

Illegal Migration Bill

Potential Impact on Forced Migrant Survivors of Sexual and Gender-based Violence (SGBV)



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EXECUTIVE SUMMARY

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- **Based on over 25 years of research on refugees and asylum seeking**, researchers at University of Birmingham have grave concerns about the impact of the proposed Illegal Migration Bill on forced migrant survivors of SGBV, many of whom already face unconscionable risk of further harm due to eroded protections and chaotic conditions in the British asylum system.
 - By effectively ending the right to claim asylum in Britain and undoing years of progress in offering protection to victims of trafficking, **this Bill will cause untold suffering to survivors of SGBV**, predominantly women and children, who have a legitimate case for protection under British and international law.
 - The Bill appears to fly in the face of the Government's previous expressed desire to protect survivors of SGBV by proposing measures that will not only fail to protect the most vulnerable from harm but also create a system that **will make further abuse more likely**.
- for help. Many are made vulnerable to further harm due to reliance on spouses or other abusers who exploit their insecure status to exert control and abuse with impunity. The British asylum system and Modern Slavery protections, while not perfect, can provide a lifeline to survivors looking to escape harm. By taking away the rights of survivors to enter the NRM or claim asylum, they will be forced further underground and into the hands of criminals and traffickers.

Background

Between 2018- 2022 the SEREDA project analysed the experiences of 89 forced migrant survivors of SGBV and 47 service providers across England, Scotland and Wales. The research found that incidents of SGBV can occur at multiple points of survivors' journeys to Britain, including in Britain itself. These include rape, transactional sex, intimate partner violence, honour-based abuse and sex trafficking. Often, Britain is not forced migrants' original intended destination but the last stop on a long and brutal journey taken in the desperate hope of finding a safe haven.

The Illegal Migration Bill will increase vulnerability and risk of exploitation

SEREDA research found that forced migrant survivors of SGBV with insecure immigration status face increased risk of exploitation and enslavement in Britain due to poverty, fear of immigration exposure, isolation and lack of protections in Britain. Many survivors arrive in Britain with no idea of their rights and entitlements or where to turn to

The Illegal Migration Bill fails to protect those who have nowhere else to go

For many respondents to our research, Britain is the end of the line on a long journey to safety during which survivors have faced multiple incidents of SGBV. A country viewed by policymakers as 'safe' is not necessarily safe to those who have endured harm and exploitation while in flight. For example, a woman who has been sex trafficked to France will not necessarily feel safe to remain in France and seek asylum there. If she is able to escape exploitation she will look to put as much distance as she can between herself and perpetrators. Language ability, social, familial or community connections will all play a part in her chances of keeping herself safe from further exploitation.

The Illegal Migration Bill unfairly punishes survivors who have unknowingly come to Britain

Our research found that many respondents in Britain did not intend to come here or thought they were traveling to another country, such as Canada. Many were forcibly brought to Britain by smugglers or traffickers and arrived with no knowledge of the British asylum system or their rights and entitlements. Some were trafficked into sex work or slavery and subsequently escaped. Many of our respondents did not speak English and some reported low literacy in their home language. The likelihood of Government messages on changes to asylum policies getting through to those entering the country are low, as has been seen with the Nationality and Borders Act/ Rwanda Policy.

As a result, legitimate and vulnerable refugees will be denied the right to seek asylum and risk being sent back to unsafe countries of origin where they may be re-trafficked and/or subject to honour-based violence.

The Illegal Migration Bill will not break the trafficking model

Our research found that survivors are unlikely to report crimes of SGBV or trafficking without legal protections or safe reporting mechanisms that protect them from immigration exposure. This Bill further erodes survivors' access to legal mechanisms and makes safe reporting even less likely. This situation feeds directly into the business models of traffickers. Traffickers will continue to operate with impunity and genuine refugees will continue to suffer.

The Illegal Migration Bill will cause further harm to vulnerable survivors

There is extensive evidence that detaining victims of torture, including SGBV, exacerbates psychological disorders. University of Birmingham research also showed that vulnerable asylum seekers living in institutional accommodation struggled to access even basic medical care and were denied access to life-preserving medication. Further, where women are placed in mixed gender housing, they experience very high levels of harassment. Women in detention and institutional housing are also subject to harassment by border guards etc. Detaining vulnerable women at all is harmful but the potentially indefinite detention proposed will result in high levels of stress and increased suicidality.

The easiest way to mitigate against further harm to survivors is to vote against this Bill

If there is any interest in protecting vulnerable women and children who have survived SGBV from further harm, we recommend unequivocally that this Bill does not proceed. The impact of this Bill will be devastating for those who have experienced SGBV. Failing that, we would recommend amendments that offer the following protections for survivors;

- Require that the Bill complies with obligations under the 1951 Refugee Convention and the European Convention on Human Rights
- A commitment to housing survivors in appropriate accommodation that is gender and trauma-sensitive (for example women only staff in women only facilities) and that no survivor is detained for any period
- Ensuring survivors have access to the NRM and the

right to claim asylum

- Ensure survivors who have experienced SGBV in their home countries are not removed to those countries where there is any potential risk of further harm
- Require that any changes to Modern Slavery protections are not made without consultation with the new Anti-Slavery Commissioner

How to fix the broken asylum system to better support forced migrant survivors

SEREDA made a number of recommendations to protect forced migrant survivors of SGBV and restore the humanitarian spirit of the 1951 Refugee Convention to which Britain is a signatory. The present system is inhumane, expensive and chaotic and only serves to deepen the trauma of forced migrant survivors while doing nothing to break the model of traffickers. The proposals in this Bill are another step in the wrong direction, creating more cost, more trauma and flouting international law.

To better protect SGBV survivors within the existing system we suggest the Government:

1. Create safe and legal routes for survivors of SGBV preventing them from having to resort to unsafe journeys
2. Invest in training a high quality workforce of asylum case workers including trauma and gender sensitivities to ensure evidence can be taken safely and efficiently
3. Create a firewall or system of secure reporting to ensure victims of trafficking are able to report crimes without fear of persecution
4. Allow asylum seekers the right to work to reduce vulnerability to exploitation and the cost of asylum support
5. Invest in early integration programmes for survivors to support their recovery and reduce their vulnerability to further abuse

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For more information, to discuss amendments or any other aspect of this briefing please contact Pip McKnight on p.mcknight@bham.ac.uk

Full report and briefings available at: [Sexual and gender based violence in the refugee crisis: from displacement to arrival \(SEREDA\) - University of Birmingham](#)