

Illegal Migration Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

Clause 12

LORD BACH

Clause 12, page 21, line 3, leave out “(4)” and insert “(4A)”

Member's explanatory statement

This amendment is consequential on the insertion of new subsection (4A).

After Clause 12

LORD BACH

After Clause 12, insert the following new Clause—

“Automatic dismissal of applications for immigration bail

- (1) Schedule 10 to the Immigration Act 2016 is amended as follows.
- (2) For paragraph 12(2) substitute—
 - “(2) Tribunal Procedure Rules must secure that, where the First-tier Tribunal has decided not to grant a person immigration bail, the Tribunal must not determine any further application until the end of the relevant period, unless sub-paragraph (4) applies.”
- (3) For paragraph 12(3) substitute—
 - “(3) In this paragraph “the relevant period” means the period of 28 days beginning with the date of the decision mentioned in sub-paragraph (2).”

Member's explanatory statement

This amendment defines the 28 day period between bail applications as being 28 days between bail hearings and not between bail applications.

After Clause 54

LORD BACH

After Clause 54, insert the following new Clause—

“Duty to make legal aid available to certain detained persons

- (1) The Lord Chancellor must secure that civil legal services in relation to—
 - (a) a suspensive claim within the meaning of section 37(2) of this Act, and
 - (b) any of the matters set out in paragraphs 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 31A, 31C, 32 or 32A of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012
 are made available to any person who is detained under a relevant detention power within 48 hours of the day on which they are first detained under that power.
- (2) The Lord Chancellor may make such arrangements as they consider necessary for the performance of their duty under subsection (1).
- (3) The duty under subsection (1) is subject to—
 - (a) section 11 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (qualifying for civil legal aid) and any regulations made under that section, and
 - (b) section 21 of that Act (financial resources) and any regulations made under that section.
- (4) In this section—

“civil legal services” has the same meaning as in section 8 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

“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 by Secretary of State), or
 - (d) section 36(1) of the UK Borders Act 2007 (detention pending deportation).”

Member's explanatory statement

This amendment places a duty on the Lord Chancellor to make civil legal aid available to certain detained persons in relation to judicial review and immigration matters within 48 hours of their detention.

After Clause 60

LORD SWIRE
LORD GARNIER
LORD SOAMES OF FLETCHING

After Clause 60, insert the following new Clause—

“Illegal migration in the UK

- (1) The Secretary of State must, one year after the passing of this Act, and annually after that, lay before each House of Parliament a report on illegal migration in the UK.
- (2) The report must provide statistics for each reporting year on the number of—
 - (a) illegal immigrants in the UK;
 - (b) illegal immigrants that have been removed from the UK, and to which countries, each year;
 - (c) foreign national offenders that arrived in the UK illegally and are in prison in the UK;
 - (d) foreign national offenders that qualify for removal from the UK; and
 - (e) foreign national offenders that have been removed from the UK.”

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