



Sir Roger Gale MP
Ms Siobhain McDonagh MP
Chairs of the Nationality and Borders Bill Committee
House of Commons
London
SW1A 0AA

26th October 2021

Dear Sir Roger and Siobhain,

**NATIONALITY AND BORDERS BILL, COMMITTEE STAGE
LINE BY LINE 21ST OCTOBER 2021**

I am grateful to all Committee Members for the detailed debate on the Nationality and Borders Bill, on 21 October. This covered elements from Part 2 of the Bill, the remainder of which will be considered by the Committee today. During the course of that debate, I undertook to write on the following matters, as raised by Right Honourable and Honourable Committee members.

- The position on the review of family reunion visas (raised by Neil Coyle);
- Differentiation, in particular the position on 'No Recourse to Public Funds' in respect of those claiming asylum (raised by Stuart McDonald);
- Further details on who will be on advisory groups, specifically in relation to Napier Barracks (as raised by Paul Blomfield and Neil Coyle); and
- Further details on the number of returns to safe countries since the legal challenge (as raised by Holly Lynch).

Family reunion visas

Since 2015, the UK has granted more than 37,000 family reunion visas to family members of refugees. I am afraid I do not recognise the figure citing a 10% fall in these. It is difficult to speculate as to the reasons behind any fall in grants given the complex variables involved that could affect the number of decisions concluded, including the impact of the Covid-19 pandemic. However, according to the latest published statistics, grants of family reunion visas have actually increased by 2% compared to the previous 12 months.

During the passage of the Immigration and Social Security Act, the Government committed to review safe and legal routes. In this review, we carefully considered the extent of the UK's legal obligations, including under Article 8 of the European Convention on Human Rights (ECHR), and we consider that our existing refugee family reunion policy is compliant with those obligations. Those obligations do not require us to facilitate all family reunions. The paper can be viewed via the following link: [Report in relation to legal routes from the EU for protection claimants, including family reunion of unaccompanied children \(publishing.service.gov.uk\)](https://publishing.service.gov.uk).

Asylum – differentiation, including ‘No Recourse to Public Funds’

As you know, the Nationality and Borders Bill will allow us to take steps to disincentivise people from taking dangerous, life-threatening journeys. The approach being taken provides for a differential treatment of refugees based on their group. Differences may, for example, apply in terms of the duration of their permission to remain in the UK, the availability of routes to settlement, the ability to have recourse to public funds, and the ability of family members to join them in the UK. Further details on there being no recourse to public funds will be set out in guidance and immigration rules, in due course.

On the other areas, Group 2 refugees may be given a shorter period of leave which will allow their circumstances to be reviewed more often. This will allow the Secretary of State more regular opportunities to see if the country situation has changed, such that an individual can safely be returned to their country of origin if appropriate. There will of course be a need to balance the policy aim against case-handling and that is certainly a factor that has been taken into account. I would like to reassure members that, for a number of reasons, the period of leave to be granted will be no shorter than 30 months.

Regarding route to settlement, Group 2 refugees may be eligible to apply for the 10-year long-residence route which will mean, for example, in order to settle they have to show that they have been lawfully in the UK for a continuous 10-year period and pass a knowledge of language and life in the UK test.

On refugee family reunion, we will not permit Group 2 refugees to reunite with families unless a refusal would be a breach of our international obligations under Article 8 of the European Convention on Human Rights (ECHR). Our policy on Article 8 is already clear.

Preventing destitution to those in our jurisdiction is an obligation under the ECHR if it amounts to cruel, inhuman, or degrading treatment. The Government fully intends to operate the policy in line with its international legal obligations. There is already a legislative definition of destitution in section 95 against which individuals would have been assessed before their claim was determined. We have no intention of imposing a no recourse to public funds (NRPF) condition on anyone who was in receipt of s.95 asylum support. In practice, this means if such a person was ultimately granted refugee status, they would be given recourse to public funds and transition on to mainstream benefits in the normal way. Any Group 2 refugees subject to a NRPF condition will be able to apply to have that condition removed if they are destitute or are at risk of destitution.

Napier Barracks - advisory groups

Napier Barracks is not classified as an accommodation centre. As such, we are not required to establish an advisory group under section 33 of the Nationality, Immigration and Asylum Act 2002. Nevertheless, as part of our oversight of the provider running Napier, senior officials regularly attend the site to inspect it and work face to face with the management team. In addition, Home Office officials hold weekly virtual meetings with service users to listen to their experiences. When issues are raised, they are investigated and acted on as appropriate. Multi-agency forums, which include the emergency services and local government as well as NGO forums, meet regularly to ensure opportunities and issues are collectively understood and actions taken. The Home Office also provides funding to Migrant Help, a voluntary sector organisation, who provide guidance and assistance to all asylum seekers onsite about their rights and responsibilities and signposts them to appropriate services.

Returns to safe countries

Please see the following link, which provides data on the areas that Holly Lynch enquired about: [Immigration Statistics, Year Ending June 2021](#). This shows that in Q1 and Q2, 4,561 'notices of intent' were served to individuals, informing them that inadmissibility action was being considered in their cases. Figures for Q3 will be published in November.

Resettlement of Afghan citizens

Colleagues raised several questions and remarks over Afghanistan and our resettlement program. I would like to highlight that this Government launched the Afghanistan Relocation Assistance Policy (ARAP) in April 2017. Since then, we have evacuated around 7,000 Afghans, including former Afghan staff and their families, to the UK. This is in addition to resettling over 1,400 Afghan staff and their families in the UK since 2013.

In August 2021, under Operation Pitting, Armed Forces and Civil Service staff worked around the clock to evacuate 15,000 people, the largest evacuation mission since the Second World War. We have created a brand new and bespoke resettlement scheme, the Afghan Citizens Resettlement Scheme (ACRS), which will allow Afghans who are most in need, including women, girls and children, to resettle in the UK. The scheme will welcome 5,000 vulnerable Afghans in the first year and 20,000 in the coming years which will be one of the most ambitious schemes in British resettlement history.

I am copying this letter to all Committee Members, Stuart Anderson MP, Paul Blomfield MP, Neil Coyle MP, Jonathan Gullis MP, Paul Howell MP, Stuart C McDonald MP, Taiwo Owatemi MP, Nicola Richards MP, Mike Wood MP, Duncan Baker MP, Bambos Charalambous MP, Rt Honourable Robert Goodwill MP, Paul Holmes MP, Holly Lynch MP, Anne McLaughlin MP and Craig Whittaker MP.

A copy of this letter will be placed in the libraries of both Houses so it may be referred to.

With best wishes,

Yours ever,



TOM PURSGLOVE MP
Parliamentary Under Secretary of State