

Illegal Migration Bill

LORDS AMENDMENTS

[The page and line references are to HL Bill 133, the Bill as first printed for the Lords]

Clause 1

- 1 Leave out Clause 1 and insert the following new clause –

“Introduction

Nothing in this Act shall require any act or omission that conflicts with the obligations of the United Kingdom under –

- (a) the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms;
- (b) the 1951 UN Convention relating to the Status of Refugees including the Protocol to that Convention;
- (c) the 1954 and 1961 UN Conventions on the Reduction of Statelessness;
- (d) the 1989 UN Convention on the Rights of the Child;
- (e) the 2005 Council of Europe Convention on Action against Trafficking Human Beings.”

Clause 2

- 2 Clause 2, page 3, line 26, leave out “7 March 2023” and insert “the date on which this section comes into force”

Clause 3

- 3 Clause 3, page 4, line 40, leave out “or citizen”

- 4 Clause 3, page 5, line 35, at end insert –

- “(10A) A statutory instrument containing regulations under subsection (7) must be laid before Parliament after being made.
- (10B) Regulations contained in a statutory instrument laid before Parliament under subsection (10A) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (10C) In calculating the period of 28 days, no account is to be taken of any whole days that fall within a period during which—
- (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than four days.
- (10D) If regulations cease to have effect as a result of subsection (10B) that does not—
- (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.”

- 5 Clause 3, page 5, line 38, at end insert—
 ““national” includes citizen;”

Clause 4

- 6 Clause 4, page 6, line 3, leave out paragraph (c)
- 7 Clause 4, page 6, line 6, leave out paragraph (d)
- 8 Clause 4, page 6, line 8, after “2” insert “and does not fall within the exceptions in section 3”
- 9 Clause 4, page 6, line 13, leave out “cannot be considered under the immigration rules” 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 six months of the day the claim is deemed inadmissible.
- (3A) From the point at which the provisions of subsection (3) apply to a person, no other provision made by or by virtue of this Act applies to that person.”
- 10 Clause 4, page 6, line 21, leave out “or citizen”
- 11 Clause 4, page 6, line 30, at end insert “, and

- (c) any other application to a court or tribunal which is required by an enactment to be determined by applying the principles that would be applied by a court on an application within paragraph (a) or (b).”

12 Clause 4, page 6, line 31, leave out from first “claim” to end of line 34 and insert “are only to claims made on or after the date on which this section comes into force.”

Clause 5

13 Clause 5, page 7, line 8, leave out “or citizen”

14 Clause 5, page 7, line 17, after “States),” insert “or has obtained a passport or other document of identity in such a country,”

15 Clause 5, page 7, line 21, at end insert “or territory”

16 Clause 5, page 7, line 24, after “Convention,” insert “or has obtained a passport or other document of identity in such a country,”

17 Clause 5, page 7, line 27, after “State,” insert “or has obtained a passport or other document of identity in a member State,”

18 Clause 5, page 7, line 43, after “2002,” insert “or has obtained a passport or other document of identity in such a country,”

19 Clause 5, page 8, line 5, after “2002,” insert “and has not obtained a passport or other document of identity in such a country,”

20 Clause 5, page 8, line 17, leave out from first “claim” to end of line 20 and insert “are only to claims made on or after the date on which this section comes into force.”

21 Clause 5, page 8, line 28, after “State” insert “, or who has obtained a passport or other document of identity in that State,”

22 Clause 5, page 8, leave out lines 30 to 32 and insert “the date on which this section comes into force.”

After Clause 6

23 After Clause 6, insert the following new Clause –

“Restrictions on removal destinations: LGBT persons

- (1) Where the Secretary of State is required by section 2(1) to make arrangements for the removal of a person from the United Kingdom –
 - (a) trans men and women must not be removed to Brazil;
 - (b) LGBT persons must not be removed to Gambia, Ghana, Jamaica, Kenya, Liberia, Malawi, Mauritius, Nigeria, Rwanda or Sierra Leone;
 - (c) no person may be removed to a territory or country listed in Schedule 1 (Countries or territories to which a person may be removed) if the exceptional circumstances specified in section 5(5)(b) apply to that territory or country.
- (2) The Secretary of State may by regulations amend subsection (1) to –
 - (a) add or remove a country or territory, or part of a country or territory;
 - (b) reflect changes made to Schedule 1 by regulations made under section 6.”

Clause 7

24 Clause 7, page 10, line 22, after “State” insert “or an immigration officer”

25 Clause 7, page 10, line 26, after “State” insert “or an immigration officer”

26 Clause 7, page 10, line 27, after “State” insert “or an immigration officer”

27 Clause 7, page 10, line 29, after “State” insert “or an immigration officer”

Clause 9

28 Clause 9, page 12, line 2, leave out “(2) and” and insert “(1A) to”

29 Clause 9, page 12, line 3, at end insert –

- “(1A) In section 24(1) (illegal entry and similar offences), after paragraph (f) insert –
- “(fa) if the person disembarks in the United Kingdom from a ship, aircraft, train or vehicle after being placed on board under section 7(11) of the Illegal Migration Act 2023 with a view to the person’s removal from the United Kingdom;”.

Clause 10

- 30 Clause 10, page 14, leave out lines 29 to 31
- 31 Clause 10, page 14, line 38, leave out from beginning to end of line 19 on page 15 and insert –
“(2D) Detention under sub-paragraph (2C) is to be treated as detention under paragraph 16(2) for the purposes of the limitations in paragraph 18B (limitation on detention of unaccompanied children).”
- 32 Clause 10, page 15, line 19, at end insert –
“(2L) The Secretary of State may not exercise these powers to detain a person under sub-paragraph (2C) where they fall within section 21(3) of the Illegal Migration Act 2023.”
- 33 Clause 10, page 15, line 22, leave out subsection (4)
- 34 Clause 10, page 16, leave out lines 21 to 23
- 35 Clause 10, page 16, line 29, leave out from beginning to end of line 6 on page 17 and insert –
“(2B) Detention under subsection (2A) is to be treated as detention under paragraph 16(2) of Schedule 2 to the Immigration Act 1971 for the purposes of the limitations in paragraph 18B of Schedule 2 to the Immigration Act 1971 (limitation on detention of unaccompanied children).”
- 36 Clause 10, page 17, line 9, leave out subsection (8)
- 37 Clause 10, page 17, line 16, leave out subsection (10)
- 38 Clause 10, page 17, line 18, leave out from “paragraph” to end of line 19 and insert “(a) of the definition of “relevant detention power”, after “paragraph 16(2)” insert “or (2C)”.”

Clause 11

- 39 Clause 11, page 17, line 27, at beginning insert –

“17A(A1) This paragraph is subject to section 11(7) of the Illegal Migration Act 2023.”

- 40 Clause 11, page 18, line 34, after “to” insert “section 11(7) of the Illegal Migration Act 2023,”
- 41 Clause 11, page 18, line 41, at beginning insert “Subject to section 11(7) of the Illegal Migration Act 2023,”
- 42 Clause 11, page 19, line 29, at end insert—
“(c) section 11(7) of the Illegal Migration Act 2023.”
- 43 Clause 11, page 19, line 35, at beginning insert “Subject to section 11(7) of the Illegal Migration Act 2023,”
- 44 Clause 11, page 20, line 10, after “to” insert “section 11(7) of the Illegal Migration Act 2023,”
- 45 Clause 11, page 20, line 16, at beginning insert “Subject to section 11(7) of the Illegal Migration Act 2023,”
- 46 Clause 11, page 20, line 28, at beginning insert “Subject to section 11(7) of the Illegal Migration Act 2023,”
- 47 Clause 11, page 20, line 31, at beginning insert “Subject to section 11(7) of the Illegal Migration Act 2023,”
- 48 Clause 11, page 20, line 36, at beginning insert “Subject to section 11(7) of the Illegal Migration Act 2023,”
- 49 Clause 11, page 20, line 42, at end insert—
“(7) None of the amendments made in this section permit detention that is inconsistent with the following principles—
(a) the Secretary of State must intend to remove the person being detained and can only use the power to detain for that purpose,
(b) the person being removed may only be detained for a period that is reasonable in all the circumstances,

- (c) if, before the expiry of the reasonable period, it becomes apparent that the Secretary of State will not be able to effect removal within a reasonable period, they must not seek to exercise the power of detention, and
- (d) the Secretary of State must act with reasonable diligence and expedition to effect removal.”

Clause 16

50 Clause 16, page 23, line 32, at end insert –

“(4A) But the Secretary of State may not make a decision under subsection (4) unless to do so is necessary to safeguard and promote the welfare of the child.”

Clause 21

51 Clause 21, page 25, line 35, leave out “and” and insert “or”

52 Clause 21, page 25, line 36, leave out paragraph (b) and insert –

“(b) that person is or may be a modern slavery survivor, save where the exceptions set out in section 21(3) apply.”

53 Clause 21, page 26, line 9, after “if” insert “any one of the below conditions applies”

54 Clause 21, page 26, line 14, leave out “and”

55 Clause 21, page 26, line 18, at end insert –

- “(d) a person has been identified by a First Responder as appropriate for referral into the National Referral Mechanism;
- (e) a decision by a competent authority regarding reasonable grounds is pending;
- (f) a decision has been made by a competent authority that there are reasonable grounds to believe that the person is a victim of slavery or human trafficking (a “positive reasonable grounds decision”), and has not yet received a conclusive grounds decision;
- (g) the person is in the course of challenging a negative reasonable grounds decision;
- (h) the person has received a positive conclusive grounds decision;
- (i) the person is in the course of challenging a negative conclusive grounds decision.”

- 56 Clause 21, page 26, leave out line 19 and insert –
- “(3A) Subsection (2) also does not apply in relation to a person if the relevant exploitation took place in the United Kingdom.
- (3B) Where subsection (3) or (3A) applies in relation to a person the following do not apply in relation to the person –
- (a) section 22,
 - (b) section 23, and
 - (c) section 24.
- (4) In this section –”
- 57 Clause 21, page 26, line 30, leave out subsections (5) and (6) and insert –
- “(5) The Secretary of State may by regulations make provision about the circumstances in which it is necessary for a person to be present in the United Kingdom to provide cooperation of the kind mentioned in subsection (3)(a).”
- 58 Clause 21, page 27, line 9, leave out subsection (9)
- 59 Clause 21, page 27, line 12, at end insert –
- “(10A) A person falling within section 2(1) or section 3(2) will not be treated as a threat to public order solely on the grounds of meeting the conditions set out therein.”
- Clause 22**
- 60 Leave out Clause 22
- Clause 23**
- 61 Leave out Clause 23
- Clause 24**
- 62 Leave out Clause 24
- Clause 25**
- 63 Clause 25, page 31, line 19, leave out from second “of” to end of line 20 and insert “12 months from 7 March 2023”

Clause 26

64 Clause 26, page 32, line 16, leave out subsection (2)

Clause 27

65 Clause 27, page 33, line 29, leave out subsection (12)

Clause 28

66 Clause 28, page 33, line 36, leave out subsections (2) and (3)

67 Clause 28, page 34, line 12, after “imprisonment” add “of at least 12 months”

Clause 37

68 Clause 37, page 40, line 20, leave out “factual” and insert “removal conditions”

69 Clause 37, page 40, line 21, leave out “Factual” and insert “Removal conditions”

70 Clause 37, page 40, line 22, leave out from “the” to end of line 23 and insert “person does not meet the removal conditions”

71 Clause 37, page 40, line 30, leave out “or citizen”

72 Clause 37, page 40, line 38, leave out subsections (9) and (10)

Clause 38

73 Leave out Clause 38 and insert the following new 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 39 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 face a real risk of serious 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 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 risk of any harm mentioned in paragraphs (a) to (d).
- (5) For the purposes of subsection (4)—
- (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.”

Clause 39

74 Leave out Clause 39

Clause 42

75 Clause 42, page 44, line 21, leave out “factual” and insert “removal conditions”

76 Clause 42, page 44, line 25, leave out paragraphs (a) and (b) and insert—

- “(a) that the person does not meet the removal conditions, or
- (b) that the person meets the removal conditions.”

- 77 Clause 42, page 44, line 32, leave out “factual” and insert “removal conditions”
- 78 Clause 42, page 44, line 37, leave out from “the” to end of line 39 and insert “person does not meet the removal conditions,”
- 79 Clause 42, page 45, line 2, leave out “factual” and insert “removal conditions”
- 80 Clause 42, page 45, line 9, leave out “factual” and insert “removal conditions”

Clause 43

- 81 Clause 43, page 45, line 28, leave out paragraph (b) and insert –
“(b) in the case of a removal conditions suspensive claim, the person does not meet the removal conditions,”
- 82 Clause 43, page 45, line 34, leave out “factual” and insert “removal conditions”
- 83 Clause 43, page 46, line 1, leave out paragraph (b) and insert –
“(b) in relation to a removal conditions suspensive claim, whether the person meets the removal conditions.”

Clause 44

- 84 Clause 44, page 46, line 23, leave out “factual” and insert “removal conditions”
- 85 Clause 44, page 46, line 25, leave out from “the” to end of line 27 and insert “person does not meet the removal conditions”

Clause 45

- 86 Clause 45, page 47, line 8, leave out “factual” and insert “removal conditions”
- 87 Clause 45, page 47, line 9, leave out “factual” and insert “removal conditions”

After Clause 48

- 88 After Clause 48, insert the following new Clause –

“Procedure for Tribunal Procedure Rules

- (1) The first time after the passing of this Act that Tribunal Procedure Rules are made for the purposes of any of sections 43 to 48 (appeals in relation to suspensive claims), the Rules may be made by the Lord Chancellor rather than by the Tribunal Procedure Committee.
- (2) Before making Tribunal Procedure Rules by virtue of subsection (1), the Lord Chancellor must consult—
 - (a) the Senior President of Tribunals,
 - (b) the Lord Chief Justice of England and Wales,
 - (c) the Lord President of the Court of Session, and
 - (d) the Lord Chief Justice of Northern Ireland.
- (3) The Lord Chancellor is not required to undertake any other consultation before making Tribunal Procedure Rules by virtue of subsection (1).
- (4) A requirement to consult under subsection (2) may be satisfied by consultation that took place wholly or partly before the passing of this Act.
- (5) Tribunal Procedure Rules made by virtue of subsection (1) are to be made by statutory instrument.
- (6) A statutory instrument containing Tribunal Procedure Rules made by virtue of subsection (1) must be laid before Parliament after being made.
- (7) Tribunal Procedure Rules contained in a statutory instrument laid before Parliament under subsection (6) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (8) In calculating the period of 40 days, no account is to be taken of any whole days that fall within a period during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than four days.
- (9) If Tribunal Procedure Rules cease to have effect as a result of subsection (7)—
 - (a) that does not affect the validity of anything previously done under the Rules, and
 - (b) subsection (1) applies again as if the Rules had not been made.
- (10) In this section “Tribunal Procedure Committee” means the committee of that name constituted under Part 2 of Schedule 5 to the Tribunals, Courts and Enforcement Act 2007.”

Clause 51

89 Clause 51, page 53, line 35, at end insert—

“(b) in subsection (9), at the beginning, insert “Subject to subsection (10),”;

- (c) after subsection (9), insert –
 - “(10) A statutory instrument containing the first rules made for the purposes of section 2AA (appeals in relation to the Illegal Migration Act 2023) must be laid before Parliament after being made.
 - (11) Rules contained in a statutory instrument laid before Parliament under subsection (10) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
 - (12) In calculating the period of 40 days, no account is to be taken of any whole days that fall within a period during which –
 - (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than four days.
 - (13) If rules cease to have effect as a result of subsection (11) –
 - (a) that does not affect the validity of anything previously done under the rules, and
 - (b) subsection (10) applies again as if the rules had not been made.”

Clause 52

90 Leave out Clause 52

Clause 54

91 Clause 54, page 56, line 7, leave out from “sections” to end of line and insert “43 to 48 of the Illegal Migration Act 2023, or under Tribunal Procedure Rules made for the purposes of any of those sections.”

92 Clause 54, page 56, line 15, at end insert –

- “(6) The Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)) is amended in accordance with subsections (7) and (8).
- (7) In Article 14 (decisions about provision of funded services), after paragraph (2A) insert –
 - “(2AA) But paragraph (2A) does not apply to a grant of representation for the purposes of –
 - (a) proceedings before the Upper Tribunal mentioned in paragraph 2(ic) of Schedule 2 (proceedings under or for the purposes of the Illegal Migration Act 2023),
 - (b) proceedings before the Special Immigration Appeals Commission under or by virtue of section 2AA of the Special

- Immigration Appeals Commission Act 1997 (jurisdiction: appeals in relation to the Illegal Migration Act 2023), or under rules under section 5 of that Act made for the purposes of that section, or
- (c) an appeal to the Court of Appeal or the Supreme Court in respect of proceedings mentioned in sub-paragraph (a) or (b).”
- (8) In paragraph 2 of Schedule 2 (civil legal services: exceptions to excluded services), after paragraph (ib) insert –
- “(ic) proceedings before the Upper Tribunal under any of sections 43 to 48 of the Illegal Migration Act 2023, or under Tribunal Procedure Rules made for the purposes of any of those sections,
- (id) proceedings before the Upper Tribunal on an application for judicial review within the meaning of the Illegal Migration Act 2023 (see section 4(6) of that Act), where the application relates to that Act.”.
- (9) The Civil Legal Services (General) Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 195) are amended in accordance with subsections (10) to (14).
- (10) In regulation 2 (interpretation), in the definition of “representation (higher courts)”, in paragraph (f), after “2(ib)” insert “, (ic) or (id)”.
- (11) In regulation 31 (applications for advice and assistance) –
- (a) in paragraph (1), after “Subject to” insert “paragraph (1A) and”,
- (b) after paragraph (1), insert –
- “(1A) An application for advice and assistance may be made to a supplier by an applicant by telephone where the applicant is being detained under paragraph 16(2C) of Schedule 2 to the Immigration Act 1971 (detention under authority of immigration officer for the purposes of the Illegal Migration Act 2023) or section 62(2A) of the Nationality, Immigration and Asylum Act 2002 (detention under authority of Secretary of State for the purposes of the Illegal Migration Act 2023).”, and
- (c) in paragraph (3), after “except where” insert “paragraph (1A),”
- (12) In regulation 32 (extensions) –
- (a) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (2A)”, and
- (b) after paragraph (2) insert –
- “(2A) No extension shall be required under paragraph (1) if the advice and assistance is advice and assistance mentioned in regulation 4(1)(n) of the Financial Regulations (advice and assistance relating to removal notices under the Illegal Migration Act 2023).”
- (13) In regulation 41 (applications for certificates) –
- (a) in paragraph (2), after “Subject to” insert “paragraph (2A) and”,

- (b) after paragraph (2), insert –
 - “(2A) An application for a certificate under this Part may be made to a supplier by an applicant by telephone where the applicant is being detained under paragraph 16(2C) of Schedule 2 to the Immigration Act 1971 (detention under authority of immigration officer for the purposes of the Illegal Migration Act 2023) or section 62(2A) of the Nationality, Immigration and Asylum Act 2002 (detention under authority of Secretary of State for the purposes of the Illegal Migration Act 2023).”
 - (c) in paragraph (3), after “The applicant shall” insert “, except where paragraph (2A) applies,” and
 - (d) in paragraph (3)(b), after “met” insert “(where they apply)”.
- (14) In regulation 43 (determination of applications for certificates) –
 - (a) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (3)”, and
 - (b) after paragraph (2) insert –
 - “(3) But paragraphs (1) and (2) do not apply to an application for a certificate in respect of –
 - (a) proceedings before the Upper Tribunal mentioned in paragraph 2(ic) of Schedule 2 to the Order (proceedings under or for the purposes of the Illegal Migration Act 2023),
 - (b) proceedings before the Special Immigration Appeals Commission under or by virtue of section 2AA of the Special Immigration Appeals Commission Act 1997 (jurisdiction: appeals in relation to the Illegal Migration Act 2023), or under rules under section 5 of that Act made for the purposes of that section, or
 - (c) an appeal to the Court of Appeal or the Supreme Court in respect of proceedings mentioned in sub-paragraph (a) or (b).”
- (15) In regulation 4 of the Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 196) (exceptions from requirement to make a determination in respect of an individual's financial resources) –
 - (a) in paragraph (1), after sub-paragraph (m) insert –
 - “(n) advice and assistance provided to an individual who has received a removal notice, in relation to the removal notice, and such advice and assistance –
 - (i) includes advice and assistance in relation to a suspensive claim relating to the removal notice, and an application under section 45(4) of the Illegal Migration Act 2023 as regards such a claim, but
 - (ii) does not include advice and assistance in relation to an application for judicial review within the meaning of the Illegal Migration Act 2023 (see

section 4(6) of that Act) relating to the removal notice;

- (o) representation in respect of –
 - (i) proceedings before the Upper Tribunal mentioned in paragraph 2(ic) of Schedule 2 to the Order (proceedings under or for the purposes of the Illegal Migration Act 2023),
 - (ii) proceedings before the Special Immigration Appeals Commission under or by virtue of section 2AA of the Special Immigration Appeals Commission Act 1997 (jurisdiction: appeals in relation to the Illegal Migration Act 2023), or under rules under section 5 of that Act made for the purposes of that section, or
 - (iii) an appeal to the Court of Appeal or the Supreme Court in respect of proceedings mentioned in paragraph (i) or (ii).”;

- (b) in paragraph (3), at the appropriate places insert –

““removal notice” has the meaning given by section 37 of the Illegal Migration Act 2023;”

““suspensive claim” has the meaning given by section 37 of the Illegal Migration Act 2023;”.

Clause 55

- 93 Clause 55, page 56, line 21, leave out subsections (2) to (4) and insert –

- “(2) Subsection (5) applies 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.”

- 94 Clause 55, page 56, line 33, after “court” insert “or tribunal must determine the application on the basis that the person’s age is a matter of fact to be determined by the relevant authority; and accordingly the court or tribunal”

- 95 Clause 55, page 56, line 34, leave out paragraphs (a) and (b) and insert “may grant relief only on the basis that the decision –

- (a) was wrong in law, or
- (b) proceeded on information about the person’s age which was incomplete, misleading or otherwise so seriously misinformed that no reasonable decision-maker would have relied on it.”

- 96 Clause 55, page 57, line 12, at end insert –

“(7A) For the purposes of this section, the cases in which a relevant authority decides the age of a person on an age assessment under section 50 or 51 of the Nationality and Borders Act 2022 include where a relevant authority is treated by virtue of regulations under section 56 of this Act as having decided that a person is over the age of 18.”

Clause 57

97 Clause 57, page 58, line 41, at end insert –

“(iii) at the appropriate place insert –
““national” includes citizen;”;

Clause 58

98 Clause 58, page 60, line 26, at beginning insert “in England and Wales and Scotland,”

99 Clause 58, page 60, line 26, after “authorities” insert “as the Secretary of State considers appropriate,

(aa) the Executive Office in Northern Ireland”

100 Clause 58, page 60, line 27, leave out from “bodies” to end of line 28 and insert “as the Secretary of State considers appropriate.”

101 Clause 58, page 61, line 11, leave out from “1994” to end of line 12

After Clause 58

102 After Clause 58, insert the following new Clause –

“Duty to establish safe and legal routes

- (1) The Secretary of State must, within two months of the publication of the report required by section 59(1), make regulations specifying additional safe and legal routes.
- (2) In subsection (1), a “safe and legal route” means a route which allows relevant persons to come to the United Kingdom lawfully from abroad.
- (3) In subsection (2), a “relevant person” is –
 - (a) a person who, if they were in the United Kingdom, would be a refugee within the meaning of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention,

- (b) a person who, if they were in the United Kingdom, would be eligible for a grant of humanitarian protection in accordance with the immigration rules, or
- (c) a person who, if they were in the United Kingdom, could not lawfully be removed from the United Kingdom by virtue of Article 3 or 4 of the Human Rights Convention.”

After Clause 60

103 After Clause 60, insert the following new Clause –

“Organised immigration crime enforcement

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

104 After Clause 60, insert the following new Clause –

“Ten-year strategy on refugees and human trafficking

- (1) The Secretary of State must prepare a ten-year strategy for tackling refugee crises affecting migration by irregular routes, or the movement of refugees, to the United Kingdom through collaboration with signatories to the Refugee Convention or any other international agreement on the rights of refugees.
- (2) The strategy must also include provisions for tackling human trafficking to the United Kingdom.
- (3) The Secretary of State must make and lay before Parliament a statement of policies for implementing the strategy.
- (4) The first statement must be made within twelve months of the passing of this Act; and a subsequent statement must be made within twelve months of the making of the previous statement.
- (5) A Minister of the Crown must, within 28 sitting days of a statement under this section being laid before Parliament, move a motion in each House for the approval of the statement.
- (6) “Ten-year strategy” means a strategy for the period of ten years beginning with the day on which preparation of the strategy is completed.
- (7) “The Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol.

- (8) A “sitting day”, in relation to each House of Parliament, means a day on which that House begins to sit.”

Clause 63

- 105 Clause 63, page 63, line 19, leave out “66” and insert “66(1)”

Clause 64

- 106 Clause 64, page 64, line 20, at end insert –

“national	section 3(11)”
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Clause 66

- 107 Clause 66, page 65, line 36, at end insert –
 “(ba) section (*Ten-year strategy on refugees and human trafficking*);”

- 108 Clause 66, page 66, line 11, leave out paragraph (h)

Schedule 2

- 109 Schedule 2, page 69, line 9, leave out “local” and insert “relevant”

- 110 Schedule 2, page 69, line 12, leave out “social worker of a local authority” and insert “registered social worker”

- 111 Schedule 2, page 69, line 22, at end insert –

““local authority” –

- (a) in relation to England, means a county council, a district council for an area for which there is no county council, a London borough council, the Common Council of the City of London in its capacity as a local authority or the Council of the Isles of Scilly;
- (b) in relation to Wales, means a county council or a county borough council;
- (c) in relation to Scotland, means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994;”

- 112 Schedule 2, page 69, line 22, at end insert –
- ““registered social worker” means a person registered as a social worker in a register maintained by –
- (a) Social Work England,
 - (b) Social Care Wales,
 - (c) the Scottish Social Services Council, or
 - (d) the Northern Ireland Social Care Council;”
- 113 Schedule 2, page 69, line 25, at end insert –
- ““relevant authority” –
- (a) in relation to England and Wales and Scotland, means a local authority;
 - (b) in relation to Northern Ireland, means an authority within the meaning of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) (see Article 2(2) of that Order);”
- 114 Schedule 2, page 69, line 38, at end insert –
- ““voluntary organisation” –
- (a) in relation to England and Wales, has the same meaning as in the Children Act 1989 (see section 105(1) of that Act);
 - (b) in relation to Scotland, has the same meaning as in Part 2 of the Children (Scotland) Act 1995 (see section 93(1) of that Act);
 - (c) in relation to Northern Ireland, has the same meaning as in the Children (Northern Ireland) Order 1995 (see Article 74(1) of that Order).”

Illegal Migration Bill

LORDS AMENDMENTS

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