

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

27th October 2021

Dear Sir Roger and Siobhain,

**NATIONALITY AND BORDERS BILL, COMMITTEE STAGE  
LINE BY LINE 26<sup>th</sup> OCTOBER 2021**

I am grateful to all Committee Members for the detailed debate on the Nationality and Borders Bill, on 26 October. This covered the remaining elements from Part 2 of the Bill. During the course of that debate, I undertook to write on the following matter, as raised by Stuart C McDonald on clause 29.

- “How does this clause deal with imputed characteristics?”

Imputed Characteristics

Clause 29 outlines this Government’s interpretation of a ‘well-founded fear’ for the purposes of considering whether an individual is a refugee as defined in Article 1(A)(2) of the Refugee Convention. He asked on Tuesday during proceedings in the Committee how this clause would be applied to those with imputed characteristics. Section 6(2) of the Refugee or Person in Need of International Protection Regulations 2006 is currently clear that a claimant who does not possess a characteristic, also referred to as a ‘Convention reason’, but has one imputed to them by an actor of persecution, can still be a refugee under Article 1(A)(2) of the Refugee Convention. The 2006 Regulations are revoked by Clause 27 of the Bill, but it is right that we continue to provide protection to those who would face persecution upon return to their country of origin as a result of an actor of persecution imputing a Convention reason to them.

As a result, Clause 29(2)(a) is clear that a claimant who has ‘characteristic attributed to them by an actor of persecution’ is still able to meet the ‘well-founded fear test’

and consequently, be recognised as a refugee under the Convention in the UK. In such cases, the decision-maker will consider to the balance of probabilities whether the claimant has an imputed characteristic attributed to them by an actor of persecution.

The fact that certain types of claims, including those with imputed characteristics, are sometimes more difficult to establish than others is something of which the Home Office is fully aware and deals with already in its policies. For example, we understand that claims based on belief and feelings are inherently more difficult to evidence due to the lack of objective material to verify the claim in some cases.

The issue of assessing a claimant's credibility is specifically dealt with in the asylum policy instruction "[Assessing credibility and refugee status](#)". This includes specific sections on how to consider issues of belief and religious conversion, as well as imputed characteristics.

Ahead of these new measures being introduced we intend to update this asylum policy instruction. This will be done in full consultation with relevant stakeholders, including representatives from faith groups. In addition, in June 2021, we published revised [asylum interview guidance](#). It includes an updated, more detailed section on questions about the basis of the claim – including specifically those which relate to religion or belief.

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 Honorable 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**  
**Minister for Justice and Tackling Illegal Migration**