

Illegal Migration Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 2

LORD CARLILE OF BERRIEW

Clause 2, page 3, line 26, leave out “7 March 2023” and insert “the date on which this section comes into force”

Member's explanatory statement

This amendment ensures the duty to deport in Clause 2 does not apply retrospectively to those who entered or arrived in the United Kingdom before the Bill comes into force.

Clause 3

LORD MURRAY OF BLIDWORTH

Clause 3, page 4, line 40, leave out “or citizen”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Murray of Blidworth at page 5, line 38.

LORD MURRAY OF BLIDWORTH

Clause 3, page 5, line 38, at end insert –

““national” includes citizen;”

Member's explanatory statement

This amendment insert a Bill-wide definition of “national”. The effect is that references to a country of which a person is a national include a country of which the person is a citizen and references to a person who is (or is not) a national of a country include a person who is (or is not) a citizen of that country. This is for consistency across the Bill.

Clause 4

LORD MURRAY OF BLIDWORTH

Clause 4, page 6, line 21, leave out “or citizen”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Murray of Blidworth at page 5, line 38.

LORD CARLILE OF BERRIEW

Clause 4, page 6, line 31, leave out from first “claim” to end of line 34 and insert “are only to claims made on or after the date on which this section comes into force.”

Member's explanatory statement

This amendment ensures that protection or human rights claims made before the Bill comes into force cannot be declared inadmissible under the Bill.

Clause 5

LORD MURRAY OF BLIDWORTH

Clause 5, page 7, line 8, leave out “or citizen”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Murray of Blidworth at page 5, line 38.

LORD MURRAY OF BLIDWORTH

Clause 5, page 7, line 17, after “States),” insert “or has obtained a passport or other document of identity in such a country,”

Member's explanatory statement

This amendment and the amendments in the name of Lord Murray of Blidworth at page 7, line 24; page 7, line 27; page 7, line 43; page 8, line 5; and page 8, line 28 supplement references in clause 5 to a person who is (or is not) a national of a country listed in section 80AA(1) of the Nationality, Immigration and Asylum Act 2002 (inserted by clause 57) with references to a person who has (or has not) obtained a passport or other document of identity in such a country.

LORD MURRAY OF BLIDWORTH

Clause 5, page 7, line 24, after “Convention,” insert “or has obtained a passport or other document of identity in such a country,”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Murray of Blidworth at page 7, line 17.

LORD MURRAY OF BLIDWORTH

Clause 5, page 7, line 27, after “State,” insert “or has obtained a passport or other document of identity in a member State,”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Murray of Blidworth at page 7, line 17.

LORD MURRAY OF BLIDWORTH

Clause 5, page 7, line 43, after “2002,” insert “or has obtained a passport or other document of identity in such a country,”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Murray of Blidworth at page 7, line 17.

LORD MURRAY OF BLIDWORTH

Clause 5, page 8, line 5, after “2002,” insert “and has not obtained a passport or other document of identity in such a country,”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Murray of Blidworth at page 7, line 17.

LORD CARLILE OF BERRIEW

Clause 5, page 8, line 17, leave out from first “claim” to end of line 20 and insert “are only to claims made on or after the date on which this section comes into force.”

Member's explanatory statement

This amendment ensures that the removal provisions in Clause 5 only apply to those who make protection or human rights claims after the Bill comes into force.

LORD MURRAY OF BLIDWORTH

Clause 5, page 8, line 28, after “State” insert “, or who has obtained a passport or other document of identity in that State,”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Murray of Blidworth at page 7, line 17.

LORD CARLILE OF BERRIEW

Clause 5, page 8, leave out lines 30 to 32 and insert “the date on which this section comes into force.”

Member's explanatory statement

This amendment ensures that Clause 5 only applies to protection or human rights claims made on or after the date the Bill comes into force.

After Clause 10

BARONESS LISTER OF BURTERSETT

After Clause 10, insert the following new Clause –

“Prohibition of use of force against children and pregnant women

- (1) The use of force against a person to whom this section applies cannot be justified in any proceedings on the ground that such force was reasonably necessary –
 - (a) to effect that person’s detention under a relevant detention power; or
 - (b) to effect that person’s removal from the United Kingdom pursuant to a direction given under a relevant removal power.
- (2) This section applies to –
 - (a) a person who is pregnant; or
 - (b) a person who is under the age of 18.
- (3) In this section, “relevant detention power” means a power to detain under –
 - (a) paragraph 16(2), (2C) or (2D) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal);
 - (b) paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation);
 - (c) section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal); or
 - (d) section 36(1) of the UK Borders Act 2007 (detention pending deportation).
- (4) In this section, “relevant removal power” means a power to give directions for a person’s removal under –
 - (a) paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971 (removal of persons refused leave to enter and illegal entrants);
 - (b) paragraph 1 of Schedule 3 to that Act (removal of persons liable to deportation);
 - (c) section 10(7) of the Immigration and Asylum Act 1999 (removal of persons unlawfully in the United Kingdom).”

Member's explanatory statement

The purpose is to ensure that protections against the use of force to effect detention and removal are in place for children and pregnant women.

Clause 15

LORD CARLILE OF BERRIEW

Clause 15, page 23, line 18, leave out subsection (4)

Member's explanatory statement

This amendment ensures that the Home Secretary's powers over the accommodation of unaccompanied children in England do not apply retrospectively.

Clause 21

LORD CARLILE OF BERRIEW

Clause 21, page 27, line 1, leave out subsections (8) to (10)

Member's explanatory statement

This amendment ensures that victims of slavery or human trafficking who were granted limited leave to remain under the Nationality and Borders Act 2022 cannot have their leave retrospectively revoked to permit their deportation.

Clause 37

LORD MURRAY OF BLIDWORTH

Clause 37, page 40, line 30, leave out "or citizen"

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Murray of Blidworth at page 5, line 38.

Clause 57

LORD MURRAY OF BLIDWORTH

Clause 57, page 58, line 41, at end insert –

“(iii) at the appropriate place insert –

““national” includes citizen;”;

Member's explanatory statement

This amendment modifies the amendments to section 80A of the Nationality, Immigration and Asylum Act 2002 in clause 57. The new amendment to section 80A inserts a definition of

“national” which applies to references to a person who is a national of a State (in that section and section 80AA of that Act) so that citizens of that State are included. This is for consistency with the freestanding provision in the Bill.

Clause 64

LORD MURRAY OF BLIDWORTH

Clause 64, page 64, line 20, at end insert –

“national	section 3(11)”
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Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Murray of Blidworth at page 5, line 38.

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