

Submission to the Committee on the Elimination of Racial Discrimination (CERD)
on Discrimination against Refugees and Migrants in the UK

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Presented by:

The International Association of Justice Watch



Email: justice.watch2024@gmail.com

Website: <https://jwa.ir>

President: Ali Akbar Asa

Justice Watch is a non-governmental association, founded in Tehran on January 2012, by the collaboration of advocates from academia, teachers, lawyers and other social activists for promotion and protection of social justice. «Justice for All» is what we are committed to by aggregating individual resources and mobilizing collective action.

Justice Watch successfully attained the consultative status of the UN ECOSOC (2019) as it had already won the same position in UNISPAL (2013). To raise awareness and disembed the social structures, policies, and practices that perpetuate injustice, we depend on human capital and community development. 1500 university professors and experts in social and natural sciences, pedagogues and technical engineers are currently collaborating in our na

Introduction

In recent years, we have seen an alarming trend of wealthy destination countries seeking to close their doors to asylum seekers and refugees. The United Kingdom is no exception.

In mid-2023, approximately 365,300 refugees were in the UK. The war in Ukraine and the conflict in Afghanistan have driven increases in these figures from previous years. Four laws adopted in a single week in April raised grave human rights concerns: an immigration law that dismantles key aspects of existing asylum and refugee protections, replacing them with a discriminatory system.

The Nationality and Borders Act, enacted in April, discriminates against and criminalizes those seeking asylum through irregular routes, provides for pushbacks at sea and offshore processing, and increases powers to strip citizenship. The UN Refugee Agency, UN experts, and more than 200 domestic civil society groups roundly criticized it.

Anti-immigrant and refugee bills and laws

1. The UK Parliament approved new legislation on nationality, asylum, and immigration – the Nationality and Borders Bill. The bill will become law once it receives Royal Assent. UNHCR, the UN Refugee Agency, regrets that the British government’s proposals for a new approach to asylum that undermines established international refugee protection laws and practices have been approved. It is disappointing that it would choose a course of action aimed at deterring the seeking of asylum by relegating most refugees to a new, lesser status with few rights and a constant threat of removal.¹
2. Furthermore, wide-ranging inadmissibility rules can potentially deny refugees their right to seek asylum in the UK. Such provisions are potentially at variance with the Refugee Convention. Such efforts to shift responsibility run counter to the letter and spirit of the Refugee Convention, to which the UK is a party. These efforts also run counter to the Global Compact on Refugees, which was affirmed by the UN General Assembly in 2018 and calls for more equitably sharing the responsibility for refugee protection.²

¹ <https://www.unhcr.org/news/press-releases/news-comment-unhcrs-grandi-fears-uk-legislation-will-dramatically-weaken>

² <https://www.unhcr.org/news/press-releases/news-comment-unhcrs-grandi-fears-uk-legislation-will-dramatically-weaken>

3. Currently, most of the world's refugees are hosted by countries neighboring crises, with the vast majority hosted by low- and middle-income countries that, despite their limited resources, have gone out of their way to admit and protect refugees. This latest UK government decision risks dramatically weakening a system that has provided protection and the chance of a new life to so many desperate people for decades.³
4. In July, the UK ratified the Istanbul Convention. Still, it did so with reservations that exclude from protection migrant women who depend on their abuser-leaving them without access to crucial support and a pathway to escape violence-and limit the possibilities of prosecution for violence committed outside UK territory. The United Kingdom government is set to tarnish its own landmark advancement on violence against women by excluding migrant women from key protections. This perpetuates longstanding barriers for migrant women whose residency status depends on their abusers, as they may fear expulsion from the UK if they seek help for domestic violence.⁴
5. In April, parliament passed legislation attempting to avoid the UK's international obligations under the UN Refugee Convention. This included refusing to recognize the Convention's definition of refugee fully, prohibiting the penalization of asylum seekers for irregular entry, discrimination, and refoulement, and demanding that states share responsibility for hosting refugees.⁵
6. The government also adopted a policy to expel people seeking asylum from the UK to Rwanda under a Memorandum of Understanding with the Rwandan government. Legal action halted the expulsions, but the policy remained under challenge in the higher courts at the end of the year.⁶
7. The government's commitment to resettle Afghan refugees remained effectively unfulfilled. Over many months, visa schemes for Ukrainian refugees were undermined by delays and inadequate arrangements. By mid-December, however, more than 152,000 Ukraine Scheme visa-holders had finally arrived in the UK.⁷
8. Government hostility persisted towards people crossing the Channel by boat to seek asylum. Backlogs in the asylum system grew further. People remained

³ <https://www.unhcr.org/news/press-releases/news-comment-unhcrs-grandi-fears-uk-legislation-will-dramatically-weaken>

⁴ <https://www.hrw.org/news/2022/07/22/uk-tackling-violence-against-some-women-not-all>

⁵ <https://www.ecoi.net/en/document/2089663.html>

⁶ <https://www.ecoi.net/en/document/2089663.html>

⁷ <https://www.ecoi.net/en/document/2089663.html>

in wholly inadequate accommodation. Harmful consequences included an outbreak of diphtheria from October onwards and more than 200 unaccompanied children going missing.⁸

9. Wider immigration policy continued to exacerbate the homelessness, destitution and exploitation facing migrants, particularly people without regular status. Expulsion powers were used as an additional punishment for criminal offending, including against people who had lived all or most of their lives in the UK.⁹
10. Hostile government and media rhetoric against migrants increased throughout the year. In September, the then Home Secretary singled out trafficking survivors, and women refugees. Safeguards for migrant survivors of human trafficking and unaccompanied children were removed or reduced through the “Illegal Migration Act”. At the same time, steep increases to visa fees were imposed, further impoverishing migrants in the UK.¹⁰
11. In September, a government-commissioned inquiry into abuses of people detained at Brook House Immigration Removal Centre was published. The report found a prevailing culture of abuse, including 19 instances of inhuman or degrading treatment of detained people by staff within a five-month period. Nevertheless, the 2023 “Illegal Migration Act” granted new powers to detain people for immigration purposes without effective judicial oversight.¹¹
12. In June, the “Illegal Migration Act” passed. The act and government rhetoric around it were in conflict with the UN Refugee Convention and the European Convention on Human Rights. The act banned the government from processing asylum claims made by people who had arrived without prior permission, and required the government to expel them and never permit them lawful residence in the UK. This reinforced an existing policy of refusing to process asylum claims by people deemed to have arrived irregularly via countries perceived as safe. The policy affected the majority of asylum claimants in the UK.¹²

⁸ <https://www.ecoi.net/en/document/2089663.html>

⁹ <https://www.ecoi.net/en/document/2089663.html>

¹⁰ <https://www.amnesty.org/en/location/europe-and-central-asia/western-central-and-south-eastern-europe/united-kingdom/report-united-kingdom/>

¹¹ <https://www.amnesty.org/en/location/europe-and-central-asia/western-central-and-south-eastern-europe/united-kingdom/report-united-kingdom/>

¹² <https://www.amnesty.org/en/location/europe-and-central-asia/western-central-and-south-eastern-europe/united-kingdom/report-united-kingdom/>

Children refugee's challenges

1. Hundreds of child refugees facing abuse, harassment, exploitation, and trauma in adult hotels and detention .Child refugees who come to the UK alone are facing harassment, abuse, and criminalization as a result of being wrongly treated as adults and placed in accommodation with adult strangers:¹³
 - Over an 18-month period, at least 1,300 children were wrongly assessed to be adults by the Home Office
 - In the first half of 2023, nearly 500 children were placed in adult accommodation or detention
 - Figures were obtained through FOIs from local authorities, as the Government refuses to publish data on these children
 - Adult settings pose significant risks to children in the asylum system due to the lack of safeguards
 - Charities warn of the dangers of exploitation and abuse of vulnerable children.
2. The report found that at least 1,300 refugee children were placed in unsupervised adult accommodation and detention in an 18-month period (January 2022 to June 2023) after being wrongly age-assessed on arrival in the UK. Children as young as 14 have been forced to share rooms with unrelated adults, with no safeguards in place. It includes direct accounts from children who felt unsafe, scared, and traumatized by their experiences. Some children faced harassment, abuse, and mental health crises.¹⁴
3. The report also includes a number of cases where children wrongly treated as adults were charged with immigration offenses under the Nationality and Borders Act, with 14 spending periods of time in custody with adults in adult prisons.¹⁵

¹³ <https://www.refugeecouncil.org.uk/latest/news/hundreds-of-child-refugees-facing-abuse-harassment-exploitation-and-trauma-in-adult-hotels-and-detention/>

¹⁴ <https://www.refugeecouncil.org.uk/information/resources/forced-adulthood-the-home-offices-incorrect-determination-of-age-and-how-this-leaves-child-refugees-at-risk/>

¹⁵ <https://www.refugeecouncil.org.uk/latest/news/hundreds-of-child-refugees-facing-abuse-harassment-exploitation-and-trauma-in-adult-hotels-and-detention/>

4. In the same 18-month period (from January 2022 to June 2023), over 800 safeguarding episodes were recorded by Humans for Rights Network, where the organization had strong reasons to believe that a child was sharing accommodation with an unrelated adult. The majority of these cases have either been accepted as children by local authorities or are in the process of trying to have their age accepted. In the same timeframe, the Refugee Council's Age Dispute Project assisted 185 children who had initially been determined to be adults, with 98 of them subsequently taken into local authority care from an unsafe adult setting, some pending further assessment.¹⁶

Rwanda asylum plan

1. The UK has begun mass arrests of potential Rwanda deportees. The UK Home Office has lost contact with more than half the people it wants to deport to Rwanda but has vowed to find them.¹⁷
2. The British authorities have begun a series of operations to detain migrants in preparation for their deportation to Rwanda as part of Prime Minister Rishi Sunak's flagship immigration policy. The UK Home Office, which oversees immigration matters in the United Kingdom, released a video on Wednesday showing armed immigration officers handcuffing individuals at their homes and escorting them into deportation vans.¹⁸
3. The government is attempting to expel asylum seekers to Rwanda, which cannot be considered a safe third country for asylum seekers. Human Rights Watch has extensively documented human rights violations there – arbitrary detention, torture, and extrajudicial killings, including of refugees who protested a reduction in their food rations.¹⁹
4. In June, the European Court of Human Rights effectively grounded the first expulsion flight to Rwanda. The UK government responded by including a clause in the proposed Bill of Rights, commonly known as the

¹⁶ <https://www.refugeecouncil.org.uk/latest/news/hundreds-of-child-refugees-facing-abuse-harassment-exploitation-and-trauma-in-adult-hotels-and-detention/>

¹⁷ <https://www.aljazeera.com/news/2024/5/3/whats-next-for-uk-asylum-seekers-facing-deportation-to-rwanda>

¹⁸ <https://www.aljazeera.com/news/2024/5/3/whats-next-for-uk-asylum-seekers-facing-deportation-to-rwanda>

¹⁹ <https://www.hrw.org/news/2023/01/17/uk-completely-abandoning-its-duties-towards-refugees>

- Rights Removal Bill, that tells UK courts not to consider any interim measure issued by the European Court.²⁰
5. In April 2022, the government said that any asylum seeker entering the UK "illegally" after 1 January 2022 from a safe country such as France could be sent to Rwanda.²¹
 6. The UK government in 2022 adopted laws that violate rights and proposed significantly weakening human rights protections in domestic law. The government signed an agreement to transfer asylum seekers who arrived irregularly in the United Kingdom to Rwanda, putting them at risk.²²
 7. In November, the Supreme Court ruled that the government's policy of expelling people seeking asylum in the UK to Rwanda was unlawful. In response, the government signed a new treaty with the Rwandan government. It tabled legislation in parliament requiring courts to treat Rwanda as a safe country, disapplying large parts of the Human Rights Act and other rights-protecting legal instruments and substantially limiting the ability of the courts to intervene.²³ In November 2023, the UK Supreme Court ruled unanimously that the Rwanda scheme was unlawful.²⁴
 8. Genuine refugees would be at risk of being returned to their home countries, where they could face harm. This breaches the European Convention on Human Rights (ECHR), which prohibits torture and inhuman treatment. The UK is a signatory to the ECHR.²⁵
 9. The ruling also cited concerns about Rwanda's poor human rights record and its past treatment of refugees. Judges said that in 2021, the UK government had itself criticized Rwanda over "extrajudicial killings, deaths in custody, enforced disappearances and torture."²⁶
 10. They also highlighted a 2018 incident when Rwandan police opened fire on protesting refugees, killing at least 11. In June 2024, the United Nations refugee agency told the High Court that it was investigating new allegations that Rwanda has endangered asylum seekers.²⁷

²⁰ <https://www.hrw.org/news/2023/01/17/uk-completely-abandoning-its-duties-towards-refugees>

²¹ <https://www.bbc.com/news/explainers-61782866>

²² <https://www.hrw.org/world-report/2023/country-chapters/united-kingdom>

²³ <https://www.amnesty.org/en/location/europe-and-central-asia/western-central-and-south-eastern-europe/united-kingdom/report-united-kingdom/>

²⁴ <https://www.bbc.com/news/uk-67423745>

²⁵ https://www.echr.coe.int/documents/d/echr/convention_ENG

²⁶ <https://www.bbc.com/news/explainers-61782866>

²⁷ <https://www.bbc.com/news/explainers-61782866>

11. According to BBC home and legal correspondent Dominic Casciani, when the legislation was approved by Parliament on 22 April, there were 52,000 asylum seekers who could potentially be sent to Rwanda.²⁸
12. On 1 May, the Home Office released footage of immigration enforcement officers detaining several migrants at different addresses.²⁹ The move came after official documents revealed that the government had lost contact with 3,557 of the first 5,700 asylum seekers identified for removal.³⁰
13. However, it was revealed this week that government data shows that the Home Office has lost contact with thousands of potential deportees, with only 2,143 “located for detention” so far. More than 3,500 are unaccounted for, with some thought to have fled across the Northern Irish border into Ireland. Others include people who have failed to attend mandatory appointments with the UK authorities. Ministers have insisted enforcement teams will find them.³¹
14. Several asylum seekers who did attend compulsory appointments with the UK authorities as part of their application for asylum this week have been arrested and told they will be sent to Rwanda. The government has not provided exact figures for the number of arrests conducted since the operation started on Monday, but detentions have been reported across the UK in England, Wales, Scotland and Northern Ireland and in cities including Bristol, Liverpool, Birmingham and Glasgow. Maddie Harris, founder of the UK-based Humans for Rights Network, reported that asylum seekers from war-torn countries including Afghanistan, Sudan, Syria and Eritrea with no connection to Rwanda are being arrested as part of the scheme.³²

Afghans refugees in UK

1. In the first half of 2023, Afghans became the most common nationality arriving in the UK via small boat, making up 20% of all arrivals whose nationality had been recorded as of 30 June 2023. From 2018 to 2021, Afghans made up 4–5% of asylum applicants. In 2022, this rose to 11%, making Afghans the second most common nationality of asylum applicants, behind

²⁸ <https://www.bbc.com/news/explainers-61782866>

²⁹ <https://www.bbc.com/news/explainers-61782866>

³⁰ <https://www.bbc.com/news/explainers-61782866>

³¹ <https://www.aljazeera.com/news/2024/5/3/whats-next-for-uk-asylum-seekers-facing-deportation-to-rwanda>

³² <https://www.aljazeera.com/news/2024/5/3/whats-next-for-uk-asylum-seekers-facing-deportation-to-rwanda>

Albanians. In the first half of 2023, Afghans became the most common nationality claiming asylum in the UK.³³

2. The number of Afghans claiming asylum in the UK, including after arriving via irregular means, such as by small boat, has increased since the fall of Kabul. Most Afghans arriving via small boat claim asylum. Of the 12,599 detected crossing the Channel from 1 January 2018 to 30 June 2023, 93% (11,689) made an asylum application.³⁴
3. The Afghan Relocations and Assistance Policy (ARAP) was launched in April 2021 to resettle UK-affiliated Afghans. The government was due to issue outcomes within two weeks, and yet, over a year later, many Afghans are still waiting, facing the government's unlawful delays.³⁵
4. Following ARAP, the Afghan Citizens Resettlement Scheme (ACRS) opened in January 2022, which, unbelievably, has been more disastrous. Whilst ARAP targets UK-affiliated Afghans, ACRS aims to resettle those who may not be affiliated with the UK, but are at grave risk. In the first year, the government said it would prioritize Chevening scholars, GardaWorld security and British Council contractors. Nonetheless, in a bizarre turn of events, the government announced that applicants cannot apply themselves and may only be approached directly. Many still haven't been contacted, five months after the scheme officially launched.³⁶
5. In the year-and-a-half from 1 January 2022 to 30 June 2023, around 14,700 Afghan citizens claimed asylum in the UK, while only around 4,900 were resettled under ARAP, ACRS, and the UK's other general resettlement schemes. In the year-and-a-half from 1 January 2022 to 30 June 2023, around 14,700 Afghan citizens claimed asylum in the UK, while only around 4,900 were resettled under ARAP, ACRS, and the UK's other general resettlement schemes.³⁷
6. Poor execution aside, the narrow eligibility criteria of ARAP and ACRS exclude scores of at-risk Afghans from even applying. In December 2021, the ARAP scheme was narrowed to defence and national security sectors only, meaning judges and other such professionals are ineligible. Since direct applications to ACRS aren't available, they currently have no available

³³ <https://migrationobservatory.ox.ac.uk/resources/briefings/afghan-asylum-seekers-and-refugees-in-the-uk/>

³⁴ <https://migrationobservatory.ox.ac.uk/resources/briefings/afghan-asylum-seekers-and-refugees-in-the-uk/>

³⁵ <https://tribunemag.co.uk/2022/06/afghanistan-refugees-ukraine>

³⁶ <https://tribunemag.co.uk/2022/06/afghanistan-refugees-ukraine>

³⁷ <https://migrationobservatory.ox.ac.uk/resources/briefings/afghan-asylum-seekers-and-refugees-in-the-uk/>

pathways, breaking Dominic Raab's promise made to resettle them in August 2021.³⁸

7. The Illegal Migration Act will curtail Afghans' ability to seek asylum in the UK. Under the Act, most Afghans arriving without authorization in the UK from a safe country will not be able to claim asylum and would face removal to Rwanda. Worse yet, under ACRS, the government hasn't guaranteed at-risk individuals will benefit from family reunification at all. At-risk Afghans are now having to choose between finding sanctuary for themselves but not their family, or sticking together in grave danger.³⁹

³⁸ <https://migrationobservatory.ox.ac.uk/resources/briefings/afghan-asylum-seekers-and-refugees-in-the-uk/>

³⁹ <https://tribunemag.co.uk/2022/06/afghanistan-refugees-ukraine>

Recommendation

- The UK should center the human rights of asylum seekers and migrants in their asylum and immigration policies. This requires treating everyone with dignity and ensuring they are afforded due process, including access to fair and effective asylum procedures and protection from being expelled to places where they would be at risk. This does not preclude states from managing their borders.
- The UK needs to comply with its international obligations, including respecting everyone's right to seek asylum by whatever mode of travel is available to them.
- We strongly urge the UK to apply the existing laws when xenophobic or intolerant acts, manifestations, or expressions against migrants occur in order to eradicate impunity for those who commit xenophobic and racist acts.
- We urge the government to consider participating in international and regional dialogues on migration that include countries of origin and destination and countries of transit.