

# The Nationality and Borders Bill

We uphold the concerns raised by UK faith leaders of the Nationality and Borders Bill being reported in the House of Lords today, especially given the unfolding refugee crisis in [Ukraine](#).

The rights of [refugees](#) for “non-discrimination, non-penalisation and non-refoulement” and the UK’s legal obligations to uphold these principles in the 1951 Refugee Convention and its 1967 protocol will be violated if the UK adopts the proposed bill’s system of “differential treatment of refugees” that criminalises irregular forms of border crossings including by boat or lorry.

This is in direct opposition to Article 31 of the convention that states: “The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorisation, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.”

If passed, the bill will result in discrimination of asylum seekers who do not claim asylum in the first safe country they pass through, despite there being no legal stipulation to do so in the Refugee Convention and in contrary to the 1991 ruling of Lord Justice Simon Brown that “some element of choice is indeed open to refugees as to where they may properly claim asylum”.

The only realistic way for asylum seekers to enter the UK “directly from a territory where their lives or freedom [are] threatened” is via air travel that requires some form of visa to be in place and it is simply not feasible to wait months or years for a visa when your life is in danger.

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The bill gives no information about possible safe asylum routes. Giving preference to asylum applications from those who arrive in the UK directly from their country of origin via air travel privileges those with financial and/or social capital, especially in a situation of restrictive government refugee resettlement schemes (only 1,587 people were granted resettlement in 2021 compared to 37,562 asylum applications, concerning 44,190 people).

The new bill reverses the Home Office’s commitment to international law and erodes the UK’s responsibility to provide sanctuary to those suffering conflict and persecution. Unless

there is urgent reconsideration, the new bill will mean that the UK – where community-based organisations compassionately provide services that improve the physical, social and emotional wellbeing of individuals – is closing its door on those in desperate need of asylum.

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