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**Lords Amendments: Tuesday 11 July 2023**

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## **Illegal Migration Bill**

### **(Motions relating to Lords Amendments)**

This document should be read alongside the Amendments the Lords have made to this Bill and the Speaker's provisional selection and grouping.

This paper sets out motions to agree, disagree, amend or replace amendments made by the Lords.

The motions are arranged in the order in which it is expected they will be decided.

New Amendments handed in are marked thus ★

New Amendments: LA22 (a) to (o), LA36 (a) and (b), LA38 (a) to (e), LA74 (a), LA90 (a) to (c), LA95 (a) and (b)

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#### Lords Amendment 1

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

#### Lords Amendment 2

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

#### Lords Amendment 6

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 7

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 8

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 9

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 12

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 20

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 22

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

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**Secretary Suella Braverman**

To move the following Amendments to the Bill in lieu of Lords Amendments 2, 12, 20 and 22:—

**Gov (a)**

★ Clause 2, page 3, line 26, leave out “7 March 2023” and insert “the day on which this Act is passed”

Gov (b)

★ Page 4, line 21, at end insert the following new Clause—

**“Amendment of date in section 2(3) etc**

- (1) The Secretary of State may by regulations amend the date which is for the time being specified in—
  - (a) section 2(3) (duty to remove: date of entry or arrival in the United Kingdom);
  - (b) section 4(7)(a) (application to claims made on or after passing of this Act);
  - (c) section 5(12)(a) or (14)(a) (application to claims made on or after passing of this Act).
- (2) Regulations under subsection (1) may make consequential amendments to this Act or any other enactment.
- (3) Provision made by virtue of subsection (2) may, in particular, amend this Act or any other enactment to modify the operation of a provision which would otherwise apply to a person who meets, or has ever met, the condition in section 2(3) (including to enable that provision to operate as if an amendment to section 2(3) had not been made).
- (4) An amendment made by virtue of subsection (1) may have the effect that a provision mentioned in that subsection specifies—
  - (a) a particular calendar date, or
  - (b) a date which is determined by the occurrence of a particular event (for example the coming into force of a provision of this Act, generally or for a particular purpose).
- (5) But such an amendment may not have the effect that the provision specifies a date which is earlier than the date specified before the amendment was made.”

Gov (c)

★ Clause 3, page 5, line 7, after “this Act” insert “(other than sections 15 and 16)”

Gov (d)

★ Clause 4, page 6, line 32, leave out “7 March 2023” and insert “the day on which this Act is passed”

Gov (e)

★ Clause 5, page 8, line 18, leave out “7 March 2023” and insert “the day on which this Act is passed”

Gov (f)

★ Clause 5, page 8, line 30, leave out “7 March 2023” and insert “the day on which this Act is passed”

Gov (g)

★ Clause 15, page 23, line 19, at end insert—

- (5) For the purposes of this section and section 16, a person (“C”) is an unaccompanied child if—
  - (a) C meets the four conditions in section 2, reading subsection (3) of that section as if it referred to a person entering or arriving in the United Kingdom as mentioned in subsection (2) of that section on or after 7 March 2023,

- (b) C is under the age of 18, and
- (c) at the time of C's entry or arrival in the United Kingdom by virtue of which C meets the condition in section 2(3), no individual (whether or not a parent of C) who was aged 18 or over had care of C."

Gov (h)

★ Clause 20, page 25, line 27, after "meaning of" insert "section 15 of"

Gov (i)

★ Clause 20, page 25, line 28, leave out "(see section 3(5) of that Act)"

Gov (j)

★ Clause 29, page 35, line 8, after "Kingdom)" insert ", reading subsection (3) of that section as if it referred to a person entering or arriving in the United Kingdom as mentioned in subsection (2) of that section on or after 7 March 2023"

Gov (k)

★ Clause 29, page 35, line 14, after "Kingdom)" insert ", reading subsection (3) of that section as if it referred to a person entering or arriving in the United Kingdom as mentioned in subsection (2) of that section on or after 7 March 2023"

Gov (l)

★ Clause 29, page 36, line 17, at end insert—

"(4) Until section 2(1) comes into force in relation to a person, section 8AA of the Immigration Act 1971 has effect in relation to that person as if it also permitted the Secretary of State to give the person limited leave to enter or limited leave to remain in the United Kingdom in any other circumstances, subject as follows.

(5) If a person in relation to whom section 8AA of the Immigration Act 1971 applies leaves or is removed from the United Kingdom after having become such a person, subsection (4) of this section does not permit the Secretary of State to give the person limited leave to enter the United Kingdom if the person returns to the United Kingdom (but see section 8AA(3) of that Act).

(6) If a person in relation to whom section 8AA of the Immigration Act 1971 applies is given limited leave to enter the United Kingdom under subsection (3) of that section, subsection (4) of this section does not permit the Secretary of State to give the person limited leave to remain in the United Kingdom (but see section 8AA(4) of that Act).

(7) Any leave to enter or remain in the United Kingdom given to a person by virtue of subsection (4) is to be disregarded in determining, for the purposes of this Act or any other enactment, whether the person meets the four conditions in section 2."

Gov (m)

★ Clause 30, page 36, line 26, after "Kingdom)" insert ", reading subsection (3) of that section as if it referred to a person entering or arriving in the United Kingdom as mentioned in subsection (2) of that section on or after 7 March 2023"

Gov (n)

★ Clause 64, page 64, line 22, after "3(5)" insert "(subject to section 15(5))".

Gov (o)

★ Clause 66, page 65, line 41, at end insert—

"(za) section (*Amendment of date in section 2(3) etc*) (*amendment of date in section 2(3) etc*);"

Lords Amendment 23

Secretary Suella Braverman

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 30

Secretary Suella Braverman

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 31

Secretary Suella Braverman

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 32

Secretary Suella Braverman

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 33

Secretary Suella Braverman

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 34

Secretary Suella Braverman

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 35

Secretary Suella Braverman

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 36

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

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**Secretary Suella Braverman**

To move the following Amendments to the Bill in lieu of Lords Amendments 31, 35 and 36:—

**Gov (a)**

★ Clause 12, page 21, leave out lines 16 to 23 and insert—

“(3A) A person who is being detained under paragraph 16(2C)(d)(iv) of Schedule 2 to the Immigration Act 1971 or section 62(2A)(d)(iv) of the Nationality, Immigration and Asylum Act 2002 (detention of unaccompanied child for purposes of removal) must not be granted immigration bail by the First-tier Tribunal until after the earlier of—

- (a) the end of the period of 28 days beginning with the date on which the person’s detention under any provision of paragraph 16(2C) of Schedule 2 to the Immigration Act 1971 or section 62(2A) of the Nationality, Immigration and Asylum Act 2002 began, and
- (b) the end of the period of 8 days beginning with the date on which the person’s detention under paragraph 16(2C)(d)(iv) of Schedule 2 to the Immigration Act 1971 or section 62(2A)(d)(iv) of the Nationality, Immigration and Asylum Act 2002 began.

(3B) A person who is being detained under—

- (a) paragraph 16(2C)(a), (b), (c) or (d)(i) to (iii) of Schedule 2 to the Immigration Act 1971, or
- (b) section 62(2A)(a), (b), (c) or (d)(i) to (iii) of the Nationality, Immigration and Asylum Act 2002,

must not be granted immigration bail by the First-tier Tribunal until after the end of the period of 28 days beginning with the date on which the person’s detention under paragraph 16(2C) of that Schedule or section 62(2A) of that Act began.

(3C) Where a person is detained under a provision of the Immigration Act 1971 and then (without being released) under a provision of the Nationality, Immigration and Asylum Act 2002, or vice versa, the periods referred to in sub-paragraphs (3A) and (3B) begin with the date on which the person was first detained under the relevant provisions of either of those Acts.”

**Gov (b)**

★ Clause 12, page 22, line 26, after “(3A),” insert “(3B),”

## Lords Amendment 37

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 38

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

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**Secretary Suella Braverman**

To move the following Amendments to the Bill in lieu of Lords Amendments 37 and 38:—

**Gov (a)**

★ Clause 10, page 14, line 37, at end insert—

“(2CA) But if the immigration officer is satisfied that a woman being detained under sub-paragraph (2C) is pregnant, then the woman may not be detained under that sub-paragraph for a period of—

- (a) more than 72 hours from the relevant time, or
- (b) more than seven days from the relevant time, in a case where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).

(2CB) A woman who has been released as a result of sub-paragraph (2CA) may be detained again under sub-paragraph (2C) in accordance with sub-paragraph (2CA).

(2CC) Where a woman being detained under sub-paragraph (2C) has previously been detained under section 62(2A) of the Nationality, Immigration and Asylum Act 2002 and has not been released in between, the definition of “the relevant time” in sub-paragraph (2CD) is to be read as if paragraph (b) referred to the time when the woman was first detained under sub-paragraph (2C) or section 62(2A) of that Act.

(2CD) In sub-paragraphs (2CA) to (2CC)—

“the relevant time” means the later of—

- (a) the time at which the immigration officer is first satisfied that the woman is pregnant, and
- (b) the time at which the detention under sub-paragraph (2C) begins;

“woman” means a female of any age.”

Gov (b)

★ Clause 10, page 16, line 28, at end insert—

“(2AA) But if the Secretary of State is satisfied that a woman being detained under subsection (2A) is pregnant, then the woman may not be detained under that subsection for a period of—

- (a) more than 72 hours from the relevant time, or
- (b) more than seven days from the relevant time, in a case where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).

(2AB) A woman who has been released as a result of subsection (2AA) may be detained again under subsection (2A) in accordance with subsection (2AA).

(2AC) Where a woman being detained under subsection (2A) has previously been detained under paragraph 16(2C) of Schedule 2 to the Immigration Act 1971 and has not been released in between, the definition of “the relevant time” in subsection (2AD) is to be read as if paragraph (b) referred to the time when the woman was first detained under subsection (2A) or paragraph 16(2C) of that Schedule to that Act.

(2AD) In subsections (2AA) to (2AC)—

“the relevant time” “ means the later of—

- (a) the time at which the Secretary of State is first satisfied that the woman is pregnant, and
- (b) the time at which the detention under subsection (2A) begins;

“woman” means a female of any age.”

Gov (c)

★ Clause 11, page 17, line 24, after “17A” insert “further”

Gov (d)

★ Clause 11, page 18, line 2, at end insert—

“(d) paragraph 16(2CA) to (2CD) (limitation on detention of pregnant women).”

Gov (e)

★ Clause 11, page 19, line 27, at end insert—

“(aa) subsections (2AA) to (2AD) (limitation on detention of pregnant women);”

Lords Amendment 39

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 40

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.



Lords Amendment 41

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 42

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 43

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 44

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 45

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 46

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 47

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 48

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 49

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 50

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 51

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 52

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 53

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 54

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 55

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 56

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 57

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 58

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 59

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 60

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 61

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 62

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 63

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 64

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 65

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 66

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 67

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 73

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 74

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

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**Secretary Suella Braverman**

To move the following Amendment to the Bill in lieu of Lords Amendments 73 and 74:—

**Gov (a)**

★ Clause 39, page 42, line 32, at end insert—

“(2A) Regulations under subsection (1) may not amend subsection (4) of section 38 to remove any example of serious and irreversible harm which is listed in that subsection when this Act is passed.”

## Lords Amendment 90

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

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**Secretary Suella Braverman**

To move the following Amendments to the words so restored to the Bill:—

**Gov (a)**

★ Page 53, line 40, after “court” insert “or tribunal”

**Gov (b)**

★ Page 54, line 1, after “court” insert “or tribunal”

**Gov (c)**

★ Page 54, line 7, after second “court” insert “or tribunal”

## Lords Amendment 93

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

## Lords Amendment 95

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

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**Secretary Suella Braverman**

To move the following Amendments to the Bill in lieu of Lords Amendment 95:—

★ Clause 55, page 56, line 34, leave out from “may” to “was” and insert “grant relief only on the basis that the decision” **Gov (a)**

★ Clause 55, page 56, line 36, leave out from “not” to “considers” and insert “grant relief on the basis that the court or tribunal” **Gov (b)**

Lords Amendment 102

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 103

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 104

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment 107

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**Secretary Suella Braverman**

To move, That this House disagrees with the Lords in their Amendment.

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## Illegal Migration Bill: Programme (No. 2)

**Secretary Suella Braverman**

That the following provisions shall apply to the Illegal Migration Bill for the purpose of supplementing the Order of 13 March 2023 (Illegal Migration Bill: Programme):

### **Consideration of Lords Amendments**

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm at today’s sitting.

2. The Lords Amendments shall be considered in the following order: 1, 2, 6 to 9, 12, 20, 22, 23, 30 to 67, 73, 74, 90, 93, 95, 102 to 104, 107, 3 to 5, 10, 11, 13 to 19, 21, 24 to 29, 68 to 72, 75 to 89, 91, 92, 94, 96 to 101, 105, 106 and 108 to 114.

**Subsequent stages**

3. Any further Message from the Lords may be considered forthwith without any Question being put.
4. Proceedings on the first of any further Messages from the Lords shall (so far as not previously concluded) be brought to a conclusion two hours after their commencement.
5. Proceedings on any other further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.