



Lord Etherton
House of Lords
London
SW1A 0PW

MoJ ref: SUB94961

25 February 2022

Dear Lord Etherton,

NATIONALITY AND BORDERS BILL: THE IMPACT OF DIFFERENTIATION ON LGBTQI CLAIMANTS

I am grateful to you for the detailed debate on the Nationality and Borders Bill on 3 February 2022 which covered clauses in Part 2 of the Bill on Asylum. During the course of that debate, I committed to write to you on the potential impact the introduction of differentiation could have on LGBTQI claimants.

Impacts on LGBTQI

Draft policy guidance on differentiation is being shared with expert stakeholders for comment. Relevant guidance products will reflect the position in respect of groups who may be vulnerable, including LGBT+ people. We recognise such groups may have experienced particular events and lived in particular circumstances that could make it difficult for them to meet the terms for Group 1 refugee status – we will therefore be using our guidance to provide information on how discretion flowing from the broad and flexible powers in the Bill ought to be exercised in this regard.

Timeframes

It has always been our intention that this guidance will be carefully designed over the coming months and will be made public at least 2 months before the measures to which it relates are implemented. These measures will not come into force on Royal Assent. We think 2 months is a reasonable period for the public to have access to this guidance before the measures come into force.

I hope this provides clarification and I look forward to continuing to work with you to deliver this important legislation, as well as further discussing these critical issues during Bill passage.

A copy of this letter will be placed in the libraries of both Houses.

Yours sincerely,

**LORD (DAVID) WOLFSON
OF TREDEGAR, QC**