



8 things you should know about the Nationality and Borders Bill

and actions you can take to
change it



St Vincent
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What is the Nationality and Borders Bill?

The Nationality and Borders Bill would overhaul the UK's asylum system to make it as difficult as possible to get asylum in the UK. If this bill becomes law, thousands of people forced to flee their homes and in need of safe haven will not be able to find safety and security in the UK. The Bill would deny many refugees the chance to seek sanctuary in the UK, criminalise many of those who try, isolate refugees in harmful out-of-town institutions, and undermine 70 years of international co-operation under the UN Refugee Convention. It would drastically cut the overall number we give safety to.

The Bible affirms – strongly and unequivocally – the obligation to treat strangers with dignity and hospitality.

“

When a stranger sojourns with you in your land, you shall not do them wrong. You shall treat the stranger who sojourns with you as the native among you, and you shall love them as yourself, for you were strangers in the land of Egypt. I am the Lord your God.

Leviticus 19: 33–34

”

What have Churches, Catholic Bishops and Pope Francis said about this issue?



In May 2021, more than 80 Church organisations and Faith leaders signed the SVP's open letter to the Home Secretary which said:

We believe these proposals lack humanity and respect for human dignity. Many people who are forced to flee their homes in desperate circumstances simply have no choice but to cross borders informally to reach a safe haven; to penalise them for this is to abandon the very principle of international protection. Moves to criminalise and penalise undocumented entry to the UK mean it will effectively be impossible for most people to claim asylum because safe and legal routes are extremely limited, and could never feasibly be made available to all who need them.

Bishop Paul McAleenan, Lead Bishop for Migrants and Refugees, and Bishop William Nolan, Chair of the Scottish Bishops' Commission for Justice and Peace, have also spoken publicly about their concerns with proposals in the new Bill. The Bishops made an appeal that we continue to make room for people who seek safety and a home among us in the UK. The Bishops echo concerns expressed by Catholic charities including St Vincent de Paul Society and the Jesuit Refugee Service in their responses to the government consultation. In particular they express strong opposition to the proposed creation of a two-tier asylum system and warn that plans for tougher border security could drive more people into the hands of traffickers.

Eight things you should know about the Nationality and Borders Bill

1 How worthy of protection someone is will depend on how they were able to travel to the UK. This will deny sanctuary to the vast majority of refugees

The bill divides refugees into “Group 1” and “Group 2” depending on how they got to the UK. People who travel via another country, do not have documents or did not claim asylum immediately on arrival to the UK would be put in “Group 2”. The Bill suggests this group would find it hard to settle in the UK, living under threat of expulsion rather than getting a chance to rebuild their lives; have less chance to reunite with family members torn from them, be denied access to public funds and be left at risk of destitution. Most refugees have no choice in how they travel – when you’re fleeing for your life, you just have to go. There are also good reasons people can take a while to claim asylum. Most refugees will be penalised under this system and be denied the opportunity to rebuild their lives here.





“I just escaped to keep my life, **to be safe**. That’s the most important thing.”

Aaron* was 13 when he had to leave Eritrea without his family.

His father had been conscripted into the country’s brutal military service. He came home to see his family. He left again and told his family that he was going back to his base. He never showed up there. The family didn’t know anything about his whereabouts because he had not told them.

The military came looking for Aaron’s father. They came to his house and told Aaron’s mother that they would take her children, including Aaron. Aaron had no choice but to leave.

“People really suffer”, he says. “They don’t want to leave their country but their country forces them because military service in Eritrea is the worst thing. You have to serve the military forever. There is no life, there is nothing.” He left Eritrea and spent two years looking for safety before he arrived in the UK. He travelled via Sudan and Libya, both of which were very dangerous. He then went to Italy, where he felt unsafe sleeping outside under bridges, and to France, where he ended up in the Calais jungle.

“They didn’t treat us like human beings” he explained. He came to the UK in the back of a lorry. “I wasn’t expecting anything,” he remembers. “I just escaped to keep my life, to be safe. That’s the most important thing.”

Aaron was in the UK asylum system for 7 years before finally being recognised as a refugee, and as having been one all along. He was initially refused asylum and had to submit a fresh claim. Now, he plans to study IT.

*This is the testimony of a refugee friend of JRS UK. Aaron is a pseudonym.

2 It will expand the use of detention-like accommodation centres

The Bill proposes to create new large-scale accommodation centres, without providing details of what these would look like. It would mean accommodating people seeking asylum in out-of-town institutions, rather than in the community where they can get the practical support and help they need to rebuild their lives. It is cruel and makes integration all but impossible.

The asylum camp at Napier barracks is being used to trial asylum centres.

The Jesuit Refugee Service (JRS) UK supports people accommodated in Napier barracks. The site is prison-like and isolated. It is frequently cold, and residents often struggle to get enough to eat. Residents' mental health spirals rapidly over the time they are placed there with most suffering from chronic sleep deprivation and anxiety. This is a very bad context for engaging with an asylum case. In June 2021 the High Court found the health and safety conditions at Napier were inadequate. There was a failure to identify victims of torture and trafficking and people placed there had at times been falsely imprisoned.

A man formerly accommodated there described his experience: "I was suffering in the camp, there was security, there were police constantly coming and going, there was no freedom. The way we were treated, it denied us all freedom. I came to the UK full of hope that I would have a chance to be safe and have a good life, and then I found myself in this camp, with no freedom, it was just like a prison. In all the four months while I was in the camp.

I must have left barely ten times. It is in a remote place, and you have to walk quite far to end up somewhere equally remote. The camp is like being in a psychiatric hospital, or like being in prison, there are people rapidly becoming more and more mentally unwell around you, one has just tried to kill himself, another is in pain, another is very stressed and cannot cope. It just seemed safer to stay in my room and to avoid seeing all of this as I could not cope with it all the time. I did not feel like a person when I was there. I felt I had lost who I was, like my personality had gone."

3 It will permit the use of offshore processing for protection claims

The Bill would allow asylum seekers to be removed from the UK and held elsewhere while their asylum claims are processed.

Other countries have tried and failed to use this model. Australia for example transferred thousands of asylum seekers to Papua New Guinea and the Island of Nauru where people lived in detention under guard, not allowed to go outside and banned from receiving any visitors. The International Criminal Court found this practice unlawful. Recent research from Australia demonstrates that it does nothing to save lives at sea.¹

Offshore processing is highly impractical, likely to lead to deeply cruel practice and unfair decision-making and would serve no good purpose.

4 It will tear families apart



Refugees are often forced to leave family behind. The Refugee family reunion route however allows a recognised refugee to be reunited with certain family members here in the UK. It is a vital lifeline, bringing people to safety, allowing refugees to rebuild their lives, and reuniting them with, in some cases, the only family they have left. Family reunion improves levels of integration and helps people rebuild their life here, together. Being reunited with family members leads to positive integration outcomes and provides a support system which is vital when integrating into a new community.

This Bill would reduce already restrictive family reunion rights for those refugees placed in the new 'Group 2' category. These restrictions will predominantly impact women and children, who currently account for 90% of those who receive family reunion visas.

1. Madeline Gleeson and Natasha Yacoub, "Cruel, costly and ineffective: the failure of offshore processing in Australia", Kaldor Centre for International Refugee Law (August 2021)

5 It makes asylum determination much harsher – even though it’s already harsh

The Bill introduces a range of measures to make asylum determination much harsher.

For example, it would raise the threshold of proof needed to demonstrate a need of protection to an unrealistic level, hard for most people to meet. It would also require decision-makers to interrogate asylum claimants’ “good faith” – in reality, starting from the assumption that they’re lying and approach them with a lens of suspicion. The Bill makes it very hard to qualify as acting in Good Faith. Did you forget the exact date on which something relevant happened several years ago? Did you struggle to talk about trauma the first time you spoke to a government official? Either of these could mean you’re not acting in Good Faith.



There are many reasons why providing all the evidence and information at once and as soon as arriving may not be possible. For example, many people have experienced trauma, including torture and sexual violence. And, already, decision-makers often demand an absurd degree of detail when interrogating asylum claimants about difficult events that may have happened some time ago. In fact, a long-standing culture of disbelief and refusal in asylum determination is well-evidenced.²

Home Office caseworkers often apply an excessive standard of proof to asylum claims, and either simply prejudge claimants’ credibility – starting from the position that people are lying – or conclude that they are lying without sufficient consideration.³

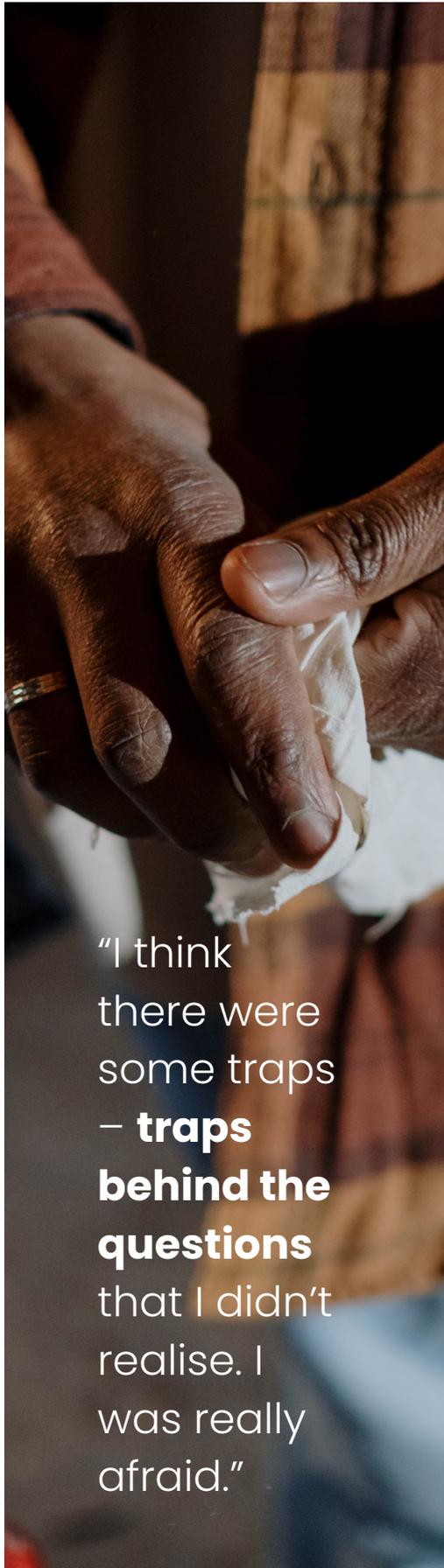
This obstructs decision-makers’ ability to fully understand claimants’ experience and leads to numerous erroneous refusals. This same ‘refusal culture’ in Home Office decision-making destroyed the lives of ‘Windrush’ citizens.⁴

Approximately 40% of refusals are overturned on appeal to the courts, indicating a serious systemic flaw in initial decision-making. Rather than solving the problem, The Bill further formalises and entrenches suspicion of asylum seekers in law.

2. Natasha Tsangarides and Liz Williams, ‘Lessons Not Learned: 15 years of failure to improve asylum decision-making’, *Freedom from Torture*, <https://www.freedomfromtorture.org/news/lessons-not-learned-report-september-2019> (p.18.)

3. Emily Wilbourn, Ariel Plotkin, *Beyond Belief: How the Home Office fails survivors of torture at the asylum interview*. (Freedom from Torture, 2020), p. 24-25.

4. Wendy Williams, *Windrush Lessons Learned Review*. (House of Commons, 2018, last updated March 2020), p.105.



“I think there were some traps – **traps behind the questions** that I didn’t realise. I was really afraid.”

Cecile*, a refugee who fled political violence and imprisonment in Central Africa, explained: “During my asylum interview, I thought everything went well. I explained everything and I thought I answered the questions very well.

“There were two women, and they were really kind, but I think there were some traps – traps behind the questions that I didn’t realise. I was really afraid. I explained everything to them. I told them about all ordeals that I had been through...My refusal was really death. I could see death.

“The letter came two weeks later. I had to get someone to translate it. The letter said that they didn’t believe my story. I told myself they’d deport me back to my country. I was so afraid.

“My blood pressure went up. I couldn’t even eat...It really just came down to the fact that the dates I gave were not exact, and the Home Office held that against me. I had been so confused myself that I couldn’t give the correct date.”

After nearly a decade, the UK government finally recognised Cecile’s need for international protection.

*Cecile is a refugee friend of JRS UK. She shares her experience with you in the hopes it will help refugees and asylum seekers in the future.



6 It does not commit to refugee resettlement

Refugee resettlement is the transfer of refugees from one country to which they have fled to another State that has agreed to grant them residence. Governments work with the United Nations High Commissioner for Refugees (UNHCR) to transfer refugees to countries such as the UK, Canada, Germany and many others. Only 0.6% of the 13 million Syrians who have fled their homes have been able to access this scheme.

The Refugee Resettlement Scheme is one of the very few schemes provided by the UK Government to help people living in dangerous refugee camps abroad (for example Syrians living in refugee camps in Lebanon) to be able to come and live in the UK and rebuild their life here.

In recent years the Government had a target to resettle 20,000 of the most vulnerable refugees over several years so they could rebuild their lives in the UK. This Bill however fails to commit to a resettlement target. Churches, other faith groups and charities stand together in asking the government to commit to resettling at least 10,000 people a year, and we think they could do more.

7 It does not create any safe routes to seek asylum

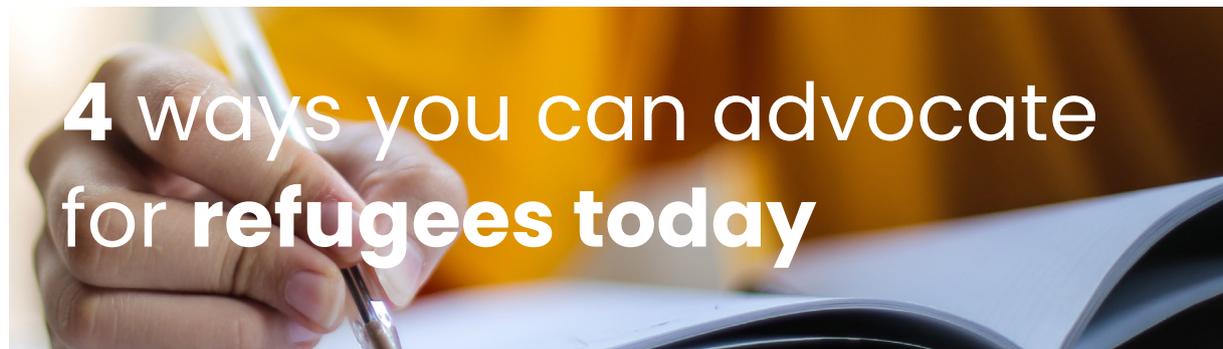
There is no formal mechanism for travelling to the UK to seek asylum – for example, no such thing as an asylum visa. The Bill does nothing to create one. It does do a lot to make asylum seekers' journeys more dangerous. There is a lot of evidence that a policy focused on closing borders forces desperate people to take more dangerous journeys.⁵ The Bill also places people who help asylum seekers struggling in small boats at risk of prosecution, increasing the chance that people in small boats will be left to drown. The government says refugees should use "safe and legal" routes rather than informal ones. But all that this bill does is make dangerous routes worse and punish people for travelling in the only way available to them.

5. Foreign Affairs Select Committee, Responding to Irregular Migration: a diplomatic route, (House of Commons, 2019). Conclusion and recommendations, paragraph 3.

8 It will make people seeking sanctuary more vulnerable to trafficking and modern slavery

The Bill punishes refugees who arrive without the right documentation and makes it easier to subject them to criminal penalties. Not only is this unfair – refugees often have no choice but to travel without documents, and the Refugee Convention permits them to do so – it also means that victims of trafficking will find it impossible to go to the police for help.

JRS UK frequently supports victims of trafficking. They have routinely been threatened by their traffickers that if they go to the police, they will be arrested, detained, and ultimately removed. This is already too often true, and the Bill makes the situation worse. By making it riskier for any migrant without documents to go to the authorities, it plays into traffickers' hands. The government says it wants to combat trafficking, but this Bill is a charter for traffickers.



- 1** **Contact your MP** to express your concerns about the Nationality and Borders Bill and call for a just and person-centred asylum system. There's some top-tips and a template letter on the next page, and there's more information on the JRS UK website at jrsuk.net/contact-your-mp or [SVP resource page](#)
- 2** **Share this guide** with your SVP conference, your friends and your family, and explain why it matters to help refugees and asylum seekers, and read the human stories behind the numbers. There's plenty more information on the JRS UK and the SVP websites.
- 3** **Host a refugee or asylum seeker** or look at whether your community would be suited to Community Sponsorship. Stable accommodation is one of the biggest challenges facing refugees and asylum seekers in the UK. In London, JRS UK has a hosting scheme At Home and SVP is able to offer support nationally for ways to help refugees in your locality. Find out more at jrsuk.net/at-home-hosting-scheme
- 4** **Pray for refugees**, asylum seekers and parliamentarians making life-altering decisions. JRS UK have a host of prayer resources to help at jrsuk.net/praying-with-refugees

Write to your MP:

Our top tips

MPs have a chance to influence this bill by proposing amendments, asking questions and voting on this bill. Therefore, it's important for MPs to know what their constituents think about the bill. MPs are much more likely to listen and respond to their constituents, so **your voice matters**. If many people write to their MP to share their concerns with this bill, we have a chance of making a difference to the lives of thousands of people.

There are lots of different ways to get in touch with your MP. You can send a letter, or an e-mail, a tweet, or you can phone up their office to make an appointment to meet face-to-face. We know it can be daunting to contact your MP – particularly if you've never done it before – but don't worry, thousands of people contact their MP every week. We've put together a really easy to use guide and a template letter you can use to contact your MP.

Don't worry if you don't hear back from your MP immediately – it can sometimes take a few weeks to get a full response.

If you're worried that your communication may have gone astray, call up their office and ask if it's been received.

If you do get a response – please do let us know. You can share your response(s) with Alessandra alessandras@svp.org.uk at SVP and Sophie sophie.cartwright@jrs.net at JRS UK.

1 Find your MP. MPs can only represent and respond to you if you live in their constituency – you can check who your MP is at theyworkforyou.com or parliament.uk/members/commons: all you need is your postcode.

2 Learn a bit about your MP. The more you know about your MP, the more you can tailor your correspondence, and the more impact your message will have.

3 Be polite and respectful. MPs are human beings like the rest of us. They might be acting from good motives. If you disagree – listen to them, allow them the chance to listen to you and to potentially change their view. That is what lobbying your MP is about.

4 Keep it to the point whether it's a letter, e-mail, phone call or tweet, MPs receive lots of correspondence everyday – so be clear and concise in why you're contacting them and why the issue concerns you.

5 Include your contact details so they can contact you to update you on what action they will take in response to you raising an issue with them.

And remember, don't forget your postcode! MP's can only respond and act on behalf of people who live in their constituency, and your postcode is the easiest way to prove this.

A template letter to your MP

You might find this template letter a helpful place to start! You can edit it and make it your own, or you can send it as it is.

<Address Line 1>

<Address Line 2>

<Postcode>

<Date>

Dear <Name of your Member of Parliament>,

I hope you are well. I am writing to you as I would like to raise my concerns about the Nationality and Borders Bill which is currently going through parliament. The Bill is a key instrument in a wider overhaul of the asylum system proposed in the government's New Plan for Immigration. This legislation shows no respect for human dignity, justice, or the protection of human life.

Already, asylum claimants often struggle to get justice and are re-traumatised by the asylum process and life in the asylum system. Proposals in The Bill would create further barriers to protection for those who badly need it.

Some of my key concerns with the Nationality & Borders Bill are:

1. Plans to differentiate between refugees on the basis of how people got here ignore the reality of seeking asylum and are deeply cruel. People seeking asylum rarely have a choice of how they travel, and the Refugee Convention, to which the UK is a signatory does not oblige them to seek asylum in the first safe country they come to. Discriminating against people obliged to arrive spontaneously will not prevent desperate people from making dangerous journeys. These plans deny the right of refugees to seek asylum and should be abandoned.
2. The Bill would allow for asylum seekers to be removed from the UK while their claims are being processed, opening the door to offshore processing of asylum claims. This would be highly impractical and costly and has given rise to serious human rights abuses in other contexts where it has occurred. It undermines our commitment to processing claims fairly and offering sanctuary to refugees.

3. The Bill contains proposals for the creation of asylum accommodation centres. The use of such centres is cruel and bad for integration. The asylum camp at Napier barracks is being used to trial these centres. It is prison-like and isolated, and the mental health of people placed there deteriorates rapidly, as the APPG on detention recently noted.
4. This legislation does nothing to create safe routes for people seeking asylum, nor does it contain a concrete commitment to resettlement; the government indeed, has made no such commitment.

Our asylum system is in urgent need of reform, but this is not the way to go. We need to place a focus on human dignity, compassion and culture of protection at the heart of the asylum system. [Add here in your own words why this is important to you as a Christian].

For this, we need a fresh starting point. The Jesuit Refugee Service (JRS) UK has recently published, *Being Human in the Asylum System*, a report laying out principles for a just and person-centred system drawing on Catholic Social Thought. This report underlines the crucial importance of human dignity in the asylum system, and I would urge you to seriously consider its proposals [You can instead, or also, explain the kind of asylum system you want to see].

This legislation is deeply cruel, impractical, and destructive to the common good. I ask you:

- Speak out against these proposed changes to the asylum system.
- Argue for an asylum system that strives to extend protection to those who need it, irrespective of how they got here.
- Commit to a clear target to resettle at least 10,000 refugees a year through resettlement schemes and to establish safe routes for people to seek asylum.

Thank you for your consideration. I would be happy to arrange to meet with you to discuss this matter further.

Yours sincerely,

[Your name]