

Border Security, Asylum and Immigration Bill

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

The amendments have been marshalled in accordance with the Instruction of 2nd June 2025, as follows –

Clauses 1 to 40	Schedule 2
Schedule 1	Clauses 54 to 63
Clauses 41 to 53	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 38

LORD BROWNE OF LADYTON
LORD CASHMAN

104 Clause 38, page 31, line 13, leave out “58” and insert “59”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

The above-named Lords give notice of their intention to oppose the Question that Clause 38 stand part of the Bill.

After Clause 38

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

105 After Clause 38, insert the following new Clause –

“Duty to make arrangements for removal

- (1) The Secretary of State must make arrangements for the removal of a person from the United Kingdom if the person meets the following four conditions.
- (2) The first condition is that –

- (a) the person requires leave to enter the United Kingdom, but has entered the United Kingdom –
 - (i) without leave to enter, or
 - (ii) 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 the person entered or arrived in the United Kingdom as mentioned in subsection (2) on or after the day on which this Act is passed.
- (4) The third 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.
- (5) For the purposes of subsection (4) 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.
- (6) The fourth condition is that the person requires leave to enter or remain in the United Kingdom but does not have it.
- (7) In this section –
 - “country” includes territory;
 - “deportation order” means an order under section 5 of the Immigration Act 1971;
 - “electronic travel authorisation” means an authorisation in electronic form to travel to the United Kingdom;
 - “entry clearance” has the meaning given by section 33(1) of the Immigration Act 1971.

- (8) In this section “immigration rules” means rules under section 3(2) of the Immigration Act 1971.
- (9) Section 11(1) of the Immigration Act 1971 (person deemed not to enter the United Kingdom before disembarkation, while in controlled area or while under immigration control) applies for the purposes of this section as it applies for the purposes of that Act.
- (10) The only circumstances in which the duty in subsection (1) does not apply to a person who meets the four conditions in this section are where –
 - (a) section (*Unaccompanied children and power to provide for exceptions*)(1) applies to the person,
 - (b) regulations under section (*Unaccompanied children and power to provide for exceptions*)(7) apply to the person,
 - (c) a Minister of the Crown has made a determination under section (*Interim measures of the European Court of Human Rights*)(2) in relation to the person, or
 - (d) section 61 or 62 of the Nationality and Borders Act 2022 (victims of slavery and human trafficking) apply in relation to the person.”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

106

After Clause 38, insert the following new Clause –

“Unaccompanied children and power to provide for exceptions

- (1) The duty in section (*Duty to make arrangements for removal*)(1) does not require the Secretary of State to make arrangements for the removal of a person from the United Kingdom at a time when the person is an unaccompanied child.
- (2) The Secretary of State may make arrangements for the removal of a person from the United Kingdom at a time when the person is an unaccompanied child.
- (3) The power in subsection (2) may be exercised only –
 - (a) where the person is to be removed for the purposes of reunion with the person’s parent;
 - (b) where the person is to be removed to a country listed in section 80AA(1) of the Nationality, Immigration and Asylum Act 2002 (safe States for the purposes of section 80A of that Act) which is –
 - (i) a country of which the person is a national, or
 - (ii) a country in which the person has obtained a passport or other document of identity;
 - (c) where the person has not made a protection claim or a human rights claim and the person is to be removed to –
 - (i) a country of which the person is a national,
 - (ii) a country or territory in which the person has obtained a passport or other document of identity, or

- (iii) a country or territory in which the person embarked for the United Kingdom;
 - (d) in such other circumstances as may be specified in regulations made by the Secretary of State.
- (4) Regulations under subsection (3)(d) may confer a discretion on the Secretary of State.
- (5) For the purposes of this section a person (“C”) is an “unaccompanied child” if—
 - (a) C meets the four conditions in section (*Duty to make arrangements for removal*),
 - (b) C is under the age of 18, and
 - (c) at the relevant time no individual (whether or not a parent of C) who was aged 18 or over had care of C.
- (6) In subsection (5) “the relevant time” means the time of C’s entry or arrival in the United Kingdom by virtue of which the duty in section (*Duty to make arrangements for removal*)(1) would apply in relation to C apart from this section.
- (7) The Secretary of State may by regulations make provision for other exceptions from the duty in section (*Duty to make arrangements for removal*)(1).
- (8) Regulations under subsection (7) may make provision—
 - (a) for this Act or any other enactment to have effect with modifications, in relation to a person to whom an exception applies, in consequence of the application of the exception to that person;
 - (b) for an exception, or for any provision made by virtue of paragraph (a), to be treated as having had effect from a time before the coming into force of the regulations.
- (9) Regulations made by virtue of subsection (8)(a) may, in particular, disapply any provision of this Act or any other enactment in relation to a person to whom an exception applies.
- (10) In subsections (8) and (9) “enactment” includes—
 - (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
 - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
 - (c) an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru;
 - (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation.
- (11) A statutory instrument containing regulations under subsection (7) must be laid before Parliament after being made.
- (12) Regulations contained in a statutory instrument laid before Parliament under subsection (11) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.

- (13) In calculating the period of 28 days, no account is to be taken of any whole days that fall within a period during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than four days.
- (14) If regulations cease to have effect as a result of subsection (12) that does not—
 - (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
- (15) In this section—
 - “human rights claim” has the meaning given by section 113(1) of the Nationality, Immigration and Asylum Act 2002;
 - “national” includes citizen;
 - “protection claim” has the meaning given by section 82(2) of the Nationality, Immigration and Asylum Act 2002.”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

107 After Clause 38, insert the following new Clause—

“Interim measures of the European Court of Human Rights

- (1) This section applies where the European Court of Human Rights indicates an interim measure in proceedings relating to the intended removal of a person from the United Kingdom under, or purportedly under, this Act.
- (2) A Minister of the Crown may (but need not) determine that the duty in section (*Duty to make arrangements for removal*)(1) is not to apply in relation to the person.
- (3) A decision as to whether or not to make a determination under subsection (2) is to be taken personally by the Minister of the Crown.
- (4) In considering whether to make a determination under subsection (2), the Minister may have regard to any matter that the Minister considers relevant, including in particular the matter in subsection (5).
- (5) The matter mentioned in subsection (4) is the procedure by reference to which the interim measure was indicated, including in particular—
 - (a) whether the government of the United Kingdom was given an opportunity to present observations and information before the interim measure was indicated;
 - (b) the form of the decision to indicate the interim measure;
 - (c) whether the European Court of Human Rights will take account of any representations made to it by the government of the United Kingdom seeking reconsideration, without undue delay, of the decision to indicate the interim measure;
 - (d) the likely duration of the interim measure and the timing of any substantive determination by the European Court of Human Rights.

- (6) Where a Minister of the Crown does not make a determination under subsection (2), a person or body to which subsection (7) applies may not have regard, in the circumstances mentioned in subsection (7), to the interim measure.
- (7) This subsection applies to—
 - (a) the Secretary of State or an immigration officer when exercising a function under section (*Duty to make arrangements for removal*)(1),
 - (b) the Upper Tribunal when considering any application or appeal under this Act, and
 - (c) a court or tribunal when considering any application or appeal which relates to a decision to remove a person from the United Kingdom under this Act.
- (8) No inference is to be drawn from this section as to whether or not a person or body mentioned in subsection (7) would otherwise have been required to have regard to the interim measure.
- (9) Nothing in this Act requires the Secretary of State or an immigration officer to effect the removal of a person from the United Kingdom pending a decision by a Minister of the Crown as to whether or not to make a determination under subsection (2).
- (10) In this section—
 - “decision” includes any purported decision;
 - “determination” includes any purported determination.”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

108

After Clause 38, insert the following new Clause—

“Disregard of certain claims, applications etc

- (1) The duty in section (*Duty to make arrangements for removal*)(1) or the power in section (*Unaccompanied children and power to provide for exceptions*)(2) applies in relation to a person who meets the four conditions in section (*Duty to make arrangements for removal*) regardless of whether—
 - (a) the person makes a protection claim,
 - (b) the person makes a human rights claim,
 - (c) the person claims to be a victim of slavery or a victim of human trafficking as defined by regulations made by the Secretary of State under section 69 of the Nationality and Borders Act 2022, or
 - (d) the person makes an application for judicial review in relation to their removal from the United Kingdom under this Act.
- (2) If a person who meets the four conditions in (*Duty to make arrangements for removal*) makes a protection claim, or a human rights claim within subsection (5), the Secretary of State must declare the claim inadmissible.

- (3) A protection claim or a human rights claim declared inadmissible under subsection (2) cannot be considered under the immigration rules.
- (4) A declaration under subsection (2) that a protection claim or a human rights claim is inadmissible is not a decision to refuse the claim and, accordingly, no right of appeal under section 82(1)(a) or (b) of the Nationality, Immigration and Asylum Act 2002 (appeal against refusal of protection claim or human rights claim) arises.
- (5) A human rights claim is within this subsection if it is a claim that removal of a person from the United Kingdom to –
 - (a) a country of which the person is a national, or
 - (b) a country or territory in which the person has obtained a passport or other document of identity,would be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Convention).
- (6) In this Act “application for judicial review” means –
 - (a) in England and Wales and Northern Ireland, an application to the High Court for judicial review,
 - (b) in Scotland, an application to the supervisory jurisdiction of the Court of Session, and
 - (c) any other application to a court or tribunal which is required by an enactment to be determined by applying the principles that would be applied by a court on an application within paragraph (a) or (b).
- (7) In this section, references to a claim include a claim –
 - (a) that was made on or after the day on which this Act is passed, and
 - (b) that has not been decided by the Secretary of State on the date on which this section comes into force.
- (8) Where –
 - (a) a person subject to removal to a third country under this Act makes a human rights claim in relation to their removal to that third country, and
 - (b) the Secretary of State decides to refuse the claim,there is no right of appeal under section 82(1)(a) or (b) of the Nationality, Immigration and Asylum Act 2002 in relation to that decision.
- (9) In section 82(3) of the Nationality, Immigration and Asylum Act 2002, after “Part” insert “and in section (*Disregard of certain claims, applications etc*) of the Border Security, Asylum and Immigration Act 2025 (*disregard of certain claims, applications etc*)”.
- (10) A declaration under subsection (2) that a protection claim or a human rights claim is inadmissible is final and is not liable to be set aside in any other court.”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

109 After Clause 38, insert the following new Clause –

“Duty to make arrangements for removal: process

- (1) Where the Secretary of State is required by section (*Duty to make arrangements for removal*)(1) to make arrangements for the removal of a person from the United Kingdom, the Secretary of State must ensure that the arrangements are made –
 - (a) as soon as is reasonably practicable after the person’s entry or arrival in the United Kingdom, or
 - (b) where the person has ceased to be an unaccompanied child, as soon as is reasonably practicable after the person has ceased to be an unaccompanied child.
- (2) The following provisions of this section apply where –
 - (a) the Secretary of State is required by section (*Duty to make arrangements for removal*)(1) to make arrangements for the removal of a person (“P”) from the United Kingdom, or
 - (b) the Secretary of State may make arrangements for the removal of a person (“P”) from the United Kingdom under section (*Unaccompanied children and power to provide for exceptions*)(2).
- (3) Subject to section (*Unaccompanied children and power to provide for exceptions*)(3)(c) (removal of certain unaccompanied children) and to the following provisions of this section, P may be removed to –
 - (a) a country of which P is a national,
 - (b) a country or territory in which P has obtained a passport or other document of identity,
 - (c) a country or territory in which P embarked for the United Kingdom, or
 - (d) a country or territory to which there is reason to believe P will be admitted.
- (4) Subsection (5) applies if –
 - (a) P is a national of a country listed in section 80AA(1) of the Nationality, Immigration and Asylum Act 2002, or has obtained a passport or other document of identity in such a country, and
 - (b) P makes a protection claim or a human rights claim.
- (5) P may be removed to a country or territory within subsection (3)(c) or (d) only if it is listed in Schedule (*Countries and territories to which a person may be removed*).
- (6) Subsection (7) applies if –
 - (a) P is not a national of a country listed in section 80AA(1) of the Nationality, Immigration and Asylum Act 2002, and has not obtained a passport or other document of identity in such a country, and
 - (b) P makes a protection claim or a human rights claim.

- (7) P may not be removed to a country or territory within subsection (3)(a) or (b); and P may be removed to a country or territory within subsection (3)(c) or (d) only if it is listed in Schedule (*Countries and territories to which a person may be removed*).
- (8) Where a country or territory is listed in Schedule (*Countries and territories to which a person may be removed*) in respect of a description of person, subsection (5) or (7) has effect in relation to P and that country or territory only if the Secretary of State is satisfied that P is within that description.
- (9) Where a part of a country or territory is listed in Schedule (*Countries and territories to which a person may be removed*), references to a country or territory in subsections (5), (7) and (8) have effect in relation to that country or territory as if they were references to that part.
- (10) In this section references to a claim include a claim—
 - (a) that was made on or after the day on which this Act is passed, and
 - (b) that has not been decided by the Secretary of State on the date on which this section comes into force.
- (11) Where the Secretary of State exercises the power in subsection (2) of section 80AA of the Nationality, Immigration and Asylum Act 2002 to amend the list of States in subsection (1) of that section so as to add a State, subsections (4) and (5) apply to a person who is a national of that State, or who has obtained a passport or other document of identity in that State, if—
 - (a) they have made a protection claim or a human rights claim on or after the day on which this Act is passed, and
 - (b) the claim has not been decided by the Secretary of State on the date on which the amendment comes into force.”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

110 After Clause 38, insert the following new Clause—

“Powers to amend Schedule (*Countries and territories to which a person may be removed*)

- (1) The Secretary of State may by regulations amend Schedule (*Countries and territories to which a person may be removed*) to add a country or territory, or part of a country or territory, if satisfied that there is in general in that country or territory, or part, no serious risk of persecution.
- (2) If the Secretary of State is satisfied that the statement in subsection (1) is true of a country or territory, or part of a country or territory, in relation to a description of person, regulations under subsection (1) may add the country or territory or part to Schedule (*Countries and territories to which a person may be removed*) in respect of that description of person.
- (3) A description for the purposes of subsection (2) may refer to—
 - (a) sex,
 - (b) language,

- (c) race,
 - (d) religion,
 - (e) nationality,
 - (f) membership of a social or other group,
 - (g) political opinion, or
 - (h) any other attribute or circumstance that the Secretary of State thinks appropriate.
- (4) In deciding whether the statement in subsection (1) is true of a country or territory, or part of a country or territory, the Secretary of State—
- (a) must have regard to all the circumstances of the country or territory, or part (including its laws and how they are applied), and
 - (b) must have regard to information from any appropriate source (including member States and international organisations).
- (5) The Secretary of State may by regulations amend Schedule (*Countries and territories to which a person may be removed*) to omit a country or territory, or part of a country or territory, and the omission may—
- (a) be general, or
 - (b) have the effect that the country or territory, or part, remains listed in Schedule (*Countries and territories to which a person may be removed*) in respect of a description of person.”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

111 After Clause 38, insert the following new Clause—

“Support where asylum claim inadmissible

- (1) The Immigration and Asylum Act 1999 is amended in accordance with subsections (2) and (3).
- (2) If paragraph 1 of Schedule 11 to the Immigration Act 2016, which repeals section 4 of the Immigration and Asylum Act 1999, is not yet in force on the day this section comes into force, in subsection (2)(b) of that section, at end insert, “and section (*Disregard of certain claims, applications etc*) of the Border Security, Asylum and Immigration Act 2025”.
- (3) In section 94 (interpretation of Part 6)—
 - (a) in subsection (4A), at end insert, “or section (*Disregard of certain claims, applications etc*) of the Border Security, Asylum and Immigration Act 2025”,
 - (b) in subsection (4B), for “of that Act” substitute “of the Nationality, Immigration and Asylum Act 2002”, and
 - (c) in subsection (4C), for “of that Act” substitute “of the Nationality, Immigration and Asylum Act 2002 or under section (*Disregard of certain claims, applications etc*) of the Border Security, Asylum and Immigration Act 2025”.
- (4) The Nationality, Immigration and Asylum Act 2002 is amended as follows.

- (5) In section 18(1ZA) (asylum seeker: definition), at end insert “of this Act or section (*Disregard of certain claims, applications etc*) of the Border Security, Asylum and Immigration Act 2025”.
- (6) In section 21 (sections 17 to 20: supplementary), in subsection (3)(a), after “80B” insert “of this Act or section (*Disregard of certain claims, applications etc*) of the Border Security, Asylum and Immigration Act 2025”.
- (7) In paragraph 17(2A) of Schedule 3 (withholding and withdrawal of support: interpretation), at end insert “of this Act or section (*Disregard of certain claims, applications etc*) of the Border Security, Asylum and Immigration Act 2025”.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

112 After Clause 38, insert the following new Clause –

“Powers of detention

- (1) Schedule 2 to the Immigration Act 1971 (administrative provisions as to control on entry etc) is amended in accordance with subsections (2) and (3).
- (2) After paragraph 16(2B), insert –
 - “(2C) A person may be detained under the authority of an immigration officer –
 - (a) if the immigration officer suspects that the person meets the four conditions in section (*Duty to make arrangements for removal*) of the Border Security, Asylum and Immigration Act 2025, pending a decision as to whether the conditions are met;
 - (b) if the immigration officer suspects that the Secretary of State has a duty to make arrangements for the removal of the person from the United Kingdom under that section, pending a decision as to whether the duty applies;
 - (c) if the Secretary of State has such a duty, pending the person’s removal from the United Kingdom in accordance with that section;
 - (d) if the person meets those four conditions but the Secretary of State does not have such a duty by virtue of subsection (1) of section (*Unaccompanied children and power to provide for exceptions*) of the Border Security, Asylum and Immigration Act 2025 –
 - (i) pending a decision to give limited leave to enter or remain under the immigration rules to the person for the purposes of that subsection,
 - (ii) pending a decision to give leave under section 8AA of the Immigration Act 1971 (discretionary leave for persons generally ineligible for leave etc),
 - (iii) pending a decision to give leave under section 65(2) of the Nationality and Borders Act 2022 (leave to remain for victims of slavery or human trafficking), or
 - (iv) pending a decision to remove the person under subsection (2) of section (*Unaccompanied children and power to provide*

for exceptions) of the Border Security, Asylum and Immigration Act 2025, and pending their removal in accordance with that subsection.

- (2D) But if the immigration officer is satisfied that a woman being detained under sub-paragraph (2C) is pregnant, then the woman may not be detained under that sub-paragraph for a period of—
 - (a) more than 72 hours from the relevant time, or
 - (b) more than seven days from the relevant time, in a case where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).
- (2E) A woman who has been released as a result of sub-paragraph (2D) may be detained again under sub-paragraph (2C) in accordance with sub-paragraph (2D).
- (2F) Where a woman being detained under sub-paragraph (2C) has previously been detained under section 62(2A) of the Nationality, Immigration and Asylum Act 2002 and has not been released in between, the definition of “the relevant time” in sub-paragraph (2G) is to be read as if paragraph (b) referred to the time when the woman was first detained under sub-paragraph (2C) or section 62(2A) of that Act.
- (2G) In sub-paragraphs (2D) to (2F)—
 - “the relevant time” means the later of—
 - (a) the time at which the immigration officer is first satisfied that the woman is pregnant, and
 - (b) the time at which the detention under sub-paragraph (2C) begins;
 - “woman” means a female of any age.
- (2H) The powers in sub-paragraph (2C) may be exercised in respect of an unaccompanied child only in the circumstances specified in regulations made by the Secretary of State.
- (2I) The Secretary of State may, by regulations, specify time limits that apply in relation to the detention of an unaccompanied child under sub-paragraph (2C)(d)(iv) (detention of unaccompanied child in relation to removal).
- (2J) Regulations under sub-paragraph (2H) may confer a discretion on the Secretary of State or an immigration officer.
- (2K) Regulations under sub-paragraph (2H) or (2I)—
 - (a) may make different provision for different purposes;
 - (b) may make consequential, supplementary, incidental, transitional or saving provision;
 - (c) must be made by statutory instrument.

- (2L) A person who may be detained under sub-paragraph (2C) may no longer be detained under sub-paragraph (1), (1A), (1B), (2), (3) or (4).
- (2M) A person (of any age) detained under sub-paragraph (2C) may be detained in any place that the Secretary of State considers appropriate.
- (2N) A statutory instrument containing regulations under sub-paragraph (2H) or (2I) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (2P) In sub-paragraphs (2H) and (2I), “unaccompanied child” has the same meaning as in the Border Security, Asylum and Immigration Act 2025 (see section (*Unaccompanied children and power to provide for exceptions*) of that Act).”
- (3) In the italic heading before paragraph 16, at the end insert “, or for the purposes of the Border Security, Immigration and Asylum Act 2025”.
- (4) In section 147 of the Immigration and Asylum Act 1999 (interpretation of Part 8 of that Act), in the definition of “pre-departure accommodation” –
 - (a) in the words before paragraph (a), omit “for a period of”;
 - (b) at the beginning of paragraph (a), insert “for a period of”;
 - (c) omit the “or” at the end of paragraph (a);
 - (d) at the beginning of paragraph (b), insert “for a period of”;
 - (e) at the end of paragraph (b), insert “, or
 - (c) for any period, where the detention is under –
 - (i) paragraph 16(2C) of Schedule 2 to the Immigration Act 1971 (detention under authority of immigration officer for the purposes of the Border Security, Asylum and Immigration Act 2025), or
 - (ii) section 62(2A) of the Nationality, Immigration and Asylum Act 2002 (detention under authority of Secretary of State for the purposes of the Border Security, Asylum and Immigration Act 2025);”.
- (5) Section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State) is amended in accordance with subsections (6) to (10).
- (6) After subsection (2), insert –
 - “(2A) A person may be detained under the authority of the Secretary of State –
 - (a) if the Secretary of State suspects that the person meets the four conditions in section (*Duty to make arrangements for removal*) of the Border Security, Asylum and Immigration Act 2025, pending a decision as to whether the conditions are met;
 - (b) if the Secretary of State suspects that the Secretary of State has a duty to make arrangements for the removal of the person from the United Kingdom under that section, pending a decision as to whether the duty applies;

- (c) if the Secretary of State has such a duty, pending the person's removal from the United Kingdom in accordance with that section;
- (d) if the person meets those four conditions but the Secretary of State does not have such a duty by virtue of subsection (1) of section (*Unaccompanied children and power to provide for exceptions*) of that Act—
 - (i) pending a decision to give limited leave to enter or remain under the immigration rules to the person for the purposes of that subsection,
 - (ii) pending a decision to give leave under section 8AA of the Immigration Act 1971 (discretionary leave for persons generally ineligible for leave etc),
 - (iii) pending a decision to give leave under section 65(2) of the Nationality and Borders Act 2022 (leave to remain for victims of slavery or human trafficking), or
 - (iv) pending a decision to remove the person under subsection (2) of section (*Unaccompanied children and power to provide for exceptions*) of the Border Security, Asylum and Immigration Act 2025, and pending their removal in accordance with that subsection.
- (2B) But if the Secretary of State is satisfied that a woman being detained under subsection (2A) is pregnant, then the woman may not be detained under that subsection for a period of—
 - (a) more than 72 hours from the relevant time, or
 - (b) more than seven days from the relevant time, in a case where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).
- (2C) A woman who has been released as a result of subsection (2B) may be detained again under subsection (2A) in accordance with subsection (2B).
- (2D) Where a woman being detained under subsection (2A) has previously been detained under paragraph 16(2C) of Schedule 2 to the Immigration Act 1971 and has not been released in between, the definition of “the relevant time” in subsection (2E) is to be read as if paragraph (b) referred to the time when the woman was first detained under subsection (2A) or paragraph 16(2C) of that Schedule to that Act.
- (2E) In subsections (2B) to (2D)—
 - “the relevant time” means the later of—
 - (a) the time at which the Secretary of State is first satisfied that the woman is pregnant, and
 - (b) the time at which the detention under subsection (2A) begins;
 - “woman” means a female of any age.

- (2F) The powers in subsection (2A) may be exercised in respect of an unaccompanied child only in the circumstances specified in regulations made by the Secretary of State.
- (2G) The Secretary of State may, by regulations, specify time limits that apply to the detention of an unaccompanied child under subsection (2A)(d)(iv) (detention of unaccompanied child in relation to removal).
- (2H) Regulations under subsection (2F) may confer a discretion on the Secretary of State or an immigration officer.
- (2I) Regulations under subsection (2F) or (2G) –
 - (a) may make different provision for different purposes;
 - (b) may make consequential, supplementary, incidental, transitional or saving provision;
 - (c) must be made by statutory instrument.
- (2J) A person who may be detained under subsection (2A) may no longer be detained under subsection (1) or (2).
- (2K) A person (of any age) detained under subsection (2A) may be detained in any place that the Secretary of State considers appropriate.
- (2L) A statutory instrument containing regulations under subsection (2F) or (2G) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (2M) In subsections (2F) and (2G), “unaccompanied child” has the same meaning as in the Border Security, Asylum and Immigration Act 2025 (see section (*Unaccompanied children and power to provide for exceptions*) of that Act).”
- (7) In subsection (3), in the opening words, for “that Act” substitute “the Immigration Act 1971”.
- (8) After subsection (3) insert –
 - “(3A) But a provision of Schedule 2 to the Immigration Act 1971 which is expressed to relate only to a person who is detained or liable to detention under sub-paragraph (2) of paragraph 16 of that Schedule does not apply to a person who is detained or liable to detention under subsection (2A) of this section.”
- (9) In subsection (7), for “this section” substitute “subsection (1) or (2)”.
- (10) In subsection (7A), for “this section” substitute “subsection (1) or (2)”.
- (11) In section 60(8) of the Immigration Act 2016 (limitation on detention of pregnant women), in paragraph (c) of the definition of “relevant detention power”, after “section 62” insert “(1) or (2)”.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

113 After Clause 38, insert the following new Clause –

“Powers to grant immigration bail

- (1) Schedule 10 to the Immigration Act 2016 (immigration bail) is amended in accordance with subsections (2) to (4).
- (2) In paragraph 1 (power to grant immigration bail) –
 - (a) in sub-paragraph (1)(a), for “or (2)” substitute “, (2) or (2C)”,
 - (b) in sub-paragraph (3)(a), for “or (2)” substitute “, (2) or (2C)”, and
 - (c) in sub-paragraph (9), at end insert, “and paragraph 3A (legal proceedings)”.
- (3) In paragraph 3 (exercise of power to grant immigration bail) –
 - (a) in sub-paragraph (2), after paragraph (e) insert –

“(eza) whether the Secretary of State has a duty to make arrangements for the removal of the person from the United Kingdom under section (*Duty to make arrangements for removal*) of the Border Security, Asylum and Immigration Act 2025,”;
 - (b) after sub-paragraph (3) insert –

“(3A) A person who is being detained under paragraph 16(2C)(d)(iv) of Schedule 2 to the Immigration Act 1971 or section 62(2A)(d)(iv) of the Nationality, Immigration and Asylum Act 2002 (detention of unaccompanied child for purposes of removal) must not be granted immigration bail by the First-tier Tribunal until after the earlier of –

 - (a) the end of the period of 28 days beginning with the date on which the person’s detention under any provision of paragraph 16(2C) of Schedule 2 to the Immigration Act 1971 or section 62(2A) of the Nationality, Immigration and Asylum Act 2002 began, and
 - (b) the end of the period of 8 days beginning with the date on which the person’s detention under paragraph 16(2C)(d)(iv) of Schedule 2 to the Immigration Act 1971 or section 62(2A)(d)(iv) of the Nationality, Immigration and Asylum Act 2002 began.

(3B) A person who is being detained under –

 - (a) paragraph 16(2C)(a), (b), (c) or (d)(i) to (iii) of Schedule 2 to the Immigration Act 1971, or
 - (b) section 62(2A)(a), (b), (c) or (d)(i) to (iii) of the Nationality, Immigration and Asylum Act 2002,

must not be granted immigration bail by the First-tier Tribunal until after the end of the period of 28 days beginning with the date

on which the person's detention under paragraph 16(2C) of that Schedule or section 62(2A) of that Act began.

- (3C) Where a person is detained under a provision of the Immigration Act 1971 and then (without being released) under a provision of the Nationality, Immigration and Asylum Act 2002, or vice versa, the periods referred to in sub-paragraphs (3A) and (3B) begin with the date on which the person was first detained under the relevant provisions of either of those Acts."

- (4) After paragraph 3 insert –

"Legal proceedings

- 3A (1) This paragraph applies in relation to –

- (a) a decision to detain a person under the authority of an immigration officer under paragraph 16(2C) of Schedule 2 to the Immigration Act 1971,
 - (b) a decision to detain a person under the authority of the Secretary of State under section 62(2A) of the Nationality, Immigration and Asylum Act 2002, and
 - (c) where a person is being detained under a provision mentioned in paragraph (a) or (b), a decision of the Secretary of State to refuse to grant immigration bail to the person.
- (2) In relation to detention during the relevant period, the decision is final and is not liable to be questioned or set aside in any court or tribunal.
- (3) In particular –
- (a) the powers of the immigration officer or the Secretary of State (as the case may be) are not to be regarded as having been exceeded by reason of any error made in reaching the decision;
 - (b) the supervisory jurisdiction does not extend to, and no application or petition for judicial review may be made or brought in relation to, the decision.
- (4) Sub-paragraphs (2) and (3) do not apply so far as the decision involves or gives rise to any question as to whether the immigration officer or the Secretary of State is acting or has acted –
- (a) in bad faith, or
 - (b) in such a procedurally defective way as amounts to a fundamental breach of the principles of natural justice.
- (5) Sub-paragraphs (2) and (3) do not affect any right of a person to –
- (a) apply for a writ of habeas corpus, or
 - (b) in Scotland, apply to the Court of Session for suspension and liberation.
- (6) In this paragraph –
- “decision” includes any purported decision;

“relevant period” means the period of 28 days beginning with the date on which the person’s detention under the provision mentioned in sub-paragraph (1) began;

“the supervisory jurisdiction” means the supervisory jurisdiction of –

- (a) the High Court, in England and Wales or Northern Ireland, or
- (b) the Court of Session, in Scotland.”

- (5) In Schedule 3 to the Special Immigration Appeals Commission Act 1997 (bail: modifications of Schedule 10 to the Immigration Act 2016), in paragraph 3(a), after “(3),” insert “(3A), (3B),”.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

114 After Clause 38, insert the following new Clause –

“Decisions relating to a person’s age

- (1) This section applies if a relevant authority decides the age of a person (“P”) who meets the four conditions in section (*Duty to make arrangements for removal*) (duty to make arrangements for removal), whether that decision is for the purposes of this Act or otherwise.
- (2) If the decision is made on an age assessment under section 50 or 51 of the Nationality and Borders Act 2022, P may not bring an appeal against the decision under section 54(2) of that Act.
- (3) Subsections (4) and (5) apply if P makes an application for judicial review of –
 - (a) the decision mentioned in subsection (1), or
 - (b) any decision to make arrangements for the person’s removal from the United Kingdom under this Act which is taken on the basis of that decision.
- (4) The application does not prevent the exercise of any duty or power under this Act to make arrangements for the person’s removal from the United Kingdom.
- (5) The court or tribunal must determine the application on the basis that the person’s age is a matter of fact to be determined by the relevant authority; and accordingly the court or tribunal –
 - (a) may grant relief only on the basis that the decision was wrong in law, and
 - (b) may not grant relief on the basis that the court or tribunal considers the decision mentioned in subsection (1) was wrong as a matter of fact.
- (6) In this section “relevant authority” means –
 - (a) the Secretary of State,
 - (b) an immigration officer,
 - (c) a designated person within the meaning of Part 4 (age assessments) of the Nationality and Borders Act 2022,

- (d) a local authority within the meaning of that Part, subject to subsection (7), or
 - (e) a public authority within the meaning of that Part which is specified in regulations under section 50(1)(b) of that Act (referral of age-disputed person for age assessment).
- (7) This section applies in relation to a decision of a local authority which is a decision within subsection (1) only if it is for the purposes, or also for the purposes, of the local authority deciding whether or how to exercise any of its functions under relevant children's legislation within the meaning of Part 4 of the Nationality and Borders Act 2022.
- (8) For the purposes of this section, the cases in which a relevant authority decides the age of a person on an age assessment under section 50 or 51 of the Nationality and Borders Act 2022 include where a relevant authority is treated by virtue of regulations under section (*Age assessments: power to make provision about refusal to consent to scientific methods*) of this Act as having decided that a person is over the age of 18.
- (9) This section applies only in relation to a decision which is made after this section comes into force.
- (10) The Nationality and Borders Act 2022 is amended as follows.
- (11) In section 54(6) (appeals relating to age assessments) –
 - (a) omit the “and” at the end of paragraph (a), and
 - (b) at the end of paragraph (b) insert “, and
 - (c) section (*Decisions relating to a person's age*) of the Border Security, Asylum and Immigration Act 2025 (decisions relating to a person's age).”
- (12) In section 56(1) (new information following age assessment or appeal), for paragraph (b) (and the “and” at the end of that paragraph) substitute –
 - “(b) an appeal under section 54(2) –
 - (i) could no longer be brought (ignoring any possibility of an appeal out of time),
 - (ii) has been finally determined, or
 - (iii) may not be brought as a result of section (*Decisions relating to a person's age*)(2) of the Border Security, Asylum and Immigration Act 2025 (age assessments relating to removal under that Act), and”.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

115 After Clause 38, insert the following new Clause –

“Age assessments: power to make provision about refusal to consent to scientific methods

- (1) The Secretary of State may make regulations about the effect of a decision by a relevant person (“P”) not to consent to the use of a specified scientific method for the purposes of an age assessment of P where there are no reasonable grounds for P’s decision.
- (2) The regulations may provide that, in the circumstances set out in the regulations –
 - (a) section 52(7) of the Nationality and Borders Act 2022 (refusal to consent to scientific methods to be taken to damage credibility) does not apply, and
 - (b) P is to be treated as if the decision-maker had decided that P was over the age of 18.
- (3) In this section –

“age assessment” means an assessment under section 50 or 51 of the Nationality and Borders Act 2022;

“decision-maker” and “specified scientific method” have the same meanings as in Part 4 of the Nationality and Borders Act 2022 (see section 49 of that Act);

“relevant person” means a person who meets the four conditions in section(duty to make arrangements for removal).
- (4) In Part 4 of the Nationality and Borders Act 2022 (age assessments) –
 - (a) in section 52 (use of scientific methods in age assessments), in subsection (7), at the end insert “(See also section (*Age assessments: power to make provision about refusal to consent to scientific methods*) of the Border Security, Asylum and Immigration Act 2025 (power to make provision about refusal to consent to scientific methods).)”;
 - (b) in section 53 (regulations about age assessments), in subsection (1)(a)(iv), after “method,” insert “the circumstances in which a person may be considered to have reasonable grounds for a decision not to consent and”.

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 Moulsecoomb's name to clause 38 repealing section 12 of the Illegal Migration Act 2023.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

The above-named Lords give notice of their intention to oppose the Question that Clause 39 stand part of the Bill.

After Clause 39

LORD GERMAN
BARONESS HAMWEE
BARONESS JONES OF MOULSECOOMB

116 After Clause 39, insert the following new Clause –

“Repeal of certain provisions of the Nationality and Borders Act 2022

The following provisions of the Nationality and Borders Act 2022 are repealed –

- (a) sections 12 to 65;
- (b) sections 68 and 69.”

Member's explanatory statement

This new clause would repeal specified provisions of the Nationality and Borders Act 2022.

BARONESS HAMWEE
LORD GERMAN

117 After Clause 39, insert the following new Clause –

“Repeal of certain provisions of the Nationality and Borders Act 2022 (No. 2)

The following provisions of the Nationality and Borders Act 2022 are repealed –

- (a) sections 58 to 65;
- (b) sections 68 and 69.”

Member's explanatory statement

This amendment seeks to remove all the sections in Nationality and Borders Act 2022 relating to modern slavery victims.

LORD GERMAN

118 After Clause 39, insert the following new Clause –

“Determination of asylum claims

- (1) Within six months of the passing of this Act, the Secretary of State must publish an assessment of the impact of the Nationality and Borders Act 2022 on the determination of claims to asylum, on other functions of the Secretary of State relating to immigration and asylum, and on the courts and tribunals in relation to cases involving immigration or asylum.
- (2) An assessment under subsection (1) must include an evaluation of that Act’s impact on numbers and proportions of grants and refusal of asylum broken down into detail including specific consideration of the claims of –
 - (a) Afghan, Iranian and Eritrean nationals,
 - (b) women and girls, including main applicants and dependants, and
 - (c) children, including unaccompanied children.
- (3) A report of the assessment under subsection (1) must be laid before Parliament.”

Member's explanatory statement

This is a probing amendment to explore the rise in rates of refusal of asylum, which is particularly marked in relation to Afghan, Iranian and Eritrean people claiming asylum.

After Clause 40

LORD GERMAN
BARONESS HAMWEE

119 After Clause 40, insert the following new Clause –

“A three-month service standard for asylum casework

- (1) The Secretary of State must, within six months of the day on which this Act is passed, implement a three-month service standard for asylum casework.
- (2) The service standard must specify that 98% of initial decisions on all asylum claims should be made before the end of three months after the date of claim.”

Member's explanatory statement

This new clause would require UK Visas and Immigration to reintroduce a three-month service standard for decisions on asylum cases.

Before Schedule 1

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

120 Before Schedule 1, insert the following new Schedule –
“SCHEDULE

COUNTRIES AND TERRITORIES TO WHICH A PERSON MAY BE REMOVED.

- 1 Republic of Albania
- 2 Austria.
- 3 Belgium.
- 4 Bolivia.
- 5 Bosnia and Herzegovina.
- 6 Brazil.
- 7 Bulgaria.
- 8 Republic of Croatia.
- 9 Republic of Cyprus.
- 10 Czech Republic.
- 11 Denmark.
- 12 Ecuador.
- 13 Estonia.
- 14 Finland.
- 15 France.
- 16 Gambia (in respect of men).
- 17 Germany.
- 18 Ghana (in respect of men).
- 19 Greece.
- 20 Hungary.
- 21 Iceland.
- 22 India.
- 23 Republic of Ireland.
- 24 Italy.
- 25 Jamaica.
- 26 Kenya (in respect of men).
- 27 Kosovo.

- 28 Latvia.
- 29 Liberia (in respect of men).
- 30 Principality of Liechtenstein.
- 31 Lithuania.
- 32 Luxembourg.
- 33 Malawi (in respect of men).
- 34 Mali (in respect of men).
- 35 Malta.
- 36 Mauritius.
- 37 The Republic of Moldova.
- 38 Mongolia.
- 39 Montenegro.
- 40 Netherlands.
- 41 Nigeria (in respect of men).
- 42 North Macedonia.
- 43 Norway.
- 44 Peru.
- 45 Poland.
- 46 Portugal.
- 47 Romania.
- 48 Republic of Rwanda.
- 49 Serbia.
- 50 Sierra Leone (in respect of men).
- 51 Slovak Republic.
- 52 Slovenia.
- 53 South Africa.
- 54 South Korea.
- 55 Spain.
- 56 Sweden.
- 57 Switzerland.”

Schedule 1

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 121** Schedule 1, page 67, line 7, leave out paragraphs 2 and 3

Member's explanatory statement

This amendment probes what amendments to the definition of “relevant matters” the Government might seek to make.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 122** Schedule 1, page 74, leave out lines 15 to 18

Member's explanatory statement

This amendment probes why the Immigration Services Commissioner would need to give a person who is not a relevant person a penalty notice.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 123** Schedule 1, page 74, leave out lines 34 and 35

Member's explanatory statement

This amendment would remove the ability of the Secretary of State to amend the amount charged in a variable penalty notice.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 124** Schedule 1, page 76, line 23, at end insert—

“92EA Reporting requirement relating to appeals

- (1) The Secretary of State must, within 3 months of the day on which sections 92C, 92D and 92E come into effect, publish a report on the impact of backlogs in the First-Tier Tribunal on the operation of the monetary penalty scheme.
- (2) The report must be laid before both Houses of Parliament.”

Member's explanatory statement

This amendment would require the Secretary of State to publish a report assessing the impact of the tribunal backlogs on the operation of the monetary penalties that the immigration services commissioner can impose.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 125 Schedule 1, page 78, line 9, leave out “order” and insert “regulations”

Member's explanatory statement

This amendment seeks to alter the secondary instrument that is used to specify fees from an order to regulations.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 126 Schedule 1, page 78, line 12, leave out “order” and insert “regulations”

Member's explanatory statement

This amendment is consequential to the amendment to Schedule 1, page 78, line 9.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 127 Schedule 1, page 78, line 35, leave out “order” and insert “regulations”

Member's explanatory statement

This amendment is consequential to the amendment to Schedule 1, page 78, line 9.

BARONESS HAMWEE

- 128 Schedule 1, page 78, line 35, after “may” insert “not”

Member's explanatory statement

This amendment, together with Baroness Hamwee’s amendment to page 78, line 38, is intended to probe whether access to justice will be impeded if fees are imposed that go beyond the cost of the IAA exercising the specific function for which the fee is charged.

BARONESS HAMWEE

- 129 Schedule 1, page 78, line 38, leave out from beginning to end of line 2 on page 79

Member's explanatory statement

This amendment, together with Baroness Hamwee’s amendment to page 78, line 35, is intended to probe whether access to justice will be impeded if fees are imposed that go beyond the cost of the IAA exercising the specific function for which the fee is charged.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 130 Schedule 1, page 79, line 6, at end insert—
“12A In section 166 (regulations and orders), after paragraph (5)(c) insert—
“(ca) section 93A, or”.”

Member's explanatory statement

This amendment is consequential to the amendment to Schedule 1, page 78, line 9.

Clause 41

LORD GERMAN
BARONESS BRINTON

- 131 Clause 41, page 36, line 8, leave out subsection (17)

Member's explanatory statement

This amendment removes the retrospective element of the changes made by this clause.

After Clause 41

LORD GERMAN
BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF CHELMSFORD

- 132 After Clause 41, insert the following new Clause—

“Time limit on immigration detention

- (1) Subject to subsection (6), this section applies to any person (“P”) who is liable to detention under a relevant detention power.
- (2) P may not be detained under a relevant detention power for a period of more than 28 days from the relevant time.
- (3) If P remains detained under a relevant detention power at the expiry of the period of 28 days then—
 - (a) P shall be released forthwith, and
 - (b) P may not be detained under a relevant detention power thereafter, unless the Secretary of State or an immigration officer, as the case may be, is satisfied that there has been a material change of circumstances since P’s release and that the criteria in section [Initial detention: criteria and duration](1) are met.
- (4) In this section, “relevant detention power” means a power to detain under—
 - (a) paragraph 16(2) 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 of persons liable to examination or removal),
 - (d) section 36(1) of the UK Borders Act 2007 (detention pending deportation), or
 - (e) regulation 32(1) of the Immigration (European Economic Area) Regulations 2016 as it continues to have effect following its revocation (detention of person subject to removal).
- (5) In this section, “relevant time” means the time at which the detention begins.
- (6) This section does not apply to a person in respect of whom the Secretary of State has certified that the decision to detain is or was taken in the interests of national security.”

Member's explanatory statement

This amendment proposes a time limit of 28 days detention for persons detained for immigration purposes.

LORD GERMAN
BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF CHELMSFORD

133 After Clause 41, insert the following new Clause—

“Initial detention: criteria and duration

- (1) A person (“P”) to whom section (*Time limit on immigration detention*) applies may not be detained under a relevant detention power other than for the purposes of examination, unless the Secretary of State or an immigration officer, as the case may be, reasonably believes that—
 - (a) P can be shortly removed from the United Kingdom,
 - (b) detention is strictly necessary to effect P’s deportation or removal from the United Kingdom, and
 - (c) the detention of P is in all the circumstances proportionate.
- (2) P may not be detained under a relevant detention power for a period of more than 96 hours from the relevant time, unless—
 - (a) P has been refused bail at an initial bail hearing in accordance with subsection (5)(b) of section (*Bail hearings*), or
 - (b) the Secretary of State has arranged a reference to the Tribunal for consideration of whether to grant immigration bail to P in accordance with section (*Bail hearings*)(2)(c) and that hearing has not yet taken place.
- (3) Nothing in subsection (1) authorises the Secretary of State to detain P under a relevant detention power if such detention would, apart from this section, be unlawful.
- (4) In this section, “Tribunal” means the First-tier Tribunal.

- (5) In this section, “relevant detention power” and “relevant time” have the meanings given in section (*Time limit on immigration detention*).”

Member's explanatory statement

This amendment is connected to Lord German's new clause “Time limit on immigration detention”.

LORD GERMAN
BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF CHELMSFORD

134 After Clause 41, insert the following new Clause –

“Bail hearings

- (1) This section applies to any person (“P”) to whom section (*Time limit on immigration detention*) applies and who is detained under a relevant detention power.
- (2) Before the expiry of a period of 96 hours from the relevant time, the Secretary of State must –
 - (a) release P,
 - (b) grant immigration bail to P under paragraph 1 of Schedule 10 to the Immigration Act 2016, or
 - (c) arrange a reference to the Tribunal for consideration of whether to grant immigration bail to P.
- (3) Subject to subsection (4), when the Secretary of State arranges a reference to the Tribunal under subsection (2)(c), the Tribunal must hold an oral hearing (“an initial bail hearing”) which must commence within 24 hours of the time at which the reference is made.
- (4) If the period of 24 hours in subsection (3) ends on a Saturday, Sunday or Bank holiday, the Tribunal must hold an initial bail hearing on the next working day.
- (5) At the initial bail hearing, the Tribunal must –
 - (a) grant immigration bail to P under paragraph 1 of Schedule 10 to the Immigration Act 2016, or
 - (b) refuse to grant immigration bail to P.
- (6) Subject to subsection (7), the Tribunal must grant immigration bail to P at a bail hearing unless it is satisfied that the Secretary of State has established that the criteria in section (*Initial detention: criteria and duration*)(1) are met and that, in addition –
 - (a) directions have been given for P's removal from the United Kingdom and such removal is to take place within 21 days,
 - (b) a travel document is available for the purposes of P's removal or deportation, and
 - (c) there are no outstanding legal barriers to removal.
- (7) Subsection (6) does not apply if the Tribunal is satisfied that the Secretary of State has established that the criteria in section (*Initial detention: criteria and duration*)(1)

are met and that there are very exceptional circumstances which justify maintaining detention.

- (8) In subsection (6), “a bail hearing” means –
 - (a) an initial bail hearing under subsection (2), or
 - (b) the hearing of an application for immigration bail under paragraph 1(3) of Schedule 10 of the Immigration Act 2016 which takes place after the expiry of 96 hours from the relevant time.
- (9) In this section, “Tribunal” means the First-tier Tribunal.
- (10) The Secretary of State shall provide to P or to P’s legal representative, not more than 24 hours after the relevant time, copies of all documents in the Secretary of State’s possession which are relevant to the decision to detain.
- (11) At the initial bail hearing, the Tribunal shall not consider any documents relied upon by the Secretary of State which were not provided to P or to P’s legal representative in accordance with subsection (10), unless –
 - (a) P consents to the documents being considered, or
 - (b) in the opinion of the Tribunal there is a good reason why the documents were not provided to P or to P’s legal representative in accordance with subsection (10).
- (12) After sub-paragraph 12(4) of Schedule 10 to the Immigration Act 2016 insert –
 - “(5) Sub-paragraph (2) above does not apply if the refusal of bail by the First tier Tribunal took place at an initial bail hearing within the meaning of section (*Bail hearings*) of the Border Security, Asylum and Immigration Act 2025.”

Member’s explanatory statement

This amendment is connected to Lord German’s new clause “Time limit on immigration detention”.

LORD GERMAN
BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF CHELMSFORD

135

After Clause 41, insert the following new Clause –

“Detention time limit: consequential amendments

- (1) After paragraph (3)(d) of paragraph 17A of Schedule 2 to the Immigration Act 1971 insert –
 - “(e) sections (*Time limit on immigration detention*), (*Initial detention: criteria and duration*) and (*Bail hearings*) of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”
- (2) After sub-paragraph (5) of that paragraph insert –
 - “(5A) But sub-paragraph (5) is subject to sections (*Time limit on immigration detention*), (*Initial detention: criteria and duration*) and (*Bail hearings*) of the

Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”

- (3) For sub-paragraph (3C) of paragraph 2 of Schedule 3 to that Act substitute –

“(3C) Sub-paragraphs (3A) and (3B) are subject to –

 - (a) sub-paragraph (4ZA) and section 60 of the Immigration Act 2016 (limitation on detention of pregnant women), and
 - (b) sections (*Time limit on immigration detention*), (*Initial detention: criteria and duration*) and (*Bail hearings*) of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”
- (4) After sub-paragraph (3E) of that paragraph insert –

“(3F) But sub-paragraph (3E) is subject to sections (*Time limit on immigration detention*), (*Initial detention: criteria and duration*) and (*Bail hearings*) of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”
- (5) After paragraph (2P)(c) of section 62 of the Nationality, Immigration and Asylum Act 2002 insert –

“(d) sections (*Time limit on immigration detention*), (*Initial detention: criteria and duration*) and (*Bail hearings*) of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”
- (6) After subsection (2R) of that section insert –

“(2S) But subsection (2R) is subject to sections (*Time limit on immigration detention*), (*Initial detention: criteria and duration*) and (*Bail hearings*) of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”
- (7) For subsection (1C) of section 36 of the UK Borders Act 2007 substitute –

“(1C) Subsections (1A) and (1B) are subject to-

 - (a) sub-paragraph (2A) and section 60 of the Immigration Act 2016 (limitation on detention of pregnant women), and
 - (b) sections (*Time limit on immigration detention*), (*Initial detention: criteria and duration*) of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”
- (8) After subsection (1E) of that section insert –

“(1F) But subsection (1E) is subject to sections (*Time limit on immigration detention*), (*Initial detention: criteria and duration*) and (*Bail hearings*) of the Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”
- (9) After paragraph (5) of regulation 32 of the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052), as it continues to have effect following its revocation, insert –

“(5A) Regulations (2) to (5) are subject to sections (*Time limit on immigration detention*), (*Initial detention: criteria and duration*) and (*Bail hearings*) of the

Border Security, Asylum and Immigration Act 2025 (time limit on immigration detention etc).”

Member's explanatory statement

This amendment is consequential on Lord German's new clause "Time limit on immigration detention"

BARONESS JONES OF MOULSECOOMB

136 After Clause 41, insert the following new Clause—

“Amendment to section 117C of the Nationality, Immigration and Asylum Act 2002

For section 117C(5) of the Nationality, Immigration and Asylum Act 2002 substitute—

- “(5) Exception 2 applies where C has a genuine and subsisting relationship with a qualifying partner or a genuine and subsisting parental relationship with a qualifying child, and—
- (a) the effect of C's deportation on the partner would be unduly harsh, or
 - (b) it would not be reasonable to expect the child to leave the UK and it would not be reasonable to expect the child to remain in the UK without C.”

Member's explanatory statement

This new Clause seeks to ensure that an Article 8 ECHR human rights claim by a foreign criminal sentenced to less than 4 years' imprisonment can succeed if certain conditions are met. These include that they have a genuine and subsisting parental relationship with a qualifying child (that is, a British child or a child who has resided in the UK for more than 7 years) or a qualifying partner (that is, a British citizen, or someone settled in the UK within the meaning of the Immigration Act 1971).

LORD BACH
BARONESS LUDFORD
BARONESS PRASHAR
LORD CARLILE OF BERRIEW

137 After Clause 41, insert the following new Clause—

“Duty to make legal aid available to detained persons

- (1) The Lord Chancellor must ensure that civil legal services in relation to any of the matters set out in paragraphs 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 31A, 32 or 32A of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 are made available to any person who is detained under a relevant detention power within 48 hours of the relevant time.
- (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 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);
 - “relevant time” means –
 - (a) the time at which a person is first detained under a relevant detention power, and
 - (b) if a person has been released following detention under a relevant detention power, the time at which they are next detained under a relevant detention power.”

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 immigration matters within 48 hours of their detention.

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

138

After Clause 41, insert the following new Clause –

“Automatic deportation: Appeals

- (1) Subsection (2) applies to a person (“P”) who has been given a deportation order in accordance with section 32(5) of the UK Borders Act 2007.
- (2) P may not appeal against the deportation order but may only appeal against their conviction in accordance with section 1 of the Criminal Appeal Act 1968.
- (3) The UK Borders Act 2007 is amended in accordance with subsections (4) and (5).
- (4) In section 32, after subsection (7) insert –
 - “(8) An order made by the Secretary of State under subsection (5) is final, and not liable to be questioned or set aside in any court.”.

- (5) In section 34(2) omit “or sentence”.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

139 After Clause 41, insert the following new Clause –

“Offences and deportation

- (1) The Immigration Act 1971 is amended in accordance with subsection (2) and (3).
- (2) For section 3(6) substitute –
 - “(6) Where a person to whom this subsection applies is convicted of an offence, the court must sentence the person to deportation from the United Kingdom.
 - (6ZA) Subsection (6) applies to a person who –
 - (a) is not a British citizen, and
 - (b) who is over the age of seventeen.”
- (3) In section 24 –
 - (a) for subsection F1 substitute –
 - “(F1) A person who commits an offence under any of subsection (A1) to (E1) is liable on conviction to removal from the United Kingdom.”,
 - (b) after subsection F1 insert –
 - “(F2) The Secretary of State must make arrangements for the deportation of any person convicted of an offence under subsections (A1) to (E1).”, and
 - (c) in subsections (A1), (B1), (C1), (D1), (E1) and (1) omit “knowingly”.
- (4) The UK Borders Act 2007 is amended in accordance with subsections (5) to (7).
- (5) In section 32 –
 - (a) in subsection (1)(a), at the end insert “and”,
 - (b) in subsection (1)(b) for “and” substitute “or”,
 - (c) for subsection (1)(c) substitute –
 - “(c) who has been charged with or convicted of an offence under section 24 of the Immigration Act 1971”, and
 - (d) omit subsections (2) and (3).
- (6) In section 33, omit subsections (2), (3) and (6A).
- (7) In section 38 –
 - (a) omit subsection (1),
 - (b) in subsection (2)(a) for “does not include” substitute “includes”, and
 - (c) in subsection (4) omit paragraphs (b) and (d).
- (8) In section 6 of the Illegal Migration Act 2023, omit subsections (4) and (5).”

Member's explanatory statement

This new clause would prevent a foreign national who is convicted of any offence from remaining in the UK, as well as anyone who has been charged with or convicted with an immigration offence under section 24 of the Immigration Act 1971.

LORD SWIRE

140 After Clause 41, insert the following new Clause —

“Biannual statement on foreign criminals and illegal entrants in detention

- (1) The Secretary of State must, every six months, publish a statement detailing —
 - (a) the number of foreign criminals detained awaiting deportation under any authority broken down by nationality, and
 - (b) the number of illegal entrants detained for any purpose under any authority broken down by nationality.
- (2) For the purposes of this section —

“foreign criminals” has the same meaning as in section 32 of the UK Borders Act 2007 (automatic deportation);

“illegal entrant” means a person who —

 - (a) requires leave to enter the United Kingdom but does not have it, or
 - (b) has committed an offence under section 24 of the immigration Act 1971 (illegal entry and similar offences).”

LORD JACKSON OF PETERBOROUGH

141 After Clause 41, insert the following new Clause —

“Collection of data on overseas students subject to visa conditions and immigration rules

- (1) The Secretary of State must collate and publish —
 - (a) the number of overseas students who have had their student visas revoked as a result of the commission of criminal offences,
 - (b) the number of overseas students who have been deported following the revocation of their student visas, and
 - (c) the number of overseas students detained pending deportation following the revocation of their student visas.
- (2) Data published under subsection (1) must be broken down by nationality.
- (3) For the purposes of this section —

“overseas students” means any person who is not a British citizen who has been granted leave to enter or remain in the United Kingdom for the purposes of partaking in an educational course;

“student visa” has the same meaning as in the Immigration Rules.”

BARONESS LAWLOR

141A★ After Clause 41, insert the following new Clause—

“Collection of data on overseas students and their dependents

The Secretary of State must lay before Parliament an annual statement setting out data on—

- (a) the number of overseas students granted student visas, broken down by—
 - (i) nationality;
 - (ii) degree level, specifically—
 - (A) undergraduate study;
 - (B) post-graduate study;
 - (C) non-degree courses offered by universities.
 - (iii) duration of visas, and
- (b) the number of persons dependents of overseas students given visas with breakdown for—
 - (i) nationality;
 - (ii) degree level of the person granted an overseas student visa on which they are dependent, specifically—
 - (A) undergraduate study;
 - (B) postgraduate study;
 - (C) non-degree courses offered by universities.”

Clause 42

BARONESS LUDFORD
LORD OATES

142 Clause 42, page 36, line 27, leave out paragraph (a) and insert—

- “(a) P was granted leave to enter or remain in the United Kingdom by virtue of residence scheme immigration rules, which has not been cancelled, curtailed or revoked,”

Member's explanatory statement

This amendment ensures that all persons granted residence status in the UK under the EUSS, which has not been cancelled, curtailed, or revoked by the Secretary of State or an Immigration Officer, benefit from this Clause if they are not already a beneficiary of the Withdrawal Agreement.

BARONESS LUDFORD
LORD OATES

143 Clause 42, page 36, line 29, leave out paragraph (b) and insert—

- “(b) the leave in paragraph (a) was not granted by virtue of P being a person with a Zambrano right to reside or a family member of a qualifying British citizen as defined by residence scheme immigration rules.”

Member's explanatory statement

This amendment, together with the amendment to page 37, line 5 in the name of Baroness Ludford, seeks to ensure that any persons granted residence status in the UK, under the Chen or Ibrahim/Teixeira routes of the EUSS, which has not been cancelled, curtailed, or revoked by the Secretary of State or an Immigration Officer, benefit from the provisions in clause 42 if they are not already a beneficiary of the Withdrawal Agreement.

BARONESS LUDFORD
LORD OATES

- 144** Clause 42, page 36, line 32, leave out paragraph (c)

Member's explanatory statement

This amendment removes a provision that allows a person's EU Settlement Scheme status to be removed without applying procedural safeguards contained in the Withdrawal Agreement.

BARONESS LUDFORD
LORD OATES

- 145** Clause 42, page 37, line 5, leave out paragraph (a)

Member's explanatory statement

This amendment, together with the amendment to page 36, line 29 in the name of Baroness Ludford, seeks to ensure that any persons granted residence status in the UK, under the Chen or Ibrahim/Teixeira routes of the EUSS, which has not been cancelled, curtailed, or revoked by the Secretary of State or an Immigration Officer, benefit from the provisions in clause 42 if they are not already a beneficiary of the Withdrawal Agreement.

Clause 43

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 146** Clause 43, page 38, line 30, at end insert —

“(2A) After section 3(1) insert —

“(1A) The Secretary of State must, where a person breaches any of the conditions of their leave to enter or remain under subsection (1)(c), make a deportation order against the person.”.”

Member's explanatory statement

This amendment would ensure that anyone who breached a condition of their leave to enter or remain would be deported from the United Kingdom.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

147 Clause 43, page 38, line 30, at end insert –

“(2A) In section 24(1) (illegal entry and similar offences), for the words from “on” to “both,” substitute “with deportation from the United Kingdom”. ”

Member's explanatory statement

This amendment would ensure that anyone who breached a condition of their leave to enter or remain would be deported from the United Kingdom.

LORD ANDERSON OF IPSWICH
LORD KIRKHOPE OF HARROGATE
BARONESS HAMWEE

The above-named Lords give notice of their intention to oppose the Question that Clause 43 stand part of the Bill.

After Clause 43

LORD BACH

148 After Clause 43, insert the following new Clause –

“Powers of Secretary of State to enable person to meet bail conditions

In Schedule 10 of the Immigration Act 2016 (immigration bail), in paragraph 9(1)(a), omit “specified in the condition” and insert “that is known at the time of the grant or variation of immigration bail, or an address that is yet to be specified”. ”

Member's explanatory statement

This amendment seeks to ensure that a person can apply for bail accommodation without already having a grant of bail to a specific address.

After Clause 44

LORD SWIRE

149 After Clause 44, insert the following new Clause –

“Powers relating to identity documents

After section 28I of the Immigration Act 1971, insert –

“28IA Power to search for and seize identity documents

(1) This section applies to –

- (a) any person (“A”) who is not a British citizen and who has been arrested for an offence under this Part at a place other than a police station;

- (b) any person (“B”) who has made a claim for asylum;
 - (c) any person (“C”) in respect of whom the Secretary of State has decided –
 - (i) to make a deportation order, or
 - (ii) that section 32(5) of the UK Borders Act 2007 (automatic deportation of foreign criminals) applies;
 - (d) any person (“D”) who has been detained under paragraph 16 of Schedule 2 of this Act or arrested under paragraph 17 of that Schedule;
 - (e) any person (“E”) who has been refused leave to enter the United Kingdom but has been granted immigration bail under Schedule 10 to the Immigration Act 2016.
- (2) A person to whom this section applies must surrender any identity document they have in their possession to an immigration officer.
- (3) If a person to whom this section applies does not surrender an identity document, an immigration officer must search the person for any identity document the person may have in their possession.
- (4) An immigration officer searching a person under subsection (3) must seize and retain any identity document the officer finds.
- (5) Any identity document seized under subsection (4) must be retained for the relevant period.
- (6) The relevant period begins –
- (a) for A, on their arrest;
 - (b) for B, on the making of their claim for asylum;
 - (c) for C, when they are notified of the decision mentioned in subsection 1(c);
 - (d) for D, on their detention or arrest;
 - (e) for E, on the decision to grant them bail.
- (7) The relevant period ends on the earliest of the following –
- (a) the grant of leave to enter or remain in the United Kingdom;
 - (b) for A, either –
 - (i) on their removal or deportation from the United Kingdom, or
 - (ii) on their acquittal;
 - (c) for B, on the final determination or abandonment of their claim for asylum;
 - (d) for C, D or E, their removal or deportation from the United Kingdom;
 - (e) for C –
 - (i) the time when the decision mentioned in subsection (1)(c) ceases to have effect, whether as a result of an appeal or otherwise, or

- (ii) if a deportation order has been made against them, its revocation or its otherwise ceasing to have effect;
- (f) for D, their release if they are no longer liable to be detained under paragraph 16 of Schedule 2 to the 1971 Act.
- (8) At the end of the relevant period, an immigration officer must return any identity document that was seized and retained to the person from whom the identity document was seized.
- (9) An immigration officer may use any seized identity document for any immigration function conferred by the Immigration Acts.
- (10) In this section –
 - “claim for asylum” has the same meaning as in Part VI of the Immigration and Asylum Act 1999;
 - “identity document” has the same meaning as in section 7 of the Identity Documents Act 2010.

28IB Requirement to give biometric identity document

- (1) An immigration officer who has seized an identity document from a person under section (28IA)(4) must give the person a biometric registration card.
- (2) The biometric registration card must –
 - (a) contain information identifying the person’s nationality,
 - (b) link to relevant biometric information collected for the person, and
 - (c) contain any other features that the Secretary of State may specify in regulations.
- (3) It is an offence to tamper with, or destroy, or alter in any way, a biometric identity document.
- (4) It is an offence for a person to –
 - (a) make a false biometric identity document,
 - (b) alter a biometric identity document with intent to deceive or to enable another to deceive,
 - (c) have a false or altered biometric identity document in the person’s possession without reasonable excuse,
 - (d) use or attempt to use a false biometric identity document for a purpose for which a biometric identity document is issued,
 - (e) use or attempt to use an altered biometric identity document with intent to deceive,
 - (f) make an article designed to be used in making a biometric identity document card,
 - (g) make an article designed to be used in altering a biometric identity document with intent to deceive or to enable another to deceive, or
 - (h) have an article within paragraph (f) or (g) in the person’s possession without reasonable excuse.

- (5) A person who commits an offence under subsections (3) or (4) is liable –
 - (a) on conviction on indictment, to imprisonment for a term not exceeding ten years, or a fine, or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both.
- (6) For the purposes of this section, “relevant biometric information” means any biometric information collected under –
 - (a) section 141 of the Immigration and Asylum Act 1999,
 - (b) the Immigration (Collection, Use and Retention of Biometric Information and Related Amendments) Regulations 2021, or
 - (c) any regulations made under section 5 of the UK Borders Act 2007.
- (7) Regulations in subsection (2)(c) must be made by statutory instrument and are subject to annulment in pursuance of a resolution of either House of Parliament.””

Clause 45

BARONESS HAMWEE

150 Clause 45, page 42, line 9, at end insert –

“(3A) In section 15, after subsection (7) insert –

“(8) The Secretary of State may take such reasonable steps as they consider appropriate to ensure that employers and other persons referred to in section 14A(1) have been made aware of the provisions of sections 14A and 15A.””

Member's explanatory statement

This amendment is intended to probe the impact on businesses and employers of this section.

After Clause 45

LORD GERMAN
BARONESS BRINTON
LORD ALTON OF LIVERPOOL

151 After Clause 45, insert the following Clause –

“Removal of restrictions on asylum seekers engaging in employment

The Secretary of State must, within three months of the date on which this Act is passed, lay before 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 asylum applicants to take up employment whilst their application is being determined, if it has been over three months since the application was made, with no decision made.”

Member's explanatory statement

This new clause would remove the restriction on working for asylum seekers, if it has been over three months since they applied.

LORD GERMAN
BARONESS LISTER OF BURTERSETT
LORD ALTON OF LIVERPOOL

152 After Clause 45, insert the following new Clause –

“Granting the right to work to potential victims of human trafficking and modern slavery

The Secretary of State must, within three months of the date on which this Act is passed, lay before 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 potential victims of human trafficking and modern slavery with a positive reasonable grounds decision in the National Referral Mechanism to take up employment if they have waited more than three months for a conclusive grounds decision to be made.”

Member's explanatory statement

This amendment would allow people in the National Referral Mechanism to work if they have been waiting for more than three months for a Conclusive Grounds decision to be made.

BARONESS HAMWEE
BARONESS LISTER OF BURTERSETT
BARONESS O'GRADY OF UPPER HOLLOWAY

153 After Clause 45, insert the following new Clause –

“Migrant domestic workers

- (1) The Secretary of State must amend the Immigration Rules to make provision for the matters in subsection (2).
- (2) All holders of domestic worker or diplomatic domestic worker visas, including those working for staff of diplomatic missions, must be entitled –
 - (a) to change their employer (but not work sector) without restriction, but must register such change with the Home Office;
 - (b) to renew their domestic worker or diplomatic domestic worker visa for a period of not less than 12 months, provided they are in employment at the date of application and able to support themselves without recourse to public funds, and to make successive applications;
 - (c) to apply for leave to enter and remain for their spouse or partner and any child under the age of 18 for a period equivalent to the unexpired period of their visa and of any subsequent visa;

- (d) to be granted indefinite leave to remain after five continuous years of residence in the United Kingdom if at the date of application their employer proposes to continue their employment.”

Member's explanatory statement

This amendment would reinstate the rights and protections that domestic workers had under the terms of the original Overseas Domestic Worker visa, in place from 1998 to 2012.

LORD WATSON OF INVERGOWRIE
LORD GERMAN

154

After Clause 45, insert the following new Clause –

“Workforce strategy: migrant fishers on Code 7 (contract seamen) stamp

- (1) The Secretary of State shall, within six months of this Act being passed, commission a report by the Migration Advisory Committee on workforce strategy regarding the risk of exploitation of migrant fishers on the Code 7 (contract seamen) stamp.
- (2) The report shall –
 - (a) examine –
 - (i) the extent to which the Code 7 stamp is being used to recruit migrant fishers on UK flagged vessels,
 - (ii) what work is being carried out by migrant fishers on behalf of fishing vessel owners, and
 - (iii) the extent to which migrant fishers on the Code 7 stamp feel unable to assert their employment rights, due to their immigration status denying them the right to work inside the UK,
 - (b) make recommendations to the Secretary of State as to how the recruitment needs of the fishing industry can be supported while ensuring all migrant fishers are recognised as workers and are able to access their employment rights, and
 - (c) make recommendations to the Secretary of State as to how migrant fishers on the Code 7 stamp can be supported in the assertion of their employment rights.
- (3) The report shall be completed within three months of being commissioned and the Secretary of State shall, as soon as is practicable after receipt of the report, publish the report and lay it before both Houses of Parliament.
- (4) The Secretary of State shall, within three months of receipt of the report –
 - (a) respond to the recommendations in the report, and
 - (b) publish the response and lay it before both Houses of Parliament.”

Member's explanatory statement

This amendment would require the Secretary of State to commission a review of the workforce strategy of the fishing industry in relation to the exploitation of migrant fishers and then make recommendations on how fishing recruitment needs can be met, while ensuring that risks of labour exploitation are addressed.

BARONESS LAWLOR

154A★ After Clause 45, insert the following new Clause —

“Amendments to section 15 of the Immigration, Asylum and Nationality Act 2006

- (1) Section 15 (Penalty) of the Immigration, Asylum and Nationality Act 2006 is amended as follows.
- (2) At end of subsection (1)(b), insert “or,
 - (c) the employment involves using a vehicle, car, taxi, scooter, motorbike or e-bicycle to deliver goods, meals or groceries, whether powered by combustion engine or electric battery or hybrid technology, and he or she does not have a full driving licence.”
- (3) At end of subsection (6)(b), insert “which shall be £10,000.”

Clause 46

BARONESS HAMWEE

155 Clause 46, page 43, line 28, leave out “reasonably practicable to do so” and insert “reasonable or reasonably practicable to do so having regard to other matters before or likely to come before the Tribunal”

Member’s explanatory statement

This amendment is intended to probe whether the resources of the Tribunal and legal aid practitioners are sufficient to ensure cases are heard fairly within this 24-week timeframe.

After Clause 46

LORD REES OF EASTON
LORD ALTON OF LIVERPOOL
LORD BARBER OF AINSDALE
THE LORD BISHOP OF CHELMSFORD

155A After Clause 46, insert the following new Clause —

“Reports on restrictions on asylum seekers engaging in employment

- (1) The Secretary of State must publish a report explaining what progress has been made towards providing asylum applicants with the right to take up employment whilst their application is being determined.
- (2) A report under subsection (1) must be published —
 - (a) by 31 December 2025, or
 - (b) within three months of the passing of this Act, whichever is earliest.

- (3) The Secretary of State must make a further report under subsection (1) at least every 12 months after the publication of the first report, until the restrictions on asylum seekers engaging in employment are removed.
- (4) Any report under subsection (1) must include a review of –
 - (a) the current 12 month waiting period attached to the permission to work, and
 - (b) the restriction of roles to the Immigration Salary List.
- (5) The Secretary of State must make arrangements for –
 - (a) A copy of any report published under subsection (1) to be laid before both Houses of Parliament before the end of the day on which it is published, or the next sitting day if it is published on a non-sitting day;
 - (b) the House of Commons to debate a motion, made by a Minister of the Crown, to the effect that the House of Commons has considered the report;
 - (c) the House of Lords to debate a motion, made by a Minister of the Crown, to the effect that the House of Lords has considered the report.
- (6) The Secretary of State must make arrangements for the debates required under subsections (5)(b) and (c) to be held within 25 sitting days of the day on which the report is laid before Parliament.”

Member's explanatory statement

This new clause would require the Secretary of State to report back to Parliament annually on the Government's working rights policies for people in the asylum system, and for both Houses of Parliament to debate a motion on the report.

Clause 47

BARONESS HAMWEE

- 156** Clause 47, page 44, line 19, leave out “reasonably practicable to do so” and insert “reasonable or reasonably practicable to do so having regard to other matters before or likely to come before the Tribunal”

Member's explanatory statement

This amendment is intended to probe whether the resources of the Tribunal and legal aid practitioners are sufficient to ensure cases are heard fairly within this 24-week timeframe.

After Clause 47

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 157** After Clause 47, insert the following new Clause –

“Report on appeals backlog

- (1) Within the period of three months beginning on the day on which this Act is passed the Secretary of State must publish a statement specifying the date by

which he expects all cases subject to Sections 46 and 47 to be determined within the period of 24 weeks.

- (2) Within the period of 12 months beginning on the day on which this Act is passed the Secretary of State must publish a report stating the number of cases subject to Sections 46 and 47 which have not been determined within the period of 24 weeks.
- (3) The statement prepared under subsection (1) and the report prepared under subsection (2) must be laid before both Houses of Parliament.”

Member's explanatory statement

This amendment would require the Secretary of State to publish a statement of the date by which he expects appeals to be heard within 24 weeks and a report stating the actual number of cases not heard within that period.

Clause 48

LORD JACKSON OF PETERBOROUGH

158 Clause 48, page 45, line 11, at end insert –

“(1A) After subsection (4) insert –

“(4A) A person is convicted by a final judgement of a particularly serious crime if –

- (a) the person is convicted of an offence under –
 - (i) Part III of the Immigration Act 1971, or
 - (ii) sections 13, 14, or 18 of the Border Security, Asylum and Immigration Act 2025, and
- (b) the person is not, by virtue of the conviction, a person falling within subsection (2).

(4B) A person is convicted by a final judgement of a particularly serious crime if –

- (a) the person is convicted outside the United Kingdom of an offence,
- (b) the act constituting the offence would have constituted an offence under –
 - (i) sections 24 or 24A of the Immigration Act 1971, or
 - (ii) sections 13, 14, or 18 of the Border Security, Asylum and Immigration Act 2025,
 had it been done in any part of the United Kingdom, and
- (c) the person is not, by virtue of the conviction, a person falling within subsection (3).”

Member's explanatory statement

This amendment would ensure that illegal entrants and those who commit immigration crimes are included in the definition of particularly serious crime for the purposes of the interpretation of Article 33 of the Refugee Convention, meaning that they would be able to be removed from the United Kingdom.

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

159 Clause 48, page 45, line 13, leave out “to be presumed to have been”

Member's explanatory statement

This amendment seeks to standardise the language in clause 48 with the language in section 72 of the Nationality, Immigration and Asylum Act 2002.

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

160 Clause 48, page 45, line 19, leave out “to be presumed to have been”

Member's explanatory statement

This amendment seeks to standardise the language in clause 48 with the language in section 72 of the Nationality, Immigration and Asylum Act 2002.

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

161 Clause 48, page 45, line 28, leave out subsections (3) to (8)

Member's explanatory statement

This amendment seeks to standardise the language in clause 48 with the language in section 72 of the Nationality, Immigration and Asylum Act 2002.

After Clause 48

BARONESS LISTER OF BURTERSETT
BARONESS NEUBERGER
LORD DUBS
BARONESS BRINTON

162 After Clause 48, insert the following new Clause –

“Age and safeguarding assessments at the port of entry

- (1) A person who claims to be a child must not be subject to a visual age assessment by Border Force officials solely for immigration control purposes.
- (2) Any such assessment must be conducted as part of a safeguarding determination to identify potential risks and support needs.
- (3) A visual age assessment at the port of entry must not result in the assignment of a specific chronological age to the individual.
- (4) Border Force officials may only determine whether, in their view, the person is a child or an adult.

- (5) Where there is doubt as to whether an individual is a child, the presumption must be that the individual is treated as a child unless and until a comprehensive age assessment is conducted by local authority social workers in accordance with Merton compliant age assessment procedures.
- (6) The Secretary of State must publish guidance on the implementation of this section, including —
 - (a) the training and qualifications required for officials carrying out safeguarding assessments;
 - (b) mechanisms for independent oversight and review of age determination decisions;
 - (c) safeguards to ensure that no child is placed at risk as a result of incorrect age assessments at the port of entry.”

Member's explanatory statement

This amendment seeks to ensure that visual age assessments focus on safeguarding rather than immigration enforcement, removes the Home Office's power to assign a specific age at the border, and to strengthen independent oversight and child protection safeguards.

BARONESS LISTER OF BURTERSETT
 BARONESS NEUBERGER
 LORD DUBS
 BARONESS BRINTON

163

After Clause 48, insert the following new Clause —

“Age assessments for individuals claiming asylum

- (1) Age assessments for individuals claiming asylum must be conducted by a qualified local authority social worker.
- (2) Age assessments for individuals claiming asylum must be carried out in accordance with the Association of Directors of Children's Services age assessment guidance or equivalent guidance in the devolved jurisdictions.
- (4) Age assessments for individuals claiming asylum must follow a process that ensures an impartial, multi-agency approach, drawing on a range of relevant expertise, including but not limited to professionals from healthcare, education, and child welfare, as necessary to ensure the child's best interests. This must specifically include consultation with —
 - (a) Independent Child Trafficking Guardians (ICTGs), where appointed, and
 - (b) local authority-appointed advocates.
- (5) Scientific methods for assessing age must not be used unless the Secretary of State obtains written approval from the relevant medical, dental, and scientific professional bodies confirming that the method is both ethical and has a high degree of accuracy in determining age.
- (6) Any body established to oversee or conduct age assessments for individuals claiming asylum must be operationally independent of the Home Office.”

Member's explanatory statement

This new Clause aims to ensure that age assessments for individuals claiming asylum are conducted fairly, accurately, and in the best interests of the child. It mandates that assessments be carried out by qualified local authority social workers following recognised guidance and using a multi-agency approach. It restricts the use of scientific methods unless proven ethical and highly accurate, requires consultation with key child welfare professionals, and ensures that any oversight body remains independent of the Home Office.

LORD GERMAN
BARONESS HAMWEE
LORD ALTON OF LIVERPOOL

164 After Clause 48, insert the following Clause—

“Additional safe and legal routes

The Secretary of State must, within six months of the passage of this Act, make regulations to—

- (a) provide an increased multi annual quota for the safe and legal route provided by the UK Resettlement Scheme through which refugees and other individuals requiring international protection can enter the UK lawfully, and
- (b) specify additional safe and legal routes under the UK Resettlement Scheme through which refugees and other individuals requiring international protection can enter the UK lawfully.”

Member's explanatory statement

This new clause would require the Secretary of State to make regulations specifying additional safe and legal routes under the UK Settlement Scheme, under which refugees and others in need of international protection can come to the UK lawfully from abroad.

BARONESS HAMWEE
LORD GERMAN

165 After Clause 48, insert the following Clause—

“Reuniting unaccompanied child refugees with family members

- (1) Within six months of the passing of this Act, the Secretary of State must by immigration rules make the changes set out in subsections (2) to (6).
- (2) The requirements to be met by a person seeking leave to enter the United Kingdom as a child relative of a person or persons given limited leave to enter or remain in the United Kingdom, as a refugee or beneficiary of humanitarian protection, are that the applicant—
 - (a) is the child, grandchild, sister, brother, nephew or niece of a person or persons granted limited leave to enter or remain as a refugee or beneficiary of humanitarian protection granted as such under the immigration rules,
 - (b) is under the age of 18,

- (c) can, and will, be accommodated adequately by the person or persons the child is seeking to join without recourse to public funds in accommodation which the person or persons the child is seeking to join, own or occupy exclusively,
 - (d) can, and will, be maintained adequately by the person or persons the child is seeking to join, without recourse to public funds, and
 - (e) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.
- (3) The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the close relative of a child with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection are that the applicant is –
 - (a) a parent, grandparent, sister, brother, aunt or uncle of a child with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection,
 - (b) joining a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom who is under the age of 18 and not living with a parent or grandparent, and
 - (c) can, and will, be accommodated adequately, together with any dependants, without recourse to public funds.
- (4) Limited leave to enter the United Kingdom as an applicant under subsection (2) or (3) may be granted for five years provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as an applicant under subsections (2) or (3) may be granted provided the Secretary of State is satisfied that each of the requirements of subsections (2) or (3) is met.
- (5) Limited leave to enter the United Kingdom as an applicant under subsection (2) or (3) is to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as an applicant under subsection (2) or (3) is to be refused if the Secretary of State is not satisfied that each of the requirements of subsections (2) or (3) is met.
- (6) Civil legal services are to be provided to an applicant under subsections (2) or (3) in relation to rights to enter, and to remain in, the United Kingdom pursuant to schedule 1, subsection 30(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.”

Member's explanatory statement

This new clause would require changes to the immigration rules to extend the family members that could apply to join an unaccompanied child refugee in the UK, to include parents, grandparents, sisters, brothers, uncles and aunts, and to allow unaccompanied child refugees to sponsor close adult family members to join them in the UK. It also provides for legal aid to be available in such cases.

BARONESS HAMWEE
LORD GERMAN
BARONESS JONES OF MOULSECOOMB

166 After Clause 48, insert the following Clause –

“Refugee family reunion

- (1) The Secretary of State must, within 6 months of the date on which this Act is passed, lay before 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 well being 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.

40

- (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, and
 - (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.

LORD JACKSON OF PETERBOROUGH

As an amendment to Amendment 166

167

In subsection (1), leave out “must” and insert “may”

LORD JACKSON OF PETERBOROUGH

As an amendment to Amendment 166

168

After subsection (3), insert –

- “(3A) But rules issued under subsections (1) and (3) may not grant family reunion status or grant leave to enter and remain to any person who –
- (a) has previously been removed from the United Kingdom,
 - (b) would be considered a foreign criminal under section 32 of the UK Borders Act 2007 (automatic deportation), or
 - (c) has committed an offence under section 24 (illegal entry and similar offences), 24A (deception) or 24B (illegal working) of the Immigration Act 1971.”

LORD JACKSON OF PETERBOROUGH

As an amendment to Amendment 166

169

In subsection (5)(b), leave out “, civil partner or unmarried partner” and insert “or civil partner”

LORD JACKSON OF PETERBOROUGH

As an amendment to Amendment 166

170

In subsection (5), leave out paragraphs (d) and (e)

LORD JACKSON OF PETERBOROUGH

As an amendment to Amendment 166

171 After subsection (5)(e)(iv), insert—

“(iva) the importance of maintaining a secure border,”

BARONESS HAMWEE
LORD GERMAN

172 After Clause 48, insert the following Clause—

“Victims of slavery or human trafficking: protection from immigration offences

- (1) The Modern Slavery Act 2015 is amended as follows.
- (2) In section 52 (Duty to notify Secretary of State about suspected victims of slavery or human trafficking), after subsection (2), insert—

“(2A) The Secretary of State must make such arrangements as they consider reasonable to ensure that notification under this section does not include the supply of information to relevant persons or authorities that might indicate that—

- (a) the victim has committed an offence under sections 24 to 26 of the Immigration Act 1971, or
- (b) the victim might otherwise meet the requirements for removal from the United Kingdom or for investigation pending removal.

(2B) For the purposes of subsection (2A), “relevant persons or authorities” include—

- (a) a Minister of the Crown or a government department;
- (b) an immigration officer;
- (c) a customs official;
- (d) a law enforcement officer;
- (e) the Director of Border Revenue;
- (f) the Border Security Commander;
- (g) a UK authorised person;
- (h) the government of a country or territory outside the United Kingdom.”

Member's explanatory statement

This new clause would prevent a public authority, when determining whether a person is a victim of slavery or human trafficking, from sharing information with immigration authorities and other public authorities that might result in deportation or prosecution for an immigration offence.

LORD GERMAN
BARONESS HAMWEE

173 After Clause 48, insert the following Clause –

“Humanitarian travel permit

- 5 (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.
- 10 (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.
- 15 (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.
- 20 (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.
- 25 (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).
- 30 (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.
- 35 (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) For the purposes of 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 paragraph(1);

- 40 “entry clearance” has the same meaning as in section 33(1) of the Immigration
Act 1971;
- “persecution” is defined in accordance with the Refugee Convention;
- 45 “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”),
 - 50 (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”);
- 55 “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 new clause would create a new “humanitarian travel permit”.

LORD JACKSON OF PETERBOROUGH

As an amendment to Amendment 173

- 174 In subsection (3), leave out paragraphs (c) and (d)

BARONESS BRINTON
LORD GERMAN

- 175 After Clause 48, insert the following Clause –

“Report on impact of carers’ minimum wage on net migration

The Secretary of State must, within 12 months of the day on which this Act is
passed, lay before Parliament a report on the impact of introducing a minimum
wage for carers on levels of net migration.”

Member’s explanatory statement

*This new clause would require the Government to publish a report on how implementing a carers’
minimum wage would impact on levels of net migration.*

BARONESS BRINTON
LORD GERMAN

176 After Clause 48, insert the following Clause —

“Exemption of NHS workers from immigration skills charge

The Secretary of State must, within six months of the day on which this Act is passed, amend the Immigration Skills Charge Regulations 2017 (S.I. 2017/499) to exempt National Health Service workers from the immigration skills charge for sponsoring a Skilled Worker or a Senior or Specialist worker.”

Member's explanatory statement

This new clause would require the Secretary of State to apply an exception to the NHS as an employer from having to pay the immigration skills charge when sponsoring skilled employees.

LORD DUBS
LORD KERR OF KINLOCHARD
THE LORD BISHOP OF CHELMSFORD
BARONESS HAMWEE

177 After Clause 48, insert the following new Clause —

“Family reunion for asylum seeking children outside the United Kingdom

- (1) The Secretary of State must, within six months of the day on which this Act is passed, lay before both Houses of Parliament a statement of changes to the immigration rules under section 3(2) of the Immigration Act 1971 to make provision for entry clearance or leave to remain for asylum seeking children outside the United Kingdom of persons granted protection status in the United Kingdom, for the purpose of family reunion.
- (2) In this section —
 - “Asylum seeking children” means children outside the United Kingdom who are —
 - (a) under the age of 18, and
 - (b) the sibling, half-sibling, niece, nephew, grandchild, or stepchild of the person granted protection status.
 - “Protection status” means a person granted —
 - (a) refugee leave,
 - (b) refugee permission to stay,
 - (c) humanitarian protection,
 - (d) temporary refugee permission,
 - (e) temporary humanitarian permission to stay,
 - (f) Section 67 leave, or
 - (g) Calais leave.
- (3) The immigration rules made under subsection (1) must provide that an application under those rules:

- (a) must not be refused solely on the basis of maintenance and accommodation requirements,
 - (b) must not be subject to any application fee, and
 - (c) must not be subject to the immigration health surcharge under section 38 of the Immigration Act 2014.
- (4) A person granted leave to enter or remain under the immigration rules made pursuant to this section must not be subject to a “no recourse to public funds” condition.
- (5) In determining an application under this section, the Secretary of State must have regard to—
 - (a) the best interests of the child as a primary consideration, interpreted in accordance with Article 3 of the United Nations Convention on the Rights of the Child,
 - (b) the importance of maintaining family unity,
 - (c) any emotional, psychological, physical, or financial dependency between the child and the person granted protection status, and
 - (d) any risks to the child’s safety and well-being if the application is refused.
- (6) The Secretary of State must take reasonable steps to facilitate the safe and lawful travel of a child granted entry under this section, including through cooperation with relevant authorities and agencies in the country in which the child resides.”

Member's explanatory statement

This amendment seeks to ensure that children outside the United Kingdom can be reunited with close family members who have been granted protection status in the UK, where it is in the child’s best interests. The new Clause removes existing financial barriers to reunion.

BARONESS HAMWEE
LORD GERMAN
THE LORD BISHOP OF SHEFFIELD

178 After Clause 48, insert the following new Clause—

“Refugee family reunion for children

- (1) This section applies to a person who—
 - (a) has been granted refugee status or humanitarian protection in the United Kingdom, and
 - (b) was under the age of 18 at the time of their asylum application.
- (2) A person to whom this section applies shall have the same right to sponsor family members for entry to the United Kingdom under refugee family reunion provisions as an adult refugee.
- (3) For the purposes of subsection (2), the following family members shall be eligible for family reunion—
 - (a) the person's parents or legal guardians,
 - (b) the person's siblings under the age of 18, and

- 15 (c) any other family member where there are exceptional circumstances, including dependency or humanitarian need.
- (4) An application under this section shall be considered in accordance with the same criteria and procedures applicable to adult refugees applying for family reunion.
- 20 (5) The Secretary of State shall issue guidance to ensure that applications under this provision are processed in a timely and child-sensitive manner, prioritising the best interests of the child.”

Member's explanatory statement

This clause removes the current barrier preventing child refugees from sponsoring family members and ensures they have the same family reunion rights as adult refugees.

LORD JACKSON OF PETERBOROUGH

As an amendment to Amendment 178

- 179 In subsection (3), leave out paragraph (c)

BARONESS BRINTON
THE LORD BISHOP OF SHEFFIELD

- 180 After Clause 48, insert the following new Clause –

“Mandatory referral for age assessment in criminal proceedings

Where an individual who claims to be under 18 years of age is charged with an offence of illegal entry or facilitating illegal entry under immigration law, the Home Office must –

- (a) make an immediate mandatory referral to the relevant local authority for a comprehensive Merton-compliant age assessment, and
- (b) ensure that no prosecution proceeds until an assessment has been completed and the individual’s age is confirmed.”

Member's explanatory statement

This amendment seeks to ensure that individuals who may be children are required to have a comprehensive age assessment before any criminal proceedings for immigration offences can proceed, ensuring they are properly assessed and safeguarded in line with child protection principles.

BARONESS COUSSINS
BARONESS MORRIS OF YARDLEY
LORD SHERBOURNE OF DIDSBURY

- 181 After Clause 48, insert the following new Clause –

“Translation and interpreting services

Immigrants and asylum seekers shall have the right, when needed, to professional, qualified translators and interpreters in relation to all oral and written communications concerning –

- (a) deportation,
- (b) detention,
- (c) control,
- (d) biometric data,
- (e) residency schemes and rules,
- (f) monitoring devices,
- (g) appeals,
- (h) accommodation, and
- (i) any other procedure mentioned in Part 2.”

BARONESS HAMWEE
BARONESS JONES OF MOULSECOOMB

182 After Clause 48, insert the following new Clause –

“Victims of slavery or human trafficking: leave to remain

- (1) Where a decision has been made by a competent authority that a person is a victim of slavery or human trafficking (a “positive conclusive grounds decision”), that person must be granted –
 - (a) leave to remain lasting for a period of at least 60 months, and
 - (b) access to support services and employment.
- (2) A person granted leave as a victim of trafficking and modern slavery will be eligible for settlement after 5 years.”

Member's explanatory statement

This amendment ensures that recognised victims of trafficking (those who have received a positive conclusive grounds decisions) will be able to access meaningful long-term support and recovery.

BARONESS MAY OF MAIDENHEAD
LORD RANDALL OF UXBRIDGE
BARONESS CHAKRABARTI
BARONESS BUTLER-SLOSS

183 After Clause 48, insert the following new Clause –

“Modern slavery protections

- (1) Section 29 of the Illegal Migration Act 2023 (Disapplication of modern slavery provisions) is amended as follows.
- (2) In subsection (4)(a), after “offence” in inserted sub-paragraph (ii), insert –
 - “(iia) that offence was not committed under the duress of slavery,”

Member's explanatory statement

This amendment seeks to ensure that individuals who have committed an offence under duress of their slavery are not automatically disqualified from protections or considerations provided under

the Bill. The amendment aims to introduce a safeguard that recognises the unique circumstances of those acting under coercion or threat, ensuring fairness and compliance with principles of justice.

BARONESS CHAKRABARTI
THE LORD BISHOP OF CHELMSFORD
BARONESS JONES OF MOULSECOOMB

184 After Clause 48, insert the following new Clause —

“Primacy of the Refugee Convention

- (1) The Asylum and Immigration Appeals Act 1993 is amended as follows.
- (2) For section 2 (Primacy of Convention) substitute —

“2 Primacy of Convention

- (1) So far as it is possible to do so, primary legislation, subordinate legislation, immigration rules within the meaning of the 1971 Act, and guidance issued by the Secretary of State must be read and given effect in a way which is compatible with the Convention.
- (2) This section —
 - (a) applies to primary legislation and subordinate legislation whenever enacted, immigration rules whenever laid, and guidance whenever issued,
 - (b) does not affect the validity, continuing operation or enforcement of any incompatible primary legislation, and
 - (c) does not affect the validity, continuing operation or enforcement of any incompatible subordinate legislation if (disregarding any possibility of revocation) primary legislation prevents removal of the incompatibility.”
- (3) After section 2 insert —

“2A Declaration of Incompatibility

- (1) Subsection (2) applies in any proceedings in which a court determines whether a provision of primary legislation is compatible with the Convention.
- (2) If the court is satisfied that the provision is incompatible, it may make a declaration of that incompatibility.
- (3) Subsection (4) applies in any proceedings in which a court determines whether a provision of subordinate legislation, made in the exercise of a power conferred by primary legislation, is compatible with the Convention.
- (4) If the court is satisfied —
 - (a) that the provision is incompatible with the Convention, and
 - (b) that (disregarding any possibility of revocation) the primary legislation concerned prevents removal of the incompatibility,

it may make a declaration of that incompatibility.

- (5) In this section “court” means —
 - (a) the Supreme Court,
 - (b) in Scotland, the High Court of Justiciary sitting otherwise than as a trial court or the Court of Session, or
 - (c) in England and Wales or Northern Ireland, the High Court or the Court of Appeal.
- (6) A declaration under this section (“a declaration of incompatibility”) —
 - (a) does not affect the validity, continuing operation or enforcement of the provision in respect of which it is given;
 - (b) is not binding on the parties to the proceedings in which it is made.””

Member's explanatory statement

These two new clauses follow the model of the Human Rights Act in attempting to ensure harmony between international convention and domestic law. Primary and secondary legislation, immigration rules, and guidance are to be interpreted in compliance with the Refugee Convention so far as possible. Where it is not possible to interpret primary legislation in compliance, the higher courts may make a declaration to that effect.

BARONESS CHAKRABARTI
THE LORD BISHOP OF CHELMSFORD
BARONESS JONES OF MOULSECOOMB

185 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 (1) substitute —

“No one shall be found guilty of a criminal offence in contravention of Article 31 of the Refugee Convention.”
- (3) Omit subsections (2) to (11).”

Member's explanatory statement

This amendment seeks to alter the defence for refugees to ensure compliance with Article 31 of the Refugee Convention which prevents penalisation for irregular entry.

THE LORD BISHOP OF CHELMSFORD
 BARONESS LISTER OF BURTERSETT
 LORD GERMAN
 LORD KERR OF KINLOCHARD

186 After Clause 48, insert the following Clause –

“Good character requirement for citizenship

- (1) Part 5 of the British Nationality Act 1981 is amended as follows.
- (2) After section 41A, insert –

“41B Good character requirement

- (1) The good character requirement must not be applied in a manner contrary to the United Kingdom’s obligations under international law relating to immigration and asylum.
- (2) When considering whether a person (P) meets the good character requirement, the Secretary of State may not take into account P’s illegal entry to or arrival in the United Kingdom –
 - (a) if P was under the age of 18 at the time of such entry or arrival, and
 - (b) except to the extent specified in guidance on the good character requirement published at the time of such entry or arrival.
- (3) In this section "the good character requirement" refers to the provision regarding a person being of good character in section 41A (Registration: requirement to be of good character), section 4L (Acquisition by registration: special circumstances), and paragraphs 1 and 5 of Schedule 1 to the British Nationality Act 1981.”

Member's explanatory statement

This new clause would ensure the good character requirement is not applied contrary to the UK’s international legal obligations. It also ensures that an assessment of good character may not take into account a person’s irregular entry or arrival to the UK if they were a child, and it may only be taken into account to the extent specified in guidance published at the time of an adult’s irregular entry or arrival.

BARONESS JONES OF MOULSECOOMB

187 After Clause 48, insert the following new Clause –

“Duty to have due regard to family unity

- (1) A relevant authority must, in the exercise of relevant functions, have due regard to the need to promote the unity of the family.
- (2) Without prejudice to the generality of subsection (1), a relevant authority must, in the discharge of its duty under that subsection, have due regard to –
 - (a) the public interest in children being properly brought up,

- (b) the right of children to be cared for by their parents unless this would be contrary to the child's welfare,
 - (c) the right of children to have direct contact, in person, with members of their families, unless this would be contrary to the child's welfare, and
 - (d) the principle that maintaining contact with family members by electronic means of communication is not an adequate substitute for direct contact in person.
- (3) This section is subject to section 55 of the Borders, Citizenship and Immigration Act 2009; and nothing in this section requires or authorises a relevant authority to do anything which is contrary to the welfare of any child (whether that child is in the United Kingdom or not).
- (4) Nothing in this section –
 - (a) requires or authorises the Secretary of State or an immigration officer to refuse to grant a person leave to enter or remain in the United Kingdom where they would, apart from this section, have granted such leave, or
 - (b) requires or authorises the First-tier or Upper Tribunal to find that a ground of appeal under section 84(1)(c) or (2) of the Nationality, Immigration and Asylum Act 2002 is not made out when it would not, apart from this section, have so found.
- (5) In this section –
 - “child” means a person under the age of 18, and “children” shall be construed accordingly;
 - “relevant authority” means –
 - (a) the Secretary of State,
 - (b) the First-tier Tribunal, and
 - (c) the Upper Tribunal;
 - “relevant functions” means –
 - (a) any function of the Secretary of State in relation to immigration or asylum;
 - (b) any function conferred by or by virtue of the Immigration Acts on an immigration officer in relation to immigration or asylum;
 - (c) any function of the First-tier or Upper Tribunal in connection with the determination of any ground of appeal under section 84(1)(c) or (2) of the Nationality, Immigration and Asylum Act 2002.”

Member's explanatory statement

This Clause imposes a duty to have due regard to the unity of the family in the exercise of immigration and asylum functions. It applies to the Secretary of State and immigration officers in exercising immigration and asylum functions, and to the First-tier and Upper Tribunals in deciding human rights appeals.

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER
BARONESS FOX OF BUCKLEY

188 After Clause 48, insert the following new Clause –

“Exemption from UK GDPR: illegal migration and foreign criminals

- (1) The Data Protection Act 2018 is amended as follows.
- (2) In subsection (2)(a) of section 15 (exemptions etc), at end insert “, and makes provision about the exemption from all GDPR provisions of persons who entered the United Kingdom illegally and foreign criminals;”.
- (3) In Schedule 2 (exemptions etc from the UK GDPR) –
 - (a) in paragraph 4A, omit sub-paragraphs (3)(b) and (3)(c)(i),
 - (b) after paragraph 5 insert –
 - “5A (1) The data protection legislation does not apply to personal data processed by a person fulfilling a function in sub-paragraph (2) if the data subject entered the United Kingdom illegally or is a foreign criminal.
 - (2) The functions mentioned in sub-paragraph (1) are –
 - (a) preventing and deterring illegal entry into the United Kingdom;
 - (b) preventing the commission of an offence under –
 - (i) sections 24 and 24A of the Immigration Act 1971, and
 - (ii) sections 13, 14, 16, 18 and 49 of the Border Security, Asylum and Immigration Act 2025.
 - (3) In this paragraph a data subject entered the United Kingdom illegally if the data subject entered or arrived in the United Kingdom in the manner mentioned in section 19(3) of the Border Security, Asylum and Immigration Act 2025.
 - (4) For the purposes of this paragraph –
 - “foreign criminal” has the same meaning as in section 32 of the UK Borders Act 2007;
 - “illegal entry” is to be construed in accordance with sub-paragraph (3).”

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER
BARONESS FOX OF BUCKLEY

189 After Clause 48, insert the following new Clause –

“Disapplication of the Human Rights Act 1998 for immigration legislation

- 5 (1) For the purposes of any provision made by virtue of this Act or the relevant immigration legislation, and for any decision, action or policy made under this Act or the relevant immigration legislation, the Human Rights Act 1998 does not apply.
- (2) Where a court or tribunal is considering any decision under the relevant immigration legislation, the court or tribunal must disregard the Human Rights Act 1998.
- 10 (3) For the purposes of this section “the relevant immigration legislation” means –
(a) the Immigration Acts as defined by section 61(2) of the UK Borders Act 2007, and
(b) the Immigration Rules made under section 3(2) of the Immigration Act 1971.
- 15 (4) In the Human Rights Act 1998 –
(a) in section 3, after subsection (2), insert –
“ (3) This section does not apply to any provision made by or by virtue of the relevant immigration legislation as defined by section
20 (*Disapplication of the Human Rights Act 1998 for immigration legislation*) of the Border Security, Asylum and Immigration Act 2025.”;
(b) in section 6 –
(i) in subsection (2)(a) omit the last “or”
(ii) after subsection (2)(b) insert –
25 “(c) the authority was exercising powers or fulfilling functions conferred on the authority by the relevant immigration legislation as defined by section
(*Disapplication of the Human Rights Act 1998 for Immigration Legislation*) of the Border Security,
30 Asylum and Immigration Act 2025.”
- (5) In the Immigration Act 1971 –
(a) in section 8AA –
(i) in subsection (2), omit “Subject to subsections (3) to (5)”,
(ii) in subsection (2)(a)(i) omit “, or”;
35 (iii) omit subsection (2)(a)(ii), and
(iv) omit subsections (3) to (6), and
(b) in section 8B, omit subsection (5A).
- (6) In the Asylum and Immigration Appeals Act 1993, omit section 2.

- 40 (7) In section 84 of the Nationality, Immigration and Asylum Act 2002 –
- (a) in subsection (1) after “must” insert “not”,
 - (b) in subsection (2) after “must” insert “not”,
 - (c) in subsection (2) for “section 6” substitute “any section”, and
 - (d) in subsection (3) after “must” insert “not”.
- 45 (8) In the Asylum and Immigration (Treatment of Claimants etc.) Act 2004 in section 2 (offences relating to entering the United Kingdom without a passport), in subsection (12) for the definition of “leave or asylum interview” substitute –
- “leave interview” means an interview with an immigration officer or an official of the Secretary of State at which a person seeks leave to enter or remain in the United Kingdom.
- 50 (9) Where the European Court of Human Rights indicates an interim measure relating to the exercise of any function under the legislation identified in subsection (1) –
- (a) it is only for a Minister of the Crown to decide whether the United Kingdom will comply with the interim measure under this section, and
 - (b) an immigration officer or court or tribunal must not have regard to the
- 55 interim measure.”

LORD MURRAY OF BLIDWORTH

As an amendment to Amendment 189

189A After subsection (4)(a), insert –

“(aa) in section 4, after subsection (6), insert –

“(7) This section does not apply to any provision made by or by virtue of the relevant immigration legislation as defined by section (*Disapplication of the Human Rights Act 1998 for immigration legislation*) of the Border Security, Asylum and Immigration Act 2025.”;

LORD MURRAY OF BLIDWORTH

As an amendment to Amendment 189

189B After subsection (4)(b), insert –

“(c) in section 10, after subsection (6), insert –

“(6A) This section does not apply to any provision made by or by virtue of the relevant immigration legislation as defined by section (*Disapplication of the Human Rights Act 1998 for immigration legislation*) of the Border Security, Asylum and Immigration Act 2025.”;

BARONESS HAMWEE
LORD WATSON OF INVERGOWRIE

190 After Clause 48 insert the following new Clause –

“Restrictions on disclosure: immigration and nationality purpose

- (1) Nothing in sections 27 to 31 authorises information to which subsection (2) applies to be used for a purpose within section 40(1) of the UK Borders Act 2007.
- (2) This section applies to information disclosed to an enforcing authority –
 - (a) regarding a person who has been the subject of labour abuse, for the purpose of that person requesting or receiving support or assistance, or
 - (b) by a person who has been witness to labour abuse, for the purpose of evidence or other assistance in connection with an investigation into or a prosecution or other legal proceedings relating to that abuse.
- (3) Paragraph 4 of Schedule 2 to the Data Protection Act 2018 shall not apply to personal data to which subsection (2) applies.
- (4) In section 20 of the Immigration and Asylum Act 1999 after subsection (2B) insert –

“(2C) This section does not apply to information to which section (*Restrictions on disclosure: immigration and nationality purpose*) of the Border Security, Asylum and Immigration Act 2023 applies.”
- (5) In this section “labour abuse” includes –
 - (a) a labour market offence,
 - (b) an offence under the Gangmasters (Licensing) Act 2004, or
 - (c) an offence under the Modern Slavery Act 2015, in England, Wales, Scotland or Northern Ireland,or a suspected or alleged offence.”

Member's explanatory statement

This new secure reporting Clause would prevent information disclosed about a victim or by a witness of labour abuse being used for a purpose within section 40(1) of the UK Borders Act 2007.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

191 After Clause 48, insert the following new Clause –

“Restrictions on visas and grants of indefinite leave to remain

- (1) Within six months of the passing of this Act, the Secretary of State must by immigration rules provide for all visa grants, including spousal visas, to be conditional on the following –
 - (a) the requirement that the applicant or their dependents will not apply for any form of “social protection” (including housing) from the UK Government or a local authority, where “social protection” is defined

- according to the Treasury's Public Expenditure Statistical Analyses, subject to any further definition by immigration rules, and
- (b) the requirement that the applicant's annual income must not fall below £38,700 for six months or more in aggregate during the relevant qualification period.
- (2) Immigration Rules made under subsection (1) must ensure that any breach of the conditions set out in that subsection will render void any visa previously granted.
 - (3) The Secretary of State is not permitted to grant leave outside the immigration rules or immigration acts.
 - (4) A person is not eligible to apply for indefinite leave to remain in the United Kingdom if any of the following conditions apply.
 - (5) Condition 1 is that a person is a "foreign criminal" under section 32 of the UK Borders Act 2007.
 - (6) Condition 2 is that a person, or any of their dependents, has been in receipt of any form of "social protection" (including housing) from the UK Government or a local authority, where "social protection" is defined according to the Treasury's Public Expenditure Statistical Analyses, subject to any further definition by immigration rules.
 - (7) Condition 3 is that a person's annual income has fallen below £38,700 for six months or more in aggregate during the relevant qualification period.
 - (8) A person who has entered the United Kingdom —
 - (a) under the Ukraine visa schemes,
 - (b) under the Afghan Citizens Resettlement Scheme,
 - (c) under the Afghan Relocations and Assistance Policy, or
 - (d) on a British National Overseas visa,
 is exempt from the requirements of Condition 2 and Condition 3.
 - (9) For the purposes of subsections (1)(b) and (7) —
 - (a) the condition applies only to earnings that have been lawfully reported to, or subject to withholding tax by, HM Revenue and Customs, and
 - (b) the relevant sum of annual income must be adjusted annually by the Secretary of State through immigration rules to reflect inflation.
 - (10) The Secretary of State may by immigration rules make further provision varying these conditions, including by way of transitional provisions."

Member's explanatory statement

This amendment would place certain restrictions on the granting of visas or indefinite leave to remain. It would require migrants to be self-sufficient and not to require state benefits and would deny ILR to foreign criminals.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

192 After Clause 48, insert the following new Clause –

“Refusal of certain asylum claims

- (1) The Secretary of State must declare an asylum claim or a human rights claim made by any person to whom this section applies inadmissible.
- (2) This section applies to a person who –
 - (a) commits an offence under sections 24 or 24A of the Immigration Act 1971, or
 - (b) commits an offence under section 18 of this Act.
- (3) A claim declared inadmissible under subsection (1) cannot be considered under the immigration rules.
- (4) A declaration under subsection (1) that a claim is inadmissible is not a decision to refuse the claim and as such no right of appeal under section 82(1)(a) of the Nationality, Immigration and Asylum Act 2002 arises.
- (5) For the purposes of this section, the Human Rights Act 1998 does not apply.
- (6) A declaration under subsection (1) is final, and not liable to be questioned or set aside in any court.”

Member's explanatory statement

This amendment would require the Secretary of State to declare asylum claims inadmissible if the claimant has entered illegally.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

193 After Clause 48, insert the following new Clause –

“Inadmissibility of asylum claims

- (1) The Nationality, Immigration and Asylum Act 2002 is amended as follows.
- (2) After section 80C insert –

“80D Claims after one year of entry

- (1) A person may not make an asylum claim if –
 - (a) the person entered the United Kingdom after 1 June 2020, and
 - (b) the person made the claim more than one year after the day of their entry into the United Kingdom.
- (2) For the purposes of subsection (1)(b), if the person has entered the United Kingdom more than once after 1 June 2020, the one-year period referred to in that subsection begins on the day after the day of their first entry.

- (3) The Secretary of State must declare an asylum claim or a human rights claim to which subsection (1) applies inadmissible.
- (4) A claim declared inadmissible under subsection (3) cannot be considered under the immigration rules.
- (5) A declaration under subsection (3) that a claim is inadmissible is not a decision to refuse the claim and as such no right of appeal under section 82(1)(a) of the Nationality, Immigration and Asylum Act 2002 arises.
- (6) For the purposes of this section, the Human Rights Act 1998 does not apply.
- (7) A declaration under subsection (3) is final, and not liable to be questioned or set aside in any court.””

LORD GERMAN
BARONESS BRINTON
THE LORD BISHOP OF SHEFFIELD

194 After Clause 48, insert the following new Clause –

“Notification requirement for local authorities where a person claims to be a child

Where, in relation to asylum and immigration, a person claiming to be a child is determined by the Home Office to be an adult and is at risk of being placed in adult accommodation or detention, the Home Office must –

- (a) notify the relevant local authority immediately, and
- (b) provide the local authority with an opportunity to conduct or review an age assessment before any placement in adult accommodation or detention occurs.”

Member's explanatory statement

This amendment ensures local authorities are promptly informed when the Home Office determines that a person claiming to be a child is an adult and may be placed in adult accommodation or detention.

BARONESS HAMWEE
LORD GERMAN

195 After Clause 48, insert the following new Clause –

“Use of artificial intelligence

- (1) Any decision that can reasonably be foreseen to have a legal effect on an individual person in relation to their immigration rights may not be taken with the use of any artificial intelligence system if such system uses that person’s personal data.
- (2) No artificial intelligence system may be trained using personal data that has been produced in the exercise of immigration control powers.”

Member's explanatory statement

This amendment is to probe the extent of AI in immigration decision-making.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD JACKSON OF PETERBOROUGH

196 After Clause 48, insert the following new Clause —

“Qualification period for indefinite leave to remain in the United Kingdom

- (1) The minimum qualification period for applications for indefinite leave to remain in the United Kingdom is a period of ten years.
- (2) The qualification period in subsection (1) applies to a person who has —
 - (a) a tier 2, T2, International Sportsperson or Skilled Worker visa,
 - (b) a Scale-up Worker visa,
 - (c) a Global Talent, Tier 1 Entrepreneur or Investor visa,
 - (d) an Innovator Founder visa,
 - (e) a UK Ancestry visa, or
 - (f) a partner holding UK citizenship.
- (3) A person who has lived in the United Kingdom for ten years or more but does not meet the criteria in subsection (2) cannot apply for indefinite leave to remain in the United Kingdom.”

Member's explanatory statement

This amendment would extend the qualification period for applying for indefinite leave to remain in the UK to ten years and abolish the long-stay route, through which a person can apply for indefinite leave to remain based on having lived in the UK for ten years or more.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD JACKSON OF PETERBOROUGH

197 After Clause 48, insert the following new Clause —

“Revocation of indefinite leave to remain in certain circumstances

- (1) Indefinite leave to remain in the United Kingdom is revoked with respect to a person (“P”) if any of the following conditions apply.
- (2) Condition 1 is that P is defined as a “foreign criminal” under section 32 of the UK Borders Act 2007 (automatic deportation).
- (3) Condition 2 is that P was granted indefinite leave to remain after the coming into force of this Act, but would not be eligible for indefinite leave under the requirements of section (*Qualification period for indefinite leave to remain in the United Kingdom*).

- (4) Condition 3 is that P, or any dependants of P, have been in receipt of any form of social protection (including housing) from HM Government or a local authority, where “social protection” is defined according to the Treasury’s Public Expenditure Statistical Analyses, subject to any further definition by immigration rules.
- (5) Condition 4 is that P’s annual income has fallen below £38,700 for six months or more in aggregate during the relevant qualification period, or subsequent to receiving indefinite leave to remain.
- (6) A person who has entered the United Kingdom –
 - (a) under the Ukraine visa schemes,
 - (b) under the Afghan Citizens Resettlement Scheme,
 - (c) under the Afghan Relocations and Assistance Policy, or
 - (d) on a British National Overseas visa,
 is exempt from the requirements of Condition 2, Condition 3, and Condition 4.
- (7) For the purposes of subsection (5) –
 - (a) the condition applies only to earnings that have been lawfully reported to, or subject to withholding tax by, HM Revenue and Customs, and
 - (b) the relevant sum of annual income must be adjusted annually by the Secretary of State by regulations to reflect inflation.
- (8) Regulations under subsection (7)(b) must be made by statutory instrument and are subject to annulment in pursuance of a motion of either House of Parliament.
- (9) The Secretary of State may by immigration rules vary the conditions set out in this section.”

Member's explanatory statement

This amendment would revoke indefinite leave to remain if a person meets the four conditions.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD JACKSON OF PETERBOROUGH

198

After Clause 48, insert the following new Clause –

“Restrictions on visas for spouses and civil partners

- (1) The Secretary of State must make regulations specifying the maximum number of persons who may enter the United Kingdom annually as a spouse or civil partner of another (“the sponsor”).
- (2) Before making regulations under subsection (1), the Secretary of State must consult –
 - (a) in England and Wales and Scotland, such representatives of local authorities as the Secretary of State considers appropriate,
 - (b) the Executive Office in Northern Ireland, and
 - (c) any such other persons or bodies as the Secretary of State considers appropriate.

- (3) But the duty to consult under subsection (2) does not apply where the Secretary of State considers that the maximum number under subsection (1) needs to be changed as a matter of urgency.
- (4) The Secretary of State must commence the consultation under subsection (2) in relation to the first regulations to be made under this section before the end of the period of three months beginning with the day on which this Act is passed.
- (5) The regulations must specify that the number of persons from any one country who enter as a spouse or civil partner of a sponsor cannot exceed 7% of the maximum number specified in the regulations under subsection (1).
- (6) If, in any year, the number of persons who enter the United Kingdom as a spouse or civil partner of a sponsor exceeds the number specified in regulations under this section, the Secretary of State must lay a statement before Parliament –
 - (a) setting out the number of persons who have, in that year, entered the United Kingdom as a spouse or civil partner of a sponsor, and
 - (b) explaining why the number exceeds that specified in the regulations.
- (7) The statement under subsection (6) must be laid before Parliament before the end of the period of six months beginning with the day after the last day of the year to which the statement relates.
- (8) Within six months of the passing of this Act, the Secretary of State must by immigration rules make the changes set out in subsections (9) to (12).
- (9) Subsection (10) applies to a person if the person is seeking leave to enter the United Kingdom with a view to settlement as the spouse or civil partner of a person already present and settled in the United Kingdom or who is on the same occasion being admitted for settlement.
- (10) The requirements to be met by a person to whom this section applies are that –
 - (a) the applicant is married to, or the civil partner of, a person who has a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom and is, on the same occasion, seeking admission to the United Kingdom for the purposes of settlement,
 - (b) the applicant provides evidence that the parties under paragraph (a) were married or formed a civil partnership at least two years prior to the application,
 - (c) each of the parties intends to live permanently with the other as spouses or civil partners and the marriage or civil partnership is subsisting,
 - (d) the salary of the person who has a right to abode or indefinite leave to enter or remain in the United Kingdom equals or exceeds £38,700 per year, and
 - (e) the applicant and the person who has a right of abode in the United Kingdom are both at least 23 years old.
- (11) Leave to enter the United Kingdom as a spouse or civil partner under subsection (9) is to be refused if the parties concerned are first cousins.
- (12) For the purposes of this section, “local authority” means –

- (a) in England and Wales, a county council, a county borough council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly, and
- (b) in Scotland, a council constituted under section 2 of the Local Government etc (Scotland) Act 1994.”

Member's explanatory statement

This amendment would require the Secretary of State to specify a cap on the number of spouses or civil partners who may enter the UK, and on the number that may enter from any one country. It would also amend the immigration rules to set a salary threshold.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL
LORD JACKSON OF PETERBOROUGH

199 After Clause 48, insert the following new Clause –

“Removals from the United Kingdom: visa penalties for uncooperative countries

- (1) The Nationality and Borders Act 2022 is amended as follows.
- (2) In section 70 (visa penalty provision: general), omit subsections (4) and (5).
- (3) In section 72 (removals from the UK: visa penalties for uncooperative countries) –
 - (a) in subsection (1), for “may” substitute “must”,
 - (b) in subsection (1)(a) after “it” insert “or is not cooperating in relation to the verification of identity or status of individuals who are likely to be nationals or citizens of the country,”,
 - (c) in subsection (1)(b), after “citizens of the country” insert “or individuals who are likely to be nationals or citizens of the country”,
 - (d) omit subsections (2) and (3), and
 - (e) in subsection (4), omit from the semicolon after “70” to the end.
- (4) Omit section 74 (visa penalties under section 72: review and revocation).”

Member's explanatory statement

This amendment would require the Secretary of State to use a visa penalty provision if a country is not cooperating in the removal of any of its nationals or citizens from the UK, or in relation to the verification of their identity.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

200 After Clause 48, insert the following new Clause –

“Age assessments: use of scientific methods

The Secretary of State must, within six months of the day on which this Act is passed, lay before Parliament –

- (a) a statutory instrument containing regulations under section 52 of the Nationality and Borders Act 2022 (use of scientific methods in age assessments) specifying scientific methods that may be used for the purposes of age assessments, and
- (b) a statutory instrument containing regulations under section 58 of the Illegal Migration Act 2023 (age assessments: power to make provision about refusal to consent to scientific methods) making provision about refusal to consent to scientific methods for age assessments.”

Member's explanatory statement

This new clause would require the Secretary of State to make regulations to specify scientific methods for assessing a person's age and to disapply the requirement for consent for scientific methods to be used.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

201 After Clause 48, insert the following new Clause –

“Report: cost of asylum support

- (1) Within the period of two months after the day on which this Act is passed, the Secretary of State must publish a report on the continuing operation of asylum support.
- (2) The report must in particular contain –
 - (a) an assessment of the annual cost of providing support to asylum seekers,
 - (b) an assessment of the proportion of official development assistance used to provide support to asylum seekers, and
 - (c) the proportion of asylum seekers who have had their asylum claim denied being provided accommodation and support.
- (3) The report must be laid before both Houses of Parliament.”

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

202 After Clause 48, insert the following new Clause –

“Establishment of third-country removal centres

- (1) Within one month of the day on which this Act is passed, the Secretary of State must publish a statement that His Majesty's Government intends to establish a third-country removal centre.
- (2) Within two months of the day on which this Act is passed, the Secretary of State must commission a review of proposals for the establishment of third-country removal centres.
- (3) The review under subsection (2) must be published as a report as soon as reasonably practicable after the conclusion of the review.

- (4) Any report or statement published under this section must be laid before Parliament.”

Member's explanatory statement

This amendment would require the Secretary of State to commission a review of proposals for the establishment of third-country removal centres.

LORD ALTON OF LIVERPOOL
BARONESS HAMWEE

203

After Clause 48, insert the following new Clause –

“Immigration crime offences: application of Refugee Convention defence

- (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) After subsection (3)(c) insert –
 - “(d) section 13 of the Border Security, Asylum and Immigration Act 2025 (supplying articles for use in immigration crime);
 - (e) section 14 of the Border Security, Asylum and Immigration Act 2025 (handling articles for use in immigration crime);
 - (f) section 16 of the Border Security, Asylum and Immigration Act 2025 (collecting information for use in immigration crime); or
 - (g) section 24 of the Immigration Act 1971 (illegal entry and similar offences).”
- (3) After subsection (4)(d) insert –
 - “(e) section 13 of the Border Security, Asylum and Immigration Act 2025 (supplying articles for use in immigration crime),
 - (f) section 14 of the Border Security, Asylum and Immigration Act 2025 (handling articles for use in immigration crime),
 - (g) section 16 of the Border Security, Asylum and Immigration Act 2025 (collecting information for use in immigration crime),
 - (h) section 24 of the Immigration Act 1971 (illegal entry and similar offences),”.

Member's explanatory statement

This amendment gives effect to the JCHR recommendations that the offences in Clauses 13, 14, and 16 of the Bill, as well as the offence of illegal entry etc under section 24 of the Immigration Act 1971, should be added to section 31 of the Immigration and Asylum Act 1999, which provides a statutory defence for refugees in certain circumstances.

LORD JACKSON OF PETERBOROUGH

203A After Clause 48, insert the following new Clause —

“Duty to remove foreign offenders

- (1) The Secretary of State must make a deportation order against any person to whom this section applies.
- (2) This section applies to a person (“P”) who —
 - (a) is not a British citizen,
 - (b) has been sentenced to a term of imprisonment in the United Kingdom, and
 - (c) has completed their term of imprisonment and been released accordingly.
- (3) The Secretary of State must make the deportation order against P within the period of seven days after P’s release from imprisonment.
- (4) A deportation order made under this section is not subject to appeal under —
 - (a) section 15 of the Immigration Act 1971,
 - (b) section 82 of the Nationality, Immigration and Asylum Act 2002, or
 - (c) any other enactment.
- (5) A deportation order made under this section is final and not liable to be set aside in any court.”

LORD ALTON OF LIVERPOOL
BARONESS BRINTON

203B After Clause 48, insert the following new Clause —

“British National (Overseas) visa route: statutory protection

- (1) Notwithstanding section 3(2) of the Immigration Act 1971, the Secretary of State must ensure the continuation of the British National (Overseas) visa scheme as set out in the Immigration Rules HC 395 (“the BN(O) route”), including the pathway to settlement after five years of lawful residence.
- (2) Any restrictions to the eligibility criteria, conditions, or settlement pathway of the BN(O) route, including any extension to the qualifying period for settlement, may only be made by regulations subject to the affirmative resolution procedure.
- (3) The provisions of this section may not be repealed except by an Act of Parliament.”

Member’s explanatory statement

This amendment seeks to place the BN(O) visa route, including the existing five-year path to settlement, on a statutory footing. It would require any substantial restrictions to the route — such as eligibility criteria or the qualifying period for settlement — to be made through regulations subject to the affirmative procedure, and would prevent the repeal of the route other than by primary legislation.

LORD ALTON OF LIVERPOOL
Revised version of Amendment 203C

203C After Clause 48, insert the following new Clause –

“Ukraine humanitarian schemes: settlement

- (1) Within six months of the day on which this Act is passed, the Secretary of State must amend the Immigration Rules so that a person becomes eligible for indefinite leave to remain when that person has completed the maximum aggregate period of limited leave (including any extensions) available under the Ukraine humanitarian scheme or schemes on which that leave was granted.
- (2) “Ukraine humanitarian scheme” means –
 - (a) the Ukraine Family Scheme;
 - (b) the Homes for Ukraine Sponsorship Scheme, including the super-sponsor variants operated by the Scottish and Welsh Governments;
 - (c) the Ukraine Extension Scheme and any successor or related Ukraine Permission Extension Scheme.”

Member's explanatory statement

This amendment seeks to ensure that the Secretary of State amends Immigration Rules so that individuals on Ukraine humanitarian schemes have a pathway to indefinite leave to remain after completing a maximum aggregate period of limited leave available under the schemes on which that leave was granted.

BARONESS HAMWEE

203D After Clause 48, insert the following new Clause –

“Review of workplace visa in limited circumstances

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, publish a report of a review of the rights of persons to whom this section applies.
- (2) This section applies to a person (“P”) –
 - (a) who is not a British citizen,
 - (b) who does not have indefinite leave to remain in the United Kingdom,
 - (c) whose most recent grant of limited leave, exemption from leave or entry to the United Kingdom without leave was dependent on P’s employment, and
 - (d) who has experienced labour abuse, or whose employment has been terminated through no fault of their own.
- (3) The review must report on –
 - (a) provision for the grant of leave for a minimum period of 12 months;
 - (b) cancellation or revocation of leave in circumstances prescribed in immigration rules.

- (4) This section is to be treated for the purposes of section 3 of the Immigration Act 1971 as if it were provision made by that Act.
- (5) In this section –
- “entry to the UK without leave to enter” refers to the provision for crew members under section 8(1) of the Immigration Act 1971;
 - “exemption from leave” refers to a person exempt from provisions of the Immigration Act 1971, pursuant to section 8(2) or (3) of that Act;
 - “immigration rules” means rules under section 3(2) of the Immigration Act 1971;
 - “labour abuse” includes –
 - (a) a labour market offence,
 - (b) an offence under the Gangmasters (Licensing) Act 2004, and
 - (c) an offence under the Modern Slavery Act 2015in England, Wales, Scotland or Northern Ireland or a suspected or alleged such offence.”

Member's explanatory statement

This new clause would require a report on a route for migrants with work visas, or migrant fishers with a Code 7 stamp on UK fishing vessels, who experience labour exploitation, loss of their employment, or immigration status, through no fault of their own, to remain in the UK, enabling them to leave abusive work situations and access justice.

BARONESS HAMWEE
Revised version of Amendment 203E

203E★ After Clause 48, insert the following new Clause –

“Safe states for the purposes of asylum and other claims

- (1) The Nationality, Immigration and Asylum Act 2002 is amended as follows.
- (2) After section 80A(5) insert –
- “(5A) Subsection (1) does not apply if the claimant is at substantial risk of significant personal harm, either as a member of a minority group or as an individual.”
- (3) In section 80AA(1) omit paragraphs (a), (ka) and (oa).”

Member's explanatory statement

This amendment removes Albania, Georgia and India from the list of safe states, for the purpose of inadmissibility of asylum claims, and allows for claims by an individual at substantial risk of harm in a “safe state”.

LORD MURRAY OF BLIDWORTH
LORD FAULKS
LORD JACKSON OF PETERBOROUGH

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
LORD JACKSON OF PETERBOROUGH

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.”

LORD MURRAY OF BLIDWORTH

203H After Clause 48, insert the following new Clause—

“National Age Assessment Board: judicial review

- (1) This section applies to all decisions taken by the National Age Assessment Board (“the NAAB”) in respect of a person (“P”) after the day on which this section comes into force.
- (2) Subsection (3) applies if P makes an application for judicial review of the decision mentioned in subsection (1).
- (3) The court or tribunal must determine the application on the basis that the person’s age is a matter of fact to be determined by the NAAB, and accordingly the court or tribunal—
 - (a) may grant relief only on the basis that the decision was wrong in law, and
 - (b) may not grant relief on the basis that the court or tribunal considers the decision mentioned in subsection (1) was wrong as a matter of fact.”

LORD MURRAY OF BLIDWORTH
LORD JACKSON OF PETERBOROUGH
BARONESS LAWLOR

203I 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
LORD JACKSON OF PETERBOROUGH

203J 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.

Clause 49

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

204

Clause 49, page 47, line 14, leave out "5" and insert "14"

Member's explanatory statement

This amendment seeks to standardise the punishment for offences relating to articles used in serious crime in this clause with the punishment for offences relating to articles used in immigration crime in clauses 13 and 14.

Clause 54

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

204A Clause 54, page 53, line 38, at end insert —

- “(viii) the Director General of Border Force,
- (ix) the Director General of Immigration Enforcement, or
- (x) the Border Security Commander, and”

Member's explanatory statement

This amendment would expand the class of applicants for the making of serious crime prevention orders to include the heads of immigration and border security enforcement agencies.

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

204B Clause 54, page 58, line 7, at end insert —

“(d) after paragraph 20B insert —

“*Director General of Border Force*

20C The functions of the Director General of Border Force under this Part are —

- (a) to have the conduct of applications for serious crime prevention orders in England and Wales or for their variation or discharge,
- (b) to appear on any application made under section 17 or 18 by another person for the variation or discharge of a serious crime prevention order in England and Wales,
- (c) to have the conduct of, or (as the case may be) appear in, any other proceedings in connection with serious crime prevention orders (whether proceedings on appeal, by virtue of section 27 or otherwise),
- (d) to give advice in connection with any proceedings or possible proceedings in connection with serious crime prevention orders, and
- (e) to do anything for the purposes of, or in connection with, the functions in paragraphs (a) to (d).

20D(1) The Director General of Border Force may, to such an extent as they may decide, delegate the exercise of their functions under this Part to any member of Border Force of at least the rank of Assistant Director.

(2) References in this Part to the Director General of Border Force are accordingly to be read, so far as necessary for the purposes of sub-paragraph (1), as references to the Director General or

any member of Border Force of at least the rank of Assistant Director.

Director General of Immigration Enforcement

20E The functions of the Director General of Immigration Enforcement under this Part are—

- (a) to have the conduct of applications for serious crime prevention orders in England and Wales or for their variation or discharge,
- (b) to appear on any application made under section 17 or 18 by another person for the variation or discharge of a serious crime prevention order in England and Wales,
- (c) to have the conduct of, or (as the case may be) appear in, any other proceedings in connection with serious crime prevention orders (whether proceedings on appeal, by virtue of section 27 or otherwise),
- (d) to give advice in connection with any proceedings or possible proceedings in connection with serious crime prevention orders, and
- (e) to do anything for the purposes of, or in connection with, the functions in paragraphs (a) to (d).

20F (1) The Director General of Immigration Enforcement may, to such an extent as they may decide, delegate the exercise of their functions under this Part to any member of Immigration Enforcement of at least the rank of Assistant Director.

(2) References in this Part to the Director General of Immigration Enforcement are accordingly to be read, so far as necessary for the purposes of sub-paragraph (1), as references to the Director General or any member of Immigration Enforcement of at least the rank of Assistant Director.

20G The functions of the Border Security Commander under this Part are—

- (a) to have the conduct of applications for serious crime prevention orders in England and Wales or for their variation or discharge,
- (b) to appear on any application made under section 17 or 18 by another person for the variation or discharge of a serious crime prevention order in England and Wales,
- (c) to have the conduct of, or (as the case may be) appear in, any other proceedings in connection with serious crime prevention orders (whether proceedings on appeal, by virtue of section 27 or otherwise),
- (d) to give advice in connection with any proceedings or possible proceedings in connection with serious crime prevention orders, and

- (e) to do anything for the purposes of, or in connection with, the functions in paragraphs (a) to (d).”

Member's explanatory statement

This amendment would expand the class of applicants for the making of serious crime prevention orders to include the heads of immigration and border security enforcement agencies.

After Clause 56

BARONESS HAMWEE
LORD ALTON OF LIVERPOOL

205 After Clause 56, insert the following Clause —

“Council of Europe Convention on Action against Trafficking in Human Beings

The Secretary of State must —

- (a) within six months of the passing of this Act, introduce legislation to ensure the United Kingdom’s full compliance with the Council of Europe Convention on Action against Trafficking in Human Beings, and
- (b) within 18 months of the passing of this Act, lay before Parliament a report on how the Government is ensuring full compliance with the Convention under this section.”

Member's explanatory statement

This new clause would require the Secretary of State to introduce legislation which incorporates the Council of Europe Convention on Action against Trafficking in Human Beings into UK law and report on compliance with the Convention.

BARONESS HAMWEE
BARONESS LUDFORD
LORD ALTON OF LIVERPOOL

206 After Clause 56, insert the following Clause —

“Participation in Europol’s anti-trafficking operations

- (1) The Secretary of State must provide adequate resources to law enforcement agencies for the purpose of enhancing their participation in Europol’s anti-trafficking operations.
- (2) The resources provided under subsection (1) must include technology for conducting improved surveillance on, and detection of, smuggling networks.
- (3) For the purposes of subsection (1), “law enforcement agencies” include —
 - (a) the National Crime Agency,
 - (b) police forces in England and Wales, and
 - (c) the British Transport Police.”

Member's explanatory statement

This new clause would require the Government to allocate adequate resources to law enforcement agencies to enhance their participation in Europol's anti-trafficking operations, including through technological tools for better surveillance and detection of smuggling networks.

BARONESS HAMWEE
LORD GERMAN

207

After Clause 56, insert the following new Clause –

“Review of civil orders relating to the prevention of serious crime

- (1) The Secretary of State must appoint an independent reviewer to conduct a review of civil orders relating to the prevention of serious crime, including relevant orders and injunctions.
- (2) A review under subsection (1) must be published and laid before Parliament within 18 months of the day on which this Act is passed.
- (3) In this section “relevant orders and injunctions” includes, but is not limited to, civil orders and injunctions relating to the prevention of serious crime under –
 - (a) the Policing and Crime Act 2009;
 - (b) the Terrorism Prevention and Investigation Measures Act 2011;
 - (c) the Modern Slavery Act 2015;
 - (d) the Police, Crime, Sentencing and Courts Act 2022.
- (4) The review must assess and make recommendations with regard to –
 - (a) the provisions,
 - (b) the effectiveness, and
 - (c) the prohibitions, requirements and sanctions
 of relevant orders and injunctions.”

Member's explanatory statement

This amendment requires the Secretary of State to appoint an independent reviewer to conduct a review of civil orders designed to prevent serious crime.

LORD BERKELEY
LORD DUBS

208

After Clause 56, insert the following new Clause –

“Duty to enforce maritime safety in United Kingdom waters or the UK search and rescue region

- (1) The Secretary of State must take all reasonable steps to enforce the provisions of Part IV of the Merchant Shipping Act 1995 (safety) against any migrant vessel operating in United Kingdom waters or the UK search and rescue region that is dangerously unsafe and being used to transport persons to the United Kingdom.

- (2) The Secretary of State must issue guidance to maritime enforcement authorities (including the Border Force, His Majesty's Coastguard and Maritime & Coastguard Agency) about the exercise of powers under sections 95 and 98 of the Merchant Shipping Act 1995 (detention of, and offences relating to, dangerously unsafe ships) in relation to migrant vessels in the English Channel.
- (3) It shall be the duty of any designated maritime enforcement authority to act in accordance with the guidance issued under subsection (2) and to cooperate in the detection, detention and prosecution of migrant vessels and persons who commit an offence under section 98 of the Merchant Shipping Act 1995 (owner and master liable in respect of dangerously unsafe ship) in respect of a dangerously unsafe migrant vessel.
- (4) For the purposes of subsection (1) –
 - “dangerously unsafe” has the meaning given in section 94 of the Merchant Shipping Act 1995;
 - “migrant vessel” means a ship being used for the unlawful or clandestine carriage of persons by water with the intention of facilitating their entry into the United Kingdom (whether or not those persons intend to claim asylum);
 - “ship” has the meaning given in section 313 of the Merchant Shipping Act 1995 and includes any small boat or other vessel used in navigation for carrying persons by sea.”

Member's explanatory statement

This amendment seeks to impose a clear duty on the Government to leverage existing maritime safety law as a deterrent against dangerous small-boat crossings in UK waters.

LORD BERKELEY

208A After Clause 56, insert the following new Clause –

“Body to coordinate between the Border Force’s Maritime Command and His Majesty’s Coastguard

- (1) The Secretary of State must by regulations establish a body with responsibility for ensuring effective cooperation between the Border Force’s Maritime Command and His Majesty’s Coastguard for the purposes of border security and safe immigration.
- (2) The body established under subsection (1) is responsible for ensuring cooperation for the purposes of border security and safe immigration in relation to –
 - (a) maritime search and rescue operations in UK waters and the United Kingdom search and rescue region,
 - (b) maritime law enforcement, and
 - (c) efficient use of resources, including vessels, aircraft, personnel, infrastructure, systems and command structures.
- (3) The Secretary of State must establish a body under subsection (1) within six months of the day on which this Act is passed.”

Member's explanatory statement

This amendment would establish a body responsible for coordinating between the Border Force's Maritime Command and His Majesty's Coastguard for the purposes of border security and safe immigration.

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

208B After Clause 56, insert the following new Clause –

“Amendment to the Serious Crime Act 2007

- (1) Schedule 1 of the Serious Crime Act 2007 is amended as follows.
- (2) After paragraph 2, insert –

“Illegal immigration

 - 2ZA(1) An offence under any of the following provisions of the Immigration Act 1971 –
 - (a) section 24(A1), (B1), (C1), (D1), (E1), (E1A) or (E1B) (illegal entry and similar offences);
 - (b) section 24A (deception).
 - (2) An offence under either of the following provisions of the Border Security, Asylum and Immigration Act 2025 –
 - (a) section 13 (supplying articles for use in immigration crime);
 - (b) section 14 (handling articles for use in immigration crime).”
- (3) After paragraph 16B, insert –

“Illegal immigration

 - 16BZA (1) An offence under any of the following provisions of the Immigration Act 1971 –
 - (a) section 24(A1), (B1), (C1), (D1), (E1), (E1A) or (E1B) (illegal entry and similar offences);
 - (b) section 24A (deception).
 - (2) An offence under either of the following provisions of the Border Security, Asylum and Immigration Act 2025 –
 - (a) section 13 (supplying articles for use in immigration crime);
 - (b) section 14 (handling articles for use in immigration crime).”
- (4) After paragraph 18, insert –

“Illegal immigration

 - 18ZA(1) An offence under any of the following provisions of the Immigration Act 1971 –

- (a) section 24(A1), (B1), (C1), (D1), (E1), (E1A) or (E1B) (illegal entry and similar offences);
 - (b) section 24A (deception).
- (2) An offence under either of the following provisions of the Border Security, Asylum and Immigration Act 2025 –
- (a) section 13 (supplying articles for use in immigration crime);
 - (b) section 14 (handling articles for use in immigration crime).”

Member's explanatory statement

This amendment would add the offences of illegal entry, deception and offences under this Bill to the definition of serious crime for the purposes of serious crime prevention orders.

Clause 60

BARONESS HAMWEE

209 Clause 60, page 65, line 1, at end insert –

“(aa) regulations under section 25;”

Member's explanatory statement

This amendment ensures that regulations under clause 25 of the Bill are subject to the affirmative procedure, as recommended by the Lords Constitution Committee.

After Clause 62

LORD GERMAN
BARONESS LISTER OF BURTERSETT

210 After Clause 62, insert the following Clause –

“Commencement of detention provisions

Sections (Time limit on immigration detention), (Initial detention: criteria and duration) and (Bail hearings) come into force at the end of the period of six months beginning with the day on which this Act is passed.”

Member's explanatory statement

This amendment is consequential on the amendments in the name of Lord German introducing the three new clauses mentioned.

Border Security, Asylum and Immigration Bill

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

1 September 2025

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