

Nationality and Borders Bill:

The following is an extract from the joint submission of Migrant Voice and Amnesty International UK to the Public Bill Committee on this Bill. It considers one of the primary objectives Ministers claim to be pursuing by this Bill. That objective is to “Deter unauthorised entry to UK.”¹ The Bill is unlikely to achieve this objective but risks deterring people, who do enter the UK, from coming forward to enter the asylum system. If so, this will be profoundly harmful to various of the other objectives said to be pursued by this Bill while of no use in achieving the objective of deterring entry to the UK.

1. Since the Bill is inadequate for the objective of breaking the business model of people smugglers and human traffickers, it is especially unlikely that it will deter unauthorised entry.² Making the asylum system less accessible and welcoming will not have any impact on people whose entry is not for the purpose of seeking asylum. People trafficked into the UK are, in any event, controlled by abusers and so not free to be deterred.
2. As regards people seeking asylum, while measures may deter some people from making asylum claims this is not the same as deterring entry. People who have determined that the UK is the most appropriate place to seek safety – whether because they have family or other connections here or because they have not found other places to be safe – may nonetheless be inhibited from making claims. This will neither be good for them nor for anybody else save for those willing and able to exploit a person compelled to lead a significantly deprived and isolated existence. Worse, fear of the authorities will be used by abusers to control the person – just as is done by the perpetrators of domestic violence and domestic slavery. Ultimately, there may come a time when someone will be identified by the authorities or otherwise need to make an asylum claim. By then, it will be long after that person entered the country. Establishing the claim may be more difficult, as may be taking steps to document and return someone, if the person’s claim is found not to be well founded, because the claim is made after a long period during which the person’s capacity to engage with the system may be diminished by the impact of prolonged exploitation and deprivation.
3. There is, therefore, a risk, additional to those identified above (in sections on objectives about delays and backlogs & on saving public funds), that the Bill will add to Home Office and other delays, backlogs and costs. Deterring entry to the asylum system of people, who would otherwise wish to make a claim, will merely cause there to be a larger number of undocumented people in the UK. The Home Office will be formally responsible for this group of people but the resources required to meet those responsibilities will be more complex – needing, firstly, to identify and find them; and, secondly, processing their claims and responding accordingly. Of course, none of this will achieve any wider confidence in the immigration and asylum systems.

¹ An aim emphasised at e.g. *Hansard* HC, Second Reading, 19 July 2021 : Col 706 & 713 *per* the Home Secretary

² As indicated earlier, the Government’s assessment in its Equalities Impact Assessment, *op cit*, is that the evidence to support the effectiveness of what is proposed is limited.