

Human Rights Centre Clinic

Criminalisation of asylum seekers in the UK

Partner: [Citizens Essex](#)

About

Through community organising, Citizens UK enables local leaders to develop their voice and come together with the power and strategy to make real change. Citizens Essex is the local chapter of Citizens UK, with an alliance in Colchester and Chelmsford and another developing in Southend.

Project overview

This project examines diminishing rights of asylum seekers in the UK and the criminalisation of seeking asylum. It looks at the numerous policy and law changes that have taken place during from 2022-2023 which have impacted the human rights of people seeking asylum in the UK. Students working on this project may focus on the situation in Essex and the circumstances of asylum seekers in other Citizens UK Chapters in the UK. They will analyse international human rights standards and Refugee Law, as well as comparative law and practice.

Background

During 2022 and 2023 the UK has introduced a series of legal and policy changes, which have resulted in a significant negative impact on the rights of people seeking asylum in the UK. The increasingly '[hostile environment](#)' is designed to disincentivise people to seek sanctuary in the UK, '[stop the boats](#)', and remove those deemed inadmissible. According to legal experts and practitioners, new regulations are both contrary to international obligations binding in the UK and are practically impossible. There are not sufficient safe and legal routes for refugees and asylum seekers to reach the UK.

Some of these policy changes are a response to the increasing number of asylum seekers being accommodated in hotels. People seeking asylum used to be accommodated in the community while their applications were heard. At the beginning of the Covid-19 pandemic in March 2020, the UK government used the empty hotels to accommodate people in the asylum process. A temporary measure has now become the norm with thousands currently in hotels. Even refugees coming through UK-sponsored schemes (eg Ukraine, Afghanistan) are accommodated in hotels but with different contractual obligations

and funding. Many who were airlifted from Kabul in August 2021 are still resident in hotels. There are many complaints and concerns about the impact this type of accommodation has on the well-being of the residents.

Citizens UK has worked hard to welcome asylum seekers and refugees to the UK. Using community organising methods, they have ceased the detention of child asylum seekers; launched community sponsorship schemes; launched the Communities for Ukraine scheme; won a fee waiver for children's citizenship applications and reunited child refugees with family in the UK through the launch of the Safe Passage initiative. Citizens Essex members and others from other Citizens UK chapters across the country have heard concerns from residents in hotels and some alliances have taken action to improve food or access to support.

The focus of this research is to investigate the policy and law changes that have come into force during 2022-2023 and their implications on the human rights of those seeking asylum in the UK. This includes in particular the assessment of the Nationality and Borders Act 2022 and the Illegal Migration Act 2023 and their compatibility with international human rights law and refugee law binding on the UK.

In addition, this research could investigate the contracts, sub-contracts, and tendering processes by which companies have won contracts to accommodate asylum seekers in hotels, reception centres and barges. Research can reveal the obligations that are in these contracts and how these obligations relate to the human rights of the asylum seekers accommodated by the companies. Research could include a power analysis to find out who is making money and benefiting from the suspected neglect of human rights.

The purpose of this research is to reveal the impact of these policies on diminishing human rights of asylum seekers and refugees and to highlight those areas of policy and law that could be challenged through a legal action and/or community organising process.

Project Output

The HRC Clinic project's findings will be presented in a 10,000-12,000-word report, which will be submitted to Citizens Essex upon completion in June 2024, and one blog post (in May, 1,000 words) with the summary findings.

The research will draw on a combination of desk research and interviews. Some experts will be available for consultation and interview. The research might include FOI requests and compare how the extent to which human rights guaranteed in international law are protected in practise in other comparative contexts. It could include the analysis of case law..

The research will inform Citizens Essex's analysis of the situation on the ground in Essex and inform the wider Citizen's UK work on migrant justice. It will be shared across the Citizens UK alliances and will inform local and national action.

Timeline

Phase 1: November – December 2023:

- Preliminary research, understanding the project and developing research/report outline.
- Identifying a list of experts for interviews
- Securing ethical approval, if necessary.
- Outline and bibliography to be submitted to the partner organisation for comments.

Phase 2: January – March 2024

- Carrying out the interviews online.
- Research and data gathering.
- Report writing.
- Submission of the first full draft to the partner.

Phase 3: April – June 2024

- Revision and finalising the report based on input from partners.
- Presentation of project to the partner.
- Blog post: Summary findings, questions, and reflections.

Initial reading

- Jovanovic, Marija, [*Analysis of the Illegal Migration Bill for the Modern Slavery and Human Rights Policy and Evidence Centre*](#) (2023).
- Gillett, Matthew and Garahan, Sabina, [*Submission to Joint Committee on Human Rights on the Illegal Migration Bill*](#) (2023).
- ECRE, [*Legal Note 14: The right to accommodation under the Temporary Protection Directive*](#) (2023).
- Irish High Court, [*S.Y. v. The Minister for Children and Ors.*](#) (21/04/2023)
- [*Home Office Asylum Decision \(grant of status/refusal\) – Right to Remain*](#)

- [The truth about asylum - Refugee Council](#) "When you get status the struggle doesn't end': what it's like to be a new refugee in the UK" — <https://theconversation.com/when-you-get-status-the-struggle-doesnt-end-what-its-like-to-be-a-new-refugee-in-the-uk-212134>
- [Refugee Council response to quarterly immigration statistics - Refugee Council](#)
- [UNHCR Analysis of the Legality and Appropriateness of the Transfer of Asylum Seekers under the UK-Rwanda arrangement | UNHCR UK](#)
- [The Inadmissibility Rules – Right to Remain](#)
- [28 Days: The Impact of the 'Move On' Period for Refugee Mental Health | Oxford Law Blogs](#)
- [Widespread human rights failings must be addressed in Illegal Migration Bill, Human Rights Committee finds - Committees \(June 2023\).](#)
- [JCHR consultation on the rights of asylum seekers \(December 2022\)](#)
- [The-Illegal-Migration-Bill-Constitutional-Implications.pdf \(libertyhumanrights.org.uk\)](#)
- [Asylum: What Are 'Safe and Legal' Routes? - Richmond Chambers \(immigrationbarrister.co.uk\)](#)
- [What are the 'safe and legal routes' the government says refugees must take to Britain? | The Independent](#)
- [Nationality and Borders Act | The Law Society](#)
- [UK Illegal Migration Bill: UN Refugee Agency and UN Human Rights Office warn of profound impact on human rights and international refugee protection system | UNHCR](#)
- [Nationality and Borders Act compared to Illegal Migration Bill: factsheet - GOV.UK \(www.gov.uk\)](#)
- [Use of camps and military bases e.g. Wethersfield, Essex: Priti Patel accuses government of being 'secretive' plans over to house asylum seekers on RAF Wethersfield military base | The Independent](#)

Focal Point

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