



*GK Point of View:*

# Refugee Bill in the midst of a refugee crisis

Nicole Wyatt, GK Associate // [nicole@gkstrategy.com](mailto:nicole@gkstrategy.com)

We live in a truly global world — increasingly where you are born doesn't dictate where you will live. The International Maritime Office found that there were approximately 281 million international migrants in the world in 2020 — equating to almost 4 per cent of the world's population.<sup>1</sup>

Of course, for some of these migrants, there were numerous difficult reasons for their emigration from their country of origin. Moreover, many of these migrants face growing obstacles in their travels, especially when seeking asylum in many Western countries.

Europe was tested in 2015 with the Syrian migration crisis and now is being tested again with flows of refugees fleeing war-torn Ukraine. The irony is that it was Russia which infiltrated Syrian migrant groups and stoked anti-

immigration sentiment across the continent as part of its wider posture to destabilise European and other Western democracies.

Asylum policies in the European Union (EU) are complex and the process can take many years; for example we still see Syrian and Iraqi refugees in camps in the outskirts of Athens.

For Ukrainian refugees, EU Member States agreed on a Temporary Protection Directive through the EU Council, which allows Ukrainian refugees to benefit from a temporary residence permit in the EU for at least one year with access to certain basic rights (i.e. healthcare, work, housing).

<sup>1</sup> <https://worldmigrationreport.iom.int/wmr-2022-interactive/>

In the UK, under the so-called 'hostile environment', refugees and asylum seekers faced a difficult time finding refuge, with the Home Office having access to public sector data, which might deter migrants from going to a GP or reporting a crime to police. In similar vein to the EU, the UK also adjusted their asylum process for Ukrainian refugees through the [Ukraine Family Scheme](#) and the [Homes for Ukraine Sponsorship Scheme](#), despite the Home Office dragging its feet for weeks.

The [Nationalities and Borders Bill](#) was introduced into Parliament by the Home Secretary in July 2021 following a consultation on the [New Plan for Immigration](#). The Bill's aim is to provide a robust post-Brexit asylum system. As we remember, a lot of the rhetoric around the 'Leave' campaign during the Brexit debate was around strengthening UK's borders and being tougher on immigration.

In the midst of this current refugee crisis, The Bill is currently ping-ponging between the House of Commons and House of Lords after being heavily amended in the upper house and then with amendments shot down in the Commons.

One of the most controversial aspects of the Bill—and an area of current focus amongst peers—is the provision to process asylum seekers in offshore centres. Based on the Australian model, the Home Office, under the leadership of Home Secretary Priti Patel, is seeking to house asylum seekers in 'safe' third-countries whilst their UK asylum claims are processed.

Many countries, such as Rwanda and Albania already refused to host these processing centres on behalf of the UK Government. The Australian model is also a questionable one as there have been proven extreme mental health consequences of keeping asylum seekers in these centres—leading to many suicides.

Lord Kirkhope, a Conservative peer who previously served as Immigration Minister at the Home Office, has been particularly outspoken in the Lords about this provision of the Bill. The Bill was duly amended to prevent offshoring of asylum seekers by the Lords but then the Commons, with some Tory MPs rebelling against the Government in attempts to prevent this.

The Bill also creates a two-tier classing of refugees, with the lesser group having fewer rights, which critics regard as clearly discriminatory. Those in the lesser group would be refugees who travel via irregular routes (for instance crossing the Channel in a small boat). Patel is confident that this will help stop the dangerous and often fatal crossings in the Channel. As there are no legal asylum routes created in this Bill, the unintended consequences would be severe.

Many immigration lawyers have been outspoken in criticising the Bill and concluding that it breaches international and existing domestic law.

The Bill has generated much attention in the media, and amongst charities and non-governmental organisations (NGO), as well as lively debates in Parliament about its contents. While the Bill continues to go back and forth between both Houses, this debate is likely to progress. In the midst of a refugee crisis, the Home Secretary, particularly, is in a difficult position to be pushing for her reforms to asylum policy. Whether she is successful or not, her credibility is seriously being questioned on both sides of the political divide.

For more information about the Nationality and Borders Bill or immigration policy more widely, please do not hesitate to get in touch with [Nicole@gkstrategy.com](mailto:Nicole@gkstrategy.com).

---