

P-06-1256 Hold a referendum on Wales becoming a Nation of Sanctuary

Y Pwyllgor Deisebau | 21 Mawrth 2022
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Petition title: Hold a referendum on Wales becoming a Nation of sanctuary

Text of petition: With recent events in Afghanistan and Mark Drakeford reminding us all how the Welsh Government want Wales to be a Nation of Sanctuary, we truly believe that this should be a decision made by the Welsh people. We feel that as its the people of Wales who will be funding part of this through taxes, we have a right to decide if this is a decision that is right for the Welsh people. Hold a referendum on Wales being a nation of sanctuary.

Recently, [Mark Drakeford tweeted](#) "We want Wales to be a Nation of Sanctuary and we'll do everything we can to support evacuations from Afghanistan".

There has been many comments how Wales simply doesn't have the facilities nor financial infrastructure to take in and house people from all over the world. As mentioned, we have our own homelessness, drugs/alcohol and mental health crisis and on top of that, due to Covid the economy is crashing. There is a fair argument that whilst we have our own problems at the scale in which we do, we cannot support any more. For these reasons, we demand a referendum on Wales becoming a nation of sanctuary. This decision should never have been made with no vote from the public. No one was elected on a manifesto or promise to do this.



1. Background

1.1. International responsibilities

The UK has international legal responsibilities to protect refugees. Alongside 148 other countries, the UK is a party to the 1951 Refugee Convention, a global treaty overseen by the United Nations. The core principle of the Refugee Convention is 'non-refoulement', which means that a refugee should not be returned to a country where they face serious threats to their life or freedom.

The UK is also party to other treaties which protect refugees, such as the European Convention of Human Rights (ECHR).

The Welsh Government is required by the devolution settlement to comply with these obligations. In 2019, the Welsh Government declared that Wales would become the world's first 'Nation of Sanctuary'. The plan explains how it will ensure Wales fulfils its international obligations and has been endorsed by the United Nations.

1.2. Definitions

The UK Government pledged to resettle 20,000 Afghan refugees in the UK. According to the Refugee Convention 1951, a refugee is:

a person who is outside their country of nationality or habitual residence; has a well founded fear of persecution because of their race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail themselves of the protection of that country, or to return there, for fear of persecution.

This differs from the definition of an asylum seeker. Other Afghan refugees are likely to reach the UK of their own accord and claim asylum. The definition of an asylum seeker is:

a person who has crossed an international border in search of protection, but whose claim for refugee status has not yet been decided. An asylum seeker is therefore someone who has arrived in a country and

asked for asylum. Until they receive a decision as to whether or not they are a refugee, they are known as an asylum seeker.

In the UK, asylum seekers do not have the same rights as a refugee or a British citizen. For example, people seeking asylum aren't allowed to work or claim benefits.

1.3. UK Government support for asylum seekers

The UK Government provides asylum seekers with housing, financial support and access to services if they meet the eligibility requirements (that they are homeless or do not have money to buy food). Where an application for asylum has been refused a person may be eligible for short-term support under section 4(2) of the Immigration and Asylum Act 1999.

Asylum accommodation is provided on a 'no choice' basis so asylum seekers cannot choose where in the UK they live. Asylum seekers in receipt of support will be placed in temporary accommodation which is managed by providers on behalf of the Home Office.

The UK operates three resettlement schemes: The UK Resettlement Scheme (UKRS), Community Sponsorship Scheme, and Mandate Resettlement Scheme. Other pathways include family reunion.

In September 2021 the UK Government announced two resettlement schemes for people fleeing Afghanistan:

- Afghanistan Relocations and Assistance Policy (ARAP). ARAP, or 'Operation Warm Welcome', applies to Afghans who have worked closely with the British military and UK Government in Afghanistan.
- The Afghan Citizens' Resettlement Scheme applies to Afghan citizens deemed most at risk of human rights abuses and dehumanising treatment by the Taliban, including women and girls.

The UK Government is currently responding to the humanitarian crisis in Ukraine and has announced a Humanitarian sponsorship pathway: Members of the Senedd across political parties have expressed strong support to provide sanctuary in Wales for those fleeing the conflict.

1.4. The Nationality and Borders Bill

The UK Government introduced the Nationality and Borders Bill in the House of Commons in July 2021. The Bill has three key objectives:

- Increase the fairness of the system to better protect and support those in need of asylum;
- Deter illegal entry into the UK, thereby breaking the business model of people smuggling networks and protecting the lives of those they endanger; and
- Remove those with no right to be in the UK more easily.

The Bill has attracted much criticism. The United Nations' Refugee Agency (UNHCR) warns that the Bill 'undermines the 1951 Refugee Convention, the agreement which has protected refugees for decades and of which the UK is a signatory'.

The House of Lords voted down a number of clauses, including Clause 11 which would have created a two-tier system based on the route of entry to the UK. A third reading of the Bill will take place before making a return to the House of Commons.

The Senedd has refused to give its consent to the 'Legislative Consent Memorandum' (LCM) on the Nationality and Borders Bill which was debated in Plenary on 15 February 2022.

2. Welsh Government action

Immigration is a reserved matter and as such the Welsh Government has had little involvement in the development of policies and action taken at a UK level. The Welsh Government is however responsible for the broad range of policies that support the integration of migrants including health and social care, housing, education, employment and is a key player in managing the impacts of migration and ensuring communities are cohesive.

In 2019, the Welsh Government announced it would become the world's first Nation of Sanctuary. This was in response to a 2017 inquiry by the Fifth Senedd's Equality, Local Government and Communities Committee into refugees and asylum seekers in Wales.

The Welsh Government's **impact assessment** summarises how the policy: seeks to remove barriers to asylum seekers accessing services, improve employability support for refugees, improve integration and knowledge of rights for refugees and asylum seekers and mitigate destitution, mental ill health and homelessness.

The plan also sets out the Welsh Government's **position** on devolution arrangements, given that asylum and immigration are reserved to the UK Government:

Responsibility for asylum and immigration rests with the UK Government rather than the Welsh Government. This means that some of the key levers to prevent harmful outcomes, such as timely and good asylum case decision-making, the quality of asylum accommodation and provision of legal aid, are out of our control.

However, the successful integration of refugees and asylum seekers will require concerted effort on the part of the Welsh Government, Welsh public services and Welsh communities.

In correspondance to the Petitions Committee on 11 February 2022, the Minister for Social Justice explained that the Nation of Sanctuary Plan was developed through "**a three month open consultation**" and heard from those people seeking sanctuary, public services and was open to members of the public. The Minister referred to **the summary of responses** and said they "[...] demonstrate substantial support for the draft Nation of Sanctuary proposals."

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.