

Baroness Williams of
Trafford

Minister of State for the
Home Office



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Baroness Chakrabarti
House of Lords
SW1A 0PW
By Email Only

2 March 2022

Dear Shami,

Nationality and Borders Bill: Lords Committee Stage 3rd February 2022- Carriers Liability

I undertook to write to you in response to points raised during discussion on day three of Committee Stage of the Nationality and Borders Bill on 3 February.

You sought a commitment that the Government would not impose transit visa restrictions on jurisdictions that produce a large number of genuine refugees and that carriers' liability would not be used as a deterrent for those seeking to travel via safe and legal routes.

The UK's visa regime is kept under regular review and decisions to impose, or relax, visa requirements, including transit visa requirements, for particular nationalities reflect a careful and considered balance between prosperity and border security, and take account of the full range of harms.

Carriers play an important role in reinforcing the visa regime by ensuring that those intending to travel to the UK are properly documented for their journey. Carriers are not required to establish an individual's immigration status, or assess whether they will be permitted to enter the UK, when deciding whether to board an individual. They only need to check they have a valid travel document and, where required, a visa or visa exemption document.

Section 40 of the Immigration and Asylum Act 1999 requires aviation and maritime carriers to ensure all passengers are adequately documented for travel to the UK at

the point of departure, that is, that the travel document, and visa if required, are valid, genuine and in the possession of the rightful holder. Where a carrier fails in this duty and an individual who requires leave to enter arrives off their flight or ship and fails to produce an immigration document satisfactorily establishing their identity and nationality; or fails to produce a required visa, the carrier may be liable for a penalty of £2000.

As I alluded to during the debate, there are a range of safe and legal routes by which genuine refugees may come to the UK.

The UK has a long history of supporting refugees in need of protection and our resettlement schemes have provided safe and legal routes for tens of thousands of people to start new lives in the UK. Overall, since 2015, we have resettled more than 26,000 refugees direct from regions of conflict and instability, more than any EU Member State.

On 25th February 2021 we completed our commitment to resettle 20,000 refugees under the Vulnerable Persons Resettlement Scheme (VPRS). This achievement was made possible because of the outstanding commitment of local authorities, the devolved administrations, NGOs, our international partners, community and faith groups, and individual members of the public.

The UK continues to welcome refugees through the global UK Resettlement Scheme (UKRS), as well as through the Community Sponsorship and Mandate Resettlement Schemes. This commitment, alongside a fair and firm asylum system, will ensure we continue to offer safe and legal routes to the UK for vulnerable refugees in need of protection.

This has been evident with the Home Office being at the heart of the UK's response to the Afghanistan crisis. The Afghan Citizens Resettlement Scheme (ACRS) commenced on 6 January, providing up to 20,000 women, children and others at risk with a safe and legal route to resettle in the UK. In light of success of our evacuation efforts, – we will exceed our initial aim to resettle 5,000 through ACRS in the first year. The ACRS demonstrates the Government's New Plan for Immigration in action, as we expand and strengthen our safe and legal routes to the UK for those in need of protection. This Government will continue to provide safe refuge to those in need, ensuring our resettlement schemes are accessible and fair, and responsive to international crises.

Additionally, we have announced plans for a pilot to support access to work visas for highly skilled displaced people which will run in addition to existing safe and legal routes.

Furthermore, the Government also provides a safe and legal route to bring families together through its family reunion policy. This allows a partner and children under 18 of those granted protection in the UK to join them here, if they formed part of the family unit before the sponsor fled their country and can demonstrate a genuine and subsisting relationship. Under this policy, we have granted to over 39,000 family reunion visas, with more than half of those issued to children since 2015 – that is over 5,000 a year.

Our policy makes clear that there is discretion to grant visas outside the Immigration Rules, which caters for extended family members in exceptional and compassionate

circumstances – for example young adult sons or daughters who are dependent on family here and living in dangerous situations.

Refugees can also sponsor adult dependent relatives living overseas to join them where, due to age, illness or disability, that person requires long-term personal care that can only be provided by relatives in the UK.

Information on our safe and legal routes is readily available on gov.uk including details about eligibility and the referral or application process where relevant.

I hope this provides clarification and I look forward to continuing to work with you all to deliver this important legislation and further discussing these critical issues as the Bill moves through Parliament.

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

A handwritten signature in cursive script, appearing to read 'Susan', positioned centrally above the printed name.

**Baroness Williams of Trafford
Minister of State**