
Committee Stage: Thursday 27 February 2025

Border Security, Asylum and Immigration Bill (Amendment Paper)

This document lists all amendments tabled to the Border Security, Asylum and Immigration 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 Any withdrawn amendments are listed at the end of the document.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: NC3 to NC5

Resolution of the Programming Sub-Committee

The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Wednesday 26 February (Standing Order No. 83C):

That—

1. the Committee shall (in addition to its first meeting at 11.30 am on Thursday 27 February) meet—
 - (a) at 2.00 pm on Thursday 27 February;
 - (b) at 9.25 am and 2.00 pm on Tuesday 4 March;
 - (c) at 11.30 am and 2.00 pm on Thursday 6 March;
 - (d) at 9.25 am and 2.00 pm on Tuesday 11 March;
 - (e) at 11.30 am and 2.00 pm on Thursday 13 March;
 - (f) at 9.25 am and 2.00 pm on Tuesday 18 March;
 - (g) at 11.30 am and 2.00 pm on Thursday 20 March;
2. the Committee shall hear oral evidence in accordance with the following Table:

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Thursday 27 February	Until no later than 12.10 pm	Refugee Council, Scottish Refugee Council, British Red Cross
Thursday 27 February	Until no later than 12.40 pm	Immigration Law Practitioners' Association, Migration Observatory
Thursday 27 February	Until no later than 1.00 pm	The Children's Commissioner for England and Wales
Thursday 27 February	Until no later than 2.40 pm	National Police Chiefs' Council, National Crime Agency, Crown Prosecution Service
Thursday 27 February	Until no later than 3.20 pm	Migration Watch, Tony Smith, former Director, UK Border Force, Centre for Policy Studies
Thursday 27 February	Until no later than 3.40 pm	David Coleman, Emeritus Professor of Demography, University of Oxford
Thursday 27 February	Until no later than 4.00 pm	Professor Brian Bell, Professor of Economics, King's College London
Thursday 27 February	Until no later than 4.20 pm	Home Office

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 40; Schedule 1; Clauses 41 to 47; Schedule 2; Clauses 48 to 57; new Clauses; new Schedules; remaining proceedings on the Bill;
4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 20 March.

Dame Angela Eagle has given notice of her intention to move a motion in the terms of the Resolution of the Programming Sub-Committee (Standing Order No. 83C).

Dame Angela Eagle

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Dame Angela Eagle

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

Pete Wishart

1

☆ Clause 3, page 2, line 29, at end insert—

“(1A) In exercising the Commander’s functions, the Commander must have full regard to the provisions of—

- (a) the Human Rights Act 1998; and
- (b) the Council of Europe Convention on Action against Trafficking in Human Beings.”

Member's explanatory statement

This amendment would confirm that the Commander must have full regard to the Human Rights Act and the European Convention on Action against Trafficking.

Pete Wishart

2

☆ Clause 4, page 3, line 37, at end insert—

“(c) set out how the Commander has fulfilled the Commander’s duties under section 3(1A) of this Act to have full regard to the Human Rights Act 1998 and the Council of Europe Convention on Action against Trafficking in Human Beings.”

Member's explanatory statement

This amendment is linked to and consequential upon Amendment 1, and would require the Commander to include in the annual report information about how they have paid due regard to the Human Rights Act and the European Convention on Action against Trafficking.

Pete Wishart

3

☆ Clause 13, page 7, line 12, at end insert—

“(1A) For the purposes of subsection (1), P cannot commit an offence if P is an asylum seeker.”

Member's explanatory statement

This amendment would specify that the offence created by clause 13 (“Supplying articles for use in immigration crime”) cannot apply to asylum seekers.

Pete Wishart

4

☆ Clause 14, page 8, line 11, at end insert—

“(2A) For the purposes of subsection (1), P cannot commit an offence if P is an asylum seeker.”

Member's explanatory statement

This amendment would specify that the offence created by clause 14 ("Handling articles for use in immigration crime") cannot apply to asylum seekers.

Pete Wishart

5

☆ Clause 18, page 11, line 36, at end insert—

- "(E1C) (a) For the purposes of subsections (E1A) and (E1B), a person cannot commit an offence if the person is an asylum seeker.
- (b) For the purposes of this subsection, "asylum seeker" means a person who intends to claim that to remove them from or require them to leave the United Kingdom would be contrary to the United Kingdom's obligations under—
- (i) the Refugee Convention (within the meaning given by section 167(1) of the Immigration and Asylum Act 1999), or
- (ii) the Human Rights Convention (within the meaning given by that 35 section)."

Member's explanatory statement

This amendment would specify that the offence created by clause 18 ("Endangering another during sea crossing to United Kingdom") cannot apply to asylum seekers.

Pete Wishart

6

☆ Page 13, line 1, leave out Clauses 19 to 26

Pete Wishart

8

☆ Page 30, line 31, leave out Clause 38

Member's explanatory statement

This amendment would remove clause 38. NC2 is intended to replace clause 38.

Pete Wishart

7

☆ Clause 41, page 35, line 32, leave out subsection (17)

Member's explanatory statement

This amendment would leave out the subsection of this clause that applies subsections (1) to (13) (relating to detention and exercise of functions pending deportation) retrospectively, i.e. as if they have always had effect.

Pete Wishart

NC1

☆ To move the following Clause—

“Duty to publish a strategy on safe and managed routes

- (1) The Secretary of State must, within six months of the passing of this Act, publish a strategy on the Government’s efforts to establish additional safe and legal routes for persons to seek asylum in the United Kingdom.
- (2) A report under subsection (1) must be laid before Parliament.”

Member's explanatory statement

This new clause would require the Secretary of State to publish and lay before Parliament a strategy on the development of safe and managed routes for people to seek asylum in the UK.

Pete Wishart

NC2

☆ To move the following Clause—

“Repeal of the Illegal Migration Act 2023

The Illegal Migration Act 2023 is repealed.”

Member's explanatory statement

This new clause would repeal the Illegal Migration Act in full. In combination with Amendment 8 to leave out clause 38, it would replace the selective repeal in the Bill with a full repeal.

Pete Wishart

NC3

★ To move the following Clause—

“Scottish visa scheme: Scotland Act

In Schedule 5 of the Scotland Act 1998, in section B6 of Head B (Home Affairs), at end insert—

“Exception 1

The granting of visas to enable certain workers to work in Scotland only.””

Member's explanatory statement

This new clause would remove the granting of visas for certain workers in Scotland from reserved matters.

Pete Wishart

NC4

★ To move the following Clause—

“Scottish visa scheme: immigration rules

- (1) Within six months of the passing of this Act, the Secretary of State must by immigration rules provide for the establishment of a Scottish visa scheme.
- (2) A scheme established under subsection (1) must be administered under the executive competence of Scottish Ministers.
- (3) No scheme may be established under subsection (1) until consent has been given by Scottish Ministers with respect of the criteria, extent and duration of the scheme.”

Member's explanatory statement

In conjunction with NC3, this new clause would require the Secretary of State to provide for a Scottish visa scheme administered under the executive competence of Scottish Ministers.

Pete Wishart

NC5

★ To move the following Clause—

“British citizenship

- (1) The Secretary of State must, within three months of the passing of this Act—
 - (a) ensure that illegal entry to the UK is disregarded as a factor for the purposes of assessing whether a person applying for British citizenship meets the good character requirement; and
 - (b) ensure that all asylum seekers with—
 - (i) indefinite leave to remain in the United Kingdom;
 - (ii) settled status; or
 - (iii) indefinite leave to enter the United Kingdom;have a right to naturalisation after five years of residency in the United Kingdom, regardless of their country of origin or method of arrival.”

Member's explanatory statement

This new clause would require the Secretary of State to change current Home Office guidance stating that people who enter the UK illegally, regardless of how long ago, will "normally be refused" citizenship (if they applied after 10 February 2025).

Order of the House

[10 February 2025]

That the following provisions shall apply to the Border Security, Asylum and Immigration Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 20 March 2025.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.