

Illegal Migration Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS LUDFORD
LORD PADDICK

Clause 1, page 2, line 37, leave out subsection (5)

Member's explanatory statement

This amendment removes the subsection which disapplies Section 3 of the Human Rights Act (interpretation of legislation) for the purposes of this Bill.

LORD PADDICK
LORD GERMAN
BARONESS CHAKRABARTI
LORD COAKER

The above-named Lords give notice of their intention to oppose the Question that Clause 1 stand part of the Bill.

BARONESS CHAKRABARTI
LORD PADDICK
LORD ETHERTON
LORD KIRKHOPE OF HARROGATE

Leave out Clause 1 and insert the following new Clause –

“Introduction

- (1) Nothing in this Act shall require any act or omission that conflicts with the obligations of the United Kingdom under –
 - (a) The 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms;
 - (b) The 1951 UN Convention relating to the Status of Refugees including the Protocol to that Convention;
 - (c) The 1961 UN Convention on the Reduction of Statelessness;
 - (d) The 1989 UN Convention on the Rights of the Child;

- (e) The 2005 Council of Europe Convention on Action against Trafficking in Human Beings.”

Member's explanatory statement

This amendment replaces the narrative and interpretation provisions of clause 1 with clear provision for the compliance with all the key international obligations engaged by the Bill.

Clause 2

LORD COAKER

Clause 2, page 4, line 21, at end insert –

- “(e) the Secretary of State is satisfied that the person is cooperating with a public authority in connection with an investigation or criminal proceedings related to people smuggling offences, and that it is necessary for the person to remain in the United Kingdom for the purposes of such cooperation.”

Member's explanatory statement

This amendment would provide an exemption from the duty to remove for people assisting with investigations or prosecutions for people smuggling offences, similar to the exemption provided by Clause 21 for victims of modern slavery and trafficking.

LORD GERMAN
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 2 stand part of the Bill.

Clause 3

LORD GERMAN

Lord German gives notice of his intention to oppose the Question that Clause 3 stand part of the Bill.

Clause 4

LORD DUBS

Clause 4, page 6, line 8, after “2” insert “and does not fall within the exceptions in section 3”

Member's explanatory statement

This amendment would make asylum and human rights claims admissible from unaccompanied children, who are exempted from the duty to remove by clause 3. This would continue current policy under which unaccompanied children’s asylum claims are not subject to the inadmissibility regime.

BARONESS HAMWEE
LORD PADDICK
LORD DUBS

Clause 4, page 6, line 13, leave out “cannot be considered under the immigration rules” and insert “must be considered under the immigration rules if the person who made the claim has not been removed from the United Kingdom within a period of six months starting on the day the claim is deemed inadmissible”

Member's explanatory statement

This amendment would require the Home Secretary to consider a protection claim or a human rights claim if the applicant has not been removed from the UK within six months of the claim being deemed inadmissible.

LORD GERMAN
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 4 stand part of the Bill.

Clause 5

LORD PURVIS OF TWEED

Lord Purvis of Tweed gives notice of his intention to oppose the Question that Clause 5 stand part of the Bill.

Schedule 1

LORD PURVIS OF TWEED

Lord Purvis of Tweed gives notice of his intention to oppose the Question that Schedule 1 be the first Schedule to the Bill.

Clause 6

LORD PURVIS OF TWEED
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 6 stand part of the Bill.

Clause 7

LORD COAKER

Clause 7, page 10, line 11, at end insert—

- “(c) be provided in a language understood by P, and
- (d) provide information about how P may access legal advice.”

Member's explanatory statement

This amendment would require the notices of removal to be provided in a language understood by the recipient, and to include information about how the recipient may access legal advice.

LORD GERMAN

Lord German gives notice of his intention to oppose the Question that Clause 7 stand part of the Bill.

Clause 8

LORD GERMAN

Lord German gives notice of his intention to oppose the Question that Clause 8 stand part of the Bill.

Clause 9

LORD GERMAN

Lord German gives notice of his intention to oppose the Question that Clause 9 stand part of the Bill.

Clause 10LORD SCRIVEN
LORD GERMAN

Clause 10, page 15, leave out lines 11 to 13 and insert—

- “(2I) Detention under sub-paragraph (2C) or (2D) is to be treated as detention under paragraph 16(2) of Schedule 2 to the Immigration Act 1971 for the purposes of the limitations in paragraph 18B of Schedule 2 of that Act.”

Member's explanatory statement

This amendment seeks to remove the provision which enables a person of any age to be detained “in any place that the Secretary of State considers appropriate” and reapply the existing statutory time and location restrictions on the detention of unaccompanied children.

LORD GERMAN
LORD PADDICK

Clause 10, page 15, line 13, at end insert “provided that it is compliant with the Detention Centre Rules 2001 and that local residents who may be affected are properly consulted.”

Member's explanatory statement

This amendment ensures that a place of detention may only be considered “appropriate” if it complies with the Detention Centre Rules 2001 and that local residents have been consulted.

LORD SCRIVEN
LORD GERMAN

Clause 10, page 16, leave out lines 44 to 45 and insert –

“(2G) Detention under sub-paragraph (2A) or (2B) is to be treated as detention under paragraph 16(2) of Schedule 2 to the Immigration Act 1971 for the purposes of the limitations in paragraph 18B of Schedule 2 of that Act.”

Member's explanatory statement

This amendment seeks to remove the provision which enables a person of any age to be detained “in any place that the Secretary of State considers appropriate” and reapply the existing statutory time and location restrictions on the detention of unaccompanied children.

LORD GERMAN
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 10 stand part of the Bill.

Clause 11

LORD GERMAN
BARONESS CHAKRABARTI

The above-named Lords notice of their intention to oppose the Question that Clause 11 stand part of the Bill.

Clause 12

BARONESS LUDFORD
LORD PADDICK

Clause 12, page 21, line 24, leave out subsection (4)

Member's explanatory statement

This amendment removes an ‘ouster clause’ from the Bill.

LORD GERMAN
BARONESS CHAKRABARTI

The above-named Lords notice of their intention to oppose the Question that Clause 12 stand part of the Bill.

Clause 13

LORD GERMAN

Lord German gives notice of his intention to oppose the Question that Clause 13 stand part of the Bill.

Clause 14

LORD GERMAN

Lord German gives notice of his intention to oppose the Question that Clause 14 stand part of the Bill.

Schedule 2

LORD GERMAN

Lord German gives notice of his intention to oppose the Question that Schedule 2 be the second Schedule to the Bill.

Clause 15

LORD SCRIVEN

Lord Scriven gives notice of his intention to oppose the Question that Clause 15 stand part of the Bill.

Clause 16

LORD SCRIVEN

Lord Scriven gives notice of his intention to oppose the Question that Clause 16 stand part of the Bill.

Clause 17

LORD SCRIVEN

Lord Scriven gives notice of his intention to oppose the Question that Clause 17 stand part of the Bill.

Clause 18

LORD SCRIVEN

Lord Scriven gives notice of his intention to oppose the Question that Clause 18 stand part of the Bill.

Clause 19

LORD SCRIVEN

Lord Scriven gives notice of his intention to oppose the Question that Clause 19 stand part of the Bill.

Clause 20

LORD SCRIVEN

Lord Scriven gives notice of his intention to oppose the Question that Clause 20 stand part of the Bill.

Clause 21

LORD COAKER

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

- “(d) a decision has been made by a competent authority that there are reasonable grounds to believe that the person is a victim of sexual exploitation.”

Member's explanatory statement

This amendment seeks to remove potential victims of sexual exploitation from the provisions requiring them to be removed.

LORD COAKER

Clause 21, page 27, line 10, at end insert –

- “(9A) A person whose removal from the United Kingdom is enabled by subsection (2), shall only be removed to a state that is a signatory to –
 - (a) the European Convention on Human Rights, and
 - (b) the Council of Europe Convention on Action Against Trafficking in Human Beings.”

Member's explanatory statement

This amendment seeks to restrict the removal of victims of modern slavery to countries which are signatories to the European Convention on Human Rights and the Trafficking Convention.

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 21 stand part of the Bill.

Clause 22

LORD COAKER

Clause 22, page 27, line 36, leave out subsection (2)

Member's explanatory statement

This amendment seeks to remove the Bill's restrictions on the provision of modern slavery support to those subject to the provisions in Clause 2.

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 22 stand part of the Bill.

Clause 23

LORD COAKER

Clause 23, page 28, line 9, leave out subsection (2)

Member's explanatory statement

This amendment seeks to remove the Bill's restrictions on the provision of modern slavery support in Scotland to those subject to the provisions in Clause 2.

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 23 stand part of the Bill.

Clause 24

LORD COAKER

Clause 24, page 29, line 38, leave out subsection (2)

Member's explanatory statement

This amendment seeks to remove the Bill's restrictions on the provision of modern slavery support in Northern Ireland to those subject to the provisions in Clause 2.

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 24 stand part of the Bill.

Clause 25

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 25 stand part of the Bill.

Clause 26

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 26 stand part of the Bill.

Clause 27

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 27 stand part of the Bill.

Clause 28

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 28 stand part of the Bill.

Clause 29

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 29 stand part of the Bill.

Clause 30

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 30 stand part of the Bill.

Clause 31

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 31 stand part of the Bill.

Clause 32

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 32 stand part of the Bill.

Clause 33

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 33 stand part of the Bill.

Clause 34

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 34 stand part of the Bill.

Clause 35

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 35 stand part of the Bill.

Clause 36

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 36 stand part of the Bill.

Clause 37

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 37 stand part of the Bill.

Clause 38

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 38 stand part of the Bill.

Clause 39

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 39 stand part of the Bill.

Clause 40

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 40 stand part of the Bill.

Clause 41

BARONESS LUDFORD

Clause 41, page 44, line 10, leave out “8” and insert “30”

Member's explanatory statement

This amendment increases the claim period.

BARONESS LUDFORD

Clause 41, page 44, line 12, leave out “4” and insert “30”

Member's explanatory statement

This amendment increases the decision period.

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 41 stand part of the Bill.

Clause 42

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 42 stand part of the Bill.

Clause 43

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 43 stand part of the Bill.

Clause 44

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 44 stand part of the Bill.

Clause 45

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 45 stand part of the Bill.

Clause 46

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 46 stand part of the Bill.

Clause 47

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 47 stand part of the Bill.

Clause 48

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 48 stand part of the Bill.

Clause 49

BARONESS LUDFORD
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 49 stand part of the Bill.

Clause 50

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 50 stand part of the Bill.

Clause 51

BARONESS LUDFORD
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 51 stand part of the Bill.

Clause 52

BARONESS LUDFORD
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 52 stand part of the Bill.

Clause 53

BARONESS LUDFORD
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 53 stand part of the Bill.

Clause 54

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 54 stand part of the Bill.

Clause 55BARONESS BRINTON
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 55 stand part of the Bill.

Clause 56

BARONESS BRINTON

Baroness Brinton gives notice of her intention to oppose the Question that Clause 56 stand part of the Bill.

Clause 57BARONESS LUDFORD
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 57 stand part of the Bill.

Clause 58LORD PURVIS OF TWEED
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 58 stand part of the Bill.

Clause 59

LORD PURVIS OF TWEED

Lord Purvis of Tweed gives notice of his intention to oppose the Question that Clause 59 stand part of the Bill.

After Clause 59

BARONESS LUDFORD
LORD PADDICK

After Clause 59, insert the following new Clause –

“Refugee family reunion

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

- (v) such other matters as the Secretary of State considers appropriate.
- (6) For the purpose of subsection (5) –
- (a) “adopted” and “adoptive” refer to a relationship resulting from adoption, including de facto adoption, as set out in the immigration rules;
 - (b) “best interests” of a child must be read in accordance with Article 3 of the 1989 UN Convention on the Rights of the Child.”

Member's explanatory statement

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

BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF GLOUCESTER
BARONESS SUGG

After Clause 59, insert the following new Clause –

“Safe passage visa scheme

- (1) Within three months of the passing of this Act, the Secretary of State must lay before each House of Parliament statements of changes to the immigration rules to make provision for a safe passage visa scheme (“the scheme”).
- (2) The purpose of the scheme referred to in subsection (1) is to enable a qualifying person to travel safely to the United Kingdom in order to make an application for asylum (within the meaning given by paragraph 327 of the immigration rules) or a claim for humanitarian protection (within the meaning given by paragraph 327EA of the immigration rules).
- (3) A person is a “qualifying person” for the purposes of subsection (2) if the person –
 - (a) is present in a member State of the European Union when the person makes an application to the scheme;
 - (b) is not a national of a member State of the European Union, Liechtenstein, Norway or Switzerland; and
 - (c) would, on securing entry to the United Kingdom, be able to make –
 - (i) a valid application for asylum in accordance with paragraph 327AB of the immigration rules; or
 - (ii) a valid claim for humanitarian protection in accordance with paragraph 327EB of the immigration rules, which would not be clearly unfounded.
- (4) For the purposes of determining whether the conditions in subsection (3)(c) are satisfied, the following are disapplied –
 - (a) the conditions in subsections (4) and (5) of section 80C of the Nationality, Immigration and Asylum Act 2002; and
 - (b) the duty in section 2(1) of this Act.
- (5) Changes to the immigration rules made under this section must also make provision for –
 - (a) applications to the scheme, including –

- (i) identification of the relevant gov.uk webpage through which applications must be made;
 - (ii) the provision of relevant biometric data by the person;
 - (iii) the supplying of relevant information and supporting documentation related to applications;
 - (iv) confirmation that applications are without cost to applicants; and
 - (v) provision for legal aid in relation to applications made to the scheme;
- (b) any additional suitability requirements for applications to the scheme, including matters referred to in Part 9 of the immigration rules;
 - (c) entry requirements for those granted entry clearance under the scheme, including the requirement that the person be provided with a letter by the Secretary of State confirming that the person can enter the United Kingdom;
 - (d) limitations on the entry clearance granted under the scheme, including provision that clearance is provided solely to enable the person to make an application for asylum or a claim for humanitarian protection and requiring that such an application or claim be made immediately on entry into the United Kingdom; and
 - (e) appeal rights for those denied entry clearance under the scheme, including legal aid to be made available for persons making such appeals.
- (6) The scheme referred to in this section is to be specified as a “safe and legal route” for the purposes of regulations referred to in section 58(7) of this Act.
 - (7) In this section “immigration rules” means rules under section 3(2) of the Immigration Act 1971.”

Member's explanatory statement

This new clause requires the Secretary of State to make provision for a visa scheme allowing persons with viable asylum claims, who meet specified conditions, to travel safely and legally to the UK in order to make such claims.

Clause 60

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 60 stand part of the Bill.

After Clause 60

BARONESS HAMWEE
LORD PADDICK

After Clause 60, insert the following new Clause –

“Operational efficiency

- (1) Within six months of the date on which this Act is passed the Secretary of State must publish a management review undertaken by management experts outside the Home Office, of –
 - (a) the efficiency of the processing by UK Visas and Immigration of applications, and
 - (b) the efficiency of the removal by Immigration Control of persons whose leave to remain has expired.
- (2) For the purposes of this section –
 - (a) “efficiency” includes fairness, and
 - (b) the review must include information regarding the numbers of appeals and their success rate.”

LORD COAKER

After Clause 60, insert the following new Clause –

“Publication of financial impact assessment

Within the period of one month beginning with the day on which this Act is passed, the Secretary of State must lay before each House of Parliament an assessment of the likely financial impacts of all measures set out in the Act.”

Member's explanatory statement

This amendment requires the Government to publish an impact assessment on the financial consequences of the bill within one month of it coming into force.

LORD COAKER

After Clause 60, insert the following new Clause –

“Publication of impact assessment on asylum accommodation

Within the period of one month beginning with the day on which this Act is passed, the Secretary of State must lay before each House of Parliament an assessment of the likely impacts of this Act on the use of contingency asylum accommodation, and the costs associated with any necessary increase in use of contingency asylum accommodation as a consequence of this Act, including the use of hotels, barges, and cruise ships.”

Member's explanatory statement

This amendment requires the Government to publish an impact assessment on the use of hotels, barges, cruise ships and other temporary accommodation as a consequence of the measures introduced by this bill.

BARONESS LUDFORD
LORD PADDICK

After Clause 60, insert the following new Clause—

“Asylum seekers’ right to work

The Secretary of State must make regulations providing that adults applying for asylum in the United Kingdom may apply to the Secretary of State for permission to take up employment if a decision at first instance has not been taken on the applicant’s asylum application within 3 months of the date on which it was recorded.”

Member's explanatory statement

This new clause would require the Secretary of State to make regulations enabling asylum seekers to work once they have been waiting for a decision on their claim for 3 months or more.

Clause 61

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 61 stand part of the Bill.

Clause 62

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 62 stand part of the Bill.

Clause 63

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 63 stand part of the Bill.

Clause 64

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 64 stand part of the Bill.

Clause 65

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 65 stand part of the Bill.

Clause 66

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 66 stand part of the Bill.

Clause 67

BARONESS HAMWEE

Baroness Hamwee gives notice of her intention to oppose the Question that Clause 67 stand part of the Bill.

Illegal Migration Bill

AMENDMENTS
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