

# Yesterday the Borders Bill passed the Commons

I thought I would reproduce the government's statement on its Borders bill, as some of you are complaining that the government is not doing enough to stop illegal migration and some are concerned about government intentions.

The Bill will be firm but fair: fair to those in genuine need, but firm to those who break the rules.

The principles behind the Bill are simple. Access to the UK's asylum system should be based on need, not on the ability to pay people smugglers; Illegal immigration should be prevented. Those with no right to be in the UK should be removed. Those in genuine need will be protected.

The case for change is overwhelming.

The system is broken. We stand by our moral and legal obligations to help innocent people fleeing cruelty from around the world. But the system must be a fair

one. In 2019, UK asylum applications increased by 21% on the previous year to almost 36,000 – the highest number since the 2015/16 European 'migration crisis'. The current appeals system is too slow. As of May 2020, 32% of asylum

appeals lodged in 2019 and 9% of appeals lodged in 2018 did not have a known outcome. Shockingly, the asylum system now costs over £1 billion a year to run.

The Bill – and the wider New Plan for Immigration – has three key objectives:

1. Make the system fairer and more effective so that we can better protect and support those in genuine need of asylum. Over the last six years the UK directly resettled 25,000 people from places of danger – more than any other country in Europe.

2. Deter illegal entry into the UK breaking the business model of criminal trafficking networks and saving lives. Small boat arrivals reached record levels this year, with over 3,700 people arriving in the UK this way in the first

five months of 2021. This is more than double the comparable figure for 2020.

3. Removing from the UK those with no right to be here. In 2019, enforced returns from the UK decreased to just over 7,000 (7,192), 22% lower than the previous year, and continuing a downward trend since 2013.

To make the system fairer and more effective, we will:

- Continue to resettle genuine refugees directly from places of danger, which has protected 25,000 people in the last six years
- Continue to offer refugee family reunion, which has seen a further 29,000 people come to the UK over the last six years
- Meet our statutory commitment to lay in report in Parliament on the outcome of the safe and legal routes review including family reunion for Unaccompanied Asylum Seeking Children (not in legislation but being taken forward alongside the Bill)

- Improve support for refugees to help them build their life in the UK, integrate and become self-sufficient members of our society.
  - Introduce a new temporary protection status for those who do not come directly to the UK or claim asylum without delay once here but who have, in any event, been recognised as requiring protection. This status will afford only basic entitlements whilst still meeting our international law obligations.
  - Introduce reception centres for asylum seekers and failed asylum seekers who require support (to replace hotels) so that they have simple, safe and secure accommodation to stay in while their claims and returns are being processed.
  - Introduce a new and expanded 'one-stop' process to ensure that asylum, human rights claims, and any other protection matters are made and considered together, ahead of any appeal hearing. This will prevent repeated last-minute meritless claims that are simply designed to frustrate proper removal.
- Introduce a new legal advice offer to support individuals so that all relevant issues can be raised at one time.
- Strengthen the law to withhold modern slavery protections from serious criminals and those who pose a threat to national security, set out the circumstances in which temporary leave to remain should be granted to confirmed victims of modern slavery and clarify the decision making thresholds for potential and confirmed victims, in line with our international obligations.
  - Reform nationality law to make it fairer and to address historic anomalies.
- To deter illegal entry into the UK, we will:
- Introduce new and tougher criminal offences for those attempting to enter the UK illegally by raising the penalty for illegal entry from six months' to four years imprisonment and introducing life sentences for people smugglers.
  - Provide Border Force with additional powers to:
    - o Search unaccompanied containers located within ports for the presence of illegal migrants using them to enter the UK;
    - o Seize and dispose of any vessels intercepted and encountered including disposal through donation to charity if appropriate;
    - o Stop and divert vessels suspected of carrying illegal migrants to the UK and, subject to agreement with the relevant country such as France, return them to where their sea journey to the UK began.
  - Increase the penalty for Foreign National Offenders who return to the UK in breach of a deportation order from six months' to five years' imprisonment.
  - Implement an Electronic Travel Authorisation (ETA) scheme, similar to the USA ESTA programme, to block the entry of those who present a threat to the UK.
- To remove from the UK those with no right to be here, we will:
- Confirm that the UK may remove people including criminals to a safe third country and declare as inadmissible those who come here from a country where they could have claimed asylum, so that they can also be removed to another

safe country

- Introduce expedited processes to allow rapid removal of those with no right to be here

- Introduce a power to impose visa penalties on countries that do not cooperate

on the removal of its nationals who do not have a right to be in the UK.

- Ensure that compliance with the asylum or removal process without good reason must be considered in deciding whether to grant immigration bail.

- Increase the length of the window in which Foreign National Offenders can be

removed from prison under the Early Removal Scheme for the purposes of removal from the UK.

- Place in statute a single, standardised minimum notice period for migrants to access justice prior to enforced removal, and confirm in statute that a new

notice period does not need to be re-issued following a previous failed removal,

for example where the person has physically disrupted their removal.

We need to act now.

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## What precautions should people take for covid?

The government's latest policy is allow us all much more discretion about how we protect ourselves and others from covid 19. Most have accepted the double dose of vaccine or will do so as the second dose becomes available for the youngest adults. This appears to have brought the death rate down massively from the two previous waves of the disease. We can all now decide for ourselves if we wish to go to events and hospitality settings with other people or not, whether we invite people to our homes or not and whether we will wear masks or not.

I would be interested in your response to these restored freedoms. Are you going to avoid busy places and public transport given the prevalence of the delta variant, or not worry as you are vaccinated? Are you going to wear a mask in busy places as a reassurance to others, or not bother as you are sceptical of the value? Are you going to want some distancing from others, or are you happy now to jostle in crowds and prop up a busy bar?

Yesterday the Minister announced he would not be changing the sensitivity of the NHS app. Do you think it is useful? Is it pinging too many healthy people? How many people do now use it all the time?

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## The state of the employment market

There are plenty of stories about a lack of recruits for hospitality and travel businesses reopening after lockdown, a shortage of truck and van drivers, and even shortages of people to run various types of factory. Meanwhile there are still a substantial number of people on furlough, where we need soon to find out if their jobs are safe and about to be restored or not. If some are not going to be welcomed back into full time employment now would be a good time to have that conversation so they can start to find an alternative amidst all the vacancies or set about the training needed to get into one of the scarcity activities.

Some in business want to blame Brexit for a shortage of people coming from the continent to get jobs here, a model many businesses relied on. The government has had to reveal that instead of there being around 3 to 4 million EU citizens working here as they used to tell us, there are at least 6 million now as they have applied for settled status under the new scheme. Another part of the government has also wondered aloud if there are over 1 million people in the UK from various parts of the world who are not being vaccinated for fear of it triggering an enquiry into their migration status, as they are not registered with GPs. All this implies there are a good number of people from abroad in jobs, and of course the new immigration system allows people to recruit from abroad in specified scarcity areas and for higher skilled higher paid people.

I have raised with the government the need to expand driver training and testing as they say they are now doing, given the big expansion in home deliveries across the pandemic. Wages at the bottom end are picking up a bit to send a clear signal to people already resident here that they are needed in various scarcity occupations. This should also stimulate the application of more machine and computer power to business activities to raise productivity to allow higher wages and fewer employees per unit of output. There has also in the last year or so been a welcome expansion in the numbers of people setting up new businesses or working for themselves, greatly increasing flexibility and innovation in our economy.

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## Floods in Erfstadt, Germany

I was sorry to read of the serious floods on a couple of tributaries to the Rhine. Erfstadt was among the cluster of badly affected towns and is twinned with Wokingham. Wokingham sends condolences for the loss of lives in this disaster, and sympathy for all whose homes and lives have been disrupted. The pictures reveal the brute force of too much water scouring away roads and foundations, tossing cars into heaps of wreckage and reshaping the landscape

in an unwelcome way. We wish the rescue services well and hope early action can be taken to restore essential services and provide homes for those who are suffering.

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## What Parliament agreed concerning the EU and Northern Ireland

This week the Commons passed unanimously an important motion to sort out the issues with the EU concerning Northern Ireland. Noting that this got very little attention in the media, I need to set out here what was agreed. I assume the BBC ignored it because it did not offer them the usual opportunity to interview a lot of Remain MPs willing to slag off the UK and put the EU case. To the BBC many pro Brexit MPs speaking for the majority view are non persons unless they can be damaged by a story.

The motion stated:

“That this House supports the primary aims of the Northern Ireland Protocol of the EU Withdrawal Agreement, which are to uphold the Belfast (Good Friday) Agreement in all its dimensions and to respect the integrity of the EU and UK internal markets; recognises that new infrastructure and controls at the border between Northern Ireland and the Irish Republic must be avoided to maintain the peace in Northern Ireland and to encourage stability and trade; notes that the volume of trade between Great Britain and Northern Ireland far exceeds the trade between Northern Ireland and the Republic of Ireland; further notes that significant provisions of the Protocol remain subject to grace periods and have not yet been applied to trade from Great Britain to Northern Ireland and that there is no evidence that this has presented any significant risk to the EU internal market; regards flexibility in the application of the Protocol as being in the mutual interests of the EU and UK, given the unique constitutional and political circumstances of Northern Ireland; regrets EU threats of legal action; notes the EU and UK have made a mutual commitment to adopt measures with a view to avoiding controls at the ports and airports of Northern Ireland to the extent possible; is conscious of the need to avoid separating the Unionist community from the rest of the UK, consistent with the Belfast (Good Friday) Agreement; and also recognises that Article 13(8) of the Protocol provides for potentially superior arrangements to those currently in place.”

So Parliament agrees with the majority in the country at last over this issue, agrees that there is no need to bring in over the top measures the EU

wants which have not yet been brought in, and recommends alternative arrangements to the current EU style Protocol. The government Ministers who replied to the debate welcomed the views of those of us who drafted and backed the motion, and the Opposition parties allowed it go through without too many pro EU complaints.

To some of you the wording will be too soft, but the significance is the wording was accepted by all. More importantly the actions that follow are also clear. The grace periods on further excessive EU intervention in NI trade should be permanent as there is no need for the powers and inspections they threaten. The EU and UK should look for an alternative to the Protocol. Parliament sees that the current EU version is alienating the Loyalist community in NI and is therefore contrary to the Belfast peace Agreement. The UK proposal of mutual enforcement and continuing checks as needed away from the border makes sense. Imposing a disproportionate number of checks at NI ports on GB/NI trade makes no sense and is illegal under the Agreement,

The government was committed to protecting the integrity of the UK internal market, and has reaffirmed its commitment in accepting this motion. If there is no early success in EU/UK talks along these lines then it is clear the UK has to take unilateral action, as it is legally entitled to do as set out in the debate. The EU should stop belying and obfuscating and see that it has at last united the UK Parliament against its view and actions.