eerily similar to those used by the politicians of another country. According to UK **Prime Minister Rishi Sunak**, Stop the Boats was the way to go. It harked back to the same approach used by Australia's **Tony Abbott**, who won the 2013 election on precisely that platform.*

The UK [Illegal Migration Bill](#) is fabulously own-goaled, bankrupt and unprincipled. For one thing, it certainly is a labour of love in terms of the illegal, as the title suggests. In time, the courts may well also find fault with this ghastly bit of proposed legislation, which has already sailed through two readings in the Commons and resting in the Committee stage.

On Good Morning Britain, **Home Secretary Suella Braverman** [had to concede](#) she was running "novel arguments" about dealing with such irregular migration, not making mention of Australia's own novel experiment which did, and still continues, to besmirch and taint international refugee law.

In her [statement](#) on whether the bill would be consistent with the European Convention of Human Rights, enshrined by the UK Human Rights Act, Braverman was brazen to the point of being quixotic:

"I am unable to make a statement that, in my view, the provisions of the Illegal Migration Bill are compatible with the Convention rights, but the Government nevertheless wishes the House to proceed with the Bill."

The long title of the bill does not even bother to conceal its purposes. It makes "provision for and in connection with the removal from the United Kingdom of persons who have entered or arrived in breach of immigration control". It furnishes a detention regime, deals with unaccompanied children, makes some remarks about "victims of slavery or human trafficking" and, more to the point makes "provision about the inadmissibility of certain protection and certain human rights claims relating to immigration".

The central purpose of the bill is to destroy the very basis of seeking asylum in Britain, along

with the process that accompanies it. Much of this is inspired by the fact that the United Kingdom does not do the business of processing asylums particularly well. Glorious Britannia now receives fewer applications for asylum than Germany, France or Spain. Despite having fewer numbers, its [backlog remains heftier](#) than any of those three states.

The proposed instrument essentially declares illegal in advance any unauthorised arrival, an absurd proposition given that most asylum seekers arriving by boat will not, obviously, have the paperwork handy. (This is a nice trick borrowed from Fortress Australia.) Those seeking asylum by boat will be automatically detained for 28 days. During this time, those detained will be unable to make a legal challenge nor seek bail. After the expiration of time, a claim for bail can be made, or the Home Secretary can release them.

In truth, the authorities can refuse to process the claim, thereby deferring responsibility to some other source or agency. Dark, gloomy detention centres are promised, as are third countries such as Rwanda or a return across the English Channel back to France or another European state. Then comes the issue of return to the country of origin, a state of affairs in gross breach of the non-refoulement obligation of international refugee law. It is fantastically crude, a declaration of savage intent.

Even with these provisions, chaos is likely to ensue, given that the options are, as Ian Dunt [points out](#), essentially off the table. The Rwandan solution has so far failed to materialise, bogged down in litigation. Were there to be any sent, these would amount to a few hundred at best and hardly arrest the tide of boat arrivals. The UK has also failed to secure return agreements with other European states. The most likely scenario: a large, incarcerated, miserable population housed in a burgeoning concentration camp system, a nodding acknowledgement to Australia's own version used in the Pacific on Manus Island and Nauru.

Even some conservative voices have expressed worry about the nature of it. Former Tory PM **Theresa May** [has questioned](#) the breakneck speed with which the Bill is being debated, wondering if Sunak and company are acting in undue haste to supersede fresh and as yet untested legislation.

“I am concerned that the government have acted on Albania and the Nationality and Borders Act 2022, when neither has been in place long enough to be able to assess their impact. I do not expect government to introduce legislation to supersede legislation recently made, the impact of which is not yet known.”

Sadly, the entire issue of discussing the critical aspects of the bill were lost in the media firestorm caused by an innocuous tweet from England's football darling and veteran commentator Gary Lineker. “There is no huge influx,” [went the tweet](#). “We take far fewer refugees than other major European countries. This is just an immeasurably cruel policy directed at the most vulnerable people in language that is not dissimilar to that used by Germany in the 30s, and I'm out of order?”

According to the BBC, fast becoming a fiefdom of Tory regulation, he was. Suspension from the Match of the Day followed. Within a few days, a humiliated management had to concede defeat and accept his return to the program. Solidarity for Lineker had been vast and vocal, though much of it seemed to be focused on his shabby treatment rather than the asylum seeker issue. In terms of defeating this bill, such debates will do little to box the demons that are about to be unleashed.

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