

Nationality and Borders bill 2021-2022

ACTION BRIEFING

Updated January 2022



Our Churches are concerned that proposals in the Nationality and Borders bill will make it harder for people fleeing conflict or persecution to seek sanctuary in the UK. **Please contact your Member of Parliament to make the case for protecting human rights and promoting human dignity in our asylum system.**

Find your MP's contact details at members.parliament.uk or by calling 020 7219 3000.

What is the Nationality and Borders bill?

The bill is a proposed new law that has been put forward in the UK Parliament by the Home Secretary, Priti Patel, on behalf of the UK Government. It would make major changes to the UK's asylum and immigration system.

What stage is the bill at?

The bill passed its third reading in the House of Commons in December 2021, by a 298-231 vote (majority of 67). During its time in the House of Commons, the Government brought a number of amendments to the bill. This was criticised by the opposition as the amendments did not have time for full scrutiny in the Commons. No non-government amendments were added to the bill.

What will happen next to the bill?

The bill is now in the House of Lords, where it will be subject to scrutiny and be open to amendments from Peers of all parties. The committee stage in the House of Lords is due to begin on 27 January, and the bill is likely to remain in the House of Lords until the end of February. Because the Government do not have a majority in the House of Lords, there is more likelihood that amendments to the bill will pass. The Government does not have control of the timetable in the House of Lords, so it is likely more time will be given to scrutiny.

When the bill has had its third reading in the House of Lords, it will return to the House of Commons for amendments to be considered. The back-and-forth continues until a final version is agreed.

Significant changes made to the bill

Whilst the Government brought a significant number of amendments to the bill at the report stage in the House of Commons, these amendments have received most widespread coverage:

- 1. Clause 9 – Notice of Decision to deprive a person of citizenship**
A new clause was added by the Government which seeks to allow the Home Secretary to remove a person's citizenship without notice. This would restrict the person's ability to appeal the decision. This controversial change has been criticised for being introduced after very little parliamentary scrutiny in the House of Commons.
- 2. Amendments 60 and 63 – As committed to in the Committee Stage, the Government**
brought amendments to remove from threat of prosecution the crews of RNLI vessels which rescue people at sea, and those in charge of vessels who find stowaways on board. Previous criticism had been that the bill would criminalise those who sought to save the lives of people who got into difficulty when crossing the Channel

Key issues raised at the House of Commons Report Stage

‘Pushback’ – A number of concerns have been raised around the government’s attempts to create ways to ‘pushback’ people attempting to travel to the UK to seek sanctuary, often through small boat channel crossings. At the report stage, Labour moved amendments shaped by advice from the Joint Committee on Human Rights, which sought to ensure that the consequences of the bill would not ‘endanger lives at sea’. These amendments were defeated, and the government claimed that it had always complied with international law.

Criminalising those seeking asylum – Under the new legislation, those who travel to the UK to seek asylum through a non-government approved route would be subject to criminal penalties. This has been strongly criticised by many groups, but no changes have been made. This is part of the bill’s legislation for a ‘two-tier’ asylum system, which treats refugees and asylum seekers differently depending on how they arrived in the UK.

Safe routes to claim sanctuary – Whilst the bill relies heavily on the provision of safe routes by which those facing persecution can seek asylum, the Government have not been forthcoming in detailing what these routes will be. This is a significant flaw in the Government’s argument. There have been repeated requests for the Government to outline:

- Expansion of family reunion routes
- Implementation of routes for unaccompanied children in Europe to claim asylum in the UK
- Schemes such as the Afghan Citizens Resettlement Scheme to be implemented
- generous targets for numbers to be admitted through these routes and schemes

Quick recap – what are the key aspects of the bill which raise concern?

The government claims that the bill will increase the fairness of the asylum system and deter illegal entry into the UK. However, many of the measures risk creating more injustices in the system which will increase the trauma and pain experienced by asylum seekers attempting to reach safety in the UK. Key aspects include:

- Measures to create a ‘two-tier’ system of refugees, which would alter the asylum system so that the route via which someone arrives in the UK will determine the way a claim for asylum is processed. Group 1 refugees are those who arrive directly from the country they have fled via a government approved route, and will be immediately granted indefinite leave to remain. Group 2 refugees include all other refugees, including those who have travelled through other countries, before taking ‘irregular’ routes (e.g. a channel crossing) to the UK. This group will be sent back to a ‘safe’ country they passed through on their way to the UK, or granted only temporary permission to stay in the UK, with limited family reunion rights and limited access to benefits. There is currently no way to claim asylum without being physically present in the UK.
- Making it a criminal offence to arrive in the UK without permission.
- Increasing the punishment for people smugglers and gangs who facilitate entry to the UK.
- Introducing “reception centres” for asylum seekers and those whose claims have been rejected, providing “simple, safe and secure accommodation” while claims and returns are being processed.

- The lack of targets for resettlement, or the creation of safe and accessible routes by which people can claim asylum in the UK.

What should I say in my message to my MP?

The next time MPs will have a chance to vote on the bill will be when it returns to the House of Commons, to seek approval for amendments made in the Lords. It is likely that at this stage, MPs will have the chance to vote on amendments which could address some of the concerns raised about the bill.

[You can find our guidance on how to engage with your MP around the bill here.](#)

Our experience is that it makes more impact on an MP to write a personal letter, or have a meeting with them, than to simply sign petitions or send standard email messages; the 10 minutes it takes to write and send your own message, or have a brief conversation, can be a better use of time than spending thirty seconds completing an online form. So, we encourage you to use your own words.

You may want to ask them to vote for amendments which:

- Remove the 'two-tier' system for asylum seekers and refugees;
- Establish and implement compassionate and ambitious schemes by which people can claim asylum in the UK;
- Offer greater support for people seeking asylum in the UK, such as the right to work, welfare and housing support.

You should address your MP courteously and respectfully; remember, you are wanting your MP to do something for you. If you are writing, give your address (to show that you are from the constituency; most MPs will only respond to messages from people who live in their own constituency), and which church you belong to. You may want to get others from your church to write their own letters, or you could send one letter on behalf of a group (or, if you are able, the whole congregation).

As well as the points made above, you might raise one or more of the following points:

- The positive contributions that asylum seekers and refugees make to congregations and communities
- That many legal experts believe the proposals breach obligations of the UN Refugee Convention, and will cause harm and suffering to those escaping from war or persecution
- The lack of safe and legal routes for people seeking asylum to get to the UK
- The importance of giving people who are seeking asylum the chance to integrate, by learning English and having opportunities to make friends and contribute to society
- The UK only takes a tiny proportion of people who have been forced to leave their homes; as a wealthy country with welcoming communities we have capacity for more kindness and compassion
- Any review of the asylum process should listen to the experts: asylum seekers themselves.