

Grampian Regional Equality Council (GREC)

The Nationality and Borders Act, Position Paper

Why GREC is taking a position on this issue?

The Nationality and Borders Act became an Act of Parliament on April 28th 2022. Since it appeared as a Bill in 2021, it has been the focus of significant attention and criticism in terms of its likely equality and human rights impact. Despite this criticism and pressure, the legislation was enacted with minimal changes.

GREC is taking a position on this new legislation, due to the damaging effect we believe it will have on equality, human rights, and community cohesion. The Act further embeds the demonization and othering of people seeking asylum and sanctuary in the UK; it is the escalation of the “hostile environment” approach to immigration that is the opposite of everything we stand for as an organisation.

This paper summarises some of the implications of the Act, particularly in relation to equality, human rights, and community cohesion in Grampian and further afield. It then highlights the implications for our work.

A summary of implications of the Act

The Nationality and Borders Bill was introduced in Parliament in July 2021, and quickly became a focus of human rights and refugee organisations. The key concerns raised since its inception include:

- What the Refugee Council have called “the introduction of a discriminatory two-tier system of refugee protection”¹, which will lead to those in “group 2” being treated more harshly, including their potential criminalisation;
- Age assessment of young people seeking asylum, and other concerns about safeguarding children and protecting children’s rights in a Scottish context;
- The denial to some refugees of family reunion rights, i.e., bringing family members to the UK to join them;
- Provisions to allow for “offshore processing” of asylum claims;
- New powers for the Home Secretary to strip people of UK citizenship without any warning;

¹ <https://www.refugeecouncil.org.uk/information/refugee-asylum-facts/what-is-the-nationality-and-borders-bill/>

- Re-defining who falls within protections relating to human trafficking and exploitation;
- The UK will no longer be fulfilling its commitments under the UN Refugee Convention, and the Scottish Government will be unable to legislate effectively around a new human rights law.

In depth analysis and commentary on these issues can be found at:

[What is the Nationality and Borders Bill?](#) - Refugee Council

[Differential Treatment \(Clause 11\)](#) – Refugee Council

[What is the Rwanda Plan?](#) – Asylum Welcome

[A legal opinion on the Nationality and Borders Bill](#) – JustRight Scotland and the Scottish Refugee Council

[Statement on Children’s Rights](#) – Coalition including Children 1st, Aberlour and Together Scotland

The UK Government’s plan (announced in April 2022) to deport asylum seekers to Rwanda for “processing” can be seen as one of the first policies aligned with the new legal framework. At the time of writing (May 2022) the Government has already received pre-action letters from several organisations, which will likely lead to a judicial review of the policy. The first people due to be deported under the scheme have already been made aware.

The UK government claims that the legislation is aimed at preventing people smuggling and individuals taking life threatening journeys to reach the UK. However, a broad range of expert human rights and refugee organisations have stated that the legislation is unlikely to have this impact. There are more people displaced in the world than any time since World War II, and recent global events suggest that forced displacements of people will continue to rise.

What evidence do we have of impact in Grampian?

We are already seeing the negative impact of the new Act in Grampian. Men seeking asylum, who have been resettled in an Aberdeen hotel, are fearful and distressed about the prospect of being deported to Rwanda. These men are already vulnerable, many with significant mental health needs and trauma. They have been living in hotel accommodation with £8 a week (and meals) since November 2021. We can see directly the result of Government policy and the new legislation: the dehumanisation and negative mental health impact on those seeking asylum in our region.

Summary and Implications for GREC's work

In summary, the new Act, and associated policies such as the deportations to Rwanda, go completely against GREC's values as an organisation. Government claims that such legislation and policies are about tackling human trafficking and people smuggling do not stack up. We agree with the many organisations that have suggested the obvious solution to this problem is to offer more safe routes from countries where people are fleeing from.

As an organisation we should be at the forefront of advocating for active, sustainable welcome and sanctuary for those seeking asylum and refuge, arriving in the Grampian region. This area of our work, relating to promoting inclusion and community cohesion, is inevitably linked with politics and UK legislation. It is crucial that as an organisation, we make explicit our opposition to the dehumanising of individuals and families seeking sanctuary in the UK.

As the Refugee Council put it:

The reality is that people who come to the UK by taking terrifying journeys in small boats across the Channel do so because they are desperately seeking safety having fled persecution, terror and oppression. Their lives have been turned upside down through no fault of their own and they are exploited by callous people smugglers.

Rather than tougher measures that seek to punish and push away, or inaccurate and false statements that seek to dehumanise people who cross the Channel, we call on the Government to show compassion by welcoming those who need refugee protection rather than seeking to cruelly push them back across the channel or punish them with imprisonment.²

As part of our operational work, we will:

- Raise our concerns with policy makers and elected officials of the impact of the Act on people living and arriving in Grampian;
- Work with partners to ensure that the impact of implementing the Act in Grampian and Scotland is as least harmful as possible;
- Work with partners to seek opportunities to challenge the Act.

² <https://www.refugeecouncil.org.uk/information/refugee-asylum-facts/what-is-the-nationality-and-borders-bill/>