

Royal College of Nursing briefing - Border Security, Asylum and Immigration Bill - second reading 10 February 2025

The Royal College of Nursing (RCN) is the largest professional body and trade union for nursing staff in the world. We represent around half a million members who are registered nurses, midwives, students, and nursing support workers across the United Kingdom and beyond.

1. Background

1.1 The Border Security, Asylum and Immigration Bill Illegal Migration Bill was introduced to the House of Commons on 30 January 2025. The Bill is predominately focused on law enforcement powers and the Border Security Command.

2. Proposals in the Bill

2.1 The Border Security, Asylum and Immigration Bill repeals many aspects of the Illegal Migration Act 2023 which the RCN contested including references to processing asylum claims in a third country, and automatic assumptions of adulthood in cases where refugees refuse to undergo age assessments.

2.2 The RCN opposed the Illegal Migration Act in its entirety and urged the previous UK Government to create new, safe routes to the UK for people seeking asylum. The RCN also called on Parliamentarians to uphold the UK's commitments to non-refoulement (which protects people from being sent to a country where they may face persecution, torture, inhumane or degrading treatment). The RCN rejected proposals which allowed for the deportation of people based on their method of arrival to the UK.

2.3 The Illegal Migration Act also provided powers to the Home Office to decide the consequences of children seeking asylum who refused to give consent to undergo an age assessment. The RCN highlighted contested and harmful scientific means of proving a child's age including the use of dental imaging which requires the use of ionising radiation.

2.4 The Border Security, Asylum and Immigration Bill also repeals the Safety of Rwanda Act 2024 in its entirety. The RCN welcomes the government's intention to repeal the Safety of Rwanda Act, which the RCN opposed in its entirety because of the removal of human rights protections for those seeking asylum in the UK by disapplying sections of the Human Rights Act. The RCN raised concerns that the legislation would be damaging to the physical and mental health for people threatened with removal to Rwanda. This is due to the high instance of those being selected having experienced torture, being diagnosed with post-traumatic stress disorder, and having suicidal ideation.

2.5 However, The Border Security, Asylum and Immigration Bill does not repeal key sections of the Illegal Migration Act, specifically Section 29 that removed protections for refugees under the Modern Slavery Act 2015. Though not yet in

force, such disqualification of modern slavery victims from protection ignores our human rights obligations enshrined in international law.

3. RCN position on the Bill

- 3.1** The RCN welcomes the repealing of the Safety of Rwanda Act and elements of the Illegal Migration Act. The use of third countries for asylum processing was a significant step back in the UK's asylum system and risked the health and human rights of people seeking asylum. The repealing of Section 58 of the Illegal Migration Act which presumed adulthood if a person refused consent for an age assessment is an important step to embedding a more humane asylum system.
- 3.2** The RCN remains concerned at the failure to fully restore protections afforded to people seeking asylum where they may have been victims of human trafficking. Across the world, over 80% of trafficking survivors seek medical care within the first year of being trafficked. Nurses are therefore key participants in identifying victims of trafficking.ⁱ However, the retention of Section 29 of the Illegal Migration Act 2023 that allow for the disapplication of modern slavery protections may risk discouraging those at risk from coming forward.
- 3.3** The Illegal Migration Act 2023 permits indefinite detention, and for unaccompanied minors a maximum period of 8 days which is a significant extension of the previous limit of 24 hours. As has been noted by the UN Committee on the Rights of the Child, prolonging the detention of children undermines their internationally enshrined rights.ⁱⁱ The RCN has previously raised concerns regarding conditions in detention facilities which negatively impact infection control and can pose significant threats to detainees' health. The Border Security, Asylum and Immigration Bill as written does not address these concerns.

Suggested questions to ask Ministers

- What assessment has the government undertaken on the removal of protections contained in the Modern Slavery Act 2015 for victims of human trafficking through the provisions in the Illegal Migration Act 2023?
- What steps is the government taking to ensure all applicants in the asylum system have access to quality and patient centred health care?
- What assessment has the government made on the current maximum period of detention for unaccompanied children?

ⁱ [Nurses play key role in identifying victims of human trafficking | ICN - International Council of Nurses](#)

ⁱⁱ [United Nations Committee on the Rights of the Child - Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland, 22 June 2023](#)