



Empty Chairs: Accountability in the UK's Immigration System

Views and experiences of asylum seekers in Northern Ireland

Briefing on the Illegal Migration Bill for the House of Lords on its 2nd Reading, 10th May 2023



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About Us

[Participation and the Practice of Rights \(PPR\)](#) is a human rights NGO founded in 2006. PPR organises with a growing network of communities across the island of Ireland and the UK, supporting people to use human rights as tools to fight for economic, social and environmental changes that improve their lives.

PPR has been organising alongside asylum seekers since 2016 in a number of campaigns to improve housing, challenge enforced destitution and campaign against the employment ban. Our ‘Kind Economy’ campaign emerged in the spring of 2022, highlighting both asylum seekers' [voices](#) and the [local solidarity](#) offered to counterbalance the UK Home Office's hostile environment policies. Today, one year on, this has grown to a [network](#) of 89 NI businesses and civil society groups.

[Anaka Women's Collective](#) are a group of women who use our collective skills to educate, support, advocate and celebrate each other. We are based in Belfast and are led predominantly by women with direct experience of the UK’s hostile immigration system. We support a network of over 150 women and families with 20 different nationalities.

As grassroots human rights organisations, we wish to draw the attention of peers to the human rights impacts of the existing immigration system to assist understanding as to the potential impacts of the Illegal Migration Bill’s provisions on families, unaccompanied minors and all people seeking safety through international protection.

General Concerns

Our briefing to the Lords on the Illegal Migration Bill (IMB/the Bill) echoes the concerns of many of our sister organisations in Northern Ireland and the UK more widely, on the legal and policy impacts of the Bill. **We echo the sentiments of colleagues across civil society that the lack of scrutiny of the Bill within the House of Commons must be met with detailed and careful scrutiny by peers in the House of Lords.**

The Bill is highly punitive, and proposes that almost everyone who arrives in the UK to seek asylum will be detained, and then removed from the UK without any consideration of whether they have a genuine claim for asylum. They may, like many Ukrainians, be fleeing war, like many people in Hong Kong, be fleeing political persecution, or like many Afghani people, be fleeing the repression of the Taliban who have recently banned women from attending school or working. However, under this Bill none of the reasons for which they may genuinely qualify for asylum in the UK will ever be considered.

The provisions of the Bill effectively nullify the asylum system in the UK. This is despite the UK's proud history of offering sanctuary to people fleeing the Holocaust, the Russian invasion of Ukraine, and acting as a member of the international community. The UK is part of a rules-based international order and cannot turn its back on the obligations we agreed to under the European Convention on Human Rights, the Refugee Convention, and the Convention on the Rights of the Child. Yet, this is exactly what the Bill will do. The UN Refugee Agency has confirmed that the Bill is '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.'¹

In recent days, many of our activists have been deeply affected by the violence in Sudan, with families left behind in conflict areas. And yet this Bill would bar any of these individuals from ever achieving refugee status in the UK if they arrived 'irregularly.' As the UN Refugee Agency has confirmed, contrary to assertions by Minister for Immigration Robert Jenrick, "there is **no mechanism** through which refugees can approach UNHCR with the intention of seeking asylum in the U.K", they would have little choice but to do so.²

In fact the provisions of the Bill are likely to cause significant, legal, practical and infrastructural problems, which have not been well thought through. For example, the UK Government only has one existing agreement with a third country for a small number of asylum seekers (Rwanda), and will likely need to set up large scale detention facilities to house people until they can be removed, from which access to legal representation and a court within the 8 day timescale the Bill provides will be nigh on impossible. In fact, the Refugee Council estimates that 'in the first three years of the legislation coming into effect, between 161,147 and 192,670 people will have had their asylum claims deemed inadmissible but not have been removed. They will be unable to have their asylum claims processed, unable to work and will be reliant on Home Office support and accommodation

¹ UN Refugee Agency, [Statement on UK Asylum Bill | UNHCR UK](#), published 7 March 2023

² UN Refugee Agency, <https://www.unhcr.org/uk/news/statement-asylum-processing-and-resettlement-unhcr>, published 26 April 2023.

indefinitely. In total, between £8.7bn and £9.6bn will have been spent on detaining and accommodating people impacted by the bill in the first three years of its operation.³

The Bill represents an attack on the rule of law, removing the oversight of the UK courts on the decisions of immigration officers, preventing people seeking asylum from accessing legal advice and information, removing rights of appeal and nullifying Modern Slavery and Human Trafficking provisions, as well as local schemes set up to support victims of these. It makes inadmissible fundamental legal protections designed to shield people from the overreach of the state. The Home Secretary herself has been unable to confirm that the Bill is compatible with fundamental international human rights law; this is a standard requirement for all legislation passed by the UK Parliament and is an essential one in the devolved nations. In short it is an attack on the rule of law itself.

During the Bill's passage through the House of Commons, our colleagues in the Human Rights Consortium Northern Ireland, Public Interest Litigation Support project and Committee on the Administration of Justice have flagged multiple concerns about the impact of the Bill on the [land border on the island of Ireland](#),⁴ the [impact of setting aside the application of the ECHR for specific groups both per se and with respect to the Belfast/Good Friday Agreement and on Article 2 of the Windsor Agreement](#).⁵

We commend the work of Focus on Labour Exploitation and ILPA to produce a thorough and comprehensive analysis of the Bill, available here:

[Illegal Migration Bill – Joint civil society briefing for the House of Lords second reading – FLEX \(labourexploration.org\)](#)

The experiences of asylum seekers in Northern Ireland

As in other areas of the UK, newly arriving asylum seekers in Northern Ireland have ceased to be housed in ordinary housing while their claim is being assessed, and are instead placed in hotel accommodation for long periods of time, despite the recommendations of the Chief Inspector of Borders and Immigration that the practice should cease, citing concerns around safeguarding capability, food provision, and suitability of the accommodation for long-term stays.⁶ The contract for provision of accommodation was awarded by the UK Home Office to the Mears Group and in NI was estimated to be worth £113m. In recent months, Mears has reported profits increasing by 38%, acknowledging that “the most

³ [Refugee-Council-Asylum-Bill-impact-assessment.pdf \(refugeecouncil.org.uk\)](#)

⁴ CAJ, [Briefing Note - The Illegal Migration Bill, Impacts on the land border \(updated version\) - Committee on the Administration of Justice \(caj.org.uk\)](#), published May 4th 2023.

⁵ Human Rights Consortium NI and PILS, [Illegal Migration Bill - Joint Briefing - Human Rights Consortium](#), published March 2023

⁶ Independent Chief Inspector of Borders and Immigration, [An inspection of contingency asylum accommodation \(publishing.service.gov.uk\)](#), published May 2022, paras. 7.73, 9.6, 9.32 (see 7.28-7.35 for Northern Ireland-specific information).

significant contracts for the Group are those under which we provide accommodation and support for asylum seekers in the north-east of England, Scotland, and Northern Ireland.”⁷

In June 2021, according to a UK Home Office Freedom of Information response, there were 14 asylum seekers living in these settings; by December 2021 this had risen to 809 and by April 2022, at the time of the campaign's [introductory blog series](#), to 1,067. According to the most recent [published Home Office statistics](#) (tables Asy_D09 and D11), at the end December 2022 there were 3,103 asylum seekers and dependents in Northern Ireland; the Home Office informed PPR by FOI response that of these, 1,170 were living in 'contingency accommodation' across 22 NI hotels. In late 2021 and early 2022 PPR and Anaka organisers began working with people placed in such contingency asylum accommodation.

Current rights breaches in contingency accommodation

In response to concerns raised by people living in contingency hotels, PPR and Anaka supported residents to develop a programme of human rights monitoring, with the aim of holding public bodies and duty bearers accountable and driving change. To this end, 150+ people took part in biweekly meetings to identify the issues they were facing, situate them in a human rights framework, gather evidence, and, most importantly, formulate proposed solutions.



⁷ Mears PLC, Preliminary Results for year ended 31 December 2022, available at [viewDoc \(publicnow.com\)](#)

Residents organised a meeting with duty bearers and regulatory bodies in October 2022 to present their evidence and concerns. This was attended by representatives from the NI Departments of Education, Health and Infrastructure and the Executive Office, as well as elected officials from Belfast City Council and the NI Assembly. The Chief NI Human Rights and Equality Commissioners were also both present, as were representatives of the NI Children and Young People's Commissioner and the NI Public Service Ombudsman. At the meeting, hotel residents [explained](#) the main issues they were confronting and proposed recommendations for change in respect of breaches of their rights to [health and food](#), [poverty](#), [education](#) (2 [reports](#)), [treatment with dignity](#), structural obstacles to [effective remedy](#) and the right to [adequate housing](#). More detail can be found at the links above, but specific examples of these rights issues include:

- **overcrowding;**
- **unsuitable accommodation** that aggravates existing health and mobility needs;
- **deterioration in health** due, amongst other factors, to the lack of culturally appropriate and adequate food;
- few or no facilities or spaces for children to play;
- **poverty;**
- the impact of long periods in a hotel room with limited living space and no purpose on mental health;
- the absence of [education or any other opportunities](#) particularly for **students 16 years old and above**, with serious implications for their mental and physical health;
- **poor treatment** by some staff as well as failures to provide the materials and services included in the Home Office contracts, exacerbated by the **lack of any effective oversight** of Mears and Migrant Help; and
- **structural blockages to effective remedy** for breaches of rights under the Home Office's 'dual contract' system.

Complaints and Access to Effective Remedies

Under current practice, Mears is responsible for the provision and quality of accommodation but all complaints related to it must be directed to Migrant Help; a deterrent in itself since this is also the organisation which is also responsible for handling advice and eligibility matters around people's asylum claims. The complaints system is long and complex; the 'issue reporting' part of [schedule 2 \(Statement of Requirements\)](#) from Migrant Help's Advice, Issue Reporting and Eligibility Support contract with the Home Office is 13 pages long, with a further 3 pages of flow charts in Annex D.

To overcome these challenges, PPR and Anaka have supported residents to submit more than 50 complaints about their experiences directly to the Home Office, Mears Group, Migrant Help and the NI Executive Office. PPR also sent these to statutory oversight bodies (NI Public Services Ombudsman, NI Commissioner for Children and Young People, NI

Human Rights Commission, Equality Commission NI) and to strategic litigation bodies such as the Children's Law Centre and South Tyrone Empowerment Project.

Accounts have included **families of five and six people being housed in a single, windowless hotel room; disabled people being placed in rooms that are only accessible by stairs; wheelchair-bound people being placed in rooms that are too small for the wheelchair to enter**, requiring the person to be lifted about the room and into the bathroom by family members; **children regularly going hungry at night due to early closing time of the dining rooms after the evening meal**, coupled with the failure to provide milk or snacks; **people on medication for serious conditions being physically prevented from taking food into their rooms** to take with their overnight or early morning round of pills to prevent stomach upset, as per medical advice; **lifts being reserved for staff only, despite the presence of elderly, pregnant and disabled residents**; and **outbreaks of skin ailments due to hotel management's failure to fix broken washing machines or provide alternatives for people to keep their clothes clean.**



All of the evidence collected by hotel residents shows that asylum seekers are already experiencing significant and long-standing impacts on their rights under the existing hostile environment policy and use of contingency accommodation.

The current IMB proposals to detain and deport individuals rely on agreements with safe third countries who are willing to accept asylum seekers. While we disagree with this approach on principle as a breach of international refugee and human rights law, we note that it is also problematic in practice given that there is only one agreement in place for a small number of people. The net result of this will be to create long stay detention facilities in sub-standard accommodation without judicial oversight. **The human rights impacts which we have set out above in relation to hotel contingency accommodation will be enormously exacerbated.**

PPR and Anaka urge peers to consider the potential human rights impacts of the Illegal Migration Bill's proposals, which will detain people, including unaccompanied minors, in sub-standard accommodation over long-periods of time without effective judicial oversight.

The Illegal Migration Bill effectively removes any kind of oversight of the actions of the UK Home Office, UK Visa and Immigration Agency and Home Office contractors, as well as limiting protections and access to justice for asylum seekers in law. **This is extremely worrying in light of the existing context, in which securing any kind of accountability for rights issues is challenging.** For example, significantly, the Home Office, Mears and Migrant Help have refused to engage with the concerns of human rights monitors in hotels, failing to attend either of the meetings to which they were invited. Recently, in response to hearing of the response of Mears and Migrant Help to the case of a specific family living in hotels, the Health and Parliamentary Ombudsman, Rob Behrens, stated:

“What I am hearing is an absolute disgrace. I'm so ashamed you are having to deal with this.”

Casework and unannounced site visits to hostels by locally elected representatives has played an important role in improving some conditions; and some departments in NI have responded commendably, looking for ways to increase access to services. But underlying structural blockages remain, and new and deeply concerning issues have emerged -- most importantly, **failures in information sharing** by the Home Office and Mears that have left local health and education authorities unaware of who exactly is being placed in their areas, when and where, which they said restricts their ability to safeguard children and meet people's needs.

Detention facilities in Northern Ireland

The Bill places a duty on the Secretary of State to remove anyone who has entered the UK irregularly and enables detention of those individuals for the purpose of doing so. PPR and Anaka note that as it stands the only detention facility available in Northern Ireland is Larne House, which has a limited capacity, resulting in most people detained there being moved on to Scotland or England within a 7 day period. **It is not clear how plans to detain people under s10 of the Bill will be carried out in practice in Northern Ireland.** In addition, the need to move detained asylum seekers from Northern Ireland to GB presents significant procedural difficulties to those individuals, since it will further reduce the already very limited time (8 days according to s41 and s42) provided by the Bill for asylum seekers both to access a lawyer and lodge a so called 'suspensive claim' against their removal before the relevant court.

Conclusion

The level of public concern -- both on the part of officials, amongst ordinary citizens and in civil society -- about the situation that asylum seekers are facing in Northern Ireland has been abundantly clear from the first public event in April 2022 through to today. Elected representatives and authorities from a range of departments and agencies have uniformly expressed their support for people's right to seek international protection here, alongside their shock and shame at people's accounts of their living conditions and circumstances, and the impact these have upon them and their families.

Efforts have been made to improve things in a range of areas, though more at a piecemeal rather than a structural level -- in part due to lack of timely information sharing by the Home Office that would help to inform planning.

On the civil society side, the #KindEconomy network continues to grow and attract new organisations and supporters both within and outside of Belfast -- important, as the Home Office and Mears Group are increasingly placing people in hotels further and further outside of the main urban areas. Support for asylum seekers has been undeterred by sporadic protests outside some hotels from a handful of isolated individuals apparently holding extremist anti-immigrant views.

This compassion and concern came through during the Commons debate of the bill, and came from MPs from all NI parties present -- a rare display of cross-party unity. Gavin Robinson, the DUP's spokesperson on home affairs and Immigration in the House of Commons, [called](#) the Bill "a political culture war that is more about the forthcoming general election than anything else" and supported Labour's bid to block the Bill at its second reading on 13 March. His DUP colleague Jim Shannon also supported that effort. At the Bill's 3rd reading on 26 April, Jim Shannon was the only DUP member to vote in favour of the Bill; the remaining seven DUP MPs chose to abstain.

At committee stage on 28 March, Stephen Farry, Alliance Party, [tabled](#) an unsuccessful amendment to exempt people crossing into the UK via the land border with Ireland from the proposed Home Office 'duty to remove'. He also supported a number of other amendments before ultimately voting on 26 April against what he [described](#) afterwards as "the most repellent piece of legislation to come before this Parliament... It is utterly lacking in compassion, and is contrary to international law".

Claire Hanna, SDLP MP, [asked](#) the Home Secretary directly during the 7 March Commons debate on the Bill,

‘Instead of scapegoating the vulnerable, encouraging conspiracy and aggression, when will the Home Secretary get a grip on the chaos in her Department, whose processing rates have collapsed, along with conviction rates for people smugglers? When will she stop scapegoating and start solving?’

She and her SDLP colleague Colum Eastwood MP also voted against the Bill in the Commons on 26 April.

The bulk of Northern Ireland voters opposed Brexit, only to have to live with its far-reaching consequences regardless. Individual voters do not have a say on this Bill -- but the evidence from the Commons debates and vote, coupled with civil society efforts under the #KindEconomy umbrella and elsewhere, demonstrate clearly that Northern Ireland does not support it or share the 'values' which the Home Office claims underpin it. We implore peers to do everything you can to block passage of this Bill, which if it were to become law would shame all of us.

Further information

Should you wish for further information or a discussion with PPR and Anaka's human rights monitors, please contact Chloë Trew, Director, PPR on chloe@pprproject.org.