

# Border Security, Asylum and Immigration Bill

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## AMENDMENTS

### TO BE MOVED

#### IN COMMITTEE OF THE WHOLE HOUSE

*[Supplementary to the Third Marshalled List]*

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#### **After Clause 48**

LORD MURRAY OF BLIDWORTH

After Clause 48, insert the following new Clause—

#### **“Amendment of section 31 of the Immigration and Asylum Act 1999**

- (1) Section 31 of the Immigration and Asylum Act 1999 (defences based on Article 31(1) of the Refugee Convention) is amended as follows.
- (2) For subsection (2) substitute—
  - “(2) For the purposes of subsection (1) a person is not to be taken to have come directly to the United Kingdom from a country in which their life or freedom were threatened as mentioned in that subsection if, in coming from such a country, they passed through or stopped in another country outside the United Kingdom where their life or freedom were not so threatened.”.

#### ***Member's explanatory statement***

*This amendment is intended to vindicate and articulate the United Kingdom's rights under Article 31 of the Refugee Convention.*

LORD MURRAY OF BLIDWORTH

After Clause 48, insert the following new Clause—

#### **“Refusal of asylum claims made by a person who has entered the UK other than directly from a country in which their life is in danger**

- (1) The Secretary of State has a duty to refuse a claim for asylum if the person who has made the claim for asylum meets the following conditions.
- (2) The first condition is that the person meets one of the following descriptions—

- (a) the person requires leave to enter the United Kingdom, but has entered the United Kingdom –
    - (i) without leave to enter,
    - (ii) contrary to the provisions of section 40 of the Nationality and Borders Act 2022 (illegal entry), or
    - (iii) with leave to enter that was obtained by means which included deception by any person,
  - (b) the person has entered the United Kingdom in breach of a deportation order,
  - (c) the person has entered or arrived in the United Kingdom at a time when they were an excluded person within the meaning of section 8B of the Immigration Act 1971 (persons excluded from the United Kingdom under certain instruments) and –
    - (i) subsection (5A) of that section (exceptions to section 8B) does not apply to the person, and
    - (ii) an exception created under, or direction given by virtue of, section 15(4) of the Sanctions and Anti-Money Laundering Act 2018 (power to create exceptions to section 8B) does not apply to the person,
  - (d) the person requires entry clearance under the immigration rules, but has arrived in the United Kingdom without a valid entry clearance, or
  - (e) the person is required under immigration rules not to travel to the United Kingdom without an electronic travel authorisation that is valid for that person's journey to the United Kingdom, but has arrived in the United Kingdom without such an electronic travel authorisation.
- (3) The second condition is that, in entering or arriving as mentioned in subsection (2), the person did not come directly to the United Kingdom from a country in which the person's life and liberty were threatened by reason of their race, religion, nationality, membership of a particular social group or political opinion.
- (4) For the purposes of subsection (3) a person is not to be taken to have come directly to the United Kingdom from a country in which their life and liberty were threatened as mentioned in that subsection if, in coming from such a country, they passed through or stopped in another country outside the United Kingdom where their life and liberty were not so threatened.
- (5) For the removal of doubt but without limitation, for the purposes of subsection (3), a person has passed through or stopped in another country outside the United Kingdom if they depart in a boat, vessel or aircraft from France or any other European coastal state."

***Member's explanatory statement***

*This provision provides that an asylum claim should be denied if an asylum-seeker has entered the UK from a country in which their life and liberty were not threatened. This is intended to deter the use of dangerous and illegal methods of entering the UK, especially from a safe third country.*



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14 July 2025

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS