

# THE RIGHTS REMOVAL BILL

## AND ITS IMPACT ON REFUGEES, MIGRANTS, AND VICTIMS OF TRAFFICKING

### HOW WILL THE RIGHTS REMOVAL BILL IMPACT ON REFUGEES, MIGRANTS, AND VICTIMS OF TRAFFICKING?

The Human Rights Act was passed in 1998 to 'bring rights home'. Since then it has served as a vital safeguard, helping to protect the rights of refugees, migrants, and victims of trafficking.

➔ Section 3 HRA gives UK courts the power to interpret laws in a way that protects human rights. This has been used to defend people's rights, including for the Windrush generation. The Rights Removal Bill repeals section 3.

➔ The Rights Removal Bill defines the UK Supreme Court as the ultimate judicial authority, and allows courts to ignore decisions by the European Court of Human Rights (ECtHR). ECtHR jurisprudence has been crucial to the rights of migrants, refugees, and victims of trafficking, and so this will reduce protections.

➔ The Rights Removal Bill restricts public authorities' obligation to act to protect your rights and prevent breaches of rights, i.e. positive obligations. This includes ensuring support for victims of trafficking.

➔ The Rights Removal Bill adds a permissions stage for people who want to bring human rights claims. Many people already have difficulties in having the documentation of their circumstances or in seeking legal advice.

➔ Under the Nationality and Borders Act, migrants are liable to be criminalised, which could impact on their ability to claim damages for breaches of their rights under the Rights Removal

Bill, which seeks to tie damages to past behaviour.

➔ Clause 8 - deportations: The Borders Act 2007 already allows for automatic deportation for any foreign national who received a minimum 12-month prison sentence. Further immigration laws have restricted people's ability to appeal their deportation using Article 8 of the ECHR (private and family life). The government wrongly alleges that Article 8 has been abused. The Bill would further heighten the existing threshold that appellants need to meet by making it virtually impossible to appeal on any grounds other than having dependents, where individuals must prove "extreme harm" to those dependents.

➔ Clause 20 - limiting courts' power to allow appeals against deportations: Clause 20 requires courts to prioritise the government's assessments and assurances about the safety of the destination country.

➔ Clause 24 – ignoring interim measures: In an apparent retaliation to the ECtHR's interim measure to halt the Rwanda deportation flight, the Bill would allow the government to ignore ECtHR interim measures outright, removing a crucial avenue for individuals to protect their rights and halt policies that breach human rights.

### THE HUMAN RIGHTS ACT IN ACTION

Please see the following consultation responses for case studies:

➔ [Anti-trafficking sector](#)

➔ [BID](#)

➔ [JCWI](#)

### OUR BIGGEST CONCERN

Following the Nationality and Borders Act, the Bill weakens the last remaining protections for migrants, refugees and victims of trafficking to defend their rights. By narrowing the scope for legal challenge both domestically and with regards to the European Court of Human Rights, the Bill allows the government to essentially continue to enact extremely harmful policies like the Rwanda scheme without international scrutiny. The Bill also limits the rights of individuals and communities who protect migrants' rights, such as people who resist immigration raids, protest against cruel immigration policies, or participate in direct action to prevent deportation flights.

This was written by Focus on Labour Exploitation, Hope for Justice, Joint Council for the Welfare of Immigrants, Bail for Immigration Detainees, and Liberty. For any queries, contact Jun Pang on [junp@libertyhumanrights.org.uk](mailto:junp@libertyhumanrights.org.uk).