

Illegal Migration Bill

AMENDMENTS
TO BE MOVED
ON REPORT

[Supplementary to the Marshalled List]

Amendment
No.

Clause 23

LORD MORROW

102A★ Leave out Clause 23

Member's explanatory statement

This amendment, with others in the name of Lord Hunt of Kings Heath, seeks 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.

Clause 24

LORD MORROW

105A★ Leave out Clause 24

Member's explanatory statement

This amendment, with others in the name of Lord Hunt of Kings Heath, seeks 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.

After Clause 28

LORD ALTON OF LIVERPOOL

113A★ After Clause 28, insert the following new Clause—

“Requirement to assess and report on the impact of this Act on modern slavery and human trafficking

- (1) The Secretary of State must not bring sections 2, 3 and 21 to 28 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 “independent report” referred to in subsection (1)(b) must be –
- (a) undertaken by an expert in the relevant field, and
 - (b) not subject to Government agreement or approval.
- (3) The report must include, but is not limited to –
- (a) an assessment of whether the Illegal Migration Act 2023 (this Act) will reduce the incidence of modern slavery in and human trafficking to the United Kingdom;
 - (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 and human trafficking;
 - (ii) the identification and protection of potential and identified victims of modern slavery and human trafficking;
 - (iii) the risks of modern slavery and human trafficking;
 - (iv) the risks of re-exploitation and re-trafficking of victims of modern slavery and human trafficking;
 - (v) the risks of direct and indirect refoulement;
 - (vi) the disruption and prosecution of modern slavery and human trafficking 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) International Covenant on Civil and Political Rights 1966;
 - (vi) UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment 1984;
 - (vii) the Council of Europe Convention on action against Trafficking in Human Beings 2005;
 - (viii) Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims;
 - (ix) 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;
 - (x) the 1951 UN Refugee Convention;

- (ix) the UN Convention on the Rights of the Child 1989;
 - (xi) the International Labour Organization (ILO) Convention Concerning Forced or Compulsory Labour 1930 No. 29 (including the Protocol of 2014 to the Forced Labour Convention) (P29);
 - (xii) the ILO Convention Concerning the Abolition of Forced Labour Convention 1957 No. 105;
 - (xiii) the ILO Convention concerning the Prohibition and Immediate Action for the elimination of the Worst Forms of Child Labour Convention 1999 No.182;
 - (xiv) 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 and human trafficking 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 refoulement;
 - (v) the ability to meet the individual risks and needs of each potential or identified victim of modern slavery and human trafficking;
 - (vi) support offered to potential and identified victims of modern slavery and human trafficking 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 of modern slavery and human trafficking, and the wider impact on tackling modern slavery and human trafficking, and compliance with the international legal framework.

After Clause 61

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

168A★ After Clause 61, insert the following new Clause –

“Ten-year strategy on refugees and human trafficking

- (1) The Secretary of State must prepare a ten-year strategy for tackling refugee crises affecting migration by irregular routes, or the movement of refugees, to the United Kingdom through collaboration with signatories to the Refugee Convention or any other international agreement on the rights of refugees.

- (2) The strategy must also include provisions for tackling human trafficking to the United Kingdom.
- (3) The Secretary of State must make and lay before Parliament a statement of policies for implementing the strategy.
- (4) 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.
- (5) A Minister of the Crown must, within 28 sitting days of a statement under this section being laid before Parliament, move a motion in each House for the approval of the statement.
- (6) “Ten-year strategy” means a strategy for the period of ten years beginning with the day on which preparation of the strategy is completed.
- (7) “The Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol.
- (8) 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 affecting migration by irregular routes, or the movement of refugees, to the United Kingdom and for tackling human trafficking to the United Kingdom.

Clause 67

LORD ALTON OF LIVERPOOL

- 168B★** Clause 67, page 68, line 6, after “(4)” insert “and to section (*Requirement to assess and report on the impact of this Act on modern slavery and human trafficking*)”

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

- 168C★** Clause 67, page 68, line 13, at end insert –
- “(ba) section (*Ten-year strategy on refugees and human trafficking*) (ten-year strategy on refugees and human trafficking).”

Member's explanatory statement

This amendment would provide for the new clause after Clause 61 proposed in another amendment in the name of the Lord Archbishop of Canterbury to come into force on the day on which the Act is passed.

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27 June 2023
