

Funding the Future

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I spent much of yesterday angry about the illegal, and in my opinion, fascist inspired actions of our government in promoting the Illegal Migration Bill.

I happen to think few Bills more aptly named: this one is an illegal Migration Bill because, as the Bill itself acknowledged, it may not comply with international law and the requirements of the European Convention on Human Rights. That Convention was, of course, promoted by Winston Churchill as a bulwark against the fascism that his own Tory successors are embracing.

I do recognise that there are those who know more about this than me. So, let me share this press release from the office [of the United Nations High Commission for Refugees](#) on this issue:

Statement on UK Asylum Bill

07 March 2023

UNHCR, the UN Refugee Agency, is profoundly concerned by the asylum bill introduced by the UK Government to the House of Commons today. In its current form, the Bill compels the Home Secretary to deny access to the UK asylum system to those who arrive irregularly. Rather than being provided with protection, these asylum-seekers would instead be subject to detention in the UK, while arrangements are pursued to remove them to another country.

The legislation, if passed, would amount to an asylum ban – extinguishing the right to seek refugee protection in the United Kingdom for those who arrive irregularly, no matter how genuine and compelling their claim may be, and with no consideration of their individual circumstances.

The effect of the bill (in this form) would be to deny protection to many asylum-seekers in need of safety and protection, and even deny them the opportunity to put forward their case. This would be a clear breach of the Refugee Convention and would undermine a longstanding, humanitarian tradition of which the British people are rightly proud.

Most people fleeing war and persecution are simply unable to access the required

passports and visas. There are no safe and “legal” routes available to them. Denying them access to asylum on this basis undermines the very purpose for which the Refugee Convention was established. The Convention explicitly recognises that refugees may be compelled to enter a country of asylum irregularly.

Based on the Home Office’s most recently published data, the vast majority of those arriving to the UK in small boats over the Channel would be accepted as refugees were their claims to be determined. Branding refugees as undeserving based on mode of arrival distorts these fundamental facts.

International law does not require that refugees claim asylum in the first country they reach. Returns or transfers to safe third countries may nonetheless be appropriate if certain thresholds are met – in particular, if Refugee Convention rights will be respected there, and the arrangement helps share the responsibility for refugees equitably among nations. The framework in place between EU member states is an example of such an arrangement. Currently, the UK is not part of any such agreement, and its bilateral arrangement with Rwanda fails to meet the necessary international standards. As such, asylum-seekers arriving in the UK irregularly would find themselves in limbo, unable to claim protection in line with the Convention.

UNHCR shares the UK Government’s concern regarding the number of asylum-seekers resorting to dangerous journeys, not only across the Channel but also elsewhere, as in the Mediterranean. Making the asylum system work is key to tackling this challenge. Fast, fair and efficient case processing, as well as enhanced reception conditions, would accelerate the integration of those found to be refugees and facilitate the swift return of those who have no legal basis to stay. UNHCR has presented the UK Government with concrete and actionable proposals in this regard and welcomes constructive, ongoing efforts to clear the current asylum backlog. UNHCR continues to support the UK Government in strengthening its asylum system and addressing such challenges directly.

UNHCR will also continue to work with the UK Government to expand safe, regular pathways for refugees to reach the UK, including through resettlement. While critical, these remain very limited, and can never substitute for access to asylum.

UNHCR also welcomes the UK’s enhanced dialogue with France and encourages efforts to enhance regional cooperation with its European neighbours to address current challenges.

We urge the Government, and all MPs and Peers, to reconsider the Bill and instead pursue more humane and practical policy solutions.

In summary, they are saying:

* The UK is denying the right to asylum here.
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Claiming illegality of entry as a bar to entry when claiming asylum is oxymoronic because refugees almost inevitably lack legal status.

- * No one has to apply for asylum in the first country they reach.
- * The UK government rhetoric on this whole issue is inappropriate.
- * That is most especially the case as we have no appropriate arrangements in place for transferring genuine asylum seekers to another country.
- * We will, therefore, leave genuine asylum seekers in limbo if we seek to expel them, abusing their rights as a result.
- * We are failing in our international duty.

I agree with the UNHCR. Their comments are especially appropriate when:

- * We already take very few refugees.
- * We chose to end our refugee repatriation system by doing Brexit.
- * We are not investing the money required in refugee application processing, spending money on hotels instead, meaning we are deliberately creating this so-called crisis.
- * We could end the people smuggling by opening legal routes to come to the UK, including by allowing prior application and by giving safe passage on cross channel ferries.

All this being said, reason does not work with this government. After all, they know this law may not pass. They also know that if it does it may still not get through any court. And they have acknowledged its illegality already.

None of these, however, deters them, because this law is about the promotion of hatred of 'the other' as the fascist rule book requires. That is because this is the type of fascist law Churchill said should never happen again. It is, however, doing so. Right here, right now, yesterday, we saw fascist legislation proposed in the UK parliament. And that is truly frightening.