



**UNIVERSITY OF  
BIRMINGHAM**

**The UK's Nationality and Borders Act 2022: Fixing  
the Broken Immigration System or Promoting Anti-  
Refugee Discriminatory Policies?**

**Farhad Mohammad**

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Student ID: 2224878

Supervisor: Dr. Ellie Chowns

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## Abstract

The UK's Nationality and Borders Act 2022 (NBA) has been proposed by the Home Office as a response to tackle illegal immigration and deter smugglers from risking people's lives. The new law introduces controversial provisions on asylum seekers and how the Government will process their cases if they enter the UK illegally. This law received a backlash from human rights organisations and refugee advocates due to its devastating impacts on refugees and asylum seekers, including women and children. This dissertation seeks to answer the three following research questions: 1) To what extent is the Nationality and Borders Act likely to achieve its stated aims of "making the UK immigration system fairer and more effective, and tackling illegal immigration" (Home Office, 2021a, n.p.)? 2) What potential harms and/or unintended consequences might the new Act cause for refugees and asylum seekers? 3) What needs to be done to create a genuinely "fairer and more effective" immigration system?

This research is a case study based on fieldwork. The researcher adopted strategic sampling and semi-structured interviews to obtain primary data from key stakeholders including refugees and asylum seekers living in the UK. The findings of the research revealed that it is quite unlikely that the NBA will achieve its stated goals; it will create more harm to those who already experienced harm and trauma and put their lives at risk. Such negative consequences include: Affecting people's physical and mental health, impeding people's integration into society, promoting racial segregation and discrimination, exacerbating existing vulnerabilities of groups and undermining the international refugee protection system. Some recommendations have been proposed by research participants regarding creating a genuinely fairer and more effective immigration system. They include: expanding safe routes, developing global resettlement schemes, improving the Home Office's work, dismantling hostile policies and creating a culture of compassion and easing of the rules to regularisation.

**Key Words:** Nationality and Borders Act, New Plan for Immigration, Offshore Processing, Rwanda, Migrants, Refugees, Asylum Seekers.

*“No one leaves home unless home is the mouth of a shark ... I wouldn’t have put my children on the boat unless I thought the sea was safer than the land.”*

*Warsan Shire, 2011*

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## **Acronyms and Abbreviations**

|              |   |
|--------------|---|
| <b>CEAS</b>  | Common European Asylum System                       |
| <b>CSS</b>   | Critical Social Science                             |
| <b>ECHR</b>  | European Convention on Human Rights                 |
| <b>ECRE</b>  | European Council on Refugees and Exiles             |
| <b>ECtHR</b> | European Court of Human Rights                      |
| <b>EU</b>    | European Union                                      |
| <b>EVAW</b>  | End Violence Against Women                          |
| <b>JCHR</b>  | Joint Committee on Human Rights                     |
| <b>JCWI</b>  | Joint Council for the Welfare of Immigrants         |
| <b>LGBT+</b> | Lesbian, gay, bisexual, and transgender/transsexual |
| <b>NBA</b>   | Nationality and Borders Act                         |
| <b>NGO</b>   | Non-Governmental Organisation                       |
| <b>NPI</b>   | New Plan for Immigration                            |
| <b>RMCC</b>  | Refugee and Migrant Children's Consortium           |
| <b>UK</b>    | United Kingdom                                      |
| <b>UNHCR</b> | United Nations High Commissioner for Human Rights   |



# ***Chapter 1: Introduction***

## **1. 1. Background**

The Nationality and Borders Act (NBA) of the United Kingdom (UK) was first introduced to the House of Commons on 6 July 2021 following a consultation on the Home Office's New Plan for Immigration (NPI). The NBA became law on 28 April 2022 after receiving royal assent (The Law Society, 2022). NPI was published by the UK Government on 24 March 2021 in a form of a policy statement laying forth a proposal to deliver a 'fair but firm' system for asylum and illegal immigration (Home Office, 2021b). The three main objectives of the Act are: 1) to increase the fairness and effectiveness of the asylum system; 2) to prevent illegal entry into the UK and disrupt the business model of smugglers 3) to deport more easily people with no right to be in the UK (JCHR, 2022).

The NBA has prompted a significant backlash from refugee and human rights advocates, and political parties, including Labour, the Liberal Democrats, the Green Party and the Scottish National Party which all opposed the NBA being given a second reading in the House of Commons (Tobin, 2021). Through the release of thorough legal analyses and media announcements<sup>1</sup>, the United Nations High Commissioner for Refugees (UNHCR) has warned that the NBA undermines the 1951 Refugee Convention - the agreement, to which the UK is a party, that has protected refugees for decades. The UNHCR experts are concerned that the NBA will hinder, rather than advance, the declared goal of the Government of providing better protection for persons facing persecution (UNHCR, 2022). Moreover, the End Violence Against Women (EVAW) coalition argued that the NBA risks the exposure of survivors of violence to further abuse and trauma in the UK. EVAW argues that many legal protections are already denied to migrant survivors, who are often forced to choose between remaining in an abusive situation or facing impoverishment, detention, and expulsion (EVAW, 2021).

The NBA will bring about drastic changes deemed necessary and cost-effective by its proponents; however, many experts argue that it will have unnecessary adverse impacts on refugees and asylum seekers, whose voices are rarely heard in this debate. Therefore, my research aims to critically

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<sup>1</sup> Can be viewed here: [UNHCR - The Nationality and Borders Bill](#)

examine the provisions of the Act and its critiques with a particular focus on amplifying the voices of refugees and asylum seekers.

## **1.2 Rationale and Purpose of the Study**

My interest in researching the UK Government's NBA emanates from the fact that I am myself a refugee in the UK, and I am concerned that this new policy will have a detrimental impact on the refugees and asylum seekers seeking refuge in the UK, which is something already flagged by refugee and human rights advocates (Refugee Council, 2021; UNHCR, 2021; Amnesty International UK, 2021). I reflect on my own positionality and potential bias in section 3.5.

Crossing borders and seas to reach safety involves risky journeys resulting in thousands of migrants each year dying trying to cross international waters. One recent example of this tragedy occurred in November 2021 when 27 people drowned after their boat capsized near Calais (Therrien, 2021). All around the world, families are being forced to leave their homes every single day in pursuit of safety and a better future, risking everything to escape persecution, wars, and violence, and often leaving with only the clothes on their backs and the will to survive. Migration is not a crime that must be prevented; rather, it is a complex international phenomenon that must be managed effectively (Oxfam International, 2021).

As I will be researching newly passed legislation on a highly topical subject of worldwide interest, this study therefore aims to shed light on the current debates around the fairness and effectiveness of the NBA plan to deter illegal entry into the UK, the potential pitfalls associated with NBA implementation, and the improvements that need to be made to create a better asylum and immigration system.

The research questions that will be explored within this study are as follows:

1. To what extent is the Nationality and Borders Act likely to achieve its stated aims of “making the UK immigration system fairer and more effective, and tackling illegal immigration” (Home Office, 2021a, n.p.)?
2. What potential harms and/or unintended consequences might the new Act cause for refugees and asylum seekers?

3. What needs to be done to create a genuinely “fairer and more effective” immigration system?

This fieldwork-based dissertation uses a case study design to approach the research topic. I directly collected primary data from semi-structured interviews with two distinctive groups of people within the UK: 1) asylum seekers and refugees; 2) and other key stakeholders. Data collected was transcribed, and then analysed using the thematic analysis method to guide the researcher in identifying common themes to be reported on. Since there is a dearth of empirical studies on the implications of the new legislation, my research findings will help to develop a better understanding of whether the NBA will realise its stated objectives, the potential negative repercussions on refugees and asylum seekers, and what needs to be done to deliver a genuinely ‘fair and more effective’ immigration system. The main contribution of my research is that it casts new light on the NBA by spelling out the concerns of the affected population from refugees and asylum seekers in the UK.

## **1.2 Research Structure**

The structure of the dissertation unfolds as follows:

**Chapter 1:** provides background information on the NBA, highlights the significance of the study and justification for choosing the case study, and presents the structure of the study.

**Chapter 2:** delves into the literature on the research topic to critically review the main arguments both in favour and against the introduction of the NBA.

**Chapter 3:** covers the methodology and the different techniques utilised to gather information and evidence needed to answer the research questions.

**Chapter 4:** presents key findings and discussions analysed from different stakeholders and key informants.

**Chapter 5:** summarises the key debates and draws conclusions, then focuses on the practical implications of the study.

## ***Chapter 2: Literature Review***

This section will define the key concepts related to migration, then research the international refugee protection system and history of the asylum system in the UK, and present the key provisions and critiques of the NBA. Finally, a summary of the main points discussed will be provided.

### **2.1 Conceptual Background**

Refugees are people who have been forced to flee from their homes due to war, violence, or persecution (Save the Children, n.d.). Refugees are unable to return home unless their native countries are once again safe for them. Based on well-founded fear, an official authority such as a government or the UN Refugee Agency evaluates whether a person seeking international protection meets the criteria of a refugee (IRC-UK, 2019).

An asylum seeker is someone who has fled their home country and claimed asylum in another nation, but whose case is yet to be determined (Philips, 2011; Refugee Council, n.d.). This individual often seeks asylum on the basis that returning to their home country would expose them to persecution on the ground of religion, race, ethnicity, or political opinions.

A migrant has no universally recognised legal definition, yet the term refers to someone who has moved to a different country for personal reasons (Refugee Council, n.d.), and not because they faced a direct threat or persecution, but mostly to seek work, education or to reunite with family. (Amnesty International, n.d.). Migrants, unlike refugees, can safely return home (Habitat for Humanity, 2017). Additionally, migrants sometimes include foreign nationals seeking asylum in the UK. For example, the UK Government's official migration figures include asylum seekers when calculating the number of migrants entering the country (Anderson and Blinder, 2019).

Immigrants are people who arrive in a country to stay permanently. Although many immigrants choose to settle in a new country permanently, they have the option to return home (Save the Children, n.d.).

## **2.2 The 1951 Refugee Convention**

The 1951 Convention was officially adopted in July 1951 and is regarded as the "centrepiece of international refugee protection" (Asylum Access, 2021, n.p.), requiring signatory governments to identify and protect refugees fleeing persecution or conflict in their home countries. The Convention adopts a single definition of the term "refugee" in Article 1.2 (European Commission, n.d.). This Article defines a refugee as a "person who has fled his country because of a well-founded fear of persecution on one of five grounds: race, religion, nationality, membership of a particular social group or political opinion" (UNHCR, 2016, n.p.). Nonetheless, it is argued that this definition is limited in scope as it only reflects social and political rights and fails to take into account those escaping other forms of adversity, such as economic crises or natural disasters (Millbank, 2000; Nasr, 2016; Rubin, 2022).

The Convention is both a status and rights-based legal framework, and it is built on some core principles, the most important of which are non-discrimination, non-penalisation, and non-refoulement (Asylum Access, 2021; European Commission, n.d.). For example, the articles of the Convention must be applied indiscriminately and without regard to race, religion or country of origin (UNHCR, 2010). Article 31 states that refugees have the right not to be penalised on account of their illegal entry or presence in the territory of a contracting state if they come directly from a country where their life or freedom was in danger (OHCHR, n.d.).

Significantly, the principle of non-refoulement, enshrined in Article 33, is the cornerstone of the Convention (UNHCR, 2007). The non-refoulement principle is deemed to be so fundamental that no reservations or exceptions may be made to it. It guarantees that no one should be returned to a country where there are serious threats to their life or freedom (Benhabib, 2020).

## **2.3 International Asylum Laws and Practice**

The contracting States to the 1951 Refugee Convention are given the authority to adopt the appropriate procedures and criteria for determining refugee status as long these measures are following international human rights and refugee law and take into consideration the specific situation of the country's legal and administrative system (UNHCR, 1997).

Accordingly, the European Council on Refugees and Exiles (ECRE) (ECRE, 2005) and the Inter-Parliamentary Union and UNHCR (Nicholson and Kumin, 2017) urge governments to adopt specific universal principles and measures to ensure that asylum seekers have access to effective asylum procedures. Such recommendations include: 1) ensuring that legislation identifies a single expert authority with minimum procedural guarantees to assess refugee applications and make a judgement in the first instance; 2) investing sufficient resources to ensure that asylum decision-making officials have all necessary competence required to make accurate and well-considered decisions; 3) designating an independent entity or expert tribunal tasked with assessing appeals to ensure an appropriate redress if a poor decision was made in the first instance; 4) border guards should not be in charge of determining legal status and applicants should be escorted to a designated registration location for a formal screening interview with the help of a certified interpreter; 5) asylum claimants should not be detained except in exceptional circumstances when non-custodial measures fail to achieve the declared, legal and legitimate objective; and 6) there should never be exceptions to the five minimum safeguards (provision of free legal consultations, access to non-governmental organisations (NGOs) or UNHCR, a certified unbiased interpreter, a personal interview and a right of appeal with suspensive effect).

One example of a fair and efficient asylum system is exemplified in Canada's case; it has become a top destination for refugees due to its relatively open and well-regulated asylum system (Cheatham, 2022). Canada's asylum system is built on the concept of non-refoulement, and it protects those who have a well-founded fear of persecution. The asylum claims are assessed by an independent entity, the Immigration and Refugee Board of Canada, which is a quasi-judicial tribunal that gives a fair hearing to asylum applicants and determines their eligibility for refugee status per Canada's immigration laws (OECD, 2021).

The former Canadian Ambassador to Asia and the Middle East, Martin Collacott, attributed the large influx of refugees into Canada to lawyers and courts extending the interpretation of the term 'refugee' to include cases that no other country would accept (Collacott, 2001). Collacott added that Canada provides a more substantial and appealing set of benefits than any other country. For example, as Cheatham (2022) illustrates, asylum seekers are provided with free medical care, the right to work, social welfare, and housing assistance while officials assess their claims. Moreover, those obtaining refugee status are eligible to sponsor their families without needing to wait to become citizens of Canada (Collacott, 2001).

The Government of Canada stated that after reforming the asylum system in 2012 to make it faster and fairer, the results were promising as genuine refugees are granted protection sooner and bogus claimants are being deported more quickly from Canada; this in turn reduces the backlog of pending claims and saves taxpayers around 2 billion Canadian dollars over five years in education and welfare costs (Government of Canada, 2013, 2014). The Canadian Council for Refugees (n.d.) demonstrates that despite some gaps in the 2012 refugee system, refugee claimants have access to legal aid and their cases are assessed within a very short timeline. Importantly, the claims of those coming from ‘safe countries’, called ‘Designated Countries of Origin’, are processed faster and they have no right of appeal.

Apart from the traditional routes that offer protection to people seeking refuge such as refugee resettlement schemes, In-Canada Asylum Program and sponsorship, Canada is exploring alternative ways to give those in need of protection who do not meet the criteria set for traditional pathways. Such routes include: Student Refugee Program, which resettles students through private sponsorship and grants them permanent residence upon arrival; and offering protection for refugees with high professional qualifications around the world to benefit from their specialised skills in the local labour market (CEAR, 2019).

## **2.4 The UK Asylum Law and Practice**

### **2.4.1 History of the UK’s Asylum System**

The UK is a signatory of the 1951 Convention and the European Convention on Human Rights (ECHR) (Schuster and Solomos, 2001). The immigration system in the UK evolved directly following the fall of the British Empire reflecting a political desire to curb the illegal entry of racialised and dispossessed people of its former colonies (Griffiths and Yeo, 2021). The hallmarks of the immigration system have been restrictive and punitive policies, arbitrary decision-making, and complex and constantly changing rules (Goodfellow, 2019). Since the early 1990s, a series of laws have been passed that restrict the entry of asylum seekers into the UK and prevent them from receiving the same social benefits as citizens and others with legal status (McDonald and Billings, 2007). For instance, the 1993, 1996 and 1999 Acts made it extremely difficult for asylum seekers to access any of the rights articulated in the 1951 Convention and the ECHR (Girvan and Taylor, 2018; Schuster and Solomos, 2001), enabling the UK government to detain refugee claimants

pending a decision, and restricting their rights to work and to claim welfare benefits (Philo, Briant and Donald, 2013).

Since the early 2000s, successive UK governments claimed that restricting access to the labour market and welfare system was essential to avoid ‘pulling’ disingenuous asylum claimants (economic migrants) to the UK (Mayblin and James, 2019). Theresa May, who was appointed Home Secretary in 2010, was responsible for carrying out the notorious pledge to cut net migration to ‘tens of thousands’. May introduced a stream of policy changes to curb illegal immigration by preventing people from accessing government services (Griffiths and Yeo, 2021). In a newspaper interview in 2012, May declared that “The aim is to create here in Britain a really hostile environment for illegal migration” (Freedom from Torture, 2019, p. 2). This malevolence coalesced into new policies developed by the Hostile Environment Working Group of the Conservative-Liberal Democrat Coalition Government and were implemented primarily through the Immigration Acts of the 2014 and 2016, which imposed further restrictions aiming at enforcing existing immigration laws and denying illegal residents access to basic services (Hughes, 2022; Sheldrick and Magrath, 2022).

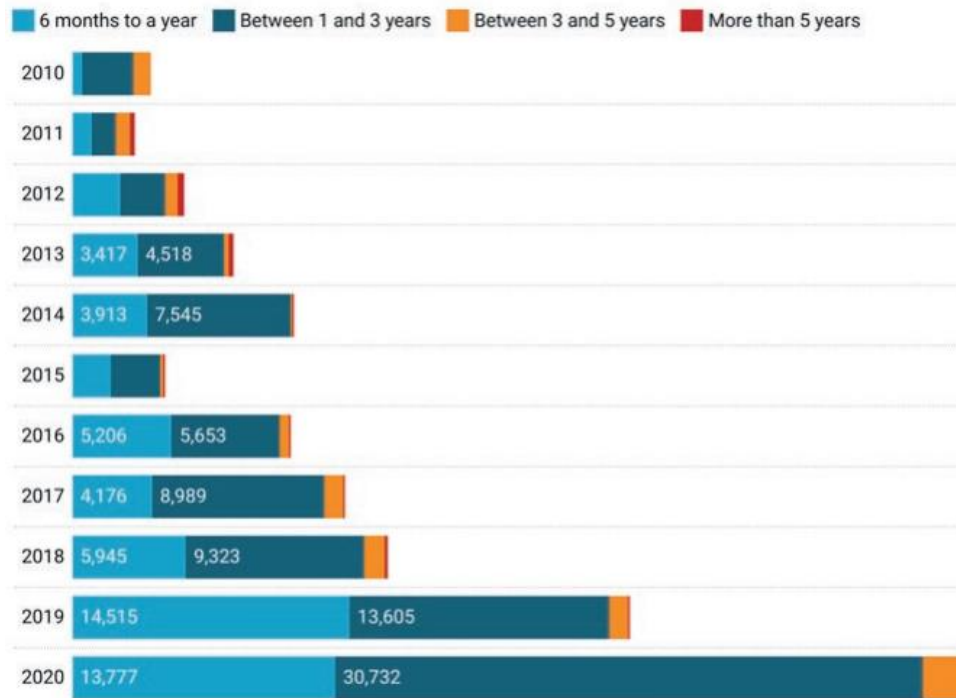
The UK was part of the Dublin System of the European Union (EU) since 1992 (Yeo, 2017). The Dublin System stipulated that the first EU country that asylum seekers reach would be singularly responsible for determining their claims (The Migration Observatory, 2014). The Common European Asylum System (CEAS) then replaced the original Dublin Convention with ‘Dublin II’, which was eventually replaced by ‘Dublin III’ (Yeo, 2017). CEAS is a legally binding policy framework ensuring harmonised and unified criteria for processing asylum claims in the EU (EUAA, 2020). Following the UK’s exit from the EU in 2020, the UK is no longer covered by the CEAS. To improve the asylum system in the UK, the government has introduced the NBA (Overton, 2021).

According to the Migration Observatory (2022), in the year ending March 2022, 75% of asylum seekers received a favourable decision about their application, signifying that the government is cognizant that a large majority of people claiming asylum in the UK have valid claims to refugee protection. Data also showed that the backlog of asylum cases increased, reaching nearly 110,000 people in March 2022. Yeo (2022) argues that since Priti Patel, the current Secretary of State for the Home Department, became the new home secretary in 2019, the backlog of asylum applicants waiting more than six months for a judgement on their case has tripled. The trend began long before COVID-19, which might have made the problem harder to remedy. Yeo attributes the growing



delays to the increased number of asylum claims and the slow decision-making process, as illustrated in Figure 1 below.

**Figure 1 The number of people waiting for more than six months for an initial decision**

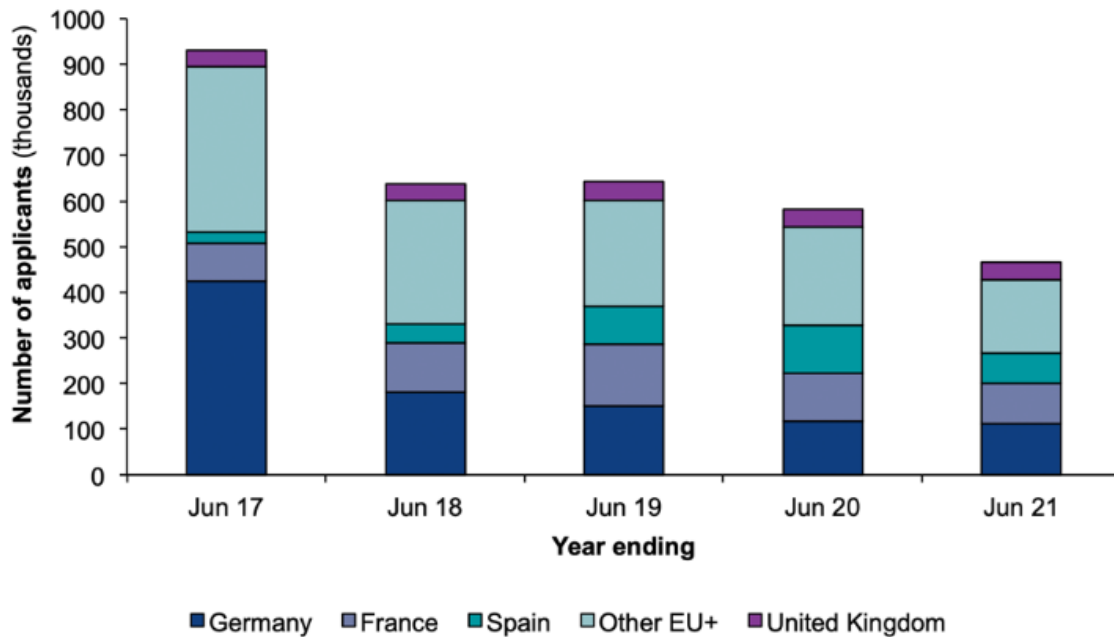


Source: Home Office FOI Data (cited in Hewett, 2021)

## 2.5 Comparative Analysis of the UK and Germany

Compared to the UK that is known for its relative self-confessed hostility, Germany is known for its considerable hospitality. For example, as Ellis notes (2022), while the UK pledged to take 20,000 Syrian refugees from 2015 to 2020 following the refugee crisis, Germany temporarily suspended the Dublin Agreement resulting in Germany taking the lead in Europe in receiving around 477,000 claims for asylum in 2015. Walsh explains (2021b) that in 2020, Germany ranked first in the absolute number of people to whom it granted asylum (around 62,000 people), while the UK ranked seventh among the European countries. The chart below shows the number of asylum applicants to the top three countries in the EU and the UK between June 2017 to June 2021.

**Figure 2 The number of asylum applications to the top three countries in the EU and the UK**



Source: Eurostat Asylum Statistics (cited in Home Office, 2021c)

The UK Government prevented asylum seekers from working since 2002 as employment was deemed a ‘pull factor’ contributing to economic migrants coming to the UK (Waite, 2017). Accordingly, those who arrive in the UK cannot work at all until their claim is processed, or they may be permitted by the Home Office to work in one of the jobs on its extremely limited ‘shortage occupation list’ (Ellis, 2022). Whereas in Germany, refugees and migrants are considered a potential asset to reduce the country’s labour shortages and provide a boost to the economy (Wolff, 2015). This is evidenced by passing the Integration Bill and the Regulation on Integration Act 2016, which introduced reforms to expedite the integration of refugees into German society, including providing vocational training, job opportunities and permanent residence permits for refugees who participate in integration courses (Gesley, 2016; Katz, Noring and Garrelts, 2016). Consequently, asylum seekers in Germany have access to employment after three months (Ellis, 2022). Moreover, In 2021, Chancellor Olaf Scholz’s government signed off plans to overhaul Germany’s immigration system, making it easier for migrants who have lived in the country for more than five years to stay permanently and integrate into the job market (Knight, 2022), as well as to bring their families to join them, especially if they are skilled workers (The Local, 2022).

## **2.6 What is the NBA about?**

### **2.6.1 Key Provisions**

The NBA comprises 71 Clauses and 5 Schedules<sup>2</sup> (Vangimalla, 2021); however, this discussion will focus on some substantive provisions with particularly problematic powers that have raised concerns among researchers and refugee advocates.

#### **2.6.1.1 Clauses 10 and 11: Two-tier System**

These two Clauses are a very controversial part of the Act. Clause 10 provides ‘differential treatment of refugees’ based on their mode of arrival (Hofverberg, 2021). Accordingly, the new law divides asylum seekers into two categories (Group 1 and Group 2) (Balch, 2022), differentiating between those who have been formally resettled and those who arrive by boat or lorries (Lock, 2022). Clause 11 articulates that people must directly come into the UK from a country or a territory where they face threats to their life or freedom and must have claimed asylum without delay to be classified as ‘Group 1 refugees’, whereby they are entitled to all guarantees included in the 1951 Convention (Szopa, 2022). However, those who fail to meet entry requirements are placed into Group 2, who will be treated more harshly. For example, they may be accommodated in controversial camps such as the one described by the High Court as the ‘squalid’ Napier Barracks (Luchowa and Ilieva, 2021), and subjected to restrictions on the rights to family reunification, limited recourse to public funds and temporary protection status (Home Office, 2021a; Szopa, 2022).

The most worrying aspect of Clause 11 is that refugees being placed in Group 2 will likely be liable to prosecution for entering the UK without valid entry clearance. It is argued that the ‘evil business of people smuggling’ will be stopped by criminalising people smugglers or the irregular migrants themselves (Balch, 2022; JCHR, 2022). Those arriving in the UK illegally could face six months to four years imprisonment, with life sentences for people smugglers.

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<sup>2</sup> To access all NBA’s clauses, click on this link:  
<https://www.legislation.gov.uk/ukpga/2022/36/contents/enacted>

### **2.6.1.2 Clauses 13, 14, 15: Inadmissibility**

Under Clauses 13, 14 and 15, the Home Office can decide that an asylum claim is inadmissible in the UK on the ground that the asylum claimant has an earlier presence in or connection to a third safe country (JCHR, 2022; Pinter, 2022). This includes countries where they were unable to claim asylum. Since the UK does not have any arrangements in place to send refugees back to other states, the backlog of asylum applications will likely be increased (Stevens, 2021; UNHCR, 2022).

### **2.6.1.3 Clause 16 to 24: Late Evidence**

Under the Act's Clauses 16, 17, and 23, individuals are required to provide pertinent evidence by a specific deadline. If the deadline is not met, the evidence may be given 'limited weight', which could affect how the decision-maker evaluates the claimants' case and/or whether they have a legitimate fear of being persecuted (Rainbow Migration, 2021, Tobin, 2021).

## **2.6.2 Rationale behind the NBA**

The Home Office (2021a, n.p.) gave some reasons for pursuing its NPI: 1) to adopt a fair immigration system helping innocent people fleeing persecution; 2) increased cases of asylum applications reaching almost 36,000 in 2019; 3) to address the backlog of asylum claims due to the slow appeal system; 4) reducing costs of running the asylum system which costs over 1 billion pounds a year; 5) expediting the process of removing people with no right to be in the UK as there are over 10,000 Foreign National Offenders posing a threat to the public.

## **2.7 Concerns about the Impact of the NBA**

The following sections will provide critiques of NGOs and legal experts on some controversial provisions of the NBA.

### **2.7.1 Tackling Illegal Entry and Safe and Legal Routes**

Despite the Government claims of breaking the business model of people smuggling gangs and providing safe and legal routes into the UK, Amnesty International UK (2022) asserts that the NBA increases the vulnerability of those seeking refuge by failing to address any of the factors that make them susceptible to being exploited by criminal gangs. Additionally, Sigona and Benson (2021)

criticised the small-scale resettlement schemes that the UK Government promoted as a workable substitute for a fair and effective asylum system, contending that these schemes are employed to justify a draconian approach to the right of the many to seek asylum. Sonali Naik, a barrister at Garden Court Chambers, highlighted the inadequacy of resettlement programmes in dealing with people facing immediate risk where there is no legal route for people like Afghans, maintaining that these programmes cannot substitute the legal obligation to immediately offer protection to those arriving in the UK (JCHR, 2022).

### **2.7.2 Two-tier System of Refugees**

The concepts of two-tier refugee status and penalisation of asylum seekers are fundamentally at odds with the 1951 Convention, which requires the host states to not penalise or discriminate against asylum seekers on account of their illegal entry or presence (Ekins, Finnis and Murray, 2022; Hilton, 2021). Although the 1951 Convention requires signatory states to expedite the process of refugee naturalisation, Group 2 refugees under the NBA will have temporary protection status and restricted rights to family reunification, which will negatively impact their mental health, stability and recovery, as well as deprive their family members a safe path to protection, forcing them to take risky journeys out of a desperate desire to be reunited (Gardner, 2021). Also, as Qureshi and Mort note (2021, n.p.), the provision of temporary statuses may make the integration of refugees difficult, despite Patel's claims, that the NBA will 'better integrate refugees who are resettled'. Having doubts about the duration of their stay in the UK, being denied family reunification, and being unable to access a lot of welfare benefits would make it quite unlikely for refugees to feel 'integrated' into their new home. Further, lesbian, gay, bisexual, and transgender/transsexual (LGBT+) refugees with temporary protection status would be forced to continuously conceal their sexual orientation and/or gender identities fearing that living openly in the UK might place them at risk of persecution if they were deported to their countries of origin (Rainbow Migration, 2021).

### **2.7.3 Inadmissibility and Late Evidence**

The inadmissibility of asylum claims based on a connection to a third safe country has attracted considerable criticism. For example, Szopa (2022) posits that the concept that refugees should claim asylum in the 'first safe country' is unworkable due to geographic realities that the UK is an island country; meaning that people will pass through so-called 'safe countries' before reaching the UK. Additionally, Ingham, Milford and Ricca-Richardson (2021) contend that the Refugee Convention

does not require asylum seekers to apply for asylum in their first country of arrival as this would result in more inordinate burdens on states near conflict areas; making them disproportionately affected compared to others. The admissibility regime is in clear breach of Articles 31 and 33 of the Refugee Convention as well as Articles 2, 3 and 4 of the ECHR (Husain et al., 2021), and will increase the already significant backlog of asylum applications (UNHCR, 2022).

The principle that evidence submitted late for no valid cause should be accorded only ‘minimal weight’ by asylum judges is an unnecessary and dangerous step that hinders the judiciary’s constitutional responsibility of rendering fair and impartial decisions based on all relevant facts. This will reinforce the culture of disbelief at the Home Office (Gardner, 2021). The Joint Committee on Human Rights (JCHR) underscores that the NBA fails to take into account the legitimate reasons for the production of late evidence such as lack of supporting documentation and understanding of the asylum system, or the inability of domestic or sexual violence victims to speak about their traumatic experiences so soon after they happen (JCHR, 2022).

#### **2.7.4 Accommodation Centres and Offshore Processing**

Baroness Lister of Burtersett made it clear in a speech in the House of Lords that she is profoundly concerned by the Government decision to use Napier Barracks as an accommodation centre for those waiting asylum decisions, given that these quasi-detention centres were deemed inadequate by the High Court and bad for mental and physical health by health and refugee organisations (Lister, 2022). Such centres as Napier Barracks have notoriously been found to be treating those fleeing persecution as criminals (Novak, 2021; Travers, Smith and Ash, 2021). More worryingly, these centres have a deleterious effect on asylum-seeking women, many of whom are victims of rape and gender-based violence. These settings can be highly traumatising for survivors of sexual violence, as they are wholly inappropriate and lack adequate safety (EVAW, 2021; Yaqoob, 2022).

According to the JCHR (2022), the offshore processing of asylum claims is incompatible with the cooperative and humanitarian principles that underpin refugee protection. Further, Husain et al. (2021) assert that the proposal runs the risk of breaching the UK’s obligation under Articles 3, 31 and 33 of the Refugee Convention. When it comes to the practicality of offshoring asylum seekers, the Joint Council for the Welfare of Immigrants (JCWI) demonstrates that offshore processing is a tried-and-failed model as evidenced in the deal made by Israel with Rwanda in 2013 resulting in the detention of refugees, who were then beaten up in prison and eventually had to pay smugglers to escape Rwanda and embark on a new journey to safety (JCWI, 2022).

A growing body of evidence shows that a similar Australian experiment has led to serious human rights abuses, including sexual harassment and violence towards refugees held in detention centres (EVAW, 2021; Travers, Smith and Ash, 2021). Besides being costly and ineffective, Australia's offshoring centres are also proven to have a disastrous effect on asylum seekers' mental health, leading to extremely high rates of self-harm and suicide (Refugee Council, 2022).

### **2.7.5 Age Assessment**

The British Association of Social Workers (2021) was critical of this provision, emphasising that it subjects vulnerable people to invasive procedures and fail to acknowledge that determining age accurately is impossible, but rather ventured into the belief that it is a straightforward procedure using either scientific approaches or the singular perspective of a social worker. These potential harmful medical methods in the view of UNHCR (2021) violate children's rights under the Convention of the Rights of the Child and the Refugee Convention. The age assessment process is not supported by the scientific community and will likely endanger vulnerable children by placing them with adults (Refugee Council, 2022; Travers, Smith and Ash, 2021). It can further re-traumatise vulnerable children, leave them in great anxiety and hinder their integration and access to education opportunities while their age is disputed (Refugee and Migrants Children's Consortium, 2021).

## **2.8 Activism Brings about Changes**

Following a campaign by three human rights organisations (Freedom from Torture, Care4Calais and Channel Rescue) and a union representing Border Force officers (the Public and Commercial Services Union), the Home Office has scrapped its 'pushback policy' aimed at providing Border Force powers to redirect vessels carrying asylum seekers back to France (Leigh Day, 2022; Syal, 2022). The withdrawal of the proposal came just days before a judicial review of the policy was to be heard in the High Court (Rielly, 2022). The four claimant groups argued that the policy was illegal because it authorised unlawful action by Border Force; contravened Articles 2 and 3 of the ECHR, international maritime law and the Refugee Convention (Pennington, 2022).

Another legal intervention was made by the European Court of Human Rights (ECtHR) in June 2022, stopping an inaugural flight of seven asylum seekers to Rwanda minutes before take-off (Lee and Faulkner, 2022). The ECtHR declared it specifically considered the evidence that relocation of asylum seekers from the UK to Rwanda will prevent them from accessing fair and efficient decision-

making processes. The Refugee Action organisation (2022) hailed the heroic efforts of the lawyers involved in the fight against Rwanda deportation but said it is not a permanent injunction given that the final decision about the legality of this policy is yet to be determined by the High Court.

## **2.9 Summary**

Based on the theoretical findings, the efficacy and legitimacy of the NBA's aims are questionable given that many of its provisions are deemed to be breaching refugees' rights under the Refugee Convention and ECHR, and are unable to provide viable solutions to 'fix the broken asylum system'. Many organisations and critics alike underscored that nothing in the NBA will stop Channel crossings, protect asylum seekers or break up smuggling gangs (Amnesty International, 2021; JCWI, 2022, Refugee Council, 2022; Walsh, 2021a). Instead, the provisions will create perverse outcomes and cause more harm to vulnerable groups, including women, children and LGBT+ people (EVAW, 2021; Refugee Council, 2022; Rainbow Migration, 2021).



## ***Chapter 3: Methodology***

This study was designed to respond to the three research questions mentioned earlier in section 1.2.

### **3.1 Research Philosophy**

The philosophy underpinning this research is the Critical Social Science (CSS) approach. Within CSS, social science is viewed as a rigorous method of investigation that goes beyond superficial illusions to reveal the true architecture of the material world to assist people in improving their circumstances and creating a better world for themselves (Neuman, 2014). I, therefore, aim to critique the practicality of the NBA as an approach to deter illegal immigration into the UK and explore the potential unfavourable impact on refugees and asylum seekers. More specifically, key findings from the perspectives of different stakeholders, especially refugees and asylum seekers themselves, will hopefully be able to provide some insights into what needs to be done to ensure that the NBA is fairer and more effective while at the same time more humane and respectful of refugee rights.

### **3.2 Research Design**

This study follows a case study design in focusing on the UK's NBA as a unit of analysis. The rationale behind the case study is to “demonstrate a causal argument about how general social forces shape and produce results in particular settings.” (Walton, 1992, p. 122).

The case study is a very flexible type of research design, allowing for a wide range of data collection methods, to build up a complete picture of each case as possible. Building the picture tends to involve gathering data from a diverse range of respondents, as they have a particular interest in the case, whether or not they are directly involved. This design was deemed appropriate as it provides an in-depth analysis of the concerns and issues related to the implementation of the new law on curbing the illegal immigration into the UK and fixing the broken asylum system.

### **3.2 Research Methods**

The study focuses on collecting qualitative data through interviews. This method is closely associated with CSS philosophies, as the researcher often tends to prioritise depth over breadth by

digging deeper into the data where a more nuanced picture emerges of how the research subjects perceive the world and express their own realities.

To that end, qualitative data necessitates certain data-generation techniques, from which the following approaches will be used:

### **3.2.2 Stakeholder Selection**

To obtain reliable and valid data from different people with different experiences and understanding of the NBA, the researcher identified key informants who have been actively involved in criticising the introduction of this new policy on immigration and asylum. The stakeholders are divided into two distinct sets of interviewees: professionals, and the affected population. Professional stakeholders include legislators, NGOs, and refugee advocates whose views are crucial to understanding the theoretical concerns relating to the NBA. The affected population include refugees and asylum seekers, whose lived experiences and perspectives are key to understanding the workability of the Act and how it will affect them and others like them.

### **3.2.3 Sampling**

Purposive sampling was deemed most relevant to adopt for this research, as it enables the researcher to specifically target a certain category of people within the UK; in other words, the participants are not randomly selected (Robinson, 2014). Moreover, two common types of purposive sampling are integrated into this research study: 1) strategic sampling, which enables the researcher to select those who can provide the most relevant data to answer the research questions (Mason, 2002); 2) snowball sampling, which entails asking the selected respondents to direct the researcher to other contacts with useful information (Biernacki and Waldorf, 1981). While acknowledging the great practicality and usefulness of purposive sampling, The researcher is aware that this methodology potentially introduces some bias in the sample. This in turn limits the generalisability or the applicability of the findings to a different context (Etikan, Musa and Alkassim, 2016; Sharma, 2017).

### **3.2.4 Semi-structured Interviews**

The findings of this dissertations are based on the analysis of primary data collected from semi-structured interviews with key stakeholders and informants. Semi-structured interviews offer a practical middle ground between structured and unstructured interviews. Structured interviews run the risk of imposing themes on respondents (Copestake, Johnson and Wright, 2005), depriving them of the flexibility to discuss the problems that are most important to them (Cohen and Crabtree, 2006). Unstructured interviews risk spending crucial research time discussing topics irrelevant to the subject (Carter and Wheeler, 2019). The semi-structured interview allows respondents to highlight subjects that are most important to them within a flexible guiding framework aimed to keep conversations within the general focus of the research study (Matthews and Ross, 2010).

Semi-structured interviews are used as they give a voice to vulnerable groups, namely refugees and asylum seekers who are frequently left out of public discussions, allowing them to freely express their personal experiences and serving as a conduit to share their viewpoints with a larger audience and in a way that considers how to improve their situation (Kvale, 2006).

### **3.2.5 Coding and Analysing Data**

Once the interviews were completed, respondents' personal information and statements were kept anonymous and confidential. Each participant was given a unique code to distinguish their responses from each other.

The researcher used the thematic analysis method adopted from Braun and Clark (2006, p. 79). When it comes to coding and analysing the primary data collected from the interviews, Saldaña (2009) argues that knowing how to use thematic analysis is not sufficient to produce a rich analysis. Saldaña notes that the researcher should be organised, creative, flexible with the process, ethical and have an extensive vocabulary for analysing and interpreting data. The thematic analysis method guided the researcher in identifying, analysing, and reporting themes within data. The phases of the thematic analysis method are outlined in Table 1 below.

**Table 1 Thematic Analysis**

| Phase                                     | Description of the process   |
|---|--|
| 1. Familiarizing yourself with your data: | Transcribing data (if necessary), reading and re-reading the data, noting down initial ideas.  |
| 2. Generating initial codes:              | Coding interesting features of the data in a systematic fashion across the entire data set, collating data relevant to each code.  |
| 3. Searching for themes:                  | Collating codes into potential themes, gathering all data relevant to each potential theme.  |
| 4. Reviewing themes:                      | Checking if the themes work in relation to the coded extracts (Level 1) and the entire data set (Level 2), generating a thematic 'map' of the analysis.  |
| 5. Defining and naming themes:            | Ongoing analysis to refine the specifics of each theme, and the overall story the analysis tells, generating clear definitions and names for each theme.   |
| 6. Producing the report:                  | The final opportunity for analysis. Selection of vivid, compelling extract examples, final analysis of selected extracts, relating back of the analysis to the research question and literature, producing a scholarly report of the analysis. |

Source: Braun and Clark, 2006, p.87.

### **3.4 Ethical Considerations**

As a piece of social science research, this case study involved interviewing people either in person or remotely. As such, the researcher needed to ensure that ethical considerations are considered when approaching stakeholders, especially vulnerable groups such as refugees and asylum seekers. Accordingly, the personal details of the respondents and their responses were kept confidential and securely stored and will be deleted once the dissertation has been graded. Furthermore, the researcher was keen on not causing the respondents, especially those who experienced traumatic events, any further harm (e.g., stress or trauma), by ensuring the location of the interview was convenient for respondents and also offered them the option of bringing a trusted friend or family member to the interview. Importantly, before proceeding with the interviews, participants' informed consent form was obtained beforehand to make sure they understood their rights, the information to be collected, and how it will be stored and used. For Arabic and Kurdish-speaking asylum seekers/refugees, the interview consent form was translated into their respective languages in an easily understandable format. Lastly, the respondents were informed that they can withdraw from the whole research at any time till the end of August 2022.

### **3.5 Limitations**

The fact that the researcher is a refugee himself, is like a double-edged sword. On the one hand, he is more knowledgeable about and aware of the issues facing refugees and the perilous journey they take to reach safety and build a new life, which makes him more understanding and sympathetic to their plights and issues. On the other hand, his own experience as a refugee might cloud his judgment and make him biased towards advocating for the refugees' rights of being treated fairly and humanely when seeking asylum around the world.

I acknowledge that there are limitations in terms of generalisability, as the case study is country-specific and generalisations can be problematic, unless referring to some policies, practices, or lived experiences of persons which can be universally applicable (Bryman, 2016). Additionally, only a small number of the asylum seekers and refugees were interviewed (Kurds and Arabs), as the researcher is a native speaker of both languages; thus, their experiences and perspectives did not validate and reflect the realities of other refugees and asylum seekers in the UK or other contexts. Considering the depth of the analysis and the singularity of the case, if generalisations were made, the researcher is realistic and explicit about the limitations of his approach and research findings, especially given that his research subjects were a relatively small sample.

Another limitation is that the voices of NBA's proponents are missing from this research as some key informants apologised for not being able to do the interview. Also, the asylum seekers camped in Calais and Dunkirk in France were excluded from participating in this research owing to the inability of the researcher to travel to France and interview them due to visa-related issues. Their voices would have been valuable to the findings of this research.

I attempted to reduce the risk of bias and provide the highest quality research possible by avoiding making my own interpretations and sticking to the participants' responses, and by remaining conscious of and focused on the sources of bias. To deconstruct preconceived ideas about the impact of the NBA, I tried to encompass the voices of diverse stakeholders that would have potentially different understandings of the implications of the NBA.

## Chapter 4: Research Findings and Analysis

This chapter presents the analysis of the findings from semi-structured interviews with key stakeholders and asylum seekers and refugees. In total, 13 interviews<sup>3</sup> were conducted with: four NGO representatives; a member of the House of Lords; an immigration lawyer; a Syrian refugee; and six asylum seekers (two Iraqi men, one Syrian woman, two Syrian men, and one Sudanese man). The coding of interviewees' responses was divided into two groups, K1-K6 for key stakeholders, and R1-R7 for refugees and asylum seekers. The nationality and gender of the respondent will only be disclosed when it is relevant for the analysis. Direct quotes from the respondents will be presented in italics.

This chapter is broken into three sections, each of which provides answers to the three research questions mentioned in section 1.2.

### 4.1 Feasibility of the NBA

The researcher probed further the practicality of the NBA by seeking the views of the research participants on whether the Act will deliver the promised goals of making the immigration system fairer and more effective and tackling “illegal immigration”.

#### 4.1.1 Creating a Fair and More Effective Immigration System

All the research participants have emphasised that the new Act will certainly not deliver a fairer and more effective immigration system. Contrarily, the Act *will make the system harder, more unfair and worse for everyone involved* (K2), as it takes this *discriminatory and punitive approach* towards asylum seekers based on the mode of arrival (K3). Four of the key stakeholders (K1, K3, K4, K5) have highlighted that the Act does nothing to tackle the underlying systemic issues in the asylum system such as under-resourcing, the backlog of cases, the treatment of refugees, lack of proper plans for accommodation and lack of safe routes for asylum seekers.

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<sup>3</sup> The full list of interviews is provided in the [Appendices Chapter](#).

According to two Syrian respondents (R1, R5), the Act disregards the reality of why people are forced to flee their homes in the first place, embarking on perilous journeys to seek safety. R5 explained that he would not have thought of seeking asylum in the UK if it was not for being persecuted and lacking safety and security and social justice in Syria. Similarly, R1 argued that people are taking risky journeys to reach the UK as they have no alternative routes for them. He added that the resettlement schemes are but one option that contributes to a very small number of refugees being resettled. He maintained that:

*Less than 1% of the world's refugees get the opportunity to resettle, meaning the vast majority of people do not have an option but to make other choices.*

Relatedly, K1 underlined that safe and legal routes are very limited and the vast majority of people around the world have no access to them. K1 added that this Act effectively establishes a dichotomy between a *legal and illegal, good and bad refugee*, while offering no safe alternatives for them to access. Interestingly, K2 stressed that it was not the intention of the government to bring about a fairer immigration system, but argued that the government wanted to *create more cruelty towards refugees and hostile border controls*, especially for those subject to deportation proceedings, and to primarily create an immigration system that only serves the political agendas of the very right-wing people in the UK. Moreover, K2 pointed out that this Act came alongside other legislations including the Police, Crime, Sentencing, and Courts Act 2022, and Bill of Rights 2022, which aim at creating a more repressive regime in the UK that harms racialised and marginalised communities the most.

Four asylum seekers mentioned that it would have been fairer if the UK had publicly declared that it will not welcome refugees anymore and withdrew from the Refugee Convention, that way refugees would have considered alternate countries to seek asylum. But being threatened to be detained, deported or removed to Rwanda, is completely unfair and inhumane (R2, R3, R4, R6).

#### **4.1.2 Tacking “Illegal Immigration”**

Four respondents saw that the NBA will likely result in a decrease in the number of asylum seekers arriving in the UK especially if the Rwanda plan is to be operationalised (R3, R4, R6, R7). One Iraqi asylum seeker (R3) said that:

*When they announced that the first flight carrying refugees will depart to Rwanda, people in Calais were hesitant for a week to enter the UK; but when it was cancelled, around 450 people managed to get to the UK the next day.*

That said, six other respondents stated that it is quite unlikely that people will be deterred from coming to the UK as they have a connection to the UK, either through family or relatives, through a support network, because they know the language, or because of the UK's own colonial history. The three other respondents mentioned that the deterrence effect of the Act is yet to be seen, but nevertheless stated that there is certainly no evidence so far that it will have that effect (K3, K5, R1).

A Syrian woman (R2) stated that the government claims they will crack down on people smuggling gangs, but so far the only people they are fighting are the most vulnerable ones in the current scenario. Despite this *cruel plan*, she added, people will not stop coming to the UK as *it is their last resort to save their families and children and seek safety*; they come here because they have support networks here and know the language. Another Sudanese asylum seeker (R5) argued that someone who endured extreme risks and life-threatening situations throughout his journey to reach the UK would *certainly come no matter what the law says even if it is tougher than this one*. People are so desperate to rejoin their loved ones that they will try even if they risk being detained or sent to Rwanda.

K6 explained that there is a discrepancy between the government's response in providing *unlimited accommodation and support* to Ukrainian refugees compared to its response to other refugees, emphasising that the government does have the capacity to welcome refugees, as there are many parts of the UK that are underpopulated such as areas around Manchester including Lancashire and Yorkshire, and *there is no reason why the British people would not benefit from having people coming to the country*.

K1 argued that the government claims that they try through this Act to *deter people from taking illegal routes to get to the UK*, by imposing these punishments for people when they arrive, *whilst actually providing no safe alternatives for people to access, so people are really stuck between a rock and a hard place*. Likewise, K2 highlighted that if the government was sincere about tackling the risks to people arriving in the UK by boat, they would have established safe routes for them to



travel instead of putting in place systems that show utter disregard for the lives of refugees and making it harder for people to be safe if they survive the journey.

## **4.2 Detrimental Impacts of the NBA**

Respondents outlined various harms that the NBA will likely inflict on asylum seekers and refugees, including: 1) affecting people's physical and mental health, 2) impeding people's integration into society; 3) promoting racial segregation and discrimination; 4) exacerbating existing vulnerabilities of groups; and 5) undermining the international refugee protection system.

### **4.2.1 Affecting People's Physical and Mental Health**

A common theme in the responses received was that the NBA has already caused a great deal of fear and anxiety among asylum seekers, especially those who arrived in the UK via irregular routes. Nine of the respondents expressed their concerns about the actual and potential significant impact of the NBA on the wellbeing and health of the affected populations. For instance, two asylum seekers (R2, R4) contended that refugees with temporary protection status will be very distressed mentally and psychologically, living in constant fear to be deported or not being able to be reunited with their families. R2 maintained that:

*Parents will be separated from their children as they will be stripped of their right to family reunification, and this will negatively affect the mental wellbeing of children, whose early development will be impaired and they will never be fully productive in society.*

Furthermore, K1 emphasised that the new Act is *a policy of fear*; the government managed to instil fear in people not knowing when their doors will be knocked on to be informed that they are being flown to Rwanda. Indeed, the asylum seeker R3 stated that the government is targeting them with this *psychological war*, causing them despair and frustration, not knowing what the future holds for them.

From a medical perspective, K4 stated that the policies of forced removal and accommodation centres, or so-called detention centres, have *horrific- and sometimes fatal -consequences for people's mental health*. The data from MSF's project in Nauru Island, where Australia implemented

its offshoring policy, revealed some of the worst cases of mental illness they had ever seen in their 50 years of existence. A third of their patients - including children as young as 9 - attempted suicide, and nearly two-thirds of their patients had suicidal thoughts. Additionally, a very rare disease termed resignation syndrome<sup>4</sup> was also present in 10 of their paediatric patients and 2 of their adult patients. Apart from that, K4 reported that *the UK explicitly borrowed the idea of accommodation centres from the Greek models in Moria Camp*, where people were detained in closed centres. S4 stated that their clinics found that 64 per cent of their patient cohorts, including young children, suffered from severe mental health issues like depression, PTSD and anxiety. So, S4 predicted that similar mental health consequences will be replicated in the case of the UK through the NBA.

#### **4.2.2 Impeding People's Integration into Society**

One of the unintended consequences of the NBA is undermining the idea of integration, which was brought up by 8 respondents. Four asylum seekers criticised the government's *chaotic way* of managing the entire asylum system (R2, R3, R6, R7). For instance, R2 disclosed that the government is spending a lot of money on accommodating refugees in hotels, prohibiting them from working except in *its ridiculous list of shortage occupations amidst labour shortage in airports, markets and farms*. The asylum seekers (R5, R6, R7) stated that the government is making asylum seekers dependent on public funds instead of integrating them into the job market to become productive members of society. When R3 first arrived in the UK, he had many goals and dreams; but when the Rwanda scheme made big headlines, his dreams faded. The news hit him badly, and he lost the motivation to learn the language due to uncertainty about future prospects and being unable to attend school or work.

The member of the House of Lords (K5) underscored that refugees placed in *tier two*:

*their lives are going to be very very difficult, they're going to be much more insecure, it totally undermines any idea of integration because they have got to keep re-applying for leave to remain.*

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<sup>4</sup> "Is essentially where the body shuts down because the external world is so intolerable to bear, so the body goes into a state of hibernation. It is life threatening and it requires medical intervention to keep people alive." (K4)

### 4.2.3 Promoting Racial Segregation and Discrimination

The two-tier system of refugees and the inadmissibility provision create racial segregation and discriminate against asylum seekers based on their mode of arrival, a concern which was shared among eleven respondents. As the vast majority of asylum seekers arrive in the UK using irregular routes, they will be treated as *second-class citizens* (K1). The two-tier system has some potential impacts, including criminalisation or having cases deemed inadmissible resulting in deportation. Group two refugees may receive only limited family reunion rights or temporary protection (K2, K3, K5, R2, R6). Most people from conflict-ridden countries cannot get entry clearance to travel in a legal way to the UK (K6, R3), and therefore they will try alternative routes to join their families (K1, K2, R1).

Three stakeholders (K2, K4, K5) stressed that there is nothing in the Refugee Convention requiring people to claim asylum in the first safe country they enter; because if that was the case, then there would be no refugees reaching northern Europe (K4) or the UK (K5). Besides, by suggesting that people's claims could be inadmissible if they have passed through another safe country, the UK *completely abdicates all responsibilities under the refugee convention and abdicates on our moral responsibility to support refugees* (K2). People whose claims are considered inadmissible will be at risk of being deported to Rwanda or elsewhere where they do not have any community support network or even be deported to the country they fled from in the first place (K4).

### 4.2.4 Exacerbating Existing Vulnerability of Groups

Regarding the potential removal of asylum seekers to Rwanda, including women and children eventually, several concerns were raised by the respondents. For example, R2 stated that the level of trafficking risks will be increased and *asylum seekers will be subjected to humiliation and discrimination* within the host community. Moreover, Rwanda presently lacks the capacity *to assess whether people should be treated as refugees* (K5), and there are lots of concerns about human rights abuses, particularly regarding the treatment of LGBT+ people (K2). Indeed, R3, who fled Iraq because he was beaten, sexually abused and tortured for being gay, stated that he fears for his life if he is returned to his country or removed to Rwanda as he believes that *LGBT+ people have no rights at all in those countries*.

The NBA presents high risks concerning women, particularly survivors of domestic and gender-based violence and victims of forced prostitution or trafficking (R2, K2). For example, K2 said:

*We already seen how many women are being threatened with deportation, whether to Nigeria, Ghana, Rwanda...and there has been horrific abuse of women in detention centres and in other asylum accommodations...in Earl's Wood, for example.*

Relatedly, K5 argued, concerning late evidence provision, that it is assumed that women fleeing sexual violence can tell their stories as soon they arrive in the UK, but the evidence is that they are not ready to tell their stories immediately and need time. Consequently, *there's a real danger that they could fall foul of the rules even though they have good case to be treated as refugees.*

As someone who has worked in the immigration system and represented refugees, K2 acknowledged that it is already problematic for people to be believed by courts and the Home Office. So, the provisions regarding late evidence and the standard of proof- which articulates that asylum claimants have to prove a 'reasonable likelihood' of persecution if they were deported to their country of origin (Gardner, 2021)- essentially create more harm for people who have already experienced harm, particularly LGBT people and women who are survivors of domestic violence, because they may not have collected evidence when they fled their homes or may disclose information late due to trauma, feelings of shame, and fear, and this is acknowledged in case law and Home Office policy.

Concerning age assessment, two asylum seekers (R5, R6) argued the age assessment is a fair procedure to distinguish between minors and adults, who pretend sometimes to be children to take advantage of the system and claim additional benefits, as long it is done in a humane and dignified manner, not causing pain for the person undergoing the procedure. However, other respondents viewed the process as *dehumanising and intrusive* (K1, R1), *already problematic and shamefully done* (K6), a manifestation of structural racism against people of colour (K2), and has some issues with the way it is been carried and that is very worrying (K3, K4, K5). Moreover, K6, an immigration lawyer, explained that reception people lack proper training on how to do proper age assessment as she often had to educate them on the Merton Compliant Age Assessment while representing many minor asylum seekers; meaning that the chances of children being assessed as adults are very worrying. Moreover, K5 highlighted that *the evidence we've got from the refugee*

*and migrant children's consortium is that already some children are being assessed as adults and that is therefore they might be sent to Rwanda.* Medically speaking, K4 expressed concerns about the transparency of the process itself and the use of the scientific methods, stressing that *it is inaccurate, unethical and goes against the Hippocratic Oath* as it exposes people to harm X-rays and that is unnecessary for medical intervention.

#### **4.2.5 Undermining the International Refugee Protection System**

One of the major unintended implications of the Act, according to K5, is the concerns expressed by the UNHCR that it will *undermine the international agreements on refugees because the UK will not be playing its proper role in that and it could undermine the whole international edifice.* Similarly, K4 stressed that by introducing this Act, the UK somewhat disengages from the Refugee Convention, despite being one of its founding member states. K4 maintained that the NBA may act as a catalyst for other countries to pass similar laws, which could somewhat *collapse the whole global refugee protection system that is already crippled and failing in its current state.*

### **4.3 Creating a Genuinely Fairer and More Effective Immigration System**

The research participants identified some essential prerequisites for creating a fairer and more effective immigration asylum, including: 1) expanding safe routes; 2) developing global resettlement schemes; 3) improving the Home Office's work; 4) dismantling hostile policies and creating a culture of compassion; and 5) easing of the rules to regularisation.

#### **4.3.1 Expanding Safe Routes**

The need for safe routes was a common recommendation proposed by 10 respondents. As several respondents mentioned, the current safe and legal routes through visas and resettlement schemes are not an accessible or viable means for most people to seek asylum in the UK, they suggested diversifying the safe routes to enable other groups of people to come to the UK (K3, R1, R2, R5). Such routes include the Home Office granting temporary humanitarian visas to asylum seekers in France, where the Home Office communicates with those who want to seek asylum in the UK, and if their claims are successful, they would then be given a humanitarian visa so they could come from France directly to the UK without crossing the Channel (K1, K3, K4). Concerns exist, nevertheless,

that *this approach would in effect offshore the UK asylum system to France*. Before this policy is proposed, more research must be done. Some NGOs are already investigating this (K1). Another example involves the Home Office changing the rules for refugee family reunification to make it more expansive so that people can join their families in the UK (K1, K2, K3).

The other groups who could reasonably be provided visas after their applications have been assessed encompass: vulnerable groups such as *gay people* (R2), victims of conflict, persecution, torture and oppression (R5). Lastly, as a lot of refugees in the camps have potential capabilities that the UK could benefit from, they should have access to lenient visa requirements for work and study (R1, R2, R5).

### **4.3.2 Developing Global Resettlement Schemes**

One effective way to discourage “illegal” and dangerous crossings of asylum seekers into the UK, is to increase safe and legal routes through resettlement programmes. This was a proposal suggested by 8 respondents. For example, the government can increase the number of places under the Afghan scheme (K1, K3, K5), *where they promised to resettle 5000 Afghan people, they slashed that by 3000 places* (K2). The government also needs to deliver this scheme more quickly as demonstrated by the high numbers of refugees crossing the Channel from Afghanistan<sup>5</sup> (K3), and it is taking long time to be implemented properly (K3, K5, K6). There were other schemes that are closed such as the Syrian and Ukrainian ones (K2), therefore, there is an opportunity to reopen those schemes and take vulnerable refugees from the countries at war through traditional UNHCR resettlement routes (K3, K6, R5).

Another recommendation involves the UK developing a bilateral agreement with the EU Member States to have a fair share of refugees from conflict areas or from countries lacking the capacity to manage large flows of refugees such as Greece, Jordan or Lebanon (R5, R6). Further, K4 emphasised the need for a combination of different pathways to the UK as the UNHCR system is *very slow and does not deliver immediate safety and protection to people who require it*. One example includes opening up pathways under the Dubs Amendment, which committed the Home Office to relocate unaccompanied refugee children from France, Italy and Greece to the UK.

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<sup>5</sup> In the first three months of 2022, Afghans were the largest group crossing the Channel according to Lee (2022) (BBC News): <https://www.bbc.co.uk/news/uk-61590249>

### **4.3.3 Improving the Home Office's Work**

The Home Office was widely criticised by 10 out of 13 respondents about the way it runs the asylum system in the UK in terms of the lengthy period of decision-making, the backlog of cases, subcontracting, and lack of transparency. The respondents came up with some solutions to improve the efficiency of the Home Office. For instance, two respondents stated that there should be a clearly defined timeline for giving decisions at maximum within three to six months (R1, R5). That way, if the asylum seekers are denied refugee status, they are returned to their home country, and if their claim is successful, they are given adequate time to find some accommodation, start working or claim Universal Credit (K5). This in turn will help decrease the backlog of cases and the costs of accommodating asylum for years (R2, R5).

Equally important, K6 emphasised that *the biggest waste of time and money from the Home Office ... is the amount of subcontractors that they use to provide their services*, especially regarding reception and screening of asylum seekers, as they are not conveniently reachable by lawyers to liaise with them, and they do not have formal names, offices, and contact details. K6 recommended eliminating subcontractors and the initial services to be provided by contactable actual professionals within the Home Office to save time and costs.

Considering that many asylum seekers lack access to legal aid and face language barriers in understanding their rights and the asylum process, K3 and K4 noted that the Home Office needs to ensure greater transparency in asylum procedures, and that asylum seeker clearly understand the information given to them and they have access to legal counsel.

### **4.3.4 Dismantling Hostile Policies and Creating a Culture of Compassion**

Some respondents referred to some measures that need to be in place to enable people to build their lives in safety and dignity. For example, there need to be dignified reception centres to ensure that people arriving are met by people who speak their language, can conduct their safeguarding analysis, provide them with access to legal services and the type of accommodation that *recognises the needs of people who have been through often quite traumatic journeys and in a really vulnerable position at that moment not putting people into barracks where that might re-traumatise them* (K3). Indeed, K6 sticks up for this argument by stressing that asylum seekers should be housed within the communities and not in separate detention facilities. K6 maintained that given the UK's hostile

environment, legal aid should be reinstated to ensure that asylum seekers have the right to legal advice, especially when a terrible decision has been made regarding their case such as age assessment.

It is essential also to abolish the hostile policies that prevent asylum seekers from rebuilding their lives such as providing them with the right to work so that they can look after themselves and not rely on the state's small allowance (K2, K3, R2, R5). Additionally, K2 called for the abolition of *the illegal working offence so that people who are undocumented migrants in the UK can work without being at risk of being criminalised.*

Fundamentally, the asylum system should reflect the principles of non-discrimination and non-criminalisation (R1, R3), and be grounded in compassion, respect for human dignity (K1, K2) and understanding of why people are leaving their homes in the first place (K4). Beyond that, *having a long-term integration strategy* is vital to ensure that people are welcomed and supported throughout their new journey of integration (R1).

Interestingly, some of the recommendations made by the respondents echo the views of the prominent professors Betts and Collier in their book, “Refuge: Transforming a Broken Refugee System”, in which they strongly urge the rich countries to address the migration conundrum in a spirit of compassion, solidarity and burden-sharing (Betts and Collier, 2017).

#### **4.3.5 Easing of the Rules to Regularisation**

Given that *people with precarious status have to go through a lengthy process* to obtain indefinite leave or citizenship, there should be *accessible, affordable and quick* routes to regularisation available to them (K2). Besides, there should be a five-year route to regularisation for people who have precarious status (K2, R2). Nevertheless, they can make the route to citizenship *conditional upon meeting minimum criteria like work and language, as the case in Germany* (R2).



## ***Chapter 5: Conclusions***

### **5.1 Summary**

This research cast light on the UK's NBA 2022 and analysed its practicality and implications on asylum seekers and refugees by gathering data from a range of stakeholders with varied views on the current policy. This study also focused on the requirements for creating an immigration system that is fair, humane and effective from the perspectives of the research participants.

The first research question looked into the extent to which the NBA will deliver a “fairer and more effective immigration system and tackle illegal immigration”. Reflecting on the wider literature and the findings of this study, the NBA will likely fail to achieve its stated objectives, particularly concerning making the immigration system fairer and more effective. Although the NBA might result in reduced Channel crossing, it will not stop people from taking dangerous journeys if safe routes are not provided for them to use to come to the UK. Given that many provisions in the NBA fail to fulfil the obligations of the UK under the Refugee Convention and the legal challenges that lie ahead of the policy implementation, particularly around penalisation and offshoring clauses, surely the current Act is far from realising its goals.

The Second research question focused on the potential harms or unintended consequences that the NBA could cause for asylum seekers and refugees. The findings of the primary data collected from 13 semi-structured interviews with key stakeholders, refugees and asylum seekers revealed some potential negative impacts of the NBA, including: physical and psychological problems, impeding societal integration of refugees, increasing racial segregation and discrimination, increasing vulnerability of people, and weakening the international system for refugee protection. Some respondents stressed that some of these harms such as criminalisation and externalisation are deliberate attempts to inflict pain and suffering to stop people from coming to the UK (K2, K3, K4, R6).

The third research question investigated the requirements for creating a genuinely fairer and more effective immigration system. By reviewing the literature on effective asylum systems, the ECRE, the Inter Parliamentary Union and UNHCR proposed some universally applicable recommendations that were also reflected in the respondents' responses. For example, ensuring that

the decision-making authority has competent professionals who can make a sound judgement on asylum cases, providing friendly reception centres for the new asylum seekers that can address their immediate needs upon arrival, and ensuring that asylum seekers are not criminalised and have the right to legal counsel. According to the research participants, the practical arrangements that need to be in place to create a genuinely fairer and more effective immigration system in the UK are: expanding safe routes and resettlement programmes, enhancing the standard of Home Office services; creating an asylum system that is rooted in compassion, respect and dignity, and easing of the rules towards regularisation. The UK should follow suit with Canada in terms of providing alternate routes to seek asylum and promoting asylum seekers' rights, and with Germany in simplifying immigration rules and integrating asylum seekers into society and the workforce.

The UK has been one of the founding members of the Refugee Convention and has a leading role to play in protecting refugees whether they are coming via irregular routes or legal ones. Refugees should not be penalised or discriminated against just because they are seeking protection and have no other alternatives but to use irregular and dangerous paths to join their families and loved ones. If a wealthy and developed country like the UK abdicates its responsibilities to protect people that are not protected by their own oppressive governments, then the whole edifice of international human rights and humanitarian law breaks down. Refugees should be seen as a resource rather than a burden to society, and collective efforts must be made to guarantee their human rights and social integration.

## **5.2 Implications for Further Research and Practice**

As this research has scrutinised legislation that was passed very recently and has not yet become fully operational, there is a need for future studies to examine the actual impact of the new Act on the situation of asylum seekers and refugees. This would enable researchers to assess the veracity of the critiques articulated in the literature and by respondents in this study.

It is also worth researching the deterrence effect of the NBA by testing the hypothesis that asylum seekers in France will be deterred by the provisions of the Act to come to the UK. Some of the research participants have raised some intriguing questions. For instance, are the drafters of the NBA explicitly trying to create a cruel environment by enacting draconian laws that deprive people of their basic human rights?; can the humanitarian or temporary protection visa be a viable option to stop asylum seekers from crossing the Channel?; if 75% of asylum seekers' applications are

granted, but there is a backlog of 110,000 applications, how can the speed of the processing be increased? These are certainly interesting questions that merit further research.

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## *Appendices*

### **Appendix 1: List of Interviewees**

| <b>Code</b> | <b>Type</b>                 | <b>Stakeholder/Organisation</b>                    |
|-------------|-----------------------------|--|
| K1          | Stakeholder                 | Safe Passage International                         |
| K2          | Stakeholder                 | Joint Council for the Welfare of Immigrants        |
| K3          | Stakeholder                 | International Rescue Committee                     |
| K4          | Stakeholder                 | Médecins Sans Frontières (Doctors Without Borders) |
| K5          | Stakeholder                 | House of Lords                                     |
| K6          | Stakeholder                 | Immigration Lawyer                                 |
| R1          | Male Syrian Refugee         |  |
| R2          | Female Syrian Asylum Seeker |  |
| R3          | Male Iraqi Asylum Seeker    |  |
| R4          | Male Iraqi Asylum Seeker    |  |
| R5          | Male Syrian Asylum Seeker   |  |
| R6          | Male Syrian Asylum Seeker   |  |
| R7          | Male Sudanese Asylum Seeker |  |

## **Appendix 2: Informed Consent Form (English, Arabic and Kurdish)**

**Research project title:** *The UK's Nationality and Borders Act 2022: Fixing the Broken Immigration System or Promoting Discriminatory Anti-Refugee Policies?*

**Researcher:** Farhad Mohammad, a student in MSc International Development at the University of Birmingham, UK.

**Contact details:** [fxm078@student.bham.ac.uk](mailto:fxm078@student.bham.ac.uk)

### **What is the study about?**

My dissertation is directly concerned with the impact of the Nationality and Borders Act 2022 (the New Plan for Immigration) on asylum seekers arriving in the UK or those who have already been granted refugee status. My research will investigate whether the Act is likely to achieve its stated goals. My research also seeks to understand the Act's potential consequences for vulnerable groups fleeing persecution, violence and human rights violations. I am myself a refugee.

The research questions are the following:

1. To what extent is the Nationality and Borders Act likely to achieve its stated aims of “making the UK immigration system fairer and more effective, and tackling illegal immigration”?
2. What potential harms and/or unintended consequences might the new Act cause for refugees and asylum seekers?
3. What needs to be done to create a genuinely “fairer and more effective” immigration system?

I would like to interview you as part of my research.

### **What you need to know about the interviews**

- The interview will be about 30-45 minutes long.
- I will ask you several open-ended questions about your experience and your views.
- The interview can be either in-person or online, as you prefer.

- With your permission, I would like to voice-record the interview. This helps me to ensure that I accurately record your responses. The recording will be securely stored with password protection and I will be the only person with access to it. I will delete the recording after my dissertation is marked. If you prefer for the interview not to be recorded, I will take notes instead.
- You are free to withdraw from the interview at any point, and you are free to withdraw consent for your data to be used at any point up to 31 August 2022.
- Your identity and associated personal information will be kept confidential throughout the research and not disclosed to any other parties. To protect anonymity, you will be assigned a unique code in the dissertation.

**I need to ensure that you give informed consent to participate in this research. You may give your consent either by signing this form, or by giving verbal consent at the start of the interview.**

**Before giving consent, please make sure that you:**

- Have read and understood this informed consent form.
- Understand that participation is voluntary and you can stop or pause the interview at any point.
- Understand that you can contact the researcher at [fxm078@student.bham.ac.uk](mailto:fxm078@student.bham.ac.uk) and withdraw your answers from the research at any point up to August 31<sup>st</sup>, 2022.
- Understand that primary data collected (voice recordings, notes and transcripts) will be stored securely and destroyed once the dissertation is graded.
- Understand that this is a Masters's dissertation and you will not receive any reward or compensation for your participation.

Thank you for your participation!

**Full name of the participant:**

**Signature:**

**Date:**



عنوان مشروع البحث: قانون الجنسية والحدود في المملكة المتحدة لعام 2022: إصلاح نظام الهجرة المعطل أو تعزيز السياسات التمييزية المناهضة للاجئين؟

الباحث: فرهاد محمد طالب ماجستير في قسم التنمية الدولية بجامعة برمنغهام في المملكة المتحدة

بريد الباحث: [fxm078@student.bham.ac.uk](mailto:fxm078@student.bham.ac.uk)

ما هو موضوع البحث؟

تتعلق رسالتي مباشرة بتأثير قانون الجنسية والحدود لعام 2022 (أو الخطة الجديدة للهجرة) على طالبي اللجوء الذين يصلون إلى المملكة المتحدة أو أولئك الذين تم منحهم حق اللجوء. سوف يتمحور مشروع بحثي عن اذا ما كان من المرجح أن يحقق القانون أهدافه المعلنة و يسعى بحثي أيضاً إلى فهم العواقب المحتملة للقانون على الفئات الضعيفة الفارين من الاضطهاد والعنف وانتهاكات حقوق الإنسان. أنا أيضا لاجى في المملكة المتحدة.

أسئلة البحث هي:

1. إلى أي مدى يحتفل أن يحقق قانون الجنسية والحدود أهدافه المعلنة المتمثلة في "جعل نظام الهجرة في المملكة المتحدة أكثر عدلاً وفعالية ، والتصدي للهجرة غير الشرعية؟"
2. ما هي الأضرار المحتملة و / أو العواقب غير المقصودة التي قد يسببها القانون الجديد للاجئين وطالبي اللجوء؟
3. ما الذي يجب القيام به لإنشاء نظام هجرة حقيقي "أكثر عدلاً وفعالية"؟

أود إجراء مقابلة معك كجزء من بحثي

ما تريد معرفته عن المقابلة

- ستستغرق المقابلة حوالي 30-45 دقيقة
- سوف أطرح عليك عدة أسئلة مفتوحة حول تجربتك ووجهات نظرك
- يمكن أن تكون المقابلة شخصية أو عبر الإنترنت ، كما تفضل
- بعد إذنك ، أود تسجيل المقابلة صوتياً. يساعدني هذا في التأكد من أنني أسجل ردودك بدقة. سيتم تخزين التسجيل بشكل آمن مع حماية كلمة المرور وسأكون الشخص الوحيد الذي يمكنه الوصول إليه. سأحذف التسجيل بعد ان احصل على علامة رسالة الماجستير. إذا كنت تفضل عدم تسجيل المقابلة ، فسوف أقوم بتدوين الملاحظات بدلاً من ذلك
- لك مطلق الحرية في الانسحاب من المقابلة في أي وقت ، ولك مطلق الحرية في سحب الموافقة على استخدام بياناتك في أي وقت حتى 31 آب- أغسطس 2022
- ستبقى هويتك والمعلومات الشخصية المرتبطة بها سرية طوال فترة البحث ولن يتم الكشف عنها لأية أطراف أخرى لحماية عدم الكشف عن هويتك ، سيتم تخصيص رمز فريد لك في الرسالة.

أحتاج إلى التأكد من أنك تعطي موافقة للمشاركة في هذا البحث. يمكنك منح موافقتك إما عن طريق التوقيع على هذا النموذج ، أو عن طريق إعطاء موافقة شفوية في بداية المقابلة.  
قبل إعطاء الموافقة ، يُرجى التأكد مما يلي

- قرأت وفهمت نموذج الموافقة هذا
- فهم أن المشاركة طوعية ويمكنك إيقاف المقابلة أو إيقافها مؤقتًا في أي وقت
- فهم أنه يمكنك ان تسحب اجاباتك من البحث في أي وقت من خلال الاتصال بالباحث على البريد الإلكتروني [fxm.78@student.bha.ac.uk](mailto:fxm.78@student.bha.ac.uk) حتى تاريخ 31 من أغسطس 2022.
- افهم أن البيانات الأولية التي تم جمعها (التسجيلات الصوتية والملاحظات والنصوص) سيتم تخزينها بشكل آمن وسيتم إتلافها بمجرد الحصول على علامة الرسالة.
- افهم أن هذه رسالة ماجستير ولن تتلقى أي مكافأة أو تعويض مقابل مشاركتك

أشكرك على مشاركتك

:الاسم الكامل للمشارك

:التوقيع:

:التاريخ:

سهرديرا ليكولينى: رهگهزناما بریتانیا و یاسایا سنوورئ بو سالآ 2022: چاکسازى د سیستهما پنابهریئ یان هاندانا  
سیاسهتا دژى پنابهر!

ليكولينهر: فرهاد محمد، قوتایی ماستهر ل زانکویا Birmingham بریتانیا، بهشی پیشکتهفتنا ناقدولهتی

مهیل: [fxm078@student.bham.ac.uk](mailto:fxm078@student.bham.ac.uk)

:نافهروک:

ئهف ليكولينا من ب شيوازهكا ئيكسهر ئامازه ب كاريگهريا ياسايا رهگهزنامه سنوور بو سالآ 2022 يا بریتانیا لسهر  
پهناخازا دكهت كه دگههنه بریتانیا یان ئهو كهسین كو وهكو پهناهر هاتینه وهرگرتن. ليكولينا من دئ سهر وئ چهئدی  
راوهستیت ئایا ئهف یاسایه دئ ئارمانجین خو بدهستقه ئینیت یان نه. ليكولينا من ههروهسا دئ بزاقی كهت داکو ئهناجمین  
یاسایی لسهر ئهو كهسین كو ژ زورداری، توندو تژی و سهه پیچین مافی مروفا رهقیای تیبگههیت. ئهز ژى پهناهرم.  
پرسیارین ليكولينى ل خارئ نه:

1. یاسایا رهگزننامه و سنورا دئی تا چ رادهیکئی نارمانجین خو بدهستفه ئینیت دا کو سیستهما پهنابریا بریتانیا دادپهرومتر و کاریگرتربیت و ریکئی ل پهنابریا قهچاغ بگریت؟
2. قئی یاسایی چ زمره یان ئنجامین خراب دئی همن لسر پهنابریا یان پناخازا؟
3. چ کارهک دئی سیستهمهکا پهنابریا دادپهرومتر و کاریگرتربیت درست کهت؟

من دقیت چاقپیکهفتنی دگهل ته بکهه وکو پارچهیکه ژ لیکولینا من.

زانباریین دهربارئ چاقپیکهفتنی یا کو پندقیه تو بزانی

- دهمی چاقپیکهفتنی 30-45 خولهکه.
- ئهز دئی چهند پرسیارا ل ته کهه دهربارئ شارمزی و نیریین ته.
- چیدبیت چاقپیکهفتن روبهرو یان ئونلین بیت. ته چاوا دقیت دئی وهسا بیت.
- ئهگهر دهستیرا ته هه بیت من دقیت ئهز دهنگی ته تومار بکهه. ب قی رهنگی ئهز دئی شیم هممی بهرسقین ته ب درستی تومار بکهه. ئهف توماره ب پاسورد دئی هینه پاراستن و ب تئی ئهز دئی شیم رهفتاری لسر بکهه. گاغا لیکولینا من هاته وهرگرتن ئهز دئی قئی تومارئ ژیهه. ئهگهر ته نهقیت ئهز دهنگی ته تومار بکهه ئهز دئی تیبینیا نفیس.
- تاکو 31.08.2022 ههس گافهکا ته فیا تو دشئی خو ژ چاقپیکهفتنی فهکیشی و رهزامهندی خو فهکیشی بو بکارئینانا زانباریا.
- ناسناما ته و زانباریین کهسایهتیا ته وکو نهینی دئی هینه پاراستن ب درئز اهی لیکولینی و ناهینه ناشکرا کرن بو هیچ لایههکئی. ب مههستا پاراستنی سروشتی گهلری، د لیکولینی دا کودهکا تایهت بو ته دئی هینه دانان.

من دقیت پشتر است بکهه که ته رهزامهندی ههیه بو بهشداری کردن د لیکولینی دا. بو دیارکرا رهزامهندی تو دشئی

قئی فورمی ئیمزا بکهی یان دهما چاقپیکهفتن دهسپیکر ب زارمکی رهزامهندی خو دیار بکهی.

ئهف خالین ل خاری باش تیبگهه بهری دانا رهزامهندی:

- فورما رهزامهندی باش بخینه و تیبگهه.
- بزانه کو بهشداری کرن ب دلئ ته یه. ههس گافهکا ته بقیت تو دشئی چاقپیکهفتنی راگری یان راوهسنینی.
- بزانه کو تو دشئی پهوهندی دگهل لیکولینر بکهی ب ریکا [fxm078@student.bham.ac.uk](mailto:fxm078@student.bham.ac.uk) و تاکو 31.08.2022 ههس گافهکا ته بقیت تو دشئی بهرسقین خو ژ لیکولینی فهکیشی.
- بزانه کو زانباریین سههکی بین تینه وهرگرتن (وهکو تومارین دهنگی، تیبینی و نفیسار) ب شیوازهکا باش دئی هینه پاراستن و ههس گافهکا لیکولین هاته وهرگرتن دئی هینه ژنافرن.
- بزانه کو ئهفه لیکولینا ماستهئ یه و بو بهشداری کرن تو هیچ خهلاتهکئی وهرناگری و ناهیهه قهرمو کرن.

سو پاس بو بهشداریا ته!

ناقئ سئ قولی یئ بهشدار:

ئیمزا:

بهروار:

### **Appendix 3: Interview Questions for Key Stakeholders**

My name is Farhad Mohammad and I would like to ask you some questions regarding the UK's Nationality and Borders Act 2022 (the New Plan for Immigration) to investigate its fairness and effectiveness, the potential harms it may cause for refugee and asylum seekers and how can it be improved to better achieves its objectives more fairly and effectively.

1. Can you tell me what your name is?
2. What is the name of your institution/organisation?
3. What is your role within your institution/organisation?
4. How are you involved in the immigration/asylum issues?
5. To what extent is the Nationality and Borders Act likely to achieve its stated aims of “making the UK immigration system fairer and more effective, and tackling illegal immigration”?
6. What potential harms and/or unintended consequences might the new Act cause for refugees and asylum seekers?
7. What needs to be done to create a genuinely “fairer and more effective” immigration system?

### **Appendix 4: Interview Questions for Asylum seekers and Refugees**

My name is Farhad Mohammad and I would like to ask you some questions regarding the UK's Nationality and Borders Act 2022 (the New Plan for Immigration) to investigate its fairness and effectiveness, the potential harms it may cause for refugee and asylum seekers and how can it be improved to better achieves its objectives more fairly and effectively.

1. Can you tell me what your name is?
2. Are you a refugee or asylum seeker?
3. How long have you been in the UK?
4. How have you been impacted by the Nationality and Borders Bill?

5. To what extent is the Nationality and Borders Act likely to achieve its stated aims of “making the UK immigration system fairer and more effective, and tackling illegal immigration”?
6. What potential harms and/or unintended consequences might the new Act cause for refugees and asylum seekers?
7. What needs to be done to create a genuinely “fairer and more effective” immigration system?