

# Illegal Migration Bill

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FIFTH 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 58**

THE LORD BISHOP OF DURHAM  
BARONESS STROUD  
LORD PURVIS OF TWEED  
BARONESS LISTER OF BURTERSETT

**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.*

**After Clause 58**

BARONESS STROUD  
BARONESS HELIC  
LORD KIRKHOPE OF HARROGATE  
BARONESS MOBARIK

**128C** After Clause 58, insert the following new Clause—

**“Duty to establish safe and legal routes**

- (1) The Secretary of State must, on or before 31 January 2024, make regulations specifying additional safe and legal routes.
- (2) In subsection (1), a “safe and legal route” means a route which allows relevant persons to come to the United Kingdom lawfully from abroad.
- (3) In subsection (2), a “relevant person” is—
  - (a) a person who, if they were in the United Kingdom, would be a refugee within the meaning of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and the Protocol to that Convention,
  - (b) a person who, if they were in the United Kingdom, would be eligible for a grant of humanitarian protection in accordance with the Immigration Rules, or
  - (c) a person who, if they were in the United Kingdom, could not lawfully be removed from the United Kingdom by virtue of Article 3 or 4 of the Human Rights Convention.”

***Member's explanatory statement***

*This amendment would impose a duty on the Secretary of State to make regulations specifying additional safe and legal routes on or before 31 January 2024 under which refugees and others in need of international protection can come to the UK lawfully from abroad.*

**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

**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 arrangements
 within 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**

LORD GERMAN

**139FE** Clause 62, page 62, line 39, leave out paragraphs (b) to (d)

***Member's explanatory statement***

*This amendment is intended to probe the powers given to the Secretary of State to make regulations impacting upon the devolved administrations.*

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

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*12 June 2023*

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