

Border Security, Asylum and Immigration Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Third Marshalled List]

**Amendment
No.**

Clause 39

BARONESS JONES OF MOULSECOOMB

- 115A★** Clause 39, page 31, line 25, leave out paragraph (c) and insert –
- “(c) in Schedule 2 (Administrative Provisions as to Control on Entry etc.) –
 - (i) in paragraph 16, omit sub-paragraph (5);
 - (ii) omit paragraph 17A;
 - (d) in paragraph 2 of Schedule 3 (Supplementary Provisions as to Deportation) –
 - (i) omit sub-paragraphs (3A) to (3E);
 - (ii) in sub-paragraph (4), for “17, 18, 18A” substitute “17 to 18A”.”

Member's explanatory statement

This amendment is consequential to another amendment in Baroness Jones of Moulsecoomb's name to clause 38 repealing section 12 of the Illegal Migration Act 2023.

BARONESS JONES OF MOULSECOOMB

- 115B★** Clause 39, page 32, line 27, at end insert –
- “(2A) In section 10(9) of the Immigration and Asylum Act 1999 (application of Schedule 2 to the Immigration Act 1971 in relation to persons unlawfully in the United Kingdom) –
- (a) in paragraph (b), for “16(2) to (2B), (3) and (4)” substitute “16(2) to (4)”;
 - (b) omit paragraph (ca).”

Member's explanatory statement

This amendment is consequential to another amendment in Baroness Jones of Moulsecoomb's name to clause 38 repealing section 12 of the Illegal Migration Act 2023.

BARONESS JONES OF MOULSECOOMB

- 115C★** Clause 39, page 32, line 30, leave out paragraphs (a) and (b) and insert “omit subsections (2N) to (2R).”

Member's explanatory statement

This amendment is consequential to another amendment in Baroness Jones of Moulsecoomb's name to clause 38 repealing section 12 of the Illegal Migration Act 2023.

BARONESS JONES OF MOULSECOOMB

- 115D★** Clause 39, page 32, line 31, at end insert —
- “(3A) In section 36 of the UK Borders Act 2007 (detention relating to deportation) omit subsections (1A) to (1E).”

Member's explanatory statement

This amendment is consequential to another amendment in Baroness Jones of Moulsecoomb's name to clause 38 repealing section 12 of the Illegal Migration Act 2023.

BARONESS JONES OF MOULSECOOMB

- 115E★** Clause 39, page 32, line 33, at end insert —
- “(5) For regulation 32 of the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052) as it continues to have effect following its revocation (person subject to removal), substitute —

“32 Person subject to removal

- (1) If there are reasonable grounds for suspecting that a person is someone who may be removed from the United Kingdom under regulation 23(6)(b), that person may be detained under the authority of the Secretary of State pending a decision whether or not to remove the person under that regulation, and paragraphs 17 to 18A of Schedule 2 to the 1971 Act apply in relation to the detention of such a person as those paragraphs apply in relation to a person who may be detained under paragraph 16 of that Schedule.
- (2) Where a decision is taken to remove a person under regulation 23(6)(a) or (c), the person is to be treated as if the person were a person to whom section 10(1) of the 1999 Act applies, and section 10 of that Act (removal of certain persons unlawfully in the United Kingdom) is to apply accordingly.
- (3) Where a decision is taken to remove a person under regulation 23(6)(b), the person is to be treated as if the person were a person to whom section 3(5)(a) of the 1971 Act (liability to deportation) applies, and section 5 of that Act (procedure for deportation) and Schedule 3 to that Act (supplementary provision as to deportation) are to apply accordingly.

- (4) A person who enters the United Kingdom in breach of a deportation or exclusion order, or in circumstances where that person was not entitled to be admitted under regulation 23(1) or (3), is removable as an illegal entrant under Schedule 2 to the 1971 Act and the provisions of that Schedule apply accordingly.
- (5) Where a deportation order is made against a person but the person is not removed under the order during the two year period beginning on the date on which the order is made, the Secretary of State may only take action to remove the person under the order at the end of that period if, having assessed whether there has been any material change in circumstances since the deportation order was made, the Secretary of State considers that the removal continues to be justified on the grounds of public policy, public security or public health.
- (6) A person to whom this regulation applies must be allowed one month to leave the United Kingdom, beginning on the date on which the decision to remove is communicated before being removed because of that decision except—
 - (a) in duly substantiated cases of urgency;
 - (b) where the person is detained pursuant to the sentence or order of any court;
 - (c) where the person is a person to whom paragraph (4) applies.
- (7) Paragraph (6) does not apply where a decision has been taken under regulation 23(6) on the basis that the relevant person—
 - (a) has ceased to have a derivative right to reside, or
 - (b) is a person who would have had a derivative right to reside but for the effect of a decision to remove under regulation 23(6)(b).”

Member's explanatory statement

This amendment is consequential to another amendment in Baroness Jones of Moultescoomb's name to clause 38 repealing section 12 of the Illegal Migration Act 2023.

After Clause 48

LORD MURRAY OF BLIDWORTH

203F★ After Clause 48 insert the following new Clause—

“Upper Tribunal (Immigration and Asylum Chamber)

- (1) All judgments of Upper Tribunal (Immigration and Asylum Chamber) must be published on a Government website within three days of being made.
- (2) Judgments published under subsection (1) may be anonymised to the extent considered necessary by the Tribunal.”

LORD MURRAY OF BLIDWORTH
LORD FAULKS

203G★ After Clause 48 insert the following new Clause –

“First-tier Tribunal Immigration and Asylum Chamber: publication of decisions

- (1) All judgments of the First-tier Tribunal Immigration and Asylum Chamber must be published on a Government website within three days of being made.
- (2) Judgments published under subsection (1) may be anonymised to the extent considered necessary by the Tribunal.”

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9 July 2025
