

# Illegal Migration Bill

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AMENDMENT  
TO BE MOVED  
ON REPORT

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**After Clause 55**

LORD BACH

After Clause 55, 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 2012are 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.*



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*20 June 2023*

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