**The Nationality and Borders Bill – General Meeting**

**Timing say 30 mins talk, 30mins discussion**

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**1. Introduction [ 5mins]**

- what we will talk about

* What will it do?
* What is the Bill’s timeline?
* What is SWVG doing?
* The “Show Your Heart” Campaign (aka the Orange Heart Campaign)
* What we ask you to do
* Frequently Asked Questions – and constructive proposals by JCWI
* Messaging guidance
* Discussion

**2. A two-tier system [ 2 mins]**

People chosen by the Home Office will be resettled to the UK, with refugee status.

People who come by “irregular” so-called “illegal” routes will be penalised. The Home Office says this will break the business model of smugglers and criminal gangs.

- Government’s particular concern is to stop arrivals by boat – on the one hand a political embarrassment – on the other hand a way to stir up anti-immigrant voters.

- The Home Secretary’s rhetoric focuses on removal of “illegal migrants” and “foreign national offenders”.

- We need to acknowledge these concerns, but to stand up for the people that we support who are in need of sanctuary.

**3. An existential threat: in what ways? [ 2 mins]**

It will set up a two-tier system which will penalise people who come to the UK by irregular routes and then claim asylum

- they may be prosecuted if they come by “illegal” routes

- they will be sent to “accommodation centres”

- if they came via Europe the Home Office will try to remove them to a “safe third country”

- their asylum claim will not even be considered for up to six months

- fresh evidence will carry less weight

- if their claim is accepted, they will get “temporary protection” for 30 months

- they will never get full refugee status

- no family reunion

- there will be an increase in the use of asylum detention and fast track assessments

- the Bill will enable the government to set up offshore detention centres (Ascension Island, Rwanda…?) where asylum seekers will be imprisoned indefinitely [ DA Briefing ]

The treatment of people who arrive legally (e.g. by plane with a tourist visa) and apply for asylum on arrival is not clear.

These policies are a direct threat to the safety of people in need of sanctuary who do not come to the UK via a resettlement scheme.

It may end the community-based help and friendship that SWVG and groups like us offer.

The Refugee Council, Refugee Action, Freedom from Torture and the SNP call it an “Anti-Refugee Bill”.

**4. Will this break the business model of smugglers and criminal gangs?**

There is no evidence that it will.

Likely to increase risks, danger and exploitation of refugees.

Likely to increase destitution and homelessness.

Will create further delay and will further damage the asylum system.

**5. Timeline for the Bill’s passage through Parliament [ 2 mins]**

April 2020: NPI consultation

6 July 2021: Bill introduced to House of Commons

19 & 20 July 2021: Second Reading debate

Sept – Nov 2021: Committee Stage

21 & 23 Sept: Oral evidence sessions

Sept: submit written evidence

4 Nov: Committee report deadline

3rd Reading HoC

Bill in House of Lords

Final Stages – amendments – Royal Assent

**6. What we are doing [ 2 mins ]**

We have a Campaign Plan

We are working with Together with Refugees, a coalition of over 300 national and local organisations

We are supporting TWR’s SHOW YOUR HEART Campaign (aka the Orange Heart Campaign)

Local Allies and celebrities

Talking to MPs, Lords and local councillors

Media and publicity

**7. Together with Refugees SHOW YOUR HEART campaign [ 5 mins]**

(AKA The Orange Heart Campaign)

Together with Refugees is a coalition of over 300 national and local organisations.

“Together, we are calling for a better approach to supporting refugees that is more effective, fair and humane. This mean standing up for people’s ability to seek safety in the UK no matter how they came here, and ensuring that people can live in dignity while they wait for a decision on their asylum application. It means empowering refugees to rebuild their lives and make valuable contributions to their communities. And it means the UK working with other countries to do our bit to help people who are forced to flee their homes.”

Heart symbol and hashtags

The aim of the SHOW YOUR HEART campaign is to enable all kinds of people to come together to demonstrate their support for a kinder approach to refugees in a simple, visual and public way - over the coming months while MPs and Lords are considering the Borders Bill.

The symbol of the campaign is the Orange Heart. It uses the colours of the refugee nation flag used for the first ever refugee team in the 2016 Olympics.6

With our campaign hashtags #WhoWeAre and #TogetherWithRefugees the heart is intended to be freely adopted and widely used to express support for refugees, while underpinning a sense of unity.

The campaign has five simple key messages which focus on our positive vision. [Lesley will talk about messaging later]

We want individuals as well as communities such as clubs, faith groups, schools and councillors, as well as well-known people to photograph themselves with an orange heart and a message of support for refugees.

For example [ Jenny’s nieces swimming club ]

The photos could be at a local landmark.

The photos can be done whenever the individual or community group chooses to do so.

They need to send us a copy of their photo with consent to use it for the purposes of the campaign.

We want to gather all the photographs into a display.

We will invite local media and local MPs to attend the orange heart display.

The photos and message will also be put on social media along with the campaign hashtags.

**8. What we are asking you to do [ 5 mins ]**

A. Identify friends, organisations and well-known people in  your community who you can ask to support the campaign.  Maybe you can do this together with other SWVG members who live near you.

B. Do the SHOW YOUR HEART photo yourself or in a group, and send a copy to Gail Johnson.  Also send a copy with a message of support for refugees to your MP.

C. Ask other people and organisations to do the same  (we can send instructions on how to do it - using the Together with Refugees Campaign Pack).  If they agree to do this, please let us know.  Alternatively, please suggest organisations we could contact (to William Brook-Hart).

D. If you use social media, then post it along with the hashtags.

The orange hearts can be made in various ways: e.g. print out the TWR one which we will send you, or make your own.

**9. Guidance on Messaging [ Lesley ]**

See Lesley’s slides

**10. FREQUENTLY ASKED QUESTIONS (FAQ’s)**

[ 2 mins intro – share document to read before or after ]

This article puts the sort of negative case against migrants and refugees that we may encounter:

https://www.spectator.co.uk/article/turning-the-tide-how-to-deal-with-britains-new-migrant-crisis

These answers to FAQ’s have been prepared by William Brook-Hart of SWVG for guidance in case we get negative comments. They are not definitive answers, you may have better ones!

**1. Isn’t there a refugee crisis in the UK?**

The UK takes relatively few refugees compared to other European countries. France takes about 3 times as many. The numbers of people coming to the UK to seek asylum has reduced in the last few years. The main problem is the slow Home Office system for assessing asylum claims and the poor quality of their initial decisions which means that people get trapped in the system for months or years.

**2. Why don’t people stop in the first safe country they get to?**

Most people do, only a small percentage come to the UK, we take less than our “fair” share of those coming to Europe.

The UK is 17th in Europe, for the number of refugees relative to the size of our population

[see House of Commons Briefing Notes:

*“In 2019, there were around 5 asylum applications for every 10,000 people living in the UK. Across the EU28 there were 14 asylum applications for every 10,000 people. The UK was therefore below the average among EU countries for asylum applications per head of population, ranking 17th among EU28 countries on this measure.”*

[*https://commonslibrary.parliament.uk/research-briefings/sn01403/*](https://commonslibrary.parliament.uk/research-briefings/sn01403/) *]*

**3. Why do people want to come to the UK?**

People seeking asylum come to the UK for various reasons such as family connections, ability to speak some English, a belief that the UK will offer sanctuary and a better life, bad experiences in other European countries (destitution, homelessness, police brutality etc).

On the other hand, some people are trafficked by criminals to be exploited.

**4. It’s very dangerous to cross the English Channel in a rubber dinghy, surely this should be stopped?**

We agree that people should not take extremely dangerous journeys in freezer trucks or rubber dinghies. They do this because our Government does not provide any a safe and legal route to get to to the UK from France.

Evidence provided to the Home Affairs Select Committee by Home Office’s own officials in September 2020 confirmed that the majority of people entering the UK on small boats from Calais are extremely likely to be recognised as refugees.

[ based on JCWI Briefing note on the Borders Bill second reading:

<https://docs.google.com/document/d/1w-y4L301AKraHLPPhY5VCE_30jMKces80KflFwHdTSI/edit>].

The Home Office should provide a consulate in France where people who have reasonable *prima facie* grounds to come to the UK and apply for asylum can apply to travel here safely.

**5. Why doesn’t the Home Office send people back to Europe?**

According to the “Inadmissibility” rules post Brexit, people who arrive from another European country and claim asylum in the UK will be removed back to mainland Europe. However in practice very few people are removed. The UK government does not yet have an agreement with other countries to do this and it seems unlikely that they will get one.

**6. What’s wrong with sending people to somewhere offshore while their case is being considered?**

The Australian policy of putting people on a remote Manus and Nauru islands is sometimes cited by advocates of this. This policy was hugely damaging to Australia's reputation and to the people who were imprisoned, and was discontinued in 2019.

The UK has not come up with any plausible location (Ascension Island, Rwanda….?). It would be very expensive, it would be prone to terrible abuses and would be hugely damaging to refugees. It would lead to an intractable problem of what to do with people in the end (you cannot just leave them there for ever…?), it would be hugely damaging to the UK’s reputation and would be in breach of the UN Refugee Convention.

**7. What about Foreign National Offenders?**

The Home Office and some MPs have been very concerned about the apparent difficulty they have in deporting FNOs. This is not a topic that we have a particular knowledge of. The people that we assist are ordinary decent people who need sanctuary.

**8. Why shouldn’t people be removed or deported if their asylum claim has been rejected?**

We do not disagree with this in principle, provided that the person has had a fair hearing and has had decent legal advice and support. However we note that many people do not receive a fair assessment from the Home Office and are subject to arbitrary detention and removal without proper legal representation or process. Furthermore, for many people it is too dangerous for them to return to their country of origin even if they do not meet the HO criteria for refugee status.

**9. What about the Refugee Convention?**

The UN Refugee Agency (UNHCR) has taken the unusual step of strongly and publicly opposing the plans, stating in its response to the consultation on them “UNHCR is concerned that the plan, if implemented as it stands, will undermine the 1951 Convention and international protection system, not just in the UK, but globally.”

[ based on JCWI Briefing note on the Borders Bill second reading].

**10. Will it break the smugglers’ business model?**

There is no evidence for this.

In 2019, the Foreign Affairs Select Committee warned that “a policy that focuses exclusively on closing borders will drive migrants to take more dangerous routes, and push them into the hands of criminal groups."

It will make people more vulnerable to exploitation if they come to the UK and cannot get asylum here.

It is the Government’s prevention of safe and legal routes to the UK from Europe that has created the “business model” for people to be smuggled to the UK.

[See the JCWI Briefing Note for more details.

<https://docs.google.com/document/d/1w-y4L301AKraHLPPhY5VCE_30jMKces80KflFwHdTSI/edit> ]

**11. Prosecution of people crossing the Channel.**

Evidence provided to the Home Affairs Select Committee by Home Office’s own officials in September 2020 confirmed that the majority of people  entering the UK on small boats from Calais are extremely likely to be recognised as refugees.

The Bill introduces severe new sentences for irregular entry to the UK and for smuggling offences.
While purportedly aimed at people endangering life by facilitating illegal entry to the UK, in reality,
punitive sentences for irregular entry are being intentionally used to unjustly penalise people
exercising their right to seek asylum and do nothing to combat dangerous criminals.

**12. Why do people need to submit “fresh evidence”?**

People may be traumatised when they first make an asylum claim, they may not understand or trust the person who interviews them, they may have had poor legal advice, they may not have had documents available to validate their claim.

**13. What happened to consultation on the Home Office’s New Plan for Immigration?**

The Home Office published a short (26 page) response which does not appear to take much account (if any) of the matters raised by consultees.

**14. What will be the effect on Local Authorities?**

The South East Strategic Partnership for Migration (which represents 76 local authorities and other organisations) raised serious concerns about the impact of the proposed Bill in response to the NPI.

**15. Isn’t there a better way to manage Asylum?**

Yes, and these are being published by members of Together with Refugees. See for example JCWI’s response to the Bill.

Collectively, this is being prepared by the Asylum Reform Initiative (ARI). Ben Jackson of ARI will be speaking at SWVG’s AGM in November.

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**16. The Bill: What are the particular clauses and what changes are needed?**

[ 2 mins intro – share document to read before or after ]

See for example JCWI’s response to the Bill.

<https://docs.google.com/document/d/1w-y4L301AKraHLPPhY5VCE_30jMKces80KflFwHdTSI/edit>

**BACKGROUND INFORMATION – NOT FOR TALK**

**Parliamentary process**  <https://bills.parliament.uk/bills/3023#timeline>



**Commons Library Briefing on Bill**

The [Nationality and Borders Bill, Bill 14 of 2021-22](https://publications.parliament.uk/pa/bills/cbill/58-02/0141/210141.pdf), was published on 6 July 2021. Second reading will be on 19 and 20 July.

The Bill would implement many of the measures outlined in the Government’s [New Plan for Immigration policy statement](https://www.gov.uk/government/consultations/new-plan-for-immigration) (published March 2021). The New Plan was open to public consultation for six weeks.

At the time of writing, the Government had not formally responded to the consultation or published an analysis of responses. It has cited the continued pressures of irregular migration across the Channel as a reason why it is keen to proceed with the Bill at pace.

Immigration and asylum are reserved matters. This means most of the Bill’s provisions apply across the UK.

## What does the Bill do?

The three main objectives of the Bill, and the underlying policy statement, are:

* To increase the fairness of the system to better protect and support those in need of asylum.
* To deter illegal entry into the United Kingdom, thereby breaking the business model of people smuggling networks and protecting the lives of those they endanger.
* To remove those with no right to be in the UK more easily.

## Nationality

Various historical anomalies and areas of unfairness in British nationality law would be removed. An additional requirement for citizenship applications made on behalf of stateless children born in the UK would be introduced.

### Asylum, irregular migration and enforcement

Irregular journeys to the UK and late claims for asylum would be deterred and penalised in various ways. Irregular entrants would have restricted access to the UK asylum system and could be granted inferior immigration rights if allowed to stay. The Bill also allows for off-shore processing of asylum claims and codifies the UK’s interpretation of key concepts in the 1951 Refugee Convention.

The Bill introduces new ways to deter claims without merit and late claims. These include a new “priority removal” process, which would include some new eligibility for publicly funded legal advice, and a new fast-track appeal process for detained cases.

The Bill would broaden criminal sanctions for offences related to illegal entry and facilitation of unlawful immigration and increase the associated maximum penalties. It would also give border and immigration staff additional powers to stop and redirect vessels out of UK territorial seas, subject to the UK’s international legal responsibilities.

### Trafficking and modern slavery

Some measures are intended to support the early identification of potential victims of trafficking or [modern slavery](https://www.met.police.uk/advice/advice-and-information/ms/modern-slavery/#:~:text=Modern slavery is the illegal,for personal or commercial gain.&text=Victims of modern slavery can,crime through fear or intimidation.) and protect the system from misuse by people who make unfounded claims.

These include the introduction of slavery or trafficking notices, changes to the reasonable grounds threshold, and a new “public order” threshold for denying protection to potential trafficking and slavery victims who have committed a crime or acted in “bad faith.”

The Bill also creates a statutory obligation to grant limited leave to remain to recognised victims of trafficking or modern slavery in certain circumstances.

## Background: Asylum statistics

There were around 29,500 asylum applications in 2020, which was fewer than in 2019 but roughly the same number as in 2018. The number of people awaiting an initial decision and the number subject to removal were at their highest level in 2020 since the records series began in 2011.

Looking at the final outcome of asylum applications made between 2010 and 2019, around 48% were ultimately successful.

The comparable rate for applications decided between 2004 and 2009 was lower, at around 34%.

## Reactions to the Bill

At the time of writing, very few stakeholders had published detailed responses to the Bill.

This briefing mostly draws on a selection of stakeholders’ responses to the New Plan for Immigration, where this is relevant to clauses in the Bill.

Most of the stakeholder commentary on the New Plan focuses on the proposals affecting irregular migrants, asylum seekers and potential victims of trafficking and modern slavery.

Some of the overarching themes in published responses are:

* That the Government’s proposals will establish a ‘two-tier’ protection system, which unfairly distinguishes between refugees depending on their mode of arrival to the UK.
* Doubts about whether proposals are novel, workable, and/or likely to achieve their stated objectives.
* Concerns that proposals are contrary to established caselaw and international refugee law, and/or may be vulnerable to legal challenges.
* Critiques that the measures outlined in the Plan (and Bill) overlook other aspects of the asylum system in need of reform and more effective ways to improve the efficiency of the asylum system.

**Government “Factsheet”**

https://www.gov.uk/government/publications/the-nationality-and-borders-bill-factsheet/nationality-and-borders-bill-factsheet

**Government “Explanatory Notes”**

**https://publications.parliament.uk/pa/bills/cbill/58-02/0141/en/210141en.pdf**