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Report Stage: Friday 21 April 2023

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## Illegal Migration Bill, As Amended (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 Any withdrawn amendments are listed at the end of the document.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.

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

★ New Amendments.

New Amendments: 5, 7 to 76 and NC2 to NC18

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Secretary Suella Braverman

Gov NC17

★ To move the following Clause—

**“Serious harm suspensive claims: interpretation**

- (1) The definitions in subsections (2) and (3) have effect for the purposes of section 37, this section and sections 38 to 50.
- (2) A “serious harm suspensive claim” means a claim by a person (“P”) who has been given a third country removal notice that the serious harm condition is met in relation to P.
- (3) The “serious harm condition” is that P would, before the end of the relevant period, face a real, imminent and foreseeable risk of serious and irreversible harm if removed from the United Kingdom under this Act to the country or territory specified in the third country removal notice.
- (4) The following are examples of harm that constitute serious and irreversible harm for the purposes of this Act—
  - (a) death;
  - (b) persecution falling within subsection (2)(a) or (b) of section 31 of the Nationality and Borders Act 2022 (read together with subsections (1) and (3) of that section) (Article 1(A)(2) of the Refugee Convention: persecution) where P is not able to avail themselves of protection from that persecution;
  - (c) torture;

- (d) inhuman or degrading treatment or punishment;
  - (e) onward removal from the country or territory specified in the third country removal notice to another country or territory where P would face a real, imminent and foreseeable risk of any harm mentioned in paragraphs (a) to (d).
- (5) The following are examples of harm that do not constitute serious and irreversible harm for the purposes of this Act—
- (a) persecution not falling within subsection (2)(a) or (b) of section 31 of the Nationality and Borders Act 2022 (read together with subsections (1) and (3) of that section);
  - (b) persecution falling within subsection (2)(a) or (b) of section 31 of that Act (read together with subsections (1) and (3) of that section) where P is able to avail themselves of protection from that persecution;
  - (c) where the standard of healthcare available to P in the relevant country or territory is lower than is available to P in the United Kingdom, any harm resulting from that different standard of healthcare (including, in particular, a less favourable medical prognosis).
- (6) Subsection (7) is an example of harm that is unlikely to constitute serious and irreversible harm for the purposes of this Act.
- (7) Any pain or distress resulting from a medical treatment that is available to P in the United Kingdom not being available to P in the relevant country or territory.
- (8) For the purposes of subsections (4) and (5)—
- (a) protection from persecution can be provided by—
    - (i) the government of the relevant country or territory, or
    - (ii) any party or organisation, including any international organisation, controlling the relevant country or territory or a substantial part of it;
  - (b) P is to be taken to be able to avail themselves of protection from persecution if—
    - (i) the government, party or organisation mentioned in paragraph (a) takes reasonable steps to prevent the persecution by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution, and
    - (ii) P is able to access the protection.
- (9) In this section “relevant period” means the total period of time that it would take—
- (a) for P to make a human rights claim in relation to P’s removal from the United Kingdom under this Act (see section 39 (relationship with other proceedings)),
  - (b) for the claim to be decided by the Secretary of State, and
  - (c) for any application for judicial review in relation to a decision of the Secretary of State to refuse the claim to be exhausted.”

**Member's explanatory statement**

This new clause contains an expanded definition of the meaning of "serious harm suspensive claim" for the purposes of the Bill.

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**Liz Saville Roberts**

NC1

Hywel Williams  
Ben Lake

☆ To move the following Clause—

**"Detainees: permission to work after six months**

- (1) Within six months of the date of Royal Assent to this Act the Secretary of State must make regulations providing that persons detained under this Act may apply to the Secretary of State for permission to take up employment, including self-employment and voluntary work.
- (2) Permission to take up employment under regulations made under subsection (1)—
  - (a) must be granted if the applicant has been detained for a period of six months or more, and
  - (b) shall be on terms no less favourable than those upon which permission is granted to a person recognised as a refugee to take up employment."

**Member's explanatory statement**

This new clause would require the Secretary of State to make regulations within 6 months of the passing of the Act allowing those detained under measures in the Act to request permission to work after 6 months.

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**Apsana Begum**

NC2

Bell Ribeiro-Addy  
Richard Burgon  
Rebecca Long Bailey  
Ms Diane Abbott  
John McDonnell

Kate Osborne  
Nadia Whittome  
Andy McDonald  
Jeremy Corbyn

Ian Lavery  
Mick Whitley  
Ian Mearns

Zarah Sultana  
Ian Byrne  
Claudia Webbe

★ To move the following Clause—

**"Arrangements for removal: pregnancy**

The duty in section 2(1) and the power in section 3(2) do not apply in relation to a person who the Secretary of State is satisfied is pregnant."

**Member's explanatory statement**

This new clause would exempt pregnant women and girls from the provisions about removals.

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**Apsana Begum**

NC3

Bell Ribeiro-Addy  
 Richard Burgon  
 Rebecca Long Bailey  
 Ms Diane Abbott  
 John McDonnell

Kate Osborne  
 Nadia Whittome  
 Andy McDonald  
 Jeremy Corbyn

Ian Lavery  
 Mick Whitley  
 Ian Mearns

Zarah Sultana  
 Ian Byrne  
 Claudia Webbe

★ To move the following Clause—

**“Effect of this Act on pregnant migrants: independent review**

- (1) The Secretary of State must commission an independent review of the effect of the provisions of this Act on pregnant migrants.
- (2) The report of the review under this section must be laid before Parliament within 2 years of the date on which this Act is passed.”

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**Dame Diana Johnson**

NC4

★ 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**

Based on a Home Affairs Select Committee recommendation (1st Report: Channel crossings, migration and asylum, HC 199, 18 July 2022), this amendment would establish an Independent Child Trafficking Guardian to support every asylum seeker under the age of 18 in their interactions with immigration and asylum processes.

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**Bell Ribeiro-Addy**

NC5

Apsana Begum

★ To move the following Clause—

**“Immigration rules since December 2020: human rights of migrants**

- (1) Regulations bringing any provisions of this Act into force may not be made before publication of a report under subsection (2).
- (2) The Secretary of State must commission and lay before Parliament an independent report on the effects of the immigration rules on the human rights of migrants since December 2020.
- (3) The report under subsection (2) must include, but is not limited to, an analysis of the following areas—
  - (a) safe and legal routes,
  - (b) relocation of asylum seekers,
  - (c) detention,
  - (d) electronic tagging,
  - (e) legal aid, accommodation, and subsistence,
  - (f) the right to work, and
  - (g) modern slavery.”

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**Bell Ribeiro-Addy**

**NC6**

Apsana Begum

★ To move the following Clause—

**“Effect of this Act on victims of modern slavery: independent review**

- (1) The Secretary of State must commission an independent review of the effect of the provisions of this Act on victims of modern slavery.
- (2) The report of the review under this section must be laid before Parliament within 2 years of the date on which this Act is passed.”

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**Apsana Begum**

**NC7**

Bell Ribeiro-Addy

★ To move the following Clause—

**“Effect of this Act on the health of migrants: independent review**

- (1) The Secretary of State must commission an independent review of the effect of the provisions of this Act on the physical and mental health of migrants.
- (2) The report of the review under this section must be laid before Parliament within 2 years of the date on which this Act is passed.”

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**Tim Loughton**

NC8

Tracey Crouch  
 Sir Robert Buckland  
 Mrs Flick Drummond  
 Richard Fuller  
 Caroline Nokes

Sir Robert Neill  
 Stephen Hammond  
 Mr David Davis  
 Damian Green

Simon Hoare  
 Vicky Ford  
 Julian Sturdy

Selaine Saxby  
 David Simmonds  
 Dame Diana Johnson

★ To move the following Clause—

**“Report on safe and legal routes**

- (1) The Secretary of State must, before the end of the relevant period—
- (a) prepare and publish a report on safe and legal routes by which persons may enter the United Kingdom, and
  - (b) lay the report before Parliament.
- (2) The report must—
- (a) contain details of the safe and legal routes by which persons may enter the United Kingdom when the report is published,
  - (b) contain details of any proposed additional safe and legal routes which have not come into operation at that time,
  - (c) specify the routes within paragraph (a) or (b) which are or will be available to adults,
  - (d) specify the routes within paragraph (a) or (b) which are or will be available to children, and
  - (e) contain details of how routes within paragraph (a) or (b) may be accessed by persons who are eligible to use them.
- (3) In this section—
- “adult” means a person who is aged 18 or over;
- “child” means a person who is under the age of 18;
- “the relevant period” means the period of 6 months beginning with the day on which this Act is passed.”

**Member's explanatory statement**

This new clause requires the Secretary of State to prepare and publish a report on safe and legal routes for entry into the United Kingdom and to lay the report before Parliament.

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**Yvette Cooper**

NC9

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) applies to accommodation including hotel accommodation, military sites, and sea vessels.
  - (3D) 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.

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**Yvette Cooper**

**NC10**

Stephen Kinnock

★ To move the following Clause—

**“Expedited asylum processing**

- (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 specified countries who have arrived in the UK without permission.
- (2) Within this section, “specified countries” are defined as those countries or territories to which a person may be removed under the Schedule to this Act.”

**Member's explanatory statement**

This new clause requires the Secretary of State to establish a process to fast-track asylum claims from specified countries.

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**Yvette Cooper**

**NC11**

Stephen Kinnock

★ To move the following Clause—

**“Accommodation: value for money**

- (1) Within 90 days of this Act coming into force, the Secretary of State must lay before Parliament—
  - (a) all procurement and contractual documents connected with the provision of asylum accommodation and support provided by third-party suppliers under sections 4 and 95 of the Immigration and Asylum Act 1999;
  - (b) an updated value for money assessment for all asylum accommodation and support contracts currently in force.
- (2) Any redactions to the documents provided under subsection (1) should only relate to material that is commercially sensitive.”

**Member's explanatory statement**

This new clause seeks to require the publication of key documents relating to asylum accommodation and support contracts held by private companies.

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**Yvette Cooper**

**NC12**

Stephen Kinnock

★ To move the following Clause—

**“Border security checks**

- (1) The Secretary of State must appoint a named individual to conduct an investigation into the effectiveness of security checks undertaken at the UK border for the purposes of enforcing the provisions of this Act.
- (2) This individual may be—
  - (a) the Independent Chief Inspector of Borders and Immigration, or
  - (b) another individual nominated by the Secretary of State.
- (3) The first investigation conducted under this section must be completed one year after the date on which this Act is passed, with subsequent investigations completed every year thereafter.
- (4) Findings of investigations conducted under this section must be published within three months of completion of the investigation.”

**Member's explanatory statement**

This new clause seeks to require an annual investigation into the effectiveness of security checks undertaken at the UK border for the purposes of enforcing the provisions of this Act.

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**Yvette Cooper**

**NC13**

Stephen Kinnock



★ 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 would require regular reports from the Secretary of State on progress toward eliminating the asylum backlog.

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**Yvette Cooper**

**NC14**

Stephen Kinnock

★ 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.

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**Yvette Cooper**

NC15

Stephen Kinnock

★ To move the following Clause—

**“Border security: terrorism**

- (1) The Secretary of State must make arrangements for the removal of a person from the United Kingdom if the following conditions are met—
  - (a) the person meets the first condition in section 2 of this Act; and
  - (b) the Secretary of State is satisfied that the person has been involved in terrorism-related activity, as defined by section 4 of the Terrorism Prevention and Investigation Measures Act 2011.
- (2) If the Secretary of State cannot proceed with removal due to legal proceedings, they must consider the imposition of terrorism prevention and investigation measures in accordance with the Terrorism Prevention and Investigation Measures Act 2011.
- (3) The Secretary of State must lay a report before this House on activity under this section every 90 days.”

**Member's explanatory statement**

This new clause places on the Secretary of State a duty to remove suspected terrorists who have entered the country illegally, or consider the imposition of TPIMs for such individuals where removal is not possible.

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**Yvette Cooper**

NC16

Stephen Kinnock

★ To move the following Clause—

**“International pilot cooperation agreement: asylum and removals**

- (1) The Secretary of State must, within three months of this Act coming into force, publish and lay before Parliament a framework for a 12-month pilot cooperation agreement 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 prosecution and conviction of persons involved in facilitating illegal entry to the United Kingdom from neighbouring countries, including with regards to data-sharing; and

- (c) establishing capped controlled and managed safe and legal routes, including—
  - (i) family reunion for unaccompanied asylum-seeking children with close family members settled in the United Kingdom; and
  - (ii) other resettlement schemes.
- (2) In subsection (1)—
  - (a) “neighbouring countries” means countries which share a maritime border with the United Kingdom;
  - (b) “relevant international organisations” means—
    - (i) Europol;
    - (ii) Interpol;
    - (iii) Frontex;
    - (iv) the European Union; and
    - (v) any other organisation which the Secretary of State may see fit to consult with.”

**Member's explanatory statement**

This new clause would require the Secretary of State to lay before Parliament a framework for a new pilot co-operation agreement with the governments of neighbouring countries and relevant international organisations on asylum and removals.

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**Alison Thewliss**

**NC18**

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

★ To move the following Clause—

**“Suspensive claims and related appeals: legal aid and legal advice**

- (1) The Secretary of State must make arrangements for legal aid to be available for the making of suspensive claims and related appeals under this Act.
- (2) The Secretary of State must make arrangements to ensure that legal advice is available to support persons making suspensive claims under this Act.”

**Member's explanatory statement**

This new clause seeks to ensure legal aid and legal advice are available to persons for making suspensive claims and related appeals.

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**Alison Thewliss**

**44**

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

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

**Member's explanatory statement**

This amendment and Amendment 45 would require the courts to interpret the Act, so far as possible, in accordance with the UK's international obligations contained in several international treaties.

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**Alison Thewliss**

45

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.”

**Member's explanatory statement**

This amendment and Amendment 44 would require the courts to interpret the Act, so far as possible, in accordance with the UK's international obligations contained in several international treaties.

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**Alison Thewliss**

46

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

★ Page 2, line 31, leave out Clause 2

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**Stella Creasy**

17

★ Clause 2, page 3, line 9, at end insert “, and—

- (a) was aged 18 years or older on the date on which they entered or arrived in the United Kingdom, and
- (b) is not—
  - (i) part of the immediate family of,
  - (ii) a family member as defined by section 8(2) of this Act of, or
  - (iii) a person who otherwise had care of,
 an individual who was under the age of 18 on the date on which they entered or arrived in the United Kingdom where that individual is physically present in the United Kingdom.”

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**Alison Thewliss**

47

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

★ Clause 2, page 3, line 38, at end insert—

“(10A) The duty under subsection (1) does not apply in relation to—

- (a) a person who was under the age of 18 when they arrived in the UK;
- (b) 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;
- (c) a person who is a refugee under the Refugee Convention or in need of humanitarian protection;
- (d) a person (L) where there is a real risk of persecution or serious harm on grounds of sexual orientation if L were to be removed in accordance with this section;
- (e) a person who, there are reasonable grounds to suspect, is a victim of torture;
- (f) a Ukrainian citizen;
- (g) a person who, there are reasonable grounds to suspect, is a victim of trafficking or modern slavery;
- (h) a person who has family members in the United Kingdom;
- (i) an person 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.”

**Member's explanatory statement**

This amendment would exempt certain persons from the Secretary of State’s duty to remove, including children, refugees, victims of modern slavery and other vulnerable people.

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**Stephen Farry**

1

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 probing 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.

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**Dame Diana Johnson**

5

- ★ Clause 3, page 4, line 8, 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.

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**Alison Thewliss**

48

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

- ★ Clause 4, page 4, line 35, leave out paragraph (d)

**Member's explanatory statement**

This amendment would ensure the duty to remove under clause 2 did not apply “regardless” of a person making an application for judicial review in relation to their removal.

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**Alison Thewliss**

49

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

- ★ Clause 4, page 5, line 2, leave out from “(2)” to 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.”

**Member's explanatory statement**

This amendment would require the Secretary of State to consider protection and human rights claims if removal had not been completed within 6 months of the declaration of inadmissibility.

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**Alison Thewliss**

50

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

- ★ Clause 8, page 9, line 36, after “family” insert “who arrives with P and”

**Member's explanatory statement**

This amendment would limit the power to issue removal directions to family members, to those family members who arrived with the person being removed.

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**Alison Thewliss**

51

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

★ Page 13, line 10, leave out Clause 11

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**Dame Diana Johnson**

2

Joanna Cherry  
Caroline Nokes  
Apsana Begum  
Stephen Farry  
Caroline Lucas  
Claudia Webbe

☆ Clause 11, page 14, line 46, at end insert—

“(2H) Sub-paragraphs (2C) to (2G) above do not apply to any person who—  
 (a) entered the United Kingdom as an unaccompanied child;  
 (b) has at least one dependant child; or  
 (c) is a pregnant woman.”

**Member's explanatory statement**

This amendment would prevent an immigration officer's detention powers from being used to detain unaccompanied children, families with dependant children or pregnant women.

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**Dame Diana Johnson**

3

Joanna Cherry  
Caroline Nokes  
Apsana Begum  
Stephen Farry  
Caroline Lucas  
Claudia Webbe

☆ Clause 11, page 17, line 15, leave out subsection (11) and insert—

“(11) Subsections (5) to (10) above do not apply to any person who—  
 (a) entered the United Kingdom as an unaccompanied child;  
 (b) has at least one dependant child; or  
 (c) is a pregnant woman.”

**Member's explanatory statement**

This amendment would prevent the Secretary of State's detention powers from being used to detain unaccompanied children, families with dependant children or pregnant women.

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**Alison Thewliss** 52  
 Stuart C McDonald  
 Patrick Grady  
 Brendan O'Hara

★ Page 17, line 18, leave out Clause 12

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**Alison Thewliss** 53  
 Stuart C McDonald  
 Patrick Grady  
 Brendan O'Hara  
 Dame Diana Johnson

★ Page 22, line 30, leave out Clause 15

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**Dame Diana Johnson** 7

★ Page 23, line 1, leave out Clause 16

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**Alison Thewliss** 54  
 Stuart C McDonald  
 Patrick Grady  
 Brendan O'Hara

★ Clause 19, page 24, line 27, at end insert—

- “(a) in the case of Wales, with the consent of Senedd Cymru,
- (b) in the case of Scotland, with the consent of the Scottish Parliament, and
- (c) in the case of Northern Ireland, the consent of the Northern Ireland Assembly is only required if the Northern Ireland Executive has been formed.”

**Member's explanatory statement**

This amendment would ensure provisions in relation to unaccompanied migrant children could not be extended to devolved nations without the consent of the devolved legislatures, as appropriate.

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**Alison Thewliss** 55  
 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 (a reflection period and leave to remain) to those in article 13 of the European Convention on Action Against Trafficking.

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**Yvette Cooper**

12

Stephen Kinnock

- ★ Clause 21, page 25, line 22, after “decision” insert “, unless the decision relates to the person being a victim of sexual exploitation”

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**Sir Iain Duncan Smith**

4

Mrs Theresa May  
Tim Loughton  
Damian Green  
Mr Peter Bone  
Caroline Lucas

- ☆ Clause 21, page 25, line 32, at end insert “either—

(aa) the relevant exploitation took place in the United Kingdom; or”

**Member's explanatory statement**

This amendment is intended to exempt people who have been unlawfully exploited in the UK from provisions which would otherwise require their removal during the statutory recovery period and prohibit them being granted limited leave to remain.

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**Yvette Cooper**

16

Stephen Kinnock

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

“(3A) Subsections (1) and (2) do not apply in relation to any person who is a national of a state which—

- (a) has not ratified the relevant international legal agreements; or
- (b) the Secretary of State has reasonable grounds to believe may not be effectively enforcing its obligations under the relevant international legal agreements; or
- (c) the Secretary of State has reasonable grounds to believe may not be able or willing to prevent the person from becoming a victim of slavery and human trafficking upon their return to that country.

- (3B) For the purposes of subsection (3A), “relevant international legal agreements” means—
- (a) ILO Conventions 29 and 105 on Forced Labour;
  - (b) the European Convention on Human Rights;
  - (c) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime;
  - (d) the Council of Europe Convention on Action Against Trafficking;
  - (e) any other relevant agreement to which the United Kingdom is a party.
- (3C) In determining whether paragraphs (b) and (c) of subsection (3A) apply, the Secretary of State must consult with, and pay due regard to the views of, the Independent Anti-Slavery Commissioner.”

**Member's explanatory statement**

This amendment stipulates that the duty to remove victims of modern slavery does not apply to nationals of countries which have not ratified international agreements relating to human trafficking, or which the Secretary of State has reason to believe may not be effectively enforcing its obligations under those agreements.

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**Alison Thewliss**

56

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

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

**Member's explanatory statement**

This amendment seeks to protect those victims of trafficking and slavery granted leave to remain under s65(2) of the Nationality and Borders Act from the power of the Secretary of State to revoke that in certain circumstances.

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**Alison Thewliss**

57

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 22 relating to provision of support to trafficking victims in England and Wales to those in article 13 of the European Convention on Action Against Trafficking.

---

**Yvette Cooper**

13

Stephen Kinnock

- ★ Clause 22, page 27, line 14, after “person” insert “, unless the decision relates to the person being a victim of sexual exploitation”

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**Alison Thewliss**

58

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

- ★ Clause 23, page 27, line 24, 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 23 relating to provision of support to trafficking victims in Scotland to those in article 13 of the European Convention on Action Against Trafficking.

---

**Yvette Cooper**

14

Stephen Kinnock

- ★ Clause 23, page 27, line 28, at end insert “unless the person is a victim of sexual exploitation”

---

**Alison Thewliss**

59

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

- ★ Clause 24, page 29, line 6, 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 24 relating to provision of support to trafficking victims in Northern Ireland to those in article 13 of the European Convention on Action Against Trafficking.

---

**Yvette Cooper**

15

Stephen Kinnock

- ★ Clause 24, page 29, line 11, at end insert “unless the person is a victim of sexual exploitation”

---

**Dame Diana Johnson**

8

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

**Member's explanatory statement**

This amendment seeks to provide an exemption from the ban on obtaining citizenship for family members of people who are subject to the “duty to remove” if they were either born in the UK or arrived in the UK as a child.

---

**Alison Thewliss**

60

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 61 to 65 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**

61

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 60.

---

**Alison Thewliss**

62

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 60.

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**Alison Thewliss** 63  
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 60.

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**Alison Thewliss** 64  
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 60.

---

**Alison Thewliss** 65  
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 60.

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**Alison Thewliss** 66  
Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

★ Page 37, line 39, leave out Clause 33

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**Alison Thewliss** 67  
Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

★ Page 38, line 1, leave out Clause 34

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**Secretary Suella Braverman**

**Gov 33**

- ★ Clause 37, page 40, line 4, leave out “38 to 48” and insert “(serious harm suspensive claims: interpretation) to 50”

**Member's explanatory statement**

This amendment provides that the definitions in clause 37 apply to a wider range of clauses in the Bill.

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**Secretary Suella Braverman**

**Gov 34**

- ★ Clause 37, page 40, line 6, after “claim” insert “(see section (serious harm suspensive claims: interpretation))”

**Member's explanatory statement**

This amendment is consequential on NC17.

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**Secretary Suella Braverman**

**Gov 35**

- ★ Clause 37, page 40, line 8, leave out subsection (3)

**Member's explanatory statement**

This amendment is consequential on NC17.

---

**Alison Thewliss**

**68**

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.”

**Member's explanatory statement**

This amendment seeks to ensure that consideration of protection claims, human rights claims and slavery and trafficking cases would suspend removal under clause 45.

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**Secretary Suella Braverman**

**Gov 36**

- ★ Clause 37, page 40, line 31, leave out subsection (9)

**Member's explanatory statement**

This amendment is consequential on NC17.

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**Secretary Suella Braverman**

**Gov 37**

- ★ Clause 37, page 41, line 6, leave out "38 to 48" and insert "*(serious harm suspensive claims: interpretation)* to 50"

**Member's explanatory statement**

This amendment provides that the interpretative provision about removal notices in clause 37(13) applies in relation to a wider range of clauses in the Bill.

---

**Secretary Suella Braverman**

**Gov 38**

- ★ Clause 38, page 41, line 9, leave out "37" and insert "*(serious harm suspensive claims: interpretation)*"

**Member's explanatory statement**

This amendment is consequential on NC17.

---

**Secretary Suella Braverman**

**Gov 39**

- ★ Clause 40, page 42, line 11, leave out paragraphs (a) and (b) and insert—

- "(a) that the serious harm condition is met in relation to the person, or
- (b) that the serious harm condition is not met in relation to the person."

**Member's explanatory statement**

This amendment is consequential on NC17.

---

**Secretary Suella Braverman**

**Gov 40**

- ★ Clause 40, page 42, line 30, leave out from "that" to end of line 33 and insert "the serious harm condition is met in relation to the person"

**Member's explanatory statement**

This amendment is consequential on NC17.

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**Secretary Suella Braverman**

**Gov 41**

- ★ Clause 42, page 44, line 18, leave out from "claim," to end of line 21 and insert "the serious harm condition is met in relation to the person;"

**Member's explanatory statement**

This amendment is consequential on NC17.

---

**Secretary Suella Braverman**

**Gov 42**

- ★ Clause 42, page 44, line 34, leave out from “whether” to end of line 37 and insert “the serious harm condition is met in relation to the person”

**Member's explanatory statement**

This amendment is consequential on NC17.

---

**Secretary Suella Braverman**

**Gov 43**

- ★ Clause 43, page 45, line 14, leave out from second “that” to end of line 17 and insert “—
- (a) the serious harm condition is met in relation to the person, and
  - (b) the risk mentioned in section (*serious harm suspensive claims: interpretation*)(3) is obvious.”

**Member's explanatory statement**

This amendment is consequential on NC17.

---

**Alison Thewliss**

**69**

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

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

**Member's explanatory statement**

This amendment seeks to reinstate onward rights of appeal against a decision of the Upper Tribunal under this clause.

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**Alison Thewliss**

**70**

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

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

**Member's explanatory statement**

This amendment seeks to reinstate onward rights of appeal against a decision of the Upper Tribunal under this clause.



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**Secretary Suella Braverman**

**Gov 18**

- ★ Clause 46, page 48, line 9, leave out from “unless” to end of line 10 and insert “the condition in subsection (4A) is met”

**Member's explanatory statement**

This amendment provides that the Upper Tribunal must not consider a new matter in an appeal or a permission to appeal case unless the condition in new subsection (4A) of clause 46 is met (see Amendment 19).

---

**Secretary Suella Braverman**

**Gov 19**

- ★ Clause 46, page 48, line 16, at end insert—

“(4A) The condition in this subsection is that—

- (a) within the relevant period the Secretary of State has given the Upper Tribunal consent to consider the new matter, or
- (b) where the Secretary of State has not given such consent within the relevant period, the Upper Tribunal determines that there were compelling reasons for the person not to have provided details of the matter to the Secretary of State before the end of the claim period.”

**Member's explanatory statement**

This amendment sets out the condition that must be met in order for the Upper Tribunal to consider a new matter in an appeal or a permission to appeal case.

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**Secretary Suella Braverman**

**Gov 20**

- ★ Clause 46, page 48, line 17, leave out “(3)” and insert “(4A)(a)”

**Member's explanatory statement**

This amendment is consequential on Amendment 19.

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**Secretary Suella Braverman**

**Gov 21**

- ★ Clause 46, page 48, line 19, at end insert—

“(5A) In subsection (4A) “relevant period” means the period of 3 working days beginning with day after the day on which the new matter is raised by the person in the course of the appeal or application.”

**Member's explanatory statement**

This amendment defines “relevant period” for the purposes of new subsection (4A) of clause 46.

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**Secretary Suella Braverman**

**Gov 22**

- ★ Clause 46, page 48, line 20, leave out subsections (6) to (8)

**Member's explanatory statement**

This amendment is consequential on Amendment 19.

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**Secretary Suella Braverman**

**Gov 23**

- ★ Clause 46, page 48, line 36, leave out “on an application under subsection (6)” and insert “to make or not to make a determination under subsection (4A)(b)”

**Member's explanatory statement**

This amendment is consequential on Amendments 19 and 22.

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**Secretary Suella Braverman**

**Gov 24**

- ★ Clause 47, page 49, line 24, leave out “or 46(6) (consideration of new matters)”

**Member's explanatory statement**

This amendment is consequential on Amendment 22.

---

**Secretary Suella Braverman**

**Gov 25**

- ★ Clause 47, page 49, line 37, at end insert “and

- (b) without prejudice to paragraph (a), secure that the Upper Tribunal may order that any period of time mentioned in subsection (1)(b) or (2)(b) is to be extended by a period of up to 3 working days where a new matter (within the meaning of section 46(4)) is raised in the course of the appeal or application.”

**Member's explanatory statement**

This amendment provides for the Upper Tribunal to extend the period for determining an appeal or a permission to appeal by up to 3 working days where a new matter is raised in the course of the proceedings.

---

**Secretary Suella Braverman**

**Gov 26**

- ★ Clause 48, page 49, line 39, leave out subsection (1) and insert—

- “(1) Subsections (2) and (3) apply in relation to a decision by the Upper Tribunal—  
(a) to grant or refuse permission to appeal in response to an application under section 43(2) (permission to appeal: claims certified as clearly unfounded),

- (b) to grant or refuse an application for a declaration under section 44(4) (out of time claims), or
- (c) to make or not to make a determination under section 46(4A)(b) (new matters)."

**Member's explanatory statement**

This amendment is consequential on Amendments 19 and 22.

---

**Secretary Suella Braverman**

**Gov 27**

- ★ Clause 48, page 50, line 12, leave out "44(4) or 46(6)" and insert "or 44(4)"

**Member's explanatory statement**

This amendment is consequential on Amendment 26.

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**Secretary Suella Braverman**

**Gov 28**

- ★ Clause 48, page 50, line 14, after "application" insert "or, in the case of a decision mentioned in subsection (1)(c), for the purpose of making the decision"

**Member's explanatory statement**

This amendment is consequential on Amendment 26.

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**Secretary Suella Braverman**

**Gov 29**

- ★ Clause 50, page 51, line 20, leave out "(8)" and insert "(5A)"

**Member's explanatory statement**

This amendment is consequential on Amendment 22.

---

**Secretary Suella Braverman**

**Gov 30**

- ★ Clause 50, page 51, line 32, leave out from "to" to "of" in line 33 and insert "make or not to make a determination under section 46(4A)(b)"

**Member's explanatory statement**

This amendment is consequential on Amendments 19 and 22.

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**Secretary Suella Braverman**

**Gov 31**

- ★ Clause 50, page 52, leave out lines 6 to 8

**Member's explanatory statement**

This amendment is consequential on Amendment 30.

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**Secretary Suella Braverman**

**Gov 32**

- ★ Clause 50, page 52, line 10, leave out “dealing with the application” and insert “making the decision”

**Member's explanatory statement**

This amendment is consequential on Amendment 30.

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**Alison Thewliss**

**71**

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

- ★ Clause 52, page 53, line 11, leave out sub-paragraph (i)

**Member's explanatory statement**

This amendment would ensure rules on inadmissibility of certain asylum claims were not extended to human rights claims.

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**Alison Thewliss**

**72**

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

- ★ Clause 52, page 53, leave out line 33

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**Alison Thewliss**

**75**

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

- ★ Clause 53, page 55, line 11, 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 a target number of entrants using safe and legal routes.

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**Alison Thewliss**

76

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

## ★ Clause 53, page 55, line 15, after “authorities” insert—

- “(aa) the United Nations High Commission for Refugees,  
(ab) the devolved governments,  
(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.

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**Tim Loughton**

11

Tracey Crouch  
Sir Robert Buckland  
Mrs Flick Drummond  
Richard Fuller  
Caroline Nokes

Sir Robert Neill  
Stephen Hammond  
Mr David Davis  
Damian Green

Simon Hoare  
Vicky Ford  
Julian Sturdy

Selaine Saxby  
David Simmonds  
Dame Diana Johnson

## ★ Clause 53, page 55, line 19, at end insert—

- “(3A) The Secretary of State must begin the consultation under subsection (2) in relation to the first regulations to be made under this section before the end of the period of 3 months beginning with the day on which this Act is passed.”

**Member's explanatory statement**

This amendment relates to the first regulations under clause 53(1) specifying the maximum number of persons who may enter the United Kingdom annually using safe and legal routes. It requires consultation on the regulations to begin before the end of 3 months beginning with Royal Assent to the Bill.

---

**Dame Diana Johnson**

9

## ★ Clause 53, page 55, line 37, at end insert—

- ““persons” means only individuals aged 18 or over 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.

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**Bell Ribeiro-Addy**

10

Apsana Begum

- ★ Clause 59, page 58, line 27, at end insert “but see section (*Immigration rules since December 2020: human rights of migrants*).”

**Member's explanatory statement**

This amendment is consequential on NC5.

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**Alison Thewliss**

73

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

- ★ Clause 59, page 59, line 19, at end insert—

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

**Member's explanatory statement**

This amendment would require Scottish Parliament consent before disapplication of its legislation making provision for support for modern slavery and trafficking victims in Scotland could come into force.

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**Alison Thewliss**

74

Stuart C McDonald  
Patrick Grady  
Brendan O'Hara

- ★ Clause 59, page 59, line 19, at end insert—

“(4A) Section 24 comes into force on such day as the Secretary of State may by regulations appoint, provided that, if a Northern Ireland Executive has been formed, the Northern Ireland Assembly has previously indicated its consent to the section coming into force.”

**Member's explanatory statement**

This amendment would require Northern Ireland Assembly consent before disapplication of its legislation making provision for support for modern slavery and trafficking victims in Northern Ireland could come into force.

## 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
<b>First day</b>	
Clauses 37 to 51; new Clauses and new Schedules relating to the subject matter of those clauses	Six hours after the commencement of proceedings on the Bill on the first day.
<b>Second day</b>	
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.