

Border Security, Asylum and Immigration Bill

AMENDMENTS

TO BE MOVED

ON REPORT

[Supplementary to the Marshalled List]

After Clause 41

LORD DAVIES OF GOWER
LORD CAMERON OF LOCHIEL

This amendment replaces Amendment 66, in order to correct its placement on the Marshalled List

After Clause 41, 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

This amendment replaces Amendment 67, in order to correct its placement on the Marshalled List

After Clause 41, 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.

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