
The Evangelical Alliance's response to the call for evidence from the Nationality and Borders Public Bill Committee

October 2021

1. Introduction to the Evangelical Alliance

The Evangelical Alliance UK is the largest and oldest body representing the UK's two million evangelical Christians. Established in 1846, today we work across a diverse constituency of over 18,000 individual members, as well as over 3,000 churches and 500 organisations. The Evangelical Alliance is the founding member of the World Evangelical Alliance, which unites evangelical alliances based in different countries around the world, representing anywhere from 300 million to a billion evangelical Christians. This global reach reflects the influence of evangelical faith, which can also be seen in the huge social and ethnic diversity in British evangelical churches.

The Evangelical Alliance is committed to working towards systems and structures across our society that value and provide dignity to all people. It is our belief that all humans are given life by God and that this life should be protected at all costs. We therefore believe that the UK Government's immigration policies should protect the lives of all people who enter the country and its surroundings. We believe that the Nationality and Borders Bill, as it currently stands, falls short in doing so.

We welcome the opportunity to discuss our response further. Please contact our head of public policy, Alicia Edmund: a.edmund@eauk.org.

2. Summary of response

There is no question that the current asylum system is in need of reform. For many the process of gaining refugee status takes too long and heightens trauma. Asylum seekers struggle to integrate into communities, and many are left destitute by the system with little-to-no support from the government or local authorities. People smuggling continues to be a significant problem, as is the number of people who have to risk their lives travelling by dangerous routes to reach safety from persecution.

We would welcome a bill that addresses these issues by placing the dignity of asylum seekers at the very core of policy, delivering fairness and safety within the system. However, we do not believe that the proposals that are detailed in the Nationality and Borders Bill will achieve this. We are deeply concerned that in reality the opposite will be achieved– that implementation of the Nationality and Borders Bill will create a system that is inherently unfair and further endangers the lives of people seeking asylum.

There are six outcomes of the bill that we have particular concern over, each of which is summarised below and discussed further in this response to the Public Bill Committee's call for evidence:

- **Creation of an unjust discriminatory system** - many of those escaping persecution have no other option but to come to the UK through unauthorised means. To disqualify them from certain forms of support from the UK Government and local authorities is unjust and in conflict with international law.
- **Subpar and inappropriate accommodation** - the use of asylum accommodation centres is something that should end, not increase. Many of the social issues experienced by asylum seekers could be tackled through better housing and integration into communities. Evidence from Italy highlights a close link between recruitment for organised crime gangs and asylum accommodation centres.
- **Unfair dismissal of people with a "connection to a safe country"** - sending all people who have travelled through another country back to that country, or to a different country, does not take into account the many legitimate reasons that people have come to the UK.
- **Unreasonable requirements in the provision of evidence** - people who are seeking asylum have likely been through significant trauma and are now having to navigate the difficult process of claiming asylum, often having to also overcome a language barrier. More resources should be given to support people through this process, rather than make the process even more difficult than necessary.
- **Endangerment of lives at sea** - the approach of turning boats around when they enter UK seas is not only uncompassionate, but also highly dangerous. Evidence from other countries that carry out this practice shows that too often this approach can lead to people losing their life at sea.
- **Increased trauma for victims of modern slavery** - there is very little evidence to support the argument that large numbers of people are exploiting the system by claiming to be victims of modern slavery when they are not. By creating stricter measures to attempt to prevent people misusing the system, it is only increasing the trauma of legitimate victims.

Instead of these restrictive measures which make it harder for people who are genuinely in need of refuge to seek asylum in the UK, the government should focus on creating more safe and legal routes for people experiencing persecution to seek safety in the UK. Driving down the number of organised crime gangs engaged in people smuggling is important, but this is only possible by creating easier means for people to apply for asylum whilst outside of the UK. Resettlement programmes are key, but it should be noted that they are not all-encompassing; there are many people (we are particularly aware of Christians in Muslim governed countries) who will not be able to safely present themselves as asylum seekers whilst in their home country.

The government should focus on creating a streamlined process for people genuinely in need of refuge to be granted refugee status quickly, no matter their mode of arrival in the UK.

3. Creation of an unjust discriminatory system

The two-tier system

The introduction of a two-tier system, as set out in Clause 10 of the bill creates unjust distinctions between those who have arrived by legal means and those who have arrived by illegal means, penalising the latter. Not only does this conflict with Article 31 of the UN Refugee Convention, which requires that states do not impose penalties on refugees on account of their illegal entry or presence, it is a contradiction of the “fairness” that the government is claiming to achieve through the bill. The [UN 1951 Refugee Convention](#) states that a differentiated approach to asylum claims (based on mode of arrival) is unfair and is a poor way of determining claims.

Within the bill, emphasis has been placed on the legality of asylum seekers; however, it is important to note that while people can use illegal means to enter the UK, there is no such thing as an [illegal asylum seeker](#). Anyone seeking asylum is legally allowed to be in the UK. From January to September 2020, 98% of the people who arrived in the UK by [crossing the English Channel in small boats](#) claimed asylum, thus were legally dwelling in the UK. However, by creating a two-tier system, the bill creates a false binary which neglects the fact that many have risked their life out of desperation to be free from persecution.

The number of people that will be unfairly considered to be inadmissible as a result of how they arrived is not insignificant – the [Refugee Council](#) estimates that this proposal will impact between 9,000 and 21,6000 people.

According to the UK Government’s publication ‘[New Plan for Immigration](#)’, 62% of UK asylum claims were made by those entering ‘illegally’ in the year ending September 2019. [54% of people who applied for asylum](#) between 2016 and 2018 were granted protection by May 2020. Assuming that these numbers were similar in 2019, it can be concluded that a significant number of people travelling to the UK through what the government deems ‘illegal’ means, do in fact meet the criteria to be considered a refugee. Therefore, creating a two-tier system will negatively impact the asylum case of people who are legitimately entitled to refuge. Framing those who arrived in the UK through unauthorised means as wrongdoers will inevitably lead to discriminatory behaviour towards these asylum seekers –by local authorities, police, and the general public. Local authorities will be given the green light to discriminate through policy; withholding suitable accommodation, leaving individuals destitute, unable to access financial support and therefore vulnerable to exploitation. If those seeking asylum are not recognised as legitimate seekers in this country, then the police have legal responsibility to remove, detain and therefore deport. The further danger is that this narrative will be adopted by the general public who will discriminate against asylum seekers that they perceive to be illegal. The most vulnerable asylum seekers will face a higher chance of experiencing discrimination, as they are the most likely to take irregular routes.

The UNHCR has deemed the differentiated system to be in conflict with international law. [Rossella Pagliuchi-Lor](#), UNHCR's UK Representative, stated: "This differentiation of treatment has no basis in international law. The Convention's definition of a refugee doesn't vary according to the route of travel, choice of country of asylum, or the timing of a claim".

Legitimate reasons for unauthorised entrance

The asylum and immigration system should recognise the legitimate reasons why people may choose to enter the UK through irregular routes, and why so called 'safe and legal routes' may not be realistic or safe. Those seeking asylum because of persecution based on their faith, may be at a particularly greater risk when disclosing the basis for their claim whilst in their home country. It may only be safe for them to seek asylum on those grounds once they have reached the UK. For example, Christian refugees in Muslim majority countries such as Iran may not be comfortable taking formal resettlement routes to the UK as disclosing this information to officials would put them in imminent danger.

During the [Joint Committee on Human Rights](#) oral evidence session as part of their scrutiny of the bill, a man name Peter told his story of fleeing to the UK from Iran after experiencing persecution for converting to Christianity. Peter's family had paid smugglers to get him out of Iran, where he was in hiding. When asked whether he was aware of any other way he could get to a safe country, Peter responded "no, you cannot go to any airport and there is no way other than that". Under the proposed system, Peter would then be less entitled to support in the UK than another asylum seeker who came through a resettlement programme – despite both facing equally dangerous circumstances in their home country.

The Government should be acutely aware of the complex situations people are in that prevent them from utilising formal routes and instead lead them to use informal methods to seek asylum.

An ineffective approach

While the intention behind the two-tier system may be to prevent people from using irregular means to travel to the UK, there is no evidence to suggest that this approach will be effective as a preventative measure.

Evidence shows that people do not know the migration policies of the country that they are fleeing to. A [study conducted in 2015](#) with 250 Syrians, Eritreans and Nigerians who had crossed the Mediterranean found that the refugees and other migrants arriving in Europe had a limited knowledge of migration policy. Instead, they would base their decision about where to go on their perception of policies (often relating to the economy, welfare, or family reunification), which was often built on what others had said about their experiences of living in the UK. These perceptions were often an inaccurate representation of policy. Therefore, it is unlikely that a two-tier system will act as a preventative mechanism and is instead likely to disadvantage those who arrive by unauthorised means.

Moreover, while the government's aim with this proposal is to tackle the backlog of cases (which is far lower than other Western countries), they are misdiagnosing the problem. [44% of cases are approved on appeal](#), which highlights flaws within the system rather than outside of it. The Government should be focusing on improving

translation, legal aid, and consistency with caseworkers to better support people seeking asylum.

The proposals do not adequately address why people seek asylum or why there is a backlog of cases. It is not due to a particularly high number of cases (which is three times lower than in the early 2000s), but rather a system that could at least be perceived to centre around removal and rejection. The appeal success rate of 44% is a testament to this.

The UK Government should focus their efforts on creating more opportunities and a fairer system for asylum seekers to reach the UK through authorised means. Emphasis should not be placed on punishing those who arrive through irregular means, but instead easier ways for the persecuted to arrive through authorised means should be created, removing the need for high numbers of people having to risk their lives to get to safety.

The practical improvements for safe routes should include a much broader definition of family that will allow a variety of family members to reunite in the UK. For example, siblings, parents (of unaccompanied children in the UK), aunts/uncles and grandparents. This will also have an impact on informal routes as family members will be less likely to attempt dangerous journeys to reunite with family in the UK. Family reunion provides instant support and integration into UK society.

4. Subpar and inappropriate accommodation

The proposals to extend the use of accommodation centres for asylum seekers is an area of the bill that we are particularly concerned about.

According to the [Refugee Council](#), an estimated 5,900 to 12,200 would be accommodated in reception centres. The 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights determine adequate housing to be a human right. Yet Clause 11 of the Nationality and Borders Bill allows the Secretary of State to extend the period of time that an asylum seeker can stay in a “basic” accommodation centre to over 6 months, forcing asylum seekers to live in potentially subpar accommodation for a lengthy amount of time. If the UK Government is to fulfil its human rights responsibilities, better accommodation must be provided for asylum seekers.

The use of military barracks has demonstrated how little dignity people are treated with when staying in accommodation centres. The way that some particular military barracks have been run should be a source of shame rather than something to expand. The experience of Napier and Penally military barracks is not a model to be repeated. There have not only been reports of uncleanliness and poor mental health but also no freedom of movement. This is a particularly unacceptable way to treat people whose lives have been uprooted due to terror and conflict. While accommodation centres may be well-intentioned, this model almost always leads to structures resembling detention centres and therefore should be avoided.

The proposals to expand use of accommodation centres (or any form of temporary accommodation) would have disproportionate impact on pregnancy and maternity. There have been many horror stories of pregnant women and young mothers who

have been subject to inhumane conditions in reception centres and inadequate housing. A young mother was placed in a flat where the only space for her baby's cot was beside a broken cooker. No mother should be put in that position of being afraid to put her baby to bed for fear of her baby's safety. Pregnant women and young mothers have more needs and expanding so-called reception centres would only serve to make their lives much more difficult.

The experience of living in these accommodation centres is not just a bad experience but can lead to long-term trauma. In a report published by the [British Red Cross](#), one refugee was quoted to have said "Even now, when I sleep in my own bed, my mind jumps all the way back to being in that accommodation. I can't sleep as I think about people who are there now."

Furthermore, accommodation centres can become closely linked with organised crime. [Evidence from Italy](#) highlights a link between the mafia and asylum reception centres, suggesting that organised crime gangs can exploit the system of reception centres, using them to recruit people. By providing more appropriate accommodation that allows asylum seekers to integrate into communities, the government would reduce the chances of asylum seekers being targeted by gangs looking for members.

In fact, housing that helps asylum seekers integrate into communities, should be made a priority by the government if they wish to see a more effective asylum system and resolve a number of social issues relating to asylum. [A study conducted](#) with refugees in Yorkshire found that many of those who had lived in temporary UKBA accommodation whilst seeking asylum were susceptible to homelessness when they transitioned to refugee status. Integrated housing will help the high number of people who successfully gain refugee status through appeal be able to adjust quickly to a more permanent life in the UK.

5. Unfair dismissal of people with a "connection to a safe country"

A blanket order for all asylum seekers who have come to the UK, having previously been in/passed through a "safe country", to be counted as inadmissible does not take into account the many legitimate reasons that a person is opting to seek asylum in the UK.

One reason that people opt to travel to the UK having already reached a safe country is because they have family here. In the earlier mentioned [study](#) conducted with 250 asylum seekers in 2015, it was found that family reunification was the most significant motivating factor for Syrian respondents seeking refuge in specific countries. Bearing in mind the principle of unity of the family is written into the Refugee Convention, this should be taken into account when considering whether to return someone to another country.

We are also concerned with the possibility of a person being sent to a "safe country" where they would not have the same freedoms to practice their religion and other beliefs. In particular, asylum seekers who have fled their home country on the basis of persecution for their faith might find it difficult to settle in a country where they will still face discrimination or will be restricted in practicing their faith. If the government wishes to enact this clause of the bill, the Secretary of State should be explicit with

which countries they consider are 'safe'. Subsequently, this list should be scrutinised and voted on by parliament.

The unsettledness that such a policy creates is unfathomable for many people, particularly those who have already experienced significant levels of trauma. The Home Office are given 6 months to secure an agreement with another country to accept an asylum seeker. If a country agrees to accept an asylum seeker from the UK, the person may have already lived in the UK for 6 months – a long enough time for them to start to feel settled – to experience the upheaval of yet again being forced to move.

However, for this system to work in the first place, the UK needs to strike bilateral agreements with individual countries who will agree to taking asylum seekers who have arrived in the UK. The chances of the UK government successfully achieving these agreements is slim. [France, Belgium, and Germany](#) have already expressed that they have no intention to reach such an agreement. Therefore, this clause will only cause more unnecessary delays to the asylum process.

In relation to this point, we also have concerns over clause 26 which will allow for an asylum seeker to be moved to a safe third country while their claim is pending. Reaping little benefit, this approach will only lead to a feeling of unsettledness for those who are already in turmoil. In many cases, asylum seekers have experienced trauma. A [UK based study](#) found that that refugees and asylum seekers experience high rates of mental illness, particularly PTSD and depression. We believe that the Nationality and Borders Bill needs to acknowledge the trauma that asylum seekers have experienced and limit further harm through unnecessary moves.

6. Unreasonable requirements in the provision of evidence

We recognise that Article 31 of the UN Refugee Convention states that those entering a territory without authorization should present themselves without delay. Therefore, the requirement within the Nationality and Borders Bill for asylum seekers to present themselves quickly is reasonable. However, penalisation for the submission of late evidence, as outlined in Clause 23 of the bill which requires late evidence to be given minimal weight, diminishes the rights of asylum seekers. Streamlining claims is a valid aim, but it should not come at the expense of vulnerable groups. Requiring people to provide all relevant information at the earliest stage is unrealistic and to deem them 'inadmissible' to the system because of this is unjust. This clause does not account for the numerous legitimate reasons that there may be a delay in a person submitting evidence.

Specifically, this clause could have detrimental effects on the many women who have had a particularly traumatic experience and are not ready or able to share this. Regardless of when evidence is presented, everyone should be treated fairly in the asylum system. Officers should seek to assume the best of people seeking asylum rather than assuming they are intentionally slowing the process down by presenting new relevant evidence.

The Government should be making every effort to provide legal and translation support to help asylum seekers with their asylum claim, rather than penalising them for not understanding the system immediately. People seeking asylum are coming

from places of terror, conflict or persecution, their priority is survival, not gathering the relevant evidence for an asylum claim.

Reforming legal processes to ensure speedier outcomes should not come at the expense of people seeking asylum. The Detained Fast Track process was suspended by the High Court because of an unfair asylum process that kept people in detention when they had not done anything wrong. A similar system should not be reintroduced. It also does not address the real reasons why the asylum claim system is inefficient or why multiple claims are made. There is much more evidence that the Home Office needs to address the hostile environment that leads to failed claims and successful appeals. Case workers are often changed in the middle of cases leading to a lack of sympathy and poorer understanding of people's cases. The Government should be aware that people seeking asylum understandably may not trust the official process due to their past experiences and should not be penalised for this.

The bill also requires claimants to act "in good faith", otherwise they will reduce the credibility of their claim. The problem with requiring people to act 'in good faith', is that there are too many opportunities for honest mistakes and misunderstandings to be interpreted as acting in 'bad faith', which would unfairly penalise those who are legitimately seeking protection. Misunderstandings are already rife in the system so this proposal would only make things exponentially worse. If anything, we would suggest that the 'good faith agreement' should be applied to the actions of the Home Office. Officers should understand that people seeking asylum are probably not going to trust officials because of their experiences with officials in their home countries.

7. Endangerment of life at sea

The journey made by many to the UK includes dangerous trips in vessels that are not safe for long journeys over dangerous seas. The [reports from October 2020](#) of five migrants (three of which were children) dying while crossing the English Channel from France to the UK, serves as a reminder of just how dangerous the crossing can be. The explanatory notes on the Nationality and Borders Bill describe how some boats crossing the channel are "dangerously unsuitable for this purpose", yet the government's attempt to tackle this is the introduction of legislation that will allow for these boats to be turned around before they reach the UK. This approach will not only be ineffective, but highly dangerous; forcing those on board who are already risking their lives to flee persecution to spend longer out at sea.

Felipe González Morales, the UN Special Rapporteur on the human rights of migrants [described the pushback of people at sea](#) as a "a violation of the prohibition of collective expulsion" and described it as "heighten[ing] the risk of further human rights violations, in particular refoulement". Article 3 of the Human Rights Act requires all people to be free from torture and inhuman or degrading treatment. By denying people at sea the safety of reaching land quickly, the UK government will be putting lives at risk, compromising the right to life of those in the vessels and treating them in an inhumane way. This was exemplified by the [Maltese Government turning boats around](#) during the 'Easter Monday pushback' in April 2020 - 5 people had died by the time the boat reached Libya, and a further 7 people went missing and were never found.

While it is important to punish those who facilitate illegal routes, they are unlikely to enter UK territory. Often [people smugglers exploit vulnerable migrants](#) to facilitate the crossing, rather than boarding boats themselves. Penalising those on board does not get to the heart of the problem and only results in the punishment of asylum seekers.

The most effective way to reduce people smuggling and prevent un journeys being made to the UK is by creating more safe ways for people to seek asylum in the UK where they do not need to risk their life at sea.

8. Further trauma for victims of modern slavery

The UK Government's own [statutory guidance on modern slavery](#) states that trauma may affect victims' early accounts, which "can result in delayed disclosure" and goes on to outline a number of reasons that people may be reluctant to self-identify as a victim. Yet, Clause 47 of the bill requires that the submission of late information is considered as damaging to the claimant's credibility. We recognise that this clause has been put in place to prevent modern slavery matters being raised as a last attempt after an asylum claim has been refused. However, it risks compromising the human rights of genuine victims who are initially reluctant to present themselves as such.

The changes created by clause 48 that will only allow for support to be provided when there are reasonable grounds to believe that a person "is" a victim, (as opposed to the previous requirement when there is evidence to show that a person "may be" a victim) are also deeply concerning. Within human trafficking, it can be difficult to obtain adequate evidence because it operates underground. Situations relating to trafficking can be incredibly complex and it is unfair to expect victims to be able to provide robust evidence.

There is no evidence that the National Referral Mechanism (NRM) is being abused the way the Government suggests ([Home Office statistics](#) show that 92% of first stage and 89% of second stage trafficking decisions are positive). The Home Office should engage with people that have direct experience of the system to understand how it can be improved.

The current process creates anxiety, makes people relive trauma and prolongs uncertainty. Claims of the system being 'abused' fosters less confidence in it and deters vulnerable people from using the NRM, when it is supposed to help them. By making the system even stricter, it will be genuine victims of human trafficking that are most disadvantaged. The best way to tackle organised crime is to support victims and ensure that they do not re-enter the system.

The Nationality and Border Bill focusses on providing leave to remain for only those who have experienced exploitation (where needs cannot be met in a safe third country), rather than focussing on providing all victims of trafficking with protection as they recover. Trafficking is complex and to claim that only those who have been exploited need the UK Government's support is highly problematic. Sending anyone who has experienced the trauma of human trafficking to another country, whether safe or not, simply adds unnecessary time to their recovery process and aggravates trauma.

Furthermore, it is necessary for the government to clarify whether EU nationals who are victims of human trafficking are considered to be inadmissible. This should not be

the case, and the UK should be happy to provide support for any victim of human trafficking that enters the country.

9. Conclusion

The UK Government have a legal duty to uphold its commitment as signatories to the Refugee Convention. This in particular includes a responsibility to reduce the number of people willing to risk their lives to travel through unauthorised means. We believe this is best achieved through international diplomacy and the Government working closely with the UNCHR in-country to identify those at risk and provide people with the support that they need to begin the asylum application process overseas.

When asylum seekers arrive in the UK they should be treated with dignity, no matter their means of arrival – whether that be authorised or unauthorised. In order to create a fair system, all asylum seekers should be treated equally and entitled to the same level of support from the government and local authorities. Accommodation is key to helping asylum seekers and refugees integrate into their communities. Therefore, good quality housing that meets people's needs is essential, and the use of large asylum accommodation centres should be significantly reduced.

The system of applying for refugee status should be compassionate and understanding of the complex needs and experiences of asylum seekers. Greater provision should be created to support people through this process and to help them answer questions to the best of their ability. Extra support and understanding should be given to victims of human trafficking, and the system should be flexible in its time frames for those that are thought to have gone through the exceptional trauma of human trafficking.

The asylum system needs to be reformed and there is much potential for this to be done effectively, creating a system that treats asylum seekers with dignity and respect. However, the Nationality and Borders Bill as it stands will not do this. Vast improvements need to be made in order to create legislation that balances sustainability, fairness, and dignity within the asylum process.