



Home Office

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Rebecca Pow MP
House of Commons
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Dear Rebecca,

Thank you for your email of 7 September to the Home Office on behalf of Mr Simon Forrester of Taunton Welcomes Refugees about the Nationality and Borders Bill. I am replying as the newly appointed Minister for Justice and Tackling Illegal Migration.

The Bill is the cornerstone of our New Plan for Immigration, delivering the most comprehensive reform in decades to fix the broken asylum system. The principles behind the Bill are simple. Access to the UK's asylum system should be based on need, not on the ability to pay people smugglers: illegal migration should be prevented and those with no right to be in the UK should be removed, while those in genuine need will be protected.

I would like to assure Mr Forrester that the Bill complies with our international commitments, including the Refugee Convention, which allows for differentiated treatment where a refugee has not come to the UK "directly" from the country of persecution, did not present themselves to authorities "without delay" or did not "show good cause for their illegal entry or presence" (Article 31).

Our proposals therefore mean that those who come to the UK from a safe country in which they could reasonably have sought protection under the Refugee Convention, those who do not claim asylum as soon as reasonably practicable after their arrival here, and those who enter the UK illegally without good cause, will receive a new temporary protection status, without any automatic right to settle, and will be regularly reassessed for return.

No one, including those granted temporary protection, will be returned if that would put them in danger. But it is right that people should return home when their grounds for asylum no longer exist and their country of origin is safe.

The Bill does not seek to 'criminalise' asylum seekers though we are determined to take down the criminal networks responsible for trading in human misery and smuggling vulnerable people illegally to the UK. As we move forward with the Bill our tough new stance will include new maximum life sentences for people smugglers and facilitators.

Regarding returns of failed asylum seekers, we will continue to work with our international partners to meet this joint challenge. We expect countries to facilitate the return of their own nationals back to their country where those nationals have no lawful right to remain in the UK.

This is an established principle of any functioning migration relationship and enables us to maintain public confidence in our immigration system. Where a country does not co-operate with receiving their own nationals who have no right to be in the UK, we will carefully consider all possible levers.

I would also like to reassure Mr Forrester that we are committed to continue welcoming refugees from around the globe through resettlement, continuing that proud tradition. The UK's commitment to resettling refugees will continue to be a multi-year commitment with numbers dependant on a variety of factors, including local authorities' capacity for supporting refugees and the extent to which Community Sponsorship continues to thrive. While we cannot help everyone, with worldwide displacement now standing at around 80 million people, we will maintain clear, well-defined routes for refugees in need of protection and when they arrive in the UK, ensure they have the tools to properly integrate and contribute to society.

Following the successful completion of the Vulnerable Persons Resettlement Scheme in February 2021, we have launched the new global UK Resettlement Scheme. This builds on the success of previous schemes and sees the UK continue to welcome refugees in need of protection. We also continue to resettle refugees through our Community Sponsorship and Mandate Resettlement Schemes. As part of the New Plan for Immigration, we have announced that those coming to the UK through resettlement routes would receive immediate indefinite leave to remain.

The UK will also continue to work closely with international partners such as the United Nations High Commissioner for Refugees to target those in greatest need of our support. This includes people requiring urgent medical treatment, survivors of violence and torture, and women and children at risk. The Home Secretary will also have the ability to grant a humanitarian route to vulnerable individuals in immediate danger and at risk in their home country.

Mr Forrester asks about efforts to help Afghans. On 1 September, the Home Secretary announced that Afghans who worked closely with the British military and UK Government in Afghanistan, and risked their lives in doing so, can now stay in the UK without any time restrictions. We have also committed £200 million to meet the costs of the first year of the recently launched Afghanistan Citizens' Resettlement Scheme, which aims to welcome up to 20,000 Afghans.

It is because we stand with people fleeing war and persecution that we are introducing these reforms. The policy is directed at criminals acting to exploit and endanger people and at those who, by their attempt to evade regulations, deliberately and recklessly endanger themselves and others. It is not intended to prevent humanitarian intervention and legitimate assistance, and the regulations and guidance governing the policy will reflect this. The policy is, however, intended to deter illegal migration and create an effective sanction where there are no relevant mitigating circumstances.

Once again, thank you for taking the time to write and I trust that this reply is helpful.

With best wishes,

Yours ever,



Tom Pursglove MP
Minister for Justice and Tackling Illegal Migration