

Border Security, Asylum and Immigration Bill

AMENDMENT TO BE MOVED ON REPORT

[Supplementary to the Marshalled List]

Amendment
No.

After Clause 48

LORD MURRAY OF BLIDWORTH
LORD FAULKES

79A★ After Clause 48, insert the following new Clause—

“Disapplication of the Human Rights Act 1998 for immigration legislation

- (1) For the purposes of any provision made by virtue of this Act or the relevant immigration legislation, and for any decision, action or policy made under this Act or the relevant immigration legislation, the Human Rights Act 1998 does not apply.
- (2) Where a court or tribunal is considering any decision under the relevant immigration legislation, the court or tribunal must disregard the Human Rights Act 1998.
- (3) For the purposes of this section “the relevant immigration legislation” means—
 - (a) the Immigration Acts as defined by section 61(2) of the UK Borders Act 2007 (citation), and
 - (b) the Immigration Rules made under section 3(2) of the Immigration Act 1971 (general provisions for regulation and control).
- (4) In the Human Rights Act 1998—
 - (a) in section 3 (interpretation of legislation), after subsection (2), insert—
 - “(3) This section does not apply to any provision made by or by virtue of the relevant immigration legislation, as defined by section (*Disapplication of the Human Rights Act 1998 for immigration legislation*) of the Border Security, Asylum and Immigration Act 2025.”;
 - (b) in section 4 (declaration of incompatibility), after subsection (6), insert—
 - “(7) This section does not apply to any provision made by or by virtue of the relevant immigration legislation, as defined by section

(Disapplication of the Human Rights Act 1998 for immigration legislation) of the Border Security, Asylum and Immigration Act 2025.”;

- (c) in section 6 (acts of public authorities) –
 - (i) in subsection (2)(a) omit the last “or”;
 - (ii) at the end of subsection (2)(b) insert “; or
 - (c) the authority was exercising powers or fulfilling functions conferred on the authority by the relevant immigration legislation, as defined by section *(Disapplication of the Human Rights Act 1998 for immigration legislation)* of the Border Security, Asylum and Immigration Act 2025.”;
- (d) in section 10 (power to take remedial action), after subsection (6), insert –

“(6A) This section does not apply to any provision made by or by virtue of the relevant immigration legislation, as defined by section *(Disapplication of the Human Rights Act 1998 for immigration legislation)* of the Border Security, Asylum and Immigration Act 2025.”.
- (5) In the Immigration Act 1971 –
 - (a) in section 8AA (persons ineligible for leave to enter and remain, entry clearance and ETA) –
 - (i) in subsection (2), omit “Subject to subsections (3) to (5)”,
 - (ii) in subsection (2)(a)(i) omit “or”,
 - (iii) omit subsection (2)(a)(ii), and
 - (iv) omit subsections (3) to (6), and
 - (b) in section 8B (persons excluded from the UK under certain instruments), omit subsection (5A).
- (6) In the Asylum and Immigration Appeals Act 1993, omit section 2 (primacy of Convention).
- (7) In section 84 of the Nationality, Immigration and Asylum Act 2002 (grounds of appeal) –
 - (a) in subsection (1), after “must” insert “not”,
 - (b) in subsection (2), after “must” insert “not”,
 - (c) in subsection (2), for “section 6” substitute “any section”, and
 - (d) in subsection (3), after “must” insert “not”.
- (8) In section 2 (offences relating to entering the United Kingdom without a passport) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, in subsection (12), for the definition of “leave or asylum interview” substitute –

““leave interview” means an interview with an immigration officer or an official of the Secretary of State at which a person seeks leave to enter or remain in the United Kingdom;”.
- (9) Where the European Court of Human Rights indicates an interim measure relating to the exercise of any function under the legislation identified in subsection (1) –

- (a) it is only for a Minister of the Crown to decide whether the United Kingdom will comply with the interim measure under this section, and
- (b) an immigration officer or court or tribunal must not have regard to the interim measure.”

Member's explanatory statement

This amendment would have the effect of disapplying the Human Rights Act, the European Convention of Human Rights in the domestic courts in respect of immigration matters.

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27 October 2025
