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Report Stage: Monday 12 May 2025

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# Border Security, Asylum and Immigration Bill, As Amended

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 Any withdrawn amendments are listed at the end of the document.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

This document should be read alongside the Speaker's provisional selection and grouping, which sets out the order in which the amendments will be debated

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Secretary Yvette Cooper

Gov NC5

To move the following Clause—

**“Extension of prohibition on employment to other working arrangements**

- (1) The Immigration, Asylum and Nationality Act 2006 is amended as follows.
- (2) In the italic heading before section 15, after “Employment” insert “and other working arrangements”.
- (3) Before section 15, after the italic heading insert—

**“14A Application of sections 15 to 24 to other working arrangements**

- (1) In sections 15 to 24, a reference to a person employing another person includes a reference to—
  - (a) a person (“person A”) engaging an individual (“individual A”) under a worker’s contract,
  - (b) a person (“person B”) engaging an individual sub-contractor (“individual B”), and
  - (c) an online matching service (“person C”) providing the details of an individual who is a service provider (“individual C”) to potential clients or customers.
- (2) Accordingly—
  - (a) references in sections 15 to 24 to employment include engagement of the kind mentioned in paragraph (a) or (b) of

- subsection (1) or the provision of details as mentioned in paragraph (c) of that subsection;
- (b) references in those sections to an employer include person A, person B or person C;
  - (c) references in those sections to an employee include individual A, individual B or individual C.
- (3) In this section—
- “worker’s contract” means a contract, other than a contract of service or apprenticeship, under which—
- (a) individual A undertakes to do or perform personally work or services for person A or another person (whether or not that other person is specified in the contract), and
  - (b) person A is neither a client nor customer of any profession or business undertaking carried on by individual A;
- “individual sub-contractor” means an individual (“individual B”) who has entered into a contract with person B to provide work or services in circumstances where person B has entered into a contract with a third party to provide, or arrange for the provision of, the work or services but individual B has not;
- “online matching service” means a person who, in the course of a business—
- (a) keeps a register of service providers for the purpose of matching them with potential clients or customers,
  - (b) provides an online service by which potential clients or customers can submit enquiries for the purpose of being matched with suitable service providers, and
  - (c) charges a fee or commission in return for making such matches;
- “service provider” means a person providing, or seeking to provide, work or services for remuneration.
- (4) Subsection (1)(a), and subsection (2) so far as it has effect in consequence of subsection (1)(a), do not apply if and to the extent that—
- (a) under the worker’s contract, individual A undertakes to do or perform personally work or services for a person other than person A (whether or not that other person is specified in the contract), and
  - (b) the status of a person for whom individual A does or performs work or services under the contract is that of a client or customer of a profession or business undertaking carried on by individual A.
- (5) In this section a reference to a contract includes a contract that is express or implied and (if it is express) whether oral or in writing.
- (6) This section is subject to subsection (2) of section 15A (which provides for subsection (1)(a) of that section not to apply to in relation to an online matching service)."

(4) After section 15 insert—

**“15A Extension of liability under section 15**

- (1) Subsection (4) applies where a person (“A”)—
    - (a) employs an individual to provide work or services, or
    - (b) is contracted to provide, or arrange for the provision of, work or services and enters into a contract under which another person is to provide, or arrange for the provision of, the work or services (or part of the work or services).
  - (2) The reference in subsection (1)(a) to A employing an individual does not include A doing so as mentioned in section 14A(1)(c) (online matching services).
  - (3) Subsection (4) also applies where—
    - (a) a person (“A”) is an online matching service who provides the details of another person who is a service provider to potential clients or customers, and
    - (b) as result of being matched by person A, the service provider enters into a contract with a client or customer for the provision of work or services.
  - (4) For the purposes of section 15, and where this would not otherwise be the case, A is to be treated as employing any individual (“B”) who personally provides the work or services (or any part of the work or services), including where—
    - (a) A is not in a contractual relationship with B, or
    - (b) A does not know that B is providing the work or services (or part of the work or services).
  - (5) Subsection (4) applies where A is contracted to provide, or arrange for the provision of, the work or services regardless of whether that contract is the first or any other contract in a chain of contracts to provide, or arrange for the provision of, the work or services (or part of the work or services).
  - (6) This section does not affect the liability of any other employer under section 15.
  - (7) In sections 15, 16, 17, 23 and 24 a reference to a person employing another person includes a reference to a person who is treated as doing so by virtue of subsection (4); and references in those sections to employment, employers and employees are to be construed accordingly.
  - (8) In this section “online matching service” and “service provider” have the same meaning as in section 14A.”
- (5) In section 25—
- (a) in paragraph (b), at the beginning insert “subject to sections 14A and 15A,”,
  - (b) in paragraph (b), leave out from “whether” to the end of the paragraph, and

(c) after that paragraph insert—

“(ba) a reference to a contract includes a contract that is express or implied and (if it is express) whether oral or in writing.”

**Member's explanatory statement**

This new clause amends the Immigration, Asylum and Nationality Act 2006 to extend the obligations currently placed on employers to other arrangements.

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Secretary Yvette Cooper

Gov NC6

To move the following Clause—

**“Timeframe for determination of appeal brought by appellant receiving accommodation support**

After section 86 of the Nationality, Immigration and Asylum Act 2002 insert—

**“86A Timeframe for determination of appeal under section 82(1)(a) where appellant is receiving accommodation support**

- (1) This section applies on an appeal under section 82(1)(a) brought by a person to whom, at the time the appeal is instituted, accommodation is being provided under section 95 or 98 of the Immigration and Asylum Act 1999.
- (2) The Tribunal must, except where the Tribunal considers that it is not reasonably practicable to do so, determine the appeal and give notice of its determination to the parties before the end of the period of 24 weeks beginning with the day after that on which the appeal is instituted.
- (3) But subsection (2) does not apply or, as the case may be, ceases to apply, if the appeal must be brought, or must be continued, from outside the United Kingdom.”

**Member's explanatory statement**

This new clause provides that where a person receiving accommodation support appeals against a decision to refuse their protection claim, the First-tier Tribunal must determine the appeal within 24 weeks unless it is not reasonably practicable to do so.

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Secretary Yvette Cooper

Gov NC7

To move the following Clause—

**“Timeframe for determination of certain appeals brought by non-detained appellants liable to deportation**

- (1) After section 86A of the Nationality, Immigration and Asylum Act 2002 (as inserted by section (*Timeframe for determination of appeal brought by appellant receiving accommodation support*)) insert—

**“86B Timeframe for determination of appeal brought by certain non-detained appellants liable to deportation**

- (1) This section applies on an appeal under section 82(1) where the appeal is brought by a person falling within subsection (2).
  - (2) A person falls within this subsection if, at the time the appeal mentioned in subsection (1) is instituted, the person—
    - (a) is not detained (whether under any provision of the Immigration Acts or otherwise),
    - (b) has been convicted of an offence (whether in or outside the United Kingdom), and
    - (c) is liable to deportation under section 3(5)(a) of the Immigration Act 1971 (Secretary of State deeming deportation conducive to public good).
  - (3) The Tribunal must, except where the Tribunal considers that it is not reasonably practicable to do so, determine the appeal and give notice of its determination to the parties before the end of the period of 24 weeks beginning with the day after that on which the appeal is instituted.
  - (4) But subsection (3) does not apply or, as the case may be, ceases to apply, if the appeal must be brought, or must be continued, from outside the United Kingdom.”
- (2) In Schedule 2 to the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020 (S.I. 2020/61) (application of the 2002 Act to appeals to the Tribunal)—
- (a) in paragraph 1, after paragraph (b) insert—
 

“(ba) section 86B;”;
  - (b) in paragraph 3, after sub-paragraph (5) insert—
 

“(5A) Section 86B has effect as if for subsection (4) there were substituted—

“(4) But subsection (3) does not apply or, as the case may be, ceases to apply, if the appeal is brought, or is continued, from outside the United Kingdom.””

- (3) In Schedule 2 to the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052) (appeals to the First-tier Tribunal), as it continues to have effect following its revocation, after paragraph 1 insert—

“1A Section 86B of the 2002 Act (timeframe for determination of appeal brought by certain non-detained appellants liable to deportation) applies in relation to an appeal under these Regulations to the First-tier Tribunal as it applies in relation to an appeal under section 82(1) of the 2002 Act but as if for subsection (4) there were substituted—

“(4) But subsection (3) does not apply or, as the case may be, ceases to apply, if the appeal is brought, or is continued, from outside the United Kingdom.””

#### Member's explanatory statement

This new clause provides that in certain cases where a non-detained person who has been convicted of an offence and who is liable to deportation brings an appeal, the First-tier Tribunal must determine the appeal within 24 weeks unless it is not reasonably practicable to do so.

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Secretary Yvette Cooper

Gov NC8

To move the following Clause—

#### “Refugee Convention: particularly serious crime

- (1) Section 72 of the Nationality, Immigration and Asylum Act 2002 (construction and application of Article 33(2) of Refugee Convention) is amended as follows.

- (2) After subsection (5) insert—

“(5ZA) A person is to be presumed to have been convicted by a final judgment of a particularly serious crime if—

- (a) the person is convicted in the United Kingdom of an offence listed in Schedule 3 to the Sexual Offences Act 2003, and
- (b) the person is not, by virtue of the conviction, a person falling within subsection (2).

(5ZB) A person is to be presumed to have been convicted by a final judgment of a particularly serious crime if—

- (a) the person is convicted outside the United Kingdom of an offence,
- (b) the act constituting the offence would have constituted an offence listed in Schedule 3 to the Sexual Offences Act 2003 had it been done in any part of the United Kingdom, and
- (c) the person is not, by virtue of the conviction, a person falling within subsection (3).”

- (3) After subsection (5A) insert—  
“(5B) A person presumed to have been convicted of a particularly serious crime by virtue of subsection (5ZA) or (5ZB) is to be presumed to constitute a danger to the community of the United Kingdom.”
- (4) In subsection (6), for “subsection (5A)” substitute “subsection (5ZA) or (5ZB) that a person has been convicted by a final judgment of a particularly serious crime or under subsection (5A) or (5B)”.
- (5) In subsection (7), for “(5A)” substitute “(5ZA), (5ZB), (5A) or (5B)”.
- (6) In subsection (8), after “(5A)” insert “or (5B)”.
- (7) In subsection (9)(b), for “(5A)” substitute “(5ZA), (5ZB), (5A) or (5B)”.
- (8) In subsection (10)(b), for “(5A)” substitute “(5ZA), (5ZB), (5A) or (5B)”.

**Member's explanatory statement**

This new clause provides that where a person has been convicted of certain sexual offences there is to be a rebuttable presumption that the person has been convicted of a particularly serious crime and constitutes a danger to the community of the United Kingdom for the purposes of the Refugee Convention.

**Nadia Whittome**

**NC1**

Bell Ribeiro-Addy  
Zarah Sultana  
Olivia Blake  
Ian Byrne  
Rachael Maskell

Alex Sobel  
Jeremy Corbyn  
Apsana Begum  
Siân Berry  
Iqbal Mohamed  
Ann Davies  
Andy McDonald

Neil Duncan-Jordan  
Steve Witherden  
Chris Hinchliff  
Mary Glindon  
Adrian Ramsay  
Llinos Medi

Kim Johnson  
Ellie Chowns  
Carla Denyer  
Richard Burgon  
Ben Lake  
Liz Saville Roberts

To move the following Clause—

**“Duty to report and publish data on deaths in the asylum system and small boat crossings**

- (1) The Secretary of State must, on a quarterly basis, publish and lay before Parliament a report that includes the number of deaths that have occurred in relation to the UK asylum system in the three months preceding the date specified in that report.
- (2) The specified date under subsection (1) must be no more than six months prior to the date of publication.
- (3) A report under subsection (1) must include—
  - (a) The total number of deaths occurring, during the specified period, of persons who were, at the time of death—

- (i) in receipt of accommodation under sections 4, 95 or 98 of the Immigration and Asylum Act 1999; or
  - (ii) awaiting the outcome of a claim for asylum while residing in other forms of accommodation or at no fixed abode; or
  - (iii) undertaking an unauthorised crossing of the English Channel;
- (b) the cause of death for each person reported, if known; and
- (c) the locations in which each death occurred, if known.
- (4) The first report under this section must be made published no later than one year after the passing of this Act.
- (5) For the purposes of this section—
  - (a) A “claim for asylum” is defined in accordance with section 167 of the Immigration and Asylum Act 1999; and
  - (b) an “unauthorised crossing” is a sea crossing made by an individual without leave to enter the United Kingdom, made from dry land in France, Belgium or the Netherlands for the purpose of reaching dry land in the United Kingdom.”

#### Member's explanatory statement

This new clause would require the Home Office to publish quarterly statistics and information on deaths in the asylum system and in small boat channel crossings.

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**Alex Sobel**

**NC2**

Bell Ribeiro-Addy  
Zarah Sultana  
Olivia Blake  
Ian Byrne  
Dr Beccy Cooper

Nadia Whittome  
Siân Berry  
Mary Glendon  
Ann Davies  
Andy McDonald

Apsana Begum  
Ellie Chowns  
Adrian Ramsay  
Llinos Medi

Carla Denyer  
Claire Hanna  
Ben Lake  
Liz Saville Roberts

To move the following Clause—

#### **“Reports on restrictions on asylum seekers engaging in employment**

- (1) The Secretary of State must publish a report explaining what progress has been made towards providing asylum applicants with the right to take up employment whilst their application is being determined.
- (2) A report under subsection (1) must be published—
  - (a) by 31 December 2025, or
  - (b) within three months of the passing of this Act,
 whichever is earliest
- (3) The Secretary of State must make a further report under subsection (1) at least every twelve calendar month after the publication of the first report, until the restrictions on asylum seekers engaging in employment are removed.



- (4) Any report under subsection (1) must include a review of—
  - (a) the current 12 month waiting period attached to the permission to work, and
  - (b) the restriction of roles to the Immigration Salary List.
- (5) The Secretary of State must make arrangements for—
  - (a) a copy of any report published under subsection (1) to be laid before both Houses of Parliament before the end of the day on which it is published, or the next sitting day if it is published on a non-sitting day;
  - (b) the House of Commons to debate a motion, made by a Minister of the Crown, to the effect that the House of Commons has considered the report; and
  - (c) the House of Lords to debate a motion, made by a Minister of the Crown, to the effect that the House of Lords has considered the report.
- (6) The debates required under subsections (5)(b) and (c) must take place within 25 sitting days of the day on which the report is laid before Parliament.”

**Member's explanatory statement**

This new clause would require the Secretary of State to report back to Parliament annually on the Government's working rights policies for people in the asylum system, and for both Houses of Parliament to debate a motion on the report.

**Pete Wishart**

**NC3**

Kirsty Blackman  
Stephen Flynn  
Brendan O'Hara  
Dave Doogan  
Chris Law

Stephen Gethins  
Jeremy Corbyn  
Carla Denyer  
Bell Ribeiro-Addy  
Zarah Sultana  
Ann Davies

Graham Leadbitter  
Shockat Adam  
Ellie Chowns  
Claire Hanna  
Adrian Ramsay  
Llinos Medi

Seamus Logan  
Apsana Begum  
Siân Berry  
Iqbal Mohamed  
Ben Lake  
Liz Saville Roberts

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.

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**Carolyn Harris**

NC4

Bell Ribeiro-Addy  
 Zarah Sultana  
 Carla Denyer  
 Siân Berry  
 Ellie Chowns

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 58 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, relating to modern slavery victims.

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**Pete Wishart**

NC9

Apsana Begum  
 Carla Denyer  
 Bell Ribeiro-Addy  
 Siân Berry  
 Ellie Chowns

Zarah Sultana

Adrian Ramsay

To move the following Clause—

**“Humanitarian Assistance**

A person (“P”) does not commit an offence under section 13 (supplying articles for use in immigration crime), section 14 (handling articles for use in immigration crime), or section 16 (collecting information for use in immigration crime) if P’s action was for the purposes of providing humanitarian assistance.”

**Member's explanatory statement**

This new clause would ensure that individuals who provide humanitarian assistance would not be considered as having committed the new criminal offences created by clauses 13, 14 and 16 of this Bill.

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**Chris Philp**

NC10

Matt Vickers

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.

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Chris Philp  
Matt Vickers

NC11

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 on having lived in the UK for ten years or more.

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Chris Philp

NC12

Matt Vickers

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.

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Chris Philp

NC13

Matt Vickers

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 NC11.

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Chris Philp

Matt Vickers

NC14

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 section 84 of the Nationality, Immigration and Asylum Act 2002—
  - (a) in subsection (1), after “must” insert “not”;
  - (b) in subsection (2), after “must” insert “not”;
  - (c) in subsection (2), for “section 6” substitute “any section”; and
  - (d) 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.

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Chris Philp  
Matt Vickers

NC15

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.

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Chris Philp

NC16

Matt Vickers

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.

---

Chris Philp

NC17

Matt Vickers

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; and
  - (b) the requirement that the applicant’s annual income must not fall below £38,700 for 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 restrictions on the granting of visas or indefinite leave to remain. It would require migrants to be self-sufficient and not to require state benefits, and would deny indefinite leave to remain to foreign criminals.

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Chris Philp

NC18

Matt Vickers

To move the following Clause—

**“Cap on the 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 nonvisitor visas issued by the UK.

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Chris Philp

NC19

Matt Vickers

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.

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Chris Philp

NC20

Matt Vickers

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.

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**Lisa Smart**
**NC21**

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray

Vikki Slade  
Ellie Chowns  
Adrian Ramsay  
Llinos Medi

Carla Denyer  
Claire Hanna  
Ben Lake  
Liz Saville Roberts

Siân Berry  
Tim Farron  
Ann Davies

To move the following Clause—

**“Removal of restrictions on asylum seekers engaging in employment**

The Secretary of State must, within three 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.”

**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.

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**Lisa Smart**
**NC22**

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray

Vikki Slade  
Ellie Chowns  
Adrian Ramsay  
Llinos Medi

Carla Denyer  
Claire Hanna  
Ben Lake  
Liz Saville Roberts

Siân Berry  
Tim Farron  
Ann Davies

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.

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**Lisa Smart****NC23**

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray  
Vikki Slade

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.

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**Lisa Smart****NC24**

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray  
Vikki Slade

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.

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**Lisa Smart**

**NC25**

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray

Vikki Slade

Claire Hanna

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.

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**Lisa Smart**

**NC26**

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray

Vikki Slade

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.

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**Lisa Smart**

**NC27**

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray

Vikki Slade  
Ellie Chowns

Carla Denyer  
Adrian Ramsay

Siân Berry

To move the following Clause—

**“Reuniting unaccompanied child refugees with family members**

- (1) Within six months of the passing of this Act, the Secretary of State must by immigration rules make the changes set out in subsections (2) to (6).
- (2) The requirements to be met by a person seeking leave to enter the United Kingdom as a child relative of a person or persons given limited leave to enter or remain in the United Kingdom, as a refugee or beneficiary of humanitarian protection, are that the applicant—
  - (a) is the child, grandchild, sister, brother, nephew or niece of a person or persons granted limited leave to enter or remain as a refugee or beneficiary of humanitarian protection granted as such under the immigration rules; and
  - (b) is under the age of 18; and
  - (c) can, and will, be accommodated adequately by the person or persons the child is seeking to join without recourse to public funds in accommodation which the person or persons the child is seeking to join, own or occupy exclusively; and

- (d) can, and will, be maintained adequately by the person or persons the child is seeking to join, without recourse to public funds; and
  - (e) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.
- (3) The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the close relative of a child with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection are that the applicant is—
  - (a) a parent, grandparent, sister, brother, aunt or uncle of a child with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection; and
  - (b) joining a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom who is under the age of 18 and not living with a parent or grandparent; and
  - (c) can, and will, be accommodated adequately, together with any dependants, without recourse to public funds.
- (4) Limited leave to enter the United Kingdom as an applicant under subsection (2) or (3) may be granted for five years provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as an applicant under subsections (2) or (3) may be granted provided the Secretary of State is satisfied that each of the requirements of subsections (2) or (3) is met.
- (5) Limited leave to enter the United Kingdom as an applicant under subsection (2) or (3) is to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as an applicant under subsection (2) or (3) is to be refused if the Secretary of State is not satisfied that each of the requirements of subsections (2) or (3) is met.
- (6) Civil legal services are to be provided to an applicant under subsections (2) or (3) in relation to rights to enter, and to remain in, the United Kingdom pursuant to schedule 1, subsection 30(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012."

#### **Member's explanatory statement**

This new clause would require changes to the immigration rules to extend the family members that could apply to join an unaccompanied child refugee in the UK, to include parents, grandparents, sisters, brothers, uncles and aunts, and to allow unaccompanied child refugees to sponsor close adult family members to join them in the UK. It also provides for legal aid to be available in such cases.



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<b>Lisa Smart</b>			<b>NC28</b>
Christine Jardine			
Ben Maguire			
Josh Babarinde			
Mr Will Forster			
Susan Murray			
Vikki Slade	Carla Denyer	Siân Berry	
Ellie Chowns	Tim Farron	Adrian Ramsay	

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 enters the UK illegally, regardless of how long ago, will "normally be refused" citizenship (if they applied after 10 February 2025).

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<b>Lisa Smart</b>	<b>NC29</b>
Christine Jardine	
Ben Maguire	
Josh Babarinde	
Mr Will Forster	
Susan Murray	
Vikki Slade	

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 passage 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 how implementing a carers’ minimum wage would impact on levels of net migration.

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<b>Lisa Smart</b>	<b>NC30</b>
Christine Jardine	
Ben Maguire	
Josh Babarinde	
Mr Will Forster	
Susan Murray	
Vikki Slade	

To move the following Clause—

**“A three-month service standard for asylum casework**

- (1) The Secretary of State must, within six months of the passage 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.

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**Lisa Smart**

**NC31**

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray  
Vikki Slade

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.

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**Lisa Smart**

**NC32**

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray

Vikki Slade  
Ellie Chowns

Carla Denyer

Siân Berry

To move the following Clause—

**“Repeal of certain provisions of the Nationality and Borders Act 2022 (No. 2)**

- (1) 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.

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**Lisa Smart**

NC33

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray  
Vikki Slade

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 18 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.

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**Lisa Smart**

NC34

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray

Vikki Slade  
Ellie Chowns

Carla Denyer  
Adrian Ramsay

Siân Berry

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 1971, 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**

**NC35**

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray

Vikki Slade  
Ellie Chowns

Carla Denyer  
Tim Farron

Siân Berry

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-maker" 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 with 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”.

**Lisa Smart**

**NC36**

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray

Vikki Slade  
Ellie Chowns

Carla Denyer  
Tim Farron

Siân Berry  
Adrian Ramsay

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 well being 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, and
  - (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.

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**Bell Ribeiro-Addy**

**NC37**

Manuela Perteghella  
Liz Saville Roberts  
Carla Denyer  
Zarah Sultana  
Ms Diane Abbott

Nadia Whittome  
Rachael Maskell  
Ms Stella Creasy  
Rosie Duffield  
Imran Hussain  
Richard Burgon  
Clive Lewis  
Ellie Chowns  
Paula Barker  
Grahame Morris

Apsana Begum  
Ayoub Khan  
Rebecca Long Bailey  
Olivia Blake  
Andy McDonald  
Kim Johnson  
Neil Duncan-Jordan  
Claire Hanna  
Adrian Ramsay  
Dawn Butler

Ian Byrne  
Mary Glendon  
Alex Sobel  
Ian Lavery  
John McDonnell  
Kate Osborne  
Siân Berry  
Jeremy Corbyn  
Brian Leishman

To move the following Clause —

**“Children born in the UK: British citizenship**

- (1) The British Nationality Act 1981 is amended as follows.
- (2) After section 1(3A) insert—
  - “(3B) A person (“P”) born in the United Kingdom on or after the relevant day who is not a British citizen by virtue of subsection (1), (1A) or (2) or

section 10A shall be entitled to be registered as a British citizen if, when P was born, P's father or mother—

- (a) had previously entered the UK whilst holding leave to enter the UK; and
- (b) was subsequently, and at the time of P's birth, subject to UK immigration control."

(3) The Immigration and Nationality (Fees) Regulations 2018 are amended as follows.

(4) In Schedule 1, Table 20A, insert—

"No fee is payable in respect of an application for registration as a British citizen under the 1981 Act where the application is made under section 1(3B) of that Act.""

#### Member's explanatory statement

This new clause would ensure citizenship for children born in the UK whose parents had leave to enter the UK but were not British citizens or had settled status at the time of their child's birth, and for fees for that registration to be waived.

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**Carla Denyer**

**NC38**

Apsana Begum  
Bell Ribeiro-Addy  
Siân Berry  
Ellie Chowns  
Claire Hanna

Pete Wishart

Zarah Sultana

Adrian Ramsay

To move the following Clause—

#### **"Repeal of certain provisions of the Nationality and Borders Act 2022 (No. 3)**

- (1) The following provisions of the Nationality and Borders Act 2022 are repealed—
- (a) section 12,
  - (b) section 16,
  - (c) sections 30 to 38, and
  - (d) section 40."

#### Member's explanatory statement

This new clause would repeal provisions of the Nationality and Borders Act 2022 concerning: the creation of two separate groups of refugees, subject to differential treatment; the inadmissibility of asylum claims by persons with a connection to a safe third State; the interpretation of the Refugee Convention; and the creation of offences relating and similar to illegal entry to the UK.



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Sir Edward Leigh

NC39

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.
- (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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Nigel Farage

NC40

Richard Tice  
Lee Anderson  
James McMurdock  
Sarah Pochin

To move the following Clause—

**“Detention of illegal migrants**

- (1) The Secretary of State must, within six months of the passing of this Act, set out plans to detain illegal migrants in secure accommodation.
- (2) Detention under subsection (1)—
  - (a) must occur immediately upon a person’s arrival into the UK without leave to enter the UK;
  - (b) must be in accommodation with requisite security, not including hotels or residential accommodation; and
  - (c) must be for no more than 24 hours, during which any asylum claim must be assessed and decided.
- (3) Any person whose asylum claim under this section is refused must be deported within 24 hours of refusal.
- (4) A plan under subsection (1) must be—
  - (a) laid before Parliament, and
  - (b) implemented within twelve months of the passing of this Act.”

**Member's explanatory statement**

This new clause would require the Government to set up secure accommodation to detain illegal migrants as soon as they arrive in the UK, assess any asylum claim with 24 hours of detention, and deport any failed applicants.

---

**Nigel Farage**

**NC41**

Richard Tice  
Lee Anderson  
James McMurdock  
Sarah Pochin

To move the following Clause—

**“Impact of European Convention on Human Rights on border security**

- (1) The Secretary of State must, within six months of the passing of this Act, publish an assessment of the impact of the UK’s commitment to the European Convention on Human Rights on the UK’s border security.
- (2) An assessment under this section must be laid before Parliament and must include—
  - (a) the number of additional persons likely to be deported from the United Kingdom annually if the UK were to depart from the European Convention on Human Rights, and
  - (b) of those, the number of foreign criminals likely to be deported annually.”

**Member's explanatory statement**

This new clause would require the Government to assess the impact of the ECHR on the UK's border security.

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**Pete Wishart**
**NC42**

Apsana Begum  
Carla Denyer  
Bell Ribeiro-Addy  
Siân Berry  
Ellie Chowns

Zarah Sultana  
Ann Davies

Adrian Ramsay  
Llinos Medi

Ben Lake  
Liz Saville Roberts

To move the following Clause—

**“Transparency in age dispute decision-making**

- (1) The Secretary of State must, within six months of the passing of this Act, and on a quarterly basis thereafter—
  - (a) prepare and publish a report on age assessments conducted for the purposes of immigration control, and
  - (b) lay a copy of the report before Parliament.
- (2) The report must include—
  - (a) the total number of age disputes raised during the reporting period,
  - (b) the number of individuals who were initially treated as adults but were subsequently assessed to be under the age of 18,
  - (c) the number of individuals who were initially treated as children but were subsequently assessed to be 18 or over,
  - (d) the number and percentage of individuals referred for a formal Merton-compliant age assessment,
  - (e) the number of safeguarding referrals made as a result of age misclassification, and
  - (f) the number of legal challenges brought in relation to age assessments, and the outcome of those challenges.
- (3) The report must also include an assessment of the impact of age dispute procedures on unaccompanied children, with particular regard to—
  - (a) the duration of time spent in adult accommodation, detention, or prison,
  - (b) any effect on access to education, healthcare, and social care services,
  - (c) any risks to mental and physical health arising from misclassification, and
  - (d) any referrals to or findings made by safeguarding professionals or regulatory bodies in relation to such cases.
- (4) In this section—
 

“child” means a person who is under the age of 18,

“Merton-compliant” means compliant with the principles established in *R (B) v Merton LBC* [2003] EWHC 1689 (Admin),

“age dispute” means any case in which the claimed age of an individual for immigration purposes is challenged or reassessed by the Home Office or a relevant authority.”

#### **Member's explanatory statement**

This new clause would require the Home Office to publish a detailed analysis which includes the outcomes on age assessments. It aims to increase transparency in the current process and to support policy reform that better safeguards children at risk of being misclassified as adults. Its aim is to ensure a more transparent, and accountable approach to age disputes.

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**Bell Ribeiro-Addy**

**NC43**

Apsana Begum  
Ian Byrne  
Richard Burgon  
Andy McDonald

To move the following Clause—

#### **“Management of immigration removal centres and asylum accommodation**

- (1) The Secretary of State must, within six months of the passing of this Act, make by regulations a register of prohibited providers of immigration removal centres and other forms of asylum accommodation.
- (2) The register under subsection (1) must include all companies or persons—
  - (a) found guilty of or fined for—
    - (i) gross misconduct,
    - (ii) abuse,
    - (iii) overcharging, or
    - (iv) fraud
 in relation to their operation of immigration removal centres and other forms of asylum accommodation, or
  - (b) who have not, following inspection by the Independent Chief Inspector of Borders and Immigration (ICIBI), met the recommendations of the subsequent report within 6 months.
- (3) The Secretary of State or department must not enter into further contracts or renewal of contracts with any prohibited provider.”

#### **Member's explanatory statement**

This new clause would require the Home Office to make a register of prohibited providers of immigration removal centres and other forms of asylum accommodation who have been convicted of gross misconduct, abuse, overcharging or fraud, or have not met the recommendations of an inspection report. The Home Office cannot renew or enter into further contracts with prohibited providers on the register.

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**Ms Stella Creasy**

NC44

Bell Ribeiro-Addy  
Claire Hanna

To move the following Clause—

**“National Referral Mechanism: duty to create a new visa scheme**

- (1) The Secretary of State must, by immigration rules, create a new visa scheme for persons who—
  - (a) are regarded by a first responder organisation as eligible for referral into the National Referral Mechanism for modern slavery; and
  - (b) are in receipt of an Overseas Domestic Worker visa under the terms of the Immigration Rules Appendix Overseas Domestic Worker; or
  - (c) have been in receipt of such a visa within the six months prior to a referral under paragraph (a).
- (2) Immigration rules under subsection (1)—
  - (a) must be laid before Parliament within six months of the passing of this Act; and
  - (b) must be commenced within six months of being laid before Parliament.
- (3) Immigration rules under subsection (1) must—
  - (a) enable an eligible person to remain in the UK until the later of—
    - (i) the date on which a conclusive grounds decision is made; or
    - (ii) the date on which any reconsideration or judicial review of a conclusive grounds decision has concluded; or
    - (iii) for persons recognised as a victim of modern slavery through a positive conclusive grounds decision, the date on which the person is granted either Discretionary Leave under the Immigration Act 1971 or Temporary Permission to Stay under section 65 of the Nationality and Borders and 2022; and
  - (b) enable the eligible person to work as a domestic worker for any eligible employer during the period specified by this subsection.
- (4) For the purposes of this section—
 

“first responder organisation” is to be defined by immigration rules under this section;

“National Referral Mechanism” means the national framework for identifying and referring potential victims of modern slavery and ensuring they receive appropriate support;

“conclusive grounds decision” means a decision by a competent authority as to whether a person is a victim of slavery or human trafficking.”

**Member's explanatory statement**

This new clause would require the Secretary of State to introduce a new visa scheme for victims of modern slavery who have been granted an Overseas Domestic Worker visa, to avoid visa concerns acting as a deterrent against referral for support under the National Referral Mechanism.

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**Ms Stella Creasy**

NC45

Apsana Begum  
 Bell Ribeiro-Addy  
 Richard Burgon  
 Carla Denyer  
 Siân Berry  
 Ellie Chowns

To move the following Clause—

**“Good character requirement**

- (1) The British Nationality Act 1981 is amended as follows.
- (2) In section 41A, (Registration: requirement to be of good character), after subsection (4), insert—
  - “(4A) The good character requirement under this section must not be applied in a manner contrary to the United Kingdom’s obligations under any international agreement to which the United Kingdom is a party.
  - (4B) The Secretary of State must ensure any guidance issued regarding the good character requirement reflects the following—
    - (a) any assessment of good character may only take into account the illegal entry, arrival or presence of a person (P) in the United Kingdom if at the time of P’s entry to or arrival in the UK—
      - (i) P was aged 18 years or over,
      - (ii) P would have been given leave to enter under the immigration rules, if P had sought it, and
      - (iii) the assessment of P’s good character is made on the basis of guidance, which was published.
    - (b) It is for the Secretary of State to prove, on the balance of probabilities, that—
      - (i) P would have been given leave to enter under the immigration rules, if P had sought it; and
      - (ii) it would have been reasonable to expect P to have sought and obtained such leave to enter.
  - (4C) In this section—
 

“the good character requirement” refers to the provision regarding a person being of good character in section 41A (Registration: requirement to be of good character), section 4L (Acquisition by registration: special circumstances), and paragraphs 1 and 5 of Schedule 1 to the British Nationality Act 1981.

“immigration rules” means rules under section 3(2) of the Immigration Act 1971.”

**Member’s explanatory statement**

This new clause would ensure the good character requirement is not applied contrary to the UK’s international legal obligations. It also ensures that guidance would only take into account a person’s illegal entry, arrival or presence, if they arrived as an adult, when there was a safe route under the

Immigration Rules available to them, and it would have been reasonable to expect them to have used that route.

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**Charlie Dewhirst** 1  
Dr Neil Hudson

Clause 3, page 2, line 28, after "such threats," insert "including the threats posed to UK biosecurity by illegal meat imports,".

**Member's explanatory statement**

This amendment requires the Border Security Commander ("the Commander"), to have regard to the threats posed to UK biosecurity by illegal meat imports.

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**Chris Philp** 31  
Matt Vickers

Clause 3, page 2, line 36, at end insert—

"(2A) The strategic priority document issued under subsection (2) must support the Home Office's UK Border Strategy."

**Member's explanatory statement**

This amendment would require that the Border Security Commander's strategic priority document supports the UK Border Strategy.

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**Charlie Dewhirst** 2  
Dr Neil Hudson

Clause 3, page 3, line 2, after "borders", insert ", including biosecurity"

**Member's explanatory statement**

This amendment is consequential on Amendment 1, and clarifies that UK biosecurity is an element of border security.

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**Pete Wishart** 4  
Apsana Begum  
Carla Denyer  
Bell Ribeiro-Addy  
Siân Berry  
Ellie Chowns  
Zarah Sultana                      Adrian Ramsay

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

"(1A) For the purposes of subsection (1), P cannot commit an offence if P is—

- (a) an individual forced or coerced into criminal activities,
- (b) a parent, family member or guardian accompanying minors,
- (c) a victim of human trafficking or modern slavery,
- (d) a survivor of torture, gender-based violence or severe trauma,
- (e) an unaccompanied child,
- (f) a person at risk of persecution,
- (g) a pregnant woman, or
- (h) a person holding refugee status."

#### Member's explanatory statement

This amendment would specify that the offence created by clause 13 (supplying articles for use in immigration crime) cannot be applied to certain categories of individual.

---

**Lisa Smart**

36

Vikki Slade

Clause 14, page 8, line 21, at end insert "or,

- (c) their action was—
  - (i) solely as part of their own journey, and
  - (ii) they did not gain financially from the action."

#### Member's explanatory statement

This amendment seeks to ensure that the new criminal offence is targeted at people smugglers rather than those seeking asylum by amending the statutory defence.

---

**Pete Wishart**

30

Apsana Begum  
 Carla Denyer  
 Bell Ribeiro-Addy  
 Siân Berry  
 Ellie Chowns

Zarah Sultana

Adrian Ramsay

Clause 14, page 8, line 26, at end insert—

- "(6) For the purposes of subsection (1), P cannot commit an offence if P is—
  - (a) an individual forced or coerced into criminal activities,
  - (b) a parent, family member or guardian accompanying minors,
  - (c) a victim of human trafficking or modern slavery,
  - (d) a survivor of torture, gender-based violence or severe trauma,
  - (e) an unaccompanied child,
  - (f) a person at risk of persecution,
  - (g) a pregnant woman, or
  - (h) a person holding refugee status."



**Member's explanatory statement**

This amendment would specify that the offence created by clause 14 (Handling articles for use in immigration crime) cannot be applied to certain categories of individual.

---

**Lisa Smart**

37

Clause 15, page 9, line 2, at end insert—

- “(i) a telephonic device
- (j) means for charging a telephonic device”

**Member's explanatory statement**

This amendment adds to the list of articles that aren't included as relevant articles for the purposes of the new criminal offences of supplying or handling items to be used by people making a dangerous journey.

---

**Lisa Smart**

38

Vikki Slade

Clause 16, page 9, line 38, leave out from “journey” to end of line 39 and insert “that they would not benefit from financially.”

**Member's explanatory statement**

This amendment seeks to ensure that the new criminal offence is targeted at people smugglers rather than those seeking asylum by amending the statutory defence.

---

**Pete Wishart**

5

Apsana Begum  
Carla Denyer  
Bell Ribeiro-Addy  
Siân Berry  
Ellie Chowns

Zarah Sultana

Adrian Ramsay

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

- “(E1C) For the purposes of subsections (E1A) and (E1B) a person cannot commit an offence if the person is—
- (a) an individual forced or coerced into criminal activities,
  - (b) a parent, family member or guardian accompanying minors,
  - (c) a victim of human trafficking or modern slavery,
  - (d) a survivor of torture, gender-based violence or severe trauma,
  - (e) an unaccompanied child,
  - (f) a person at risk of persecution,
  - (g) a pregnant woman, or
  - (h) a person holding refugee status.”

**Member's explanatory statement**

This amendment would specify that the offence created by clause 18 (Endangering another during sea crossing to United Kingdom) cannot be applied to certain categories of individual.

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**Secretary Yvette Cooper**

**Gov 6**

Clause 20, page 14, line 33, leave out "superintendent" and insert "inspector"

**Member's explanatory statement**

This amendment changes the rank of the officer who may authorise a constable to exercise a power to search under this clause.

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**Secretary Yvette Cooper**

**Gov 7**

Clause 20, page 14, line 33, at end insert—

"(7A) If an inspector gives an authorisation under subsection (7), the inspector must, as soon as it is practicable to do so, cause an officer of at least the rank of superintendent to be informed."

**Member's explanatory statement**

This amendment provides that where an inspector authorises a constable to exercise a power to search under this clause the inspector must cause an officer of at least the rank of superintendent to be informed as soon as is practicable.

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**Secretary Yvette Cooper**

**Gov 8**

Clause 21, page 15, line 3, leave out "superintendent" and insert "inspector"

**Member's explanatory statement**

This amendment changes the rank of the officer who may authorise a constable to exercise a power of seizure under this clause.

---

**Secretary Yvette Cooper**

**Gov 9**

Clause 21, page 15, line 3, at end insert—

"(2A) If an inspector gives an authorisation under subsection (2), the inspector must, as soon as it is practicable to do so, cause an officer of at least the rank of superintendent to be informed."

**Member's explanatory statement**

This amendment provides that where an inspector authorises a constable to exercise a power of seizure under this clause the inspector must cause an officer of at least the rank of superintendent to be informed as soon as is practicable.

---

**Secretary Yvette Cooper**

**Gov 10**

Clause 23, page 17, line 41, leave out “superintendent” and insert “inspector”

**Member's explanatory statement**

This amendment changes the rank of the officer who may authorise a constable to exercise a power to access, examine, copy, retain or use information under this clause.

---

**Secretary Yvette Cooper**

**Gov 11**

Clause 23, page 17, line 41, at end insert—

“(3) If an inspector gives an authorisation under subsection (2), the inspector must, as soon as it is practicable to do so, cause an officer of at least the rank of superintendent to be informed.”

**Member's explanatory statement**

This amendment provides that where an inspector authorises a constable to exercise a power to access, examine, copy, retain or use information under this clause the inspector must cause an officer of at least the rank of superintendent to be informed as soon as is practicable.

---

**Secretary Yvette Cooper**

**Gov 12**

Clause 25, page 18, line 24, leave out “22” and insert “23”

**Member's explanatory statement**

This amendment corrects an incorrect cross-reference; the effect is that the Secretary of State may by regulations provide that a reference to an authorised officer in clause 23 (rather than clause 22) includes a person of a description specified in the regulations.

---

**Chris Philp**

**32**

Matt Vickers

Page 30, line 29, leave out Clause 37

**Member's explanatory statement**

This amendment would remove the clause relating to the repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024.

---

**Chris Philp**

**33**

Matt Vickers

Page 30, line 31, leave out Clause 38

**Member's explanatory statement**

This amendment would remove the clause relating to the repeal of immigration legislation.

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**Carla Denyer**

35

Apsana Begum  
Bell Ribeiro-Addy  
Siân Berry  
Ellie Chowns  
Pete Wishart

Zarah Sultana  
Ann Davies

Adrian Ramsay  
Llinos Medi

Ben Lake  
Liz Saville Roberts

Clause 38, page 30, line 34, leave out "11" and insert "12"

**Member's explanatory statement**

This amendment would add section 12, concerning the Secretary of State's powers to detain people under the Immigration Act 1972, to the list of sections of the Illegal Migration Act 2023 to be repealed.

---

**Lisa Smart**

34

Christine Jardine  
Ben Maguire  
Josh Babarinde  
Mr Will Forster  
Susan Murray  
Vikki Slade

Clause 38, page 31, line 1, leave out "28" and insert "29"

**Member's explanatory statement**

This amendment would repeal Section 29 of the Illegal Immigration Act 2024, which requires the Secretary of State to remove people who have sought to use modern slavery protections in "bad faith".

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**Pete Wishart**

3

Apsana Begum  
Carla Denyer  
Bell Ribeiro-Addy  
Siân Berry  
Ellie Chowns

Claire Hanna

Zarah Sultana

Adrian Ramsay

Clause 38, page 31, line 5, at end insert—

"(i) sections 29 and 59."

**Member's explanatory statement**

This amendment would add sections 29 and 59 to the list of sections of the Illegal Migration Act 2023 to be repealed.

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**Secretary Yvette Cooper****Gov 13**

Clause 40, page 32, line 21, at end insert "and certain related amendments of other provision"

**Member's explanatory statement**

This amendment is consequential on the amendments of Schedule 1 made by amendments 24, 27 and 29.

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**Secretary Yvette Cooper****Gov 14**

Clause 48, page 43, line 7, leave out "within subsection (2)" and insert "made by a court in England and Wales"

**Member's explanatory statement**

This amendment and Amendments 15, 16, 17, 18 and 19 remove provision enabling the imposition of electronic monitoring requirements by a court in Scotland or Northern Ireland when making an SCPO which is terrorism-related.

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**Secretary Yvette Cooper****Gov 15**

Clause 48, page 43, leave out lines 11 to 14

**Member's explanatory statement**

See the explanatory statement to Amendment 14.

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**Secretary Yvette Cooper****Gov 16**

Clause 48, page 45, line 2, leave out "the court" and insert ", in the case of an order made by a court in England and Wales, the High Court in England and Wales"

**Member's explanatory statement**

This amendment is consequential on Amendments 14, 15, 17, 18 and 19 removing provision enabling the imposition of electronic monitoring requirements by a court in Scotland or Northern Ireland when making an SCPO which is terrorism-related.

---

**Secretary Yvette Cooper****Gov 17**

Clause 48, page 45, line 6, leave out "the court" and insert ", in the case of an order made by a court in England and Wales, the Crown Court in England and Wales"

**Member's explanatory statement**

This amendment is consequential on Amendments 14, 15, 16, 18 and 19 removing provision enabling the imposition of electronic monitoring requirements by a court in Northern Ireland when making an SCPO which is terrorism-related.

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**Secretary Yvette Cooper****Gov 18**

Clause 48, page 45, line 10, leave out "the court" and insert ", in the case of an order made by a court in England and Wales, the Crown Court in England and Wales"

**Member's explanatory statement**

This amendment is consequential on Amendments 14, 15, 16, 17 and 19 removing provision enabling the imposition of electronic monitoring requirements by a court in Northern Ireland when making an SCPO which is terrorism-related.

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**Secretary Yvette Cooper****Gov 19**

Clause 48, page 45, leave out lines 12 to 21

**Member's explanatory statement**

This amendment is consequential on Amendments 14, 15, 16, 17 and 18 removing provision enabling electronic monitoring requirements to be imposed by a court in Scotland when making an SCPO which is terrorism-related.

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**Secretary Yvette Cooper****Gov 20**

Clause 57, page 60, line 22, at end insert—

"(ca) section 63(3) of the Immigration, Asylum and Nationality Act 2006,"

**Member's explanatory statement**

This amendment is consequential on NC5.

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**Secretary Yvette Cooper****Gov 21**

Clause 58, page 60, line 32, leave out paragraph (b) and insert—

"(b) paragraphs 2 to 4 of Schedule 1 (and section 40 and paragraph 1 of that Schedule so far as relating to those paragraphs);"

**Member's explanatory statement**

This amendment is consequential on the amendments of Schedule 1 made by amendments 24 to 29.

---

**Secretary Yvette Cooper**

**Gov 22**

Clause 58, page 60, line 36, after “regulations” insert “or an order”

**Member's explanatory statement**

This amendment is consequential on amendment 28 and enables an order under the power inserted by that amendment to be made on or after the day on which the Bill is passed.

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**Secretary Yvette Cooper**

**Gov 23**

Schedule 1, page 62, line 5, leave out paragraph 1 and insert —

“1        The Immigration and Asylum Act 1999 is amended as follows.”

**Member's explanatory statement**

This amendment is consequential on the amendments of Schedule 1 made by amendments 24, 27 and 29.

---

**Secretary Yvette Cooper**

**Gov 24**

Schedule 1, page 62, line 6, at end insert—

*“Power to amend definition of “relevant matters”*

1A        In section 82 (interpretation of Part 5), after subsection (3) insert—

“(4)    The Secretary of State may by regulations amend the definition of “relevant matters” in subsection (1).

(5)    Regulations under subsection (4) may make consequential amendments to this section.”

1B (1)   In section 166(5) (regulations subject to the affirmative procedure), after paragraph (c) insert—

“(cza) section 82(4),”.

(2)    If sub-paragraph (1) comes into force before the coming into force of paragraph 24(2) of Schedule 11 to the Immigration Act 2016, sub-paragraph (1) has effect as if after “procedure),” there were inserted “omit the “or” at the end of paragraph (c) and”.”

**Member's explanatory statement**

This amendment enables the definition of “relevant matters” in section 82(1) of the Immigration and Asylum Act 1999 to be amended by regulations.

---

Secretary Yvette Cooper

Gov 25

Schedule 1, page 62, line 6 at end insert—

*“Suspension etc of registration*

1C In section 84(3)(b) (effect of suspension of registration on person’s registration), for “4B(5)” substitute “4C(1)”.

1D (1) Section 87 (appeals to First-tier Tribunal) is amended as follows.

(2) After subsection (3A) insert—

“(3AA) Subsection (3A) does not apply in relation to a decision to cancel a person’s registration under paragraph 4A(e) of Schedule 6 if condition A or B is met.

(3AB) Condition A is that the Commissioner notifies the person to whom the decision relates (“the relevant person”) in writing that—

(a) the Commissioner considers that the relevant person is acting or has acted in a way which—

(i) creates a risk of serious harm to persons seeking immigration advice or immigration services, or

(ii) creates a risk of serious harm to the system of immigration control in the United Kingdom, and

(b) accordingly, the decision to cancel the relevant person’s registration has effect from the time specified in the notice and while the period mentioned in subsection (3A) is running.

(3AC) Condition B is that the person’s registration has been cancelled wholly or partly on the basis that the person has been convicted of—

(a) an offence involving dishonesty or deception, or

(b) an indictable offence.”

(3) After subsection (3C) insert—

“(3D) Tribunal Procedure Rules may not permit a direction of the kind mentioned in subsection (3B) in relation to a decision to cancel a person’s registration under paragraph 4A(e) of Schedule 6 where the person meets condition B in subsection (3AC).”

(4) In subsection (4), for the words from “paragraph 4B” to the end of the subsection substitute “paragraphs 4AA and 4B of Schedule 6 (appeals against suspension by the Commissioner).”

(5) After subsection (4) insert—

“(4A) For the purposes of this section, conduct creates a risk of serious harm to the system of immigration control in the United Kingdom if, in particular, it involves—

(a) abuse of a procedure operating in the United Kingdom in connection with immigration or asylum (including any appellate or other judicial procedure), or



- (b) advice to any person to do something which would amount to such an abuse."

1E (1) Schedule 6 (registration) is amended as follows.

- (2) Before paragraph 4B (but after the italic heading before that paragraph) insert—

"4AA (1) The Commissioner may, by notice in writing to a registered person, suspend the person's registration from the time specified in the notice if—

- (a) the Commissioner has reason to suspect that the registered person is acting or has acted in a way which—
  - (i) creates a risk of serious harm to persons seeking immigration advice or immigration services, or
  - (ii) creates a risk of serious harm to the system of immigration control in the United Kingdom, and
- (b) accordingly, the Commissioner considers it is necessary to suspend the person's registration.

- (2) The Commissioner—

- (a) may, by notice in writing to a person whose registration has been suspended under sub-paragraph (1), cancel the suspension of the person's registration, and
- (b) must do so if the Commissioner is no longer satisfied that paragraph (a) or (b) of that sub-paragraph applies in relation to that person.

- (3) If a person's registration has been suspended under sub-paragraph (1), the Commissioner must consider whether the suspension should be cancelled—

- (a) before the end of the period of 7 working days beginning with the working day after the day on which the Commissioner issued the notice of the suspension, and
- (b) before the end of each subsequent period of 7 working days.

- (4) A person whose registration is suspended under sub-paragraph (1) may appeal to the First-tier Tribunal against the suspension.

- (5) For the purposes of this paragraph, conduct creates a risk of serious harm to the system of immigration control in the United Kingdom if, in particular, it involves—

- (a) abuse of a procedure operating in the United Kingdom in connection with immigration or asylum (including any appellate or other judicial procedure), or
- (b) advice to any person to do something which would amount to such an abuse.

- (6) In this paragraph "working day" means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom."

## (3) In paragraph 4B—

## (a) for sub-paragraph (1) substitute—

“(1) The Commissioner may, by notice in writing to a registered person, suspend the person’s registration from the time specified in the notice if the person is charged with—

- (a) an offence involving dishonesty or deception,
- (b) an indictable offence, or
- (c) an offence under section 25 or 26(1)(d) or (g) of the 1971 Act.

(1A) The Commissioner may, by notice in writing to a person whose registration has been suspended under sub-paragraph (1), cancel the suspension of the person’s registration.

(1B) A person whose registration is suspended under sub-paragraph (1) may appeal to the First-tier Tribunal against the suspension.”,

(b) in sub-paragraph (2), in the opening words, for “The suspension” substitute “Otherwise, the suspension under sub-paragraph (1)”, and

(c) omit sub-paragraphs (5) to (7).

## (4) After paragraph 4B insert—

“4C (1) A person whose registration is suspended under paragraph 4AA or 4B is not to be treated as a registered person for the purposes of section 84 (but is to be treated as a registered person for the purposes of the other provisions of this Part).

(2) Where a person’s registration is suspended under paragraph 4AA or 4B the Commissioner must as soon as reasonably practicable record the suspension in the register.

(3) Where a suspension under paragraph 4AA or 4B ceases to have effect (and the person’s registration is not cancelled) the Commissioner must as soon as reasonably practicable remove the record of suspension from the register.”

**Member's explanatory statement**

This amendment makes provision for the cancellation of a person’s registration as a provider of immigration advice or immigration services to have immediate effect in certain circumstances as well as for the suspension of a person’s registration.

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Secretary Yvette Cooper

Gov 26

Schedule 1, page 62, line 6, at end insert—

*“Provision of immigration advice or immigration services under supervision*

1F In section 84 (provision of immigration services), after subsection (3B) insert—

“(3C) A person’s entitlement to provide immigration advice or immigration services by virtue of subsection (2)(e) is subject to section 84A and regulations under section 84B.”

1G After section 84 insert—

**“84A Limitations on acting under supervision: sanctions under this Part**

(1) A person (“P”) is not entitled to provide immigration advice or immigration services by virtue of section 84(2)(e) (persons acting under supervision) if—

- (a) P is disqualified under paragraph 4 of Schedule 6 (conviction of certain immigration offences) for registration under paragraph 2 of that Schedule or continued registration under paragraph 3 of that Schedule,
- (b) P’s registration is suspended under paragraph 4AA of Schedule 6 (suspension on grounds of risk of serious harm), or
- (c) P’s registration is suspended under paragraph 4B of Schedule 6 (suspension of persons charged with particular offences).

(2) A person (“P”) is not entitled to provide immigration advice or immigration services by virtue of section 84(2)(e) during the relevant period if—

- (a) P’s registration has been cancelled under paragraph 4A(e) of Schedule 6 (cancellation for lack of competence etc), and
- (b) the cancellation took effect before the end of the period mentioned in subsection (3A) of section 87 because condition A in subsection (3AB) of that section (risk of serious harm) was met in relation to P.

(3) In subsection (2) “the relevant period” means the period of 12 months beginning with the time specified in the notice under section 87(3AB) as the time at which the decision to cancel P’s registration had effect.

(4) Subsection (2) does not apply if—

- (a) the Commissioner decides to register P or to continue P’s registration, or
- (b) the cancellation of P’s registration is overturned on appeal (unless the cancellation is subsequently reinstated as a result of a further appeal).

(5) A person (“P”) is not entitled to provide immigration advice or immigration services by virtue of section 84(2)(e) if—

- (a) P’s registration has been cancelled under paragraph 4A(e) of Schedule 6, and

- (b) the cancellation took effect before the end of the period mentioned in subsection (3A) of section 87 because condition B in subsection (3AC) of that section (conviction of particular offences) was met in relation to P.
- (6) Subsection (5) does not apply if—
  - (a) P's conviction of the offence mentioned in section 87(3AC) is quashed or set aside,
  - (b) the Commissioner decides to register P or to continue P's registration, or
  - (c) the cancellation of P's registration is overturned on appeal (unless the cancellation is subsequently reinstated as a result of a further appeal).
- (7) A person ("P") other than a person to whom subsection (1), (2) or (5) applies is not entitled to provide immigration advice or immigration services by virtue of section 84(2)(e) if—
  - (a) subsection (8) applied to P when P entered into the arrangement for supervision, and
  - (b) P did not inform the person by whom P was to be supervised of that fact before entering into that arrangement.
- (8) This subsection applies to P if—
  - (a) P is or has previously been subject to a direction by the First-tier Tribunal under section 89(2A)(a) (directions in connection with registration),
  - (b) P is or has previously been subject to a direction by the First-tier Tribunal under section 89(8)(a) (restrictions on provision of immigration advice or immigration services),
  - (c) P has previously been subject to a direction by the First-tier Tribunal under section 89(8)(b) (suspension from provision of immigration advice or immigration services),
  - (d) P is or has previously been subject to an order made by a disciplinary body under section 90(1)(a) (restrictions on provision of immigration advice or immigration services),
  - (e) P has previously been subject to an order made by a disciplinary body under section 90(1)(b) (suspension from provision of immigration advice or immigration services),
  - (f) P has at any time been given a penalty notice under section 92C (power to impose monetary penalties),
  - (g) P's registration has at any time been cancelled under paragraph 6(3)(a) of Schedule 5 (failure to assist with investigation),
  - (h) P's registration has at any time been cancelled under paragraph 10A(7) or (8) of Schedule 5 (failure to allow access to premises etc),
  - (i) P's registration has at any time been cancelled under paragraph 4A(d) or (e) of Schedule 6 (cancellation following direction by First-tier Tribunal or for lack of competence etc),

- (j) P's registration has previously been suspended under paragraph 4AA of Schedule 6, or
  - (k) P's registration has previously been suspended under paragraph 4B of Schedule 6.
- (9) Subsection (7) does not apply if, before the time mentioned in subsection (7)(a), the direction, order, penalty, cancellation or suspension referred to in subsection (8)—
  - (a) had been reversed, cancelled or quashed,
  - (b) had been overturned on appeal (and had not subsequently been reinstated as a result of a further appeal), or
  - (c) in the case of suspension under paragraph 4B of Schedule 6, had ceased to have effect by virtue of sub-paragraph (2) of that paragraph.

#### **84B Limitations on acting under supervision: other sanctions**

- (1) The Secretary of State may by regulations provide that a person is not entitled to provide immigration advice or immigration services by virtue of section 84(2)(e) where—
  - (a) the person is subject to a professional sanction of a kind specified in the regulations, or
  - (b) in the circumstances specified in the regulations, the person is disqualified or suspended from practice as a member of a relevant profession.
- (2) The Secretary of State may by regulations provide that a person ("P") is not entitled to provide immigration advice or immigration services by virtue of section 84(2)(e) where—
  - (a) when P entered into the arrangement for supervision—
    - (i) P was or had previously been subject to a professional sanction of a kind specified in the regulations, or
    - (ii) in the circumstances specified in the regulations, P was or had previously been disqualified or suspended from practice as a member of a relevant profession, and
  - (b) P did not inform the person by whom P was to be supervised of that fact before entering into the arrangement for supervision.
- (3) In this section—
  - "professional sanction" means an order, direction or decision which is imposed, given or made by, or other action which is taken by—
    - (a) a designated professional body,
    - (b) a designated qualifying regulator,
    - (c) a relevant disciplinary body,
    - (d) an Inn of Court, or
    - (e) a judge, court or tribunal in the exercise of a function in relation to the provision of legal services;

“relevant disciplinary body” means a body established wholly or partly for the purpose of exercising disciplinary functions in relation to—

- (a) members of a designated professional body, or
- (b) persons regulated by a designated qualifying regulator;

“relevant profession” means a profession which is regulated by a designated professional body or a designated qualifying regulator.””

#### Member's explanatory statement

This amendment makes provision about a person's entitlement to provide immigration advice or immigration services under supervision where the person is or has been subject to a sanction imposed by the Immigration Services Commissioner or in the person's capacity as a legal professional.

Secretary Yvette Cooper

Gov 27

Schedule 1, page 62, line 6, at end insert—

*“Monetary penalties*

1H After section 92B insert—

#### **“92C Power to impose monetary penalties**

- (1) The Commissioner may give a relevant person a penalty notice if the Commissioner is satisfied on the balance of probabilities that the relevant person—
  - (a) has failed to comply with—
    - (i) the duty imposed on the person by paragraph 3(4) of Schedule 5 (duty to comply with Code of Standards) or paragraph 6(2) of that Schedule (duty to assist with investigation of complaint), or
    - (ii) any other requirement imposed on the person by or under this Part, or
  - (b) has, without reasonable excuse, obstructed the Commissioner in the exercise of the Commissioner's functions under paragraph 4A of Schedule 5 (power to carry out inspections).
- (2) In this section “relevant person”, in relation to the giving of a penalty notice, means a person who was a registered person at the time of the act or omission in relation to which the notice is given.
- (3) A penalty notice is a notice requiring the person to whom it is given to pay to the Commissioner—
  - (a) an amount specified in regulations made by the Secretary of State (a “fixed penalty notice”), or
  - (b) an amount specified by the Commissioner in the notice (a “variable penalty notice”).

- (4) The Commissioner may give a person who is not a relevant person a penalty notice if the Commissioner is satisfied on the balance of probabilities that the person has failed to comply with the duty imposed on the person by paragraph 6(2) of Schedule 5.
- (5) The Commissioner may give an unqualified person a penalty notice if the Commissioner is satisfied on the balance of probabilities that the person has committed an offence under section 91 or 92B.
- (6) In subsection (5) “unqualified person”, in relation to the giving of a penalty notice, means a person who was not a qualified person at the time of the act or omission in relation to which the notice is given.
- (7) An amount specified in regulations under subsection (3)(a), and the amount specified in a variable penalty notice, must not exceed—
  - (a) in the case of a penalty imposed on a person under subsection (5) in relation to the commission of an offence under section 92B, the maximum amount of the fine that could be imposed on the person on summary conviction for the offence;
  - (b) in any other case, £15,000.
- (8) The Secretary of State may by regulations amend the amount for the time being specified in subsection (7)(b).
- (9) In this section and sections 92D to 92H—
  - “penalty notice” means a notice under this section;
  - “fixed penalty notice” and “variable penalty notice” have the meanings given by subsection (3).

## **92D Procedure for imposing penalties**

- (1) Before giving a penalty notice to a person the Commissioner must notify the person of the Commissioner’s intention to do so.
- (2) The notice under subsection (1) must—
  - (a) specify the proposed amount of the penalty,
  - (b) specify the Commissioner’s reasons for proposing to impose the penalty,
  - (c) specify the period during which the person may make representations about the proposal (“the specified period”), and
  - (d) specify the way in which those representations may be made.
- (3) The specified period must not be less than 28 days beginning with the date on which the notice under subsection (1) is given.
- (4) The Commissioner must have regard to any representations made by a person during the specified period in deciding—
  - (a) whether to give a penalty notice to the person, and
  - (b) if the Commissioner decides to give a variable penalty notice to the person, the amount of the penalty specified in the notice.

- (5) Where the Commissioner gives a penalty notice to a person, the notice must specify—
  - (a) the amount of the penalty, and
  - (b) the period within which the penalty must be paid (“the payment period”).
- (6) The penalty notice must also contain information as to—
  - (a) the grounds for the penalty,
  - (b) how payment may be made,
  - (c) the details of any early payment discount or late payment penalty included by virtue of subsection (7),
  - (d) the consequences of non-payment,
  - (e) rights of appeal, and
  - (f) the period within which an appeal may be made.
- (7) The penalty notice may include provision for the amount payable under the notice—
  - (a) to reduce in the event of early payment;
  - (b) to increase in the event of payment after the end of the payment period.

## **92E Appeals against penalties**

- (1) A person to whom a penalty notice has been given may appeal to the First-tier Tribunal against—
  - (a) the decision to give the person a penalty notice;
  - (b) where the notice given is a variable penalty notice, the amount of the penalty specified in the notice.
- (2) On an appeal under this section, the Tribunal may—
  - (a) cancel the penalty,
  - (b) confirm the requirement to pay the penalty, or
  - (c) in the case of an appeal under subsection (1)(b), amend the amount of the penalty.
- (3) The requirement to pay the penalty under the notice is suspended at any time when—
  - (a) an appeal under this section could be brought by the person in respect of the penalty, or
  - (b) such an appeal is pending.
- (4) But subsection (3)(a) does not prevent the requirement to pay taking effect if the person notifies the Commissioner that the person does not intend to appeal.
- (5) No further amount is payable as a result of provision included in the penalty notice by virtue of section 92D(7)(b) in respect of the period during which the requirement to pay is suspended.



- (6) For the purposes of subsection (3)(b) an appeal is pending during the period—
  - (a) starting when the appeal is brought, and
  - (b) ending when the appeal is finally determined, abandoned or withdrawn.

## **92F Enforcement of penalty notices**

- (1) This section applies if a person who is liable to pay an amount to the Commissioner under a penalty notice has not paid the whole or any part of that amount when it is required to be paid.
- (2) In England and Wales the Commissioner may recover the unpaid amount on the order of the county court as if it were payable under an order of that court.
- (3) In Scotland payment of the unpaid amount may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (4) In Northern Ireland the Commissioner may recover the unpaid amount on the order of a county court as if it were payable under an order of that court.

## **92G Guidance about penalties**

- (1) The Commissioner must prepare and publish guidance about the Commissioner's use of the power to give a penalty notice.
- (2) The guidance must, in particular, include information as to—
  - (a) the circumstances in which the Commissioner is likely to give—
    - (i) a fixed penalty notice, or
    - (ii) a variable penalty notice, and
  - (b) in the case of a variable penalty notice, the matters to which the Commissioner has regard in determining the amount of the penalty.
- (3) The Commissioner—
  - (a) must from time to time review the guidance, and
  - (b) may revise and republish the guidance following a review.
- (4) Before preparing or revising guidance under this section, the Commissioner must consult such persons as the Commissioner considers appropriate.

## **92H Penalties imposed in relation to commission of offence: convictions**

A person who is required to pay a penalty under a penalty notice given under section 92C(5) (penalty in respect of offence under section 91 or 92B) may not at any time be convicted of an offence under

section 91 or, as the case may be, 92B in respect of the act or omission in relation to which the notice was given.”

- 1I (1) In section 166(5) (regulations subject to the affirmative procedure), after paragraph (cza) (as inserted by paragraph 1B) insert—

“(czb) section 92C(3)(a) or (8),”.

- (2) If sub-paragraph (1) comes into force before the coming into force of paragraph 24(2) of Schedule 11 to the Immigration Act 2016, paragraph 24(2) of that Schedule has effect on its coming into force as if for “for the “or” at the end of paragraph (c) substitute” there were substituted “after paragraph (czb) insert”.

- 1J (1) Schedule 5 is amended as follows.

- (2) In paragraph 6(3) (investigations under the complaints scheme), after paragraph (c) (and on a new line insert)—

“(See also section 92C (which confers a power to impose monetary penalties for breaching the duty imposed by paragraph 6(2)).)”

- (3) In paragraph 9(1) (determination of complaints), after paragraph (f) (as inserted by paragraph 1M(4)) (and on a new line) insert—

“(See also section 92C (which confers a power to impose monetary penalties for breaching the Code or otherwise failing to comply with requirements imposed by or under this Part).)”

#### Member's explanatory statement

This amendment confers powers on the Immigration Services Commissioner to impose monetary penalties on persons providing immigration advice or immigration services.

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Secretary Yvette Cooper

Gov 28

Schedule 1, page 62, line 6, at end insert—

“Fees

- 1K After section 93 insert—

#### “93A Fees

- (1) The Secretary of State may by order provide for fees to be charged by the Commissioner in respect of the exercise of the Commissioner’s functions.
- (2) The order may, in particular, make provision—
  - (a) for fees (including fees for the taking of examinations) to be charged in respect of the assessment of a person’s competence to provide immigration advice or immigration services;
  - (b) for fees to be charged in respect of a person’s registration or continued registration;

- (c) for fees to be charged for making changes to a person's registration;
  - (d) for fees to be charged in respect of the provision by the Commissioner of training for persons providing or seeking to provide immigration advice or immigration services;
  - (e) for fees to be charged in respect of the provision by the Commissioner of, or of access to, training or other material for such persons;
  - (f) for fees to be charged in respect of the provision by the Commissioner of events for such persons;
  - (g) for fees to be charged in respect of the accreditation by the Commissioner of training or events for such persons;
  - (h) for fees to be charged in respect of the provision of advice by the Commissioner;
  - (i) for, and in connection with, requiring or authorising the Commissioner to waive all or part of a fee in particular cases.
- (3) The order may result in the charging of a fee in respect of the exercise of a function in a particular case which exceeds the costs of exercising the function in that case.
- (4) But in specifying the amount of a fee by virtue of subsection (3) the Secretary of State may have regard only to either or both of the following—
- (a) the costs of exercising the function in question;
  - (b) the costs of exercising any other function of the Commissioner.
- (5) References in subsection (4) to the costs of exercising a function are to the costs of doing so in a particular class of case or in all cases.
- (6) In this section "registration" means registration with the Commissioner under section 85."

1L In Schedule 6, for paragraph 5 substitute—

- "5 No application under paragraph 1 or 3 is to be entertained by the Commissioner unless it is accompanied by the fee specified for that application by order under section 93A (but this is subject to any waiver in accordance with provision by virtue of subsection (2)(i) of that section)."

#### Member's explanatory statement

This amendment replaces the current power for the Secretary of State to specify the fees that may be charged by the Immigration Services Commissioner with a new and wider power.

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Secretary Yvette Cooper

Gov 29

Schedule 1, page 62, line 6, at end insert—

*“The complaints scheme*

1M (1) Schedule 5 is amended as follows.

(2) In paragraph 5(3), after paragraph (b) insert—

“(ba) the provision of immigration advice or immigration services by a person in contravention of section 84,”.

(3) In paragraph 6—

(a) in sub-paragraph (2) for “is the subject of an investigation under the scheme” substitute “falls within sub-paragraph (2A)”;

(b) after sub-paragraph (2) insert—

“(2A) A person (“P”) falls within this sub-paragraph if—

(a) P is the subject of an investigation under the scheme, or

(b) in a case where the person who is the subject of an investigation under the scheme is a relevant body, P—

(i) was an officer, member or partner of the body when the body provided the immigration advice or immigration services to which the complaint relates, but

(ii) is no longer such an officer, member or partner.

(2B) In sub-paragraph (2A)—

(a) “relevant body” means a body which was a registered person at the time to which the complaint relates;

(b) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body.”

(4) In paragraph 9—

(a) in sub-paragraph (1), after paragraph (e) insert—

“(f) if the person to whom the complaint relates (“P”) was not, at the time to which the complaint relates, a relevant authorised person, order P or a relevant body in relation to P—

(i) to refund all or any part of the fees charged by P or the relevant body for the immigration advice or immigration services to which the complaint relates;

(ii) to pay to the person to whom the advice or services were provided an amount specified in

the order by way of compensation in respect of any loss, inconvenience or distress suffered by the person as a result of the provision of the advice or services.”;

(b) after sub-paragraph (1B) insert—

“(1C) For the purposes of sub-paragraph (1)(f) and this sub-paragraph—

(a) a person is a “relevant authorised person” if—

(i) the person falls within section 84(2)(b), or

(ii) the person falls within section 84(2)(e) because the person acts on behalf of, and under the supervision of, a person falling within section 84(2)(b);

(b) a body is a “relevant body” in relation to P if P was acting as the employee, officer, member or partner of the body when providing the immigration advice or immigration services to which the complaint relates;

(c) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body.

(1D) The total amount that may be ordered to be refunded or paid by virtue of sub-paragraph (1)(f) in respect of a complaint must not exceed £250,000.

(1E) The Secretary of State may by regulations amend the amount for the time being specified in sub-paragraph (1D).

(1F) An order under sub-paragraph (1)(f) may specify the time by which the refund or payment must be made.”

(5) After paragraph 9 insert—

*“Order on determination of complaint to refund fees or pay compensation: procedure, appeals and enforcement*

9A The complaints scheme must include provision securing that, where the Commissioner proposes to make an order under paragraph 9(1)(f) against a person—

(a) the Commissioner must give the person a notice of what is proposed (a “notice of intent”),

(b) the person may, within the period specified in the notice of intent, make written representations and objections to the Commissioner in relation to the proposed order,

(c) the Commissioner must, at the end of the period for making representations and objections, consider any representations and objections made and—

(i) determine to make the proposed order,

(ii) determine not to make an order under paragraph 9(1)(f) against the person,

- (iii) determine to make an order under paragraph 9(1)(f) against the person requiring the person to refund or pay an amount which is less than the amount mentioned in the notice of intent, or
    - (iv) provisionally determine to make an order under paragraph 9(1)(f) against the person requiring the person to refund or pay an amount which is greater than the amount mentioned in the notice of intent, and
  - (d) where the Commissioner makes a provisional determination as mentioned in paragraph (c)(iv), the person is given an opportunity to make written representations and objections in relation to the provisional determination which must be considered by the Commissioner before the order is made.
- 9B Where the Commissioner makes an order under paragraph 9(1)(f) against a person, the person may appeal to the First-tier Tribunal against the making of the order.
- 9C (1) This paragraph applies where—
- (a) on determining a complaint under the complaints scheme, the Commissioner makes an order under paragraph 9(1)(f) for an amount to be refunded or paid to a person ("P"), and
  - (b) the appeal rights in relation to the order are exhausted.
- (2) For the purposes of sub-paragraph (1)(b) the appeal rights in relation to an order are exhausted at a time when—
- (a) it is no longer possible for an appeal against the order to be made under paragraph 9B (ignoring any possibility of an appeal out of time), and
  - (b) there is no appeal against the order which is pending.
- (3) On the application of P or the Commissioner, a court may order that the amount to be refunded or paid under the order is recoverable as if it were payable under an order of that court.
- (4) The Commissioner may make an application under sub-paragraph (3) only—
- (a) in the circumstances specified in the complaints scheme, and
  - (b) with P's consent.
- (5) If a court makes an order under sub-paragraph (3) on the application of the Commissioner, the Commissioner may, in the circumstances specified in the complaints scheme and with P's consent, recover the amount mentioned in that sub-paragraph on behalf of P.
- (6) For the purposes of this paragraph—
- (a) an appeal is pending during the period—
    - (i) starting when the appeal is brought, and

- (ii) ending when the appeal is finally determined, abandoned or withdrawn;
  - (b) "court" means—
    - (i) in England and Wales, the High Court or the county court;
    - (ii) in Scotland, the Court of Session or the sheriff;
    - (iii) in Northern Ireland, the High Court or a county court."
- 1N (1) In section 166(5) (regulations subject to the affirmative procedure), at the end of paragraph (d) insert "or
- (e) paragraph 9(1E) of Schedule 5,".
- (2) If sub-paragraph (1) comes into force before the coming into force of paragraph 24(2) of Schedule 11 to the Immigration Act 2016, paragraph 24(2) of that Schedule has effect on its coming into force as if the "or" at the end of paragraph (ca) as inserted by paragraph 24(2) were omitted.
- (3) If sub-paragraph (1) comes into force at the same time as or after the coming into force of paragraph 24(2) of Schedule 11 to the Immigration Act 2016, omit the "or" at the end of section 166(5)(ca) of the Immigration and Asylum Act 1999 (as inserted by paragraph 24(2) of that Schedule)."

**Member's explanatory statement**

This amendment extends the Immigration Services Commissioner's complaints scheme in relation to who may be the subject of a complaint under the scheme, who may be required to co-operate with the investigation of a complaint and what sanctions may be imposed if a complaint is upheld.

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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.