

10 Furnival Street  
London  
EC4A 1AB

Tel.: +44 (0)7725 058 596  
Email: [tenant@unhcr.org](mailto:tenant@unhcr.org)

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Dear Minister,

I write to share UNHCR's recommendations on the implementation of the Illegal Migration Act.

UNHCR respectfully maintains its position that core provisions of the Act are inconsistent with the UK's obligations under international law. Nonetheless, we understand that when the Act was passed, it was the Government's view that it "does not require any act or omission that conflicts with the obligations of the United Kingdom under the European Convention of Human Rights or other listed international instrument. . ." including the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol (together, "the Refugee Convention"); the 1954 Convention relating to the Status of Stateless Persons ("1954 Stateless Persons Convention"); and the 1961 UN Convention on the Reduction of Statelessness ("1961 Statelessness Convention").

UNHCR therefore offers below a series of recommendations intended to assist the Government, where possible, to bring implementation of certain aspects of the Illegal Migration Act 2023 closer to conformity with the UK's international obligations.

UNHCR makes these recommendations in line with its supervisory responsibility in respect of the 1951 Refugee Convention relating to the Status of Refugees ("the Refugee Convention") and its 1967 Protocol. Under the Statute of the Office of the High Commissioner (annexed to UN General Assembly Resolution 428(V) of 14 December 1950), UNHCR has been entrusted with responsibility for providing international protection to refugees and, together with governments, for seeking permanent solutions for their problems. UNHCR's supervisory responsibility is also reflected in Article 35 of the Refugee Convention and article II of the 1967 Protocol, obliging State Parties to cooperate with UNHCR in the exercise of their functions, including in particular to facilitate UNHCR's duty of supervising the application of these instruments.

UNHCR has also been mandated by the UN General Assembly to prevent and reduce statelessness around the world, and to protect the rights of stateless people. UNHCR thus has a direct interest in national legislation and policies affecting refugee protection and the rights of stateless people.

UNHCR remains committed to working in a spirit of partnership with the Government to address current challenges, including those related to the growing number of asylum applications and continuing irregular arrivals through the Channel. We share the Government's concern regarding the rising numbers of asylum seekers undertaking dangerous journeys to the UK and will continue to engage with the Home Office to pursue a practical, effective, and comprehensive response in line with international standards.

Yours sincerely,



Vicky Tennant  
Representative to the United Kingdom

