

Lord German
germanm@parliament.uk

House of Lords
London
SW1A 0PW

12 September 2025

Dear Lord German,

BORDER SECURITY, ASYLUM AND IMMIGRATION BILL: HOUSE OF LORDS COMMITTEE

I am writing further to the debate in the Lords Committee on 3 September, where I committed to write (Official Report 3 September Column 890) with further details about the Nationality and Borders Act 2022 (“the Act”), enacted by the previous Government.

The Government is committed to restoring order to the asylum and immigration system, ensuring it is efficient and fair. The Border Security, Asylum and Immigration Bill supports that aim, including the repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024 and provisions in the Illegal Migration Act 2023, the latter with certain measures retained where they have been assessed as offering potential operational benefit.

Further details of the Act, including where provisions support ensuring an effective immigration and asylum system, are set out below.

Section 12 - Differentiation

Section 12 makes provision for differential treatment of refugees based on the criteria set out in Article 31(1) of the Refugee Convention – i.e. whether they travelled directly from a country in which their life or freedom was threatened, presented themselves to the authorities without delay and can show good cause for their illegal entry or presence and whether they can show good cause for their unlawful entry where applicable. These measures are not currently in use. However, they may offer potential benefit of discouraging migrants from making irregular, dangerous and unnecessary journeys to the UK by offering different entitlements depending on how a person entered the UK.

Section 12 remains in force. Therefore, policies to differentiate in line with the provision can be resumed if required. This Government is prioritising steps to restore order to the asylum system so that it operates swiftly, firmly and fairly. While the Government reviews the approach, it would not be appropriate to remove these provisions from the statute book.

Section 27 - Accelerated Detained Appeals

There are currently no plans to begin accelerated detained appeals as provided for in Section 27 of the Act.

In addition to boosting the capacity of the First-Tier Tribunal and the statutory timeframe provision within the Border Security, Asylum and Immigration Bill, the Government announced (on 24 August 2025) plans for systemic reform of the appeals system, including establishing a new independent appeals body to deal with immigration and asylum appeals, fully independent of Government.

This new body will be staffed by professionally trained adjudicators, with safeguards to ensure high standards, and the ability to surge capacity so cases can be determined more quickly. This new body will have powers to accelerate and prioritise appeals; limit repeat applications and an accelerated process that deals effectively with claims submitted simply to delay the process and frustrate removal.

Section 40-41, 45 - Immigration offences and penalties, maritime enforcement powers

Sections 40-41 and 45 came into force by virtue of commencement regulations in June 2022. From the outset, this Government has been clear that there must be an end to the dangerous small boat crossings facilitated by organised immigration crime gangs. I trust you will agree with the aim of preventing the serious risks posed by these crossings. Sections 40-41 and 45 contain provisions that contribute to that aim, and form part of the UK's legal framework to act against irregular migration and people smuggling. It would therefore be counter to the Government's current objectives to remove these sections from the statute book.

Section 49-57 - Age Assessment

Age assessment is a challenging area of work, with no single assessment technique, or combination of techniques, able to determine chronological age with precision. This situation is compounded by the significant variation in experience between local authorities in undertaking age assessments. I welcome the continued discussion of this issue at Day 5 of Lords Committee on 8 September.

Repealing these provisions would disrupt existing age assessment structures in the UK, with the National Age Assessment Board (NAAB), which was established by the Act, continuing to offer significant improvements to the processes for assessing age, including by creating greater consistency and quality in age assessment practices to enable individuals to be safeguarded and treated appropriately for immigration purposes. The Board currently employs over 50 social workers, with recruitment

ongoing and over 240 Merton age assessments have been conducted. The NAAB helps to reduce the resource burden on local authorities and also offers a national training programme to local authorities throughout the UK, serving to improve the quality of assessments on a broader scale.

It has been ensured that the NAAB is distinct from the Home Office's asylum and immigration decision making functions. The NAAB has shown that the social workers working within the Home Office can conduct age assessments to a high standard, with decisions on age reached without political inference, or having their professional integrity as social workers and adherence to social work professional standards inhibited. Achieving accurate age assessments is the primary consideration.

Given the benefits offered by the NAAB, and that further work is ongoing to ensure effective and appropriate processes are in place to confirm the age of claimants, these measures are not being repealed by the Bill.

Modern slavery – Section 58-65

The Act placed the protections and support of the Council of Europe Convention for Action against Trafficking in Human Beings on a legislative footing for the first time in the UK. This includes the right to a recovery period in the National Referral Mechanism, during which potential victims of slavery and trafficking are eligible for support and are protected from removal from the UK. It also provides the means to disqualify individuals from those protections and support on grounds of public order or bad faith, in line with Article 13 of that Convention. The Act also sets out the circumstances in which confirmed victims of slavery and trafficking may be granted temporary permission to stay in the UK.

On the basis that these provisions offer important protections and clarity in modern slavery cases, the measures are not being repealed.

Impact of the Act

You also probed the impact of the Act.

The Home Office publishes detailed quarterly immigration statistics¹ setting out the grant rate for protection status and other forms of leave, as well as returns figures, with data broken down by nationality where appropriate.

The Bill builds on the Government's work to increase returns, deportations, enforcement visits and action with the international community to transform the response to the complex border security threats faced.

Between coming into office on 5 July 2024 and 4 July 2025, the Government has ensured the return of over 35,000 failed asylum seekers, foreign criminals and other immigration offenders with no right to be in the UK.

¹ <https://www.gov.uk/government/collections/immigration-statistics-quarterly-release>

The Government remains committed to meeting the UK's obligations under both the European Convention of Human Rights (ECHR) and the 1951 Refugee Convention. All of the asylum related provisions brought in by the Act are compliant with our international obligations, including the Refugee Convention and the ECHR.

Every asylum claim admitted to the UK asylum system is carefully considered on its individual merits by assessing all the evidence provided by the claimant against a background of published country information and a wide range of recognised and publicly disclosable sources, including the media and non-governmental sources, such as the UNHCR, Amnesty International and Human Rights Watch.

Protection is normally granted where a claimant has a well-founded fear of persecution under the Refugee Convention, or a claimant faces a real risk of serious harm. Those who qualify are normally granted five years' limited leave and have access to the labour market and welfare support. Those found not to need protection are refused. Once appeal rights are exhausted, they are expected to leave the UK. Otherwise, they will be liable for enforcement action and removal. We will not remove anyone to their own or any other country where they would face persecution or serious harm.

I hope this additional information is helpful in terms of the Government's position on provisions in the Act.

I look forward to further debate of the Bill as it continues Committee stage.

I will place a copy of this letter in the library of the House.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'J. Hanson', written in a cursive style.

Lord Hanson of Flint