



IMMIGRATION AND ASYLUM BILL (Bill 105)

Commons' Second Reading

Monday, 13 July 2026

This is the fifth government immigration bill introduced to Parliament over the last five sessions.ⁱ As each of its predecessors, this bill is designed to support a wider strategy that aims to deter and prevent people seeking asylum in the UK (“**the deterrence strategy**”).ⁱⁱ Since 2021, however, the accumulation of legislative power in pursuit of that strategy has not brought more control. Rather, it has brought more human suffering,ⁱⁱⁱ more waste of public money,^{iv} more administrative dysfunction,^v and less international cooperation on meeting the needs and rights of refugees.^{vi} In this chaos, smugglers continue to thrive, people seeking safety are compelled to attempt more dangerous journeys, and public confidence has been lost. Persisting with this same strategy will perpetuate or worsen its many harmful consequences. The government should instead create and run a fair and efficient asylum system – one that swiftly provides refugees long-term security and the chance to rebuild their lives so they may recover and integrate well; while clearly identifying people whom it is safe and practical to return to their home countries.^{vii}

SUGGESTED QUESTIONS

1. Why is the government replacing an independent judicial appeals system with a body created by the Home Office to supervise its decisions rather than addressing the poor quality of its asylum decision-making that leads to so many appeals?
2. Why is the government repeating its predecessors' mistakes by reacting to false and ill-intentioned criticism of judicial decision-making on Article 8 that only encourages further attacks on the judiciary, the rule of law and human rights?
3. Will the Home Secretary repeal the last government's legislation on asylum decision-making that is causing an improper and unsustainably high rate of refusal?
4. When will the government accept that its predecessor's deterrence strategy does not work, abandon that strategy and focus on creating an asylum system that fairly and efficiently provides long-term security to refugees as early as possible?

PART 1 – The Independent Immigration Appeals Authority

Part 1 of the bill is to replace the Immigration and Asylum Chamber of the First-tier Tribunal (“FTT”) with a new body of the Home Office’s own creation. The reasons given for scrapping the FTT’s role in deciding appeals against asylum decisions, and certain immigration and nationality decisions,^{viii} relate directly to the deterrence strategy and the first of the five bills introduced by successive home secretaries who have made this strategy their primary focus since 2020. Those reasons are founded on falsely criticising the FTT for a large appeals backlog caused by government policy not the FTT.^{ix}

The last government created a huge backlog of undecided asylum claims by a policy of treating these claims as inadmissible to the decision-making process.^x The Nationality and Borders Act 2022 (“NABA 2022”) put that policy on a statutory footing.^{xi} When reversing that policy, the present government chose to implement other provisions of that act, which are designed to improperly narrow the scope for recognising refugee status in the UK.^{xii} These provisions did not previously apply to claims made from June 2022 because the last government had simply decided to treat them all as inadmissible.^{xiii} The present government put these provisions into effect when it started deciding those claims. The result is a dramatic rise in the refusal rate of asylum claims – so dramatic that Home Office decision-making now implies human rights have improved in Afghanistan since the US, UK and their NATO allies withdrew in 2021 and the Taliban resumed power.^{xiv}

Thousands of refugees – not merely Afghans – are now wrongly refused asylum.^{xv} **The remedy is to repeal provisions of the NABA 2022 that inhibit fair and efficient decision-making.**^{xvi} Instead, government is doubling down on bad policy rather than correcting its own error – again threatening to make a bad situation worse.^{xvii}

The FTT is an independent and professional body of judicial decision-makers. The bill will replace it with a body that is manifestly less independent and less professional.^{xviii} The public investment needed to establish a new first-tier of the appeals system will not change the basic appeals structure.^{xix} However, it will increase the need for the Upper Tribunal and the higher courts to exercise their appellate and judicial review functions if the decisions of the new first-tier of that appeals system cannot command the same degree of respect by reason of its lesser independence and professionalism.^{xx} In any event, if the new body compounds the government’s improperly high asylum refusal rate by being less willing or able to overturn wrong refusals, this will only prolong the administrative dysfunction that is caused by refusing to enable refugees, who cannot safely return to the countries from which they have fled war and persecution, to move out of the asylum system and on with their lives.

This is the third time, over the last 10 years of Labour leadership (2002-2010, 2024-2026), that one two-tier appeal system has been replaced with another.^{xxi} However, it will be the first time the system has been made less independent and less professional.

Part 1 should be withdrawn from the bill.

PART 2 – Article 8 of the European Convention on Human Rights

A key aspect of Part 2 is a new attempt to constrain by legislation how the right to respect for private and family life (**“Article 8”**) is applied in immigration proceedings. This was attempted by the Immigration Act 2014 (**“the IA 2014”**);^{xxii} and the bill includes several amendments to provisions introduced by that act. The motivation for this rests on various misunderstandings concerning the effect of Article 8, including misreporting of judicial decision-making in mainstream media and on social media.^{xxiii} These misunderstandings and misrepresentations are primarily driven by those whose agenda is to push the UK out of the 1950 European Convention on Human Rights (**“the ECHR”**) altogether, and relate to both individual decisions and overall evaluation of decisions on Article 8 grounds.^{xxiv} Yet, notwithstanding how this matter is presented in public and political discourse, the number of successful appeals against deportation on Article 8 grounds represents only 2.5% of people who are deported.^{xxv}

The amendments are liable to increase the need for the Upper Tribunal and higher courts to exercise their appellate and judicial review functions because decision-makers, including adjudicators in the new appeals body, will be confronted with new statutory provisions in need of interpretation and application that must ultimately be consistent with the UK’s domestic and international obligations under the Human Rights Act 1998 and the ECHR respectfully.

This will sustain or increase the salience of the ECHR and Article 8 rather than quell the dissatisfaction that has been engineered about them. That outcome is made more likely by provisions that risk promoting interpretations of private and family life that are divorced from any reasonable or sustainable understanding of people’s lives. This includes people born in the UK, people brought here at an early age, and other people whose lives are clearly settled in this country. It includes unrealistic expectations such as that people should not rely in any way, now or ever, on any public service or that children may have their education blighted so long as this does not mean their receiving no education whatsoever. By inviting such obvious injustices, the bill highlights the folly of attempting to legislate about the facts a decision-maker can and cannot consider and how those they do consider must be treated across a wide variety of individually fact-sensitive cases. Just as the IA 2014 could not and did not satisfy those who are simply hostile to human rights and international law, nor will this bill.

Rather than acceding to misplaced or even ill-intentioned criticism of judges who must apply Article 8, the government should be standing up for judicial independence and wider respect for the rule of law and human rights on which we all depend.

Provisions that seek to constrain the proper effect of Article 8 should be withdrawn.

PART 3 – Protection Status and Asylum

Part 3 is to achieve two unrelated aims. First, it is to empower the Home Secretary to make regulations that will enable her to merge the status that is granted to people in

two different circumstances – that granted when someone is recognised to be a refugee from persecution (refugee leave) and that granted when someone, who is not a refugee, is nonetheless found to be at risk of some similarly severe ill-treatment in the country from which they have fled (humanitarian protection). This would not in itself be objectionable if the effect were to ensure that standards of protection for all are no less than that which ought to be provided to refugees. Since humanitarian protection was first created in the UK, it has provided the same standards of protection as refugee leave in almost all respects.^{xxvi} However, the wider intention is to seriously reduce standards of protection in the UK as part of the deterrence strategy, including in ways first legislated for by the NABA 2022 but not previously implemented.^{xxvii} The bill will provide an opportunity to probe ministers further on this strategy and the inhibition of refugee integration, increased work for the Home Office and further waste of public funds that it will cause.

Second, Part 3 is to extend the irregularity of the NABA 2022 in seeking to legislate for a domestic interpretation of the UK's obligations under the Refugee Convention that improperly narrows their true scope.^{xxviii} This is in principle objectionable. The UK ought to be fulfilling its international obligations and thereby encouraging others to do likewise. Sadly, the more it seeks to avoid or renege on those obligations, the more it licenses others to do the same or worse. This undermines the international asylum system and exacerbates the conditions that cause people seeking asylum to make longer and more dangerous journeys, including to the UK.

Clause 22 ought to be withdrawn from the bill.

PART 4 – Asylum Support

Part 4 is to empower the Home Secretary to require refugees to pay a sum of money, to be set by regulations. This is to be charged as notional recompense for the accommodation and financial support that refugees receive while awaiting recognition of their right to asylum and excluded from work.^{xxix} Reports indicate an intention to recover up to £10,000 from people granted asylum subject to their earnings once permitted to stay and allowed to work.^{xxx} Although the provisions also allow recovery from people refused asylum, it is highly unlikely that will be generally achievable or attempted since the Home Office will normally expect to maintain these people's exclusion from work until they are removed from the UK.

Children seeking asylum will be exempt from these provisions unless their asylum claims are not resolved before they turn 18. This could then include unaccompanied children who are moved onto asylum support after reaching majority or children in families where their asylum claim is not resolved before their adulthood.^{xxxi}

These provisions will unnecessarily and unreasonably – as other aspects of the Home Secretary's asylum policy – impede successful integration of people recognised as refugees and permitted to stay.^{xxxi} Such people should be enabled to move on with their lives, paying taxes and making social and economic contributions as everyone else.

They should not be impeded by a substantial debt imposed for the misfortunes and suffering that has required them to abandon their home, livelihoods and belongings to seek asylum and the government's imposition of a bar to their working while their claims are under consideration.^{xxxiii}

Part 4 will demand more bureaucracy at the Home Office (or elsewhere in government) to calculate, give notice of and collect the debt that it creates. While it is not described as aimed at deterrence, it seems intended to be another way in which asylum in the UK is to be made unwelcoming in the hope that this deters people seeking it here. However, like other aspects of the deterrence strategy, it is unlikely to deter but will make the asylum system work less well for everybody.

Part 4 should be withdrawn from the bill.

PART 5 – Modern Slavery

Part 5 contains a mix of provisions that generally extend the powers of enforcement agencies in response to modern slavery while reducing the protections available to its victims. This is like the deterrence strategy pursued against people seeking asylum, which has consistently extended powers that may be used against people smugglers while reducing the protections available to their victims. The underlying flaw is the same. Greater control is not achieved by making people more vulnerable to exploitation. Rather, it is achieved by greater recognition of people's needs and rights in ways that enable them to avoid or escape that exploitation – including by providing them access to protection and the confidence and security to provide information and evidence in support of enforcement agencies' efforts against their abusers.

A feature of this bill that is also consistent with its four immediate predecessors is, therefore, a further reduction of the safeguards available to victims of modern slavery albeit with some mitigation of this trend as it affects children.^{xxxiv} Yet, every attempt to make protection less accessible to victims of modern slavery increases the control of abusers over them by exaggerating the disincentives – real or anticipated – to their seeking protection.

Part 5 should be revised to improve rather than reduce the accessibility and quality of protection available to victims of modern slavery.

Conclusion

The bill is generally unwelcome. It continues the deterrence strategy begun under the last government and thereby repeats the same mistake of seeking to avoid asylum responsibilities rather than managing them fairly and efficiently. Global insecurity and repression are not abating and conditions in which people must seek safety elsewhere are likely to worsen. Government attempts to ignore or avoid this reality since 2020 has wrecked the UK's asylum system and the longer that continues, the harder will be any real repair. Meantime, successive governments have recklessly promised the public they

will reduce the extent and cost of the UK's contribution to asylum provision while adopting policies that have had the precise opposite result. The human, financial, administrative and political costs have all be dramatically bad. The core reason for this is that the policy is both inherently unrealistic – paying no regard to the true circumstances, needs and rights of refugees – and undermining of international cooperation towards meeting the realities. The more the government continues choosing to deny its asylum responsibilities, the more other countries will do likewise. That will ultimately mean more dangerous journeys not fewer. Meanwhile public confidence is shattered by repeated false promises that raise unrealistic expectations and hostile attitudes concerning asylum and human rights obligations.

The deterrence strategy should be abandoned. Government must focus on delivering a fair and efficient asylum system that will benefit both refugees and the wider public – costing less, providing protection, enabling integration, and encouraging wider international cooperation on meeting these duties. Parliamentarians must take the opportunity presented by this bill to demand this fundamental change of strategy

ⁱ The Rt Hon Priti Patel introduced the Nationality and Borders Act 2022 in the 2021-2022 session, the Rt Hon Suella Braverman introduced the Illegal Migration Act 2023 in the 2022-2023 session, the Rt Hon James Cleverly introduced the Safety of Rwanda (Asylum and Immigration) Act 2024 in the 2023-2024 session, and the Rt Hon Yvette Cooper introduced the Border Security, Asylum and Immigration Act 2025 in the 2024-2026 session.

ⁱⁱ The strategy has been expressly stated in legislation such as in section 1(1), Illegal Migration Act 2023 and section 1(1), Safety of Rwanda Act 2024; in international treaty agreements such as in the Preamble to the [UK-France returns agreement](#), CP 1377, July 2025; and in government policy statements such as the Prime Minister's Foreword to [Restoring Order and Control](#), CP 1418, November 2025.

ⁱⁱⁱ This includes increased deaths in the UK asylum system, family separation reinforced by the government's withdrawal of refugee family reunion, and prolonged alienation and exclusion that is to extend beyond the decision-making process for refugees for whom the government intends asylum should be more insecure and any prospect of settlement far more distant. See our May 2026, December 2025 and November 2025 briefings (on [the bill](#), [settlement proposals](#) and [asylum policy](#) respectively).

^{iv} Home Office accounts show asylum costs in 2023-2024 as almost £4bn and in 2024-2025 as over £3bn. While lower than in the last few years of the previous government, this remains well above costs for years prior to 2020-2021 (under £0.5bn): see our [Gambling with Lives](#) report, February 2024, p3 (charts 1 & 2).

^v As explained in our September 2025 and April 2025 briefings (on [appeals](#) and [backlogs](#) respectively), the government has failed to resolve dysfunction by moving backlogs on elsewhere in the asylum system.

^{vi} This is discussed in our November 2024 briefing (on [responsibility sharing](#)), and is starkly demonstrated by mass pushbacks to Afghanistan by Pakistan and Iran.

^{vii} As regards fairness and efficiency, see e.g., our [October 2024](#) briefing (fair and efficient decision-making); and more recently our [December 2025](#) submission to the Public Accounts Committee inquiry on the asylum system.

^{viii} The decisions listed in clause 1(2)(a), (c), (d) and (e) are those from which an appeal may currently lie to the FTT; and clause 1(2)(b) includes applications for bail by people subjected to immigration detention, which are also currently within the work of the FTT.

^{ix} As explained in our September 2025 briefing (on [appeals](#)).

^x The last government's inadmissibility policy caused the asylum backlog of undecided claims to treble within three years (2021-2023): see our [Gambling with Lives](#) report, February 2024, pp6-7 (chart 3).

^{xi} Sections 15-16, Nationality and Borders Act 2022. The Illegal Migration Act 2023 then made the policy mandatory, inflexible and permanent: see our [August 2023](#) analysis on the structure, purpose and key working parts of that Act.

^{xii} Sections 30ff, Nationality and Borders Act 2022; in [June 2025](#) we wrote to the Minister for Border Security and Asylum concerning the impact of this.

^{xiii} It introduced the Illegal Migration Act 2023 to require the Home Secretary not to decide claims: see our [August 2023](#) analysis on the structure, purpose and key working parts of that Act; and in 2023 carried out a one-off accelerated

clearance of claims made up to 28 June 2022, which was the commencement date of specific asylum provisions in the Nationality and Borders Act 2022 under section 87(5): see our [Gambling with Lives](#) report, February 2024, p7.

xiv Over the years before August 2021, the asylum grant rate on Afghan claims ranged between 45-62%. Under the last government, the grant rate rose to around 96% after the Taliban returned to power in Kabul, but under the current government this has fallen to 34%: see our March 2026 report, [Recognised as Persecuted but denied Asylum](#) and our [June 2025](#) letter to the Minister for Border Security and Immigration.

xv The fall in the Afghan grant rate has been especially dramatic, but there has been a dramatic fall across all nationalities: see immigration statistic quarterly release, last published in May 2026. We focus on Afghan claims because these provide particularly clear demonstration of the impact of the deterrence strategy and because a focus on a particular nationality relating to which there have been a significant number of claims over a prolonged period permits closer comparisons than, for example, comparing the overall grant rate which over time relates to very different cohorts of people from different places. For example, this weakness reduces the strength of the overall conclusions in the recent Institute for Fiscal Studies report, [What is driving increases in tribunal backlogs?](#), July 2026, whose important findings nonetheless require further refinement to account for factors beyond the very macro analysis to which the report is confined.

xvi As called for in our October 2024 briefing (on [repeals](#)).

xvii Doubling down on failed policy has been a feature of the deterrence strategy since 2020, as described in our [Gambling with Lives](#) report, February 2024. The present government's adoption of the asylum provisions of the Nationality and Borders Act 2022, introduced but not implemented by its predecessor, merely marked a different means of doubling down. This government chooses to refuse claims in large numbers to deter people seeking asylum, whereas its predecessor chose not to decide claims as its preferred means to deter.

xviii See our September 2025 briefing (on [appeals](#)).

xix *ibid*

xx As more fully explained in our [May 2026](#) response to the outstanding government consultation on replacing the FTT.

xxi See our September 2025 briefing (on [appeals](#)).

xxii Section 18, Immigration Act 2014 introduced sections 117A-117D, Nationality, Immigration and Asylum Act 2022 (which are to be amended by clauses 18-20).

xxiii See our two June 2025 briefings (on [Article 8](#) and [deportation](#) respectively).

xxiv Academic research by the University of Oxford's Bonavero Institute of Human Rights confirms our own analysis: see their report, [The European Convention on Human Rights and Immigration Control in the UK: Informing the Public Debate](#), September 2025.

xxv *ibid*, executive summary and p15

xxvi Until recently, refugee leave and humanitarian protection were each granted for an initial period of 5 years, permitted settlement thereafter, permitted work and access to public funds, and similarly enabled the person to be reunited with their partner and/or children with visas available under family reunion rules.

xxvii Section 12, Nationality and Borders Act 2022 empowered the Home Secretary to 'differentiate' between refugees depending on how they arrived, by granting asylum for shorter periods, delaying access to settlement, blocking access to public funds, and barring or delaying family reunion. As explained in our November 2025 briefing (on [asylum policy](#)), the Home Secretary intends to go or has already gone far further in respect of each of these matters than her predecessors.

xxviii Clause 22, therefore, amends that act to insert the additional legislative narrowing of the Convention, concerning whether someone is lawfully present for the Convention's purposes and, therefore, entitled to various of its substantive protections.

xxix 'Asylum seekers will pay towards costs of accommodation', [Home Office news story](#), 30 June 2026

xxx *ibid*

xxxi The exemption of children ends if and when they receive "asylum support" as an adult: clause 23(6)(a). Asylum support is defined by clause 23(2) and is solely concerned with accommodation and financial support provided by the Home Office.

xxxii Imposing a substantial debt on refugees at the point they are finally granted asylum and, amongst other things, permitted to work must be seen in the context of wider policy intentions to make asylum significantly less secure in the UK as explained in our November 2025 briefing (on [asylum policy](#)). The [Home Office news story](#), 30 June 2026, also indicates the intention to amend immigration rules so that a refugee may not become settled while this debt remains outstanding.

xxxiii The bar on working imposed on people seeking asylum is a longstanding policy of successive governments. Its limited amelioration in the case of people who have been waiting for 12 months or more for a decision on their asylum claim is confined to specified 'skilled work' that several refugees may in any event be unable to secure for want of qualification, experience (including recent experience) and/or uncertainty about their immediate future: Immigration Rules, paragraphs 360-360E.

xxxiv We note that Anti-Slavery International has cast doubt on whether the provisions concerning children, who are victims of modern slavery, will provide any improvement in the identification and support of these children: see their statement on [2 July 2026](#).