

Border Security, Asylum and Immigration Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 1** 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.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 2** Clause 1, page 1, line 13, at end insert —
- “(5) The Secretary of State may only appoint a person as the Commander if the person is, or has been, any of the following —
- (a) an officer of the National Police Chiefs Council,
 - (b) an immigration officer of at least the rank of director, or
 - (c) a military officer of at least the rank of OF-6 in the NATO standard rank scale.”

Member's explanatory statement

This amendment probes whether there should be a specification of who can be appointed as the Commander.

Clause 13

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 3 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

- 4 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

- 5 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

- 6 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.

BARONESS HAMWEE

- 7★ Clause 14, page 8, line 10, leave out “by P or another person” and insert “by a person other than P or a member of P’s immediate family”

Member's explanatory statement

This amendment seeks to ensure that the new criminal offence is targeted at people smugglers rather than those seeking asylum.

LORD HANSON OF FLINT

- 8 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

- 9 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

- 10 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

11 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.

Clause 16

BARONESS HAMWEE

12 Clause 16, page 10, line 22, at end insert—

- “(d) the person was carrying out a legal activity, as defined in section 12(3) of the Legal Services Act 2007.”

Member's explanatory statement

This amendment is intended to probe whether a person providing legitimate legal services will have a “reasonable excuse” defence for the offence under Clause 16.

After Clause 16

LORD HANSON OF FLINT

13 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

14 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

15 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

- 16** 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

- 17** 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

- 18** 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

- 19 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

- 20 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

- 21 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 18

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 22 Clause 18, page 11, leave out lines 24 to 26 and insert—
“(c) the vessel in which the person travelled could not reasonably have been thought to be safe for the purposes of reaching the United Kingdom.”

Member's explanatory statement

This amendment would apply the new offence of endangering another during a sea crossing to the UK to any individual who tries to enter the UK illegally and makes their journey in an unseaworthy vessel, removing the requirement for the individual to have done an act to cause or create a risk of death or serious injury.

Clause 32

LORD HANSON OF FLINT

- 23 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

- 24 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

- 25 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 36BARONESS LUDFORD
LORD GERMAN

- 26★ After Clause 36, insert the following Clause —

“Requirement to produce an annual report on cooperation with Europol

- (1) The Secretary of State must, within one year of the day on which this Act is passed, lay before Parliament an annual report on cooperation between United Kingdom law enforcement agencies and Europol.
- (2) A further report must be published and laid before Parliament at least once per year.
- (3) An annual report under this section must include —
 - (a) actions taken during the previous year to cooperate with Europol,
 - (b) progress in reducing people smuggling and human trafficking, and
 - (c) planned activities for improving future cooperation with Europol.”

Member's explanatory statement

This new clause would require the Government to provide an annual report to Parliament detailing the UK's efforts to cooperate with Europol, its progress in reducing levels of people smuggling and human trafficking, and its plans to improve future cooperation.

BARONESS BRINTON

27★ After Clause 36, insert the following new Clause —

“Mandatory referral for age assessment in criminal proceedings

Where an individual who claims to be under 18 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 would 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.

Clause 38

BARONESS JONES OF MOULSECOOMB

28★ Clause 38, page 32, line 20, leave out “11” and insert “12”

Member's explanatory statement

This amendment would add section 12 (period for which persons may be detained) to the list of sections of the Illegal Migration Act 2023 to be repealed.

BARONESS HAMWEE
LORD GERMAN

29 Clause 38, page 32, line 22, leave out “28” and insert “29”

Member's explanatory statement

This amendment would repeal section 29 of the Illegal Immigration Act 2024, which requires the Secretary of State to remove people who have sought to use modern slavery protections in “bad faith”.

Clause 39

BARONESS JONES OF MOULSECOOMB

30★ Clause 39, page 34, line 2, at end insert –

- “(5) In Schedule 2 to the Immigration Act 1971 (administrative provisions as to control on entry etc.) –
- (a) in paragraph 16 (powers to detain), omit sub-paragraph (5);
 - (b) omit paragraph 17A.
- (6) In paragraph 2 of Schedule 3 to the Immigration Act 1971 (detention or control pending deportation) –
- (a) omit sub-paragraphs (3A) to (3E);
 - (b) in sub-paragraph (4), for “17, 18, 18A” substitute “17 to 18A”.
- (7) 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).
- (8) In section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State) –
- (a) omit subsections (2N) to (2R);
 - (b) in subsection (3), omit “, other than paragraph 17A,”.
- (9) In section 36 of the UK Borders Act 2007 (detention relating to deportation) omit subsections (1A) to (1E).
- (10) 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 –

“Person subject to removal

32. – (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 on the amendment in the name of Baroness Jones of Moulsecomb to clause 38, page 32, line 20 repealing section 12 of the Illegal Migration Act 2023.

After Clause 39

BARONESS JONES OF MOULSECOOMB

31★ 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) section 12 (differential treatment of refugees);
- (b) sections 18 to 28 (supporting evidence; priority removal notices; late evidence; appeals);
- (c) section 32 (Article 1(A)(2): well-founded fear);
- (d) section 37 (Article 31(1): immunity from penalties);
- (e) section 40 (illegal entry and similar offences).”

Member's explanatory statement

This new clause would repeal provisions of the Nationality and Borders Act 2022 concerning: the creation of two separate groups of refugees, subject to differential treatment; evidential and fast-track appeal processes, that introduce bureaucracy and risk unfairness; interpretations of the Refugee Convention that overturned the common law position; and the creation of offences that criminalise arriving in the UK to seek asylum.

Clause 41

BARONESS JONES OF MOULSECOOMB

32★ Clause 41, page 37, line 19, leave out subsection (17)

Member's explanatory statement

This amendment would remove the retrospective element of this Clause, which would validate unlawful detention.

After Clause 41

LORD BACH
BARONESS LUDFORD
LORD CARLILE OF BERRIEW
BARONESS PRASHAR

33 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 DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

34 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 subsections (A1) to (E1) is liable on conviction on indictment 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 instances of “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).”

Member's explanatory statement

This new clause would require the deportation of any foreign national who is convicted of any offence in the United Kingdom.

LORD JACKSON OF PETERBOROUGH

35★

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.”

Clause 42

BARONESS LUDFORD

36

Clause 42, page 38, line 1, 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.

After Clause 42

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

37 After Clause 42, insert the following new Clause –

“Prescribed 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

38 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

39 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

40 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 43

LORD BACH

41★ After Clause 43, insert the following new Clause –

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

In Schedule 10 to the Immigration Act 2016 (immigration bail), in paragraph 9(1)(a), for “specified in the condition” substitute “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 45LORD GERMAN
BARONESS BRINTON

42 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

43 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

44 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.

THE LORD BISHOP OF MANCHESTER

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

“Reports on the restrictions on asylum seekers engaging in employment

- (1) The Secretary of State must, on or before 31 December 2025, 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) The report under subsection (1) must include a review of the current 12 month waiting period attached to the permission to work, and the restriction of roles to the Immigration Salary List.
- (3) The Secretary of State must make arrangements for —
 - (a) a copy of each report published under subsection (1) to be laid before each House of Parliament by the end of the day on which it is published,

- (b) a motion to the effect that the House of Commons has considered the report to be moved in the House of Commons by a Minister of the Crown, and
 - (c) a motion for the House of Lords to take note of the report to be tabled in the House of Lords and moved by a Minister of the Crown.
- (4) The motions required under subsections (3)(b) and (c) must be moved in the relevant House by a Minister of the Crown within the period of 25 sitting days beginning with the end of the day on which the report is laid before Parliament.
- (5) The Secretary of State shall make a further report under subsection (1) at least every 12 calendar months thereafter until the restrictions on asylum seekers engaging in employment are removed or until 31 December 2028, whichever is the sooner.”

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.

After Clause 47

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

46 After Clause 47, insert the following new Clause —

“Abolition of Immigration Tribunals

- (1) The Immigration and Asylum Chamber of the First-Tier Tribunal is abolished.
- (2) The Immigration and Asylum Chamber of the Upper Tribunal is abolished.
- (3) The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 is repealed.
- (4) In paragraph 4 of Schedule 3 to the Immigration Act 1971 omit sub-paragraphs (5) and (6).
- (5) The Immigration and Asylum Act 1999 is amended in accordance with subsections (6) and (7).
- (6) In section 94 —
 - (a) omit subsection (3)(b), and
 - (b) omit subsection (4).
- (7) Section 103 is repealed.
- (8) In section 72 of the Nationality, Immigration and Asylum Act 2002, omit subsection (10A).
- (9) In section (8) of the Asylum and Immigration (Treatment of Claimants) Act 2004 —
 - (a) omit subsection (7)(c), and

- (b) omit subsection (9A).
- (10) The UK Borders Act 2007 is amended in accordance with subsections (16).
- (11) In section 36 omit subsections (3A) and (3B).
- (12) In Schedule 10 (immigration bail) of the Immigration Act 2016—
 - (a) omit paragraph 1(3),
 - (b) in paragraph 2—
 - (i) in sub-paragraph (1) omit “or the first-tier tribunal”,
 - (ii) omit sub-paragraphs (7) and (8),
 - (c) in paragraph 3—
 - (i) in sub-paragraph (1) omit “or the first-tier tribunal”,
 - (ii) in sub-paragraph (2)(f) omit “or the first-tier tribunal”,
 - (iii) omit sub-paragraphs (3) and (4),
 - (iv) in sub-paragraph (5) omit “or the first-tier tribunal”,
 - (v) omit sub-paragraph (6),
 - (d) in paragraph 4 omit “or the first-tier tribunal.”,
 - (e) omit paragraph 5(5),
 - (f) in paragraph (6)—
 - (i) omit sub-paragraphs (3), (4) and (5),
 - (ii) in sub-paragraph (6) omit “or the first-tier tribunal”,
 - (iii) omit sub-paragraph (7),
 - (g) omit paragraph 7(1)(a)(ii),
 - (h) omit paragraph 8,
 - (i) in paragraph 10—
 - (i) in sub-paragraph (9)(a) for “the relevant authority” substitute “the Secretary of State”,
 - (ii) omit sub-paragraph (10),
 - (iii) in sub-paragraphs (11), (12) and (13) for each reference to “the relevant authority” substitute “the Secretary of State”,
 - (j) omit paragraph 11,
 - (k) omit paragraph 12.
- (13) In the Nationality and Borders Act 2022 omit sections 27, 54 and 55.”

Member's explanatory statement

This amendment would abolish the Immigration and Asylum Chamber of the First and Upper Tier Tribunals, so that no person can bring judicial appeal immigration and asylum decisions.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

47 After Clause 47, insert the following new Clause –

“Abolition of appeals for immigration decisions

- (1) This section applies to a person (“P”) in respect of whom an initial decision for a relevant immigration decision has been made.
- (2) P may only apply to the Secretary of State for an administrative review in respect of the relevant immigration decision but may not appeal to any court or tribunal.
- (3) In the case where P has been given a deportation order in accordance with section 32(5) of the UK Borders Act 2007, 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.
- (4) For the purposes of this section a “relevant immigration decision” means –
 - (a) a decision to make a deportation order under –
 - (i) section 5(1) of the Immigration Act 1971,
 - (ii) section 32(5) of the UK Borders Act 2007, and
 - (iii) section (Duty to deport illegal entrants) of this Act,
 - (b) a decision that a person is to be removed from the United Kingdom by way of directions under section 10(1)(a), (b) or (c) of the Immigration and Asylum Act 1999 (c. 33) (removal of person unlawfully in United Kingdom),
 - (c) a decision that an illegal entrant is to be removed from the United Kingdom by way of directions under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971 (c. 77) (control of entry: removal),
 - (d) a decision that a person is to be removed from the United Kingdom by way of directions given by virtue of paragraph 10A of that Schedule (family),
 - (e) a refusal to revoke a deportation order under section 5(2) of that Act,
 - (f) a decision to reject an asylum claim, protection claim or human rights claim,
 - (g) a decision to refuse support under section 95 of the immigration and Asylum Act 1999 or section 17 of the Nationality, Immigration and Asylum Act 2002,
 - (h) a decision to certify a protection claim or human rights claim as clearly unfounded under section 94 of the Nationality, Immigration and Asylum Act 2002,
 - (i) a decision to revoke a person’s asylum status or protection status, and
 - (j) a decision not to grant immigration bail.
- (5) The Secretary of State must establish an asylum and immigration review board (“the review board”) to be staffed by civil servants whose purpose is to consider all applications for administrative review made to the Secretary of State under subsection (2).

- (6) P may only apply to the review board for an administrative review under subsection (2) on the grounds that the initial decision was made on an error of law.
- (7) The review board must consider all applications for administrative review and may overturn the initial decision if the review board considers that the initial decision in question was made on an error of law.
- (8) The Secretary of State must by regulations establish the procedure for —
 - (a) the appointment and composition of the review board,
 - (b) P to apply for administrative review under subsection (2),
 - (c) the making of a decision on an administrative review under subsection (2), and
 - (d) the giving of a notice of the review board’s final decision to P.
- (9) Regulations under subsection (8) must be made by statutory instrument subject to annulment in pursuance of a resolution of either Houses of Parliament.
- (10) The Nationality, Asylum and Immigration Act 2002 is amended in accordance with subsections (11) to (15).
- (11) Sections 53, 78, 78A, 79 are repealed.
- (12) Sections 81 to 93 are repealed.
- (13) In section 94, omit subsection 3A.
- (14) Section 95 to 113, are repealed.
- (15) Sections 115 to 117 are repealed.
- (16) The Immigration Act 1971 is amended in accordance with subsections (17) to (19).
- (17) In section 3C omit subsections (2)(b) and (2)(c).
- (18) In Schedule 2 —
 - (a) in paragraph 4(4)(c) omit “in respect of an appeal under the Immigration Acts or”,
 - (b) in paragraph 8(2) omit “(ignoring any period during which an appeal by him under the Immigration Acts is pending)”,
 - (c) in paragraph 19 —
 - (i) in sub-paragraph (3) omit the words from “or if he is afterwards given” to “by such a refusal”,
 - (ii) omit sub-paragraph (4), and
 - (d) omit paragraph 20(3).
- (19) Omit section 33(4).
- (20) In Schedule 3 of the Asylum and Immigration (Treatment of Claimants) Act 2004 —
 - (a) in paragraph 1 —
 - (i) in sub-paragraph (1) omit the definition of “immigration appeal”,
 - (ii) omit sub-paragraph (3), and
 - (b) omit paragraphs 5, 10, 15 and 19.”

Member's explanatory statement

This amendment would remove the ability to appeal immigration decisions, but would create a review board in the Home Office to review decisions made on an error of law.

Clause 48

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

- 48 Clause 48, page 46, line 24, leave out “to be presumed to have been”

Member's explanatory statement

This amendment would remove the rebuttable presumptions in new subsections (5ZA) inserted into section 72 of the Nationality, Immigration and Asylum Act 2002, so that a refugee convicted of a sexual offence would be considered to have been convicted of a particularly serious crime for the purposes of Article 33 of the Refugee Convention, therefore permitting their deportation.

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

- 49 Clause 48, page 46, line 30, leave out “to be presumed to have been”

Member's explanatory statement

This amendment is consequential to the other amendment to clause 48, page 46, line 24.

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

- 50 Clause 48, page 47, line 2, leave out “presumed to have been”

Member's explanatory statement

This amendment is consequential to the other amendment to clause 48, page 46, line 24.

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

- 51 Clause 48, page 47, line 5, leave out subsection (4) and insert –
“(4) In subsection (6), after “subsection (5A)” insert “or (5B)”.”

Member's explanatory statement

This amendment is consequential to the other amendment to clause 48, page 46, line 24.

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

- 52 Clause 48, page 47, line 8, leave out from “(7)” to end of line and insert “after “(5A)” insert “or (5B)””

Member's explanatory statement

This amendment is consequential to the other amendment to clause 48, page 46, line 24.

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

- 53 Clause 48, page 47, line 10, leave out from “(9)(b)” to end of line and insert “after “(5A)” insert “or (5B)”

Member's explanatory statement

This amendment is consequential to the other amendment to clause 48, page 46, line 24.

LORD CAMERON OF LOCHIEL
LORD DAVIES OF GOWER

- 54 Clause 48, page 47, line 11, leave out from “(10)(b)” to end of line and insert “after “(5A)” insert “or (5B)”

Member's explanatory statement

This amendment is consequential to the other amendment to clause 48, page 46, line 24.

After Clause 48

LORD DUBS
LORD GERMAN
LORD KERR OF KINLOCHARD
BARONESS HAMWEE

- 55 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 child, 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
BARONESS FOX OF BUCKLEY

56

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
 BARONESS NEUBERGER
 THE LORD BISHOP OF CHELMSFORD

57

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.

LORD ALTON OF LIVERPOOL

58 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, by regulations, 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) 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 BROWNE OF LADYTON
LORD CASHMAN
BARONESS HAMWEE

59 After Clause 48, insert the following new Clause—

“Amendment to Section 59 of the Illegal Migration Act 2023

- (1) Section 59 of the Illegal Migration Act 2023 is amended as follows.
- (2) In subsection (2), for paragraph (a) substitute—
 - “(a) for subsection (1) substitute—
 - “(1) The Secretary of State may declare an asylum or human rights claim made by a person who is a national of a State listed in section 80AA(1) inadmissible.”;
- (3) In subsection (2), after paragraph (c) insert—
 - “(ca) in subsection (4) after “considered” insert “or if the failure to consider an asylum or human rights claim would contravene the United Kingdom’s obligations under the Human Rights Convention”.”.
- (4) In subsection (3), after subsection (4) of the inserted section 80AA of the Nationality, Immigration and Asylum Act 2002 insert—
 - “(4A) The Secretary of State must by regulations amend the list in subsection (1) so as to remove a State if the Secretary of State is satisfied that the statements in subsection (3)(a) or (b) are no longer true of a state or territory, or part of a state or territory, in relation to a description of person.

- (4B) In deciding whether the statements in subsection (3)(a) or (b) are no longer true of a state or territory, the Secretary of State must have regard to the circumstances and information listed in subsection (4)(a) and (b).
- (4C) A description for the purposes of subsection (4A) may refer to –
 - (a) sex,
 - (b) language,
 - (c) race,
 - (d) religion,
 - (e) nationality,
 - (f) membership of social or other group,
 - (g) political opinion, or
 - (h) any other attribute or circumstance that the Secretary of State thinks appropriate.”.”

Member's explanatory statement

This amendment alters the amendments made by section 59 of the Illegal Migration Act 2023 to sections 80A and section 80AA of the Nationality, Immigration and Asylum Act 2002. It turns the duty into a power, to declare as inadmissible a human rights or asylum claim, which may not be exercised if the failure to consider a claim would contravene the UK's obligations under the ECHR. It also creates a duty to remove States from the Safe States list, if they are no longer safe.

THE LORD BISHOP OF CHELMSFORD
LORD GERMAN
BARONESS LISTER OF BURTERSETT

60 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) A good character requirement must not be applied in a manner contrary to the United Kingdom's obligations under –
 - (a) the Convention on Action against Trafficking in Human Beings,
 - (b) the Convention on the Elimination of all forms of Discrimination Against Women,
 - (c) the Convention on the Elimination of All Forms of Racial Discrimination,
 - (d) the Convention on the Rights of the Child,
 - (e) the Statelessness Conventions,
 - (f) the Human Rights Convention,
 - (g) the Palermo Protocol, and
 - (h) the Refugee Convention.

- (2) When considering whether a person (P) meets a 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 published by the Secretary of State and in force at the time of such entry or arrival.
- (3) In this section –
- “a good character requirement” refers to the requirement or consideration that an adult or young person, applicant, or person who applies for naturalisation or registration is of good character in section 41A (registration: requirement to be of good character), section 4L (acquisition by registration: special circumstances), section 17I (acquisition by registration: special circumstances), and paragraphs 1 and 5 of Schedule 1;
 - the “Convention on Action against Trafficking in Human Beings” refers to the Convention on Action against Trafficking in Human Beings agreed by the Council of Europe in Warsaw on 16 May 2005;
 - the “Convention on the Elimination of all forms of Discrimination Against Women” refers to the United Nations Convention on the Elimination of all forms of Discrimination Against Women adopted in New York on 18 December 1979;
 - the “Convention on the Elimination of All Forms of Racial Discrimination” refers to the United Nations International Convention on the Elimination of All Forms of Racial Discrimination adopted in New York on 21 December 1965;
 - the “Convention on the Rights of the Child” means the United Nations Convention on the Rights of the Child adopted in New York on 20 November 1989;
 - the “Statelessness Conventions” means the Convention relating to the Status of Stateless Persons adopted in New York on 28 September 1954 and the Convention on the Reduction of Statelessness adopted in New York on 30 August 1961;
 - the “Human Rights Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4 November 1950 as it has effect for the time being in relation to the United Kingdom;
 - the “Palermo Protocol” means the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted in New York on 15 November 2000;
 - the “Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and its Protocol.””

Member's explanatory statement

This new clause would ensure the good character requirement is not applied contrary to the UK's international legal obligations across a number of instruments. 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 and in force at the time of an adult's irregular entry or arrival.

BARONESS KENNEDY OF THE SHAWS
LORD ALTON OF LIVERPOOL
LORD BROWNE OF LADYTON

61 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.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

62 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)(b) 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 –
 - (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) section 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 DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

63 After Clause 48, insert the following new Clause –

“Age assessments: use of scientific methods

The Secretary of State must, within six months of the passing of this Act, lay before Parliament a statutory instrument containing regulations under section 52 of the Nationality and Borders Act 2022 specifying scientific methods that may be used for the purposes of 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

64 After Clause 48, 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”.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

65 After Clause 48, insert the following new Clause –

“Refusal of asylum claims from illegal entrants

- (1) The Secretary of State must refuse without consideration an asylum claim, protection claim or a human rights claim made by any person to whom this section applies.
- (2) This section applies to a person who –

- (a) commits an offence under sections 24 or 24A of the Immigration Act 1971, or
 - (b) 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.
- (3) For the purposes of subsection (2)(b) a person is not to be taken to have come directly from a country in which their life and liberty were at risk 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.
- (4) Subsection (2)(b) does not apply if a person –
 - (a) entered the United Kingdom lawfully,
 - (b) at the time the person entered the United Kingdom lawfully the person came directly from a safe country, and
 - (c) whilst the person has remained in the United Kingdom the person's home country has become an unsafe country.
- (5) Where subsection (4) applies to a person and the person makes an asylum claim, protection claim or human rights claim, the Secretary of State must consider the claim.
- (6) For the purposes of subsection (4) –
 - (a) a country is a “safe country” if in general a person's life and liberty would not be threatened by reason of their race, religion, nationality, membership of a particular social group or political opinion;
 - (b) a country is an “unsafe country” if in general a person's life and liberty would be threatened by reason of their race, religion, nationality, membership of a particular social group or political opinion;
 - (c) a person entered the United Kingdom lawfully if the person entered the United Kingdom in accordance with the Immigration Acts.
- (7) A claim refused under subsection (1) cannot be considered under the immigration rules.
- (8) This section applies to any asylum claim, protection claim or human rights claim that was made by a person to whom this section applies on, after or before the day in which this section comes into force.”

Member's explanatory statement

This amendment would require the Secretary of State to refuse any asylum, protection or human rights claim made by a person who enters the United Kingdom illegally.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

66 After Clause 48, insert the following new Clause –

“Duty to deport illegal arrivals

- (1) The Secretary of State must make a deportation order against any person (“P”) to whom this section applies.
- (2) This section applies to any person who –
 - (a) commits an offence under section 24 (illegal entry) or 24A (deception) of the Immigration Act 1971,
 - (b) enters or arrives in the United Kingdom at a time when they are an excluded person within the meaning of section 8B of the Immigration Act 1971 (persons excluded from the United Kingdom under certain instruments), or
 - (c) has had their asylum claim, protection claim or human rights claim rejected, on, after or before the day on which this section comes into force.
- (3) For the purposes of subsection (2)(b) the exceptions in subsection (5A) of section 8B of the Immigration Act 1971 (exceptions to section 8B) do not apply.
- (4) Where P has entered the United Kingdom unlawfully by means of sea crossing, a deportation order must be made against P as soon as P is detained under section (powers of detention for illegal entrants).
- (5) Where P is given a deportation order under this section the Secretary of State must make the necessary arrangements for the removal of P from the United Kingdom so as to ensure that P is removed from the United Kingdom within the period of one week beginning on the day that P is detained under section (Powers of detention for illegal entrants).
- (6) Where a deportation order is in force against P under this section, the Secretary of State must give directions for P’s removal to either –
 - (a) a country of which P is a national or citizen providing that country is a safe country, or
 - (b) where a country of which P is a national or citizen is an unsafe country, to a safe third country.
- (7) For the purposes of subsection (6) –
 - (a) a country is a “safe country” if in general a person’s life and liberty would not be threatened by reason of their race, religion, nationality, membership of a particular social group or political opinion;
 - (b) a country is an “unsafe country” if in general a person’s life and liberty would be threatened by reason of their race, religion, nationality, membership of a particular social group or political opinion;
 - (c) A “safe third country” means a country of which P is not a national or citizen but is considered to be a safe country under this subsection.
- (8) Where –

- (a) a deportation order is in force against P under this section, and
 - (b) P has a child (“C”) who was born in the United Kingdom after P entered the United Kingdom unlawfully,
- the Secretary of State must also make a deportation order against C.”

Member's explanatory statement

This amendment would require the Secretary of State to deport, within one week, any person who entered the United Kingdom illegally or who has had their asylum claim rejected.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

67 After Clause 48, insert the following new Clause –

“Powers of detention for illegal entrants

- (1) A person to whom this section applies (“P”) must be detained under the authority of the Secretary of State or the authority of an immigration officer for the purposes of P’s removal from the United Kingdom.
- (2) This section applies to a person who –
 - (a) commits an offence under sections 24 or 24A of the Immigration Act 1971 (“A”), or
 - (b) has had their asylum claim, protection claim or human rights claim rejected (“B”).
- (3) Where P is detained under this section, P must be detained in a designated removal centre and may not be accommodated in any other form of accommodation.
- (4) For the avoidance of doubt, the reference in subsection (3) to “any other form of accommodation” includes hotel accommodation, houses in multiple occupation and military bases.
- (5) Where P is detained under this section, P must be detained for the relevant period.
- (6) For the purposes of subsection (5) the “relevant period” begins –
 - (a) for A, on the day on which the person unlawfully enters the United Kingdom;
 - (b) for B, the day on which the claim is rejected.
- (7) For the purposes of subsection (5) the “relevant period” ends on the earliest of the following –
 - (a) for A, on A’s deportation from the United Kingdom;
 - (b) for B, on B’s deportation from the United Kingdom.
- (8) Schedule 10 of the Immigration Act 2016 (immigration bail) does not apply to a person detained under this section.
- (9) Section 141 of the immigration and Asylum Act 1999 (fingerprinting) is amended in accordance with subsections (10) and (11).

- (10) In subsection (7), after paragraph (d) insert –
- “(da) any person (“DA”) who has been detained under section (Powers of detention for illegal entrants) of the Border Security, Asylum and Immigration Act 2025;”.
- (11) In subsection (8), for paragraph (d) substitute –
- “(d) for D or DA, on D’s or DA’s detention or arrest;”.
- (12) In subsection (9), in paragraph (b), for “or D,” substitute “,D or DA,”.
- (13) Regulation 2 of the Immigration (Collection, Use and Retention of Biometric Information and Related Amendments) Regulations 2021 are amended as follows.
- (14) In paragraph (7) –
- (a) in sub-paragraph (f), at the end omit “and”,
- (b) in sub-paragraph (g)(ii), at the end insert “; and”
- (c) after sub-paragraph (g) insert –
- “(h) any person (“H”) who has been detained under section (Powers of detention for illegal entrants) of the Border Security, Asylum and Immigration Act 2025.”
- (15) In paragraph (11) –
- (a) in sub-paragraph (f), at the end omit “and”,
- (b) in sub-paragraph (g), at the end insert “;and”
- (c) after sub-paragraph (g) insert –
- “(h) for H, on H’s detention.”
- (16) In paragraph (12), after sub-paragraph (b), insert –
- “(c) for H, on H’s deportation from the United Kingdom.””

Member's explanatory statement

This amendment would require any person that enters the United Kingdom illegally or has had their asylum claim rejected to be immediately detained in a removals centre, not a hotel or HMO, have biometric information collected, and then be deported within one week.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

After Clause 48, insert the following new Clause –

“Exclusion of judicial review of asylum and immigration decisions

- (1) Subsections (2) and (3) apply where –
- (a) the Secretary of State has made an initial decision in respect of a relevant immigration decision, or
- (b) the asylum and immigration review board (“the review board”) have made a final decision in respect of a relevant immigration decision under section (Abolition of appeals for immigration decisions).

- (2) The decision is final, and not liable to be set aside in any court.
- (3) In particular—
 - (a) no application or petition for judicial review may be made or brought in relation to an initial decision by the Secretary of State or a final decision by the review board;
 - (b) the review board are not to be regarded as having exceeded their powers by reason of any error made in reaching the final decision.
- (4) Subsections (2) and (3) do not apply where the Secretary of State or the review board is acting or has acted in such a manner which exceeds the Secretary of State's or the review board's powers under the Immigration Acts.
- (5) In this section—
 - “the Immigration Acts” has the same meaning as in section 61 of the UK Borders Act 2007;
 - “relevant immigration decision” means—
 - (a) a decision to make a deportation order under—
 - (i) section 5(1) of the Immigration Act 1971,
 - (ii) section 32(5) of the UK Borders Act 2007, and
 - (iii) section (Duty to deport illegal entrants) of this Act,
 - (b) a decision that a person is to be removed from the United Kingdom by way of directions under section 10(1)(a), (b) or (c) of the Immigration and Asylum Act 1999 (c. 33) (removal of person unlawfully in United Kingdom),
 - (c) a decision that an illegal entrant is to be removed from the United Kingdom by way of directions under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971 (c. 77) (control of entry: removal),
 - (d) a decision that a person is to be removed from the United Kingdom by way of directions given by virtue of paragraph 10A of that Schedule (family),
 - (e) a refusal to revoke a deportation order under section 5(2) of that Act,
 - (f) a decision to reject an asylum claim, protection claim or human rights claim,
 - (g) a decision to refuse support under section 95 of the immigration and Asylum Act 1999 or section 17 of the Nationality, Immigration and Asylum Act 2002,
 - (h) a decision to certify a protection claim or human rights claim as clearly unfounded under section 94 of the Nationality, Immigration and Asylum Act 2002,
 - (i) a decision to revoke a person's asylum status or protection status, and
 - (j) a decision not to grant immigration bail.”

Member's explanatory statement

This amendment would prevent judicial review of any immigration decisions, except in a case where the Secretary of State or review board have acted ultra vires.

BARONESS HAMWEE
LORD GERMAN

69 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

70 After Clause 48, insert the following new Clause —

“Humanitarian travel permit

- (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, subject to subsection (2).

- (2) The Secretary of State may by regulations establish a monthly cap of the number of applications that may be granted under subsection (1).
- (3) 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.
- (4) For the purposes of subsection (2), 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.
- (5) 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.
- (6) 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).
- (7) No fee may be charged for the making of an application under subsection (1).
- (8) 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.
- (9) A condition under subsection (8) must include the provision of biometric information under section 34 of this Act.
- (10) 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.
- (11) For the purposes of this section –
 - (a) "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),
 - (b) "entry clearance" has the same meaning as in section 33(1) of the Immigration Act 1971,

- (c) “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—
 - (i) 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”),
 - (ii) in relation to persons entitled to a grant of humanitarian protection, or
 - (iii) 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”),
- (d) “persecution” is defined in accordance with the Refugee Convention, and
- (e) “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 DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

71★

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, omit subsections (4) and (5).
- (3) In section 72—
 - (a) subsection (1), after “A country”, for “may” substitute “must”.
 - (b) in subsection (1)(a) omit “and” and insert “or,
 - (ab) 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, and”
 - (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 “70” to after “subsection (1)(a)”.
- (4) Omit section 74.”

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 JACKSON OF PETERBOROUGH

72★ 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 GERMAN
BARONESS HAMWEE

73★ After Clause 48, insert the following new Clause —

“Temporary asylum processing units

- (1) The Secretary of State may, by regulations made by statutory instrument, make such provision as is necessary to enable him or her to develop and provide temporary facilities for the expedited assessment of asylum applications or to enable other persons to do so and for the subsequent cessation of such use and the restoration of land.
- (2) Before making regulations under this section the Secretary of State must consult any local authorities likely to be affected and such other persons as he or she considers appropriate.
- (3) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This amendment would enable the creation of ‘Nightingale’ processing units to speed up the process of clearing the backlog of asylum applications.

BARONESS CHAKRABARTI

74★ After Clause 48, insert the following new Clause—

“Defence under Article 31 of the Refugee Convention

- (1) Section 37 of the Nationality and Borders Act 2022 is repealed.
- (2) Section 31 of the Immigration and Asylum Act 1999 (defences based on Article 31(1) of the Refugee Convention) is amended as follows.
- (3) Omit subsection (2).
- (4) After subsection (3)(c) insert—
 - “(d) section 24 of the Immigration Act 1971 (illegal entry and similar offences).”
- (5) After subsection (4)(d) insert—
 - “(e) section 24 of the Immigration Act 1971 (illegal entry and similar offences).”
- (6) Omit subsection (4A).”

Member's explanatory statement

This amendment alters the statutory defence for refugees to ensure compliance with Article 31 of the Refugee Convention which prevents penalisation of refugees who transit in a country on their way to receiving sanctuary in another country, if they have come directly from a place where their life or freedom was threatened and they have good cause for their irregular entry or presence. This amendment restores the common law position and repeals section 37 of the Nationality and Borders Act which sought to overturn it. It also expands the defence to cover not only offences relating to those who enter with false documents but also those who enter without any immigration documents.

BARONESS JONES OF MOULSECOOMB

75★ 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 (duty regarding the welfare of children); 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.”

BARONESS JONES OF MOULSECOOMB

76★

After Clause 48, insert the following new Clause –

“Duty to report and publish data on deaths in the asylum system and small boat crossings

- (1) The Secretary of State must, on a quarterly basis, publish and lay before Parliament a report that includes the number of deaths that have occurred in relation to the UK asylum system in the three months preceding the date specified in that report.
- (2) The specified date under subsection (1) must be no more than six months prior to the date of publication.
- (3) A report under subsection (1) must include—
 - (a) The total number of deaths occurring, during the specified period, of persons who were, at the time of death—
 - (i) in receipt of accommodation under sections 4, 95 or 98 of the Immigration and Asylum Act 1999, or

- (ii) awaiting the outcome of a claim for asylum while residing in other forms of accommodation or at no fixed abode, or
 - (iii) undertaking an unauthorised crossing of the English Channel,
- (b) the cause of death for each person reported, if known, and
- (c) the locations in which each death occurred, if known.
- (4) The first report under this section must be made published no later than one year after the passing of this Act.
- (5) For the purposes of this section—
 - a “claim for asylum” is defined in accordance with section 167 of the Immigration and Asylum Act 1999;
 - an “unauthorised crossing” is a sea crossing made by an individual without leave to enter the United Kingdom, made from dry land in France, Belgium or the Netherlands for the purpose of reaching dry land in the United Kingdom.”

Member's explanatory statement

This new clause would require the Home Office to publish quarterly statistics and information on deaths in the asylum system and in small boat channel crossings.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

77★

After Clause 48, insert the following new Clause—

“Duty to establish third-country removals centres

- (1) Within the period of one year beginning with the day on which this Act is passed, the Secretary of State must establish at least one removals centre in a safe third country.
- (2) The purpose of the removals centre is to remove from the United Kingdom those who—
 - (a) must be deported under section (*Duty to deport illegal arrivals*) of this Act, or
 - (b) in respect of whom the Secretary of State has made a deportation order or given directions for removal,
 and who cannot be removed to a country of which they are a national or citizen because that country is an unsafe country.
- (3) In this section—
 - a country is an “unsafe country” if in general a person’s life and liberty would be threatened by reason of their race, religion, nationality, membership of a particular social group or political opinion;
 - a “safe third country” means a country of which a person is not a national or citizen but is considered to be a safe country;

- a “safe country” is a country where in general a person’s life and liberty would not be threatened by reason of their race, religion, nationality, membership of a particular social group or political opinion.”

Member’s explanatory statement

This amendment would place a duty on the Secretary of State to establish third country removals centres to deport those who cannot be removed to their home country.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

78★ After Clause 48, insert the following new Clause –

“Rights of Chagossians

- (1) Notwithstanding the provisions of any agreement or treaty between the United Kingdom and Mauritius, or any change in the sovereignty status of the British Indian Ocean Territory, the immigration rights of Chagossians with respect to the United Kingdom may not be altered or amended in any way.
- (2) In this section –
 - “the immigration rights of Chagossians with respect to the United Kingdom” means any visa, indefinite leave to remain or immigration status, with respect to the United Kingdom, granted to a Chagossian or the descendant of a Chagossian;
 - “Chagossian” means a person who was a citizen of the United Kingdom and Colonies by virtue of the person’s birth in the British Indian Ocean Territory or, prior to 8 November 1965, in those islands designated as the British Indian Ocean Territory on that date.”

Member’s explanatory statement

This amendment would ensure that any change in the status of the British Indian Ocean Territory would not change the UK immigration rights of Chagossians.

BARONESS COUSSINS

79★ After Clause 48, insert the following new Clause –

“Provision of interpreters and translators under the Immigration Rules

- (1) The Secretary of State must amend paragraph 339ND of the Immigration Rules as follows.
- (2) For “an interpreter”, in both places in which it appears, substitute “a qualified, professional interpreter”.
- (3) After “interpreter”, in both places in which it appears, insert “or translator”.
- (4) After “case,” insert “or engage with any of the procedures or requirements contained in the Border Security, Asylum and Immigration Act 2025,”.

- (5) Omit “The Secretary of State shall select an interpreter who can ensure appropriate communication between the applicant and the representative of the Secretary of State who conducts the interview.””

Clause 60

LORD ALTON OF LIVERPOOL

80 Clause 60, page 66, line 24, at end insert—

“(ba) regulations under section (*British National (Overseas) visa route: statutory protection*);”

Member's explanatory statement

This amendment is connected to another in my name to insert a new clause, “British National (Overseas) visa route: statutory protection”.

Clause 62

LORD HANSON OF FLINT

81 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 DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

82★ Clause 62, page 67, line 33, at end insert—

“(ba) section (*Exclusion of judicial review of asylum and immigration decisions*);”

Member's explanatory statement

This amendment would make the new section mentioned commence on the day the Bill receives Royal Assent.

LORD HANSON OF FLINT

83 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.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 84★ Clause 62, page 68, line 1, leave out “and 44” and insert “, 44, (*Offences and deportation*), (*Refusal of asylum claims from illegal entrants*), (*Duty to deport illegal arrivals*), and (*Powers of detention for illegal entrants*)”

Member's explanatory statement

This amendment would make the new sections mentioned commence within two months of Royal Assent.

LORD GERMAN
BARONESS HAMWEE

- 85 Clause 62, page 68, line 3, at end insert —
- “(4A) Section (*humanitarian travel permit*) may only be brought into force after the Secretary of State has —
- (a) undertaken a pilot programme of the implementation of the provisions in that section, which must last for at least 12 months, and
 - (b) laid a report before Parliament on the operation of that pilot.”

Member's explanatory statement

This amendment is connected to Lord German's amendment to insert a new clause after clause 48 creating a humanitarian travel permit. It provides that the full scheme can only come into effect after a pilot has been undertaken.

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

- 86★ Clause 62, page 68, line 3, at end insert —
- “(4A) Sections (*Abolition of Immigration Tribunals*) and (*Abolition of appeals for immigration decisions*) come into force at the end of the period of three months beginning with the day on which this Act is passed.”

Member's explanatory statement

This amendment would make the new sections mentioned commence three months after Royal Assent.

Border Security, Asylum and Immigration Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

24 October 2025

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