
Committee Stage: Wednesday 12 March 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 Any withdrawn amendments are listed at the end of the document.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: NC44

Pete Wishart

20

Clause 53, page 55, line 23, at end insert—

“(3) The Secretary of State may only make regulations under subsection (1) which amend, repeal or revoke an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament following consultation with Scottish Ministers.”

Member's explanatory statement

This amendment requires the Secretary of State to consult Scottish Ministers when making regulations under Clause 53 (1) which amend, repeal or revoke an enactment in or under an Act of the Scottish Parliament.

Dame Angela Eagle

Gov 21

☆ Clause 55, page 56, line 28, after “12,” insert “24, ”

Member's explanatory statement

This amendment removes clause 24 (which amends the Criminal Justice and Police Act 2001) from the power to extend provisions of the Bill to the Isle of Man by Order in Council.

Dame Angela Eagle

Gov 22

- ☆ Clause 55, page 56, line 28, after “39” insert “ and (*EU Settlement Scheme: rights of entry and residence etc*)”

Member's explanatory statement

This amendment to the extent clause is consequential on NC31.

Dame Angela Eagle

Gov 23

- ☆ Clause 55, page 56, line 29, after “to” insert “any of the Channel Islands or”

Member's explanatory statement

This amendment enables certain provisions of the Bill to be extended by Order in Council to any of the Channel Islands.

Dame Angela Eagle

Gov 24

- ☆ Clause 55, page 56, line 31, after second “to” insert “any of the Channel Islands or”

Member's explanatory statement

This amendment enables certain amendments and repeals by the Bill to be extended by Order in Council to any of the Channel Islands.

Dame Angela Eagle

Gov 25

- ☆ Clause 56, page 57, line 15, after “35” insert “, (*EU Settlement Scheme: rights of entry and residence etc*)”

Member's explanatory statement

This amendment to the commencement clause has the effect of bringing NC31 into force 2 months after Royal Assent.

Dame Angela Eagle

Gov NC30

- ☆ To move the following Clause—

“Conditions on limited leave to enter or remain and immigration bail

- (1) The Immigration Act 1971 is amended in accordance with subsections (2) and (3).
- (2) In section 3(1)(c) (conditions which may be applied to limited leave to enter or remain in the United Kingdom)—
 - (a) omit the “and” at the end of sub-paragraph (iv), and

(b) at the end of sub-paragraph (v) insert—

- “(vi) an electronic monitoring condition (see Schedule 1A);
- (vii) a condition requiring the person to be at a particular place between particular times, either on particular days or on any day;
- (viii) a condition requiring the person to remain within a particular area;
- (ix) a condition prohibiting the person from being in a particular area;
- (x) such other conditions as the Secretary of State thinks fit.”

(3) Before Schedule 2 insert—

“SCHEDULE 1A

Section 3(1)(c)(vi)

ELECTRONIC MONITORING CONDITIONS

- 1 For the purposes of section 3(1)(c)(vi), an “electronic monitoring condition” means a condition requiring the person on whom it is imposed (“P”) to co-operate with such arrangements as the Secretary of State may specify for detecting and recording by electronic means one or more of the following—
 - (a) P's location at specified times, during specified periods of time or while the arrangements are in place;
 - (b) P's presence in a location at specified times, during specified periods of time or while the arrangements are in place;
 - (c) P's absence from a location at specified times, during specified periods of time or while the arrangements are in place.
- 2 The arrangements may in particular—
 - (a) require P to wear a device;
 - (b) require P to make specified use of a device;
 - (c) require P to communicate in a specified manner and at specified times or during specified periods;
 - (d) involve the exercise of functions by persons other than the Secretary of State.
- 3 If the arrangements require P to wear, or make specified use of, a device they must—
 - (a) prohibit P from causing or permitting damage to, or interference with, the device, and
 - (b) prohibit P from taking or permitting action that would or might prevent the effective operation of the device.
- 4 An electronic monitoring condition may not be imposed on a person unless the person is at least 18 years old.
- 5 In this Schedule “specified” means specified in the arrangements.”

- (4) In Schedule 10 to the Immigration Act 2016 (immigration bail), in paragraph 2(1) (conditions of bail), after paragraph (e) insert—

- “(ea) a condition requiring the person to be at a particular place between particular times, either on particular days or on any day;
 (eb) a condition requiring the person to remain within a particular area;
 (ec) a condition prohibiting the person from being in a particular area;”

Member's explanatory statement

This new clause makes provision about the conditions which can be imposed on a grant of leave to enter or remain in the United Kingdom or a grant of immigration bail.

_____ **Dame Angela Eagle**

Gov NC31

☆ To move the following Clause—

“EU Settlement Scheme: rights of entry and residence etc

- (1) For the purposes of this section “relevant citizens’ rights” means the rights, powers, liabilities, obligations, restrictions, remedies and procedures which—
- (a) are recognised and available in domestic law by virtue of section 7A or 7B of the European Union (Withdrawal) Act 2018, and
 - (b) are derived from—
 - (i) Title 2 of Part 2 of the withdrawal agreement or Title 1 or 4 of Part 2 of that agreement so far as relating to Title 2 of that Part,
 - (ii) Title 2 of Part 2 of the EEA EFTA separation agreement or Title 1 or 4 of Part 2 of that agreement so far as relating to Title 2 of that Part, or
 - (iii) Article 4(2), 7 or 8 or Chapter 1 of Title 2 of Part 2 of the Swiss citizens’ rights agreement or Title 1 of Part 2 of that agreement so far as relating to Chapter 1 of Title 2 of that Part.
- (2) Subsection (5) applies to a person (“P”) where—
- (a) P has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules,
 - (b) the leave was granted to P on the basis of requirements which included that P is a relevant national or is (or was) a family member of a person who is (or was) a relevant national,
 - (c) each of the requirements on the basis of which P’s leave was granted was in fact met,
 - (d) either—
 - (i) in a case where P’s leave was not granted on the basis that P is (or was) a joining family member of a relevant sponsor, P was resident in the United Kingdom or the Islands immediately before the end of the implementation period, or

- (ii) in a case where P's leave was granted on the basis that P is (or was) a joining family member of a relevant sponsor, the relevant sponsor was resident in the United Kingdom or the Islands immediately before the end of the implementation period, and
 - (e) the residency mentioned in paragraph (d) was not relevant residency.
- (3) For the purposes of subsection (2)—
 - (a) a person is to be treated as a family member of another person if they are treated as the family member of that person by residence scheme immigration rules;
 - (b) "joining family member" and "relevant sponsor" have the same meaning as in residence scheme immigration rules;
 - (c) a person is to be treated as resident in the United Kingdom or the Islands immediately before the end of the implementation period even if they were temporarily absent from the United Kingdom or the Islands at that time if their absence was permitted for the purposes of establishing or maintaining eligibility for leave under residence scheme immigration rules;
 - (d) "relevant national" means a national of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland.
- (4) In this section "relevant residency" means—
 - (a) residency in accordance with Union law (within the meaning of the withdrawal agreement),
 - (b) residency in accordance with the EEA Agreement (within the meaning of the EEA EFTA separation agreement), or
 - (c) residency in accordance with the FMOPA (within the meaning of the Swiss citizens' rights agreement).
- (5) Relevant citizens' rights—
 - (a) are capable of accruing and applying to a person to whom this subsection applies notwithstanding that the residency mentioned in subsection (2)(d) was not relevant residency, and
 - (b) are to be enforced, allowed and followed accordingly.
- (6) Every enactment (including an enactment contained in this Act) is to be read and has effect subject to subsection (5).
- (7) In this section—
 - "EEA EFTA separation agreement" has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);
 - "enactment" has the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) of that Act);
 - "the implementation period" has the same meaning as in the European Union (Withdrawal) Act 2018 (see section 1A(6) of that Act);

“the Islands” means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;

“residence scheme immigration rules” has the same meaning as in Part 3 of the European Union (Withdrawal Agreement) Act 2020 (see section 17 of that Act);

“Swiss citizens' rights agreement” has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

“withdrawal agreement” has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) and (6) of that Act).”

Member's explanatory statement

This new clause ensures that an EEA or Swiss national or their family member who has immigration leave granted under the EU Settlement Scheme can enforce residency and other rights directly under the withdrawal (or other separation) agreement even if the person, or their family member, was not resident in the UK or the Islands in accordance with Union (or other equivalent) law at the end of the implementation period.

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).

Lisa Smart

NC6

Susan Murray
Mr Will Forster

To move the following Clause—

“Additional safe and legal routes

The Secretary of State must, within six months of the passage of this Act, make regulations specifying safe and legal routes through which refugees and other individuals requiring international protection can enter the UK lawfully.”

Member's explanatory statement

This new clause would require the Secretary of State to make regulations specifying additional safe and legal routes, under which refugees and others in need of international protection can come to the UK lawfully from abroad.

Lisa Smart

NC7

Susan Murray
Mr Will Forster

To move the following Clause—

“Duty to meet the director of Europol

The Border Commander must meet the director of Europol, or their delegate, no less than once every three months.”

Member's explanatory statement

This new clause would require the Border Commander to meet with the Executive Director of Europol every three months.

Lisa Smart

NC8

Susan Murray
Mr Will Forster

To move the following Clause—

“Duty to establish a joint taskforce with Europol

- (1) The Secretary of State must seek to establish a joint taskforce with Europol for the purposes of cooperation on the matters set out under subsection (3).
- (2) The Secretary of State must, within six months of the passage of this Act, make a report to Parliament on progress made to date on establishing a joint taskforce under subsection (1).
- (3) Any joint taskforce established pursuant to the Secretary of State’s activities under subsection (1) has a duty to promote cooperation on—
 - (a) the disruption of trafficking operations;
 - (b) the enhancement of law enforcement capabilities;
 - (c) the provision of specialised training for officials involved in border security and immigration enforcement; and
 - (d) any other matters which the Secretary of State or Director of Europol deem appropriate.”

Member's explanatory statement

This new clause would require the Secretary of State to seek a joint taskforce with Europol for the purposes of disrupting trafficking operations, enhancing law enforcement capabilities, and providing specialised training to officials involved in border security and immigration enforcement.

Lisa Smart

NC9

Susan Murray
Mr Will Forster

To move the following Clause—

“Participation in Europol’s anti-trafficking operations

- (1) The Secretary of State must provide adequate resources to law enforcement agencies for the purpose of enhancing their participation in Europol’s anti-trafficking operations.
- (2) The resources provided under subsection (1) must include technology for conducting improved surveillance on, and detection of, smuggling networks.
- (3) For the purposes of subsection (1), “law enforcement agencies” include—
 - (a) the National Crime Agency
 - (b) police forces in England and Wales; and
 - (c) the British Transport Police.”

Member's explanatory statement

This new clause would require the Government to allocate adequate resources to law enforcement agencies to enhance their participation in Europol’s anti-trafficking operations, including through technological tools for better surveillance and detection of smuggling networks.

Lisa Smart

NC10

Susan Murray
Mr Will Forster

To move the following Clause—

“Requirement to produce an annual report on cooperation with Europol

- (1) The Secretary of State must, within one year of the passage of this Act, lay before Parliament an annual report on cooperation between UK law enforcement agencies and Europol.
- (2) A further report must be published and laid before Parliament at least once per year.
- (3) An annual report under this section must include—
 - (a) actions taken during the previous year to cooperate with Europol;
 - (b) progress in reducing people smuggling and human trafficking; and
 - (c) planned activities for improving future cooperation with Europol.”

Member's explanatory statement

This new clause would require the Government to provide an annual report to Parliament detailing the UK's efforts to cooperate with Europol, its progress in reducing levels of people smuggling and human trafficking, and its plans to improve future cooperation.

Lisa Smart

NC11

Susan Murray
Mr Will Forster

To move the following Clause—

“Removal of restrictions on asylum seekers engaging in employment

- (1) The Secretary of State must, within six months of the date on which this Act is passed, lay before Parliament a statement of changes in the rules (the “immigration rules”) under section 3(2) of the Immigration Act 1971 (general provisions for regulation and control) to make provision for asylum applicants to take up employment whilst their application is being determined, if it has been over three months since the application was made, with no decision made.
- (2) Employment undertaken pursuant to subsection (1) is subject to the following restrictions—
 - (a) employment may only be taken up in a post which is, at the time an offer of employment is accepted, included in Appendix Immigration Salary List;
 - (b) there must be no work in a self-employed capacity; and
 - (c) there must be no engagement in setting up a business.”

Member's explanatory statement

This new clause would remove the restriction on working for asylum seekers, if it has been over three months since they applied.

Lisa Smart

NC13

Susan Murray
Mr Will Forster

To move the following Clause—

“Good character requirement: illegal entry

The Secretary of State must, within three months of the passing of this Act, 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.”

Member's explanatory statement

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

Lisa Smart

NC14

Susan Murray
Mr Will Forster

To move the following Clause—

“Report on impact of carers’ minimum wage on net migration

The Secretary of State must, within 12 months of the passing of this Act, lay before Parliament a report on the impact of introducing a minimum wage for carers on levels of net migration.”

Member's explanatory statement

This new clause would require the Government to publish a report on the impact of implementing a carers’ minimum wage on levels of net migration.

Lisa Smart

NC15

Susan Murray
Mr Will Forster

To move the following Clause—

“A three-month service standard for asylum casework

- (1) The Secretary of State must, within six months of the passing of this Act, implement a three-month service standard for asylum casework.
- (2) The service standard must specify that 98% of initial decisions on all asylum claims should be made before the end of three months after the date of claim.”

Member's explanatory statement

This new clause would require UK Visas and Immigration to reintroduce a three-month service standard for decisions on asylum cases.

Lisa Smart

NC16

Susan Murray
Mr Will Forster

To move the following Clause—

“Exemption of NHS workers from immigration skills charge

The Secretary of State must, within six months of the passing of this Act, implement an exemption for National Health Service workers from the immigration skills charge for sponsoring a Skilled Worker or a Senior or Specialist worker.”

Member's explanatory statement

This new clause would require the Secretary of State to apply an exception to the NHS as an employer from having to pay the immigration skills charge when sponsoring skilled employees.

Lisa Smart

NC18

Susan Murray
Mr Will Forster

To move the following Clause—

“Council of Europe Convention on Action against Trafficking in Human Beings

The Secretary of State must—

- (a) within six months of the passing of this Act, introduce legislation to ensure the United Kingdom’s full compliance with the 2009 Council of Europe Convention on Action against Trafficking in Human Beings; and
- (b) within eighteen months of the passing of this Act, lay before Parliament a report on how the Government is ensuring full compliance with the Convention under this section.”

Member's explanatory statement

This new clause would require the Secretary of State to introduce legislation which incorporates the Council of Europe Convention on Action against Trafficking in Human Beings into UK law and report on compliance with the Convention.

Lisa Smart

NC19

Susan Murray
Mr Will Forster

To move the following Clause—

“Victims of slavery or human trafficking: protection from immigration offences

- (1) The Modern Slavery Act 2015 is amended as follows.
- (2) In section 52 (Duty to notify Secretary of State about suspected victims of slavery or human trafficking), after subsection (2), insert—

“(2A) The Secretary of State must make such arrangements as the Secretary of State considers reasonable to ensure that notification under this section does not include the supply of information to relevant persons or authorities that might indicate that—

- (a) the victim has committed an offence under sections 24 to 26 of the Immigration Act, or
- (b) the victim might otherwise meet the requirements for removal from the United Kingdom or for investigation pending removal.

(2B) For the purposes of subsection (2A), “relevant persons or authorities” include—

- (a) a Minister of the Crown or a government department;
- (b) an immigration officer;
- (c) a customs official;
- (d) a law enforcement officer;
- (e) the Director of Border Revenue;
- (f) the Border Security Commander;
- (g) a UK authorised person; and
- (h) the government of a country or territory outside the United Kingdom.””

Member's explanatory statement

This new clause would prevent a public authority, when determining whether a person is a victim of slavery or human trafficking, from sharing information with immigration authorities and other public authorities that might result in deportation or prosecution for an immigration offence.

Lisa Smart

NC20

Susan Murray
Mr Will Forster

To move the following Clause—

“Humanitarian travel permit

- (1) On an application by a person (“P”) to the appropriate decision-maker for entry clearance, the appropriate decision-maker must grant P entry clearance if satisfied that P is a relevant person.
- (2) For the purposes of subsection (1), P is a relevant person if—
 - (a) P intends to make a protection claim in the United Kingdom;
 - (b) P’s protection claim, if made in the United Kingdom, would have a realistic prospect of success; and
 - (c) there are serious and compelling reasons why P’s protection claim should be considered in the United Kingdom.
- (3) For the purposes of subsection (2)(c), in deciding whether there are such reasons why P’s protection claim should be considered in the United Kingdom, the appropriate decision-maker must take into account—
 - (a) the extent of the risk that P will suffer persecution or serious harm if entry clearance is not granted;
 - (b) the strength of P’s family and other ties to the United Kingdom;
 - (c) P’s mental and physical health and any particular vulnerabilities that P has; and
 - (d) any other matter that the decision-maker thinks relevant.
- (4) For the purposes of an application under subsection (1), the appropriate decision-maker must waive any of the requirements in subsection (5) if satisfied that P cannot reasonably be expected to comply with them.
- (5) The requirements are—
 - (a) any requirement prescribed (whether by immigration rules or otherwise) under section 50 of the Immigration, Asylum and Nationality Act 2006; and
 - (b) any requirement prescribed by regulations made under section 5, 6, 7 or 8 of the UK Borders Act 2007 (biometric registration).
- (6) No fee may be charged for the making of an application under subsection (1).
- (7) An entry clearance granted pursuant to subsection (1) has effect as leave to enter for such period, being not less than six months, and on such conditions as the Secretary of State may prescribe by order.
- (8) Upon a person entering the United Kingdom (within the meaning of section 11 of the Immigration Act 1971) pursuant to leave to enter given under subsection (7), that person is deemed to have made a protection claim in the United Kingdom.
- (9) For the purposes of this section—
 - (a) “appropriate decision making” means a person authorised by the Secretary of State by rules made under section 3 of the Immigration Act 1971 to grant an entry clearance under paragraph (1);

- (b) “entry clearance” has the same meaning as in section 33(1) of the Immigration Act 1971;
- (c) “protection claim”, in relation to a person, means a claim that to remove them from or require them to leave the United Kingdom would be inconsistent with the United Kingdom’s obligations—
 - (i) under the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention (“the Refugee Convention”);
 - (ii) in relation to persons entitled to a grant of humanitarian protection; or
 - (iii) under Article 2 or 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950 (“the European Convention on Human Rights”);
- (d) “persecution” is defined in accordance the Refugee Convention; and
- (e) “serious harm” means treatment that, if it occurred within the jurisdiction of the United Kingdom, would be contrary to the United Kingdom's obligations under Article 2 or 3 of the European Convention on Human Rights (irrespective of where it will actually occur).”

Member's explanatory statement

This new clause would create a new “humanitarian travel permit”.

Matt Vickers

NC21

Katie Lam
Sarah Bool

To move the following Clause—

“Functions of the Commander in relation to sea crossings to United Kingdom

- (1) In exercising the Commander’s functions in relation to sea crossings to the United Kingdom, the Commander must have regard to the objectives of—
 - (a) preventing the boarding of vessels, with the aim of entering the United Kingdom, by persons who require leave to enter the United Kingdom but are seeking to enter the United Kingdom—
 - (i) without leave to enter, or
 - (ii) with leave to enter that was obtained by means which included deception by any person;
 - (b) ensuring that a decision is taken on a claim by a person under subsection (1)(a) within six months of the person’s arrival in the United Kingdom; and
 - (c) making arrangements with a safe third country for the removal of a person who enters the United Kingdom without leave, or with leave that was obtained by deception.
- (2) The Commander must include, in the strategic priority document issued under section 3(2), an assessment of—

- (a) the most effective methods for deterring illegal entry into the United Kingdom;
 - (b) the most effective methods for reducing the number of sea crossings made by individuals without leave to enter the United Kingdom; and
 - (c) the most effective methods for arranging the removal, to the person's own country or a safe third country, of a person who enters the United Kingdom illegally.
- (3) For the purposes of this section—
- (a) "sea crossings" are journeys from dry land in France, Belgium or the Netherlands for the purpose of reaching dry land in the United Kingdom; and
 - (b) illegal entry to the United Kingdom is defined in accordance with section 24 of the Immigration Act 1971 (illegal entry and similar offences)."

Member's explanatory statement

This new clause sets out objectives and strategic priorities for the Border Security Commander in relation to sea crossings and arrangements with a safe third country for the removal of people who enter the UK illegally.

Matt Vickers

NC22

Katie Lam
Sarah Bool

To move the following Clause—

"Access to mobile phone location data

- (1) The Investigatory Powers Act 2016 is amended as follows.
- (2) In section 86 (Part 3: interpretation), after subsection (2A)(b), insert—
" (c) illegal immigration."
- (3) The Immigration Act 2016 is amended as follows.
- (4) In paragraph 4 of Schedule 10, (electronic monitoring condition), after subsection (2)(d) insert—
" (e) involve the tracking of P using P's mobile phone location data."

Member's explanatory statement

This new clause would allow law enforcement to access mobile phone location data of people who enter the UK illegally.

Matt Vickers

NC23

Katie Lam
Sarah Bool

To move the following Clause—

“Exemptions from the UK GDPR: illegal migration and foreign criminals

- (1) The Data Protection Act 2018 is amended as follows.
- (2) In subsection (2)(b) of section 15 (Exemptions etc), at end insert “, and makes provision about the exemption from all GDPR provisions of persons who entered the United Kingdom illegally and foreign criminals;
- (3) In paragraph (2) of Schedule 2, after sub-paragraph (1) insert—
 - “(1A) GDPR provisions do not apply if the data subject entered the United Kingdom illegally or is a foreign criminal.
 - (1B) For the purposes of sub-paragraph (1A)—
 - (a) a person “entered the United Kingdom illegally” if they entered the United Kingdom—
 - (i) without leave to enter, or
 - (ii) with leave to enter that was obtained by means which included deception by any person; and
 - (b) “foreign criminal” is defined in accordance with section 32 of the UK Borders Act 2007.””

Member's explanatory statement

This new clause would disapply data protection laws from data on people who have entered the UK illegally or are Foreign National Offenders.

Matt Vickers

NC24

Katie Lam
Sarah Bool

To move the following Clause—

“Immigration Tribunal: hearings in public

- (1) The Nationality, Immigration and Asylum Act 2002 is amended as follows.
- (2) In Schedule 5, after subsection 5, insert—
 - “(5A) All hearings of the Tribunal must be heard in public, and all decisions delivered in public,””

Member's explanatory statement

This new clause would require all rulings in the Lower Tier immigration tribunal to be heard in public.

Matt Vickers

NC25

Katie Lam
Sarah Bool

To move the following Clause—

“Qualification period for Indefinite Leave to Remain in the United Kingdom

- (1) The minimum qualification period for applications for indefinite leave to remain in the United Kingdom is a period of ten years.
- (2) The qualification period in subsection (1) applies to a person who has—
 - (a) a tier 2, T2, International Sportsperson or Skilled Worker visa,
 - (b) a Scale-up Worker visa,
 - (c) a Global Talent, Tier 1 Entrepreneur or Investor visa,
 - (d) an Innovator Founder visa,
 - (e) a UK Ancestry visa, or
 - (f) a partner holding UK citizenship.
- (3) A person who has lived in the United Kingdom for ten years or more but does not meet the criteria in subsection (2) cannot apply for indefinite leave to remain in the United Kingdom.”

Member's explanatory statement

This new clause would extend the qualification period for applying for Indefinite Leave to Remain in the UK to ten years and abolish the long-stay route, through which a person can apply for Indefinite Leave to Remain based solely on having lived in the UK for ten years or more.

Matt Vickers

NC26

Katie Lam
Sarah Bool

To move the following Clause—

“Age assessments: use of scientific methods

The Secretary of State must, within six months of the passing of this Act, lay before Parliament—

- (a) a statutory instrument containing regulations under section 52 of the Nationality and Borders Act 2022 specifying scientific methods that may be used for the purposes of age assessments, and
- (b) a statutory instrument containing regulations under section 58 of the Illegal Migration Act 2023 making provision about refusal to consent to scientific methods for age assessments.”

Member's explanatory statement

This new clause would require the Secretary of State to make regulations to specify scientific methods for assessing a person's age and to disapply the requirement for consent for scientific methods to be used.

Lisa Smart

NC27

Susan Murray
Mr Will Forster

To move the following Clause—

“Repeal of certain provisions of the Nationality and Borders Act 2022

The following provisions of the Nationality and Borders Act 2022 are repealed—

- (a) sections 12 to 65; and
- (b) sections 68 and 69.”

Member's explanatory statement

This new clause would repeal specified provisions of the Nationality and Borders Act 2022.

Pete Wishart

NC28

To move the following Clause—

“Identification of potential victims of slavery or human trafficking

- (1) The Modern Slavery Act 2015 is amended as follows.
- (2) In section 49 (guidance about identifying and supporting victims)—
 - (a) in subsection (1), leave out paragraphs (b) to (d) and insert—
 - “(b) arrangements for providing assistance and support to persons who there are reasonable grounds to believe may be victims of slavery or human trafficking; and
 - (c) arrangements for determining whether there are reasonable grounds to believe that a person may be a victim of slavery or human trafficking.”; and
 - (b) leave out subsection (1A).
- (3) In section 50 (regulations about identifying and supporting victims)—
 - (a) in subsection (1)(a) for “are” substitute “may be”;
 - (b) in subsection (2)(a) for “is” substitute “may be”; and
 - (c) leave out subsection (4).
- (4) In section 51 (presumption about age)—
 - (a) in subsection (1)(a) for “is” substitute “may be”;
 - (b) in subsection (3), in the opening words, for “are” substitute “may be”.
- (5) In section 56 (interpretation)—
 - (a) leave out subsection (A1); and
 - (b) in each of subsections (1) and (2), after “purposes of” leave out “any other provision of”.

Member's explanatory statement

This new clause would reverse the changes to the Modern Slavery Act 2015, made by section 60 of the Nationality and Borders Act 2022, which changed the evidence requirements for identifying potential victims of slavery or human trafficking.

Lisa Smart

NC29

Susan Murray
Mr Will Forster

To move the following Clause—

“Refugee family reunion

- (1) The Secretary of State must, within 6 months of the date on which this Act is passed, lay before Parliament a statement of changes in the rules (the “immigration rules”) under section 3(2) of the Immigration Act 1971 (general provisions for regulation and control) to make provision for refugee family reunion, in accordance with this section, to come into effect after 21 days.
- (2) Before a statement of changes is laid under subsection (1), the Secretary of State must consult with persons as the Secretary of State deems appropriate.
- (3) The statement laid under subsection (1) must set out rules providing for leave to enter and remain in the United Kingdom for family members of a person granted refugee status or humanitarian protection.
- (4) In this section, “refugee status” and “humanitarian protection” have the same meaning as in the immigration rules.
- (5) In this section, “family members” include—
 - (a) a person's parent, including adoptive parent;
 - (b) a person's spouse, civil partner or unmarried partner;
 - (c) a person's child, including adopted child, who is either—
 - (i) under the age of 18, or
 - (ii) under the age of 25 but was either under the age of 18 or unmarried at the time the person granted asylum left their country of residence to seek asylum;
 - (d) a person's sibling, including adoptive sibling, who is either—
 - (i) under the age of 18, or
 - (ii) under the age of 25, but was either under the age of 18 or unmarried at the time the person granted asylum left their country of residence to seek asylum; and
 - (e) such other persons as the Secretary of State may determine, having regard to—
 - (i) the importance of maintaining family unity,
 - (ii) the best interests of a child,
 - (iii) the physical, emotional, psychological or financial dependency between a person granted refugee status or humanitarian protection and another person,

- (iv) any risk to the physical, emotional or psychological wellbeing of a person who was granted refugee status or humanitarian protection, including from the circumstances in which the person is living in the United Kingdom, or
 - (v) such other matters as the Secretary of State considers appropriate.
- (6) For the purpose of subsection (5)—
- (a) “adopted” and “adoptive” refer to a relationship resulting from adoption, including de facto adoption, as set out in the immigration rules;
 - (b) “best interests” of a child must be read in accordance with Article 3 of the 1989 UN Convention on the Rights of the Child. ”

Member's explanatory statement

This new clause would make provision for leave to enter or remain in the UK to be granted to the family members of refugees and of people granted humanitarian protection.

Matt Vickers

NC32

Katie Lam
Sarah Bool

☆ To move the following Clause—

“Revocation of indefinite leave to remain in certain circumstances

- (1) Indefinite leave to remain in the United Kingdom is revoked with respect to a person (“P”) if any of the following conditions apply.
- (2) Condition 1 is that P is defined as a “foreign criminal” under section 32 of the UK Borders Act 2007.
- (3) Condition 2 is that P was granted indefinite leave to remain after the coming into force of this Act, but would not be eligible for indefinite leave under the requirements of section [*Qualification period for Indefinite Leave to Remain in the United Kingdom*].
- (4) Condition 3 is that P, or any dependents of P, have been in receipt of any form of “social protection” (including housing) from HM Government or a local authority, where “social protection” is defined according to the Treasury’s Public Expenditure Statistical Analyses, subject to any further definition by immigration rules.
- (5) Condition 4 is that P’s annual income has fallen below £38,700 for six months or more in aggregate during the relevant qualification period, or subsequent to receiving indefinite leave to remain.
- (6) A person who has entered the United Kingdom—
 - (a) under the Ukraine visa schemes;
 - (b) under the Afghan Citizens Resettlement Scheme;
 - (c) under the Afghan Relocations and Assistance Policy; or

- (d) on a British National Overseas visa, is exempt from the requirements of Condition 2, Condition 3, and Condition 4.
- (7) For the purposes of subsection (5)—
 - (a) the condition applies only to earnings that have been lawfully reported to, or subject to withholding tax by, HM Revenue and Customs; and
 - (b) the relevant sum of annual income must be adjusted annually by the Secretary of State through immigration rules to reflect inflation.
- (8) The Secretary of State may by immigration rules vary the conditions set out in this section.”

Member's explanatory statement

This new clause would revoke indefinite leave where a person is a foreign criminal, has been in receipt of benefits, earns below the national median income, or (for those granted indefinite leave after the coming into force of this Act) would not meet the requirements sought to be imposed by NC25.

Matt Vickers

NC33

Katie Lam
Sarah Bool

☆ To move the following Clause—

“Borders legislation: Human Rights Act

- (1) This section applies to any provision made by or by virtue of this Act, the Illegal Migration Act 2023, the Immigration Acts, and any legislation relating to immigration, deportation, or asylum, including the Immigration Rules within the meaning of the Immigration Act 1971.
- (2) The legislation identified in subsection (1), including in relation to the enforcement of immigration policy, deportation, the granting, removal, revocation or alteration of immigration status, or asylum, or other entitlements, must be read and given effect to disregarding the Human Rights Act 1998.
- (3) In the Asylum and Immigration Appeals Act 1993, omit section 2.
- (4) In the Immigration Act 1971—
 - (a) in section 8AA—
 - (i) in subsection (2), omit “Subject to subsections (3) to (5)”; and
 - (ii) omit subsections (2)(a)(ii) and subsections (3) to (6);
 - (b) in section 8B, omit subsection (5A).
- (5) In the Nationality, Immigration and Asylum Act 2002—
 - (a) in section 84—
 - (i) in subsection (1), after “must” insert “not”;
 - (ii) in subsection (2), after “must” insert “not”;
 - (iii) in subsection (2), for “section 6” substitute “any section”; and

- (iv) in subsection (3) after “must” insert “not”.
- (6) Where the European Court of Human Rights indicates an interim measure relating to the exercise of any function under the legislation identified in subsection (1)—
- (a) it is only for a Minister of the Crown to decide whether the United Kingdom will comply with the interim measure under this section; and
 - (b) an immigration officer or court or tribunal must not have regard to the interim measure.”

Member's explanatory statement

This new clause would disapply the Human Rights Act and interim measures of the European Court of Human Rights in relation to this Bill and to other legislation about borders, asylum and immigration.

Matt Vickers

NC34

Katie Lam
Sarah Bool

☆ To move the following Clause—

“Offences and deportation

- (1) The UK Borders Act 2007 is amended as follows.
- (2) In section 32—
 - (a) in subsection (1)(a), at the end insert “and”;
 - (b) in subsection (1)(b) leave out “and” and insert “or”; and
 - (c) leave out subsection (1)(c) and substitute—

“(c) who has been charged with or convicted of an offence under section 24 of the Immigration Act 1971”
 - (d) leave out subsections (2) and (3).
- (3) In section 33, leave out subsections (1), (2), (3) and (6A).
- (4) The Illegal Migration Act 2023 is amended as follows.
- (5) Leave out subsection (5) of section 1 and insert—

“(5) The Human Rights Act does not apply to provision made by or by virtue of this Act or to—

 - (a) the Immigration Act 1971,
 - (b) the Immigration and Asylum Act 1999,
 - (c) the Nationality, Immigration and Asylum Act 2002,
 - (d) the Nationality and Borders Act 2022, or
 - (e) the Immigration Act 2016.”
- (6) In section 6 of the Illegal Migration Act 2023, leave out subsections (4) and (5).

- (7) In section 24 of the Immigration Act 1971, leave out all instances of “knowingly”.

Member's explanatory statement

This new clause would prevent a foreign national who is convicted of any offence from remaining in the UK, as well as anyone who has been charged with or convicted with an immigration offence under section 24 of the Immigration Act 1971.

Matt Vickers

NC35

Katie Lam
Sarah Bool

☆ To move the following Clause—

“Restrictions on visas for spouses and civil partners

- (1) The Secretary of State must make regulations specifying the maximum number of persons who may enter the United Kingdom annually as a spouse or civil partner of another (the sponsor).
- (2) Before making regulations under subsection (1), the Secretary of State must consult—
 - (a) in England and Wales and Scotland, such representatives of local authorities as the Secretary of State considers appropriate,
 - (b) the Executive Office in Northern Ireland, and
 - (c) any such other persons or bodies as the Secretary of State considers appropriate.
- (3) But the duty to consult under subsection (2) does not apply where the Secretary of State considers that the maximum number under subsection (1) needs to be changed as a matter of urgency.
- (4) The Secretary of State must commence the consultation under subsection (2) in relation to the first regulations to be made under this section before the end of the period of three months beginning with the day on which this Act is passed.
- (5) The regulations must specify that the number of persons from any one country who enter as a spouse or civil partner of a sponsor cannot exceed 7% of the maximum number specified in the regulations under subsection (1).
- (6) If, in any year, the number of persons who enter the United Kingdom as a spouse or civil partner of a sponsor exceeds the number specified in regulations under this section, the Secretary of State must lay a statement before Parliament—
 - (a) setting out the number of persons who have, in that year, entered the United Kingdom as a spouse or civil partner of a sponsor, and
 - (b) explaining why the number exceeds that specified in the regulations.

- (7) The statement under subsection (6) must be laid before Parliament before the end of the period of six months beginning with the day after the last day of the year to which the statement relates.
- (8) Within six months of the passing of this Act, the Secretary of State must by immigration rules make the changes set out in subsections (9) to (11).
- (9) The requirements to be met by a person seeking leave to enter the United Kingdom with a view to settlement as the spouse or civil partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement includes that—
 - (a) the applicant is married to, or the civil partner of, a person who has a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom and is, on the same occasion, seeking admission to the United Kingdom for the purposes of settlement;
 - (b) the applicant provides evidence that the parties under subsection (9)(a) were married or formed a civil partnership at least two years prior to the application;
 - (c) each of the parties intends to live permanently with the other as spouses or civil partners and the marriage or civil partnership is subsisting;
 - (d) the salary of the person who has a right to abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom equals or exceeds £38,700 per year; and
 - (e) the applicant and the person who has a right of abode in the United Kingdom are both at least 23 years old.
- (10) Leave to enter the United Kingdom as a spouse or civil partner under subsection (9) is to be refused if the parties concerned are first cousins.
- (11) For the purposes of this section, “local authority” means—
 - (a) in England and Wales, a county council, a county borough council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly, and
 - (b) in Scotland, a council constituted under section 2 of the Local Government etc (Scotland) Act 1994.”

Member's explanatory statement

This new clause would require the Secretary of State to specify a cap on the number of spouses or civil partners who may enter the UK, and on the number that may enter from any one country. It would also amend the immigration rules to set a salary threshold.

Matt Vickers

NC36

Katie Lam
Sarah Bool

☆ To move the following Clause—

“Access to accommodation centres: Immigration Enforcement

- (1) The Nationality, Immigration and Asylum Act 2002 is amended as follows.

(2) After section 33 (Advisory Groups), insert—

“33A Access for Immigration Enforcement

- (1) The manager of an accommodation centre must permit a member of Immigration Enforcement, on request, to—
 - (a) visit the centre at any time; and
 - (b) visit any resident of the centre at any time.
- (2) For the purposes of this section, “Immigration Enforcement” means the Immigration Enforcement team in the Home Office.””

Matt Vickers

NC37

Katie Lam
Sarah Bool

☆ To move the following Clause—

“Asylum support repayment scheme

- (1) The Secretary of State may by regulations make arrangements for asylum seekers to receive loans towards their maintenance and accommodation out of money made available by the Secretary of State for that purpose.
- (2) Regulations made under subsection (1) may—
 - (a) specify the circumstances in which an asylum seeker would be eligible for or required to take out the loan;
 - (b) prescribe the maximum amount of the loan that may be made to an asylum seeker in any year;
 - (c) make provision as to the time and manner in which repayments of loans are to be made; and
 - (d) make provision for the deferment or cancellation of a borrower’s liability in respect of a loan.
- (3) Loans shall bear interest at such rates as may from time to time be prescribed by regulations made by the Secretary of State but so that—
 - (a) the interest (which shall accrue from day to day) shall be added to the outstanding amount of a loan; and
 - (b) the rates shall be such as appear to the Secretary of State to be requisite for maintaining the value of that amount in real terms.
- (4) For the purposes of sub-paragraph (3)(b), the Secretary of State shall have regard to the retail prices index published by the Office for National Statistics, any substituted index or index figures published by that Office or such other index as appears to the Secretary of State to be appropriate.”

Member's explanatory statement

This new clause would enable the Government to treat asylum support like a student loan, with asylum seekers able to pay back the cost of support when they are in paid employment.

Matt Vickers

NC38

Katie Lam
Sarah Bool

☆ To move the following Clause—

“Leave outside the rules: consultation

- (1) The Secretary of State must, within three months of the passing of this Act, consult on reforms to arrangements for leave outside the Immigration Rules (LOTR).
- (2) A consultation under subsection (1) must consider how best to ensure that LOTR is granted only in the most exceptional circumstances, in which a reasonable person would consider it unacceptable to refuse entry to the United Kingdom.
- (3) Within 18 months of the passing of this Act, the Secretary of State must by regulations make changes to the Immigration Rules to implement the required reforms to LOTR.”

Member's explanatory statement

This new clause would require the Government to make changes to arrangements for leave outside the immigration rules.

Matt Vickers

NC39

Katie Lam
Sarah Bool

☆ To move the following Clause—

“Restrictions on visas and grants of indefinite leave to remain

- (1) Within six months of the passing of this Act, the Secretary of State must by immigration rules provide for all visa grants, including spousal visas, to be conditional on the following—
 - (a) the requirement that the applicant or their dependents will not apply for any form of “social protection” (including housing) from the UK Government or a local authority, where “social protection” is defined according to the Treasury’s Public Expenditure Statistical Analyses, subject to any further definition by immigration rules,
 - (b) the requirement that the applicant’s annual income must not fall below £38,700 (or six months or more in aggregate) during the relevant qualification period.
- (2) Immigration Rules made under subsection (1) must ensure that any breach of the conditions set out in that subsection will render void any visa previously granted.

- (3) The Secretary of State is not permitted to grant leave outside the immigration rules or immigration acts.
- (4) A person is not eligible to apply for indefinite leave to remain in the United Kingdom if any of the following conditions apply.
- (5) Condition 1 is that a person is a “foreign criminal” under section 32 of the UK Borders Act 2007.
- (6) Condition 2 is that a person, or any of their dependents, has been in receipt of any form of “social protection” (including housing) from the UK Government or a local authority, where “social protection” is defined according to the Treasury’s Public Expenditure Statistical Analyses, subject to any further definition by immigration rules.
- (7) Condition 3 is that a person’s annual income has fallen below £38,700 for six months or more in aggregate during the relevant qualification period.
- (8) A person who has entered the United Kingdom—
 - (a) under the Ukraine visa schemes;
 - (b) under the Afghan Citizens Resettlement Scheme;
 - (c) under the Afghan Relocations and Assistance Policy; or
 - (d) on a British National Overseas visa,
 is exempt from the requirements of Condition 2 and Condition 3.
- (9) For the purposes of subsections (1)(b) and (7)—
 - (a) the condition applies only to earnings that have been lawfully reported to, or subject to withholding tax by, HM Revenue and Customs; and
 - (b) the relevant sum of annual income must be adjusted annually by the Secretary of State through immigration rules to reflect inflation.
- (10) The Secretary of State may by immigration rules make further provision varying these conditions, including by way of transitional provisions.”

Member's explanatory statement

This new clause would place certain minimum restrictions on the granting of visas or indefinite leave to remain. It would require migrants to be self-sufficient and do not require state benefits, and would deny ILR to foreign criminals.

Matt Vickers

NC40

Katie Lam
Sarah Bool

☆ To move the following Clause—

“Cap on number of entrants

- (1) Within six months of the passing of this Act, the Secretary of State must make regulations specifying the total maximum number of persons who may enter the United Kingdom annually across all non-visitor visa routes, with such regulations subject to approval by both Houses.

- (2) The Secretary of State may by regulations also specify a maximum number of entrants for individual visa routes, subject to the overall total.
- (3) No visas may be issued in excess of the total maximum number specified in subsection (1).
- (4) Any visas issued in excess of the number specified in subsection (1) must be revoked."

Member's explanatory statement

This new clause would provide a mechanism for a binding annual cap on the number of non-visitor visas issued by the UK.

Matt Vickers

NC41

Katie Lam
Sarah Bool

☆ To move the following Clause—

"Asylum or refugee claims

- (1) This section applies to a person ("P") who has—
 - (a) applied for, or been granted, asylum or refugee status in the United Kingdom;
 - (b) appealed the refusal of asylum or refugee status in the United Kingdom; or
 - (c) made a claim to the Secretary of State that to remove P or require P to leave the United Kingdom, or to refuse P entry into the United Kingdom, would be unlawful under section 6 of the Human Rights Act 1998.
- (2) If P returns to their country of origin—
 - (a) during any of the processes specified in subsection (1); or
 - (b) subsequent to receiving asylum or refugee status or otherwise being given leave to remain,

P must have any claims automatically discontinued, and any status previously granted revoked."

Member's explanatory statement

This new clause would require the revocation of asylum or refugee status (or leave to remain) in relation to an applicant who returns to their country of origin, either subsequently or while their application is being processed. It would also apply to people who make an immigration human rights claim.

Matt Vickers

NC42

Katie Lam
Sarah Bool

☆ To move the following Clause—

“Removals from the United Kingdom: visa penalties for uncooperative countries

- (1) The Nationality and Borders Act 2022 is amended as follows.
- (2) In section 70, omit subsections (4) and (5).
- (3) In section 72—
 - (a) subsection (1), after “A country”, for “may” substitute “must”.
 - (b) In subsection (1)(a) omit “and” and insert—

“or,

 - (ab) is not cooperating in relation to the verification of identity or status of individuals who are likely to be nationals or citizens of the country, and”
 - (c) in subsection (1)(b), after “citizens of the country” insert “or individuals who are likely to be nationals or citizens of the country”,
 - (d) omit subsections (2) and (3), and
 - (e) in subsection (4), omit from “70” to after “subsection (1)(a)” .
- (4) Omit section 74.”

Member's explanatory statement

This new clause would require the Secretary of State to use a visa penalty provision if a country is not cooperating in the removal of any of its nationals or citizens from the UK, or in relation to the verification of their identity or status.

Pete Wishart

NC43

☆ To move the following Clause—

“Age determination by the Home Office

- (1) A person who claims to be a child must not be treated as an adult by the Home Office for the purpose of immigration control.
- (2) Subsection (1) does not apply where—
 - (a) the Secretary of State has determined that the circumstances are exceptional, or
 - (b) a local authority has determined that the person is an adult following a Merton-compliant age assessment.
- (3) An age assessment must be undertaken by a social worker who has undertaken training on the conduct of age assessments.
- (4) The Home Office must retain a record of the methodology and outcome for each age assessment undertaken for the purpose of immigration control.
- (5) The Secretary of State must, through regulations made by statutory instrument, establish a framework for independent oversight of the conduct of age assessments.

- (6) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (7) Where a person claiming to be a child is determined by the Home Office to be an adult and is placed in adult accommodation or detention, the Home Office must notify the relevant local authority as soon as possible.”

Member's explanatory statement

This new clause would ensure individuals claiming to be children are not treated as adults, except in exceptional circumstances or following a Merton-compliant age assessment. It would provide independent oversight of the age assessment process, and notification to local authorities when a person is placed in adult accommodation or detention.

Sir Edward Leigh

NC44

★ To move the following Clause—

“Duty to deport in accordance with the Refugee Convention

- (1) The Secretary of State must seek to remove anyone who, based on Article 1F and Article 33(2) of the Refugee Convention, does not have the benefit of the non-refoulement provisions of the Refugee Convention.
- (2) This duty does not apply in relation to persons who would face a real risk of capital punishment or extra-judicial killing or whose removal would contravene the United Kingdom’s obligation under Article 3 of the United Nations Convention against Torture.
- (3) If a domestic court or tribunal has ruled that a person’s removal would not contravene subsection (1) and (2), the court or tribunal may—
 - (a) Consider whether removal would be contrary to the Human Rights Act 1998,
 - (b) But if it considers that removal would be contrary to the Human Rights Act 1998, the Secretary of State may seek the removal of that person, notwithstanding the Act.
- (4) The Secretary of State may delay the removal of an individual where subsection (3)(b) applies, until the Grand Chamber of the European Court of Human Rights has ruled on the compatibility of that removal.
- (5) The Secretary of State must argue before the European Court of Human Rights that the European Convention on Human Rights cannot be interpreted as preventing the removal of an individual if such removal is compatible with the Refugee Convention and the United Nations Convention against Torture.
- (6) If the Grand Chamber of the European Court of Human Rights rules that the European Convention on Human Rights takes precedence over the Refugee Convention and United Nations Convention against Torture, the Secretary of State may decide to comply with that Grand Chamber decision.

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- (7) If the Secretary of State decides to comply with a ruling of the Grand Chamber, they must publish a quarterly report setting out the anonymised details of those individuals who could be deported subject to subsections (1) and (2) but have not been deported because of a decision by the Secretary of State to comply with a decision of the Grand Chamber of the European Court on Human Rights.”
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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.

Order of the Committee

[27 February 2025]

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

<i>Date</i>	<i>Time</i>	<i>Witness</i>
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.

Withdrawn Amendments

The following amendments were withdrawn on 3 March 2025:

6 and NC17

The following amendments were withdrawn on 7 March 2025:

NC12