

## **Illegal Migration Bill: Briefing for House of Lords, June 2023**

### **At a glance**

As described by the UN Refugee Agency, **this Bill extinguishes the right to seek refugee protection.**

This Bill will result in a cohort of people living in Northern Ireland who have no prospect of ever being granted permission to stay. It will have devastating consequences for individuals seeking protection and for their families. The Bill will also have adverse implications on communities and wider society in Northern Ireland.

The Bill treads on devolved competencies, encroaching on devolved powers especially in relation to the care of unaccompanied asylum seeker children and victims of survivors of modern slavery. Further, the Bill is likely to:

- Breach the UK's international obligations under the Refugee Convention, the European Convention on Human Rights, Convention against Trafficking, UN Convention on the Rights of the Child as well as the Belfast/Good Friday Agreement and the Windsor Framework;
- Undermine a number of strategic priorities for the Northern Ireland Executive including the Modern Slavery Strategy for Northern Ireland, Together: Building United Communities, the Racial Equality Strategy and the forthcoming Refugee Integration Strategy;
- Bypass Northern Ireland's regulatory and accountability structures that safeguard children;
- Result in an unwelcome expansion of the detention estate in Northern Ireland;
- Impact on the operation of the land border;
- Lead to rise in destitution and exploitation;
- Place impossible demands on community and voluntary sector support services that are already struggling to meet needs;
- Undermine established principles of the rule of law, including the right of access to a court.

**We ask parliamentarians to reject this Bill in its entirety and call for safe and legal routes for people seeking sanctuary in the UK.**

## Introduction and context

1. Since the Immigration Act 1971, subsequent pieces of immigration legislation, including the Nationality and Borders Act 2022, have brought in a raft of immigration offences and enforcement powers that affect asylum seekers. It is already extremely difficult to claim asylum in the UK without committing an offence. Most people fleeing war and persecution are simply unable to obtain the passports and visas necessary for lawful travel. The Law Centre has decades of experience of representing asylum seekers and our assessment is that the vast majority of the people we have assisted with their asylum claims - many of who have since obtained settlement and/or naturalised as British citizens and play active roles within society - would have been caught by the provisions of this Bill. This illustrates the extraordinary reach of this Bill.
2. The devolved governments in Wales and Scotland have outlined their opposition to the Bill and are actively seeking measures to ensure that their powers are respected through legislative consent motions.<sup>1</sup> Cross-party parliamentarians, the Children's Commissioner for England, religious leaders, UNHCR, the International Organisation for Migration, the UN Special Rapporteur on Contemporary Forms of Slavery, the former Independent Anti-Slavery Commissioner, UK medical representatives and hundreds of civil society organisations have condemned the Bill for the ways it will block swathes of people from ever being able to access protection, support, and justice.<sup>2</sup> This briefing concentrates on the potential adverse implications for Northern Ireland.

## Key provisions

3. This Bill constitutes a bar on claiming asylum and denies protection to victims of modern slavery and human trafficking. Overall, this Bill will **create a large and permanent population of people who are inadmissible and whose immigration status is never likely to change.**
4. This Bill **encroaches on devolved powers.** It contains two enabling powers whereby the UK Government will be able to **amend, disapply, repeal or revoke statutory provisions that currently rest with the devolved governments.**<sup>3</sup> This primarily applies to supporting victims and survivors of modern slavery and to the care of unaccompanied asylum seeker children as discussed below.
5. The Bill creates significant **new powers of detention** while also **stripping away appeal rights that afford independent scrutiny and judicial oversight.**

6. **Clause 1** specifies the Bill's purpose of preventing illegal migration. It will do this by creating a new framework whereby anyone who arrives in the UK via irregular means will be *permanently blocked* from entering the asylum system; this is known as being "inadmissible" and will apply on a permanent basis. In other words, this is 'indefinite limbo': people in this category who fear war/persecution and who cannot return home will never be afforded lawful status. The UN Refugee Agency has characterised the Bill as extinguishing the right to seek refugee protection.<sup>4</sup> The bar on entering the asylum system applies "no matter how genuine and compelling the claim may be, and with no consideration of their individual circumstances". **Clause 2** specifies that persons who are deemed to be inadmissible are subject to removal. **Clause 10** provides for indefinite detention pending their removal.

### How many people may be affected by the Bill?

7. This Bill is predicated on the Government's assertion that it is able to remove inadmissible asylum seekers to safe third countries. At present, however, the Government has not identified a country that is both safe and willing to receive people seeking asylum in the UK. Removing asylum seekers to EU countries is not possible under the Brexit withdrawal agreement. To date the only third country removal agreement currently in place - the Migration and Economic Development Partnership with the Rwandan Government - has been beset with legal and practical challenges meaning that not a single person has been removed there.<sup>5</sup>
8. Notwithstanding the new duties on the SSHD to detain and remove persons who are deemed to be inadmissible, the number of people experiencing 'indefinite limbo' will increase each year. The Refugee Council has sought to quantify the number of people affected by this Bill. Working with an assumption that the UK *does* return 30,000 people each year, the Refugee Council estimates that across the UK and within three years, there will be 161,147 – 192,670 people who are inadmissible and yet not removed.<sup>6</sup> We do not have data with equivalent projections for Northern Ireland although we know that Northern Ireland hosts 2.7% of the UK's asylum population.<sup>7</sup> Further, there are already people who arrived in Northern Ireland post 7 March 2023 who will be impacted by this Bill; again data is not available.

### Support for victims and survivors of human trafficking

9. Northern Ireland leads the way in the UK on legislative protections for victims and survivors of modern slavery and human trafficking. This Bill would

undermine these protections and tie the hands of the Department of Justice, preventing it from fulfilling its legal obligations and from acting in compliance with its Modern Slavery and Human Trafficking Strategy, which prioritises a right-based safeguarding approach to victim support.<sup>8</sup>

10. Northern Ireland is the **only jurisdiction in UK and Ireland that provides a statutory entitlement to Independent Guardianship to all separated children.**<sup>9</sup> Northern Ireland also provides the most substantial recovery period for persons exiting situations of exploitation.<sup>10</sup> In 2022, the Northern Ireland Assembly voted to extend protections for victims following a positive trafficking determination.<sup>11</sup> The Law Centre worked closely with Northern Ireland's trafficking support organisations – namely Flourish, Migrant Help and Women's Aid – to bring about these changes that have helped shape the victim-focussed trafficking policy in Northern Ireland.
11. This Bill removes almost *all* protections for victims and survivors of modern slavery. The inadmissibility provisions that impact asylum seekers will apply equally to victims of trafficking. This means that any **victim of trafficking who arrived through irregular means will be subject to detention and removal.** The nature of human trafficking means that almost all victims arrive 'clandestinely'. Only a very narrow exemption exists.<sup>12</sup> The risk is that victims and survivors will face a cruel choice: approach the authorities and seek help but be removed from the UK or stay with your trafficker and let the exploitation continue. Law Centre's experience is that victims who avail of specialist support are much more likely to engage with law enforcement which can lead to the perpetrators being apprehended and prosecuted. We are concerned that this Bill strengthens the hand of traffickers over their victims.<sup>13</sup>
12. **Clause 24** of this Bill makes provision for the disapplication of specified modern slavery protections for potential victims of slavery. This means that the current duty (and associated powers) that requires the NI Department of Justice to provide support and assistance to survivors of human trafficking will be removed in all but the smallest number of cases.<sup>14</sup>
13. International human rights law places positive obligations on the UK to protect victims of trafficking and to prevent their exploitation ( the European Convention on Human Rights (ECHR) and the Convention against Trafficking (ECAT)). In short, States Parties are required to ensure the practical and effective protection of the rights of victims or potential victims of trafficking with the view to protect the victim of trafficking from further harm; and to facilitate her recovery'.<sup>15</sup> No derogation is permissible from these obligations.

## Support for unaccompanied asylum seeking minors

14. **Clause 19** extends the provisions of the Bill regarding unaccompanied migrant children to all nations in the UK. Existing protective arrangements for children will effectively be withdrawn for all children who enter the UK irregularly (whether with their parents or by themselves). The potential impact of this is that these children risk being:

- denied the right to seek refuge or protection as victims of trafficking;
- subject to immigration detention powers without any statutory time restrictions;
- removed as minors;
- denied access to British citizenship, and
- denied appeal rights concerning their protection claims.

15. Separated children in Northern Ireland are considered Looked After Children and remain the responsibility of the Department of Health as delegated to the five Health & Social Care Trusts. Children are cared for by social work teams that have developed particular expertise in the care of this cohort of children. Social workers operate within a complex legal and policy framework developed by the Northern Ireland Executive and Assembly that is tailored to the particular needs of children and practitioners in Northern Ireland. For example, social work practice is rooted in the Northern Ireland's Children Order, and social workers are regulated by the NI Social Care Council, which in turn must report annually to the Assembly.

16. Law Centre **strongly opposes the Bill's provisions that transfer the care of unaccompanied children from social workers to an agency whose primary function is immigration enforcement.** The Law Centre is also concerned that the Bill makes no reference to the role of Independent Guardian as set out in law in the Human Trafficking and Exploitation Act (Northern Ireland) 2015. Section 18 of this Act provides for Independent Guardians to be consulted on and to input in all decisions relating to any separated child. The Illegal Migration Bill fails to recognise the remit and authority of the Guardians.

17. In summary, this Bill will bypass Northern Ireland's regulatory and accountability structures that safeguard children.

## Immigration detention

18. This Bill creates many new detention powers and has implications for the detention estate in Northern Ireland.
19. **Clause 10** provides that anyone who is subject to the removal duty can be detained prior to their removal. This may include families, unaccompanied minors, pregnant women and survivors of torture and trafficking. Existing vital safeguards designed to protect pregnant women and children from harm caused by detention are disapplied by this Bill.<sup>16</sup> **Clause 12** restricts access to the courts for detainees. Appeal rights are significantly curtailed and indeed blocked for 28 days.<sup>17</sup> This new approach to detention marks a major shift in the UK's detention practice.
20. If these powers are implemented, the size of the detained population in the UK would increase substantially and estimates are that it would necessitate a five-fold expansion of the detention estate.<sup>18</sup> In NI, detention capacity consists of Larne House Short -Term Holding Facility. Run on behalf of the Home Office by the private company Tascor, Larne House can accommodate up to 19 men and women for a maximum of seven days.<sup>19</sup> In 2022, 240 people were detained at Larne House.<sup>20</sup>
21. The Law Centre **strongly opposes any expansion of immigration detention**. The experience of Law Centre's clients is that detention can cause immense suffering and harm. This is particularly the case for persons seeking asylum given the high prevalence of pre-existing vulnerabilities, including serious mental health conditions, and histories of trafficking, torture and sexual and gender-based violence.<sup>21</sup> Medical evidence strongly supports this observation.<sup>22</sup> The prevalence of self harm in immigration detention, which has "risen substantially" in recent years, is further evidence of this harm.<sup>23</sup>
22. Immigration detention also has wider adverse impacts for society. The Home Office's own evidence on refugee integration highlights the importance of contact between the refugee and host communities.<sup>24</sup> Note that the Irish Government explicitly recognised the "shortcomings" of the direct provision model, which segregates asylum seekers from the community, when it committed to ending direct provision by 2024.<sup>25</sup> Policies of exclusion risk enabling misinformation, fear and hate to take hold.<sup>26</sup> An increase in detention will clearly run counter to the Northern Ireland Racial Equality Strategy's commitment to inclusion and to the Together: Building United Communities (T:BUC) commitments to shared spaces and embracing diversity.<sup>27</sup>



### Implications of the land border

19. The UK Government does not appear to have **considered the implications of this Bill in the context of the land border**. Civil society organisations in Northern Ireland have highlighted that the new removal powers raise “severe and unforeseen consequences” for foreign nationals crossing the land border on the island of Ireland.<sup>28</sup> As presently drafted, a visa national who is resident in the Republic of Ireland who enters Northern Ireland without the correct leave or without an Electronic Travel Authorisation risks being detained indefinitely, restricted access to the courts, and potentially removed to a third country that is not the Republic of Ireland.<sup>29</sup>

### Increased risk of destitution and exploitation

19. People who are deemed ‘permanently inadmissible’ will have no right to work. As within the current system, most will be restricted to the no recourse to public funds (NRPF) and will be ineligible for social security, homelessness assistance and social housing. The Bill does make provision for people who are permanently inadmissible to apply for a type of asylum support called ‘section 4’. At present, applying for this type of support is far from straightforward and applicants often struggle to demonstrate eligibility. Based on our experience of section 4 support, the Law Centre fears that this will result in widespread destitution and homelessness. This, of course, creates the conditions where exploitation can take place.<sup>30</sup> With no access to the trafficking determination procedure and no access to asylum-related routes to settlement that would provide pathways for improving their situation, we are deeply concerned that people could remain trapped in potentially exploitative conditions.

20. The Law Centre provides immigration advice and assistance to Ukrainians who present at the Ukraine Assistance Centres in Northern Ireland. Our experience is that *despite* regularisation pathways for Ukrainian nationals, undocumented Ukrainians are often reluctant to come forward for support and can find themselves working in exploitative conditions particularly in the agri-food business. When all regularisation pathways are removed, our prescience is a proliferation of exploitation.

### Impact on support services

20. This Bill will place impossible demands and pressures on community and voluntary sector support services in Northern Ireland. In the last two years there has been a threefold increase in the number of asylum seekers arriving

in Northern Ireland.<sup>31</sup> This increase has not been matched in increased support for the sector; support organisations are already stretched and working at capacity.

21. Most asylum seekers tend to access support organisations for a finite period of time. Once people secure refugee status and move into employment and/or social security, their reliance on support organisations decreases. We anticipate an increase in demand for essential support services such as food parcels, pushchairs, winter clothing and shoes and requests for financial help.

22. In May 2023, the Law Centre briefed support organisations on the content of the Illegal Migration Bill and captured feedback on how the Bill will likely impact their work. Participants reported alarm about the Bill and support organisations spoke about the impact on their work:

- *“My organisation would be completely overwhelmed by the consequences of this new legislation.”*
- *“It will create a level of hopelessness that will affect the asylum seekers and our staff.”*
- *“I fear this will induce further criminality and exploitation within the migrant community and will antagonise racism and discrimination against migrants.”*
- *“Our capacity is stretched to breaking point.”*
- *“We do not have the infrastructure to deal with these changes”*

23. One of the support organisations voiced a concern about inadvertently committing a ‘facilitation offence’ i.e. if they were to offer support to inadmissible persons deemed to be ‘absconders.’<sup>32</sup> These are unchartered waters for Northern Ireland.

24. A system that puts thousands of people outside of the standard asylum process and existing protections will create considerable difficulties. We are concerned that the Bill removes the incentive for victims of trafficking to come forward for support and may risk others ‘disappearing’ into the community upon arrival. In that context, the question arises as to how statutory agencies will manage their obligations to service delivery. For example, how will the Education Authority deliver its statutory obligations to source school places for school age children if their parents are fearful of registering their details. How will the Health and Social Care Trusts identify and address health needs and effectively deliver health programmes?



25. The Covid-19 pandemic reminded us of the importance of linking vulnerable communities with public services. **This Bill risks placing a wedge between inadmissible persons and essential support services.**

### Impact on mental health

26. Evidence already shows that **living with insecure or no immigration status impacts on health**.<sup>33</sup> Asylum seekers are up to five times more likely to have poor mental health than the general population, with higher rates of depression, PTSD and other anxiety disorders.<sup>34</sup> There appears to be little investment in refugee health in Northern Ireland. Whereas there are specialist health services for victims of torture in Britain and the Republic of Ireland, there are no comparable services in this jurisdiction. Further, the Northern Ireland Regional Trauma Network, which aims to provide a comprehensive and specialist trauma care and has an annual budget of £3.3 million,<sup>35</sup> is not available to asylum seekers and refugees despite their documented need.
27. Current hostile environment policies exacerbate stressors caused by pre-migration experiences (such as war, persecution and violence). At present, the prospect of being granted refugee status and the hope of ultimately being reunited with family members helps to keep asylum seekers focussed on their future. **This Bill removes hope** (see the recent briefing by leading medical and humanitarian organisations on the medical consequences of this Bill).<sup>36</sup>

### Accessing public services

19. At present in Northern Ireland, evidence of asylum seeker status is an eligibility criterion to access a number of public services. For example, Northern Ireland's healthcare legislation specifies that persons who have claimed asylum are eligible to receive free healthcare;<sup>37</sup> Departmental guidance specifies that asylum seekers are eligible for free ESOL classes at Further Education;<sup>38</sup> and education policy specifies that the children of asylum seekers are eligible for Free School Meals.<sup>39</sup>
20. If this Bill is implemented, **as a first step, the eligibility criteria to these services will urgently need to be amended to ensure continued eligibility to essential support services.** Northern Ireland government departments and statutory agencies will not be able to discharge some of their statutory duties, for example, in respect of public health and education, if these laws and policies are not updated.

## Impact on integration

28. The Racial Equality Strategy 2015-25 commits to creating a better society based on the concept of cohesion and integration. International human rights standards place duties on the Executive Office to ensure effective refugee integration strategies. As is the case in Scotland and Wales, the forthcoming Executive Office Refugee Integration Strategy is anticipated to acknowledge that integration begins as soon as a person arrives in Northern Ireland.<sup>40</sup> The concept of permanent inadmissibility will **completely undermine this concept and the work of the Executive Office to date**. Rather than experience inclusion, people are likely to feel an extreme sense of marginalisation and precarity. This will impact on integration initiatives across Northern Ireland including the Schools of Sanctuary programme that seeks to foster a spirit of inclusion and is backed by the Education Authority's Intercultural Education Service and the Urban Villages Initiative.<sup>41</sup> Further, the uncertainty caused by permanent inadmissibility may make it difficult for bonds within communities to develop and thus runs counter to principles of community cohesion as outlined in Together: Building United Communities Executive Strategy.

## Devolution and legal challenges

21. The constitutional implications of the Bill have been well-documented. Specifically in relation to Northern Ireland, this Bill creates a number of legal difficulties for the Northern Ireland Executive and Assembly. The Bill will have a fundamental constitutional impact as it prevents the devolved governments from complying with international human rights obligations and with duties imposed on them by the devolution settlements.<sup>42</sup> This view is shared by human rights organisations in Northern Ireland, which conclude that the Bill will **lead to several breaches of the Belfast / Good Friday Agreement and will infringe on the commitments made by the UK Government in Article 2 of the Protocol / Windsor Framework**.<sup>43</sup>
22. The Northern Ireland Act 1998 specifies that a Minister or Northern Ireland Department has no power to make, confirm or approve any legislation that is incompatible with the European Convention on Human Rights or with Article 2(1) of the Protocol. Yet this Bill expressly risks requiring Northern Ireland Ministers to act incompatibly with international obligations under the ECHR, Refugee Convention, the UN Convention on the Rights of the Child and the Council of Europe Convention on Action against Trafficking in Human Beings.

23. Restrictions to peoples' ability to challenge their removal on human rights grounds (**Clause 4**) and provisions that curtail the right to challenge the detention processes (**Clause 10-14**), **significantly interferes with the rights of direct access to the courts and the ability to seek remedies for human rights violations**. This would appear to violate the explicit commitment of the Belfast / Good Friday Agreement of the incorporation of the ECHR achieved through the Human Right Act 1998. Accordingly, the NI Human Rights Commission has recommended that the Secretary of State provides an assessment of the compliance of the Bill with the Windsor Framework Article 2.<sup>44</sup>

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Law Centre NI June 2023

### About Law Centre NI

Law Centre NI transforms lives through law. The Law Centre has worked in immigration law since 1988. The Migration Justice Project at the Law Centre provides specialist legal services to individuals and support to advice organisations across Northern Ireland on asylum and trafficking, including to unaccompanied asylum-seeking children.

The Law Centre convenes Northern Ireland's Refugee and Asylum Forum (a network of organisations that provide support services to asylum seekers and refugees in Northern Ireland). The Law Centre is also a member of Belfast City Council's Migrant Forum, the Department of Justice's NGO Engagement Group on Human Trafficking and the Anti Trafficking Monitoring Group.

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<sup>1</sup> The Scottish government outlined an intention to lodge a legislative consent memorandum on the Bill. Available [here](#). The Welsh Government has likewise recommend that the Welsh Senedd refuse legislative consent At the time of writing, the LCM is currently before different committees for consideration which will report back to the Senedd on 19 June 2023. Available [here](#).

<sup>2</sup> See FLEX Joint Briefing, 'Illegal Migration Bill' House of Lords, Second Reading. Available [here](#); Children's Commissioner (11 April 2023), Illegal Migration Bill – Unaccompanied Children Seeking Asylum; IOM (28 March 2023), UK "Illegal Migration Bill" Exacerbates Risks for Survivors of Modern Slavery: IOM, etc.

<sup>3</sup> See UK Government Illegal Migration Bill Delegated Powers Memorandum. Available [here](#).

<sup>4</sup> UNHCR, 'Statement on UK Asylum Bill' 7 March 2023. Available [here](#).

<sup>5</sup> See FLEX Joint Briefing, 'Illegal Migration Bill' House of Lords, Second Reading. Available [here](#).

<sup>6</sup> Refugee Council, 'Illegal Migration Bill Briefing: Assessment of impact of inadmissibility, removals, detention, accommodation and safe routes'. Available [here](#).

<sup>7</sup> Northern Ireland hosts 2.7% of the UK's overall asylum seeker population: of the 112,294 people in receipt of asylum support in March 2023, 3,030 were accommodated in Northern Ireland. See Home Office statistics available [here](#).

<sup>8</sup> In the context of potential immigration enforcement, the Strategy is clear that "safeguarding is paramount and the individual will be treated first and foremost as a potential victim".

<sup>9</sup> Independent Guardianship is established in Section 21 [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(legislation.gov.uk\)](#) The Guardianship service is provided by Barnardo's.

<sup>10</sup> Victims of trafficking in Northern Ireland are entitled to a minimum of 45 days protection. See Section 18, Human Trafficking and Exploitation (NI) Act 2015. In practice, the reflection and recovery period is often extended well beyond 45 days. In contrast, the applicable period in Britain is 30 days. See Section 61 [Nationality and Borders Act 2022 \(legislation.gov.uk\)](#)

<sup>11</sup> Section 21 [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(legislation.gov.uk\)](#)

<sup>12</sup> See Clause 24(3) described below in footnote.

<sup>13</sup> See FLEX Joint Briefing, 'Illegal Migration Bill' House of Lords, Second Reading. Available [here](#).

<sup>14</sup> Clause 24(3) permits a potential victim of trafficking to be supported if the SSHD is satisfied that she is cooperating with a public authority in connection with an investigation or criminal proceedings in respect of the relevant exploitation AND the SSHD considers that it is necessary for the person to be present in the UK to provide that cooperation AND the SSHD does not consider that the public interest in the person providing that cooperation is outweighed by any significant risk of serious harm to members of the public which is posed by the person.

<sup>15</sup> European Court of Human Rights VCL and AN v UK (App. Nos. 74603/12 and 77587/12) [159]. Available [here](#).

<sup>16</sup> The Bill will remove the current 72 hour time limit (extendable up to 7 days with Ministerial authorisation) on the detention of pregnant women.

<sup>17</sup> Under the Bill, detainees will be unable to apply for immigration bail for the first 28 days of detention, nor to judicially review the lawfulness of their detention, thereby curtailing judicial scrutiny and removing effective remedies to challenge unlawful or unjustified detention.

<sup>18</sup> Refugee Council, 'Illegal Migration Bill Briefing: Assessment of impact of inadmissibility, removals, detention, accommodation and safe routes'. Available [here](#).

<sup>19</sup> Home Office can hold detainees for up to five days in a residential STHF, seven if removal directions have been set

<sup>20</sup> Home Office Immigration Detention Summary Statistics published 25 May 2023. Available [here](#).

<sup>21</sup> Marchu Girma et al, 'Detained: women asylum seekers locked up in the UK' (Women for Refugee Women, 2014).

<sup>22</sup> Verhulsdonk, I., Shahab, M., & Molendijk, M. 'Prevalence of Psychiatric Disorders Among Refugees and Migrants in Immigration Detention: Systematic Review with Meta-analysis'. *BJPsych Open* 7(6) (2021); Bosworth M. 'Appendix 5: The Mental Health Literature Survey Sub-Review. Review into the Welfare in Detention of Vulnerable Persons: A Report to the Home Office' (2016); M von Werthern, K Robjant, Z Chui et al. 'The Impact of Immigration Detention on Mental Health: A Systematic Review', *BMC Psychiatry* 18: 382 (2018); Royal College Psychiatrists 'Position statement: The Detention of people with Mental Disorders in Immigration Detention' PS02/21, (April 2021)

<sup>23</sup> HM Chief Inspector of Prisons for England and Wales, 'Annual Report 2019-20' (October 2020).

<sup>24</sup> Home Office, 'Integrating refugees: What works? What can work? What does not work? A summary of the evidence' (June 2019, second edition); Royal College Psychiatrists 'Position statement: The Detention of people with Mental Disorders in Detention' PS02/21, (April 2021)

<sup>25</sup> Government of Ireland, 'A White Paper to end Direct Provision and to establish a new international protection support service'. Available [here](#).

<sup>26</sup> Parliamentary Assembly of the Council of Europe, 'Racism, Intolerance, Hate Speech' (2021). Available [here](#).

<sup>27</sup> Office of First Minister and Deputy First Minister, 'Together: Building a United Community Strategy' (2013) paras 4.6 – 4.15

<sup>28</sup> See: Human Rights Consortium and the PILS Project, 'Illegal Migration Bill' (March 2023); CAJ, 'Illegal Migration Bill' (March 2023). Available [here](#).

<sup>29</sup> *Ibid*.

<sup>30</sup> Hannah Lewis, Peter Dwyer, Stuart Hodkinson and Louise Waite, 'Precarious lives: experiences of forced labour among refugees and asylum seekers in England, (University of Leeds, 2013).

<sup>31</sup> The number of asylum seekers in receipt of asylum support in Northern Ireland was: December 2020, 940; December 2021, 1437; December 2022, 3103. See Home Office asylum data tables. Available [here](#).

<sup>32</sup> The offence of facilitating unlawful immigration outlined in Immigration Act 1971 was significantly expanded by the Nationality and Borders Act 2022, s 41, which removed the protection for charitable organisations.

<sup>33</sup> British Red Cross, 'Can't stay. Can't go. Refused asylum seekers who cannot be returned' (2017); Peter J Aspinall, 'Hidden Needs, Identifying Key Vulnerable Groups in Data Collections: Vulnerable Migrants, Gypsies and Travellers, Homeless People, and Sex Workers' (2014) ; Maternity Action and Refugee Council, 'When maternity Doesn't matter: dispersing pregnant women seeking asylum' (2013); 'Poor health, no wealth, no home: a case study of destitution' British Red Cross, 2015; Sophie Haroon, 'The Health Care Needs of Asylum Seekers (Faculty of Public Health, Briefing Statement)', May 2008; Megan Waugh, 'The mothers in Exile project, Women Asylum Seekers' and Refugees' Experiences of Pregnancy and Childbirth in Leeds', Women's Health Matters, (2010).

<sup>34</sup> The high prevalence of poor mental health is linked to pre-migration experiences (such as war) and post-migration conditions that are exacerbated by hostile environment policies.

<sup>35</sup> See Department of Health news statement available [here](#).

<sup>36</sup> Doctors of the World et al., 'The Medical Consequences of the New 'Illegal Migration Bill' (2023), p.1. accessed 25 April 2023. Available [here](#).

<sup>37</sup> Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015. Available [here](#).

<sup>38</sup> Department of Economy, 'FE Circular 10/22 Access to ESOL classes in FE colleges' 24 August 2022. Available [here](#) Date published: 24 August 2022.

<sup>39</sup> Education Authority NI website information on Free School Meals and Uniform Grants policy. Available [here](#).

<sup>40</sup> The Scottish Government commits to supporting asylum seekers to 'rebuild their lives from the day they arrive'. Scottish Government, 'New Scots: Refugee Integration Strategy 2018-22' (2018). The Welsh Government states that integration begins from 'day one'. Welsh Government, 'Nation of Sanctuary Refugee and Asylum Seeker Plan (gov.wales)' (2019).

<sup>41</sup> Northern Ireland has 42 schools of sanctuary. See: <https://schools.cityofsanctuary.org/2020/07/06/northern-ireland-has-schools-of-sanctuary>

<sup>42</sup> Public Law Project, Bonavero Institute of Human Rights, Amnesty International, Liberty and ILPA, 'The Illegal Migration Bill: Constitutional Implications' 22 May 2023. Chapter 4

<sup>43</sup> See: Human Rights Consortium and the PILS Project, 'Illegal Migration Bill' (March 2023); CAJ, 'Illegal Migration Bill' (March 2023). Available [here](#).

<sup>4444</sup> Northern Ireland Human Rights Commission, 'Submission to Joint Committee on Human Rights Inquiry on Illegal Migration Bill' April 2023. Available [here](#).