
Report Stage: Monday 24 April 2023

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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

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

New Amendments: 132 to 189, NC21 to NC26 and NS1

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.

Secretary Suella Braverman

Gov NC19

☆ To move the following Clause—

"Credibility of claimant: concealment of information etc

- (1) Section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (claimant's credibility) is amended as follows.
- (2) In subsection (3)—
 - (a) in paragraphs (a) and (c) for "a passport" substitute "an identity document";
 - (b) in paragraph (b) for "passport" substitute "identity document";
 - (c) after paragraph (d) (but before the "and") insert—
 - "(da) failure to provide to an immigration officer or the Secretary of State, on request, any information or anything else required in order to access any information stored in electronic form on a thing in the possession of an immigration officer or the Secretary of State that—
 - (i) was found on the claimant, or
 - (ii) appears to an immigration officer or the Secretary of State to have been in the possession of the claimant,".
- (3) In subsection (7)—
 - (a) insert at the appropriate place—
 - "document" includes information recorded in any form;";
 - "identity document" means any document that may be used (whether by itself or otherwise and with or without modifications) to establish, or provide evidence of, a person's identity or address;";
 - (b) omit the definition of "passport".
- (4) In subsection (8) for "A passport" substitute "An identity document"."

Member's explanatory statement

This new clause amends section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 to provide for certain kinds of behaviour relating to an identity document or electronic information by a person who makes an asylum claim or a human rights claim to be taken into account as damaging the claimant's credibility

Secretary Suella Braverman

Gov NC20

☆ To move the following Clause—

“Legal aid

- (1) Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services) is amended as mentioned in subsections (2) to (4).
- (2) In Part 1 (services), in paragraph 19 (judicial review)—
 - (a) after sub-paragraph (6) insert—
 - “(6A) Sub-paragraph (5) does not exclude services provided to an individual who is subject to removal to a third country under the Illegal Migration Act 2023, in relation to judicial review of a refusal of a human rights claim that—
 - (a) arises from Article 2 or 3 of the Human Rights Convention, and
 - (b) is made by the individual.”;
 - (b) in sub-paragraph (10) insert at the appropriate places—
 - ““human rights claim” has the meaning given by section 113 of the Nationality, Immigration and Asylum Act 2002;”;
 - ““the Human Rights Convention” has the meaning given by paragraph 30 of this Part of this Schedule;”;
 - ““third country” has the meaning given by section 37 of the Illegal Migration Act 2023.”
- (3) In that Part, after paragraph 31B insert—

“Removal notices under the Illegal Migration Act 2023

 - 31C (1) Civil legal services provided to an individual who has received a removal notice, in relation to the removal notice (including in relation to a suspensive claim relating to the removal notice, and an application under section 44(4) of the Illegal Migration Act 2023 as regards such a claim).
 - (2) Sub-paragraph (1) is subject to the exclusions in Parts 2 and 3 of this Schedule.
 - (3) In this paragraph “removal notice” and “suspensive claim” have the meaning given by section 37 of the Illegal Migration Act 2023.”
- (4) In Part 3 (advocacy: exclusions and exceptions) after paragraph 16 insert—

“16A Advocacy in proceedings in the Upper Tribunal under any of sections 44 to 46 or 48 of the Illegal Migration Act 2023.”
- (5) In regulation 11(9) of the Civil Legal Aid (Merits Criteria) Regulations 2013 (S.I. 2013/104) (qualifying for civil legal services: cases in which merits criteria do not apply)—
 - (a) omit the “or” at the end of sub-paragraph (d);

- (b) after sub-paragraph (e) insert “, or
 - (f) in relation to any matter described in paragraph 31C of Part 1 of Schedule 1 to the Act (removal notices under the Illegal Migration Act 2023).”

Member's explanatory statement

This new clause provides for the provision of legal aid in respect of certain matters.

Secretary Suella Braverman

Gov NC23

★ To move the following Clause—

“Electronic devices etc

Schedule (*Electronic devices etc*) confers—

- (a) powers to search persons liable to be detained under paragraph 16(2C) of Schedule 2 to the Immigration Act 1971 (illegal migrants), and to search vehicles, premises and property, for things on which certain information is or may be stored in electronic form;
- (b) powers to seize and retain such things, and to access, copy and use information stored on those things.”

Member's explanatory statement

This new clause, and the new Schedule it introduces, confers power to search for, seize and retain mobile phones and other things on which information is stored in electronic form, and to access, copy and use that information.

Secretary Suella Braverman

Gov NC24

★ To move the following Clause—

“Decisions relating to a person’s age

- (1) This section applies if a relevant authority decides the age of a person (“P”) who meets the four conditions in section 2 (duty to make arrangements for removal), whether that decision is for the purposes of this Act or otherwise.
- (2) If the decision is made on an age assessment under section 50 or 51 of the Nationality and Borders Act 2022, P may not bring an appeal against the decision under section 54(2) of that Act.
- (3) Subsections (4) and (5) apply if P makes an application for judicial review of—
 - (a) the decision mentioned in subsection (1), or
 - (b) any decision to make arrangements for the person’s removal from the United Kingdom under this Act which is taken on the basis of that decision.
- (4) The application does not prevent the exercise of any duty or power under this Act to make arrangements for the person’s removal from the United Kingdom.

- (5) The court—
- (a) may quash the decision only on the basis that it was wrong in law, and
 - (b) may not quash the decision on the basis that the court considers the decision mentioned in subsection (1) was wrong as a matter of fact.
- (6) In this section “relevant authority” means—
- (a) the Secretary of State,
 - (b) an immigration officer,
 - (c) a designated person within the meaning of Part 4 (age assessments) of the Nationality and Borders Act 2022,
 - (d) a local authority within the meaning of that Part, subject to subsection (7), or
 - (e) a public authority within the meaning of that Part which is specified in regulations under section 50(1)(b) of that Act (referral of age-disputed person for age assessment).
- (7) This section applies in relation to a decision of a local authority which is a decision within subsection (1) only if it is for the purposes, or also for the purposes, of the local authority deciding whether or how to exercise any of its functions under relevant children’s legislation within the meaning of Part 4 of the Nationality and Borders Act 2022.
- (8) This section applies only in relation to a decision which is made after this section comes into force.
- (9) The Nationality and Borders Act 2022 is amended as follows.
- (10) In section 54(6) (appeals relating to age assessments)—
- (a) omit the “and” at the end of paragraph (a), and
 - (b) at the end of paragraph (b) insert “, and
 - (c) section (*Decisions relating to a person’s age*) of the Illegal Migration Act 2023 (decisions relating to a person’s age).”
- (11) In section 56(1) (new information following age assessment or appeal), for paragraph (b) (and the “and” at the end of that paragraph) substitute—
- “(b) an appeal under section 54(2)—
 - (i) could no longer be brought (ignoring any possibility of an appeal out of time),
 - (ii) has been finally determined, or
 - (iii) may not be brought as a result of section (*Decisions relating to a person’s age*)(2) of the Illegal Migration Act 2023 (age assessments relating to removal under that Act), and”.

Member's explanatory statement

This new clause makes provision about challenges to decisions about a person’s age where the person meets or may meet the conditions for removal from the United Kingdom under the Bill.

Secretary Suella Braverman

Gov NC25

★ To move the following Clause—

“Age assessments: power to make provision about refusal to consent to scientific methods

- (1) The Secretary of State may make regulations about the effect of a decision by a relevant person (“P”) not to consent to the use of a specified scientific method for the purposes of an age assessment of P where there are no reasonable grounds for P’s decision.
- (2) The regulations may provide that, in the circumstances set out in the regulations—
 - (a) section 52(7) of the Nationality and Borders Act 2022 (refusal to consent to scientific methods to be taken to damage credibility) does not apply, and
 - (b) P is to be treated as if the decision-maker had decided that P was over the age of 18.
- (3) In this section—
 - “age assessment” means an assessment under section 50 or 51 of the Nationality and Borders Act 2022;
 - “decision-maker” and “specified scientific method” have the same meanings as in Part 4 of the Nationality and Borders Act 2022 (see section 49 of that Act);
 - “relevant person” means a person who meets the four conditions in section 2 (duty to make arrangements for removal).
- (4) In Part 4 of the Nationality and Borders Act 2022 (age assessments)—
 - (a) in section 52 (use of scientific methods in age assessments), in subsection (7), at the end insert “(See also section (*Age assessments: power to make provision about refusal to consent to scientific methods*) of the Illegal Migration Act 2023 (power to make provision about refusal to consent to scientific methods).)”;
 - (b) in section 53 (regulations about age assessments), in subsection (1)(a)(iv), after “method,” insert “the circumstances in which a person may be considered to have reasonable grounds for a decision not to consent and”.

Member's explanatory statement

This new clause contains a power to make regulations about the effect of a refusal, by a person to whom the Bill applies, to consent to the use of a scientific method in an age assessment. The regulations may provide that, in certain circumstances, the person may be assumed to be an adult. The Secretary of State will not exercise the power until satisfied that the scientific methods in question are sufficiently accurate to mean that applying the automatic assumption in cases of refusal to consent will be compatible with the European Convention on Human Rights (in particular Article 8 (right to private and family life)).

Secretary Suella Braverman

Gov NC26

★ To move the following Clause—

“Interim measures of the European Court of Human Rights

- (1) This section applies where the European Court of Human Rights indicates an interim measure in proceedings relating to the intended removal of a person from the United Kingdom under, or purportedly under, this Act.
- (2) A Minister of the Crown may (but need not) determine that the duty in section 2(1) (duty to make arrangements for removal) is not to apply in relation to the person.
- (3) A decision as to whether or not to make a determination under subsection (2) is to be taken personally by the Minister of the Crown.
- (4) In considering whether to make a determination under subsection (2), the Minister may have regard to any matter that the Minister considers relevant, including in particular the matter in subsection (5).
- (5) The matter mentioned in subsection (4) is the procedure by reference to which the interim measure was indicated, including in particular—
 - (a) whether the government of the United Kingdom was given an opportunity to present observations and information before the interim measure was indicated;
 - (b) the form of the decision to indicate the interim measure;
 - (c) whether the European Court of Human Rights will take account of any representations made to it by the government of the United Kingdom seeking reconsideration, without undue delay, of the decision to indicate the interim measure;
 - (d) the likely duration of the interim measure and the timing of any substantive determination by the European Court of Human Rights.
- (6) Where a Minister of the Crown does not make a determination under subsection (2), a person or body to which subsection (7) applies may not have regard, in the circumstances mentioned in subsection (7), to the interim measure.
- (7) This subsection applies to—
 - (a) the Secretary of State or an immigration officer when exercising a function under section 2(1) or 7(2), (4) or (5) (further provisions about removal),
 - (b) the Upper Tribunal when considering any application or appeal under this Act, and
 - (c) a court or tribunal when considering any application or appeal which relates to a decision to remove a person from the United Kingdom under this Act.
- (8) No inference is to be drawn from this section as to whether or not a person or body mentioned in subsection (7) would otherwise have been required to have regard to the interim measure.

- (9) Nothing in this Act requires the Secretary of State or an immigration officer to effect the removal of a person from the United Kingdom pending a decision by a Minister of the Crown as to whether or not to make a determination under subsection (2).
- (10) In this section—
 “decision” includes any purported decision;
 “determination” includes any purported determination.”

Member's explanatory statement

This new clause provides that an interim measure indicated by the European Court of Human Rights does not affect the duty in clause 2 of the Bill to make arrangements for the removal of a person from the United Kingdom, unless a Minister of the Crown acting in person determines that it is to do so.

Secretary Suella Braverman

Gov NC22

Danny Kruger
 Jonathan Gullis
 Sir William Cash
 Sir John Hayes
 Mr Simon Clarke

Miriam Cates
 Mr David Jones
 Greg Smith

Mrs Natalie Elphicke
 Sir Edward Leigh
 Sir Desmond Swayne

Sarah Atherton
 Bob Blackman
 Andrea Jenkyns

★ To move the following Clause—

“Interim remedies

- (1) This section applies to any court proceedings relating to a decision to remove a person from the United Kingdom under this Act (whether the proceedings involve consideration of Convention rights or otherwise).
- (2) Any power of the court to grant an interim remedy (whether on an application of the person or otherwise) is restricted as follows.
- (3) The court may not grant an interim remedy that prevents or delays, or that has the effect of preventing or delaying, the removal of the person from the United Kingdom in pursuance of the decision.
- (4) In this section—
 “Convention rights” has the same meaning as in the Human Rights Act 1998 (see section 1(1) of that Act);
 “court proceedings” means proceedings in any court (including, in particular, proceedings on an application for judicial review);
 “decision” includes any purported decision;
 “interim remedy” means any interim remedy or relief however described (including, in particular, an interim injunction or interdict).”

Member's explanatory statement

This new clause would restrict the granting of certain interim remedies by a court in proceedings relating to a decision to remove a person from the United Kingdom under the Bill.

Secretary Suella Braverman**Gov NC8**

Tim Loughton
Tracey Crouch
Sir Robert Buckland
Mrs Flick Drummond
Richard Fuller

Caroline Nokes
Selaine Saxby
David Simmonds
Dame Diana Johnson

Sir Robert Neill
Stephen Hammond
Mr David Davis
Damian Green

Simon Hoare
Vicky Ford
Julian Sturdy
Stella Creasy

☆ 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.

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.

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
Caroline Lucas

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.

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
 Caroline Lucas

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.”

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.

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.”

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.”

Apsana Begum

NC7

Bell Ribeiro-Addy
Caroline Lucas

☆ 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.”

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.

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.

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.

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.

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.

Yvette Cooper

NC14

Stephen Kinnock
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.

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.

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.

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.

Yvette Cooper

NC21

Stephen Kinnock

★ To move the following Clause—

“Afghan Citizens Resettlement Scheme: reporting requirements

The Secretary of State must, no later than 7 June 2023 and at intervals of once every three months thereafter, publish and lay before Parliament a report on the operation of the Afghan Citizens Resettlement Scheme safe and legal route to the United Kingdom and on progress towards the Scheme’s resettlement targets for Afghan citizens.”

Member's explanatory statement

This new clause would require reports from the Secretary of State for each quarter since the publication of this Bill on the Afghan Citizens Resettlement Scheme, including Pathways 2 and 3.

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.

Secretary Suella Braverman

Gov 111

☆ Clause 1, page 2, line 19, at end insert—

“(aa) for protections that apply to victims of modern slavery or human trafficking not to apply to persons who are a threat to public order or who have claimed to be victims in bad faith unless compelling circumstances apply;”

Member's explanatory statement

This amendment is consequential on Amendment 114.

Secretary Suella Braverman

Gov 112

☆ Clause 1, page 2, line 20, after “persons” insert “who have been sentenced to a period of imprisonment for an offence or who are”

Member's explanatory statement

This amendment is consequential on Amendment 115.

Secretary Suella Braverman

Gov 113

- ☆ Clause 1, page 2, line 21, leave out from second “of” to end of line 22 and insert “those protections;”

Member's explanatory statement

This amendment is consequential on Amendment 115.

Secretary Suella Braverman

Gov 77

- ☆ Clause 1, page 2, line 27, at end insert—

“(e) for certain kinds of behaviour relating to an identity document or electronic information by a person who makes an asylum claim or a human rights claim to be taken into account as damaging the claimant's credibility.”

Member's explanatory statement

This amendment is consequential on NC19.

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.

Alison Thewliss

46

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ☆ Page 2, line 31, leave out Clause 2

Secretary Suella Braverman

Gov 89

☆ Clause 2, page 2, line 41, at end insert—

- “(ba) the person has entered or arrived in the United Kingdom at a time when they were an excluded person within the meaning of section 8B of the Immigration Act 1971 (persons excluded from the United Kingdom under certain instruments) and—
- (i) subsection (5A) of that section (exceptions to section 8B) does not apply to the person, and
 - (ii) an exception created under, or direction given by virtue of, section 15(4) of the Sanctions and Anti-Money Laundering Act 2018 (power to create exceptions to section 8B) does not apply to the person,”

Member's explanatory statement

This amendment expands the category of persons to whom the duty to make arrangements for removal in clause 2 applies to cover certain persons who are subject to a travel ban imposed by the United Nations or the United Kingdom and to whom section 8B of the Immigration Act 1971 applies.

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.”

Member's explanatory statement

This amendment would exempt children and, where they are accompanied, their immediate families from removal duty contained in clause 2 and other related duties or powers, ensuring the existing safeguarding regime in relation to these children is retained.

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.

Secretary Suella Braverman

Gov 185

★ Clause 2, page 3, line 42, at end insert—

“(ba) a Minister of the Crown has made a determination under section (*Interim measures of the European Court of Human Rights*)(2) in relation to the person,”

Member's explanatory statement

This amendment is consequential on NC26.

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.

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.

Tim Loughton

181

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

Sir Robert Neill
 Stephen Hammond
 Julian Sturdy

Simon Hoare
 David Simmonds
 Damian Green

Selaine Saxby
 Mr David Davis
 Dame Diana Johnson

- ★ Clause 3, page 4, line 9, leave out subsections (2) to (4)

Member's explanatory statement

This amendment removes the power for the Secretary of State to remove an unaccompanied child before they turn 18.

Secretary Suella Braverman

Gov 174

- ★ Clause 3, page 4, line 11, at end insert—

“(2A) The power in subsection (2) may be exercised only—

- (a) where the person is to be removed for the purposes of reunion with the person’s parent;
- (b) where the person is to be removed to a country listed in section 80AA(1) of the Nationality, Immigration and Asylum Act 2002 (safe States for the purposes of section 80A of that Act) which is—
 - (i) a country of which the person is a national, or
 - (ii) a country in which the person has obtained a passport or other document of identity;
- (c) where the person has not made a protection claim or a human rights claim and the person is to be removed to—
 - (i) a country of which the person is a national or citizen,
 - (ii) a country or territory in which the person has obtained a passport or other document of identity, or
 - (iii) a country or territory in which the person embarked for the United Kingdom;

(d) in such other circumstances as may be specified in regulations made by the Secretary of State.

(2B) Regulations under subsection (2A)(d) may confer a discretion on the Secretary of State."

Member's explanatory statement

This amendment limits the power in clause 3(2) to make arrangements for the removal of an unaccompanied child from the United Kingdom so that it may only be exercised for the purposes of reunion with the child's parent, where the person is to be removed to a safe country of origin, where the person has not made a protection claim, or in other circumstances specified in regulations made by the Secretary of State.

Secretary Suella Braverman

Gov 106

☆ Clause 3, page 4, line 24, at end insert ", in consequence of the application of the exception to that person"

Member's explanatory statement

This amendment clarifies that the power in clause 3(6) for regulations under clause 3(5) to modify the Bill or any other enactment in its application to a person is a power to make modifications in consequence of an exception created by regulations applying to a person.

Secretary Suella Braverman

Gov 107

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

"(b) for an exception, or for any provision made by virtue of paragraph (a), to be treated as having had effect from a time before the coming into force of the regulations."

Member's explanatory statement

This amendment enables regulations which contain exceptions from the duty in clause 2(1) to make arrangements for a person's removal from the United Kingdom to provide for an exception to be treated as having had effect from a time before the coming into force of the regulations.

Secretary Suella Braverman

Gov 108

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

"(6A) Regulations made by virtue of subsection (6)(a) may, in particular, disapply any provision of this Act or any other enactment in relation to a person to whom an exception applies."

Member's explanatory statement

This amendment clarifies that regulations under clause 3(5) may disapply any provision of the Bill or another enactment in relation to a person to whom an exception applies.

Secretary Suella Braverman

Gov 109

☆ Clause 3, page 4, line 25, leave out “subsection (6)” and insert “subsections (6) and (6A)”

Member's explanatory statement

This amendment is consequential on Amendment 108.

Secretary Suella Braverman

Gov 110

☆ Clause 3, page 4, line 26, at end insert—

- “(b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (c) an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru;
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation.”

Member's explanatory statement

This amendment has the effect that regulations under clause 3(5) which contain exceptions from the duty in clause 2(1) may modify devolved legislation.

Secretary Suella Braverman

Gov 175

★ Clause 3, page 4, line 26, at end insert—

- “(8) In this Act—
 - “human rights claim” has the meaning given by section 113(1) of the Nationality, Immigration and Asylum Act 2002;
 - “protection claim” has the meaning given by section 82(2) of that Act.”

Member's explanatory statement

This amendment is consequential on Amendment 174 and moves the definitions of “human rights claim” and “protection claim” from clause 4 to clause 3.

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.

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.

Mrs Natalie Elphicke

184

Sir John Hayes
 Andrea Jenkyns
 Danny Kruger
 Mr David Jones
 Greg Smith

Nick Fletcher

Scott Benton

Karl McCartney

- ★ Clause 4, page 5, line 8, after "if" insert "the Secretary of State considers that there are reasonable grounds for regarding the claimant as a danger to national security or a threat to public safety, or"

Member's explanatory statement

This amendment would prevent a person who meets the four conditions for removal in clause 2 and who is considered a threat to national security or public safety from making a protection claim or human rights claim.

Secretary Suella Braverman

Gov 176

- ★ Clause 4, page 5, leave out lines 21 to 23

Member's explanatory statement

This amendment is consequential on Amendment 175.

Tim Loughton

182

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

Sir Robert Neill
 Stephen Hammond
 Julian Sturdy

Simon Hoare
 David Simmonds
 Damian Green

Selaine Saxby
 Mr David Davis
 Dame Diana Johnson

- ★ Clause 5, page 5, line 36, after “child” insert “and where a best interest and welfare assessment carried out in the three months prior to that person turning 18 concluded it was appropriate for them to be removed”

Member's explanatory statement

This amendment would add an additional requirement that a best interest and welfare assessment would need to have been carried out before the duty to remove applies to someone who was previously an unaccompanied child.

Secretary Suella Braverman

Gov 177

- ★ Clause 5, page 5, line 42, leave out “as follows” and insert “to section 3(2A)(c) and to the following provisions of this section”

Member's explanatory statement

This amendment is consequential on Amendment 174.

Stella Creasy

132

- ★ 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.

Secretary Suella Braverman

Gov 79

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

“(b) the condition in subsection (2A) is met.”

Member's explanatory statement

This amendment and Amendment 80 provide that a person may be removed from the United Kingdom under the Bill before the end of the claim period for a suspensive claim where the person has notified the Secretary of State that they do not intend to make such a claim.

Secretary Suella Braverman

Gov 80

☆ Clause 7, page 8, line 32, at end insert—

“(2A) The condition in this subsection is that—

- (a) the claim period for any suspensive claim that may be made by P has expired, or
- (b) P has notified the Secretary of State (orally or in writing) that P does not intend to make a suspensive claim.

(2B) The giving of a notification by P under subsection (2A)(b) does not affect any ability of P to make a suspensive claim before P is removed from the United Kingdom under this Act (and accordingly if P makes such a claim, clauses 37 to 50 apply in relation to the claim).

(2C) But where P has been removed from the United Kingdom under this Act following such a notification, P may not make a suspensive claim (regardless of whether the claim period has expired).”

Member's explanatory statement

See Amendment 79.

Secretary Suella Braverman

Gov 81

☆ Clause 7, page 8, line 33, leave out subsection (3) and insert—

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

- (a) contain details of any right P has to make a suspensive claim under this Act, and
- (b) set out the claim period for any such suspensive claim.”

Member's explanatory statement

This amendment is consequential on Amendments 79 and 80.

Secretary Suella Braverman

Gov 82

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

“(3A) In this section—

“claim period”—

(a) in relation to a suspensive claim within section 37(2)(a) (serious harm suspensive claims), has the meaning given by section 40(7), and

(b) in relation to a suspensive claim within section 37(2)(b) (factual suspensive claims), has the meaning given by section 41(7);

“suspensive claim” has the meaning given by section 37 (suspensive claims: interpretation).”

Member's explanatory statement

This amendment is consequential on Amendments 79 and 80.

Secretary Suella Braverman

Gov 83

☆ Page 9, line 33, leave out Clause 8

Member's explanatory statement

This amendment leaves out clause 8, which enables the Secretary of State to give directions for the removal from the United Kingdom of family members of persons who are being removed pursuant to clause 2.

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.

Secretary Suella Braverman

Gov 90

☆ Clause 10, page 11, line 17, at end insert—

“(A1) The Immigration Act 1971 is amended in accordance with subsections (A2) and (1).

(A2) In section 27(1) (offences by persons connected with ships or aircraft)—

(a) after paragraph (a) insert—

“(aa) if, being the captain of a ship or aircraft, the train manager of a train or the driver of a vehicle, the person knowingly permits a person to disembark in the United Kingdom when required under section 7(8)(a) of the Illegal Migration Act 2023 to prevent it;”, and

(b) after paragraph (b) insert—

“(ba) if, as owner or agent of a ship, aircraft, train or vehicle, the person fails, without reasonable excuse, to make arrangements for or in connection with the removal of a person from the United Kingdom when required to do so by directions given under section 7(4) or (5) of the Illegal Migration Act 2023;”.

Member's explanatory statement

This amendment inserts into the Bill some amendments to section 27 of the Immigration Act 1971, which provides for offences by persons connected with ships or aircraft, so that the offences apply to the removal of a person under the Bill.

Secretary Suella Braverman

Gov 91

☆ Clause 10, page 11, line 18, leave out “to the Immigration Act 1971”

Member's explanatory statement

This amendment is consequential on Amendment 90.

Secretary Suella Braverman

Gov 139

★ Clause 10, page 12, line 6, leave out from “removal)” to end of line 11

Member's explanatory statement

This amendment is consequential on Amendment 83.

Alison Thewliss

51

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Page 13, line 10, leave out Clause 11

Secretary Suella Braverman

Gov 140

★ Clause 11, page 14, leave out lines 1 to 40

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 134

★ Clause 11, page 14, line 40, at end insert—

“(2EA) The powers in sub-paragraph (2C) may be exercised in respect of an unaccompanied child only in the circumstances specified in regulations made by the Secretary of State.

(2EB) The Secretary of State may, by regulations, specify time limits that apply in relation to the detention of an unaccompanied child under sub-paragraph (2C)(d)(iv) (detention of unaccompanied child in relation to removal).

(2EC) Regulations under sub-paragraph (2EA) may confer a discretion on the Secretary of State or an immigration officer.

(2ED) Regulations under sub-paragraph (2EA) or (2EB)—

(a) may make different provision for different purposes;

(b) may make consequential, supplementary, incidental, transitional or saving provision;

(c) must be made by statutory instrument.”

Member's explanatory statement

This amendment limits the powers in inserted sub-paragraph (2C) in paragraph 16 of Schedule 2 to the Immigration Act 1971 to detain unaccompanied children so that they may only be exercised in the circumstances specified in regulations made by the Secretary of State. It also allows the Secretary of State to make regulations specifying time-limits for detaining unaccompanied children under sub-paragraph (2C)(d)(iv).

Secretary Suella Braverman

Gov 141

★ Clause 11, page 14, line 41, leave out “or (2D)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 142

★ Clause 11, page 14, line 44, leave out “or (2D)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 135

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

“(2H) A statutory instrument containing regulations under sub-paragraph (2EA) or (2EB) is subject to annulment in pursuance of a resolution of either House of Parliament.

(2I) In sub-paragraphs (2EA) and (2EB), “unaccompanied child” has the same meaning as in the Illegal Migration Act 2023 (see section 3 of that Act).”

Member's explanatory statement

This amendment is consequential on Amendment 134. It applies the negative procedure to regulations under sub-paragraph (2EA) or (2EB) and inserts a definition of “unaccompanied child”.

Dame Diana Johnson

2

Joanna Cherry
Caroline Nokes
Apsana Begum
Stephen Farry
Caroline Lucas

Claudia Webbe
Debbie Abrahams
Sarah Champion
Valerie Vaz

Stella Creasy
Emma Hardy
Catherine McKinnell
Charlotte Nichols

Rosie Duffield
Kim Leadbeater
Mrs Emma Lewell-Buck
Mrs Sharon Hodgson

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.

Secretary Suella Braverman

Gov 143

★ Clause 11, page 15, line 11, leave out “or (2D)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 144

★ Clause 11, page 15, line 15, leave out “or (2B)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 145

- ★ Clause 11, page 16, leave out lines 9 to 47

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 136

- ★ Clause 11, page 16, line 45, at end insert—

- “(2CA) The powers in subsection (2A) may be exercised in respect of an unaccompanied child only in the circumstances specified in regulations made by the Secretary of State.
- (2CB) The Secretary of State may, by regulations, specify time-limits that apply to the detention of an unaccompanied child under subsection (2A)(d)(iv) (detention of unaccompanied child in relation to removal).
- (2CC) Regulations under subsection (2CA) may confer a discretion on the Secretary of State or an immigration officer.
- (2CD) Regulations under subsection (2CA) or (2CB)—
- (a) may make different provision for different purposes;
 - (b) may make consequential, supplementary, incidental, transitional or saving provision;
 - (c) must be made by statutory instrument.”

Member's explanatory statement

This amendment limits the powers in inserted subsections (2A) in section 62 of the Nationality, Immigration and Asylum Act 2002 to detain unaccompanied children so that they may only be exercised in the circumstances specified in regulations made by the Secretary of State. It also allows the Secretary of State to make regulations specifying time-limits for detaining unaccompanied children under subsection (2A)(d)(iv).

Secretary Suella Braverman

Gov 146

- ★ Clause 11, page 17, line 1, leave out “or (2B)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 147

★ Clause 11, page 17, line 3, leave out “or (2B)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 137

★ Clause 11, page 17, line 4, at end insert—

“(2F) A statutory instrument containing regulations under subsection (2CA) or (2CB) is subject to annulment in pursuance of a resolution of either House of Parliament.

(2G) In subsections (2CA) and (2CB), “unaccompanied child” has the same meaning as in the Illegal Migration Act 2023 (see section 3 of that Act).”

Member's explanatory statement

This amendment is consequential on Amendment 136. It applies the negative procedure to regulations under subsection (2BA) or (2BB) and inserts a definition of “unaccompanied child”.

Secretary Suella Braverman

Gov 148

★ Clause 11, page 17, line 12, leave out “or (2B)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Dame Diana Johnson

3

Joanna Cherry
Caroline Nokes
Apsana Begum
Stephen Farry
Caroline Lucas

Claudia Webbe
Debbie Abrahams
Sarah Champion
Valerie Vaz

Stella Creasy
Emma Hardy
Catherine McKinnell
Charlotte Nichols

Rosie Duffield
Kim Leadbeater
Mrs Emma Lewell-Buck
Mrs Sharon Hodgson

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.

Alison Thewliss

52

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Page 17, line 18, leave out Clause 12

Secretary Suella Braverman

Gov 149

★ Clause 12, page 17, line 30, leave out "(2D),"

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 86

☆ Clause 12, page 18, line 10, at end insert—

"(6) In the application of this paragraph in relation to detention under paragraph 16(3), references to "the removal" are to—

- (a) the removal of the person from the ship or aircraft on which the person is detained so that the person may be detained under paragraph 16, or
- (b) the removal of the person from the United Kingdom in that ship or aircraft.

(7) In the application of this paragraph in relation to detention under paragraph 16(4), references to "the removal" are to the removal of the person from the United Kingdom in the ship or aircraft on which the person is detained."

Member's explanatory statement

This amendment clarifies how new paragraph 17A of Schedule 2 to the Immigration Act 1971 operates in relation to detention under paragraph 16(3) and (4) of that Schedule to that Act.

Secretary Suella Braverman

Gov 150

★ Clause 12, page 19, line 7, leave out "(2B)" and insert "(2A)"

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 87

- ☆ Clause 13, page 20, line 29, leave out “as follows” and insert “in accordance with subsections (2) to (4)”

Member's explanatory statement

This amendment is consequential on Amendment 88.

Secretary Suella Braverman

Gov 151

- ★ Clause 13, page 20, line 32, leave out “, (2C) or (2D)” and insert “or (2C)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 152

- ★ Clause 13, page 20, line 33, leave out “, (2C) or (2D)” and insert “or (2C)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 153

- ★ Clause 13, page 21, leave out lines 1 to 6

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 154

- ★ Clause 13, page 21, line 9, leave out “or (2D)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 155

- ★ Clause 13, page 21, line 10, leave out “or (2B)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 156

★ Clause 13, page 21, line 20, leave out “or (2D)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 157

★ Clause 13, page 21, line 23, leave out “or (2B)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 85

☆ Clause 13, page 21, line 29, at end insert “or tribunal”

Member's explanatory statement

This amendment clarifies that inserted paragraph 3A(2) of Schedule 10 to the Immigration Act 2016 applies in relation to a tribunal as well as a court.

Secretary Suella Braverman

Gov 88

☆ Clause 13, page 22, line 13, at end insert—

“(5) In Schedule 3 to the Special Immigration Appeals Commission Act 1997 (bail: modifications of Schedule 10 to the Immigration Act 2016), in paragraph 3(a), after “(3),” insert “(3A),”

Member's explanatory statement

This amendment ensures that the restriction on when bail can be granted set out in paragraph 3(3A) of Schedule 10 to the Immigration Act 2016 (inserted by clause 13(3)(b)) also applies to the Special Immigration Appeals Commission, in cases where section 3(2) of the Special Immigration Appeals Commission Act 1997 applies.

Secretary Suella Braverman

Gov 84

☆ Clause 14, page 22, line 18, after “2” insert “or 3(2)”

Member's explanatory statement

This amendment applies the exception from the requirement to consult the Independent Family Returns Panel under section 54A of the Borders, Citizenship and Immigration Act 2009 to removal under clause 3(2).

Secretary Suella Braverman

Gov 158

★ Clause 14, page 22, line 19, leave out from “removal)” to end of line 20

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 159

★ Clause 14, page 22, line 23, leave out “or (2D)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 160

★ Clause 14, page 22, line 26, leave out “or (2B)”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Alison Thewliss

53

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Page 22, line 30, leave out Clause 15

Tim Loughton

183

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

Sir Robert Neill
Stephen Hammond
Julian Sturdy
Vicky Ford

Simon Hoare
David Simmonds
Damian Green

Selaine Saxby
Mr David Davis
Dame Diana Johnson

★ Clause 15, page 22, line 39, at end insert—

“(5) Subject to subsections (6) to (8), an unaccompanied child may not be placed in, or once placed in, may not be kept in, accommodation provided or arranged under subsection (1) that has the purpose of restricting liberty (“secure accommodation”) unless it appears—

- (a) that the child is likely to abscond from any other description of accommodation; and
 - (b) if they abscond, they are likely to suffer significant harm.
- (6) A child may not be kept in secure accommodation for a period of more than 72 hours without the authority of the court.
- (7) Subject to subsection (8), a court may authorise that a child may be kept in secure accommodation for a maximum period of 3 months.
- (8) A court may from time to time authorise that a child may be kept in secure accommodation for a further period not exceeding six months at any one time.
- (9) In this section, "significant harm" includes, but is not limited to, a high likelihood that the child will be at risk of trafficking or exploitation." "

Member's explanatory statement

This amendment would clarify the circumstances under which an unaccompanied child accommodated by the Home Office, rather than a local authority, can be accommodated in secure accommodation. It would require the child to be at risk of harm if they absconded, including at risk of being trafficked or exploited.

Dame Diana Johnson

7

- ☆ Page 23, line 1, leave out Clause 16

Secretary Suella Braverman

Gov 124

- ☆ Clause 16, page 23, line 6, leave out "receive the child on" and insert "provide accommodation to the child, under section 20 of the Children Act 1989, from"

Member's explanatory statement

This amendment amends the current reference in clause 16(2) to the Secretary of State directing a local authority to receive an unaccompanied migrant child so that it is clear that the direction is for the local authority to provide accommodation to the child pursuant to its duties under section 20 of the Children Act 1989.

Secretary Suella Braverman

Gov 125

- ☆ Clause 16, page 23, line 10, leave out subsection (4)

Member's explanatory statement

This amendment removes the provision to the effect that, when a local authority receives a child in compliance with a direction, the child becomes a child within the area of the local authority for the purposes of Part 3 of the Children Act 1989. This change is in consequence of Amendment 124 but is also made on the basis that the child will have been within the area of a local authority when provided with accommodation and support by the Secretary of State.

Secretary Suella Braverman

Gov 126

- ☆ Clause 16, page 23, line 15, leave out first “looked after” and insert “provided with accommodation”

Member's explanatory statement

This amendment and Amendments 127, 128, 129, 130 and 131 are consequential on Amendment 124 and replace references to child who is being looked after by a local authority in compliance with a direction with references to a child who is being provided with accommodation in compliance with a direction.

Secretary Suella Braverman

Gov 127

- ☆ Clause 16, page 23, line 15, leave out “looked after by the local authority” and insert “provided with that accommodation”

Member's explanatory statement

See Amendment 126.

Secretary Suella Braverman

Gov 128

- ☆ Clause 16, page 23, line 18, leave out “looking after the child on” and insert “providing the child with accommodation from”

Member's explanatory statement

See Amendment 126.

Secretary Suella Braverman

Gov 129

- ☆ Clause 16, page 23, line 22, leave out “looking after a child” and insert “providing a child with accommodation”

Member's explanatory statement

See Amendment 126.

Secretary Suella Braverman

Gov 130

- ☆ Clause 16, page 23, leave out lines 31 to 33

Member's explanatory statement

See Amendment 126.

Secretary Suella Braverman

Gov 131

- ☆ Clause 17, page 24, line 3, leave out from “the” to “by” in line 4 and insert “accommodation and support provided to children”

Member's explanatory statement

See Amendment 126.

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.

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.

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”

Sir Iain Duncan Smith

4

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

Stella Creasy

Caroline Ansell

Sir Robert Buckland

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.

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.

Secretary Suella Braverman

Gov 95

☆ Clause 21, page 26, line 14, leave out subsection (5) and insert—

“(5) The Secretary of State must assume for the purposes of subsection (3)(b) that it is not necessary for the person to be present in the United Kingdom to provide the cooperation in question unless the Secretary of State considers that there are compelling circumstances which require the person to be present in the United Kingdom for that purpose.

(5A) In determining whether there are compelling circumstances as mentioned in subsection (5), the Secretary of State must have regard to guidance issued by the Secretary of State.”

Member's explanatory statement

This amendment requires the Secretary of State to assume for the purposes of clause 21(3)(b) that it is not necessary for a person to be present in the United Kingdom to cooperate with an investigation or criminal proceedings unless there are compelling circumstances which require the person to be present for that purpose. It also provides for the Secretary of State to have regard to guidance in determining whether there are compelling circumstances.

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.

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”

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”

Secretary Suella Braverman

Gov 96

- ☆ Clause 23, page 28, line 22, leave out subsection (5) and insert—

“(5) The Secretary of State must assume for the purposes of subsection (3)(b) that it is not necessary for the person to be present in the United Kingdom to provide the cooperation in question unless the Secretary of State considers that there are compelling circumstances which require the person to be present in the United Kingdom for that purpose.

(5A) In determining whether there are compelling circumstances as mentioned in subsection (5), the Secretary of State must have regard to guidance issued by the Secretary of State.”

Member's explanatory statement

This amendment requires the Secretary of State to assume for the purposes of clause 23(3)(b) that it is not necessary for a person to be present in the United Kingdom to cooperate with an investigation or criminal proceedings unless there are compelling circumstances which require the person to be present for that purpose. It also provides for the Secretary of State to have regard to guidance in determining whether there are compelling circumstances.

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”

Secretary Suella Braverman

Gov 97

- ☆ Clause 24, page 30, line 4, leave out subsection (5) and insert—

“(5) The Secretary of State must assume for the purposes of subsection (3)(b) that it is not necessary for the person to be present in the United Kingdom to provide the cooperation in question unless the Secretary of State considers that there are compelling circumstances which require the person to be present in the United Kingdom for that purpose.

(5A) In determining whether there are compelling circumstances as mentioned in subsection (5), the Secretary of State must have regard to guidance issued by the Secretary of State.”

Member's explanatory statement

This amendment requires the Secretary of State to assume for the purposes of clause 24(3)(b) that it is not necessary for a person to be present in the United Kingdom to cooperate with an investigation or criminal proceedings unless there are compelling circumstances which require the person to be present for that purpose. It also provides for the Secretary of State to have regard to guidance in determining whether there are compelling circumstances.

Secretary Suella Braverman

Gov 114

☆ Clause 28, page 33, line 6, at end insert—

“(A1) Section 63 of the Nationality and Borders Act 2022 (identified potential victims of slavery or human trafficking: disqualification from protection) is amended as follows.

(A2) In subsection (1)—

- (a) for “may” substitute “must”, and
- (b) after paragraph (b) insert—

“This is subject to subsection (2A).”

(A3) After subsection (2) insert—

“(2A) A competent authority may not determine that subsection (2) is to apply to a person if the competent authority considers that there are compelling circumstances which mean that subsection (2) should not apply to the person.””

Member's explanatory statement

This amendment has the effect that a competent authority must determine under section 63 of the Nationality and Borders Act 2022 that certain modern slavery protections are not to apply to a person who is a threat to public order, or who has claimed to be a victim of modern slavery in bad faith, unless compelling circumstances require them to apply.

Secretary Suella Braverman

Gov 115

☆ Clause 28, page 33, line 7, leave out from “In” to end of line 8 and insert “subsection (3)—

(a) for paragraph (f) substitute—

“(f) the person—

- (i) is not a British citizen,
- (ii) has been convicted in the United Kingdom of an offence, and
- (iii) has been sentenced to a period of imprisonment for the offence;”, and”

Member's explanatory statement

This amendment and Amendment 116 modify the circumstances in which a person is to be treated as a threat to public order for the purposes of section 63 of the Nationality and Borders Act 2022 to include a case where the person has been convicted of an offence and sentenced to an immediate term of imprisonment.

Secretary Suella Braverman

Gov 116

☆ Clause 28, page 33, line 16, at end insert—

“(1A) After subsection (5) insert—

“(5A) In subsection (3)(f)—

- (a) “British citizen” has the same meaning as in section 3(5) of the Immigration Act 1971 (and section 3(8) (burden of proof) applies), and
- (b) the reference to a person who has been sentenced to a period of imprisonment—
 - (i) does not include a reference to a person who receives a suspended sentence (unless a court subsequently orders that the sentence or any part of it is to take effect), and
 - (ii) includes a reference to a person who is sentenced to detention, or ordered or directed to be detained, in an institution other than a prison (including, in particular, a hospital or an institution for young offenders).

(5B) For the purposes of subsection (3)(f) a person subject to an order under section 5 of the Criminal Procedure (Insanity) Act 1964 (insanity etc) has not been convicted of an offence.””

Member's explanatory statement

See Amendment 115.

Secretary Suella Braverman

Gov 117

☆ Clause 28, page 33, line 17, leave out “The amendment made by subsection (1)” and insert “An amendment made by a provision of this section”

Member's explanatory statement

This amendment is consequential on Amendments 114, 115 and 116.

Secretary Suella Braverman

Gov 118

☆ Clause 28, page 33, line 21, leave out “this section” and insert “the provision making the amendment”

Member's explanatory statement

This amendment is consequential on Amendments 114, 115 and 116.

Secretary Suella Braverman

Gov 119

☆ Clause 28, page 33, line 22, leave out subsections (3) and (4)

Member's explanatory statement

This amendment removes the regulation-making powers in clause 28(3) and (4) in consequence of Amendments 115 and 116.

Secretary Suella Braverman

Gov 161

- ★ Clause 29, page 33, line 35, leave out from “Kingdom);” to end of line 40

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 162

- ★ Clause 29, page 34, line 7, leave out from “Kingdom)” to end of line 12

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 104

- ☆ Clause 29, page 34, leave out lines 26 to 36 and insert—

“(3) The Secretary of State may give the person limited leave to enter the United Kingdom, or grant to the person an entry clearance or an ETA, if—

- (a) the person has left or been removed from the United Kingdom after having become a person within subsection (1), and
- (b) the Secretary of State considers that—
 - (i) failure to give the leave or grant the entry clearance or ETA would contravene the United Kingdom’s obligations under the Human Rights Convention, or
 - (ii) there are other exceptional circumstances which apply in relation to the person which mean that it is appropriate to give the leave or grant the entry clearance or ETA.”

Member's explanatory statement

This amendment clarifies the persons in relation to whom the power in section 8AA of the Immigration Act 1971 to give leave or grant an entry clearance or ETA may be exercised, and narrows the grounds on which the power may be exercised.

Secretary Suella Braverman

Gov 105

- ☆ Clause 29, page 34, leave out lines 37 to 45 and insert—

“(4) The Secretary of State may give the person limited leave to remain in the United Kingdom if—

- (a) the Secretary of State considers that failure to do so would contravene the United Kingdom's obligations under the Human Rights Convention or any other international agreement to which the United Kingdom is a party, or
- (b) the Secretary of State has exercised the power in subsection (3) in respect of the person, and the Secretary of State considers that there are other exceptional circumstances which apply in relation to the person which mean that it is appropriate to give the person limited leave to remain."

Member's explanatory statement

This amendment narrows the grounds on which the Secretary of State may give a person to whom section 8AA of the Immigration Act 1971 applies limited leave to remain.

Secretary Suella Braverman

Gov 122

- ☆ Clause 29, page 35, line 2, leave out from "that" to end of line 7 and insert "failure to do so would contravene the United Kingdom's obligations under the Human Rights Convention."

Member's explanatory statement

This amendment narrows the grounds on which the Secretary of State may give a person to whom section 8AA of the Immigration Act 1971 applies indefinite leave to remain.

Secretary Suella Braverman

Gov 92

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

Member's explanatory statement

This amendment applies to a person who, by virtue of the Bill, may not be given leave to enter or remain or granted entry clearance or an electronic travel authorisation. It removes the requirement for Immigration Rules to secure that certain applications by the person for any of those things is void.

Secretary Suella Braverman

Gov 163

- ★ Clause 30, page 35, line 28, leave out "or (4)"

Member's explanatory statement

This amendment is consequential on Amendment 164.

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.

Secretary Suella Braverman

Gov 164

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

Member's explanatory statement

This amendment leaves out subsection (4) of clause 30, by which the provisions in the Bill on citizenship apply to a person born in the United Kingdom on or after 7th March 2023 if either of their parents has ever met the conditions in clause 2.

Secretary Suella Braverman

Gov 165

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

Member's explanatory statement

This amendment is consequential on Amendment 164.

Secretary Suella Braverman

Gov 166

- ★ Clause 31, page 36, line 31, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on Amendment 164.

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.

Secretary Suella Braverman

Gov 167

- ★ Clause 31, page 36, line 33, leave out “that Act” and insert “the British Nationality Act 1981”

Member's explanatory statement

This amendment is consequential on Amendment 164.

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.

Secretary Suella Braverman

Gov 168

- ★ Clause 32, page 37, line 17, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on Amendment 164.

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.

Secretary Suella Braverman

Gov 169

- ★ Clause 32, page 37, line 19, leave out "that Act" and insert "the British Nationality Act 1981"

Member's explanatory statement

This amendment is consequential on Amendment 164.

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.

Alison Thewliss

66

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ☆ Page 37, line 39, leave out Clause 33

Alison Thewliss

67

Stuart C McDonald
Patrick Grady
Brendan O'Hara

- ☆ Page 38, line 1, leave out Clause 34

Secretary Suella Braverman

Gov 123

- ☆ Clause 35, page 38, line 10, leave out from "that" to end of line 14 and insert "the application of those sections in relation to the person would contravene the United Kingdom's obligations under the Human Rights Convention."

Member's explanatory statement

This amendment narrows the grounds on which the Secretary of State may determine that a person is not to be an "ineligible person" (which means that clauses 31 to 34 will not apply in relation to that person).

Secretary Suella Braverman

Gov 170

- ★ Clause 36, page 38, line 17, leave out subsection (2)

Member's explanatory statement

This amendment is consequential on Amendment 164.

Secretary Suella Braverman

Gov 171

- ★ Clause 36, page 39, line 12, leave out subsection (10)

Member's explanatory statement

This amendment is consequential on Amendment 164.

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.

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.

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.

Secretary Suella Braverman

Gov 172

- ★ Clause 37, page 40, line 17, leave out from “removal)” to end of line 18

Member's explanatory statement

This amendment is consequential on Amendment 83.

Secretary Suella Braverman

Gov 173

- ★ Clause 37, page 40, line 28, leave out from “removal)” to end of line 30

Member's explanatory statement

This amendment is consequential on Amendment 83.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Secretary Suella Braverman

Gov 186

- ★ Page 52, line 31, leave out Clause 51

Member's explanatory statement

This amendment leaves out clause 51.

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.

Alison Thewliss

72

Stuart C McDonald
Patrick Grady
Brendan O'Hara

☆ Clause 52, page 53, leave out line 33

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.

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.

Secretary Suella Braverman**Gov 11**

Tim Loughton
Tracey Crouch
Sir Robert Buckland
Mrs Flick Drummond
Richard Fuller

Caroline Nokes
Selaine Saxby
David Simmonds
Dame Diana Johnson

Sir Robert Neill
Stephen Hammond
Mr David Davis
Damian Green

Simon Hoare
Vicky Ford
Julian Sturdy

☆ 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.

Secretary Suella Braverman**Gov 178**

★ Clause 56, page 56, line 37, at end insert—

“(za) regulations under section 3(2A)(d) (circumstances in which power to make arrangements for removal of unaccompanied child applies),”

Member's explanatory statement

This amendment is consequential on Amendment 174 and applies the affirmative procedure to regulations under clause 3(2A)(d).

Secretary Suella Braverman**Gov 98**

☆ Clause 56, page 57, line 3, leave out paragraph (c)

Member's explanatory statement

This amendment is consequential on Amendment 95.

Secretary Suella Braverman

Gov 99

- ☆ Clause 56, page 57, line 5, leave out paragraph (d)

Member's explanatory statement

This amendment is consequential on Amendment 96.

Secretary Suella Braverman

Gov 100

- ☆ Clause 56, page 57, line 9, leave out paragraph (f)

Member's explanatory statement

This amendment is consequential on Amendment 97.

Secretary Suella Braverman

Gov 120

- ☆ Clause 56, page 57, line 13, leave out paragraph (h)

Member's explanatory statement

This amendment is consequential on Amendment 119.

Secretary Suella Braverman

Gov 187

- ★ Clause 56, page 57, line 17, leave out paragraph (j)

Member's explanatory statement

This amendment is consequential on Amendment 186.

Secretary Suella Braverman

Gov 133

- ★ Clause 56, page 57, line 22, at end insert—

“(m) regulations under paragraph 10 of Schedule (*Electronic devices etc*) (powers relating to relevant articles containing items subject to legal privilege),”

Member's explanatory statement

This amendment provides that regulations under paragraph 10 of the new Schedule moved by NS1 are subject to the draft affirmative procedure.

Secretary Suella Braverman

Gov 179

★ Clause 57, page 58, line 3, leave out “4(6)” and insert “3(8)”

Member's explanatory statement

This amendment is consequential on Amendment 175.

Secretary Suella Braverman

Gov 180

★ Clause 57, page 58, line 7, leave out “4(6)” and insert “3(8)”

Member's explanatory statement

This amendment is consequential on Amendment 175.

Secretary Suella Braverman

Gov 93

☆ Clause 58, page 58, line 22, at end insert—

“(6A) His Majesty may by Order in Council provide for any of the provisions of this Act to extend, with or without modifications, to any of the Channel Islands or the Isle of Man.

(6B) Subsection (6A) does not apply to—

- (a) sections 3(5) to (7) and 54, so far as they extend to the Channel Islands and the Isle of Man by virtue of subsection (5), or
- (b) sections 30 to 36.”

Member's explanatory statement

This amendment would enable an Order in Council to be made which extends any of the freestanding provisions in the Bill to any of the Channel Islands or the Isle of Man, to the extent that the Bill does not expressly provide for them to extend there.

Secretary Suella Braverman

Gov 94

☆ Clause 58, page 58, line 24, at end insert—

“(8) A power under any provision listed in subsection (9) may be exercised so as to extend (with or without modifications) to any of the Channel Islands or the Isle of Man any amendment or repeal made by or under this Act of any part of an Act to which the provision listed in subsection (9) relates.

(9) Those provisions are—

- (a) section 36 of the Immigration Act 1971,
- (b) section 9(3) of the Special Immigration Appeals Commission Act 1997,
- (c) section 170(7) of the Immigration and Asylum Act 1999,
- (d) section 163(4) of the Nationality, Immigration and Asylum Act 2002,

- (e) section 49(3) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004,
- (f) section 60(4) of the UK Borders Act 2007,
- (g) section 57(5) of the Borders, Citizenship and Immigration Act 2009,
- (h) section 60(6) of the Modern Slavery Act 2015,
- (i) section 95(5) of the Immigration Act 2016, and
- (j) section 86(4) of the Nationality and Borders Act 2022.”

Member's explanatory statement

This amendment would enable an Order in Council to be made which extends to any of the Channel Islands or the Isle of Man textual amendments made by the Bill to another Act .

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.

Secretary Suella Braverman

Gov 103

- ☆ Clause 59, page 58, line 31, at end insert—

“(za) sections 29 to 36;”

Member's explanatory statement

This amendment provides for clauses 29 to 36 (entry, settlement and citizenship provisions) to come into force on Royal Assent, rather than being commenced by regulations.

Secretary Suella Braverman

Gov 138

- ★ Clause 59, page 59, line 4, at end insert—

“(ba) section 11(2) (detention under authority of immigration officer);
 (bb) section 11(6) (detention under authority of Secretary of State);”

Member's explanatory statement

This amendment is consequential on Amendments 134 and 136 and provides for the powers to make regulations inserted by those amendments to come into force on Royal Assent.

Secretary Suella Braverman

Gov 101

- ☆ Clause 59, page 59, line 9, leave out paragraph (e)

Member's explanatory statement

This amendment is consequential on Amendment 95.

Secretary Suella Braverman

Gov 102

☆ Clause 59, page 59, line 11, leave out paragraph (g)

Member's explanatory statement

This amendment is consequential on Amendment 97.

Secretary Suella Braverman

Gov 121

☆ Clause 59, page 59, line 12, leave out paragraph (h)

Member's explanatory statement

This amendment is consequential on Amendment 119.

Secretary Suella Braverman

Gov 188

★ Clause 59, page 59, line 18, leave out paragraph (m)

Member's explanatory statement

This amendment is consequential on Amendment 186.

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.

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.

Secretary Suella Braverman

Gov 189

★ Clause 59, page 59, line 22, leave out subsection (6)

Member's explanatory statement

This amendment is consequential on Amendment 186.

Secretary Suella Braverman

Gov NS1

★ To move the following Schedule—

“SCHEDULE

Section (Electronic devices etc)

ELECTRONIC DEVICES ETC

Introduction

- 1 In this Schedule “relevant person” means a person who—
 - (a) is liable to be detained under paragraph 16(2C) of Schedule 2 to the Immigration Act 1971 (illegal migrant), and
 - (b) entered or arrived in the United Kingdom as mentioned in section 2(2) of this Act on or after the day this Schedule came into force.
- 2 (1) In this Schedule—

“appropriate adult”, in relation to a person, means—

 - (a) a person appearing to an immigration officer to be the person’s parent or guardian,
 - (b) if the person is in the care of a local authority or voluntary organisation, a person representing that authority or organisation,
 - (c) a social worker of a local authority, or
 - (d) if no person within a preceding paragraph is available, any responsible person aged 18 or over who is not an immigration officer or a person employed for, or engaged on, purposes relating to a relevant function;

“container” has the meaning given by section 1 of the Customs and Excise Management Act 1979;

“intimate search” has the meaning given by section 28H of the Immigration Act 1971;

“item subject to legal privilege” has the meaning given by section 65(1) of the Criminal Justice and Police Act 2001;

“relevant article” means anything which appears to an immigration officer to be a thing on which relevant information is or may be stored in electronic form;

“relevant function” means—

(a) any function of an immigration officer, or

(b) any function of the Secretary of State in relation to immigration, asylum or nationality;

“relevant information” means any information which appears to an immigration officer or the Secretary of State to be relevant to a relevant function;

“ship” has the meaning given by section 28Q of the Immigration Act 1971;

“vehicle” includes—

(a) any ship, train (including any locomotive and railway rolling stock of any description), aircraft or bicycle, and

(b) anything designed or adapted for towing by a vehicle.

- (2) In paragraph (d) of the definition of “appropriate adult”, the reference to purposes relating to a relevant function does not include the purpose of performing the functions of an “appropriate adult” for the purposes of this Schedule.

Power to search relevant persons

- 3 (1) An immigration officer may search a relevant person for any relevant article, if the officer has reasonable grounds to suspect that the relevant person is in possession of a relevant article.
- (2) The power of an immigration officer under this paragraph to search a person—
- (a) authorises the search of their mouth;
- (b) authorises the officer to require the person to remove an outer coat, jacket or glove (but no other clothing) in public;
- (c) if the conditions in sub-paragraph (3) are met, authorises the officer to require the person to remove any clothing;
- (d) does not authorise the carrying out of an intimate search.
- (3) The conditions referred to in sub-paragraph (2)(c) are—
- (a) that the search is not carried out in public;
- (b) that the person carrying out the search is of the same sex as the person searched;

- (c) that the only persons present when the search is carried out are immigration officers, any person present at the request of the person searched, and any person present as a result of paragraph (e);
- (d) that, subject to any exceptions made at the request of the person searched, the persons present when the search is carried out are of the same sex as the person searched;
- (e) that if it appears to the person carrying out the search that the person searched is under the age of 18, an appropriate adult is present when the search is carried out.

Power to search vehicles and containers

- 4 (1) An immigration officer may search a vehicle or container listed in sub-paragraph (2) for any relevant article, if the officer has reasonable grounds to suspect that a relevant article that is or has been in the possession of a relevant person is in the vehicle.
- (2) The vehicles and containers referred to in sub-paragraph (1) are—
- (a) a vehicle or container in which the relevant person was when encountered by an immigration officer or constable;
 - (b) a vehicle or container which an immigration officer has reasonable grounds to suspect the relevant person was in at the time of their arrival in the United Kingdom;
 - (c) a ship or container which an immigration officer has reasonable grounds to suspect the relevant person was in at any time during a journey which ended with their arrival in the United Kingdom.

Power to search premises

- 5 (1) This paragraph applies to premises in which a relevant person was when, or immediately before being, encountered by an immigration officer or a constable.
- (2) An immigration officer may search the premises for any relevant article if—
- (a) the officer is lawfully on the premises, and
 - (b) the officer has reasonable grounds to suspect that a relevant article that is or has been in the possession of the relevant person is on the premises.

Power to search property

- 6 (1) This paragraph applies to property which an immigration officer has reasonable grounds to suspect has been in the possession of a relevant person.
- (2) An immigration officer may search the property for any relevant article if the officer has reasonable grounds to suspect that the property includes a relevant article.

Power of seizure

- 7 An immigration officer may seize any relevant article that—

- (a) is found on a search under this Schedule, or
- (b) appears to the officer to be, or have been, in the possession of a relevant person.

Power of retention

- 8 (1) A relevant article seized under paragraph 7—
- (a) may be retained by an immigration officer or the Secretary of State, for so long as the officer or Secretary of State considers its retention necessary for a purpose relating to a relevant function;
 - (b) must, subject to any provision made under sub-paragraph (2), be returned when it ceases to be retained under this paragraph.
- (2) The Secretary of State may by regulations make, in relation to a relevant article retained under sub-paragraph (1)—
- (a) provision applying (with or without modifications) section 49 of the Immigration Act 2016 (duty to pass on certain seized items), or
 - (b) provision corresponding, or similar, to the provision made by that section.

Power to access, copy and use information stored on relevant article

- 9 The Secretary of State or an immigration officer may—
- (a) access and examine any information stored on a relevant article that is retained under paragraph 8;
 - (b) copy and retain any relevant information that is stored on the relevant article;
 - (c) use any information retained under paragraph (b) for any purpose relating to a relevant function.

Relevant articles containing items subject to legal privilege

- 10 (1) The Secretary of State may by regulations make provision about relevant articles that contain (or may contain) items subject to legal privilege.
- (2) The provision that may be made includes in particular—
- (a) provision modifying this Schedule as it applies in relation to such relevant articles;
 - (b) provision applying (with or without modifications) any provision made by or under Part 2 of the Criminal Justice and Police Act 2001 (powers of seizure);
 - (c) provision corresponding, or similar, to any provision made by or under that Part.

Extension of powers to other persons

- 11 (1) The Secretary of State may by regulations provide—
- (a) that references in this Schedule to an immigration officer include a person of a description specified in the regulations;

- (b) that a person of a description so specified may, if necessary, use reasonable force in the exercise of any function conferred by virtue of the regulations.
- (2) The descriptions of person that may be specified in the regulations include persons designated by the Secretary of State, in accordance with the regulations.
- If they do so, the regulations must contain such safeguards relating to the designation of persons as the Secretary of State considers appropriate."

Member's explanatory statement

See the statement for NC23.

Secretary Suella Braverman

Gov 78

☆ Title, line 9, at end insert "to make further provision about the credibility of claimants making asylum and human rights claims;"

Member's explanatory statement

This amendment is consequential on NC19.

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 21 April 2023:

60 and 61 (duplicates)