



1. Home (<https://www.gov.uk/>)
 2. Entering and staying in the UK (<https://www.gov.uk/entering-staying-uk>)
 3. Visas and entry clearance (<https://www.gov.uk/entering-staying-uk/visas-entry-clearance>)
 4. The Nationality and Borders Bill: factsheet (<https://www.gov.uk/government/publications/the-nationality-and-borders-bill-factsheet>)
- Home Office (<https://www.gov.uk/government/organisations/home-office>)

Policy paper

Nationality and Borders Bill: factsheet

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Contents

What are we going to do?

Why are we doing it?

To make the system fairer and more effective, we will

To deter illegal entry into the UK, we will

To remove from the UK those with no right to be here, we will

We need to act now

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What are we going to do?

The Nationality and Borders Bill is the cornerstone of the government's New Plan for Immigration, delivering the most comprehensive reform in decades to fix the broken asylum system.

The bill – and the wider plan – has 3 key objectives:

1. To make the system fairer and more effective so that we can better protect and support those in genuine need of asylum.
2. To deter illegal entry into the UK breaking the business model of criminal trafficking networks and saving lives.
3. To remove from the UK those with no right to be here.

The introduction of the bill was preceded by a consultation, which the government has carefully considered. The government will publish its response in due course.

Why are we doing it?

- 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.
- The asylum system now costs over £1 billion a year to run.
- Known illegal entry in 2020 was around 16,000 people, and the number of people with no right to be here being removed has been steadily declining for several years due to legal challenges.
- As a result, there are now over 10,000 Foreign National Offenders circulating on the streets, posing a risk to the public.

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

- continue to resettle genuine refugees directly from regions of conflict and instability, which has protected 25,000 people in the last 6 years, more than any other European country
- continue to offer refugee family reunion, which has seen a further 29,000 people come to the UK over the last 6 years
- meet our statutory commitment to lay a report in Parliament on the outcome of the safe and legal routes review including family reunion for Unaccompanied Asylum-Seeking Children
- 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

- expand provision of legal aid 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 6 months' to 4 years' imprisonment and introducing life sentences for people smugglers
- provide Border Force with additional powers to:
 - search unaccompanied containers located within ports for the presence of illegal migrants using them to enter the UK
 - seize and dispose of any vessels intercepted and encountered including disposal through donation to charity if appropriate
 - 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 6 months' to 5 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 (including in detention) 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

- Alongside the bill, we are also taking forward an ambitious transformation programme of

secondary legislation, rules changes and operational reforms in the coming year.

- Together, these reforms will create the fair but firm system the public expects – and which the government will deliver.

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