

Nationality and Borders Bill: the proposed reforms will further frustrate an already problematic asylum system



Should the Nationality and Borders Bill be passed into law, the human cost would be dire, write [Amreen Qureshi](#) and [Lucy Mort](#). They explain how the new proposals will hamper integration and may be seen as an abdication of the UK's commitments to relevant international law.

On 20 July, MPs backed the second reading of the Nationality and Borders Bill, which makes arriving in the UK without permission a criminal offence. The proposals put forward by the Home Secretary have introduced sweeping changes aimed at deterring people from entering the UK through 'unauthorised' routes. These reforms, however, are likely to cement an already overly bureaucratic and unjust asylum system. Not only do they increase the hardships of those fleeing persecution, they also create a discriminatory two-tier asylum system that will treat migrants as 'worthy' or 'unworthy', depending on how they entered the country.

The 'worthy' refugees will be those who arrive directly from their country through the [refugee resettlement programme](#), or those who arrive in the UK via other legal means, and who may later claim asylum if their country becomes too unsafe to return to. Anyone else, including those who travel through other 'safe' countries, may be declared as inadmissible and be subject to removal to any safe country that will accept them. This rule has been in place since January 2021, and in part replaces the Dublin Regulation that the UK had a commitment to when it was an EU member state. Nevertheless, not a single person has been removed, since the UK does not have [official agreements in place](#) for other safe countries to receive asylum seekers.

Even if someone arrived in the UK outside of the resettlement programme and still managed to be recognised as a refugee, under the proposed law they may only be granted temporary protections, subject to renewal every 30 months. Under this temporary protection guise, families have limited rights, and are subjected to the 'no recourse to public funds' condition, preventing them from accessing vital social security services. While this strategy is supposed to prevent abuses of the immigration system, it will instead cause many people to fall in and out of being documented, putting them at great risk of destitution.

This expansion of temporary statuses may also hamper integration, despite [claims](#) by Priti Patel that the new plan will 'better integrate refugees who are resettled'. Not knowing whether they will be allowed to stay in the UK in the long term, being unable to apply for their family to join them, and not having access to the safety net of a number of welfare benefits, makes it unlikely that asylum seekers and refugees will feel 'integrated' into their new home. More fundamentally, if integration is to be a meaningful aspiration, then it must be inclusive of whole communities rather than distinguish between refugees on the basis of their entry to the UK.

The new Bill also paves the way for potential offshore processing centres for refugees, akin to those set up by the Australian government on Nauru and Manus Island. According to [reports](#), under Priti Patel's proposed reforms, asylum seekers who have pending claims or appeals could be moved to places such as Gibraltar, the Isle of Man or Rwanda. Australia's system has been hailed as [inhumane by the UN](#) and members of the Australian government themselves have raised concerns about the trauma, human rights violation, and tax-payer funded cruelty that has surfaced because of this regime.

In many ways, the Home Office's deterrent tactics aim to abdicate its commitments to international law, and slowly erode the UK's responsibilities to ensure they provide a safe place for people who are forced to flee conflict and persecution. Additionally, European countries are refusing to enter into [bilateral agreements](#) with the UK in order to receive asylum seekers. While the Home Office talks of fixing our broken asylum system, these reforms will only foster differential treatment of asylum seekers and further frustrate an already complicated system. All the while, asylum seekers and refugees will be stuck either in offshore centres, in legal limbos, or in constant fear that they will lose their status, homes, and livelihoods.

The introduction of these more severe new sentences for irregular entry to the UK is allegedly aimed at those guilty of people smuggling offences. But in reality, such punitive measures will [inadvertently criminalise people exercising](#) their rights to seek asylum in the UK. Conflating the two will have troubling consequences. Instead, better procedures must be put in place to identify victims of trafficking. Having a 'firm but fair' immigration system, as Priti Patel advocates, does not justify shrugging off international conventions the UK is bound by, nor does it justify wittingly treating people who have the right to seek asylum as criminals.

Rather than making life more difficult for those fleeing persecution, the government must strengthen the evidence base of Home Office decisionmaking, give more support for legal immigration advice providers, provide meaningful alternative travel options that do not compel people to make dangerous journeys across the Channel, and allow them to exercise their right to seek asylum with dignity. As IPPR have [previously argued](#), we also need less short-sightedness and a more inclusive vision of integration. This means creating an immigration system that *supports* settlement, allowing people that move to the UK to put down roots, reunite with their families, and contribute to their local communities. We need to create improved [routes to regularisation](#), allowing people a sense of security and settlement in the UK. That would be a new plan worth shouting about.

About the Authors



[Amreen Qureshi](#) is a researcher at IPPR North.



[Lucy Mort](#) is a Research fellow at IPPR.

Photo by [ray rui](#) on [Unsplash](#).