

**Nationality and Borders Bill briefing**

**July 2021**

As a network of 49 organisations across the UK challenging the use of immigration detention, we are deeply concerned by this new Bill. We fear that it will undermine the post-war global consensus on how we protect people who are persecuted in their own country, and it marks a change in culture where people who are seeking safety in the UK are increasingly detained in remote locations or even other countries.

We want our country to have a humane and caring asylum system, reflecting the lived experience of people seeking safety, and where people are treated with dignity and respect. These changes are not in our name, and we are part of a growing movement to challenge these uncaring and cruel changes.

1. The Bill proposes **different treatment of refugees**, primarily depending on how they travelled to the UK. The government claims this is needed to stop people using what they claim are ‘illegal’ routes to enter the country. The sad truth is that there are almost no safe and legal routes to enter this country to seek safety. If your government is persecuting you, you will struggle to obtain travel documentation. People flee often with nothing, desperate to reach anywhere for safety. This Bill ignores this reality; it cannot be right to judge someone’s claim for protection on the manner of their arrival? Surely, we should be focussed on whether an individual faces a well-founded fear of persecution? Depending on their means of arrival, some refugees will get reduced access to support and very limited right to remain; this is totally counter-productive if the government wants refugees to integrate our society.

2. The Bill also raises the prospect of **off-shore detention**. The experience from Australia has shown us the damage that such a heartless policy can have on vulnerable people. It is a case of out of sight and out of mind. We know that there is more abuse in closed centres – public scrutiny is a good thing, which will be so much harder to do at off-shore locations. There are legitimate reasons that people should seek safety in the UK, for example: family, language and history. The government though will treat asylum claims as ‘inadmissible’ if they have a ‘connection’ to a safe third country. It is a geographic absurdity and just not realistic to expect that the countries in the south of Europe should take all people seeking safety from Africa and Asia. We should be proud to continue our record of offering people safety, but to do so in this country with full public accountability and scrutiny.

3. The Bill will **criminalise those who enter the country** by what it calls illegal routes, with a penalty which can include jail for 4 or 5 years.  Our country signed up to the 1951 Refugee Convention which says “The Convention further stipulates that, subject to specific exceptions, refugees should not be penalized for their illegal entry or stay. This recognizes that the seeking of asylum can require refugees to breach immigration rules.”

4. The Bill focuses significantly on expanding the use of **asylum accommodation centres**. One such centre is currently in use at the disused and prison-like Napier army barracks; its isolated environment makes it difficult to get advice and support and increases the stress on individuals, who have already had very traumatic experiences. It is isolated and therefore a poor context for engaging with asylum claims. The High Court ruled recently that its use for quasi detention was unlawful. We know that the use of asylum centres is cruel and militates against integration. We have a long and proud history of welcoming people seeking safety into our communities. How can it be the right thing to lock people up when they will often have fled the horror of detention in their own country?

5. The Bill raises the **standard of proof** for determining if someone has a “well-founded fear of persecution”, and includes measures to make it harder to bring evidence late. These changes are against the backdrop of a well-established culture of disbelief, and a large number of refusals overturned on appeal.

6. The Bill will also **prolong detention** requiring decision-makers to consider previous ‘failure... to cooperate’ with certain immigration processes when considering whether to grant bail. We fear that this provision will make it harder for people to get bail and will leave them stuck in detention for longer.

7. The Bill is also re-introducing a **fast track appeals system for appeals** made by people held in detention under immigration powers. We fear that this is a return of the discredited fast track system and will result in people being treated unfairly and unjustly.