

## Nationality and Borders Bill

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### Consideration of Amendments

April 2022

#### About the BMA

The BMA is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

#### Key points

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**The BMA has key concerns about the possible medical and ethical implications of the Nationality and Borders Bill:**

- **Measures to create a two-tier system for asylum seekers** – The BMA supports the development of a single, fair, humane and effective refugee system, in keeping with our obligations under international humanitarian and human rights law, including rights to necessary and appropriate health care irrespective of an individual's route into the UK. **We urge MPs to support Lords' Motion D1 that would provide vital safeguards over the treatment of refugees entering the UK via irregular routes.**
- **Offshoring of asylum seekers whilst awaiting claims** – There are serious health implications to the use of offshoring, and the BMA is opposed to its use on both medical and ethical grounds. We urge MPs to strongly challenge the Government over these proposals in the Bill.

#### Measures to create a two-tier system for asylum seekers

We have considerable concern over measures in the Bill that would create a two-tier system for asylum seekers based on their mode of travel to the UK. These would create unnecessary barriers for enabling refugees, including health care professionals, to contribute to British society and risks leaving individuals vulnerable to exploitation and trafficking.<sup>1</sup>

There are also serious health implications to the two-tier system, which will result in refugees who arrive in the UK by an irregular route being subject to No Recourse to Public Funds (NRPF) conditions. Evidence shows that individuals under NRPF conditions are prevented from receiving adequate income and housing,<sup>2</sup> which can force families into destitution, further exacerbating health inequalities in the UK.

The addition of a temporary protection status for some refugees would also exacerbate existing complexity over entitlement to NHS care in the UK and risks deepening exclusion from healthcare for vulnerable groups.

MPs previously overturned a Lords Amendment to the Bill that would have removed provisions for a two-tier system. As a compromise, peers have since agreed Lord Kerr's amendment D1, that would ensure both

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<sup>1</sup> The Guardian (May 2021) '[We thank your government for our full pockets' – Calais smugglers speak](#)'

<sup>2</sup> Doctors of the World, '[A Rapid Needs Assessment of Excluded People in England During the 2020 COVID-19 Pandemic](#)', (2020); The Joint Council for the Welfare of Immigrants, '[Migrants with No Recourse to Public Funds' Experiences During the COVID-19 Pandemic](#)' (2021).

group 1 and group 2 refugees have all their rights according to international law and that the classification of group 1 or group 2 doesn't affect family unification.

**We urge MPs to support Lords' Motion D1 that would provide vital safeguards over the treatment of refugees entering the UK via irregular routes.**

**Offshoring of asylum seekers whilst awaiting claims** – The BMA has repeatedly [raised concern](#) at proposals for the offshoring of asylum seekers and the impact it will have on the health, well-being and safety of already extremely vulnerable people. We supported the previous [Lords' amendment](#) tabled by Baroness Stroud to remove offshoring proposals from the Bill, which was disappointingly overturned by the Commons on 22<sup>nd</sup> March.

The use of offshoring has previously led to asylum seekers being accommodated in countries where they are unable to access medical care they may need and has had a detrimental impact on the mental health of asylum seekers effected. This is evident in problems created by Australia's offshoring of asylum seekers to countries like Manus Island in Papua New Guinea, which the UN has declared "violates the convention against torture" and the ICC prosecutor has described "unlawful".

We are further [troubled](#) by the Government's announcement last week of its migration and economic development partnership with Rwanda that will see uncapped numbers of asylum seekers sent to the country to have their claims processed. While the Government has argued that "Rwanda is one of the safest countries in the world", it is unclear how it came to this conclusion and concerns have been raised over Rwanda's history on human rights.

The policy risks leaving people who are vulnerable, fleeing dangerous situations and who have often experienced trauma subject to further situations where they are re-traumatised and unable to access the medical attention they desperately need.

**On medical and ethical grounds, the BMA urges MPs to strongly challenge the Government over its proposals for offshoring in the Bill.**

For further information on the BMA's view on other aspects of the Bill, please contact:

Leah Miller, Senior Public Affairs Officer

E: [lmiller@bma.org.uk](mailto:lmiller@bma.org.uk)