

Border Security, Asylum and Immigration Bill

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
21 October 2025*

[Amendments marked ★ are new or have been altered]

Clause 1

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- ★ Clause 1, page 1, line 6, leave out “designate a civil servant as the” and insert “appoint a”

Member's explanatory statement

This amendment would remove the requirement for the Border Security Commander to be a civil servant.

Clause 13

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- ★ Clause 13, page 7, line 8, after “supply” insert “or has in their possession with intent to supply”

Member's explanatory statement

This amendment would also include possession with intent to supply in the offence of supplying articles for use in immigration crime.

LORD HANSON OF FLINT

- ★ Clause 13, page 7, line 12, at end insert —
“(1A) A person (“P”) commits an offence if —

- (a) P is concerned in the supplying of, or the making of an offer to supply, a relevant article to another person, and
- (b) at any time when P is concerned in that act, P knows that the relevant article is to be used by any person in connection with an offence under section 24 or 25 of the Immigration Act 1971.”

Member's explanatory statement

This amendment would expand the offence in clause 13 to cover being concerned in the supplying of, or the making of an offer to supply, a relevant article for use in immigration crime.

LORD HANSON OF FLINT

- ★ Clause 13, page 7, line 15, leave out “(1)” and insert “(1)(a) or (1A)(a) (as the case may be)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 13 at page 7, line 12.

Clause 14

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- ★ Clause 14, page 8, line 4, at end insert —
 - “(aa) P arranges for another person to receive a relevant article from a third person,”

Member's explanatory statement

This amendment would widen the scope of the new offence in clause 14 to include where a person arranges for two third parties to receive an article for use in immigration crime.

LORD HANSON OF FLINT

- ★ Clause 14, page 8, line 11, at end insert —
 - “(2A) A person (“P”) commits an offence if, in the circumstances mentioned in subsection (2B), P is concerned in —
 - (a) the receipt of, or the arranging to receive, a relevant article from another person, or
 - (b) the removal or disposal of a relevant article for the benefit of another person.
 - (2B) Those circumstances are where, at any time when P is concerned in an act as mentioned in subsection (2A), P knows that the relevant article has been, is being, or is to be used by P or any other person in connection with an offence under section 24 or 25 of the Immigration Act 1971.”

Member's explanatory statement

This amendment would expand the offence in clause 14 to cover being concerned in the handling of a relevant article for use in immigration crime.

LORD HANSON OF FLINT

- ★ Clause 14, page 8, line 14, after “(1)” insert “or (2A) (as the case may be)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 14 at page 8, line 11.

Clause 15

LORD HANSON OF FLINT

- ★ Clause 15, page 8, line 35, at end insert –
- “(ca) any thing or substance designed for use for the purposes of personal cleanliness or personal hygiene,”

Member's explanatory statement

This amendment would exempt products designed for use for the purposes of personal cleanliness or hygiene from the offences in clauses 13 and 14.

LORD HANSON OF FLINT

- ★ Clause 15, page 9, line 3, after “(1)” insert “–
- (a) paragraph (ca) does not include –
- (i) anything which is or includes a blade or sharp point,
- (ii) any thing or substance in a glass container, or
- (iii) any thing or substance in an aerosol container;”

Member's explanatory statement

This amendment would exclude certain articles from the exemption in my amendment to clause 15 at page 8, line 35, so that these articles are covered by the offences in clauses 13 and 14.

After Clause 16

LORD HANSON OF FLINT

- ★ After Clause 16, insert the following new Clause –
- “Online advertising of unlawful immigration services**
- (1) A person commits an offence if –
- (a) the person creates, or causes the creation of, material whose purpose is, or effect will be, to promote an unlawful immigration service, and

- (b) the person knows or has reason to suspect –
 - (i) that the material will be published on an internet service, and
 - (ii) that the material has that purpose or will have that effect.
- (2) A person commits an offence if –
 - (a) the person publishes material on an internet service or causes the publication of material on such a service,
 - (b) the purpose of the material is, or the effect of the material will be, to promote an unlawful immigration service, and
 - (c) the person knows or has reason to suspect –
 - (i) that they are publishing the material or (as the case may be) that they are causing its publication, and
 - (ii) that the material has that purpose or will have that effect.
- (3) It is a defence for a person charged with an offence under this section to prove that the person’s action was for the purposes of –
 - (a) carrying out, or facilitating the carrying out of, work as a journalist, or
 - (b) the publication of academic research.
- (4) A person who commits an offence under this section is liable –
 - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
 - (d) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (5) In this section “material” means anything which consists of or includes –
 - (a) text or moving or still images, or
 - (b) speech or music.
- (6) In this section –
 - (a) “unlawful immigration service” means a service whose purpose is to facilitate the commission of –
 - (i) an offence under any of the Immigration Acts,
 - (ii) a breach of immigration law (other than such an offence), or
 - (iii) an offence under section 4, 5 or 6 of the Identity Documents Act 2010 in relation to an identity document within any of paragraphs (a) to (c) of section 7(1) of that Act,whether by providing goods or services, or both, or anything else;
 - (b) “immigration law” has the meaning given by section 25(2) of the Immigration Act 1971.

- (7) In this section “publish” means make available to the public at large or any section of the public, whether or not in return for payment or any other form of consideration.
- (8) In this section “internet service” means a service that is made available by means of—
 - (a) the internet, or
 - (b) a combination of the internet and an electronic communications service (as defined by section 32(2) of the Communications Act 2003).
- (9) This section is subject to section (*Application of section (Online advertising of unlawful immigration services) to internet service providers*).

Member's explanatory statement

This new clause creates offences relating to the creation and publication of material promoting unlawful immigration services.

LORD HANSON OF FLINT

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After Clause 16, insert the following new Clause—

“Application of section (*Online advertising of unlawful immigration services*) to internet service providers

- (1) An internet service provider does not commit an offence under section (*Online advertising of unlawful immigration services*) by—
 - (a) providing access to a communication network, or
 - (b) transmitting, in a communication network, information provided by a user, if the provider does not—
 - (i) initiate the transmission,
 - (ii) select the recipient of the transmission, or
 - (iii) select or modify the information contained in the transmission.
- (2) The references in subsection (1) to providing access to, or transmitting information in, a communication network include storing the information transmitted so far as the storage—
 - (a) is automatic, intermediate and transient,
 - (b) is solely for the purpose of carrying out the transmission in the network, and
 - (c) is for no longer than is reasonably necessary for the transmission.
- (3) An internet service provider does not commit an offence under section (*Online advertising of unlawful immigration services*) by storing information provided by a user for transmission in a communication network if—
 - (a) the storage of the information—
 - (i) is automatic, intermediate and temporary, and
 - (ii) is solely for the purpose of making more efficient the onward transmission of the information to other users at their request, and
 - (b) the internet service provider—

- (i) does not modify the information,
 - (ii) complies with any conditions attached to having access to the information, and
 - (iii) on obtaining actual knowledge of a matter within subsection (4), promptly removes the information or disables access to it.
- (4) The matters within this subsection are that –
 - (a) the information at the initial source of the transmission has been removed from the network,
 - (b) access to it has been disabled, or
 - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.
- (5) An internet service provider does not commit an offence under section (*Online advertising of unlawful immigration services*) by storing information provided by a user who is not acting under the authority or control of the provider if –
 - (a) the provider had no actual knowledge when the information was provided that it was, or contained, material whose purpose was, or effect would be, to promote an unlawful immigration service, and
 - (b) on obtaining actual knowledge that the information was, or contained, such material, the provider promptly removed the information or disabled access to it.
- (6) Section (*Online advertising of unlawful immigration services*)(5) and (6) applies for the purposes of this section.
- (7) In this section –
 - “internet service provider” means a provider of –
 - (a) a service that is made available by means of the internet, or
 - (b) a service that provides access to the internet;
 - “user”, in relation to an internet service provider, means a user of a service provided by the internet service provider.”

Member's explanatory statement

This new clause makes provision about the liability of internet service providers under my first new clause to be inserted after clause 16.

LORD HANSON OF FLINT

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After Clause 16, insert the following new Clause –

“Liability for offence under section (*Online advertising of unlawful immigration services*) committed by a body

- (1) This section applies where an offence under section (*Online advertising of unlawful immigration services*) is committed by a body.
- (2) If the offence is committed with the consent or connivance of a person (“P”) who is –
 - (a) a relevant person in relation to the body, or

- (b) a person purporting to act in the capacity of a relevant person in relation to the body,
P (as well as the body) commits the offence and is liable to be proceeded against and punished accordingly.
- (3) In this section –
“body” means a body corporate, a partnership or an unincorporated association other than a partnership;
“relevant person”, in relation to a body, means –
(a) in the case of a body corporate other than one whose affairs are managed by its members, a director, manager, secretary or other similar officer of the body;
(b) in the case of a limited liability partnership or other body corporate whose affairs are managed by its members, a member who exercises functions of management with respect to it;
(c) in the case of a limited partnership, a general partner (within the meaning given by section 3 of the Limited Partnerships Act 1907);
(d) in the case of any other partnership, a partner;
(e) in the case of an unincorporated association other than a partnership, a person who exercises functions of management with respect to it.”

Member's explanatory statement

This new clause makes provision about the liability of individuals for offences committed by bodies under my first new clause to be inserted after clause 16.

Clause 17

LORD HANSON OF FLINT

- ★ Clause 17, page 10, line 33, after “13(1)” insert “or (1A)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 13 at page 7, line 12.

LORD HANSON OF FLINT

- ★ Clause 17, page 10, line 33, after “14(1)” insert “or (2A)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 14 at page 8, line 11.

LORD HANSON OF FLINT

- ★ Clause 17, page 10, line 33, leave out “or 16(1)” and insert “, 16(1) or (Online advertising of unlawful immigration services)(1) or (2)”

Member's explanatory statement

This amendment provides that the offences under my first new clause to be inserted after clause 16 apply to things done anywhere in the world, by a person of any nationality.

LORD HANSON OF FLINT

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Clause 17, page 10, line 34, at end insert “, or

- (b) whether they are done by a body formed under the law of any part of the United Kingdom or the law of any other country or territory.”

Member's explanatory statement

This amendment has the effect that an offence under clause 13, 14, 16 or my first new clause to be inserted after clause 16 apply to things done by a body regardless of the country or territory under whose law the body is formed.

LORD HANSON OF FLINT

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Clause 17, page 10, line 35, leave out “or 16” and insert “, 16 or (Online advertising of unlawful immigration services)”

Member's explanatory statement

This amendment is consequential on my amendment to clause 17 at page 10, line 33.

LORD HANSON OF FLINT

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Clause 17, page 11, line 11, leave out “or 16” and insert “, 16 or (Online advertising of unlawful immigration services)”

Member's explanatory statement

This amendment disapplies the requirement, imposed by section 3 of the Territorial Waters Jurisdiction Act 1878, for Secretary of State consent for certain prosecutions under my first new clause to be inserted after clause 16.

Clause 32

LORD HANSON OF FLINT

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Clause 32, page 26, line 38, leave out “the data protection legislation or”

Member's explanatory statement

This amendment removes a specific data protection legislation override which has become redundant as a result of the enactment of the general data protection legislation override by section 106 of the Data (Use and Access) Act 2025.

LORD HANSON OF FLINT

- ★ Clause 32, page 26, line 39, leave out from “legislation” to end of line 40

Member's explanatory statement

This amendment is consequential on my first amendment to clause 32.

LORD HANSON OF FLINT

- ★ Clause 32, page 27, leave out lines 2 and 3

Member's explanatory statement

This amendment is consequential on my first amendment to clause 32.

After Clause 41

LORD BACH
BARONESS LUDFORD

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.

Clause 43

LORD HANSON OF FLINT



Clause 43, page 39, line 26, leave out from “section” to end of line 27 and insert “3 (general provisions for regulation and control)—”

Member's explanatory statement

This amendment is consequential on my amendment to clause 43 at page 39, line 40.

LORD HANSON OF FLINT

- ★ Clause 43, page 39, line 28, at beginning insert “in subsection (1)(c) –”

Member's explanatory statement

This amendment is consequential on my amendment to clause 43 at page 39, line 40.

LORD HANSON OF FLINT

- ★ Clause 43, page 39, line 40, at end insert “, and

(b) after subsection (1) insert –

“(1A) A condition under any of sub-paragraphs (vi) to (x) of subsection (1)(c) may be attached to limited leave to enter or remain in the United Kingdom given to a person only if the Secretary of State considers that –

- (a) the person poses a threat to national security,
- (b) the person poses a threat to the safety of the public, a section of the public, a particular individual or particular individuals,
- (c) the person has committed an offence that is specified, or falls within a description specified, in Schedule 1 to the Serious Crime Act 2007 (serious offences),
- (d) the person has committed –
 - (i) an offence that is specified in Part 2 of Schedule 18 to the Sentencing Code (specified sexual offences),
 - (ii) a sexual offence for the purposes of section 210A of the Criminal Procedure (Scotland) Act 1995 (extended sentences), or
 - (iii) an offence that is specified in Part 2 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (specified sexual offences), or
- (e) the person –
 - (i) has committed, or is suspected of having committed, an offence outside the United Kingdom, and
 - (ii) the act constituting the offence would, if it had been done in any part of the United Kingdom, have constituted an offence within paragraph (c) or (d) (other than an offence within paragraph (xxviii) of the definition of “sexual offence” in section 210A(10) of the Criminal Procedure (Scotland) Act 2010).

(1B) For the purposes of subsection (1A)(e) an act punishable under the law in force in a country or territory outside the United Kingdom constitutes an offence under that law however it is described in that law.””

Member's explanatory statement

This amendment would place limits on the circumstances in which conditions referred to in section 3(1)(c)(vi) to (x) of the Immigration Act 1971 as inserted by clause 43(2) may be attached to a person's limited leave to enter or remain in the United Kingdom.

After Clause 48

LORD DUBS
LORD GERMAN

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 FAULKES

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.

BARONESS LISTER OF BURTERSETT
BARONESS HAMWEE

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After Clause 48, insert the following new Clause —

"Safeguards for age-disputed individuals

- (1) Where an individual seeking asylum in the UK claims to be under 18 and documentary evidence of age is not available, the individual must be treated by the Home Office as a child for all safeguarding and placement purposes subject to subsection (2).
- (2) Subsection (1) does not apply only where —
 - (a) two trained officers, acting independently and following an in-person interaction, determine with written reasons that the individual's physical appearance and demeanour very strongly suggest they are significantly over 21, and
 - (b) no other credible evidence exists to support the claimed age.

- (3) Any technological method of age estimation, including facial age estimation, must not –
 - (a) be used as the sole or primary basis for determining age, or
 - (b) override the presumption in subsection (1).
- (4) The Secretary of State must lay before Parliament an annual report setting out –
 - (a) the number of individuals treated as adults in the circumstances set out in subsection (2);
 - (b) the number of such determinations subsequently overturned by a Merton-compliant age assessment;
 - (c) validation data, bias audits, and performance metrics for any technological method of age estimation;
 - (d) steps taken to reduce error rates and safeguard children.”

Member's explanatory statement

This new Clause would create statutory safeguards for asylum-seeking individuals whose age is in dispute, implementing the principle established in jurisprudence that the benefit of the doubt must be applied and that the margin of error in age assessment should be clearly defined. It would set limits on the use of scientific or technological age estimation methods, including facial age estimation, and require the Secretary of State to monitor the number of putative children treated as adults and outcomes.

Clause 62

LORD HANSON OF FLINT

- ★ Clause 62, page 67, line 33, at end insert –

“(ba) section 42;”

Member's explanatory statement

This amendment would bring clause 42 (EU Settlement Scheme: rights of entry and residence etc) into force on Royal Assent.

LORD HANSON OF FLINT

- ★ Clause 62, page 68, line 1, leave out “, 42”

Member's explanatory statement

This amendment is consequential on my amendment to clause 62 at page 67, line 33.

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RUNNING LIST OF ALL AMENDMENTS ON REPORT

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