

## 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 briefly addresses some discrete provisions of the Bill that relate to non-asylum immigration and refers to three areas of profound concern, which are not addressed by this Bill.

1. The urgency of the Government's disastrous plan for the UK's asylum system demands the particular focus of this submission (which is largely on matters of asylum). Nonetheless, there are other provisions of this Bill that in themselves will or are likely to prove harmful. There is much else concerning immigration and asylum policy that is not addressed in the Bill but is in need of being corrected.
2. We will content ourselves, firstly, with final observations upon three discrete provisions in the Bill, which are not addressed in the remainder of this submission:
  - a. Clause 59 is one of the placeholders, for which the Government is still to provide any substantive text. However, the underlying proposal to refuse a person a visa, to which they would be otherwise eligible or entitled, on grounds that have no bearing on the merits of that person's application is on its face objectionable. That will be especially so if the exclusion extends to visas that are for the purpose of reuniting families or maintaining family unity. Moreover, there are already concerns that such an approach is operated by the Home Office in making decisions on visa applications – particularly where the applicant is of a nationality in respect of which there are significant numbers of asylum claims.<sup>1</sup> Not only is this unjust, it emphasises how people needing to flee persecution are not only faced with there being no visa for that purpose but also face being refused a visa even if they could otherwise qualify for one for a different purpose, such as to work or study here.
  - b. Clause 64 is, on its face, an example of reckless posturing. The immigration rules already include provision for considering such matters as breaches of immigration laws, acts of deception, false representations and failures to disclose relevant matters.<sup>2</sup> The clause provides some further discretion for a decision-maker to “take into account”, without indication how, a question that is not defined and in itself significantly vague: “whether the person whose immigration status is at issue has acted in good faith”. It is a charter for injustice and administrative oppression.
  - c. Clause 65 is a cause for concern. The need for consolidation of the complexity of immigration legislation, to which this Bill will add, has long been recognised but ultimately to little effect. Giving effect to any future consolidation by regulations made under such vague terms as are to be found in Clause 65(1) raises profound concerns as to Parliament's capacity to scrutinise what is being done even allowing for the limitation on the making and taking effect of the regulations that is provided by Clause 65(4) and (5), which require the regulations to accompany a separate consolidating Act.
3. Finally, we note, without further elaboration, three matters of especial concern that require urgent attention but receive none of that in this Bill. First, respect for family life and family unity has been greatly undermined over several years by changes to immigration policy, rules

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<sup>1</sup> This appears to have been what befell the Afghan Chevening scholars, which required the Prime Minister's intervention: <https://www.thetimes.co.uk/article/joy-and-relief-for-kabul-students-allowed-into-british-universities-w2ln5x2b9>

<sup>2</sup> Immigration Rules, Part 9, e.g. paragraphs 9.7.1 to 9.7.4

and legislation. Second, the UK's deportation system has over an even longer period acquired powers and developed practices that are arbitrary, excessive and, in several cases, constitute a system of exile akin to the transportation practices of the 18<sup>th</sup> and 19<sup>th</sup> centuries.<sup>3</sup> Third, the UK's immigration system has been made to embody profound uncertainty and hazard that makes people vulnerable to deprivation, exclusion and exploitation while undermining both the credibility of the system and its efficiency. Each of these three matters are among those needing urgent correction in immigration law, policy and rules.

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<sup>3</sup> That system, at least since the introduction of the 'automatic deportation' regime under sections 32-29 of the UK Borders Act 2007, has operated in a way that is draconian to the extent of pursuing deportation against people born in this country with rights to British citizenship, who have lived nowhere else, to places they neither know nor know them. This is but an extreme of the way by which this system has developed as a system of arbitrary punishment of some offenders, who in addition to serving the sentence imposed on them in the same way as any offender, are additionally exiled from country, home and family.