

Key messages against the Nationality and Borders Bill

- SRC rejects the [Nationality and Borders Bill](#) (the Bill). It is a *grim nadir in UK refugee law and policy*. It is [anti-refugee](#) because it is [anti-human rights](#) legislation. This Bill severs the UK from the [Refugee Convention](#), replacing it with a [refugee punishment regime](#). It is [unethical](#), [perverse](#) and [self-defeating](#).
- The Bill visits harm on [refugees](#) and [trafficking](#) survivors, rendering them at risk of [death](#), [exploitation](#), [destitution](#), and [ill-health](#). The Bill is [expensive](#), will worsen existing [chronic delays](#) in asylum [decisions](#), but it already [delivers \(pp4-5\)](#) bumper [revenues](#) and [profits](#) to Home office accommodation contractors.
- Scotland must [act](#). The legislation [directly interferes](#) with [devolved competence](#), on [trafficking](#) and [age assessment](#). We urge this Parliament to [withhold](#) its consent, condemn the Bill as a whole, and realise that its wider impacts on people and devolved policy necessitate *adoption of this [Five-point plan \(pp3-4\)](#)*.

Why the Nationality and Borders Bill is anti-human rights, anti-refugee, anti-survivor legislation

1. This Bill is a *crushing dead weight* on rights to safety for vulnerable people, notably [refugees](#), trafficked [exploitation](#) survivors and those [stateless](#). The Bill exerts particular harm on [children](#), [women surviving](#) male [violence](#), and persons with [LGBTQ](#) identity. Amnesty describe the Bill as a [fundamental repudiation](#) of the UK's asylum responsibilities; the Refugee Convention. It is. The Convention came from the international community's revulsion at the [Holocaust](#), and an aftermath of mass [displacement](#) of peoples across Europe.
2. For 70years since, the Convention saved [millions of lives](#). It has done so as it is in the real and perilous world of refugee flight. It gets that it is intrinsic to the refugee predicament to have no safe access to a visa from the regime that one flees. A woman fearing the Taliban can hardly ask them for a visa to escape. Through Art.31 (1) of the Convention irregular arrival is treated with [equanimity](#) to official entry to a territory. Persons should not be penalised for mode of arrival to a territory. This is why the Convention has endured. It understands acutely the two phases of being a refugee: get from the danger and then rebuild one's life. This Bill wilfully ignores that. Rather than focus on a refugee's protection needs, this Bill focuses on how someone got here, and then punishes them for getting here, despite one necessarily arriving irregularly as they have no papers. *In so doing, the Bill severs the UK from the Convention, reverses the non-penalisation protection, instead criminalising people who seek safety*. Of the latter provision, ex-PM [John Major](#) said: "Prison, for these refugees, is punishment without compassion". He is right. Criminalising people for seeking safety is just wrong.
3. Having severed the UK from the Convention. This Bill then marks out as "Group 2" refugees - men, women and children just seeking safety. They are to be routed into a *punishment regime*, comprising (a) [criminalisation](#) of up to 4years in prison; (b) temporarily [inadmissible \(pp10-11\)](#) to asylum pending, [ostensibly \(p11\)](#), removal; (c) put in an [accommodation holding centre \(pp2-5\)](#), separated from society, possibly indefinitely; (d) left there in the severest poverty of [£1aday](#); (e) [little chance \(p20\)](#) of Refugee leave and settlement; and (f) if not removable they may get [temporary status \(p18\)](#) of up to 2 ½ years, but that is likely subject to [NRPF](#). For "Group 2" [refugees also surviving trafficking \(pp27-28\)](#), they face "[trauma notices](#)" ([pp2-6](#)) too, under pain of damage to credibility. All this fate awaits Afghan, Syrian, Uighur, and Ukrainian and, indeed all seeking asylum who, necessarily, arrive in the UK irregularly. *Some of this regime is [already here](#)*.

Scotland must act now to start protecting vulnerable people from this Nationality and Borders Bill

4. This Bill is bad for human rights of vulnerable people and for the [integrity](#) of the devolved settlement. We support this Scottish Government Debate, its LCM, and the associated [report](#) of the Social Justice and Social Security Committee. We ask MSPs to withhold legislative consent. *But, we urge the Parliament to go further and support this [Five-point plan \(pp19-20\)](#) that should be led by Scottish Ministers, to protect people against the worst of this legislation*. In summary, *that plan* is (a) withhold legislative consent; (b) institute a Scottish trafficking identification responsibility to complete an end-to-end system; (c) strengthen key devolved policies, in light of this Bill, such as [New Scots refugee integration](#), [Ending destitution together](#) and [Violence against women and girls](#); (d) refugee and migrant inclusion is in any Scottish Human Rights Act; and (e) Lord Advocate Instructions not to prosecute persons who are actually, refugees and exploitation survivors, via this legislation.