

# Illegal Migration Bill

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## FOURTH 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 21

LORD COAKER  
THE LORD BISHOP OF BRISTOL  
BARONESS BUTLER-SLOSS

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 HUNT OF KINGS HEATH  
LORD BACH  
BARONESS HAMWEE  
BARONESS BUTLER-SLOSS

85A Clause 21, page 25, line 35, leave out “and” and insert “or”

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

LORD HUNT OF KINGS HEATH  
 BARONESS HAMWEE  
 BARONESS BUTLER-SLOSS

**85B** Clause 21, page 25, line 36, leave out paragraph (b) and insert—

“(b) that person is or may be a modern slavery survivor, save where the exceptions set out in section 21(3) apply.”

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

LORD ALTON OF LIVERPOOL  
 LORD CARLILE OF BERRIEW  
 BARONESS HAMWEE  
 BARONESS KENNEDY OF THE SHAWS

**85C** Clause 21, page 25, line 39, at end insert—

“(1A) This section does not come into force until a report has been laid before Parliament which—

- (a) provides a human rights and equality assessment for each state listed in Schedule 1, for all protected characteristics laid out in section (4) of the Equality Act 2010;
- (b) provides detail as to the ongoing human rights and equality assessment, monitoring and evaluation of potential harm caused by discrimination against said protected characteristics; and
- (c) provides information as to the potential human rights and equality impact on potential and victims of modern slavery with relevant protected characteristics in the countries listed in Schedule 1.”

***Member's explanatory statement***

*This amendment would help to understand how the Secretary of State will assess Equality in the countries listed in Schedule 1 and the potential harm to those with protected characteristics including victims of Modern Slavery.*

BARONESS HAMWEE  
 BARONESS BUTLER-SLOSS

**85D** Clause 21, page 26, line 2, leave out paragraph (a)

***Member's explanatory statement***

*This amendment reinstates the period of recovery and reflection for victims of modern slavery.*

LORD RANDALL OF UXBRIDGE  
LORD MCCOLL OF DULWICH  
BARONESS HELIC  
BARONESS STROUD

- 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 HUNT OF KINGS HEATH  
BARONESS HAMWEE  
LORD BACH  
BARONESS BUTLER-SLOSS

- 86A Clause 21, page 26, line 9, at end insert “any one of the conditions below applies”

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

LORD COAKER  
THE LORD BISHOP OF BRISTOL  
BARONESS BENNETT OF MANOR CASTLE  
LORD ALTON OF LIVERPOOL

- 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 HUNT OF KINGS HEATH  
BARONESS HAMWEE  
LORD BACH

- 87A Clause 21, page 26, line 14, leave out “and”

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

LORD COAKER  
BARONESS BUTLER-SLOSS  
THE LORD BISHOP OF GLOUCESTER  
BARONESS BENNETT OF MANOR CASTLE

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 HUNT OF KINGS HEATH  
BARONESS HAMWEE

88A Clause 21, page 26, line 18, at end insert –

“(d) a person has been identified by a First Responder as appropriate for referral into the National Referral Mechanism;  
(e) a decision by a competent authority regarding reasonable grounds is pending;  
(f) a decision has been made by a competent authority that there are reasonable grounds to believe that the person is a victim of slavery or human trafficking (a “positive reasonable grounds decision”), and has not yet received a conclusive grounds decision;  
(g) the person is in the course of challenging a negative reasonable grounds decision;  
(h) the person has received a positive conclusive grounds decision;  
(i) the person is in the course of challenging a negative conclusive grounds decision.”

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

LORD COAKER  
THE LORD BISHOP OF BRISTOL  
BARONESS BENNETT OF MANOR CASTLE

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 HUNT OF KINGS HEATH  
 BARONESS HAMWEE  
 LORD BACH  
 BARONESS BUTLER-SLOSS

**91A** Clause 21, page 27, line 9, leave out subsection (9)

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

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.*

LORD HUNT OF KINGS HEATH  
 BARONESS HAMWEE  
 LORD BACH

**92ZA** Clause 21, page 27, line 12, at end insert –

“(10A) A person falling within section 2(1) or section 3(2) will not be treated as a threat to public order solely on the grounds of meeting the conditions set out therein.”

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

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.*

**After Clause 21**

LORD ALTON OF LIVERPOOL  
BARONESS LUDFORD  
BARONESS HAMWEE  
LORD HUNT OF KINGS HEATH

**92A** After Clause 21, insert the following new Clause –

**“Early access to legal aid**

- (1) After paragraph 32A (victims of slavery, servitude or forced or compulsory labour) of Schedule 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 insert –
  - “32B (1) Civil legal services provided to an individual who is subject to removal to a third country under the Illegal Migration Act 2023, or who might reasonably suspect they are subject to removal under that Act, in relation to referral into the national referral mechanism and connected immigration advice and representation, where there is no other provision for this within the scope of legal aid.  
General exclusions
  - (2) Sub-paragraph (1) is subject to the exclusions in Part 2 of this Schedule.  
Specific exclusions
  - (3) The civil legal services described in sub-paragraph (1) do not include –
    - (a) advocacy, or
    - (b) attendance at an interview conducted by the competent authority under the national referral mechanism for the purposes of a reasonable grounds decision or a conclusive grounds decision.”
- (2) In regulation 11(9) of the Civil Legal Aid (Merits Criteria) Regulations 2013 (S.I. 2013/104) (qualifying for civil legal services: cases in which merits criteria do not apply), at end omit the full stop and insert –
  - “(e) or, for an individual who is, or might reasonably suspect they are, subject to removal to a third country under the Illegal Migration Act 2023, in relation to any matter described in paragraph 32B of Part 1 of Schedule 1 to the Act (civil legal services provided to an individual in relation to referral into the national referral mechanism).”
- (3) In regulation 5(1) of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (S.I. 2013/480) (exceptions from requirement to make a determination in respect of an individual’s financial resources), after paragraph (r), omit the full stop and insert “and,
  - (s) for an individual who is, or might reasonably suspect they are, subject to removal to a third country under the Illegal Migration Act 2023, civil legal services described in paragraph 32B of Part 1 of Schedule 1 to the Act

(civil legal services provided to an individual in relation to referral into the national referral mechanism).””

***Member's explanatory statement***

*This new clause would give individuals subject to, or who might reasonably suspect they are subject to, removal to a third country under this Act access to early specialist legal advice, which is not means- or merits-tested, allowing for informed consent to a trafficking referral. The intention is that potential victims of modern slavery or human trafficking in that position will be able to understand what the NRM is and what it does, and provide informed consent to be referred into it. This expands the support available for advice on referral into the NRM, which is currently only available if you have a matter that falls within scope of certain types of legal aid.*

LORD ALTON OF LIVERPOOL  
BARONESS BUTLER-SLOSS  
LORD CARLILE OF BERRIEW  
BARONESS KENNEDY OF THE SHAWS

**92B** After Clause 21, insert the following new Clause –

**“Requirement to Assess and Report on the Impact of this Act on Modern Slavery**

- (1) Section 21 does not come into force until –
  - (a) an Independent Anti-Slavery Commissioner has been appointed under Part 4 of the Modern Slavery Act 2015 and has been in post for a period of 6 months; and
  - (b) the Secretary of State has provided an independent report to the Independent Anti-Slavery Commissioner and laid the report before Parliament within 3 months of that date.
- (2) The report must include, but is not limited to –
  - (a) an assessment of whether the Illegal Migration Act 2023 (this Act) will reduce modern slavery;
  - (b) an assessment of the potential impact of this Act on the Modern Slavery Strategy, the Northern Ireland Modern Slavery Strategy, the Scottish Government’s Trafficking and Exploitation Strategy, the Welsh Government’s anti-slavery response, in relation, but not limited, to –
    - (i) the prevention of modern slavery;
    - (ii) the identification and protection of potential and identified victims of modern slavery;
    - (iii) the risks of modern slavery;
    - (iv) the risks of re-exploitation and re-trafficking of victims of modern slavery;
    - (v) the risks of direct and indirect refoulement;
    - (vi) the disruption and prosecution of modern slavery offenders;
  - (c) a legal assessment of the compatibility of this Act with every section and article of, at a minimum, the following –
    - (i) the Equality Act 2010, specifically how this relates to victims of modern slavery;

- (ii) the Windsor Framework;
- (iii) the 1926 Slavery Convention;
- (iv) the European Convention on Human Rights 1950;
- (v) the Council of Europe Convention against Trafficking in Human Beings 2005;
- (vi) Directive 2011/36/EU “the Trafficking Directive”;
- (vii) the United Nations Convention against Transnational Organized Crime (UNTOC) and its protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children Supplementing UNTOC and the Protocol Against the Smuggling of Migrants by Land, Sea and Air Supplementing UNTOC;
- (viii) the 1951 Refugee Convention:
  - (ix) the UN Convention on the Rights of the Child 1989;
  - (x) the Convention Concerning Forced or Compulsory Labour 1930 No. 29 (including the Protocol of 2014 to the Forced Labour Convention);
  - (xi) Abolition of Forced Labour Convention 1957 No. 105;
  - (xii) Worst Forms of Child Labour Convention 1999 No.182;
  - (xiii) the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1956; and
- (d) a detailed assessment as to how the Secretary of State will assess, monitor and evaluate legislation, policy, practice and resources in each of the States listed in Schedule 1 in respect of –
  - (i) equality and human rights;
  - (ii) the modern slavery situation including, but not limited to, prevention, protection and prosecution;
  - (iii) the risk of re-exploitation and re-trafficking;
  - (iv) the risk of direct and indirect re-outrage;
  - (v) the ability to meet the individual risks and needs of each potential or identified victim of modern slavery;
  - (vi) support offered to potential and identified victims of modern slavery including the resources available in practice.”

***Member's explanatory statement***

*This amendment would ensure that there are detailed assessments of the impact of the Bill on victims and the wider impact on tackling Modern Slavery and compliance with the international legal framework.*

**Clause 22**

LORD COAKER  
BARONESS BUTLER-SLOSS

***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  
LORD HUNT OF KINGS HEATH

*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

LORD HUNT OF KINGS HEATH  
BARONESS HAMWEE  
LORD BACH

**96A** Clause 25, page 31, line 19, leave out from “suspended” to end of line 20 and insert “on 7 March 2024”

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

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

LORD HUNT OF KINGS HEATH  
LORD BACH  
BARONESS HAMWEE

**96B** Clause 26, page 32, line 16, leave out subsection (2)

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

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**

LORD HUNT OF KINGS HEATH  
LORD BACH  
BARONESS HAMWEE

**96C** Clause 27, page 33, line 15, leave out subsection (7)

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

BARONESS RITCHIE OF DOWNPATRICK  
BARONESS HAMWEE

**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.*

LORD HUNT OF KINGS HEATH  
LORD BACH  
BARONESS HAMWEE

**97A** Clause 27, page 33, line 25, leave out subsection (10)

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

LORD HUNT OF KINGS HEATH  
LORD BACH  
BARONESS HAMWEE

**97B** Clause 27, page 33, line 29, leave out subsection (12)

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

BARONESS HAMWEE  
THE LORD BISHOP OF BRISTOL  
LORD HUNT OF KINGS HEATH

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

**Clause 28**

LORD HUNT OF KINGS HEATH  
BARONESS HAMWEE  
LORD BACH

**97C** Clause 28, page 33, line 36, leave out subsections (2) and (3)

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

LORD HUNT OF KINGS HEATH  
BARONESS HAMWEE  
LORD BACH

**97D** Clause 28, page 34, line 12, after “imprisonment” insert “of at least 12 months”

***Member's explanatory statement***

*This amendment, with others in the name of Lord Hunt of Kings Heath, seek to amend the Bill so that potential and recognised victims of trafficking will not be detained or removed before they get the opportunity to submit an application to the NRM and have it duly considered.*

BARONESS RITCHIE OF DOWNPATRICK  
BARONESS HAMWEE

**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

**98ZA** Clause 29, page 36, line 13, at end insert “or another international agreement to which the United Kingdom is a party”

*Member's explanatory statement*

*This amendment ensures that due regard is given to other international agreements when indefinite leave to remain is considered by the Secretary of State under Clause 8AA(5).*

BARONESS LUDFORD

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

**Clause 30**

LORD MOYLAN  
BARONESS LISTER OF BURTERSETT

**98A** Clause 30, page 36, line 20, leave out “, British overseas citizenship and status as a British subject”

*Member's explanatory statement*

*This amendment is consequential on related amendments to Clauses 30 to 36 in the name of Lord Moylan.*

BARONESS LUDFORD

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

**Clause 31**

LORD MOYLAN  
BARONESS LISTER OF BURTERSETT

**98B** Clause 31, page 37, line 16, leave out subsection (1)

***Member's explanatory statement***

*This amendment, along with the amendment to Clause 31, page 37, line 29, in the name of Lord Moylan, removes the Bill's effect on registration as a British citizen.*

LORD MOYLAN  
BARONESS LISTER OF BURTERSETT

**98C** Clause 31, page 37, line 29, leave out paragraph (a)

***Member's explanatory statement***

*This amendment, along with the amendment to Clause 31, page 37, line 16, in the name of Lord Moylan, removes the Bill's effect on registration as a British citizen.*

BARONESS LUDFORD

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

**Clause 32**

LORD MOYLAN  
BARONESS LISTER OF BURTERSETT

**98D** Clause 32, page 38, line 2, leave out subsection (1)

***Member's explanatory statement***

*This amendment, along with the amendment to Clause 32, page 38, line 12, removes the Bill's effect on registration as a British overseas territories citizen.*

LORD MOYLAN  
BARONESS LISTER OF BURTERSETT

**98E** Clause 32, page 38, line 12, leave out paragraph (a)

***Member's explanatory statement***

*This amendment, along with the amendment to Clause 32, page 38, line 2, removes the Bill's effect on registration as a British overseas territories citizen.*

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  
LORD MOYLAN  
BARONESS LISTER OF BURTERSETT

*The above-named Lords give notice of their intention to oppose the Question that Clause 33 stand part of the Bill.*

**Clause 34**

BARONESS LUDFORD  
LORD MOYLAN  
BARONESS LISTER OF BURTERSETT

*The above-named Lords give notice of their intention to oppose the Question that Clause 34 stand part of the Bill.*

**Clause 35**

BARONESS LUDFORD

**98EA** Clause 35, page 38, line 39, at end insert “or another international agreement to which the United Kingdom is a party”

***Member's explanatory statement***

*This amendment ensures that due regard is given to other international agreements when the Secretary of State considers whether a person is an “ineligible person” under Clause 35(2).*

BARONESS LUDFORD

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

**Clause 36**

LORD MOYLAN  
BARONESS LISTER OF BURTERSETT

**98F** Clause 36, page 39, line 3, leave out subsections (2) to (5)

***Member's explanatory statement***

*This amendment is consequential on related amendments to Clauses 30 to 36 in the name of Lord Moylan.*

LORD MOYLAN  
BARONESS LISTER OF BURTERSETT

**98G** Clause 36, page 39, line 23, leave out subsections (7) to (9)

***Member's explanatory statement***

*This amendment is consequential on related amendments to Clauses 30 to 36 in the name of Lord Moylan.*

LORD MOYLAN  
BARONESS LISTER OF BURTERSETT

**98H** Clause 36, page 40, line 1, leave out subsections (11) to (14)

***Member's explanatory statement***

*This amendment is consequential on related amendments to Clauses 30 to 36 in the name of Lord Moylan.*

BARONESS LUDFORD

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

**After Clause 36**

BARONESS BRINTON  
THE LORD BISHOP OF ST ALBANS  
LORD ALTON OF LIVERPOOL  
LORD CARLILE OF BERRIEW  
BARONESS KENNEDY OF THE SHAWES

**98I** After Clause 36, insert the following new Clause—

**“British National (Overseas) citizenship**

Nothing in sections 29 to 36 of this Act may affect the rights of those holding or who are entitled to British National (Overseas) citizenship.”

**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  
LORD ALTON OF LIVERPOOL  
BARONESS KENNEDY OF THE SHAWES

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 simplify 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  
LORD ALTON OF LIVERPOOL  
BARONESS KENNEDY OF THE SHAWES

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  
LORD CASHMAN

**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.*

**After Clause 48**

LORD MURRAY OF BLIDWORTH

**115A** After Clause 48, insert the following new Clause—

**“Procedure for Tribunal Procedure Rules**

- (1) The first time after the passing of this Act that Tribunal Procedure Rules are made for the purposes of any of sections 43 to 48 (appeals in relation to suspensive claims), the Rules may be made by the Lord Chancellor rather than by the Tribunal Procedure Committee.
- (2) Before making Tribunal Procedure Rules by virtue of subsection (1), the Lord Chancellor must consult—
  - (a) the Senior President of Tribunals,
  - (b) the Lord Chief Justice of England and Wales,
  - (c) the Lord President of the Court of Session, and
  - (d) the Lord Chief Justice of Northern Ireland.
- (3) The Lord Chancellor is not required to undertake any other consultation before making Tribunal Procedure Rules by virtue of subsection (1).
- (4) A requirement to consult under subsection (2) may be satisfied by consultation that took place wholly or partly before the passing of this Act.
- (5) Tribunal Procedure Rules made by virtue of subsection (1) are to be made by statutory instrument.
- (6) A statutory instrument containing Tribunal Procedure Rules made by virtue of subsection (1) must be laid before Parliament after being made.
- (7) Tribunal Procedure Rules contained in a statutory instrument laid before Parliament under subsection (6) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (8) In calculating the period of 40 days, no account is to be taken of any whole days that fall within a period during which—
  - (a) Parliament is dissolved or prorogued, or
  - (b) either House of Parliament is adjourned for more than four days.
- (9) If Tribunal Procedure Rules cease to have effect as a result of subsection (7)—
  - (a) that does not affect the validity of anything previously done under the Rules, and

- (b) subsection (1) applies again as if the Rules had not been made.
- (10) In this section “Tribunal Procedure Committee” means the committee of that name constituted under Part 2 of Schedule 5 to the Tribunals, Courts and Enforcement Act 2007.”

***Member's explanatory statement***

*This new Clause provides for the first Tribunal Procedure Rules made after the passing of the Bill for the purposes of any of Clauses 43 to 48 to be made by the Lord Chancellor and to be subject to the made affirmative procedure.*

**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**

LORD MURRAY OF BLIDWORTH

**115B** Clause 51, page 53, line 35, at end insert –

- “(b) in subsection (9), at the beginning, insert “Subject to subsection (10),”;  
(c) after subsection (9), insert –

- “(10) A statutory instrument containing the first rules made for the purposes of section 2AA (appeals in relation to the Illegal Migration Act 2023) must be laid before Parliament after being made.
- (11) Rules contained in a statutory instrument laid before Parliament under subsection (10) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (12) In calculating the period of 40 days, no account is to be taken of any whole days that fall within a period during which –
- (a) Parliament is dissolved or prorogued, or
  - (b) either House of Parliament is adjourned for more than four days.

- (13) If rules cease to have effect as a result of subsection (11) –
- (a) that does not affect the validity of anything previously done under the rules, and
  - (b) subsection (10) applies again as if the rules had not been made.””

***Member's explanatory statement***

*This amendment provides for the first rules made by the Special Immigration Appeals Commission under section 5 of the Special Immigration Appeals Commission Act 1997 for the purposes of section 2AA of that Act (inserted by Clause 51(5)) to be subject to the made affirmative procedure.*

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**

LORD MURRAY OF BLIDWORTH

- 115C** Clause 52, page 53, line 40, after “court” insert “or tribunal”

***Member's explanatory statement***

*This amendment and the amendments in the name of Lord Murray of Blidworth at page 54, line 1 and page 54, line 7 modify Clause 52 so that a tribunal (as well as a court) may not grant an interim remedy that prevents or delays, or that has the effect of preventing or delaying, the removal of a person from the United Kingdom under the Bill.*

BARONESS CHAKRABARTI  
BARONESS LUDFORD

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

LORD MURRAY OF BLIDWORTH

- 116A** Clause 52, page 54, line 1, after “court” insert “or tribunal”

***Member's explanatory statement***

*See the explanatory statement for the amendment in the name of Lord Murray of Blidworth at page 53, line 40.*

BARONESS CHAKRABARTI  
BARONESS LUDFORD

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.*

LORD MURRAY OF BLIDWORTH

117A Clause 52, page 54, line 7, after second “court” insert “or tribunal”

*Member's explanatory statement*

*See the explanatory statement for the amendment in the name of Lord Murray of Blidworth at page 53, line 40.*

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  
BARONESS LUDFORD

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

BARONESS CHAKRABARTI  
BARONESS LUDFORD

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  
LORD ANDERSON OF IPSWICH  
BARONESS KENNEDY OF THE SHAWES

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

**Clause 54**

LORD MURRAY OF BLIDWORTH

- 119A** Clause 54, page 56, line 7, leave out from “sections” to end of line and insert “43 to 48 of the Illegal Migration Act 2023, or under Tribunal Procedure Rules made for the purposes of any of those sections.””

***Member's explanatory statement***

*This amendment corrects the references to the Clauses in the Bill under which advocacy in the Upper Tribunal can take place, and adds a reference to the Tribunal Procedure Rules made for the purposes of those Clauses.*

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  
LORD HUNT OF KINGS HEATH

- 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.*

LORD BACH  
LORD HUNT OF KINGS HEATH

**120A** 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.*

**Clause 55**

THE LORD BISHOP OF DURHAM  
BARONESS LISTER OF BURTERSETT  
BARONESS NEUBERGER

- 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  
BARONESS NEUBERGER

- 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.*

LORD MURRAY OF BLIDWORTH

- 123A** Clause 55, page 56, line 33, after “court” insert “or tribunal”

***Member's explanatory statement***

*This amendment and the amendment in the name of Lord Murray of Blidworth at page 56, line 36 supplement references in Clause 55 to the court with references to the tribunal.*

## LORD MURRAY OF BLIDWORTH

**123B** Clause 55, page 56, line 36, after “court” insert “or tribunal”

*Member's explanatory statement*

*See the explanatory statement in the name of Lord Murray of Blidworth at page 56, line 33.*

## LORD MURRAY OF BLIDWORTH

**123C** Clause 55, page 57, line 12, at end insert –

“(7A) For the purposes of this section, the cases in which a relevant authority decides the age of a person on an age assessment under section 50 or 51 of the Nationality and Borders Act 2022 include where a relevant authority is treated by virtue of regulations under section 56 of this Act as having decided that a person is over the age of 18.”

*Member's explanatory statement*

*This amendment clarifies that the provisions in Clause 55 about decisions as to a person's age apply to a case where a decision-maker is treated as having decided a person is over the age of 18 by virtue of regulations under Clause 56.*

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  
THE LORD BISHOP OF DURHAM

**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  
THE LORD BISHOP OF DURHAM

**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  
LORD ALTON OF LIVERPOOL  
LORD CARLILE OF BERRIEW  
BARONESS KENNEDY OF THE SHAWS

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 LISTER OF BURTERSETT  
 LORD CASHMAN

**128A** Clause 57, page 59, leave out line 4

***Member's explanatory statement***

*This amendment seeks to remove Albania from the list of “safe states” with reference to which asylum and human rights claims will be deemed inadmissible.*

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**

THE LORD BISHOP OF DURHAM  
BARONESS STROUD  
LORD PURVIS OF TWEED

**128B** Clause 58, page 61, line 3, at end insert –

- “(6A) The Secretary of State may not make regulations under subsection (1) specifying any limit on the number of persons who arrive under the following schemes –
- (a) the Ukraine Sponsorship Scheme,
  - (b) the Ukraine Family Scheme,
  - (c) the Afghan Relocations and Assistance Policy, and
  - (d) the Hong Kong British National (Overseas) routes.”

***Member's explanatory statement***

*This amendment would exclude the schemes for those displaced from Ukraine, the Afghan Relocations and Assistance Policy (ARAP) and the Hong Kong BN(O) routes from the safe and legal routes cap. None of these schemes are currently capped.*

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  
BARONESS BENNETT OF MANOR CASTLE

**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.*

LORD ALTON OF LIVERPOOL  
BARONESS HAMWEE  
THE LORD BISHOP OF LONDON  
LORD CARLILE OF BERRIEW  
BARONESS KENNEDY OF THE SHAWES

**139A** After Clause 60, insert the following new Clause –

**“Secure reporting for victims of crime**

- (1) The Secretary of State must, by regulations, make provision for the prohibition of automatic sharing of personal data of a victim or witness of crime for the purposes of section 2(1).
- (2) In section 20 of the Immigration and Asylum Act 1999 (power to supply information etc to Secretary of State), after subsection (2B) insert –
  - “(2C) For the purposes of section 2(1) of the Illegal Migration Act 2023, this section does not apply to information held about a person as a result of the person reporting criminal behaviour which they are a victim of or a witness to.””

***Member’s explanatory statement***

*This new Clause would prevent immigration data being shared for the purposes of section 2(1) about a victim or witness of crime who reports an offence. This is to ensure victims are able to approach the authorities for assistance without fear of removal under section 2(1) as a result of that contact or resultant data sharing with immigration enforcement.*

THE LORD BISHOP OF DURHAM  
BARONESS LISTER OF BURTERSETT  
LORD SCRIVEN

**139B** After Clause 60, insert the following new Clause –

**“Duty to comply with recommendations of Chief Inspector of Prisons**

- (1) This section applies to a report made by the Chief Inspector of Prisons to the Secretary of State under section 5A(3) of the Prison Act 1952 (appointment and functions of His Majesty’s Chief Inspector of Prisons) in relation to the impact of this Act on –
  - (a) removal centres,
  - (b) short-term holding facilities,
  - (c) pre-departure accommodation, and
  - (d) escort arrangementswithin the meaning of section 147 of the Immigration and Asylum Act 1999 (interpretation).
- (2) The Secretary of State must, within six months, implement any recommendations made by the Chief Inspector of Prisons in a report to which this section applies.”

*Member's explanatory statement*

*This Clause would place the Secretary of State under a statutory duty to implement recommendations of the Chief Inspector of Prisons in relation to immigration detention and the impact of this Act within six months.*

THE LORD ARCHBISHOP OF CANTERBURY  
LORD KIRKHOPE OF HARROGATE  
LORD HUNT OF KINGS HEATH  
LORD BLUNKETT

**139C** After Clause 60, insert the following new Clause –

**“Ten-year strategy on human trafficking**

- (1) The Secretary of State must prepare a ten-year strategy for tackling human trafficking to the UK through collaboration with signatories to the European Convention against Trafficking or any other international agreement on human trafficking.
- (2) The Secretary of State must make and lay before Parliament a statement of policies for implementing the strategy.
- (3) The first statement must be made within twelve months of the passing of this Act; and a subsequent statement must be made within twelve months of the making of the previous statement.
- (4) A Minister of the Crown must, within 28 sitting days of the statement being laid before Parliament, table a motion for resolution in each House of Parliament in relation to the statement.

- (5) “Ten-year strategy” means a strategy for the period of ten years beginning with the day on which preparation of the strategy is completed.
- (6) “The European Convention against Trafficking” means the Council of Europe Convention on Action against Trafficking in Human Beings done at Warsaw on 16th May 2005.
- (7) A “sitting day”, in relation to each House of Parliament, means a day on which that House begins to sit.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to have a ten-year strategy for collaborating internationally to tackle human trafficking into the UK.*

THE LORD ARCHBISHOP OF CANTERBURY  
LORD BOURNE OF ABERYSTWYTH  
LORD BLUNKETT  
BARONESS KENNEDY OF THE SHAWS

**139D** After Clause 60, insert the following new Clause –

**“Ten-year strategy on refugees**

- (1) The Secretary of State must prepare a ten-year strategy for tackling refugee crises driving people to enter the UK as refugees through collaboration with signatories to the Refugee Convention or any other international agreement on the rights of refugees.
- (2) The Secretary of State must make and lay before Parliament a statement of policies for implementing the strategy.
- (3) The first statement must be made within twelve months of the passing of this Act; and a subsequent statement for the strategy must be made within twelve months of the making of the previous statement.
- (4) A Minister of the Crown must, within 28 sitting days of the statement being laid before Parliament, table a motion for resolution in each House of Parliament in relation to the statement.
- (5) “Ten-year strategy” means a strategy for the period of ten years beginning with the day on which preparation of the strategy is completed.
- (6) “The Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol.
- (7) A “sitting day”, in relation to each House of Parliament, means a day on which that House begins to sit.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to have a ten-year strategy for collaborating internationally to tackle refugee crises driving people to enter the UK as refugees.*

LORD SWIRE  
LORD GARNIER  
LORD SOAMES OF FLETCHING

**139E** 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.”

BARONESS KENNEDY OF THE SHAWS  
LORD ALTON OF LIVERPOOL  
LORD CARLILE OF BERRIEW  
BARONESS HAMWEE

**139F** After Clause 60, insert the following new Clause –

**“Suspects of international crimes under duty to remove from the UK**

- (1) Where a person meets the four conditions in Section 2 and is suspected of involvement in genocide, crimes against humanity or war crimes, the Secretary of State is required as soon as reasonably practicable after determining the person meets one of the conditions –
  - (a) to refer the person to relevant authorities in the UK for investigation and possible prosecution;
  - (b) to cooperate with authorities in other safe countries and international tribunals who may be investigating the person.
- (2) In this Act “genocide,” “crimes against humanity”, and “war crimes” have the meanings given in Section 50 of the International Criminal Court Act 2001.”

***Member's explanatory statement***

*This new Clause would require the Secretary of State to refer to the relevant international authorities a person who meets the four conditions in subsection (2) and is suspected of crimes against humanity, genocide, or war crimes.*

## LORD COAKER

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

**“Asylum processing for low grant-rate countries**

- (1) Within 90 days of this Act being passed, the Secretary of State must issue regulations establishing an expedited asylum process for applicants from low grant-rate countries who have arrived in the United Kingdom without permission.
- (2) Within this section, “low grant-rate countries” are countries with a grant rate for asylum applicants below 50% in the 12 months preceding the initial decision being taken.”

*Member's explanatory statement*

*This new Clause requires the Home Secretary to establish a process to fast-track asylum claims from safe countries.*

## LORD COAKER

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

**“Organised immigration crime enforcement**

- (1) The Crime and Courts Act 2013 is amended as follows.
- (2) In section 1 (the National Crime Agency), after subsection (10) insert –
  - “(10A) The NCA has a specific function to combat organised crime where the purpose of that crime is to enable the illegal entry of a person into the United Kingdom via the English Channel.
  - (10B) The NCA must maintain a unit (a “Cross-Border People Smuggling Unit”) to coordinate the work undertaken in cooperation with international partners in pursuit of the function mentioned in subsection (10A).”

*Member's explanatory statement*

*This new Clause would give the National Crime Agency a legal responsibility for tackling organised immigration crime across the Channel, and to maintain a specific unit to undertake work related to that responsibility.*

## LORD COAKER

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

**“Asylum backlog: reporting requirements**

- (1) The Secretary of State must, within three months of the date on which this Act is passed, and at intervals of once every three months thereafter, publish and lay before Parliament a report on the steps taken and progress made toward clearing

the backlog of outstanding asylum claims, within the preceding three month period.

- (2) For the purposes of subsection (1), “the backlog of outstanding asylum claims” means the total number of asylum applications on which an initial decision had not yet been made as of 13 December 2022.
- (3) In preparing the reports required by subsection (1), “progress made toward clearing the backlog of outstanding asylum claims” may be measured with reference to—
  - (a) the number and proportion of applications on which an initial decision is made within six months of the submission of the application,
  - (b) changes to guidance for asylum caseworkers on fast-track procedures for straightforward applications,
  - (c) measures to improve levels of recruitment and retention of specialist asylum case working staff, and
  - (d) any other measures which the Secretary of State may see fit to refer to in the reports.”

***Member's explanatory statement***

*This new Clause seeks to require regular reports from the Secretary of State on progress toward eliminating the current backlog of asylum cases.*

LORD COAKER

**139FD★** After Clause 60, insert the following new Clause—

**“Publication of an impact assessment on removal numbers**

- (1) The Secretary of State must, within three months of the date on which this Act is passed, and at intervals of once every three months thereafter, publish and lay before Parliament a report containing an overview of the total number of people removed from the United Kingdom under provisions contained within this Act.
- (2) This report must include—
  - (a) the number of people removed;
  - (b) the nationalities of the people removed;
  - (c) the countries to which people were removed.”

***Member's explanatory statement***

*This new Clause seeks to require the Government to report on the number of those removed due to the introduction of this Act.*

**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 MURRAY OF BLIDWORTH

**139G** Clause 63, page 63, line 19, leave out “66” and insert “66(1)”

***Member's explanatory statement***

*This amendment has the effect that the power for regulations under the Bill to make consequential etc provision and to make different provision for different purposes applies to the power to make transitional and saving provision in connection with the coming into force of the Bill.*

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.*

THE LORD ARCHBISHOP OF CANTERBURY  
LORD KIRKHOPE OF HARROGATE  
LORD HUNT OF KINGS HEATH  
LORD BLUNKETT

**144A** Clause 66, page 65, line 36, at end insert –

“(ba) section (*ten-year strategy on human trafficking*) (ten-year strategy on human trafficking);”

***Member's explanatory statement***

*This amendment would provide for the new Clause on a ten-year strategy on human trafficking tabled by the Lord Archbishop of Canterbury to come into force on the day on which this Act is passed.*

THE LORD ARCHBISHOP OF CANTERBURY  
LORD BOURNE OF ABERYSTWYTH  
LORD BLUNKETT  
BARONESS KENNEDY OF THE SHAWES

**144B** Clause 66, page 65, line 36, at end insert –

“(ba) section (*ten-year strategy on refugees*) (ten-year strategy on refugees);”

***Member's explanatory statement***

*This amendment would provide for the new Clause on a ten-year strategy on refugees tabled by the Lord Archbishop of Canterbury to come into force on the day on which this Act is passed.*

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  
BARONESS JONES OF MOULSECOOMB

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  
BARONESS NEUBERGER

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

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*8 June 2023*

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