

Rt Hon Boris Johnson MP
Prime Minister
10 Downing St
London SW1A 2AA

25 February 2022

Dear Prime Minister

We write to express our concern at proposals contained in the Nationality and Borders Bill, now in the House of Lords. We fear that this Bill will significantly breach key international obligations, which Britain is rightly proud of having helped to shape. This moral and legal underpinning is doubly important at a time when war is unfolding in Europe with incalculable consequences.

The government proclaims its continued support for the 1951 Refugee Convention, and we welcome that. The Bill is, however, fundamentally at odds with commitments made in that Convention, as the UN refugee agency, custodians of the Convention, have emphasised.¹

Ministers now suggest that the government understands the Convention better than the UN itself, and that decisions on interpreting the Convention can be left to parliament. We believe it will be dangerous if individual states seek to reinterpret internationally agreed treaties each according to their own wishes. You are right to condemn President Putin for breaking international law: it protects us all. That is true in other contexts, too.

The proposed two-tier system, with rights and entitlements determined by the refugee's method of entry, is an important element of the Bill. The 1951 Convention, based on the deadly lessons of the Holocaust, permits no such distinction: committing its 147 signatory-states to provide asylum to those genuinely fleeing persecution, it requires us to focus on why they came here, not how.

¹ <https://www.unhcr.org/61e7f9b44>, UN Updated Observations on the Nationality and Borders Bill, January 2022

The new legislation seeks to reverse that for the first time, by criminalising and penalising those who arrive in this country without prior authorisation. If other countries followed suit, the effects would be devastating. As former UN Secretary-General Ban Ki-Moon says, the Bill threatens the integrity of the global asylum system.²

We urge you to ensure that it is brought into compliance with the Refugee Convention, which has played such a historic role in protecting the most vulnerable. The Convention cannot be unilaterally reinterpreted. We believe that to go ahead with the Bill in its present form would be bad for refugees, bad for Britain and bad for the world.

Signed:

Rt Hon David Davis MP
Secretary for Exiting the European Union 2016-2018, Shadow Home Secretary
2003-2008

Rt Hon the Lord Blunkett
Home Secretary, 2001-2004

Rt Hon Dominic Grieve QC
Attorney-General, 2010-2014

Rt Hon the Lord Kerr of Kinlochard GCMG
Head of the Diplomatic Service, 1997-2002

Rt Hon the Lord Walker of Gestingthorpe
Justice of the Supreme Court, 2009-2013

cc: Rt Hon Priti Patel MP, Secretary of State for the Home Department

² <https://theelders.org/news/elders-call-greater-ambition-and-empathy-world-leaders-refugees>