

# Illegal Migration Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

*The amendments have been marshalled in accordance with the Instruction of 10th May 2023, as follows –*

Clauses 1 to 5	Schedule 2
Schedule 1	Clauses 15 to 67
Clauses 6 to 14	Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

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**Clause 1**

LORD HOPE OF CRAIGHEAD

- 1 Clause 1, page 1, line 7, at end insert –  
“(za) defines “illegal” and “unlawful” migration for the purpose of this Act;”

***Member's explanatory statement***

*This amendment, and another to Clause 2 in the name of Lord Hope of Craighead, seek, in the interests of legal certainty, to provide a definition of what amounts to illegal migration at the outset of this Bill.*

BARONESS LUDFORD  
LORD PADDICK  
BARONESS CHAKRABARTI  
LORD COAKER

- 2 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 HOPE OF CRAIGHEAD  
LORD ANDERSON OF IPSWICH

3 Clause 1, page 2, line 38, at end insert –

“(6) The Secretary of State must lay before each House of Parliament guidance as to how the provisions of this Act are to be read and given effect in a way that is compatible with the Convention Rights within the meaning of the Human Rights Act 1998.

(7) Guidance under subsection (6) does not have effect until approved by each House of Parliament.”

***Member's explanatory statement***

*This amendment directs attention to the statement in the Government's ECHR memorandum that the clauses which it identifies as engaging with Convention rights are compatible, and to the need for guidance to be given to those by whom the provisions of this Bill are to be applied.*

BARONESS CHAKRABARTI  
LORD PADDICK  
LORD ETHELTON  
LORD KIRKHOPE OF HARROGATE

4 Leave out Clause 1 and insert the following new Clause –

**“Introduction**

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.*

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.*

**Clause 2**

LORD HOPE OF CRAIGHEAD

- 5 Clause 2, page 2, line 40, at end insert –  
“(A1) References to “unlawful” or “illegal” migration in this Act mean migration by a person that meets the four conditions in this section.”

LORD CARLILE OF BERRIEW  
BARONESS HAMWEE  
BARONESS CHAKRABARTI  
LORD ETHERTON

- 6 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.*

LORD GERMAN

- 7 Clause 2, page 3, line 27, leave out subsections (4) and (5)

***Member's explanatory statement***

*This amendment removes the subsections from Clause 2 that expand the current definition of “coming directly” to the UK.*

LORD CASHMAN  
LORD ETHERTON

- 8 Clause 2, page 3, line 30, after “nationality,” insert “gender, sexual orientation, gender identity,”

***Member's explanatory statement***

*This amendment would include persecution against a person on the basis of gender, sexuality and gender identity for the purposes of the third condition under which a person could be removed.*

BARONESS HAMWEE  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 9 Clause 2, page 3, line 39, leave out subsection (7)

***Member's explanatory statement***

*This amendment would ensure that any limited leave to enter or remain given to an unaccompanied child under the immigration rules can be taken into account in determining whether that child has leave to enter or remain in the UK.*

## BARONESS HAMWEE

10 Clause 2, page 3, line 41, at end insert –

- “(7A) Where the Secretary of State has decided that a person meets the four conditions in this section, that person must be given notice in writing by the Secretary of State or an immigration officer stating –
- (a) that the Secretary of State has a duty to remove them, and
  - (b) details of any evidence relied upon by the Secretary of State that the person meets the four conditions.”

***Member's explanatory statement***

*This amendment would require the Secretary of State or an Immigration Officer to inform people when it has been decided that the duty to remove applies to them. This would include providing details of any evidence relied upon to make that decision.*

LORD COAKER  
LORD CARLILE OF BERRIEW  
BARONESS BUTLER-SLOSS  
LORD HACKING

11 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.*

BARONESS RITCHIE OF DOWNPATRICK  
BARONESS SUTTIE

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

- “(e) the person enters the United Kingdom from Ireland across the land border with Northern Ireland.”

***Member's explanatory statement***

*This probing amendment would provide an exemption from the duty to remove for people who arrive in the UK from the Republic of Ireland via the land border with Northern Ireland.*

LORD GERMAN  
BARONESS CHAKRABARTI  
LORD HACKING  
LORD COAKER

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

**After Clause 2**

LORD COAKER

13 After Clause 2, insert the following new Clause—

**“Negotiating objective: migration removal agreements**

- (1) It must be a negotiating objective of His Majesty’s Government to negotiate with relevant States formal legally binding agreements to facilitate removals required under section 2.
- (2) Relevant international partners include (but are not limited to) the States listed in section 57.
- (3) Within the period of one month beginning with the day on which this Act is passed, and every three months thereafter, the Secretary of State must—
  - (a) publish a report outlining the status of negotiations with relevant States on the establishment of formal legally binding agreements to facilitate removals, and
  - (b) lay the report before both Houses of Parliament.”

***Member's explanatory statement***

*This new Clause would require the Government to seek formal return agreements with other states, including Albania and EU member states, and to report regularly to Parliament on the status of those negotiations.*

**Clause 3**

BARONESS MEACHER  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

14 Clause 3, page 4, line 24, leave out “at a time when the person is” and insert “if the person is an unaccompanied child or arrived in the UK as”

BARONESS MEACHER

15 Clause 3, page 4, line 27, leave out from “Kingdom” to end of line 28 and insert “if the person is an unaccompanied child or arrived in the UK as an unaccompanied child, and only where to do so is in the best interests of the individual.”

## LORD MURRAY OF BLIDWORTH

16 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.*

BARONESS BUTLER-SLOSS  
BARONESS LISTER OF BURTERSETT

17 Clause 3, page 5, line 14, at end insert –

“(6A) An unaccompanied child who reaches the age of 18 must not be removed unless it is in their best interest to do so.”

## BARONESS HAMWEE

18 Clause 3, page 5, line 14, at end insert –

“(6A) The Secretary of State must by regulations make provision for exceptions where the Secretary of State has been unable to comply with the duty to make arrangements for the removal of a person under section 2(1) either –

- (a) within six months after the person’s entry or arrival in the United Kingdom, or,
- (b) where the person has ceased to be an unaccompanied child, within six months after the person has ceased to be an unaccompanied child.”

***Member's explanatory statement***

*This probing amendment would require the Secretary of State to make an exception for anyone previously subject to the duty to remove from the duty if the Secretary of State has been unable to make arrangements for removal within 6 months. This would prevent the Secretary of State from having failed to comply with the duty.*

## LORD MURRAY OF BLIDWORTH

19 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.*

## LORD GERMAN

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

**Clause 4**

LORD ETHERTON  
LORD CARLILE OF BERRIEW  
BARONESS CHAKRABARTI

20 Clause 4, page 6, line 6, leave out paragraph (d)

***Member's explanatory statement***

*This amendment is consequential to the amendment to clause 1 tabled by Baroness Chakrabati and would enable an application for judicial review to be made while the applicant is in the UK regarding an act or omission in conflict with the obligations specified there.*

LORD HOPE OF CRAIGHEAD  
LORD ANDERSON OF IPSWICH

21 Clause 4, page 6, line 8, leave out subsections (2) and (3)

***Member's explanatory statement***

*This amendment seeks to explore the reasoning behind subsections (2) and (3), which have significant implications for the rule of law.*

LORD DUBS  
BARONESS MEACHER  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD KERR OF KINLOCHARD

22 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.*

LORD DUBS  
BARONESS HAMWEE  
LORD KERR OF KINLOCHARD  
THE LORD BISHOP OF DURHAM

23 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 MURRAY OF BLIDWORTH

**24** 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 ETHERTON  
LORD CARLILE OF BERRIEW  
BARONESS CHAKRABARTI

**25** Clause 4, page 6, line 26, leave out subsection (6)

***Member's explanatory statement***

*This amendment is consequential to the amendment removing subsection 4(1)(d).*

LORD CARLILE OF BERRIEW  
BARONESS HAMWEE  
LORD ETHERTON  
BARONESS CHAKRABARTI

**26** 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.*

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**

BARONESS HAMWEE

27 Clause 5, page 6, line 41, leave out paragraph (b)

***Member's explanatory statement***

*This amendment removes the specific paragraph which allows the Secretary of State to remove an unaccompanied child as soon as they reach the age of 18.*

LORD MURRAY OF BLIDWORTH

28 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

29 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.*

BARONESS HAMWEE

30 Clause 5, page 7, line 20, leave out paragraph (b)

***Member's explanatory statement***

*This amendment removes a subjective power of the Secretary of State to determine that there are “exceptional circumstances” to prevent a removal.*

LORD MURRAY OF BLIDWORTH

31 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

- 32 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

- 33 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

- 34 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 EHERTON  
LORD CARLILE OF BERRIEW  
LORD CASHMAN

- 35 Clause 5, page 8, line 13, at end insert –
- “(10A) Where a country or territory in Schedule 1 is qualified by a description of person, P may not be removed to that country or territory if P falls outside the description of persons who may be removed there.
- (10B) A description for the purposes of subsection (10A) may refer to one or more of the matters in section 6(3).”

***Member's explanatory statement***

*These amendments to clause 5 are to be read with the other amendments tabled to Schedule 1 in the name of Lord Etherton, which exclude from a listed country or territory persons of a certain description who would have a well founded fear of persecution in the territory or country (the legal test laid down in HJ (Iran) and HT (Cameroon) v SSHD [2010] UKSC 31, [2011] 1AC 596).*

LORD ETHELTON  
LORD CARLILE OF BERRIEW  
LORD CASHMAN

36 Clause 5, page 8, line 15, leave out “and 10” and insert “, (10), (10A) and (10B)”

***Member's explanatory statement***

*This amendment is consequential to the amendment inserting new subsections (10A) and (10B).*

LORD CARLILE OF BERRIEW  
BARONESS HAMWEE  
LORD ETHELTON  
BARONESS CHAKRABARTI

37 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

38 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 HOPE OF CRAIGHEAD

39 Clause 5, page 8, line 30, leave out “7 March 2023” and insert “the date when this section comes into force”

***Member's explanatory statement***

*This amendment seeks to give effect to the principle that, unless for good reason, legislation should operate prospectively and not retrospectively.*

LORD CARLILE OF BERRIEW  
BARONESS HAMWEE  
LORD ETHELTON  
BARONESS CHAKRABARTI

40 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.*

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 ETHERTON  
LORD CARLILE OF BERRIEW  
LORD CASHMAN

- 41 Schedule 1, page 67, line 9, at end insert “(in respect of persons other than trans men and women)”

***Member's explanatory statement***

*Trans people have a well founded fear of persecution in Brazil.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW  
LORD CASHMAN

- 42 Schedule 1, page 67, line 19, after “men” insert “other than gay, bisexual and trans men”

***Member's explanatory statement***

*Gay, bisexual and trans men have a well founded fear of persecution in Gambia.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW  
LORD CASHMAN

- 43 Schedule 1, page 67, line 21, after “men” insert “other than gay, bisexual and trans men”

***Member's explanatory statement***

*Gay, bisexual and trans men have a well founded fear of persecution in Ghana.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW  
LORD CASHMAN

- 44 Schedule 1, page 67, line 28, at end insert “(in respect of persons other than LGBT persons)”

***Member's explanatory statement***

*LGBT persons have a well founded fear of persecution in Jamaica.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW  
LORD CASHMAN

- 45 Schedule 1, page 67, line 29, after “men” insert “other than gay, bisexual and trans men”

***Member's explanatory statement***

*Gay, bisexual and trans men have a well founded fear of persecution in Kenya.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW  
LORD CASHMAN

- 46 Schedule 1, page 67, line 32, after “men” insert “other than gay, bisexual and trans men”

***Member's explanatory statement***

*Gay, bisexual and trans men have a well founded fear of persecution in Liberia.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW  
LORD CASHMAN

- 47 Schedule 1, page 68, line 4, after “men” insert “other than gay, bisexual and trans men”

***Member's explanatory statement***

*Gay, bisexual and trans men have a well founded fear of persecution in Malawi.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW  
LORD CASHMAN

- 48 Schedule 1, page 68, line 7, at end insert “(in respect of persons other than LGBT persons)”

***Member's explanatory statement***

*LGBT persons have a well founded fear of persecution in Mauritius.*

LORD ETHERTON  
LORD CASHMAN

- 49 Schedule 1, page 68, line 12, after “men” insert “other than gay, bisexual and trans men”

***Member's explanatory statement***

*Gay, bisexual and trans men have a well founded fear of persecution in Nigeria.*

LORD EHERTON  
LORD CARLILE OF BERRIEW  
LORD CASHMAN

50 Schedule 1, page 68, leave out line 19

***Member's explanatory statement***

*This amendment removes Rwanda from the list on the grounds that the legality of the arrangements for removal of refugees from the UK to Rwanda is currently the subject of Court proceedings.*

LORD EHERTON  
LORD CARLILE OF BERRIEW  
LORD CASHMAN

51 Schedule 1, page 68, line 19, at end insert “(in respect of persons other than LGBT persons)”

***Member's explanatory statement***

*LGBT persons have a well founded fear of persecution in Rwanda.*

LORD EHERTON  
LORD CARLILE OF BERRIEW  
LORD CASHMAN

52 Schedule 1, page 68, line 21, after “men” insert “other than gay, bisexual and trans men”

***Member's explanatory statement***

*Gay, bisexual and trans men have a well founded fear of persecution in Sierra Leone.*

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 EHERTON  
LORD CARLILE OF BERRIEW

53 Clause 6, page 9, line 18, leave out “have regard” and insert “apply relevant decisions of courts and tribunals operating in the United Kingdom, and have regard to decisions of the European Court of Human Rights and”

***Member's explanatory statement***

*This amendment requires the Secretary of State to apply relevant decisions of UK courts and tribunals and to have regard to decisions of the European Court of Human Rights concerning the risk of persecution in any country or territory.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW

- 54 Clause 6, page 9, line 24, at end insert “, or  
(c) have the effect that a description of person is excluded.”

***Member's explanatory statement***

*This amendment would enable a description of person to be expressly omitted from a country or territory in Schedule 1.*

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**

BARONESS HAMWEE

- 55 Clause 7, page 9, line 36, at end insert “and,  
(c) the Secretary of State has published guidance regarding what criteria will be used to determine the order in which individuals who the Secretary of State is required by section 2(1) to make arrangements for removal will be removed from the United Kingdom.”

***Member's explanatory statement***

*This is a probing amendment regarding the process the Home Secretary will put in place to determine the order in which individuals will be removed from the UK once the duty to remove is in force.*

LORD COAKER

- 56 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

- 57 Clause 7, page 10, line 21, leave out subsections (8) to (15)

***Member's explanatory statement***

*This amendment is to probe the legal obligations that an immigration officer may place on private actors and companies.*

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.*

**After Clause 8**

BARONESS HAMWEE

LORD SCRIVEN

58 After Clause 8, insert the following new Clause –

**“Repeal of asylum seeker accommodation regulations**

The Houses in Multiple Occupation (Asylum-Seeker Accommodation) (England) Regulations 2023 are repealed on the day on which this Act is passed.”

***Member's explanatory statement***

*This amendment provides for the repeal of the Houses in Multiple Occupation (Asylum-Seeker Accommodation) Regulations 2023.*

**Clause 9**

LORD GERMAN

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

**Clause 10**

BARONESS MOBARIK  
BARONESS HELIC  
LORD BOURNE OF ABERYSTWYTH  
THE LORD BISHOP OF DURHAM

**59★** Clause 10, page 14, line 38, leave out from beginning to end of line 19 on page 15 and insert—

“(2D) Detention under sub-paragraph (2C) is to be treated as detention under sub-paragraph 16(2) for the purposes of the limitations in paragraph 18B (limitation on detention of unaccompanied children).”

***Member's explanatory statement***

*This amendment, with others to Clause 10 in the name of Baroness Mobarik, would retain existing limits on the detention of unaccompanied children (24 hours).*

LORD SCRIVEN  
LORD GERMAN  
BARONESS LISTER OF BURTERSETT

**60** 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  
THE LORD BISHOP OF DURHAM

**61** Clause 10, page 15, line 13, at end insert—

“(2IA) But paragraph (2H) does not authorise the detention of a person under sub-paragraph (2C) otherwise than in a place directed by the Secretary of State under paragraph 18(1).”

***Member's explanatory statement***

*This amendment, and Lord German's amendments to page 15, line 21 and page 16, line 45 limit the place of detention in the Bill to those that are presently authorised for detention.*

LORD GERMAN  
THE LORD BISHOP OF DURHAM

62 Clause 10, page 15, line 21, at end insert –

“(3A) After paragraph 18(1A), insert –

“(1B) Save as otherwise provided by or under any other Act, a direction may not be given in respect of a place under paragraph (1) unless it is

- (a) a removal centre;
- (b) a short-term holding facility;
- (c) pre-departure accommodation;
- (d) a prison, a young offender institution or a remand centre;
- (e) a place used by an immigration officer for the purposes of their functions at the port at which that person is seeking leave to enter or to enter or has been refused leave to enter, as the case may be, or in a control zone or supplementary control zone, or a control area designated under paragraph 26 of Schedule 2 to the Immigration Act 1971;
- (f) a place specifically provided for the purpose of detention –
  - (i) at any port;
  - (ii) at any place used by an immigration officer for the purposes of their functions;
  - (iii) in a control zone or a supplementary control zone;
- (g) a vehicle which has been specifically designed or adapted for use as a mobile detention facility and approved by the Secretary of State for such use;
- (h) a hospital;
- (i) in respect of a person under 18, a place of safety.

(1C) If the Secretary of State proposes to give a direction in respect of any place mentioned in sub-paragraph (1B)(a) to (c), they must consult residents of the area of the local authority in which the place is situated.

(1D) In sub-paragraphs (1B) and (1C) –

“control zone” has the same meaning as in the Channel Tunnel (International Arrangements) Order 1993 and includes a control zone within the meaning of the Channel Tunnel (Miscellaneous Provisions) Order 1994 and the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003;

“hospital” has, in England and Wales, the same meaning as in the Mental Health Act 1983, in Scotland, the same meaning as in the Mental Health (Care and Treatment) (Scotland) Act 2003, and in Northern Ireland, the same meaning as in the Mental Health (Northern Ireland) Order 1986;

“local authority” means –

- (a) in England, a district council, a London borough council, the Common Council of the City of London, or the Council of the Isles of Scilly;
  - (b) in Wales, a county council or a county borough council;
  - (c) in Scotland, a council constituted under section 2 of the Local Government etc (Scotland) Act 1994;
  - (d) in Northern Ireland, a district council;
- “place of safety” –
- (a) in England and Wales, has the same meaning as in the Children and Young Persons Act 1933;
  - (b) in Scotland, has the same meaning as in the Children’s Hearings (Scotland) Act 2011; and
  - (c) in Northern Ireland, means a home provided under Part VII of the Children (Northern Ireland) Order 1995, any police station, any hospital or surgery, or any other suitable place, the occupier of which is willing temporarily to receive a person under the age of 18;
- “removal centre”, “short-term holding facility” and “pre-departure accommodation” have the meanings given by section 147 of the Immigration and Asylum Act 1999;
- “supplementary control zone” and “tunnel system” have the same meanings as in the Channel Tunnel (International Arrangements) Order 1993.”

***Member’s explanatory statement***

*This amendment, and Lord German’s amendments to page 15, line 13 and page 16, line 45 limit the place of detention in the Bill to those that are presently authorised for detention.*

BARONESS MOBARIK  
BARONESS HELIC  
LORD BOURNE OF ABERYSTWYTH  
THE LORD BISHOP OF DURHAM

**63★** Clause 10, page 15, line 22, leave out subsection (4)

***Member’s explanatory statement***

*This amendment would retain existing limits on the detention of children (72 hours or one week with ministerial approval).*

BARONESS MOBARIK  
 BARONESS HELIC  
 LORD BOURNE OF ABERYSTWYTH  
 THE LORD BISHOP OF DURHAM

64★ Clause 10, page 16, line 29, leave out from beginning to end of line 6 on page 17 and insert—

“(2B) Detention under subsection (2A) is to be treated as detention under sub-paragraph 16(2) of Schedule 2 to the Immigration Act 1971 for the purposes of the limitations in paragraph 18B of Schedule 2 to the Immigration Act 1971 (limitation on detention of unaccompanied children).”

*Member's explanatory statement*

*This amendment, with others to Clause 10 in the name of Baroness Mobarik, would retain existing limits on the detention of unaccompanied children (24 hours).*

LORD SCRIVEN  
 LORD GERMAN  
 BARONESS LISTER OF BURTERSETT

65 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

66 Clause 10, page 16, line 45, at end insert—

“(2GA) But subsection (2G) does not authorise the detention of a person under subsection (2A) or (2B) otherwise than in a place directed by the Secretary of State under paragraph 18(1) of Schedule 2 to the Immigration Act 1971.”

*Member's explanatory statement*

*This amendment, and Lord German’s amendments to page 15, line 13 and page 15, line 21 limit the place of detention in the Bill to those that are presently authorised for detention.*

BARONESS MOBARIK  
BARONESS HELIC  
LORD BOURNE OF ABERYSTWYTH  
THE LORD BISHOP OF DURHAM

67★ Clause 10, page 17, line 9, leave out subsection (8)

***Member's explanatory statement***

*This amendment, with others to Clause 10 in the name of Baroness Mobarik, would retain existing limits on the detention of unaccompanied children (24 hours).*

BARONESS LISTER OF BURTERSETT  
THE LORD BISHOP OF GLOUCESTER  
BARONESS SUGG  
BARONESS GOHIR

68 Clause 10, page 17, line 18, leave out from “paragraph” to the end of line 19 and insert “(a) of the definition of “relevant detention power”, after “paragraph 16(2)” insert “, (2C) or (2D)””

***Member's explanatory statement***

*The effect of this amendment is that section 60 of the Immigration Act 2016 (which limits the detention of pregnant women normally to 72 hours under existing powers of immigration detention) will apply to the new powers of detention created by Clause 10 of the Bill.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW  
BARONESS CHAKRABARTI  
LORD CASHMAN

69 Clause 10, page 17, line 19, at end insert –

“(12) The conditions under which persons are detained pursuant to this section must comply with United Nations High Commissioner for Refugees Detention Guidelines.”

***Member's explanatory statement***

*This amendment provides that the living conditions of those who are detained shall at a minimum comply with UNHCR Detention Guidance.*

LORD GERMAN  
BARONESS CHAKRABARTI  
BARONESS MEACHER

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

**After Clause 10**

BARONESS LISTER OF BURTERSETT  
THE LORD BISHOP OF GLOUCESTER  
BARONESS GOHIR  
BARONESS CHAKRABARTI

70 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); or
  - (d) section 7 of this Act.”

***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 11**

LORD HOPE OF CRAIGHEAD  
LORD ANDERSON OF IPSWICH

71 Clause 11, page 17, leave out lines 32 to 36

***Member's explanatory statement***

*This amendment seeks to remove the possibility that the Secretary of State may extend the period of detention indefinitely in the circumstances referred to in this subsection.*

LORD HOPE OF CRAIGHEAD  
LORD ANDERSON OF IPSWICH

72 Clause 11, page 18, leave out lines 31 to 33

***Member's explanatory statement***

*This amendment seeks to remove the possibility that the Secretary of State may extend the period of detention indefinitely in the circumstances referred to in this subsection.*

LORD GERMAN  
BARONESS CHAKRABARTI

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

**After Clause 11**

LORD GERMAN  
LORD SCRIVEN  
BARONESS CHAKRABARTI  
BARONESS LISTER OF BURTERSETT

73 After Clause 11, insert the following new Clause—

**“Limits on detention**

- (1) No person under the age of 18 may be detained in asylum accommodation at any time.
- (2) No person aged 18 or over may be detained in asylum accommodation for a consecutive or aggregate period of more than 28 days.”

***Member's explanatory statement***

*This amendment ensures that children cannot be held in asylum accommodation at any time. It also places a limit on the length of time that an adult may be held in asylum accommodation.*

## BARONESS HAMWEE

74★ After Clause 11 insert the following new Clause –

**“Time limit on detention of vulnerable persons**

- (1) Subsections (2) to (4) apply to a person if the Secretary of State has reason to suspect that they are a vulnerable person.
- (2) In determining whether to detain or continue to detain a person to whom this subsection applies, the Secretary of State must have regard to their welfare.
- (3) Notwithstanding anything else in this Act, the Secretary of State may not detain or continue to detain a person to whom this subsection applies under a relevant detention power unless they are satisfied by evidence that either–
  - (a) directions have been given for the person’s removal from the United Kingdom and such removal is to take place within 72 hours of the relevant time, a travel document is available for the purposes of their removal, and there are no outstanding legal barriers to removal; or
  - (b) there are very exceptional circumstances justifying the person’s detention.
- (4) Notwithstanding anything else in this Act, the Secretary of State may not detain or continue to detain a person to whom this subsection applies for–
  - (a) more than 72 hours from the relevant time, or
  - (b) more than seven days from the relevant time, in a case where the longer period of detention is authorised personally by a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975.
- (5) Subsection (6) applies to a person if the Tribunal has reason to believe that they are a vulnerable person.
- (6) In deciding whether to grant immigration bail to a person under paragraph 1(3) of Schedule 10 to the Immigration Act 2016 or under any other enactment which empowers the Tribunal to grant immigration bail to a person, the Tribunal may not refuse to grant immigration bail to a person to whom this subsection applies unless it is satisfied by evidence that either–
  - (a) directions have been given for the person’s removal from the United Kingdom and such removal is to take place within 72 hours of the decision on whether the person should be granted immigration bail, a travel document is available for the purposes of their removal, and there are no outstanding legal barriers to removal; or
  - (b) there are very exceptional circumstances justifying the person’s detention.
- (7) In this section “the relevant time” means the time at which a person is first detained under a relevant detention power, or the time at which the Secretary of State first has reason to believe that they are a vulnerable person, whichever is the later.
- (8) Nothing in this section justifies the detention of a vulnerable person under a relevant detention power where such detention would not, apart from this section, be lawful.

- (9) This section is subject to paragraph 18B of Schedule 2 to the Immigration Act 1971 (which restricts the detention of unaccompanied children).”

***Member's explanatory statement***

*This amendment, and associated amendments from Baroness Hamwee, provide for a 72-hour time limit on detention of vulnerable people, or 7 days with ministerial authorisation.*

BARONESS HAMWEE

75★ After Clause 11 insert the following new Clause—

**“Vulnerable persons: duty to provide information to Tribunal**

- (1) This section applies to a person (P) who is detained under a relevant detention power and who appears to be a vulnerable person.
- (2) If P applies for immigration bail to the Tribunal pursuant to Schedule 10 to the Immigration Act 2016, or the Tribunal is to hold a hearing to determine whether to grant immigration bail to P pursuant to any enactment, the Secretary of State must provide to the persons listed in subsection (3), not less than 24 hours in advance of the bail hearing, a copy of all information in their possession which is relevant to the question of whether P is a vulnerable person.
- (3) The persons referred to in subsection (2) are—
  - (a) the Tribunal;
  - (b) P; and
  - (c) P’s representative.”

***Member's explanatory statement***

*This amendment, and associated amendments from Baroness Hamwee, provide for a 72-hour time limit on detention of vulnerable people, or 7 days with ministerial authorisation.*

BARONESS HAMWEE

76★ After Clause 11 insert the following new Clause—

**“Vulnerable persons: interpretation**

In sections (*Time limit on detention of vulnerable persons*) and (*Vulnerable persons: duty to provide information to Tribunal*)—

“relevant detention power” means a power to detain under—

- (a) paragraph 16(2) or (2C) 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);

“day” means a period of 24 hours;

“the Tribunal” means the First-tier Tribunal;

“vulnerable person” means a person who—

- (a) has a mental disorder within the meaning of section 1 of the Mental Health Act 1983;
- (b) has a disability within the meaning of section 6 of the Equality Act 2010;
- (c) is a person who appears to lack capacity in relation to any matter within the meaning of section 2 of the Mental Capacity Act 2005;
- (d) is a victim of torture or other serious physical, psychological or sexual violence or mistreatment;
- (e) is a victim of trafficking in human beings or modern slavery;
- (f) is aged 70 or over;
- (g) belongs to a sexual orientation or gender identity minority group, or is intersex;
- (h) is suffering from a mental or physical condition or impairment, or has experienced a traumatic event, which would render them particularly vulnerable to harm if they are placed in detention or remain in detention; or
- (i) is within any other category identified as an adult at risk under the statutory guidance issued pursuant to section 59 of the Immigration Act 2016;

“torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person;

“trafficking in human beings” has the same meaning as in Article 4(a) of the Council of Europe Convention on Action against Trafficking in Human Beings signed at Warsaw on 16 May 2005, and, for the avoidance of doubt, includes conduct falling within sections 1 to 4 of the Modern Slavery Act 2015.”

***Member's explanatory statement***

*This amendment, and associated amendments from Baroness Hamwee, provide for a 72-hour time limit on detention of vulnerable people, or 7 days with ministerial authorisation.*

**Clause 12**

BARONESS LUDFORD  
LORD PADDICK

77

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

***Member's explanatory statement***

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

THE LORD BISHOP OF DURHAM  
BARONESS LISTER OF BURTERSETT

78★ Clause 12, page 22, line 9, at end insert –

- “(4A) Sub-paragraphs (2) and (3) do not apply where –
- (a) either –
    - (i) the Secretary of State has received a report in respect of the person under rule 35(4) of the Detention Centre Rules 2001 (SI 2001/238) or rule 6A(12) or 32(4) of the Short-Term Holding Facility Rules 2018 (SI 2018/409) (special illnesses and conditions), or
    - (ii) the Secretary of State has been provided with a report written by a relevant professional about the person’s physical or mental condition, and
  - (b) the decision involves or gives rise to any question about whether the immigration officer or the Secretary of State has acted unlawfully in detaining or continuing to detain the person in light of the contents of the report mentioned in paragraph (a).
- (4B) In sub-paragraph (4A) “relevant professional” means –
- (a) a registered medical practitioner,
  - (b) a registered dentist within the meaning of the Dentists Act 1984,
  - (c) a person registered as a nurse or midwife in the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001,
  - (d) a registered professional within the meaning of the Health Professions Order 2001, or
  - (e) a person registered as a social worker in a register maintained by –
    - (i) Social Work England,
    - (ii) Social Care Wales,
    - (iii) the Scottish Social Services Council, or
    - (iv) the Northern Ireland Social Care Council.”

***Member's explanatory statement***

*This amendment provides exceptions to the general ouster of judicial review during the 28 days of detention, for persons for whom the Secretary of State has received a medical report evidencing their vulnerability to suffering harm in detention, including victims of torture or trafficking, pregnant women, and those with mental health conditions.*

BARONESS HAMWEE

79★ Clause 12, page 22, line 23, at end insert –

“(4A) In paragraph 11(1)(b), for “four months” substitute “28 days”.”

***Member's explanatory statement***

*This amendment ensures that an independent review of bail and detention is automatically conducted at the 28-day point when entitlement to apply for bail first arises.*

LORD GERMAN  
BARONESS CHAKRABARTI  
LORD HACKING

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

**Clause 13**

LORD GERMAN  
BARONESS LISTER OF BURTERSETT

*The above-named Lords give notice of their 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 CARLILE OF BERRIEW  
BARONESS CHAKRABARTI  
BARONESS HAMWEE  
LORD KERR OF KINLOCHARD

80 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.*

LORD SCRIVEN  
BARONESS MEACHER

*The above-named Lords give notice of their intention to oppose the Question that Clause 15 stand part of the Bill.*

**Clause 16**

THE LORD BISHOP OF DURHAM

**81★** Clause 16, page 23, line 32, at end insert –

“(4A) But the Secretary of State may not make a decision under subsection (4) unless to do so is necessary to safeguard and promote the welfare of the child.”

***Member's explanatory statement***

*This amendment limits the Secretary of State's power to transfer a child out of local authority care and into accommodation provided by the Secretary of State, by providing that they may only do so where to do so is necessary to safeguard and promote the welfare of the child.*

LORD SCRIVEN  
BARONESS MEACHER

*The above-named Lords give notice of their intention to oppose the Question that Clause 16 stand part of the Bill.*

**Clause 17**

THE LORD BISHOP OF DURHAM

**82★** Clause 17, page 24, line 26, at end insert –

“(4) A local authority may not provide any information to the Secretary of State under this section about an identifiable child, unless to do so is strictly necessary to safeguard and promote the welfare of the child.

(5) The Secretary of State may not use or disclose any information about an identifiable child provided by a local authority under this section except for the purpose of making a decision under section 16(1) or (4), unless to do so is strictly necessary to safeguard and promote the welfare of the child.”

***Member's explanatory statement***

*This amendment limits the circumstances in which the power conferred by Clause 17 can be used to share information about identifiable children, and limits the use and disclosure of such information.*

LORD SCRIVEN  
BARONESS MEACHER

*The above-named Lords give notice of their 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.*

**After Clause 20**

LORD SCRIVEN  
BARONESS TYLER OF ENFIELD

**83★** After Clause 20 insert the following new Clause—

**“Children Act 1989**

- (1) Nothing in this Act shall require any act or omission that conflicts with or undermines the obligations, duties or responsibilities of the Secretary of State under the Children Act 1989, in particular the principle that the child’s welfare be the paramount consideration and that particular regard be given to the child’s wishes and feelings.
- (2) This Act must not cause any delay in ensuring that unaccompanied children become looked after as soon as the child's age has been determined.”

**Clause 21**

LORD ALTON OF LIVERPOOL  
BARONESS HAMWEE

84 Clause 21, page 25, line 31, at end insert –

“(A1) No provision of this Act is to be interpreted or applied in a manner which would result in incompatibility with or contravention of the UK’s obligations under the Council of Europe European Convention on Action against Trafficking, or the EU Anti Trafficking Directive, or the European Convention on Human Rights or is to be taken as authorising decisions or policies which would have this result.”

***Member's explanatory statement***

*This amendment ensures compliance with relevant international anti-trafficking legislation.*

LORD COAKER  
THE LORD BISHOP OF BRISTOL

85 Clause 21, page 25, line 32, leave out from “applies” to “subject” in line 39

***Member's explanatory statement***

*This amendment is part of a package which seeks to probe how victims of modern slavery can enter the national referral mechanism and receive appropriate support.*

LORD RANDALL OF UXBRIDGE  
LORD MCCOLL OF DULWICH  
BARONESS HELIC

86 Clause 21, page 26, line 9, after “if” insert “either –

(za) the relevant exploitation took place in the United Kingdom, or”

***Member's explanatory statement***

*This amendment is intended to exempt people who have been unlawfully exploited in the UK from provisions which would otherwise require their removal during the statutory recovery period and prohibit them being granted limited leave to remain.*

LORD COAKER  
THE LORD BISHOP OF BRISTOL

87 Clause 21, page 26, line 10, leave out paragraphs (a) to (c) and insert –

- “(a) a decision has been made by a competent authority that there are reasonable grounds to believe that an adult is a victim of slavery or human trafficking (a “positive reasonable grounds decision”), and
- (b) a decision is subsequently made by a competent authority that an adult is a victim of slavery or human trafficking (a “conclusive grounds decision”).”

**Member's explanatory statement**

*This amendment is part of a package which seeks to probe how victims of modern slavery can enter the national referral mechanism and receive appropriate support.*

LORD COAKER  
BARONESS BUTLER-SLOSS  
THE LORD BISHOP OF GLOUCESTER

88 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  
THE LORD BISHOP OF BRISTOL

89 Clause 21, page 26, line 19, leave out subsection (4) and insert –

“(4) Where subsection (3)(b) applies, an adult must be granted –  
(a) a residence permit lasting for a period of at least 30 months, and  
(b) access to support services.”

**Member's explanatory statement**

*This amendment is part of a package which seeks to probe how victims of modern slavery can enter the national referral mechanism and receive appropriate support.*

BARONESS BUTLER-SLOSS  
LORD RANDALL OF UXBRIDGE

90 Clause 21, page 26, line 30, leave out subsections (5) and (6) and insert –

“(5) The Secretary of State may by regulations make provision about the circumstances in which it is necessary for a person to be present in the United Kingdom to provide cooperation of the kind mentioned in subsection (3)(a).”

**Member's explanatory statement**

*This amendment intends to remove the presumption for the purposes of clause 21(3)(b) that it is not necessary for a person to be present in the United Kingdom to cooperate with an investigation or criminal proceedings unless there are compelling circumstances which require the person to be present for that purpose. It also removes the related requirement for the Secretary of State to have regard to guidance in determining whether there are compelling circumstances and replaces the regulation-making power regarding circumstances in which it would be deemed necessary for a victim to remain in the UK to cooperate with investigations or criminal proceedings.*

LORD CARLILE OF BERRIEW  
BARONESS CHAKRABARTI  
BARONESS HAMWEE  
LORD KERR OF KINLOCHARD

91 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.*

LORD COAKER  
BARONESS BUTLER-SLOSS

92 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  
THE LORD BISHOP OF BRISTOL

*The above-named Lords give notice of their intention to oppose the Question that Clause 21 stand part of the Bill.*

**Clause 22**

LORD COAKER  
BARONESS BUTLER-SLOSS

93 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  
THE LORD BISHOP OF BRISTOL

*The above-named Lords give notice of their intention to oppose the Question that Clause 22 stand part of the Bill.*

**Clause 23**

LORD COAKER  
BARONESS BUTLER-SLOSS

94 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  
THE LORD BISHOP OF BRISTOL

*The above-named Lords give notice of their intention to oppose the Question that Clause 23 stand part of the Bill.*

**Clause 24**

LORD COAKER  
BARONESS BUTLER-SLOSS

95 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.*

LORD WEIR OF BALLYHOLME  
LORD MORROW

96★ Clause 24, page 29, line 38, leave out subsections (2) to (6) and insert—

“(2) The Department of Justice in Northern Ireland must ensure that a person may receive assistance and support under section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2 (N.I.)) to the extent necessary to meet their obligations under Articles 8 and 9 of the European Directive 2012/29/EU on the rights of victims of crime and Article 11 of the European Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.”

BARONESS HAMWEE  
THE LORD BISHOP OF BRISTOL

*The above-named Lords give notice of their intention to oppose the Question that Clause 24 stand part of the Bill.*

**Clause 25**

BARONESS HAMWEE  
THE LORD BISHOP OF BRISTOL

*The above-named Lords give notice of their intention to oppose the Question that Clause 25 stand part of the Bill.*

**Clause 26**

BARONESS HAMWEE  
THE LORD BISHOP OF BRISTOL

*The above-named Lords give notice of their intention to oppose the Question that Clause 26 stand part of the Bill.*

**Clause 27**

BARONESS RITCHIE OF DOWNPATRICK

97★ Clause 27, page 33, line 21, leave out subsection (9)

***Member's explanatory statement***

*This amendment, combined with another to Clause 28 in the name of Baroness Ritchie of Downpatrick, seeks to remove the inclusion of modern slavery victims under this Bill from the public order disqualification in section 63 of the Nationality and Borders Act 2022.*

BARONESS HAMWEE  
THE LORD BISHOP OF BRISTOL

*The above-named Lords give notice of their intention to oppose the Question that Clause 27 stand part of the Bill.*

**Clause 28**

BARONESS RITCHIE OF DOWNPATRICK

98★ Clause 28, page 34, line 14, leave out paragraph (b)

***Member's explanatory statement***

*This amendment, combined with another to Clause 27 in the name of Baroness Ritchie of Downpatrick, seeks to remove the inclusion of modern slavery victims under this Bill from the public order disqualification in section 63 of the Nationality and Borders Act 2022.*

BARONESS HAMWEE  
THE LORD BISHOP OF BRISTOL

*The above-named Lords give notice of their 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**

LORD MURRAY OF BLIDWORTH

**99** 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.*

BARONESS LUDFORD

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

**Clause 38**

LORD ETHERTON  
LORD CARLILE OF BERRIEW

**100** Clause 38, page 41, line 12, leave out “, before the end of the relevant period,”

***Member's explanatory statement***

*This amendment, combined with another in the name of Lord Etherton to line 13, would make a serious harm suspensive claim, following a removal notice, directed to the single substantive*

*question whether the country or territory specified in the notice is safe for the claimant, rather than an issue of interim relief.*

LORD HOPE OF CRAIGHEAD  
LORD ANDERSON OF IPSWICH

101 Clause 38, page 41, line 13, leave out “, imminent and foreseeable”

***Member's explanatory statement***

*This amendment seeks to simply the wording of this provision by removing words which, it is suggested, add nothing to the word “real” in the context of what amounts to “serious and irreversible harm”.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW

102 Clause 38, page 41, line 13, leave out “and irreversible”

***Member's explanatory statement***

*This amendment, combined with another in the name of Lord Etherton to line 12, would make a serious harm suspensive claim, following a removal notice, directed to the single substantive question whether the country or territory specified in the notice is safe for the claimant, rather than an issue of interim relief.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW

103 Clause 38, page 41, line 16, leave out “and irreversible”

***Member's explanatory statement***

*This amendment relates to the amendments in the name of Lord Etherton to Clause 38, page 41, lines 12 and 13.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW

104 Clause 38, page 41, line 30, leave out “and irreversible”

***Member's explanatory statement***

*This amendment relates to the amendments in the name of Lord Etherton to Clause 38, page 41, lines 12 and 13.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW

105 Clause 38, page 41, line 38, leave out paragraph (c)

**Member's explanatory statement**

*This amendment would allow a human rights claim pursuant to Article 3 of the European Convention on Human Rights and/or a protection claim pursuant to the Refugee Convention based on a disability or a serious medical condition (such as the proposed removal of gay men living with HIV/AIDS to a country or territory where there is no access to medication and/or there is discrimination amounting to persecution based on their disability).*

LORD ETHERTON  
LORD CARLILE OF BERRIEW

106 Clause 38, page 41, line 42, leave out subsection (6)

**Member's explanatory statement**

*This amendment relates to the amendment in the name of Lord Etherton to Clause 38, page 41, line 38.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW

107 Clause 38, page 42, line 1, leave out subsection (7)

**Member's explanatory statement**

*This amendment relates to the amendment in the name of Lord Etherton to Clause 38, page 41, line 38.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW

108 Clause 38, page 42, line 17, leave out subsection (9)

**Member's explanatory statement**

*This amendment relates to the amendments in the name of Lord Etherton to Clause 38, page 41, lines 12 and 13.*

BARONESS LUDFORD

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

**Clause 39**

LORD ETHERTON  
LORD CARLILE OF BERRIEW

109 Clause 39, page 42, line 27, leave out “and irreversible”

***Member's explanatory statement***

*This amendment relates to the amendments in the name of Lord Etherton to Clause 38, page 41, lines 12 and 13.*

LORD HOPE OF CRAIGHEAD  
LORD ANDERSON OF IPSWICH

- 110** Clause 39, page 42, line 28, at end insert “, provided that they may not remove from subsection (4) of that section, or diminish the nature of, any of the examples of harm that are listed in that subsection”

***Member's explanatory statement***

*This amendment seeks to preserve the list of examples of harm listed in subsection (4) from being removed or diminished by the exercise of the regulation making power given to the Secretary of State by this clause.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW

- 111** Clause 39, page 42, line 30, leave out “and irreversible”

***Member's explanatory statement***

*This amendment relates to the amendments in the name of Lord Etherton to Clause 38, page 41, lines 12 and 13.*

LORD ETHERTON  
LORD CARLILE OF BERRIEW

- 112** Clause 39, page 42, line 31, leave out “and irreversible”

***Member's explanatory statement***

*This amendment relates to the amendments in the name of Lord Etherton to Clause 38, page 41, lines 12 and 13.*

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**

LORD HOPE OF CRAIGHEAD  
LORD ANDERSON OF IPSWICH

- 113** Clause 41, page 43, line 41, leave out “compelling”.

***Member's explanatory statement***

*This amendment seeks to simplify the description of the harm that must be demonstrated to provide the protection that this section offers to the person making a serious suspensive harm claim.*

BARONESS LUDFORD

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

***Member's explanatory statement***

*This amendment increases the claim period.*

BARONESS LUDFORD

- 115** 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 CHAKRABARTI

- 116★** Clause 52, page 54, line 1, at beginning insert “Providing the procedure set out under subsection (3A) has been followed,”

BARONESS CHAKRABARTI

- 117★** Clause 52, page 54, line 3, at end insert –  
“(3A) Subsection (3) does not have effect in relation to the removal of the person from the United Kingdom until the Secretary of State lays before each House of Parliament a statement setting out the rationale for the prohibition of interim remedies in relation to that person and this has been approved by resolution of the House of Commons.”

***Member's explanatory statement***

*This amendment ensures that the jurisdiction of His Majesty's courts, in relation to the granting of interim relief preventing removal of a person from the United Kingdom under this legislation, may only be ousted after a statement to both Houses of Parliament and a vote in the House of Commons.*

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 CHAKRABARTI

- 118★ Clause 53, page 54, line 16, after “not” insert “having followed the procedure set out under subsection (5A)”

BARONESS CHAKRABARTI

- 119★ Clause 53, page 54, line 35, at end insert –
- “(5A) A final decision not to make a determination under subsection (2) may not be made unless the Minister has laid a statement setting out the rationale for the removal contrary to the interim measure before each House of Parliament and it has been approved by resolution of the House of Commons.”

***Member's explanatory statement***

*This amendment ensures that the Government may not act in contravention of an indication of an interim measure by the European Court of Human Rights without a statement to both Houses of Parliament and a vote in the House of Commons.*

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.*

**After Clause 54**BARONESS LUDFORD  
BARONESS CHAKRABARTI  
LORD BACH

- 120 After Clause 54, insert the following new Clause –

**“Provision of Civil Legal Aid under section 9 LASPO**

- (1) A Minister of the Crown or public authority may not initiate or defend proceedings under this Act until the Lord Chancellor makes an order in exercise of their powers conferred under section 9(2)(a), and duty under section 1, of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, to secure in England and Wales

the availability of civil legal services for all claims, challenges, and legal proceedings under this Act in relation to—

- (a) protection;
- (b) human rights;
- (c) detention;
- (d) modern slavery; and
- (e) suspension of removal.

(2) This section comes into force on the day on which this Act is passed.”

***Member's explanatory statement***

*This amendment ensures the availability of civil legal aid services for claims, challenges, and legal proceedings covered by this Act.*

**Clause 55**

THE LORD BISHOP OF DURHAM  
BARONESS LISTER OF BURTERSETT

**121★** Clause 55, page 56, line 21, leave out subsection (2).

***Member's explanatory statement***

*This amendment reinstates the right of appeal against age assessments in respect of putative children whom there is a duty to remove under the Bill.*

THE LORD BISHOP OF DURHAM  
BARONESS LISTER OF BURTERSETT

**122★** Clause 55, page 56, line 30, leave out subsection (4).

***Member's explanatory statement***

*This amendment removes a provision of the Bill that would prevent a judicial review challenge to an age assessment from serving as a barrier to the putative child's removal from the UK.*

LORD ANDERSON OF IPSWICH  
LORD HOPE OF CRAIGHEAD

**123** Clause 55, page 56, line 33, leave out subsection (5)

***Member's explanatory statement***

*This amendment would allow courts of judicial review to quash age assessment decisions on the basis of factual as well as legal error.*

BARONESS BRINTON  
 BARONESS CHAKRABARTI  
 BARONESS LISTER OF BURTERSETT

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

**Clause 56**

BARONESS LISTER OF BURTERSETT  
 BARONESS NEUBERGER  
 BARONESS PRASHAR

**124** Clause 56, page 57, line 36, leave out “may” and insert “must”

***Member's explanatory statement***

*This amendment would mean that it must be set out in regulations that the refusal to consent to scientific measures of assessing age should not be taken to damage credibility.*

BARONESS LISTER OF BURTERSETT  
 BARONESS NEUBERGER  
 BARONESS PRASHAR

**125** Clause 56, page 57, line 41, leave out paragraph (b)

***Member's explanatory statement***

*This amendment removes the provision in the Bill that would allow regulations to set out that a person claiming to be a child is to be treated as an adult if they refuse to consent to scientific age verification.*

THE LORD BISHOP OF DURHAM  
 BARONESS LISTER OF BURTERSETT

**126★** Clause 56, page 57, line 42, at end insert –

“(2A) The regulations must provide that the consequence mentioned in paragraph (b) of subsection (2) shall not apply if P’s refusal to consent to the use of the specified scientific method was reasonable in all the circumstances.”

***Member's explanatory statement***

*The Bill provides for regulations to be made under which certain putative children may be treated as adults if they refuse to consent to scientific methods of age assessment. This amendment provides that this may not occur if the child’s refusal to consent was reasonable in all the circumstances.*

BARONESS BRINTON  
BARONESS LISTER OF BURTERSETT

*The above-named Lords give notice of their intention to oppose the Question that Clause 56 stand part of the Bill.*

**After Clause 56**

LORD COAKER

**127** After Clause 56, insert the following new Clause—

**“Age assessments: reports**

After section 53 of the Nationality and Borders Act 2022, insert—

**“53A Reports on age assessment methods**

- (1) Within the period of three months beginning with the day on which the Illegal Migration Act 2023 is passed, and every year thereafter, the Secretary of State must lay before both Houses of Parliament a report containing an overview of—
  - (a) age assessment methods already specified in regulations under section 52, and
  - (b) any other methods under consideration by the Secretary of State for designation as a means of making decisions relating to a person’s age.
- (2) Reports published under subsection (1) must contain—
  - (a) a summary of relevant scientific advice considered by the Secretary of State, whether in relation to existing or proposed methods of age assessment, and
  - (b) in relation to any proposed new method, an assessment of its—
    - (i) accuracy,
    - (ii) cost, and
    - (iii) potential for physical or mental trauma.
- (3) Reports under subsection (1) must also contain—
  - (a) the total number of age assessments carried out since publication of the previous report, and
  - (b) the number of cases where an age-disputed person is found not to be the age they claim (or are claimed) to be.””

***Member's explanatory statement***

*This new Clause is to probe various issues around the Government’s use of age assessments. It would require the publication of annual reports containing a summary of the scientific advice informing the designation of age assessment methods, as well as the number of (a) assessments carried out in the previous year and (b) cases where an assessment has identified a discrepancy between claimed and estimated age.*

**Clause 57**

LORD MURRAY OF BLIDWORTH

128 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.*

BARONESS 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 58**LORD 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  
LORD KERR OF KINLOCHARD

**129** 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  
LORD CARLILE OF BERRIEW  
LORD DUBS  
LORD KERR OF KINLOCHARD

130 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.*

LORD PURVIS OF TWEED  
LORD PADDICK  
LORD CARLILE OF BERRIEW

**131** After Clause 59, insert the following new 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) In this section –
- “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 subsection (1);
  - “entry clearance” has the same meaning as in section 33(1) of the Immigration Act 1971;
  - “persecution” is to be construed in accordance with its meaning in the Refugee Convention;
  - “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 –
    - (a) 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”);

- (b) in relation to persons entitled to a grant of humanitarian protection; or
- (c) 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”); and

“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 amendment provides for a humanitarian travel permit, allowing a person to be granted entry clearance into the UK if they intend to make a protection claim in the UK and that claim would have a realistic prospect of success.*

**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

132 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.”

***Member's explanatory statement***

*This amendment requires the Secretary of State to commission an independent management review of the efficiency of UK Visas and Immigration in processing applications and the efficiency of the removal process for those whose leave to remain has expired.*

BARONESS LUDFORD  
LORD CARLILE OF BERRIEW  
THE LORD BISHOP OF CHELMSFORD  
LORD KERR OF KINLOCHARD

133 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.*

LORD COAKER  
LORD CARLILE OF BERRIEW

134 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  
LORD CARLILE OF BERRIEW

135 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 HAMWEE  
LORD PADDICK

136 After Clause 60, insert the following new Clause –

**“People smuggling**

- (1) Not less than six months before the other provisions of this Act come into force, the Secretary of State must lay before each House of Parliament a report regarding agreements and discussions with the governments and authorities of other countries, including those bordering the English Channel and the North Sea, concerning the steps taken or agreed or proposed to prevent or deter a person from –
  - (a) charging refugees for assistance or purported assistance in travelling to or entering the United Kingdom;
  - (b) endangering the safety of refugees travelling to the United Kingdom.
- (2) The report must focus on steps other than the provisions of this Act.
- (3) This section comes into force on the day on which this Act is passed.”

***Member's explanatory statement***

*This new clause requires the Secretary of State to publish a report on the actions that are being taken to tackle people smugglers.*

LORD COAKER  
BARONESS LUDFORD

137 After Clause 60, insert the following new Clause –

**“Compatibility with UK-EU agreements**

Within the period of three months beginning with the day on which this Act is passed, the Secretary of State must lay before both Houses of Parliament an assessment of the compatibility of provisions in this Act with –

- (a) Articles 524 and 763 of the EU-UK Trade and Cooperation Agreement, and
- (b) Article 2 of the Windsor Framework.”

***Member's explanatory statement***

*This new Clause would require the Government to publish an assessment of the compatibility of the Bill with certain Articles of the UK and EU's post-Brexit legal agreements. The referenced Articles require the UK to uphold the European Convention on Human Rights and other parts of international law.*

LORD COAKER  
BARONESS LUDFORD

138 After Clause 60, insert the following new Clause –

**“Negotiating objective: cross-border police cooperation**

- (1) It must be a negotiating objective of His Majesty’s Government to negotiate with relevant States formal agreements which facilitate cross-border police cooperation enabling the identification and detaining of persons suspected of modern slavery and human trafficking offences, for the purposes of preventing and deterring illegal migration.
- (2) Relevant international partners include (but are not limited to) the States listed in section 57.
- (3) Within the period of one month beginning with the day on which this Act is passed, and every three months thereafter, the Secretary of State must –
  - (a) publish a report outlining the status of negotiations with relevant States on the establishment of formal agreements which facilitate cross-border police cooperation enabling the identification and detaining of persons suspected of modern slavery and human trafficking offences, for the purposes of preventing and deterring illegal migration, and
  - (b) lay the report before both Houses of Parliament.”

*Member's explanatory statement*

*This new Clause would require the Government to seek formal police cooperation agreements with other states, including Albania and EU member states, and to report regularly to Parliament on the status of those negotiations.*

BARONESS CHAKRABARTI

139★ After Clause 60, insert the following new Clause –

**“Office for Refugees and Asylum Seekers**

- (1) The Secretary of State must establish an Office for Refugees and Asylum Seekers within His Majesty’s Foreign, Commonwealth and Development Office.
- (2) The Office shall be responsible for –
  - (a) exercising the Secretary of State’s functions in considering claims for protection under –
    - (i) Articles 2, 3 and 4 of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms;
    - (ii) the 1951 UN Convention relating to the Status of Refugees including the Protocol to that Convention;
    - (iii) the 1961 Convention on the Reduction of Statelessness;
    - (iv) the 2005 Council of Europe Convention on Action against Trafficking in Human Beings;

- (b) exercising the Secretary of State’s functions in considering and providing safe legal routes to the United Kingdom for those in need of humanitarian protection from specific countries from time to time and more generally;
- (c) for the purposes of reducing the need for protection in the United Kingdom, advising the Secretary of State in relation to aid and other action in conflict and other zones in which significant numbers of people are being or likely to be displaced and enter the United Kingdom as refugees, relevant treaty negotiations, other relevant international partnerships and liaison with the UN High Commissioner for Human Rights;
- (d) such other related functions as delegated by the Secretary of State.”

***Member's explanatory statement***

*This amendment probes into whether current inter-departmental responsibilities and structures are best designed for the expert processing of refugee and other humanitarian protection claims and the kind of international working needed to address the number of people seeking to enter the UK as refugees.*

**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**

LORD HOPE OF CRAIGHEAD  
LORD ANDERSON OF IPSWICH

**140** Clause 63, page 63, line 31 at end insert –

“(fa) regulations under section 56 (age assessments),”

***Member's explanatory statement***

*This amendment seeks to add regulations relating to age assessment to the list of regulations that require to be the subject of an affirmative resolution by each House.*

BARONESS HAMWEE

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

**Clause 64**

LORD MURRAY OF BLIDWORTH

141 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.*

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**

LORD GERMAN

142 Clause 66, page 65, line 29, after “subsections” insert “(2A),”

***Member's explanatory statement***

*This amendment is consequential on Lord German's amendment to page 65, line 32.*

LORD GERMAN

143 Clause 66, page 65, line 32, at end insert –

- “(2A) Regulations under subsection (1) may not be made until –
- (a) the Chairman of the Inquiry has notified the Secretary of State under section 14(1)(a) of the Inquiries Act 2005 that the Inquiry has fulfilled its terms of reference,
  - (b) the report of the Inquiry has been laid before Parliament under section 26 of that Act, and
  - (c) a Minister of the Crown has laid before Parliament a statement setting out how they propose to implement the recommendations of the Inquiry.”

**Member's explanatory statement**

*This amendment and consequential amendments would prevent the provisions of the Bill from being brought into force until the Brook House Inquiry has fulfilled its terms of reference.*

LORD GERMAN

144 Clause 66, page 65, line 35, leave out paragraph (a)

**Member's explanatory statement**

*This amendment is consequential on Lord German's amendment to page 65, line 32.*

LORD MORROW

145 Clause 66, page 66, line 15, at end insert –

- “(4A) The Secretary of State may not make regulations under subsection (1) to bring sections 21 to 28 into force until –
- (a) the Secretary of State has published an assessment of the impact of Part 5 of the Nationality and Borders Act 2022;
  - (b) the Secretary of State has published an impact statement with regards to this Act on –
    - (i) the costs of detention and removal under sections 21 to 28,
    - (ii) the estimated number of persons who will not receive assistance and support under sections 22 to 24,
    - (iii) the estimated number of persons who will receive an exemption under sections 21, 23 or 24 because they are cooperating with a public authority in connection with an investigation or criminal proceedings in respect of the relevant exploitation,
    - (iv) the anticipated impact on the number of persons likely to be referred to a competent authority under sections 21, 23 and 24,
    - (v) the anticipated impact on the well-being of persons to whom sections 21 to 28 apply, and
    - (vi) the anticipated impact of sections 21 to 28 on the number of prosecutions for offences connected to modern slavery across the United Kingdom.”

**Member's explanatory statement**

*This amendment is intended to delay the entry into force of the Bill's provisions on modern slavery until such time as the Secretary of State has assessed the impact of Part 5 of the Nationality and Borders Act 2022 and published an impact statement on the effects of the clauses on modern slavery.*

LORD MCCOLL OF DULWICH  
LORD COAKER  
BARONESS HAMWEE

146 Clause 66, page 66, line 15, at end insert –

- “(4A) The Secretary of State may not make regulations under subsection (1) bringing into force the provisions in sections 21 to 28 until after an Independent Anti-Slavery Commissioner has –
- (a) been appointed,
  - (b) been consulted by the Secretary of State on the potential implications of the relevant sections, and
  - (c) published an assessment of the Bill.”

*Member's explanatory statement*

*This amendment is intended to delay the entry into force of the Bill's provisions on modern slavery until such time as the Secretary of State has appointed and consulted with a new Independent Anti-Slavery Commissioner.*

LORD GERMAN

147 Clause 66, page 66, line 17, at end insert –

- “(6) In this section “the Inquiry” means the inquiry announced by Priti Patel MP on 5 November 2019, pursuant to the provisions of the Inquiries Act 2005, into the decisions, actions and circumstances surrounding the mistreatment of detainees broadcast in the BBC Panorama programme ‘Undercover: Britain’s Immigration Secrets’ on 4 September 2017.”

*Member's explanatory statement*

*This amendment is consequential on Lord German’s amendment to page 65, line 32.*

BARONESS LUDFORD  
LORD PADDICK

148 Leave out Clause 66 and insert the following new Clause –

**“Commencement: Human Rights Act**

- (1) Subject to subsection (4), the provisions in this Act do not come into force until at least 28 days after the Secretary of State has published a statement that in their view its provisions are compatible with the Convention rights as defined by the Human Rights Act 1998.
- (2) Subject to subsections (1) and (4) provisions in this Act come into force on such day as the Secretary of State may by regulations appoint.
- (3) Regulations under subsection (2) may appoint different days for different purposes.
- (4) The following provisions come into force on the day on which this Act is passed –

- (a) this section,
- (b) section 67.”

***Member's explanatory statement***

*This amendment provides that other provisions in this Act cannot come into force until the Home Secretary is able to make a positive statement that its provisions are compatible with the Convention rights as defined by the 1998 Human Rights Act.*

BARONESS HAMWEE  
LORD PADDICK

**149** Leave out Clause 66 and insert the following new Clause –

**“Commencement: impact assessment**

- (1) Subject to subsection (4), the provisions in this Act do not come into force until at least 28 days after the Secretary of State has published an impact assessment on this Act.
- (2) Subject to subsections (1) and (4) provisions in this Act come into force on such day as the Secretary of State may by regulations appoint.
- (3) Regulations under subsection (2) may appoint different days for different purposes.
- (4) The following provisions come into force on the day on which this Act is passed–
  - (a) this section,
  - (b) section 67.”

***Member's explanatory statement***

*This amendment provides that the Act cannot come into force until the Home Secretary publishes an impact assessment on the Bill.*

BARONESS HAMWEE  
LORD PADDICK  
LORD CARLILE OF BERRIEW

**150** Leave out Clause 66 and insert the following new Clause –

**“Commencement: backlog of claims**

- (1) Subject to subsection (4), the provisions in this Act do not come into force until at least 28 days after the Secretary of State has published a statement confirming that the number of persons who have for a period of six months or longer been awaiting the final determination of their claim for asylum in the United Kingdom has for not less than six months been not more than twenty thousand.
- (2) Subject to subsections (1) and (4) provisions in this Act come into force on such day as the Secretary of State may by regulations appoint.
- (3) Regulations under subsection (2) may appoint different days for different purposes.
- (4) The following provisions come into force on the day on which this Act is passed–

- (a) this section,
- (b) section 67.”

***Member's explanatory statement***

*This amendment provides that provisions in this Act cannot come into force until the backlog of asylum claims has been significantly reduced.*

BARONESS HAMWEE  
LORD CARLILE OF BERRIEW

*The above-named Lords give notice of their 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

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*22 May 2023*

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