
Committee Stage: Friday 24 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 Any withdrawn amendments are listed at the end of the document.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: 181 to 206, 208 to 223, 225 to 235, 237 to 247, 249 to 295, 298 and 299, 301,303 and 304, 306 and NC27 to NC33

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

CLAUSES 37 TO 51

Sir William Cash

133

Sir John Hayes
Mr David Jones
Jonathan Gullis
Danny Kruger
Mr Simon Clarke

Martin Vickers

Mr Philip Hollobone

Sir Edward Leigh

☆ Clause 37, page 40, line 7, at end insert—

“(2A) A suspensive claim, or an appeal in relation to a suspensive claim (only as permitted by or by virtue of this Act), shall be the only means through which a removal notice may be challenged.

(2B) Accordingly, other than claims identified in (2A), there shall be no interim relief, or court order, or suspensive legal challenges of any kind, available which would have the effect of preventing removal.”

Member's explanatory statement

This amendment intends to ensure that the only way to prevent a person's removal is through a successful suspensive claim.

Alison Thewliss

76

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 37 page 40, line 8, leave out from "means" to the end of line 12 and insert—

- "(a) a protection claim,
- (b) a human rights claim, or
- (c) a claim to be a victim of slavery or a victim of human trafficking."

Alison Thewliss

77

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 37, page 40, line 22, after "a country or territory" insert "where there are, in law and in practice—

- "(i) appropriate reception arrangements for asylum seekers;
- (ii) sufficiency of protection against serious harm and violations of fundamental rights;
- (iii) protection against refoulement;
- (iv) access to fair and efficient State asylum procedures, or to a previously afforded refugee status or other protective status that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention.
- (v) the legal right to remain during the State asylum procedure; and
- (vi) if found to be in need of international protection, a grant of refugee status that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention and"

Member's explanatory statement

This amendment changes the definition of a "third country".

Bell Ribeiro-Addy

151

Apsana Begum
Beth Winter

☆ Page 37, line 3, leave out Clause 37

Bell Ribeiro-Addy

152

Apsana Begum
Beth Winter

☆ Page 41, line 9, leave out Clause 38

Alison Thewliss

78

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 39, page 41, line 19, leave out "not"

Alison Thewliss

79

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 39, page 41, line 22, leave out "no" and insert "a"

Sir William Cash

134

Sir John Hayes
Mr David Jones
Jonathan Gullis
Danny Kruger
Mr Simon Clarke

Mr Philip Hollobone Sir Edward Leigh

☆ Clause 39, page 41, line 28, leave out subsections (3) to (5) and insert—

“(3) The Secretary of State must declare as inadmissible any human rights claim, protection claim, application for judicial review, or other legal claim which is not a suspensive claim or an appeal in relation to a suspensive claim, and which, if successful, would have the effect of preventing the removal of a person from the United Kingdom under this Act.”

Member's explanatory statement

This amendment intends to ensure that the only way to prevent a person's removal is through a successful suspensive claim, as defined in clause 37.

Alison Thewliss

80

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 39, page 41, line 37, leave out “no” and insert “a”

Bell Ribeiro-Addy

153

Apsana Begum
Beth Winter

☆ Page 41, line 19, leave out Clause 39

Alison Thewliss

81

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 40, page 42, line 10, leave out from “and” to the end of line 16 and insert “decide whether to accept or reject the claim.”

Alison Thewliss

82

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 40, page 42, line 17, leave out subsection (3)

Alison Thewliss

83

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 40, page 42, line 30, leave out “compelling evidence” and insert “evidence that there is a real risk”

Alison Thewliss

84

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 40, page 42, line 34, leave out from the start of paragraph (b) to the end of subsection (5)

Alison Thewliss

85

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 40, page 43, line 1, leave out "8" and insert "21"

Alison Thewliss

86

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 40, page 43, line 3, leave out "4" and insert "7"

Bell Ribeiro-Addy

154

Apsana Begum
Beth Winter

☆ Page 42, line 7, leave out Clause 40

Alison Thewliss

87

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 41, page 43, line 20, leave out subsection (3)

Alison Thewliss

88

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 41, page 43, line 28, leave out "compelling evidence" and insert "evidence on the balance of probabilities"

Alison Thewliss

89

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 41, page 43, line 31, leave out from the start of paragraph (b) to the end of subsection (5)

Alison Thewliss 90
 Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

☆ Clause 41, page 43, line 40, leave out "8" and insert "21"

Alison Thewliss 91
 Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

☆ Clause 41, page 43, line 42, leave out "4" and insert "7"

Bell Ribeiro-Addy 155
 Apsana Begum
 Beth Winter

☆ Page 43, line 12, leave out Clause 41

Alison Thewliss 92
 Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

☆ Clause 42, page 44, line 18, leave out paragraph (a) and insert—

- "(a) in the case of a serious harm suspensive claim—
- (i) the grounds in section 84(1) or (2) of the Nationality, Immigration and Asylum Act 2002, or
 - (ii) the grounds that the person is a victim of slavery or a victim of human trafficking;"

Alison Thewliss 93
 Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

☆ Clause 42, page 44, line 25, leave out "contain compelling evidence of such ground" and insert "set out the grounds for appeal"

Alison Thewliss 94
Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 42, page 44, line 27, leave out "must" and insert "may"

Alison Thewliss 95
Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 42, page 44, line 30, leave out "must" and insert "may"

Alison Thewliss 96
Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 42, page 44, line 34, leave out paragraphs (a) and (b) and insert "whether to allow or refuse the appeal"

Alison Thewliss 97
Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 42, page 44, line 41, leave out subsection (7)

Bell Ribeiro-Addy 156
Apsana Begum
Beth Winter

☆ Page 44, line 10, leave out Clause 42

Alison Thewliss 98
Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 43, page 45, line 14, leave out from "considers" to the end of subsection (3) and insert "there are reasonable grounds to believe that the claim is not bound to fail."

Alison Thewliss 99
 Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

☆ Clause 43, page 45, line 20, leave out "there is compelling evidence that"

Alison Thewliss 100
 Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

☆ Clause 43, page 45, line 30, leave out subsection (7)

Bell Ribeiro-Addy 157
 Apsana Begum
 Beth Winter

☆ Page 45, line 3, leave out Clause 43

Alison Thewliss 101
 Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

☆ Clause 44, page 46, line 4, leave out "compelling" and insert "good"

Alison Thewliss 102
 Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

☆ Clause 44, page 46, line 5, insert at end "or if the risk of serious and irreversible harm faced by the person is such that the claim ought to be considered despite it having been made after the end of the claim period"

Alison Thewliss 103
 Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

☆ Clause 44, page 46, line 6, leave out "compelling" and insert "good"

Alison Thewliss 104
Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 44, page 46, line 10, leave out "compelling" and insert "good"

Alison Thewliss 105
Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 44, page 46, line 12, leave out "compelling" and insert "good"

Alison Thewliss 106
Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 44, page 46, line 15, leave out paragraph (a) and insert—

“(a) set out the good reasons for the person not making the claim within the claim period, and”

Alison Thewliss 107
Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 44, page 46, line 18, at end insert "unless the Upper Tribunal considers that an oral hearing is necessary to secure that justice is done in the particular case"

Alison Thewliss 108
Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 44, page 46, line 22, leave out subsection (7)

Alison Thewliss 109
Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 44, page 46, line 30, leave out “4” and insert “7”

Bell Ribeiro-Addy

158

Apsana Begum
Beth Winter

☆ Page 45, line 35, leave out Clause 44

Secretary Suella Braverman

Gov 67

Clause 45, page 47, line 17, after “(appeals)” insert “or section 2AA of the Special Immigration Appeals Commission Act 1997 (appeals in relation to the Illegal Migration Act 2023)”

Member's explanatory statement

This amendment is consequential on NC12.

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.

Secretary Suella Braverman

Gov 69

Clause 45, page 47, line 30, at end insert—

“(3A) In subsection (3) the reference to a change of circumstances in relation to a person includes in particular where any—

- (a) human rights claim, or
- (b) application for judicial review,

made by the person in relation to their removal from the United Kingdom is not successful.”

Member's explanatory statement

This amendment clarifies that in clause 45 (suspensive claims: duty to remove), a reference to a change of circumstances includes where a person’s human rights claim or application for judicial review in relation to their removal from the United Kingdom is not successful.

Secretary Suella Braverman

Gov 68

Clause 45, page 47, line 33, leave out "and 43" and insert ", 43 and (*Special Immigration Appeals Commission*)"

Member's explanatory statement

This amendment is consequential on NC12.

Bell Ribeiro-Addy

159

Apsana Begum
Beth Winter

☆ Page 46, line 33, leave out Clause 45

Alison Thewliss

110

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 46, page 48, line 1, leave out subsections (3) to (10)

Bell Ribeiro-Addy

160

Apsana Begum
Beth Winter

☆ Page 47, line 36, leave out Clause 46

Alison Thewliss

111

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 47, page 48, line 34, leave out "7" and insert "10"

Alison Thewliss

112

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 47, page 48, line 41, leave out "23" and insert "28"

Alison Thewliss

113

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 47, page 49, line 7, leave out "7" and insert "10"

Alison Thewliss

114

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 47, page 49, line 11, leave out "7" and insert "14"

Alison Thewliss

115

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 47, page 49, line 18, leave out "7" and insert "10"

Alison Thewliss

116

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 47, page 49, line 22, leave out "7" and insert "14"

Bell Ribeiro-Addy

161

Apsana Begum
Beth Winter

☆ Page 48, line 31, leave out Clause 47

Alison Thewliss

117

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 48, page 49, line 32, leave out "or refuse"

Alison Thewliss

118

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 48, page 49, line 35, leave out "or refuse"

Bell Ribeiro-Addy

162

Apsana Begum
Beth Winter

☆ Page 49, line 30, leave out Clause 48

Alison Thewliss

119

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 49, page 50, line 17, leave out from "provision" to the end of subsection (1) and insert "to ensure compliance with interim measures indicated by the European Court of Human Rights as they relate to the removal of persons from the United Kingdom under this Act."

Joanna Cherry

122

Bell Ribeiro-Addy
John McDonnell
Dame Diana Johnson

☆ Clause 49, page 50, line 30, at end insert—

"(2A) Regulations under subsection (1) may not make provision so as to deny or undermine the binding effect of such measures on the United Kingdom under Article 34 of the European Convention on Human Rights."

Member's explanatory statement

This amendment would recognise that the UK is bound to comply with interim measures issued by the European Court of Human Rights, and would ensure that any regulations made under clause 49 do not undermine this. This amendment is consistent with recommendations made by the Joint Committee on Human Rights in its report on the Bill of Rights Bill.

Danny Kruger

128

Jonathan Gullis
Sir William Cash
Sir John Hayes
Sir Desmond Swayne
Mr Simon ClarkeLia Nici
Mr David Jones
Scott Benton
Chris Green
Sir Edward LeighMiriam Cates
Craig Mackinlay
Marco Longhi
Martin VickersAndrea Jenkyns
Henry Smith
Greg Smith
Mr Philip Hollobone

☆ Page 50, line 17, leave out Clause 49

Alison Thewliss

120

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 50, page 51, leave out line 21

Bell Ribeiro-Addy

164

Apsana Begum
Beth Winter

☆ Page 50, line 35, leave out Clause 50

Alison Thewliss

179

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 51, page 53, line 3, leave out from "must" to the end of subsection (1) and insert "within six months of this Act coming into force, secure a resolution from both Houses of Parliament on a target for the number of people entering the United Kingdom each year over the next three years using safe and legal routes, and further resolutions for future years no later than 18 months before the relevant years begin."

Member's explanatory statement

This amendment seeks to enhance Parliament's role in determining the target number of entrants using safe and legal routes.

Patrick Grady

177

☆ Clause 51, page 53, line 3, leave out "maximum" and insert "target"

Member's explanatory statement

The purpose of this amendment is to set a target, rather than a maximum, number of entrants through safe and legal routes.

Alison Thewliss**180**

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ☆ Clause 51, page 53, line 6, leave out "making the regulations" and insert "securing the resolution mentioned in subsection (1)"

Member's explanatory statement

This amendment is consequential on Amendment 179.

Patrick Grady**173**

- ☆ Clause 51, page 53, line 7, after "authorities", insert—

- "(aa) the United Nations High Commission for Refugees,
- (ab) the Scottish Ministers,
- (ac) the home affairs select committee of the House of Commons,"

Member's explanatory statement

The purpose of this amendment is to broaden the scope of consultees on setting the target for the number of entrants using safe and legal routes.

Patrick Grady**176**

- ☆ Clause 51, page 53, line 12, leave out "exceeds" and insert "is greater or less than 10% of"

Member's explanatory statement

The purpose of this amendment is to require the Secretary of State to explain the reasons why, if the target for entrants through safe and legal routes is not met.

Alison Thewliss**178**

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ☆ Clause 51, page 53, line 17, after "exceeds" insert "or falls short of"

Member's explanatory statement

This amendment is consequential on Amendment 176.

Dame Diana Johnson

137

Sir Stephen Timms

☆ Clause 51, page 53, line 29, at end insert—

““Persons” means a person over the age of 18 on the day of entry into the United Kingdom;”

Member's explanatory statement

This amendment would exclude children from the annual cap on number of entrants.

Tim Loughton

72

Tracey Crouch
Sir Robert Buckland
Simon Fell
Simon Hoare
Mrs Flick Drummond

Mr David Davis
Alicia Kearns

Stella Creasy
Sir Peter Bottomley

Dame Diana Johnson

Clause 51, page 53, line 31, at end insert “under section [*Safe and legal routes: regulations*]”

Stephen Kinnock

149

Yvette Cooper

☆ Clause 51, page 53, line 31, at end insert—

“(7) Regulations under subsections (1) and (6) must come into force no later than three months from the date on which this Act comes into force.”

Member's explanatory statement

This amendment seeks to require that regulations to establish the cap on the number of people permitted to enter the UK via safe and legal routes must be in effect by three months from this Bill's entry into force.

Bell Ribeiro-Addy

150

Apsana Begum
Beth Winter

☆ Page 53, line 3, leave out Clause 51

NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER
OF THOSE CLAUSES

Secretary Suella Braverman

Gov NC11

To move the following Clause—

“Judges of First-tier Tribunal and Upper Tribunal

In section 5(1) of the Tribunals, Courts and Enforcement Act 2007 (judges and other members of the Upper Tribunal), after paragraph (c) insert—

“(ca) is a judge of the First-tier Tribunal,.”

Member's explanatory statement

This new clause amends the Tribunals, Courts and Enforcement Act 2007 to provide for judges of the First-tier Tribunal (including Employment Judges) to be able to act as judges of the Upper Tribunal.

Secretary Suella Braverman

Gov NC12

To move the following Clause—

“Special Immigration Appeals Commission

- (1) This section applies where the Secretary of State makes a decision under section 40(2)(b) or 41(2)(b) (refusal of suspensive claim) in relation to a suspensive claim.
- (2) An appeal under section 42, or an application for permission to appeal under section 43, in relation to the decision may not be brought or continued if the Secretary of State acting in person certifies that the decision was made wholly or partly in reliance on information which, in the opinion of the Secretary of State, should not be made public—
 - (a) in the interests of national security,
 - (b) in the interests of the relationship between the United Kingdom and another country, or
 - (c) otherwise in the public interest.
- (3) Where a certificate is issued under subsection (2), any pending appeal, or application for permission to appeal, in relation to the decision lapses.
- (4) The Special Immigration Appeals Commission Act 1997 is amended as follows.
- (5) After section 2 insert—

“2AA Jurisdiction: appeals in relation to the Illegal Migration Act 2023

- (1) A person may appeal to the Special Immigration Appeals Commission against a refusal decision if—
 - (a) the person would, but for a certificate of the Secretary of State under section (*Special Immigration Appeals Commission*) of the

Illegal Migration Act 2023 (Special Immigration Appeals Commission), be able to—

- (i) appeal against the decision under section 42 of that Act, or
 - (ii) apply for permission to appeal against the decision under section 43 of that Act, or
- (b) an appeal against the decision under section 42 of that Act, or an application for permission to appeal against the decision under section 43 of that Act, lapsed under section (*Special Immigration Appeals Commission*) of that Act by virtue of a certificate of the Secretary of State under that section.
- (2) Sections 42(3) to (6) and 46(2) to (8) of the Illegal Migration Act 2023 apply, with the modification in subsection (3), in relation to an appeal under this section as they apply in relation to an appeal under section 42 of that Act.
 - (3) The modification is that references to the Upper Tribunal are to read as references to the Special Immigration Appeals Commission.
 - (4) In this section “refusal decision” means a decision of the Secretary State under section 40(2)(b) or 41(2)(b) of the Illegal Migration Act 2023 (refusal of suspensive claim).

2AB Finality of certain decisions by the Special Immigration Appeals Commission

- (1) Subsections (2) and (3) apply in relation to a decision by the Special Immigration Appeals Commission to grant or refuse an application for a declaration under section 46(6) of the Illegal Migration Act 2023 (consideration of new matters), as applied by section 2AA(2) of this Act.
- (2) The decision is final, and not liable to be questioned or set aside in any other court.
- (3) In particular—
 - (a) the Special Immigration Appeals Commission is not to be regarded as having exceeded its powers by reason of any error made in reaching the decision;
 - (b) the supervisory jurisdiction does not extend to, and no application or petition for judicial review may be made or brought in relation to, the decision.
- (4) Subsections (2) and (3) do not apply so far as the decision involves or gives rise to any question as to whether—
 - (a) the Special Immigration Appeals Commission has or had a valid application before it under section 46(6) of the Illegal Migration Act 2023, as applied by section 2AA(2) of this Act,
 - (b) the Special Immigration Appeals Commission is or was properly constituted for the purpose of dealing with the application, or

- (c) the Special Immigration Appeals Commission is acting or has acted—
 - (i) in bad faith, or
 - (ii) in such a procedurally defective way as amounts to a fundamental breach of the principles of natural justice.
- (5) In this section—
 - “decision” includes any purported decision;
 - “the supervisory jurisdiction” means the supervisory jurisdiction of—
 - (a) the High Court, in England and Wales or Northern Ireland, or
 - (b) the Court of Session, in Scotland.”
- (6) In the following provisions, for “2 or 2B” substitute “2, 2AA or 2B”—
 - (a) section 5(1)(a) and (b);
 - (b) section 5(2);
 - (c) section 6A(1);
 - (d) section 6A(2)(a).
- (7) In section 5 (procedure in relation to jurisdiction under sections 2 and 3), in the heading, after “2” insert “, 2AA”.

Member's explanatory statement

This new clause makes provision for certain appeals to be heard by the Special Immigration Appeals Commission where the Secretary of State certifies that a decision to refuse a suspensive claim made by a person was made in reliance on information which the Secretary of State considers should not be made public.

Mr Alistair Carmichael

NC3

Tim Farron
Layla Moran
Sarah Olney

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

Tim Farron
Layla Moran
Sarah Olney

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

NC6

Tim Farron
Layla Moran
Sarah Olney

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

Tim Farron
Caroline Lucas
Layla Moran
Sarah Olney

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.

Olivia Blake

NC10

Andrew Western
Dawn Butler
Layla Moran
Bell Ribeiro-Addy
Nadia Whittome

Charlotte Nichols
John McDonnell
Apsana Begum
Mick Whitley
Colum Eastwood
Clive Lewis
Mr Ben Bradshaw
Sam Tarry
Ian Blackford
Claudia Webbe
Liz Saville Roberts

Ian Byrne
Lloyd Russell-Moyle
Zarah Sultana
Kate Osborne
Claire Hanna
Richard Burgon
Jeremy Corbyn
Grahame Morris
Stella Creasy
Taiwo Owatemi
Ben Lake

Andy McDonald
Ms Diane Abbott
Beth Winter
Caroline Lucas
Chris Stephens
Kim Johnson
Jon Trickett
Kim Leadbeater
Rebecca Long Bailey
Ian Lavery
Hywel Williams

To move the following Clause—

“Safe passage visa scheme

- (1) Within three months of the passing of this Act, the Secretary of State must lay before Parliament statements of changes to the immigration rules to make provision for a safe passage visa scheme (referred to in the remainder of this section as the “scheme”).

- (2) The purpose of the scheme referred to in subsection (1) is to enable a qualifying person to travel safely to the United Kingdom in order to make an application for asylum (within the meaning given by paragraph 327 of the immigration rules) or a claim for humanitarian protection (within the meaning given by paragraph 327EA of the immigration rules).
- (3) A person is a “qualifying person” for the purposes of subsection (2) if the person—
 - (a) is present in a member State of the European Union when the person makes an application to the scheme;
 - (b) is not a national of a member State of the European Union, Liechtenstein, Norway or Switzerland; and
 - (c) would, on securing entry to the United Kingdom, be able to make—
 - (i) a valid application for asylum in accordance with paragraph 327AB of the immigration rules; or
 - (ii) a valid claim for humanitarian protection in accordance with paragraph 327EB of the immigration rules, which would not be clearly unfounded.
- (4) For the purposes of determining whether the conditions in subsection (3)(c) above are satisfied, the following are disapplied—
 - (a) the conditions in subsections (4) and (5) of section 80C of the Nationality, Immigration and Asylum Act 2002; and
 - (b) the duty in section 2(1) of this Act.
- (5) Changes to the immigration rules made under this section must also make provision for—
 - (a) applications to the scheme, including—
 - (i) identification of the relevant gov.uk webpage through which applications must be made;
 - (ii) the provision of relevant biometric data by the person;
 - (iii) the supplying of relevant information and supporting documentation related to applications;
 - (iv) confirmation that applications will be without cost to applicants; and
 - (v) provision for legal aid in relation to applications made to the scheme;
 - (b) any additional suitability requirements for applications to the scheme, including matters referred to in Part 9 of the immigration rules;
 - (c) entry requirements for those granted entry clearance under the scheme, including the requirement that the person be provided with a letter by the Secretary of State confirming that the person can enter the United Kingdom;
 - (d) limitations on the entry clearance granted under the scheme, including provision that clearance is provided solely to enable the person to make an application for asylum or a claim for humanitarian protection and requiring that such an application or claim be made immediately on entry into the United Kingdom; and

- (e) appeal rights for those denied entry clearance under the scheme, including legal aid to be made available for persons making such appeals.
- (6) The scheme referred to in this section is to be specified as a “safe and legal route” for the purposes of regulations referred to in section 51(6) of this Act.
- (7) In this section “immigration rules” means rules under section 3(2) of the Immigration Act 1971.”

Tim Loughton

NC13

Tracey Crouch
 Sir Robert Buckland
 Simon Fell
 Simon Hoare
 Mrs Flick Drummond

Mr David Davis
 Alicia Kearns

Vicky Ford
 Sir Peter Bottomley

Dame Diana Johnson
 Stella Creasy

To move the following Clause—

“Safe and legal routes: regulations

- (1) The Secretary of State must by regulations specify safe and legal routes by which asylum seekers can enter the United Kingdom.
- (2) The routes specified must include—
 - (a) any country-specific refugee and resettlement schemes already in operation on the day this Act is passed; and
 - (b) safe and legal routes additional to those in subsection (2)(a).
- (3) The regulations must set out which routes specified under subsection (2)(b) are available to—
 - (a) adults, and
 - (b) unaccompanied children.
- (4) The regulations must make provision about—
 - (a) who is eligible to access the routes specified under subsection (2)(b); and
 - (b) the means by which such persons may access the routes.”

Stella Creasy

NC17

☆ To move the following Clause—

“Safe and legal routes

- (1) The Secretary of State must within six months of the date on which this Act is passed lay before Parliament a report setting out—
 - (a) all safe and legal routes which individuals from relevant countries may take in order to apply lawfully for asylum in the United Kingdom; and

- (b) the numbers of applicants in each of the last five years who have followed each of those safe and legal routes.
- (2) The report must be approved by a resolution of each House of Parliament.
- (3) A person originating from a relevant country may not be removed from the United Kingdom unless a safe and legal route from that country has been set out in a report under subsection (1).
- (4) For the purposes of this section “relevant countries” means—
 - (a) every country or territory not listed in the Schedule; and
 - (b) in relation to all applicants other than men, those countries listed in the Schedule in respect of men.”

Member's explanatory statement

This new clause would require the Secretary of State to set out a comprehensive list of safe and legal routes to the UK from countries not listed in the Schedule, as the latter are by definition countries the Government considers “safe”. A person could not be removed from the UK to a country not listed in the Schedule unless a safe and legal route from that country to the UK exists.

Tim Loughton

NC19

Sir Robert Buckland
 Simon Hoare
 Mr David Davis
 David Simmonds
 Stella Creasy

Alicia Kearns

Mrs Flick Drummond

Sir Peter Bottomley

☆ To move the following Clause—

“Refugee family reunion

- (1) The Secretary of State must, within two months of the day 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 regulations and control) to make provision for refugee family reunion, in accordance with this section, to come into effect after 21 days.
- (2) The statement made under subsection (1) must set out rules providing for leave to enter and remain in the United Kingdom for family members of a person—
 - (a) granted refugee status or humanitarian protection,
 - (b) resettled through Pathways 1 or 3 of the Afghan Resettlement Scheme, or
 - (c) who is permitted to enter the United Kingdom through a safe and legal route specified in regulations made under section 51(1) (see also subsection (6) of that section).
- (3) In this section, “family members” include a person’s—
 - (a) parent, if the person was under the age of 18 at the time they made an application for protection status within the meaning of subsection (4) in the United Kingdom, including adoptive parent;

- (b) spouse, civil partner or unmarried partner;
 - (c) child, including adopted child, who is either—
 - (i) under the age of 18
 - (ii) aged 18 or over and dependant on the person;
 - (d) 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 the 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.
- (4) For the purpose of subsection (3)—
- (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 is to be read in accordance with Article 3 of the 1989 UN Convention of the Rights of the Child.”

Stephen Kinnock

NC23

Yvette Cooper

☆ To move the following Clause—

“Asylum processing for low grant-rate countries

- (1) Within 60 days of this Act coming into force, the Secretary of State must issue regulations establishing an expedited asylum process for applicants from low grant-rate countries who have arrived in the UK without permission.
- (2) Within this section, “low grant-rate countries” are defined are countries with a grant rate for asylum applicants below 50% in the 12 months preceding the initial decision being taken.”

Member's explanatory statement

This new clause requires the Home Secretary to establish a process to fast-track asylum claims from safe countries.

Stephen Kinnock

NC24

Yvette Cooper
Stella Creasy

☆ To move the following Clause—

“Safe and legal routes: family reunion for children

- (1) The Secretary of State must, within three months of the date on which this Act enters into force, lay before Parliament a statement of changes in the rules (the ‘immigration rules’) under section 3(2) of the Immigration Act 1971 (general provision for regulation and control) to make provision for the admission of unaccompanied asylum-seeking children from European Union member states to the United Kingdom for the purposes of family reunion.
- (2) The rules must, as far as is practicable, include provisions in line with the rules formerly in force in the United Kingdom under the Dublin III Regulation relating to unaccompanied asylum-seeking children.”

Member's explanatory statement

This new clause seeks to add a requirement for the Secretary of State to provide safe and legal routes for unaccompanied asylum-seeking children with close family members in the UK, in line with rules previously observed by the UK as part of the Dublin system.

Stephen Kinnock

NC25

Yvette Cooper

☆ To move the following Clause—

“International co-operation:

- (1) The Secretary of State must, within three months of the date on which the Illegal Migration Act 2023 comes into force, publish and lay before Parliament a framework for new agreements to facilitate co-operation with the governments of neighbouring countries, EU Member States and relevant international organisations on—
 - (a) the removal from the United Kingdom of persons who have made protection claims declared inadmissible by the Secretary of State;
 - (b) the prevention of unlawful entry to the United Kingdom from neighbouring countries;
 - (c) the prosecution and conviction of persons involved in facilitating illegal entry to the United Kingdom from neighbouring countries;
 - (d) securing access for the relevant authorities to international databases for the purposes of assisting law enforcement and preventing illegal entry to the United Kingdom; and
 - (e) establishing controlled and managed safe and legal routes.
- (2) In subsection (1)—

- (a) “neighbouring countries” means countries which share a maritime border with the United Kingdom;
- (b) “relevant international organisations” means—
 - 9. Europol;
 - 10. Interpol;
 - 11. Frontex;
 - 12. the European Union; and
 - 13. any other organisation which the Secretary of State may see fit to consult with.
- (c) “relevant authorities” means—
 - (i) police forces;
 - (ii) the National Crime Agency;
 - (iii) the Crown Prosecution Service; and
 - (iv) any other organisation which the Secretary of State may see fit to include within the definition.
- (d) “international databases” means—
 - (i) The Eurodac fingerprint database;
 - (ii) the Schengen Information System; and
 - (iii) any other database which the Secretary of State may see fit to include within the definition.
- (e) “controlled and managed safe and legal routes” includes—
 - (i) family reunion for unaccompanied asylum-seeking children with close family members settled in the United Kingdom; and
 - (ii) other resettlement schemes.”

Member's explanatory statement

This new clause would require the Secretary of State to lay before Parliament a framework on new agreements to facilitate co-operation with the governments of neighbouring countries and relevant international organisations on matters related to the removal of people from the United Kingdom.

Bell Ribeiro-Addy

NC26

Apsana Begum
John McDonnell
Claudia Webbe
Beth Winter

☆ To move the following Clause—

“Equality Impact

The Secretary of State must lay before Parliament an equality impact assessment of the measures in sections 37 to 51 of this Act with, in particular, an assessment of the extent to which people with protected characteristics under the Equality Act 2010 will be particularly affected by the changes to legal proceedings and by the cap on numbers of entrants using safe and legal routes.”

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

Alison Thewliss 186
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 2, page 2, line 32, leave out “must” and insert “may”

Tim Loughton 139
Sir Robert Buckland
Simon Hoare
Mr David Davis
David Simmonds
Alicia Kearns
Mrs Flick Drummond Sir Peter Bottomley

☆ Clause 2, page 2, line 33, leave out “four” and insert “five”

Member's explanatory statement

This amendment adds a fifth condition to the duty to remove.

Alison Thewliss 187
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 2, page 2, line 33, at end insert “subject to the exceptions in subsection (1A).”

Alison Thewliss 188
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 2, page 2, line 33, at end insert—

“(1A) This section does not apply to a person who was under the age of 18 when they arrived in the UK”

Alison Thewliss

189

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 2, page 2, line 33, at end insert—

“(1A) This section does not apply to a person (“A”) who is an Afghan national where there is a real risk of persecution or serious harm to A if returned to that country.”

Alison Thewliss

190

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 2, page 2, line 33, at end insert—

“(1A) This section does not apply to a person who is a refugee under the Refugee Convention or in need of humanitarian protection.”

Alison Thewliss

191

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 2, page 2, line 33, at end insert—

“(1A) This section does not apply to a person (L) where there is a real risk of persecution or serious harm on grounds of sexual orientation if L is removed in accordance with this section.”

Alison Thewliss

192

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 2, page 2, line 33, at end insert—

“(1A) This clause does not apply to persons who there are reasonable grounds to suspect are victims of torture.”

Alison Thewliss

195

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 2, page 2, line 33, at end insert—

“(1A) This clause does not apply to persons where there are reasonable grounds to suspect are victims of trafficking or slavery.”

Alison Thewliss

196

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 2, page 2, line 33, at end insert—

“(1A) This clause does not apply to an individual who meets the definition of an “adult at risk” in paragraph 7 of the Home Office Guidance on adults at risk in immigration detention (2016), including in particular people suffering from a condition, or who have experienced a traumatic event (such as trafficking, torture or sexual violence), that would be likely to render them particularly vulnerable to harm.”

Alison Thewliss

282

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 2, page 2, line 33, at end insert—

“(1A) This clause does not apply to a person who has been diagnosed with AIDS or as HIV positive.”

Alison Thewliss

193

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 2, page 3, line 8, after “person” insert “is not a citizen of Ukraine, and”

Alison Thewliss

194

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 2, page 3, line 8, after “person” insert “does not have family members in the United Kingdom, and”

Alison Thewliss

197

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 2, page 3, line 9, leave out “on or after 7 March 2023” and insert “more than one month after this section comes into force”

Yvette Cooper

285

Stephen Kinnock

- ★ Clause 2, page 3, line 11, at end insert “with which the United Kingdom has a formal legally binding agreement to facilitate returns required under this section, and”

Member's explanatory statement

This amendment would restrict the duty to arrange removal of people who travelled to the UK through a safe third country to cases where that country has a formal, legally binding agreement with the UK Government on migration returns.

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.

Alison Thewliss

198

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 2, page 3, line 15, leave out subsection (5) and insert—

“(5) Subsection (4) is to be interpreted in accordance with article 31(1) of the United Nations Convention on Refugees.”

Joanna Cherry

123

Bell Ribeiro-Addy
John McDonnell

- ☆ Clause 2, page 3, line 18, leave out from “they” to end of line 19 insert “lawfully settled or found protection in another country outside the United Kingdom where they faced no serious

risk of persecution or violations of their human rights and which complies with the requirements of the 1951 Convention on Refugees”

Member's explanatory statement

This amendment would redefine “in both cases” so that it complies with the meaning of that phrase in Article 31 of the Refugee Convention as interpreted by the UN High Commissioner for Refugees.

Tim Loughton **140**

Sir Robert Buckland
 Simon Hoare
 Mr David Davis
 David Simmonds
 Alicia Kearns

Mrs Flick Drummond

Sir Peter Bottomley

Sir Stephen Timms

☆ Clause 2, page 3, line 21, at end insert—

“(6A) The fifth condition is that the person was either—
 (a) aged 18 or over, or
 (b) under the age of 18 and was in the care of an individual over the age of 18,
 at the time they entered the United Kingdom.”

Alison Thewliss **199**

Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

★ Clause 2, page 3, line 22, leave out subsection (7)

Alison Thewliss **200**

Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

★ Clause 2, page 3, line 41, leave out “unaccompanied”

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 Farry

70

Claire Hanna

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

“(d) the person enters the United Kingdom from Ireland across the land border with Northern Ireland.”

Member's explanatory statement

This amendment would provide an exemption from the duty to remove for people who arrive in the UK from the Republic of Ireland via the land border with Northern Ireland.

Jonathan Gullis

136

Sir William Cash

Sir John Hayes

Mr David Jones

Mr Simon Clarke

Danny Kruger

Mr Philip Hollobone

Sir Edward Leigh

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

“(12) Accommodation provided by the Secretary of State to a person who meets the conditions in this section must not include hotel accommodation.”

Member's explanatory statement

This amendment is intended to restrict the use of hotels by those who meet the conditions in clause 2.

Yvette Cooper

284

Stephen Kinnock

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

“(12) The Secretary of State must, within three months of the date on which this Act is passed, and at intervals of once every three months thereafter, lay a report before Parliament on the number of people who have been removed from the United Kingdom under this section.”

Alison Thewliss

201

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 3, page 4, line 5, leave out “Unaccompanied”

Tim Loughton

141

Sir Robert Buckland
Simon Hoare
Mr David Davis
David Simmonds
Alicia Kearns

Mrs Flick Drummond Sir Peter Bottomley

☆ Clause 3, page 4, line 6, leave out subsections (1) to (4)

Member's explanatory statement

This amendment is consequential on the addition of the fifth condition.

Alison Thewliss

202

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 3, page 4, line 7, leave out “at a time when the person is an unaccompanied child” and insert “if the person is a child or arrived in the United Kingdom as a child”

Dame Diana Johnson

295

★ Clause 3, page 4, line 7, leave out “at a time when the person is an unaccompanied child” and insert “where the person is an unaccompanied child or is a person who arrived in the United Kingdom as an unaccompanied child”

Member's explanatory statement

This amendment seeks to remove the obligation on the Secretary of State to remove a person where the person has ceased to be an unaccompanied child.

Stephen Kinnock

148

Yvette Cooper
Sir Stephen Timms

☆ Clause 3, page 4, line 9, leave out subsection (2)

Member's explanatory statement

This amendment seeks to remove the provision in the Bill which enables the Secretary of State to remove unaccompanied children from the UK.

Alison Thewliss 203
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 3, page 4, line 11, at end insert “but only if—

- (a) it is in the child’s best interests, and
- (b) in accordance with UN Refugee Convention, the European Convention on Human Rights and the UN Convention on the Rights of the Child”

Alison Thewliss 204
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 3, page 4, line 12, leave out “unaccompanied”

Alison Thewliss 205
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 3, page 4, line 15, leave out sub-paragraph (c)

Alison Thewliss 206
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 3, page 4, line 17, leave out subsection (4)

Sir John Hayes 283
Sir Edward Leigh

★ Clause 3, page 4, line 24, at end insert—

- “(6A) For the purposes of this section, if C claims to be under the age of 18, but the Secretary of State has reasonable grounds to dispute this claim, C’s age may be verified by a scientific age assessment.
- (6B) A scientific age assessment conducted under this section may only entail medical methods, which may include x-ray examination.
- (6C) A scientific age assessment may be conducted regardless of whether C has given consent.
- (6D) The process or conclusion of the scientific age assessment is final and is not liable to be questioned or set aside in any court.”

Stephen Kinnock

8

Joanna Cherry
Bell Ribeiro-Addy
John McDonnell

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.

Dame Diana Johnson

299

★ Clause 4, page 4, line 28, leave out “or the power in section 3(2)”

Member's explanatory statement

This amendment would remove the requirement, in relation to unaccompanied children, to disregard relevant protection claims, human rights claims, slavery or human trafficking claims, and applications for judicial review.

Alison Thewliss

208

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 4, page 4, line 39, leave out “must” and insert “may”

Alison Thewliss

294

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 4, page 5, line 2, leave out from “(2)” to the end of line 2 and insert “must be considered under the immigration rules if the person who made the claim has not been removed from the United Kingdom within a period of six months starting on the day the claim is deemed inadmissible.”

Alison Thewliss

209

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 4, page 5, line 2, at end insert “until such time as the Secretary of State withdraws her declaration under subsection (2), or a successful appeal is brought under subsection (4A)”

Alison Thewliss

212

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 4, page 5, line 4, leave out “not”

Alison Thewliss

213

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 4, page 5, line 5, leave out “no” and insert “a”

Alison Thewliss

210

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 4, page 5, line 7, at end insert “subject to subsection (4A)”

Jonathan Gullis

135

Sir William Cash
Sir John Hayes
Mr David Jones
Mr Simon Clarke
Danny Kruger

Martin Vickers

Mr Philip Hollobone

Sir Edward Leigh

☆ Clause 4, page 5, line 7, at end insert—

“(4A) No court shall make any order to the effect that a person removed pursuant to the duty in section 2 (1) shall be returned to the United Kingdom.”

Member's explanatory statement

This amendment is intended to block courts from ordering individuals to be returned to the UK.

Alison Thewliss

211

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 4, page 5, line 7, at end insert—

“(4A) If no removal takes place and no decision is made on a person’s protection or human rights claim within six months of a person’s arrival, then the declaration that such a claim is inadmissible is to be treated as a refusal of the claim giving rise to a right of appeal under section 82(1)(a) or (b) of the Nationality, Immigration and Asylum Act 2002.”

Alison Thewliss

214

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 5, page 5, line 34, leave out paragraph (b)

Dame Diana Johnson

301

★ Clause 5, page 5, line 40, leave out paragraph (b)

Member's explanatory statement

This amendment would prevent unaccompanied children being removed to the countries listed in subsection (3), including countries listed as “safe” under new section 80AA(1) of the Nationality, Immigration and Asylum Act 2002 (see clause 50). This amendment is also consequential on Amendment 297.

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.

Alison Thewliss

215

Stuart C McDonald

Patrick Grady

Brendan O'Hara

★ Clause 5, page 6, line 39, at end insert “and the following conditions are met—

- (a) the removal is pursuant to a formal, legally binding and public readmission agreement between the United Kingdom and the country or territory;
- (b) the country or territory meets the definition of safe state set out in section 80B of the Nationality, Immigration and Asylum Act 2002, as shown by reliable, objective and up-to-date information;
- (c) the person has been declared inadmissible under section 80B of the Nationality, Immigration and Asylum Act 2002, or section 4(2) of this Act;
- (d) the country or territory in question is the country or territory with which the person was found to have a connection under section 80B of the Nationality, Immigration and Asylum Act 2002;
- (e) taking into account the person's individual circumstances, it is reasonable for them to go to that country or territory; and
- (f) the person is not a national of that country or territory.”

Alison Thewliss

216

Stuart C McDonald

Patrick Grady

Brendan O'Hara

★ Clause 5, page 7, line 3, at end insert “and the following conditions are met—

- (a) the removal is pursuant to a formal, legally binding and public readmission agreement between the United Kingdom and the country or territory;
- (b) the country or territory meets the definition of third country set out in section 80B of the Nationality, Immigration and Asylum Act 2002, as shown by reliable, objective and up-to-date information;
- (c) the person has been declared inadmissible under section 80B of the Nationality, Immigration and Asylum Act 2002, or section 4(2) of this Act;

- (d) the country or territory in question is the country or territory with which the person was found to have a connection under section 80B of the Nationality, Immigration and Asylum Act 2002;
- (e) taking into account the person's individual circumstances, it is reasonable for them to go to that country or territory; and
- (f) the person is not a national of that country or territory."

Dame Diana Johnson

306

★ Clause 5, page 7, line 10, at end insert—

"(11A) For the purposes of removal under this section—

- (a) where persons arrive in the United Kingdom as a family group, the provisions of this section must apply to them as if they were a single person so that, if they are removed, they are removed to the same country which must satisfy all the provisions of this section in relation to each person;
- (b) "family group" means two or more persons who have any of the following relationships—
 - (i) parent, child, sibling, aunt or uncle, niece or nephew, cousin, husband, wife, grandparent, grandchild, legal guardian, or
 - (ii) any other relationship which may be set out by the Secretary of State in regulations."

Member's explanatory statement

This amendment seeks to ensure that family members arriving in the UK together would be removed to the same country. For example, this amendment would prevent a husband being removed to a country listed in the Schedule only in respect of men, with the wife being removed to a different country listed in the Schedule.

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.

Tim Loughton

142

Sir Robert Buckland
 Simon Hoare
 Mr David Davis
 David Simmonds
 Alicia Kearns

Mrs Flick Drummond Sir Peter Bottomley

☆ Clause 7, page 8, line 22, leave out from “Kingdom” to end of line 24

Member's explanatory statement

This amendment is consequential on the addition of the fifth condition.

Dame Diana Johnson

298

★ Clause 7, page 8, line 23, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on Amendment 297.

Stella Creasy

138

☆ Clause 7, page 8, line 24, at end insert—

“(1A) P may not be removed from the United Kingdom unless the Secretary of State or an immigration officer has given a notice in writing to P stating—

- (a) that P meets the four conditions set out in section 2;
- (b) that a safe and legal route to the United Kingdom from P’s country of origin existed which P could have followed but did not follow;
- (c) that the safe and legal route specified in paragraph (b) has been approved by both Houses of Parliament in the previous 12 months as safe, legal and accessible to persons originating in the relevant country; and
- (d) the number of successful applications for asylum in each of the previous five years by persons following the safe and legal route specified in paragraph (b).

(1B) Any determination by the Secretary of State to remove P from the United Kingdom based on information provided by the notice referred to in subsection (1A) may be subject to judicial review on the basis that the information was flawed, and the Secretary of State may not remove P from the United Kingdom while any such judicial review is ongoing.”

Member's explanatory statement

This amendment would prevent the Home Secretary removing a person from the United Kingdom unless and until the Secretary of State has confirmed that a safe and legal route existed but that the person nevertheless chose to follow an alternative route which resulted in them arriving in the United Kingdom without leave.

Joanna Cherry

121

Bell Ribeiro-Addy
John McDonnell
Dame Diana Johnson

☆ Clause 7, page 8, line 30, leave out paragraph (b) and insert—

- “(ba) any protection claim, human rights claim, claim to be a victim of slavery or a victim of human trafficking as defined by regulations made under section 69 of the Nationality and Borders Act 2022 made by P has been resolved, and
- (bb) any application by P for judicial review in relation to their removal from the United Kingdom under this Act has concluded.”

Member's explanatory statement

This amendment would make clear that no one can be removed from the UK until their protection claim, human rights claim, claim to be a victim of slavery or trafficking has been resolved or their application for judicial review in relation to their removal has concluded.

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.

Alison Thewliss

217

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 7, page 8, line 37, leave out subsection (4)

Alison Thewliss

218

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 7, page 9, line 11, leave out subsection (8)

Secretary Suella Braverman

Gov 165

- ☆ Clause 7, page 9, line 13, after “immigration officer” insert “or the Secretary of State”

Member's explanatory statement

This amendment enables the Secretary of State, as well as an immigration officer, to require a person who has been placed on board a ship, aircraft or train or vehicle for removal under the Bill to be prevented from disembarking.

Secretary Suella Braverman

Gov 166

- ☆ Clause 7, page 9, line 19, at end insert—

“(9A) Paragraph 17A of Schedule 2 to the Immigration Act 1971 (period of detention) applies in relation to detention under subsection (8)(b) on board a ship, aircraft, train or vehicle as it applies in relation to detention on board a ship or aircraft under paragraph 16(4) of that Schedule.”

Member's explanatory statement

This amendment applies new paragraph 17A of Schedule 2 to the Immigration Act 1971 (as inserted by clause 12(1)(b)) on periods of detention to detention under clause 7(8)(b).

Secretary Suella Braverman

Gov 167

- ☆ Clause 7, page 9, line 25, at end insert—

“(12) In this Act “immigration officer” means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971.”

Member's explanatory statement

This amendment adds a definition of “immigration officer” to the Bill.

Alison Thewliss

219

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 8, page 9, line 29, after “family” insert “who arrives with P and”

Secretary Suella Braverman

Gov 168

- ☆ Clause 8, page 10, line 3, leave out “(9)” and insert “(9A)”

Member's explanatory statement

This amendment is consequential on Amendment 166.

Yvette Cooper

286

Stephen Kinnock

★ Clause 9, page 11, line 8, at end insert—

“(8) The Secretary of State must, within 30 days of the date on which this section comes into force, publish and lay before Parliament an assessment of the impact of this Act on—

- (a) government expenditure on asylum support; and
- (b) the use of contingency accommodation (including the specific use of hotels)

provided under section 4 of the Immigration and Asylum Act 1999.”

Alison Thewliss

220

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 11, page 13, leave out lines 19 to 36

Alison Thewliss

221

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 11, page 13, leave out from the beginning of line 37 to the end of line 28 on page 14

Secretary Suella Braverman

Gov 169

☆ Clause 11, page 14, line 34, leave out “or (2)” and insert “, (2), (3) or (4)”

Member's explanatory statement

This amendment makes it clear that, if a person may be detained under the new powers in the Bill, they may no longer be detained under paragraph 16(3) or (4) of Schedule 2 to the Immigration Act 1971.

Tim Loughton

143

Sir Robert Buckland
 Simon Hoare
 Mr David Davis
 David Simmonds
 John McDonnell

Dame Diana Johnson
 Sir Peter Bottomley

Alicia Kearns
 Sir Stephen Timms

Mrs Flick Drummond

☆ Clause 11, page 14, line 36, leave out lines 36 to 38 and insert—

“(2G) Detention under sub-paragraph (2C) or (2D) is to be treated as detention under sub-paragraph 16 (2) for the purposes of the limitations in paragraph 18B (limitation on detention of unaccompanied children).”

Member's explanatory statement

This amendment would remove the provision which enables a person of any age to be detained “in any place that the Secretary of State considers appropriate” and would reapply the existing statutory time and location restrictions on the detention of unaccompanied children.

Mr Alistair Carmichael

65

Layla Moran
 Sarah Olney

Clause 11, page 14, line 38, at end insert “provided that it is compliant with the Detention Centre Rules 2001 and that local residents who may be affected are properly consulted.”

John McDonnell

71

Caroline Lucas
 Bell Ribeiro-Addy
 Andy McDonald
 Rebecca Long Bailey
 Ian Lavery

Ms Diane Abbott
 Richard Burgon
 Lloyd Russell-Moyle
 Stella Creasy

Zarah Sultana
 Ian Byrne
 Dawn Butler
 Sir Stephen Timms

Jon Trickett
 Beth Winter
 Olivia Blake

Clause 11, page 14, line 38, at end insert “, except in the case of an unaccompanied child or where a relevant family member is aged under 18, in which case sub-paragraph (2H) applies.

(2H) Where this sub-paragraph applies, the Secretary of State must consult and take into account the advice of the Children’s Commissioner as to whether—

- (a) detention of the child or young person is compatible with the rights of the child or young person, and
- (b) whether the place proposed for detention is suitable for ensuring the well-being of the child or young person.

- (2I) The Secretary of State must lay before Parliament, subject to any appropriate redactions of personal data, advice received from the Children’s Commissioner under sub-paragraph (2H).”

Member's explanatory statement

This amendment is intended to give the Children’s Commissioner (who has responsibility for the welfare of under-18s in reserved/excepted matters across the UK) a role in ensuring that their rights are taken into account in the detention decision, and that any detention accommodation secures their welfare.

Tim Loughton

145

Sir Robert Buckland
Simon Hoare
Mr David Davis
David Simmonds
John McDonnell

Alicia Kearns
Sir Stephen Timms

Mrs Flick Drummond

Sir Peter Bottomley

- ☆ Clause 11, page 14, line 41, leave out subsection (4)

Member's explanatory statement

This amendment would remove the provisions which disapply the existing statutory time and location restrictions on the detention of children and their families.

Alison Thewliss

222

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 11, page 15, leave out lines 27 to 43

Alison Thewliss

223

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 11, page 15, leave out from the beginning of line 44 to the end of line 34 on page 16

Tim Loughton

144

Sir Robert Buckland
 Simon Hoare
 Mr David Davis
 David Simmonds
 John McDonnell

Vicky Ford
 Sir Peter Bottomley

Alicia Kearns
 Sir Stephen Timms

Mrs Flick Drummond

☆ Clause 11, page 16, line 40, leave out lines 40 and 41 and insert—

“(2E) Detention under subsection (2A) or (2B) is to be treated as detention under sub-paragraph 16(2) of Schedule 2 to the Immigration Act 1971 (limitation on detention of unaccompanied children).”

Member's explanatory statement

This amendment would remove the provision which enables a person of any age to be detained “in any place that the Secretary of State considers appropriate” and would reapply the existing statutory time and location restrictions on the detention of unaccompanied children.

Mr Alistair Carmichael

147

Layla Moran
 Tim Farron
 Sarah Olney

☆ Clause 11, page 16, line 40, leave out lines 40 and 41 and insert—

“(2E) Detention under subsection (2A) or (2B) is to be treated as detention under paragraph 16(2) of Schedule 2 to the Immigration Act 1971 for the purposes of the limitations in paragraph 18B of Schedule 2 of that Act.”

Member's explanatory statement

See explanatory statement for Amendment 146.

Stephen Kinnock

21

Sir Stephen Timms

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.

Alison Thewliss 226
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 12, page 17, line 20, leave out “in the opinion of the Secretary of State”

Alison Thewliss 227
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 12, page 17, line 24, leave out lines 24 to 28

Alison Thewliss 228
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 12, page 17, line 42, leave out “in the opinion of the Secretary of State”

Alison Thewliss 229
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 12, page 18, line 1, leave out “reasonably”

Alison Thewliss 230
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 12, page 18, line 2, leave out “the Secretary of State considers to be”

Alison Thewliss 231
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 12, page 18, line 39, leave out “in the opinion of the Secretary of State”

Alison Thewliss

232

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 12, page 19, leave out lines 1 to 4

Alison Thewliss

233

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 12, page 19, leave out lines 11 to 20

Alison Thewliss

225

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Page 17, line 12, leave out Clause 12

Alison Thewliss

234

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 13, page 20, line 32, leave out subsection (3)

Joanna Cherry

124

Bell Ribeiro-Addy
John McDonnell

☆ Clause 13, page 21, line 3, leave out from beginning to end of line 11 on page 22.

Member's explanatory statement

This amendment would remove the prohibition, for the first 28 days of detention, on the grant of immigration bail by the First-tier tribunal and the ouster of judicial review of detention.

Alison Thewliss

235

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 13, page 21, line 12, leave out subsection (4)

Secretary Suella Braverman

Gov 170

- ☆ Clause 13, page 21, line 41, leave out “any other prerogative remedy” and insert—

“(b) in Scotland, apply to the Court of Session for suspension and liberation.”

Member's explanatory statement

This amendment clarifies that in relation to Scotland inserted paragraph 3A of Schedule 10 to the Immigration Act 2016 (detention decisions) does not affect any right of a person to apply to the Court of Session for suspension and liberation. It also resolves an inconsistency in the paragraph by omitting a reference to other prerogative remedies.

Secretary Suella Braverman

Gov 171

- ☆ Clause 13, page 22, leave out lines 9 to 11

Member's explanatory statement

This amendment is consequential on Amendment 170.

Dame Diana Johnson

183

Caroline Lucas

- ★ Page 22, line 12, leave out Clause 14

Alison Thewliss

238

Stuart C McDonald

Patrick Grady

Brendan O'Hara

- ★ Clause 15, page 22, line 30, at end insert—

“(1A) The power in clause (1) may only be exercised if the exercise of that power is in the best interests of the child, or children, being provided for.”

Alison Thewliss

239

Stuart C McDonald

Patrick Grady

Brendan O'Hara

- ★ Clause 15, page 22, line 34, leave out “may” and insert “must, as necessary to secure the best interests of the child,”

Alison Thewliss 237
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Page 22, line 28, leave out Clause 15

Alison Thewliss 240
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 16, page 23, line 2, leave out "may" and insert "must"

Alison Thewliss 241
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 16, page 23, line 3, leave out "on a certain date (the transfer date)" and insert "as soon as reasonably practical"

Alison Thewliss 242
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 16, page 23, line 10, leave out subsections (4) to (8)

Dame Diana Johnson 303

★ Page 23, line 1, leave out Clause 16

Alison Thewliss 243
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Page 23, line 37, leave out Clause 17

Alison Thewliss 244
 Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

★ Page 24, line 12, leave out Clause 18

Alison Thewliss 246
 Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

★ Clause 19, page 24, line 27, at end insert “but only with the consent of the Senedd Cymru, Scottish Parliament or Northern Ireland Assembly.”

Alison Thewliss 245
 Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

★ Page 24, line 25, leave out Clause 19

Alison Thewliss 247
 Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

★ Clause 21, page 25, line 17, leave out paragraphs (a) and (b) and insert “grounds of public order prevent observation of the reflection and recovery period, or if it is found that victim status is being claimed improperly.”

Member's explanatory statement

This amendment seeks to align provisions in clause 21 relating to exclusion from trafficking protections to those in article 13 of the European Convention on Action Against Trafficking.

Stephen Kinnock 24
 Jess Phillips

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.”

Joanna Cherry

125

Bell Ribeiro-Addy

☆ Clause 21, page 25, line 20, leave out paragraph (b) and insert—

“(aa) grounds of public order prevent that person being provided with a recovery and reflection period in accordance with Article 13 of the Council of Europe Convention on Action against Trafficking.”

Member's explanatory statement

This amendment, together with Amendments 126 and 127, would ensure that the disapplication of modern slavery provisions extends only in accordance with the Council of Europe Convention on Action against Trafficking.

Joanna Cherry

126

Bell Ribeiro-Addy

☆ Clause 21, page 25, line 29, leave out paragraph (b)

Member's explanatory statement

This amendment, together with Amendment 127, would ensure that the disapplication of modern slavery provisions extends only in accordance with the Council of Europe Convention on Action against Trafficking.

Yvette Cooper

292

Stephen Kinnock

★ Clause 21, page 26, line 2, at end insert—

“(d) a decision has been made by a competent authority that there are reasonable grounds to believe that the person is a victim of sexual exploitation (“positive reasonable grounds decision”).”

Member's explanatory statement

This amendment seeks to remove potential victims of sexual exploitation from the provisions requiring them to be removed.

Joanna Cherry

127

Bell Ribeiro-Addy

☆ Clause 21, page 26, line 25, leave out subsections (7) to (9)

Member's explanatory statement

This amendment, together with Amendment 126, would ensure that the disapplication of modern slavery provisions extends only in accordance with the Council of Europe Convention on Action against Trafficking.

Yvette Cooper

291

Stephen Kinnock

★ Clause 21, page 26, line 36, at end insert—

“(9A) A person whose removal from the United Kingdom is enabled by subsection (2), shall only be removed to a state that is a signatory to—

- (i) the European Convention on Human Rights, and
- (ii) the Council of Europe Convention on Action Against Trafficking.”

Member's explanatory statement

This amendment seeks to restrict the removal of victims of modern slavery to countries which are signatories to the European Convention on Human Rights and the Trafficking Convention.

Mr Alistair Carmichael

51

Tim Farron
Caroline Lucas
Layla Moran
Sarah Olney

Page 25, line 15, leave out Clause 21

Alison Thewliss

249

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 22, page 27, line 11, leave out paragraphs (a) to (c) and insert “grounds of public order prevent observation of the reflection and recovery period or if it is found that victim status is being claimed improperly.”

Member's explanatory statement

This amendment seeks to align provisions in clause 21 relating to exclusion from trafficking protections to those in article 13 of the European Convention on Action Against Trafficking.

Yvette Cooper

288

Stephen Kinnock

★ Clause 22, page 27, line 17, leave out subsection (2)

Member's explanatory statement

This amendment seeks to remove the bill's restrictions on the provision of modern slavery support to those subject to the provisions in clause 2.

Mr Alistair Carmichael

52

Tim Farron
Caroline Lucas
Layla Moran
Sarah Olney

Page 27, line 10, leave out Clause 22

Yvette Cooper

289

Stephen Kinnock

★ Clause 23, page 27, line 30, leave out subsection (2)

Member's explanatory statement

See explanatory statement for Amendment 288.

Mr Alistair Carmichael

53

Tim Farron
Caroline Lucas
Layla Moran
Sarah Olney

Page 27, line 23, leave out Clause 23

Yvette Cooper

290

Stephen Kinnock

★ Clause 24, page 29, line 13, leave out subsection (2)

Member's explanatory statement

See explanatory statement for Amendment 288.

Mr Alistair Carmichael

54

Tim Farron
 Caroline Lucas
 Layla Moran
 Sarah Olney

Page 29, line 5, leave out Clause 24

Alison Thewliss

250

Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

★ Clause 25, page 30, line 34, leave out subsection (2)

Member's explanatory statement

This amendment leaves out an exception to the general sunset provision relating to Scottish trafficking legislation.

Alison Thewliss

251

Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

★ Clause 25, page 30, line 39, leave out paragraphs (b) and (c)

Member's explanatory statement

This amendment removes provisions allowing the Secretary of State, in regulations, to make certain provisions which would alter the operation of the two-year sunset clause in relation to clauses 21 to 24.

Mr Alistair Carmichael

55

Tim Farron
 Caroline Lucas
 Layla Moran
 Sarah Olney

Page 30, line 31, leave out Clause 25

Alison Thewliss

252

Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

- ★ Clause 26, page 31, line 26, leave out “25(3)(c)” and insert “25(3)(b) or (c)”

Member's explanatory statement

This amendment seeks to ensure that certain regulations altering the operation of the two-year sunset clause in relation to clauses 21 to 24 require use of the draft affirmative procedure.

Alison Thewliss

253

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 26, page 31, line 29, leave out subsections (2) to (6)

Member's explanatory statement

This amendment would remove powers to allow revival of provisions excluding trafficking and slavery protections without using the draft affirmative procedure.

Mr Alistair Carmichael

56

Tim Farron
Caroline Lucas
Layla Moran
Sarah Olney

Page 31, line 25, leave out Clause 26

Mr Alistair Carmichael

57

Tim Farron
Caroline Lucas
Layla Moran
Sarah Olney

Page 32, line 6, leave out Clause 27

Sir John Hayes

129

Jonathan Gullis
Sir William Cash
Mr David Jones
Mr Simon Clarke
Danny Kruger

Mr Philip Hollobone

Sir Edward Leigh

- ☆ Clause 28, page 33, line 25, leave out “to deportation” and insert “for removal”

Member's explanatory statement

The purpose of this amendment is to replace the term “deportation” with “removal”.

Sir John Hayes

130

Jonathan Gullis
 Sir William Cash
 Mr David Jones
 Mr Simon Clarke
 Danny Kruger
 Sir Edward Leigh

☆ Clause 28, page 33, line 25, at end, insert—

“(3A) The Secretary of State may by regulations amend any primary or secondary legislation relating to immigration, asylum, criminal justice and counter-terrorism, including this Act, in order to replace consistently the terms “deport” or “deportation” with “remove” or “removal”.”

Member's explanatory statement

The purpose of this amendment is to replace the terms “deport” and “deportation” with “remove” and “removal” consistently across all relevant existing UK law.

Mr Alistair Carmichael

58

Tim Farron
 Caroline Lucas
 Layla Moran
 Sarah Olney

Page 33, line 7, leave out Clause 28

Alison Thewliss

254

Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

★ Clause 29, page 33, leave out lines 36 to 40

Alison Thewliss

255

Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

★ Clause 29, page 34, line 5, leave out “ever”

Member's explanatory statement

This amendment, along with Amendment 256, would ensure persons were not excluded permanently from leave to enter or remain.

Alison Thewliss 256

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 29, page 34, line 7, after "United Kingdom)" insert "at any time in the last three years"

Member's explanatory statement

See explanatory statement for Amendment 255.

Alison Thewliss 257

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 29, page 34, leave out lines 8 to 12

Alison Thewliss 258

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 29, page 34, line 13, after "(5)" insert "and such other exceptions as may be set out in immigration rules"

Alison Thewliss 259

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 29, page 34, line 14, leave out "must" and insert "may"

Alison Thewliss 260

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 29, page 34, line 24, leave out "must" and insert "may"

Alison Thewliss 261
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 29, page 34, line 25, leave out "must" and insert "may"

Alison Thewliss 262
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 29, page 34, line 27, leave out "may" and insert "must"

Member's explanatory statement

This amendment, along with Amendments 263 and 264, seeks to require the Home Secretary to admit a person to the United Kingdom, or allow them to remain, if necessary to comply with international obligations.

Alison Thewliss 263
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 29, page 34, line 37, leave out "may" and insert "must"

Member's explanatory statement

See explanatory statement for Amendment 262.

Alison Thewliss 264
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 29, page 35, line 1, leave out "may" and insert "must"

Member's explanatory statement

See explanatory statement for Amendment 262.

Alison Thewliss 265
Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 29, page 35, line 8, leave out lines 8 to 20

Dame Diana Johnson

304

- ★ Clause 30, page 35, line 31, leave out “has ever met” and insert “is over the age of 18 at the time of entry into the United Kingdom and meets”

Member's explanatory statement

This amendment seeks to exclude children, whether as unaccompanied children or as members of a family, from the disapplication of future grants of British citizenship.

Alison Thewliss

266

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 30, page 35, line 34, leave out subsection (4)

Member's explanatory statement

This amendment and Amendments 267 to 271 would remove provisions preventing children born in the United Kingdom from ever accessing UK citizenship, because their parents had at any point in the past met the conditions in section 2.

Alison Thewliss

267

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 30, page 36, line 24, leave out subsection (8)

Member's explanatory statement

See explanatory statement for Amendment 266.

Alison Thewliss

268

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 31, page 36, line 31, leave out paragraphs (a) to (d)

Member's explanatory statement

See explanatory statement for Amendment 266.

Alison Thewliss 269
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 31, page 37, line 3, leave out sub-paragraphs (i) and (ii)

Member's explanatory statement

See explanatory statement for Amendment 266.

Alison Thewliss 270
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 32, page 37, line 17, leave out paragraphs (a) and (b)

Member's explanatory statement

See explanatory statement for Amendment 266.

Alison Thewliss 271
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 32, page 37, line 29, leave out sub-paragraph (i)

Member's explanatory statement

See explanatory statement for Amendment 266.

Alison Thewliss 272
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Page 37, line 39, leave out Clause 33

Alison Thewliss 273
Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Page 38, line 1, leave out Clause 34

Alison Thewliss

274

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 35, page 38, line 8, leave out “may” and insert “must”

Sir Jeremy Wright

182

- ★ Clause 35, page 38, line 14, at end insert—

“(3) The Secretary of State may determine that the person is not to be an “ineligible person” for the purposes of sections 31 to 34 if the Secretary of State considers that there are compelling circumstances which apply in relation to the person which mean that it is appropriate to do so.”

Member's explanatory statement

This amendment would allow similar discretion to consider, exceptionally, applications for citizenship from those otherwise excluded as the Secretary of State will have in relation to applications for leave to remain, entry clearance and ETA under Clause 29.

Alison Thewliss

275

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 36, page 38, line 17, leave out subsections (2) to (4)

Alison Thewliss

276

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 36, page 39, line 12, leave out subsections (10) and (11)

Alison Thewliss

277

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ★ Clause 36, page 39, line 35, leave out subsections (15) and (16)

Mr Alistair Carmichael

59

Tim Farron
Caroline Lucas
Layla Moran
Sarah Olney

Clause 54, page 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.

Patrick Grady

175

☆ Clause 54, page 55, line 9, leave out paragraph (k)

Member's explanatory statement

This amendment is consequential on Amendment 174.

Patrick Grady

174

☆ Clause 54, page 55, line 14, at end insert—

“(4A) Regulations under section 51 (cap on number of entrants using safe and legal routes) are subject to a special super-affirmative procedure (see subsections (4B) and (4C)).

(4B) The number specified in regulations under section 51 must be the number specified in a resolution of the House of Commons agreed as a result of an amendable motion moved by a Minister of the Crown.

(4C) Regulations under section 51 may not be made unless a draft of the instrument specifying the number agreed by the House of Commons in accordance with subsection (4B) has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

The intention of this Amendment is that the target number of entrants using safe and legal routes to be specified in regulations under clause 51 should be amendable by Parliament.

Secretary Suella Braverman

Gov 172

☆ Clause 55, page 55, line 35, at end insert—

“immigration officer

| section 7(12)”

Member's explanatory statement

This amendment is consequential on Amendment 167.

Mr Alistair Carmichael

60

Tim Farron
Caroline Lucas
Layla Moran
Sarah Olney

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

Tim Farron
Layla Moran
Sarah Olney

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.

Secretary Suella Braverman

Gov 66

Clause 57, page 56, line 22, leave out subsection (3) and insert—

“(3) The following provisions come into force on the day on which this Act is passed—

- (a) section (*Judges of First-tier Tribunal and Upper Tribunal*);
- (b) sections 52 to 56;
- (c) this section;
- (d) section 58.”

Member's explanatory statement

This amendment provides for the new clause inserted by NC11 to come into force on the day on which this Act is passed.

Mr Alistair Carmichael

64

Tim Farron
Layla Moran
Sarah Olney

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

Tim Farron
Caroline Lucas
Layla Moran
Sarah Olney

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.

Alison Thewliss

278

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 57, page 56, line 33, leave out paragraph (f)

Alison Thewliss

280

Stuart C McDonald
Patrick Grady
Brendan O'Hara

★ Clause 57, page 56, line 34, leave out paragraph (g)

Tim Loughton

73

Tracey Crouch
Sir Robert Buckland
Simon Fell
Simon Hoare
Mrs Flick Drummond

Mr David Davis
Alicia Kearns

Stella Creasy
Sir Peter Bottomley

Dame Diana Johnson

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

“(o) section [*Safe and legal routes: regulations*]”

Stephen Kinnock

50

Jess Phillips

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.

Alison Thewliss

279

Stuart C McDonald

Patrick Grady

Brendan O'Hara

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

“(4A) Section 23 may come into force on such day as the Secretary of State may by regulations appoint, if the Scottish Parliament has indicated its consent to the section coming into force.”

Alison Thewliss

281

Stuart C McDonald

Patrick Grady

Brendan O'Hara

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

“(4A) Section 24 may come into force on such day as the Secretary of State may by regulations appoint, if the Northern Ireland Assembly has indicated its consent to the section coming into force.”

Tim Loughton

74

Tracey Crouch
 Sir Robert Buckland
 Simon Fell
 Simon Hoare
 Mrs Flick Drummond

Mr David Davis
 Alicia Kearns

Stella Creasy
 Sir Peter Bottomley

Dame Diana Johnson

Clause 57, page 57, line 7, at end insert—

“(7) No regulations may be made under subsection (1) until regulations specifying safe and legal routes have been made under section [*Safe and legal routes: regulations*].”

Yvette Cooper

287

Stephen Kinnock

★ Clause 57, page 57, line 7, at end insert—

“(7) The Secretary of State must, within 30 days of this section coming into force, publish and lay before Parliament all relevant impact assessments carried out by the Government in relation to measures set out in this Act.

(8) For the purposes of subsection (7), “relevant impact assessments” includes, but is not limited to—

- (a) assessments of the potential financial costs which may be incurred by the implementation of all measures set out in this Act;
- (b) assessments of whether implementation of measures set out in each section of this Act could amount to a breach of any obligations of the United Kingdom under relevant domestic and international laws; and
- (c) equality impact assessments.”

Member's explanatory statement

This amendment seeks to require the publication of a full set of impact assessments for the bill within 30 days of its coming into force.

Stella Creasy

293

★ Clause 58, page 57, line 9, leave out “Illegal Migration” and insert “Migration, Asylum and Modern Slavery (Removals)”

REMAINING NEW CLAUSES AND NEW SCHEDULES

Mr Alistair Carmichael

NC1

Layla Moran
Tim Farron
John McDonnell
Caroline Lucas
Sarah Olney

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

Tim Farron
Layla Moran
Sarah Olney

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

NC5

Tim Farron
Layla Moran
Sarah Olney

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

NC8

Tim Farron
Layla Moran
Sarah Olney

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

Tim Farron
Layla Moran
Sarah Olney

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.

Dame Diana Johnson

NC14

Stella Creasy
Sir Stephen Timms

☆ To move the following Clause—

“Independent review of children’s experiences of the asylum system

- (1) The Government must commission an independent review of children’s experiences of the asylum system, including the support needs for young asylum seekers, failed asylum seekers, and refugees up to the age of 25.
- (2) The report of the review under this section must be laid before Parliament within 6 months of the date on which this Act is passed.”

Member's explanatory statement

This new clause would give effect to a recommendation of the Home Affairs Select Committee in its report Channel crossings, migration and asylum (HC 199, 18 July 2022). It establishes a statutory duty on the government to commission an independent review of children’s experiences of the asylum system and ensure the presentation of its findings are presented to Parliament within 6 months of the Act.

Dame Diana Johnson

NC15

Sir Stephen Timms

☆ To move the following Clause—

“Independent child trafficking guardian

- (1) The Secretary of State must make such arrangements as the Secretary of State considers reasonable to enable an independent child trafficking guardian to be appointed to assist, support and represent a child to whom subsection (2) applies.
- (2) This subsection applies to a child if a relevant authority determines that—
 - (a) there are reasonable grounds to believe that the child—

- (i) is, or may be, a victim of the offence of human trafficking, or
- (ii) is vulnerable to becoming a victim of that offence, and
- (b) no person in the United Kingdom is a person with parental rights or responsibilities in relation to the child.”

Member's explanatory statement

This new clause would give effect to a recommendation of the Home Affairs Select Committee in its report Channel crossings, migration and asylum (HC 199, 18 July 2022). It would oblige the Secretary of State to provide every asylum seeker under the age of 18 with an Independent Child Trafficking Guardian to support their interactions with immigration and asylum processes.

Dame Diana Johnson

NC16

☆ To move the following Clause—

“Child protection workers

The Secretary of State must by regulations make provision for the training and deployment of child protection workers to work with child migrants on the French coast.”

Member's explanatory statement

This new clause would give effect to a recommendation of the Home Affairs Select Committee in its report Channel crossings, migration and asylum (HC 199, 18 July 2022).

Stella Creasy

NC18

Sir Stephen Timms

☆ To move the following Clause—

“Rights and wellbeing of children

- (1) In the exercise of duties and powers under this Act in relation to any individual who arrived in the UK as a child, the Secretary of State must have as the primary consideration the need to ensure and promote the best interests of the individual, including but not limited to—
 - (a) the right to a family life;
 - (b) the right to education;
 - (c) the safeguarding duties of public authorities;
 - (d) their safety, health, and wellbeing; and
 - (e) their physical, psychological and emotional development.
- (2) In carrying out the duty under subsection (1) the Secretary of State must assure parity of treatment of all children under the age of 18 currently resident in the United Kingdom.
- (3) The Secretary of State must lay before Parliament an annual report setting out details of how the Secretary of State has complied with the duties set out in this section.”

Member's explanatory statement

This new clause would confer a safeguarding duty on the Secretary of State in relation to all child asylum seekers (unaccompanied or not), including the need to ensure the parity of standards between safeguarding provisions for child asylum seekers and other children in the UK.

Apsana Begum

NC20

Bell Ribeiro-Addy
John McDonnell
Claudia Webbe
Beth Winter

☆ To move the following Clause—

“Equality Act 2010: general exceptions for acts authorised by statute

- (1) The Equality Act 2010 is amended as follows.
- (2) In Schedule 23 (general exceptions) omit paragraph 1.”

Member's explanatory statement

This new clause would remove the exception in the Equality Act 2010 for acts authorised by statute of the executive which would contravene Parts 3, 4, 5 or 6 of that Act by doing anything which discriminated against another because of their nationality, or which relates to a person's place of ordinary residence, or the time for which a person has been present or resident in or outside the United Kingdom.

Stephen Kinnock

NC21

Yvette Cooper

☆ To move the following Clause—

“Organised immigration crime enforcement

- (1) The Crime and Courts Act 2013 is amended as follows.
- (2) In section 1 after subsection (10) insert—
 - “(11) The NCA has a specific function to combat organised crime, where the purpose of that crime is to enable the illegal entry of a person into the United Kingdom via the English Channel.
 - (12) The NCA must maintain a unit (a “Cross-Border People Smuggling Unit”) to coordinate the work undertaken in cooperation with international partners in pursuit of the function mentioned in subsection (11).”

Member's explanatory statement

This new clause would give the National Crime Agency a legal responsibility for tackling organised immigration crime across the Channel, and to maintain a specific unit to undertake work related to that responsibility.

Stephen Kinnock

NC22

Yvette Cooper
Sir Stephen Timms

☆ To move the following Clause—

“Asylum backlog: reporting requirements

- (1) The Secretary of State must, within three months of the date on which this Bill was published, and at intervals of once every three months thereafter, publish and lay before Parliament a report on the steps taken and progress made toward clearing the backlog of outstanding asylum claims, within the preceding three- month period.
- (2) For the purposes of subsection (1) above, “the backlog of outstanding asylum claims” means the total number of asylum applications on which an initial decision had not yet been made as of 13 December 2022.
- (3) In preparing the reports required by subsection (1) above, “progress toward clearing the backlog of outstanding asylum claims” may be measured with reference to—
 - (a) the number and proportion of applications on which an initial decision is made within six months of the submission of the application;
 - (b) changes to guidance for asylum caseworkers on fast- track procedures for straightforward applications;
 - (c) measures to improve levels of recruitment and retention of specialist asylum caseworking staff; and
 - (d) any other measures which the Secretary of State may see fit to refer to in the reports.”

Member's explanatory statement

This new clause seeks to require regular reports from the Secretary of State on progress toward eliminating the asylum backlog.

Yvette Cooper

NC27

Stephen Kinnock

★ To move the following Clause—

“Accommodation: duty to consult

- (1) Section 97 of the Immigration and Asylum Act 1999 (supplemental) is amended as follows.
- (2) After subsection (3A) insert—

“(3B) When making arrangements for the provision of accommodation under section 95 or section 4 of this Act, the Secretary of State must consult with representatives of the local authority or local authorities, for the area in which the accommodation is located.

- (3C) The duty to consult in subsection (3B) also applies to any third party provider operating within the terms of a contract with the Secretary of State.””

Member's explanatory statement

This new clause would add to the current law on provision of accommodation to asylum seekers a requirement to consult with the relevant local authorities when making the necessary arrangements.

Yvette Cooper

NC28

Stephen Kinnock

★ To move the following Clause—

“Detention: impact assessment

The Secretary of State must, within 30 days of the date on which sections 11 to 14 of this Act come into force, publish and lay before Parliament an assessment of any necessary expansion of the detention estate required as a consequence of the number of people detained under those sections, and any costs associated with that expansion.”

Member's explanatory statement

This new clause seeks to require the publication of an impact assessment for the bill’s impact on the size and cost of the detention estate.

Liz Saville Roberts

NC29

Hywel Williams
Ben Lake

★ To move the following Clause—

“Nation of Sanctuary

- (1) The Secretary of State and Welsh Ministers must, within six months of the date on which this Act is passed, jointly publish guidance setting out how measures under this Act may be exercised in a way that secures compliance with—
 - (a) the Welsh Ministers’ commitment to make Wales a “Nation of Sanctuary”; and
 - (b) the plan published by Welsh Ministers in January 2019 entitled “Nation of Sanctuary – Refugee and Asylum Seeker Plan”.
- (2) Before publishing the guidance, the Secretary of State and the Welsh Ministers must jointly—
 - (a) prepare and consult on draft guidance; and
 - (b) publish a response to the consultation.
- (3) No guidance may be published under this section unless a draft of the guidance has been laid before and approved by Senedd Cymru.”

Member's explanatory statement

This new clause would require the UK and Welsh Governments to jointly produce guidance setting out how measures under this Act can be exercised in a way which is consistent with the Welsh Government's commitment of being a Nation of Sanctuary. No guidance can be published unless it has been approved by the Senedd.

Yvette Cooper

NC30

Stephen Kinnock

★ To move the following Clause—

“Modern slavery decisions in immigration detention

- (1) Within 60 days of the passing of this Act the Secretary of State must, by regulation, make provision for the establishment of an expedited process to decide modern slavery cases, where the referral of a potential modern slavery case has been initiated while the potential victim of modern slavery is held in immigration detention pending removal.
- (2) In this section “referrals” and “modern slavery decisions” refers to the process for identifying and supporting victims of modern slavery and trafficking set out in section 49 of the Modern Slavery Act 2015.”

Member's explanatory statement

This new clause seeks to require the Home Secretary to establish a process to fast-track modern slavery decisions made for the first time in immigration detention pending removal.

Yvette Cooper

NC31

Stephen Kinnock

★ To move the following Clause—

“Victim Navigators

- (1) The Secretary of State must, within six months of the date of Royal Assent to this Act, make provisions for each police force in England and Wales to have one or more Independent Victim Navigators to liaise between the relevant police force and potential victims of slavery or human trafficking and to assist in the procurement of specialist advice for both the police force and the potential victim.
- (2) Regulations under this section—
 - (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”

Dame Diana Johnson

NC32

★ To move the following Clause—

“Refugee family reunion for unaccompanied children

- (1) The Secretary of State must, within 2 months of this section coming into force, 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 for unaccompanied children, in accordance with this section, to come into effect after 21 days.
- (2) The statement laid under subsection (1) must set out rules providing for leave to enter and remain in the United Kingdom for unaccompanied children who are the family member of a person—
 - (a) granted refugee status or humanitarian protection;
 - (b) resettled through Pathways 1 or 3 the Afghan Citizens Resettlement Scheme; or
 - (c) who is permitted to enter the UK through a safe and legal route specified in regulations made under section 51(1) (see also subsection (6) of that section).
- (3) The rules under subsection (1) must—
 - (a) lay down no practice which would be contrary to the 1951 Convention relating to the Status of Refugees and the Protocol to that Convention; and
 - (b) apply equally in relation to persons granted any protection status.
- (4) For the purposes of subsection (3), “protection status” means leave to enter or remain that is granted to a person for the purposes of compliance with the United Kingdom’s obligations under—
 - (a) the 1951 Convention relating to the Status of Refugees and the Protocol to that Convention; or
 - (b) Article 3 of the European Convention on Human Rights.
- (5) In this section, “unaccompanied children” includes a person—
 - (a) under the age of 18, who is—
 - (i) separated from both parents and other relatives, and
 - (ii) is not being cared for by an adult who, by law or custom, is responsible for doing so;
- (6) In this section, “family member” include a person’s—
 - (a) child, including adopted child;
 - (b) sibling, including adoptive sibling;
 - (c) 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.
- (7) 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 is to 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 seeks to establish a passage for unaccompanied refugee children to be reunited with a family member who has been granted leave to enter and remain in the United Kingdom. This new clause would give effect to a recommendation of the Home Affairs Select Committee in its report Channel crossings, migration and asylum (HC 199, 18 July 2022).

Dame Diana Johnson

NC33

★ To move the following Clause—

“Asylum claims by children

Notwithstanding any other provision of this Act—

- (a) a child may claim asylum whether or not the child has leave to enter and remain in the United Kingdom; and
- (b) a child claiming asylum may not be removed from the United Kingdom until the asylum claim is resolved, whether or not that child is accompanied by an adult with care of the child.”

Member's explanatory statement

This new clause would make explicit that a child would be allowed to claim asylum, irrelevant of arrival method, and would be excluded from removal whether the child is unaccompanied or with an adult who has care of the child (such as a parent).

 CLAUSE 1

Mr Alistair Carmichael

62

Tim Farron
 Caroline Lucas
 Layla Moran
 Sarah Olney

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.

Tim Loughton

75

Tracey Crouch
 Sir Robert Buckland
 Simon Fell
 Simon Hoare
 Mrs Flick Drummond

Mr David Davis
 Alicia Kearns

Stella Creasy
 Sir Peter Bottomley

Dame Diana Johnson

Clause 1, page 2, line 13, at end insert—

“(i) establishes and defines safe and legal routes to be open to refugees and asylum seekers with a legitimate claim to be able to come to the United Kingdom legally.”

Alison Thewliss

184

Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

★ Clause 1, page 2, line 14, leave out subsection (3)

Alison Thewliss

185

Stuart C McDonald
 Patrick Grady
 Brendan O'Hara

★ Clause 1, page 2, line 28, leave out subsection (5) and insert—

“(5) So far as it is possible to do so, provision made by or by virtue of this Act must be read and given effect in a way which is compatible with—
 (a) the Convention rights,

- (b) the Refugee Convention,
- (c) the European Convention on Action Against Trafficking,
- (d) the UN Convention on the Rights of the Child, and
- (e) the UN Convention relating to the Status of Stateless Persons.”

Stephen Kinnock

1

Joanna Cherry
Bell Ribeiro-Addy

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.

Danny Kruger

131

Jonathan Gullis
Sir William Cash
Sir John Hayes
Sir Desmond Swayne
Mr Simon Clarke

Lia Nici
Mr David Jones
Scott Benton
Chris Green
Sir Edward Leigh

Miriam Cates
Craig Mackinlay
Marco Longhi
Martin Vickers

Andrea Jenkyns
Henry Smith
Greg Smith
Mr Philip Hollobone

☆ Clause 1, page 2, line 29, at end insert—

“(6) Provision made by or by virtue of this Act must be read and given effect to notwithstanding any judgement, interim measure or other decision, of the European Court of Human Rights, or other international court or tribunal; and notwithstanding any international law obligation.”

Member's explanatory statement

The intention of this amendment is that the provisions of the Bill should operate notwithstanding any orders of the Strasbourg court or any other international body.

John Howell

181

★ Clause 1, page 2, line 29, at end insert—

“(6) Within one month of the passing of this Act, the Secretary of State must take such steps as are necessary to refer this Act to the European Commission for Democracy through Law, for the purposes of securing the opinion of the Commission as to whether this Act is compliant with the United Kingdom’s obligations as a party to the European Convention of Human Rights.”

Mr Simon Clarke

132

Sir William Cash
 Sir John Hayes
 Jonathan Gullis
 Lia Nici
 Miriam Cates

Andrea Jenkyns
 Mr David Jones
 Scott Benton
 Chris Green
 Sir Edward Leigh

Sir Desmond Swayne
 Craig Mackinlay
 Marco Longhi
 Martin Vickers

Danny Kruger
 Henry Smith
 Greg Smith
 Mr Philip Hollobone

☆ Clause 1, page 2, line 29, at end insert—

“(7) Section 4 (declaration of incompatibility), section 6 (acts of public authorities) and section 10 (power to take remedial action) of the Human Rights Act 1998 do not apply in relation to provision made by or by virtue of this Act.”

Member's explanatory statement

This amendment would disapply other provisions of the Human Rights Act 1998 in addition to that already disapplied by clause 1(5) of the Bill.

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

Proceedings

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

Time for conclusion of proceedings

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

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

The following amendments were withdrawn on 23 March 2023:

146 (duplicate)