
Committee Stage: Monday 20 March 2023

Illegal Migration Bill

(Amendment Paper)

This document lists all amendments tabled to the Illegal Migration Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

☆ Amendments which will comply with the required notice period at their next appearance.

New Amendments: NC6 to NC9

CLAUSES 37 TO 51; NEW CLAUSES AND NEW SCHEDULES RELATING TO
THE SUBJECT MATTER OF THOSE CLAUSES

CLAUSES 37 TO 51

Stephen Kinnock

41

Clause 45, page 47, line 21, at end insert—

“(2A) In cases where subsection (2) applies to a person who has made a protection claim or a human rights claim, that claim may no longer be considered inadmissible.”

Member's explanatory statement

This amendment stipulates that where a person has successfully made a suspensive claim against their removal from the UK, any asylum or human rights claim made by that person can no longer be classed as inadmissible.

CLAUSES 2 TO 5; THE SCHEDULE; CLAUSES 6 TO 36 AND 52 TO 58;
REMAINING NEW CLAUSES AND NEW SCHEDULES; CLAUSE 1; REMAINING
PROCEEDINGS OF THE BILL

CLAUSES 2 TO 5

Stephen Kinnock

2

Clause 2, page 3, line 12, after “race” insert “gender”

Member's explanatory statement

This amendment would explicitly add persecution on the basis of gender as potential reasons for the purposes of the third condition.

Stephen Kinnock

6

Clause 2, page 4, line 4, at end insert—

“(d) the Secretary of State is satisfied that the person is cooperating with a public authority in connection with an investigation or criminal proceedings related to people smuggling offences, and that it is necessary for the person to remain in the United Kingdom for the purposes of such cooperation.”

Member's explanatory statement

This amendment would provide an exemption from the duty to remove for people assisting with investigations or prosecutions for people smuggling offences, similar to the exemption provided by clause 21 for victims of modern slavery.

Stephen Kinnock

8

Clause 4, page 4, line 28, leave out subsection (1)

Member's explanatory statement

This amendment would remove the provision of the Bill which states that the clause 1 ‘duty to remove’ applies regardless of whether the person has made a claim for asylum, or a claim that their removal may breach their human rights, or if the person may be a victim of modern slavery.

Stephen Kinnock

13

Clause 5, page 6, line 33, at end insert—

“(c) in a case where P is a national of a country to which their return may reasonably be expected to constitute a breach of Article 33 of the Convention relating to the Status of Refugees of 1951.”

Member's explanatory statement

This amendment would add to the list of exceptional circumstances, in which a person should not be returned to a country of origin ordinarily considered safe, cases in which their removal may reasonably be expected to constitute a breach of the principle of non-refoulement under Article 33 of the Refugee Convention.

CLAUSES 6 TO 36 AND 52 TO 58

Stephen Kinnock

17

Clause 6, page 8, line 12, after “international organisations” insert “including but not limited to, the United Nations High Commissioner for Refugees”

Member's explanatory statement

This amendment would add an explicit requirement for the Secretary of State to have regard to information from the UN High Commissioner for Refugees when considering whether to add new countries or territories to the Schedule of safe third countries to which a person may be removed.

Stephen Kinnock

18

Clause 7, page 8, line 36, at end insert—

“(3A) A notice under subsection (2) must—

- (a) be provided in a language understood by that person, and
- (b) provide information about how that person may access legal advice.”

Member's explanatory statement

This amendment would require the notices of removal to be provided in a language understood by the recipient, and to include information about how the recipient may access legal advice.

Stephen Kinnock

21

Clause 11, page 17, line 9, leave out subsection (11)

Member's explanatory statement

This amendment seeks to remove the provisions which disapply existing statutory time limits on detention of pregnant women to people detained under powers set out in this clause.

Stephen Kinnock

24

Clause 21, page 25, line 19, at end insert—

- “(aa) the Secretary of State is satisfied that the person is a threat to public order, within the terms of section 63(3) of the Nationality and Borders Act 2022.”

Mr Alistair Carmichael

51

☆ Page 25, line 15, leave out Clause 21

Mr Alistair Carmichael

52

☆ Page 27, line 10, leave out Clause 22

Mr Alistair Carmichael

53

☆ Page 27, line 23, leave out Clause 23

Mr Alistair Carmichael

54

☆ Page 29, line 5, leave out Clause 24

Mr Alistair Carmichael

55

☆ Page 30, line 31, leave out Clause 25

Mr Alistair Carmichael

56

☆ Page 31, line 25, leave out Clause 26

Mr Alistair Carmichael

57

☆ Page 32, line 6, leave out Clause 27

Mr Alistair Carmichael

58

☆ Page 33, line 7, leave out Clause 28

Mr Alistair Carmichael

59

☆ Clause 54, line 34, leave out paragraphs (c) to (h)

Member's explanatory statement

This amendment is consequential on deleting clauses 21 to 28 relating to modern slavery.

Mr Alistair Carmichael

60

- ☆ Clause 56, page 56, line 4, leave out subsections (2) to (4)

Member's explanatory statement

This amendment is consequential on deleting clauses 21 to 28 relating to modern slavery.

Mr Alistair Carmichael

63

- ☆ Clause 57, page 56, line 19, at end insert “provided that the impact assessment required by section (*impact assessment*) has been laid before Parliament.”

Member's explanatory statement

This amendment is consequential on NC5.

Mr Alistair Carmichael

64

- ☆ Clause 57, page 56, line 22, after “sections” insert “(*impact assessment*) and”

Member's explanatory statement

This amendment is consequential on NC5.

Mr Alistair Carmichael

61

- ☆ Clause 57, page 56, line 32, leave out paragraphs (e) to (h)

Member's explanatory statement

This amendment is consequential on deleting clauses 21 to 28 relating to modern slavery.

Stephen Kinnock

50

Clause 57, page 57, line 2, at end insert—

“(4A) The Secretary of State may by regulations under subsection (1) bring into force the provisions in sections 21 to 28 on modern slavery.

(4B) For the purposes of subsection (4A) above, the Secretary of State may not make regulations until after an Independent Anti-Slavery Commissioner has been—

(a) appointed; and

(b) consulted by the Secretary of State on the potential implications of the relevant sections.”

Member's explanatory statement

This amendment is intended to delay the entry into force of the Bill's provisions on modern slavery until such time as the Secretary of State has appointed and consulted with a new Independent Anti-Slavery Commissioner.

REMAINING NEW CLAUSES AND NEW SCHEDULES

Mr Alistair Carmichael**NC1**

Layla Moran

To move the following Clause—

“Limits on detention

- (1) No person under the age of 18 may be detained in asylum accommodation at any time.
- (2) No person aged 18 or over may be detained in asylum accommodation for more than 28 days.”

Mr Alistair Carmichael**NC2**

☆ To move the following Clause—

“Smuggling

- (1) Not less than six months before this Act comes into force, the Secretary of State must publish a report to Parliament regarding discussions with the governments and authorities of other countries, including those bordering the English Channel and the North Sea, concerning the steps taken or proposed to prevent or deter a person from—
 - (a) charging refugees for assistance or purported assistance in travelling to or entering the United Kingdom;
 - (b) endangering the safety of refugees travelling to the United Kingdom.
- (2) The report must focus on steps other than the provisions of this Act.”

Member's explanatory statement

This new clause requires the Secretary of State to publish a report on the actions that are being taken to tackle people smugglers.

Mr Alistair Carmichael

NC3

☆ To move the following Clause—

“Refugee resettlement target

- (1) The Secretary of State must make an order by statutory instrument setting an annual target for the resettlement of refugees to the United Kingdom.
- (2) An order under subsection (1) must set an annual target of no fewer than 10,000 people.”

Member's explanatory statement

This new clause would require the Secretary of State to set a resettlement target, by order, each year of at least 10,000 people.

Mr Alistair Carmichael

NC4

☆ To move the following Clause—

“Humanitarian travel permit

- (1) On an application by a person (“P”) to the appropriate decision-maker for entry clearance, the appropriate decision-maker must grant P entry clearance if satisfied that P is a relevant person.
- (2) For the purposes of subsection (1), P is a relevant person if—
 - (a) P intends to make a protection claim in the United Kingdom;
 - (b) P’s protection claim, if made in the United Kingdom, would have a realistic prospect of success; and
 - (c) there are serious and compelling reasons why P’s protection claim should be considered in the United Kingdom.
- (3) For the purposes of subsection (2)(c), in deciding whether there are such reasons why P’s protection claim should be considered in the United Kingdom, the appropriate decision-maker must take into account—
 - (a) the extent of the risk that P will suffer persecution or serious harm if entry clearance is not granted;
 - (b) the strength of P’s family and other ties to the United Kingdom;
 - (c) P’s mental and physical health and any particular vulnerabilities that P has; and
 - (d) any other matter that the decision-maker thinks relevant.
- (4) For the purposes of an application under subsection (1), the appropriate decision-maker must waive any of the requirements in subsection (5) if satisfied that P cannot reasonably be expected to comply with them.
- (5) The requirements are—
 - (a) any requirement prescribed (whether by immigration rules or otherwise) under section 50 of the Immigration, Asylum and Nationality Act 2006; and

- (b) any requirement prescribed by regulations made under section 5, 6, 7 or 8 of the UK Borders Act 2007 (biometric registration).
- (6) No fee may be charged for the making of an application under subsection (1).
- (7) An entry clearance granted pursuant to subsection (1) has effect as leave to enter for such period, being not less than six months, and on such conditions as the Secretary of State may prescribe by order.
- (8) Upon a person entering the United Kingdom (within the meaning of section 11 of the Immigration Act 1971) pursuant to leave to enter given under subsection (7), that person is deemed to have made a protection claim in the United Kingdom.
- (9) In this section—
 - “appropriate decision-maker” means a person authorised by the Secretary of State by rules made under section 3 of the Immigration Act 1971 to grant an entry clearance under paragraph (1);
 - “entry clearance” has the same meaning as in section 33(1) of the Immigration Act 1971;
 - “persecution” is to be construed in accordance with its meaning in the Refugee Convention;
 - “protection claim” in relation to a person, means a claim that to remove them from or require them to leave the United Kingdom would be inconsistent with the United Kingdom’s obligations—
 - (a) under the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention (“the Refugee Convention”);
 - (b) in relation to persons entitled to a grant of humanitarian protection; or
 - (c) under Article 2 or 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950 (“the European Convention on Human Rights”); and
 - “serious harm” means treatment that, if it occurred within the jurisdiction of the United Kingdom, would be contrary to the United Kingdom’s obligations under Article 2 or 3 of the European Convention on Human Rights (irrespective of where it will actually occur).”

Mr Alistair Carmichael

NC5

☆ To move the following Clause—

“Impact assessment

The Secretary of State must lay before Parliament an impact assessment regarding the expected effectiveness of the changes made by this Act in stopping, or reducing the number of, Channel crossings from France by asylum seekers.”

Mr Alistair Carmichael

NC6

★ To move the following Clause—

“Safe Passage Pilot Scheme

- (1) The Secretary of State must by regulations made by statutory instrument establish a humanitarian travel permit scheme.
- (2) The scheme under this section must come into operation within 3 months of the date on which this Act is passed and must remain in operation for at least 12 months.
- (3) The scheme under this section must permit persons from designated countries or territories (see subsections (3) and (4) below) to enter the United Kingdom for the purpose of making a claim for asylum immediately on their arrival in the United Kingdom.
- (4) The regulations under subsection (1) must designate countries or territories from which nationals or citizens may be considered for humanitarian permits under this section.
- (5) Countries or territories designated under subsection (4) may include only countries or territories from which the proportion of decided asylum claims which have been upheld in the United Kingdom in the 5 years before the date on which this Act is passed is at least 80 per cent.
- (6) Regulations made under subsection (1) are subject to annulment by resolution of either House of Parliament.
- (7) The Secretary of State must lay before Parliament an evaluation of the humanitarian travel permit scheme under this section not later than 15 months from the date on which this Act is passed.”

Mr Alistair Carmichael

NC7

★ To move the following Clause—

“Refugee family reunion

- (1) The Secretary of State must, within 6 months of the date on which this Act is passed, lay before Parliament a statement of changes in the rules (the “immigration rules”) under section 3(2) of the Immigration Act 1971 (general provisions for regulation and control) to make provision for refugee family reunion, in accordance with this section, to come into effect after 21 days.
- (2) Before a statement of changes is laid under subsection (1), the Secretary of State must consult with persons as the Secretary of State deems appropriate.
- (3) The statement laid under subsection (1) must set out rules providing for leave to enter and remain in the United Kingdom for family members of a person granted refugee status or humanitarian protection.

- (4) In this section, “refugee status” and “humanitarian protection” have the same meaning as in the immigration rules.
- (5) In this section, “family members” include—
 - (a) a person's parent, including adoptive parent;
 - (b) a person's spouse, civil partner or unmarried partner;
 - (c) a person's child, including adopted child, who is either—
 - (i) under the age of 18, or
 - (ii) under the age of 25 but was either under the age of 18 or unmarried at the time the person granted asylum left their country of residence to seek asylum;
 - (d) a person's sibling, including adoptive sibling, who is either—
 - (i) under the age of 18, or
 - (ii) under the age of 25, but was either under the age of 18 or unmarried at the time the person granted asylum left their country of residence to seek asylum; and
 - (e) such other persons as the Secretary of State may determine, having regard to—
 - (i) the importance of maintaining family unity,
 - (ii) the best interests of a child,
 - (iii) the physical, emotional, psychological or financial dependency between a person granted refugee status or humanitarian protection and another person,
 - (iv) any risk to the physical, emotional or psychological wellbeing of a person who was granted refugee status or humanitarian protection, including from the circumstances in which the person is living in the United Kingdom, or
 - (v) such other matters as the Secretary of State considers appropriate.
- (6) For the purpose of subsection (5)—
 - (a) “adopted” and “adoptive” refer to a relationship resulting from adoption, including de facto adoption, as set out in the immigration rules;
 - (b) “best interests” of a child must be read in accordance with Article 3 of the 1989 UN Convention on the Rights of the Child.”

Member's explanatory statement

This new clause would make provision for leave to enter or remain in the UK to be granted to the family members of refugees and of people granted humanitarian protection.

Mr Alistair Carmichael

NC8

★ To move the following Clause—

“Immigration rules since December 2020: report on effects

- (1) Before bringing any provisions of this Act into force by regulations, the Secretary of State must commission and lay before Parliament an independent report on the effects of its immigration rules on the UK economy and public services since December 2020.
- (2) The areas to be covered by the report must include but are not limited to—
 - (a) food supply;
 - (b) fuel supply;
 - (c) hospitality and tourism;
 - (d) the NHS;
 - (e) social care; and
 - (f) construction.”

Member's explanatory statement

This new clause would require the Government to commission and publish an independent report on the effects of its Immigration Rules on the UK economy and public services since December 2020.

Mr Alistair Carmichael

NC9

★ To move the following Clause—

“Operational efficiency

- (1) Within six months of the date on which this Act is passed the Secretary of State must commission a management review, to be undertaken by management experts outside the Home Office, of—
 - (a) the efficiency of the processing by UK Visas and Immigration of applications, and
 - (b) the efficiency of the removal by Immigration Control of persons whose leave to remain has expired.
- (2) For the purposes of this section—
 - (a) “efficiency” includes fairness, and
 - (b) the review must include information regarding the numbers of appeals and their success rate.”

Member's explanatory statement

This new clause requires the Secretary of State to commission an independent management review of the efficiency of UK Visas and Immigration in processing applications and the efficiency of the removal process for those whose leave to remain has expired.

CLAUSE 1

Mr Alistair Carmichael

62

☆ Clause 1, page 2, line 1, leave out paragraph (d)

Member's explanatory statement

This amendment is consequential on deleting clauses 21 to 28 relating to modern slavery.

Stephen Kinnock

1

Clause 1, page 2, line 28, leave out subsection (5)

Member's explanatory statement

This amendment would remove the subsection which disapplies section 3 of the Human Rights Act 1998.

Order of the House

[13 March 2023]

That the following provisions shall apply to the Illegal Migration Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee of the whole House, on Consideration and on Third Reading

2. Proceedings in Committee of the whole House, any proceedings on Consideration and proceedings on Third Reading shall be completed in three days.
3. Proceedings in Committee—
 - (a) shall be taken on each of the first and second days in the order shown in the first column of the following Table, and
 - (b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Proceedings**Time for conclusion of proceedings****First day**

Clauses 37 to 51; new Clauses and new Schedules relating to the subject matter of those clauses

Six hours after the commencement of proceedings on the Bill on the first day.

Proceedings**Time for conclusion of proceedings****Second day**

Clauses 2 to 5; the Schedule; Clauses 6 to 36 and 52 to 58; remaining new Clauses and new Schedules; Clause 1; remaining proceedings on the Bill

Six hours after the commencement of proceedings on the Bill on the second day.

4. Any proceedings on Consideration and proceedings on Third Reading shall be taken on the third day in accordance with the following provisions of this Order.
5. Any proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the third day.
6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

Programming committee

7. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to proceedings on Third Reading.

Other proceedings

8. Any other proceedings on the Bill may be programmed.

Withdrawn Amendments

The following amendments were withdrawn on 14 March 2023:

3, 4, 5, 7, 8, 10, 11, 14, 19, 20, 22, 23, 28, 29, 30, 31, 39, 40, 43, 44, 45, 46 and 47

The following amendments were withdrawn on 15 March 2023:

12, 16, 25, 26, 27, 32, 33, 34, 35, 36, 37, 38, 48 and 49