

Border Security, Asylum and Immigration Bill

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
20 October 2025*

[Amendments marked ★ are new or have been altered]

After Clause 41

LORD BACH

★ 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.

After Clause 42

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

After Clause 42, insert the following new Clause –

“Proscribed period for newly recognised refugees

- (1) In regulation 2(2) (interpretation) of the Asylum Support Regulations 2000 (S.I. 2000/704), for “28” substitute “56”.
- (2) The Secretary of State may exercise the powers conferred by the Immigration and Asylum Act 1999 to prescribe by regulations a different period for the purposes of section 94(3) (day on which a claim for asylum is determined) of that Act, but the Secretary of State may not prescribe a period less than 56 days where regulation 2(2A) of the Asylum Support Regulations 2000 applies.”

Member's explanatory statement

This new clause would amend the Asylum Support Regulations to increase the period following a positive asylum decision during which a newly recognised refugee is eligible for financial and accommodation support from the Home Office from 28 to 56 days. It allows the Secretary of State to set a different period, as long as it is more than 56 days.

After Clause 48

LORD DUBS

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 parent, 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, or
 - (e) temporary humanitarian permission to stay.
- (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.”

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.

LORD MURRAY OF BLIDWORTH
LORD FAULKS

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 14 days of being made.
- (2) Judgments published under subsection (1) may be anonymised to the extent considered necessary by the Tribunal.”

Member's explanatory statement

This amendment is intended to ensure that judgments of the First-tier Tribunal (Immigration and Asylum Chamber) are published in accordance with the principles of open justice and public scrutiny of judicial decision making.

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