

DANIEL KAWCZYNSKI MP



HOUSE OF COMMONS
LONDON SW1A 0AA

3 April 2023

Dear Constituent

Illegal Migration Bill

Thank you for contacting me about the Illegal Migration Bill. The volume of illegal small boat arrivals has overwhelmed our asylum system. The asylum system currently costs the British taxpayer £3 billion a year, and since 2018, some 85,000 people have illegally entered the UK by small boat. This is why stopping the boats was one of the five promises the Prime Minister made to the public in January. The new Bill will fulfil this promise and means that someone who enters this country illegally will be swiftly detained and removed back to their home country if it is safe, or to a safe third country such as Rwanda. This will help to break the business model of people-smuggling networks, and ultimately save lives.

I can assure you that as we reduce illegal migration, the Government will do more to help the most vulnerable through safe and legal routes as it has done for Syria, Afghanistan, Hong Kong and Ukraine. Since 2015, the UK has offered safety to nearly 480,000 people from all over the world. While supporting the most vulnerable, the Bill will introduce an annual cap, to be determined by Parliament, on the number of refugees the UK will accept, once illegal migration is under control. In conjunction with local authorities, this will allow the Government to take into consideration local capacity for accommodation, public services and support.

The new Bill will ensure that if someone enters the UK illegally:

- The Home Secretary will be under a new duty to remove them.
- They will be detained, with no recourse to Immigration bail or judicial review within the first 28 days. The Government can maintain detention thereafter so long as it has a reasonable prospect of removal.
- The number of appeals and challenges available to suspend removal will be radically narrowed. Only those under 18, medically unfit to fly, or at real risk of serious and irreversible harm in the safe country they are being removed to, will be able to delay their removal.
- Other human rights claims, including the right to private or family life, or other forms of Judicial Review cannot suspend their removal. They will be heard remotely, after removal.
- They will be disqualified from using Modern Slavery rules to prevent removal. If someone is identified as a potential victim of modern slavery, the Government will ensure they are safely returned home from where they were removed against their will, or to another safe country. Removal from the UK may only be deferred where a person is co-operating with law enforcement agencies in an investigation into the circumstances of their trafficking. This will mean that genuine victims are protected, while preventing people from abusing the UK's modern slavery laws to thwart their removal from the UK.
- They will face a permanent bar on lawful re-entry to the UK and a permanent bar from securing settlement in the UK or from securing British citizenship through naturalisation or registration, subject only to very narrow exceptions.

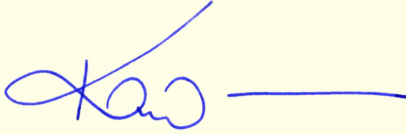
The Home Secretary has said that the Rule 39 process that enabled the Strasbourg court to at the last minute block removal flights to Rwanda last year, was deeply flawed. As such, that is why the Government has already initiated discussions with Strasbourg, to ensure that Rule 39 orders meet a basic natural justice standard, and one which will prevent the abuse of Rule 39 to thwart removals. I understand that the Bill sets out the conditions for the UK's future compliance with such orders.

The Home Secretary made a statement under Section 19 (1) (b) of the Human Rights Act 1998. I understand that this does not mean that the provisions in the Bill are incompatible within the Convention rights, only that there is a more than 50 per cent chance that they may not be. The

Government has said that it is testing the limits, but the Home Secretary remains confident that this Bill is compatible with international law. Both Houses will have an opportunity to thoroughly scrutinise the Bill and once approved the measures in the Bill will have been expressly endorsed by Parliament, and the Government expects the courts to take this into account.

This Bill will ensure that we have a safe and fair immigration system, which will continue to help the most vulnerable.

Yours sincerely



Daniel Kawczynski MP
Member of Parliament for Shrewsbury & Atcham