

Illegal Migration Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

Clause 2

BARONESS RITCHIE OF DOWNPATRICK

Clause 2, page 4, line 21, at end insert —

“(e) the person enters the United Kingdom from Ireland across the land border with Northern Ireland.”

Member's explanatory statement

This probing amendment would provide an exemption from the duty to remove for people who arrive in the UK from the Republic of Ireland via the land border with Northern Ireland.

Clause 3

BARONESS MEACHER

Clause 3, page 4, line 24, leave out “at a time when the person is” and insert “if the person is an unaccompanied child or arrived in the UK as”

BARONESS MEACHER

Clause 3, page 4, line 27, leave out “at a time when the person is” and insert “if the person is an unaccompanied child or arrived in the UK as”

BARONESS MEACHER

Clause 3, page 4, line 29, at end insert —

“(aa) where to do so is in the best interests of the child;”

Clause 10

BARONESS MEACHER

Clause 10, page 15, line 22, leave out subsection (4)

BARONESS MEACHER

Clause 10, page 17, line 9, leave out subsection (8)

BARONESS LISTER OF BURTERSETT

Clause 10, page 17, line 18, leave out from “paragraph” to the end of line 19 and insert “(a) of the definition of “relevant detention power”, after “paragraph 16(2)” insert “, (2C) or (2D)””

Member's explanatory statement

The effect of this amendment is that section 60 of the Immigration Act 2016 (which limits the detention of pregnant women normally to 72 hours under existing powers of immigration detention) will apply to the new powers of detention created by Clause 10 of the Bill.

After Clause 11

LORD GERMAN
LORD SCRIVEN

After Clause 11, insert the following new Clause –

“Limits on detention

- (1) No person under the age of 18 may be detained in asylum accommodation at any time.
- (2) No person aged 18 or over may be detained in asylum accommodation for a consecutive or aggregate period of more than 28 days.”

Member's explanatory statement

This amendment ensures that children cannot be held in asylum accommodation at any time. It also places a limit on the length of time that an adult may be held in asylum accommodation.

After Clause 59

LORD PURVIS OF TWEED
LORD PADDICK

After Clause 59, 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.
- (2) 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.
- (3) For the purposes of subsection (2)(c), 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.
- (4) 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.
- (5) 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).
- (6) No fee may be charged for the making of an application under subsection (1).
- (7) 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.
- (8) 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.
- (9) In this section –
 - “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 subsection (1);
 - “entry clearance” has the same meaning as in section 33(1) of the Immigration Act 1971;
 - “persecution” is to be construed in accordance with its meaning in the Refugee Convention;
 - “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 –
 - (a) 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”);

- (b) in relation to persons entitled to a grant of humanitarian protection; or
- (c) 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”); and

“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 amendment provides for a humanitarian travel permit, allowing a person to be granted entry clearance into the UK if they intend to make a protection claim in the UK and that claim would have a realistic prospect of success.

After Clause 60

BARONESS HAMWEE
LORD PADDICK

After Clause 60, insert the following new Clause—

“People smuggling

- (1) Not less than six months before the other provisions of this Act come into force, the Secretary of State must lay before each House of Parliament a report regarding agreements and discussions with the governments and authorities of other countries, including those bordering the English Channel and the North Sea, concerning the steps taken or agreed or proposed to prevent or deter a person from—
 - (a) charging refugees for assistance or purported assistance in travelling to or entering the United Kingdom;
 - (b) endangering the safety of refugees travelling to the United Kingdom.
- (2) The report must focus on steps other than the provisions of this Act.
- (3) This section comes into force on the day on which this Act is passed.”

Member's explanatory statement

This new clause requires the Secretary of State to publish a report on the actions that are being taken to tackle people smugglers.

Clause 66

BARONESS LUDFORD
LORD PADDICK

Leave out Clause 66 and insert the following new Clause –

“Commencement: Human Rights Act

- (1) Subject to subsection (4), the provisions in this Act do not come into force until at least 28 days after the Secretary of State has published a statement that in their view its provisions are compatible with the Convention rights as defined by the Human Rights Act 1998.
- (2) Subject to subsections (1) and (4) provisions in this Act come into force on such day as the Secretary of State may by regulations appoint.
- (3) Regulations under subsection (2) may appoint different days for different purposes.
- (4) The following provisions come into force on the day on which this Act is passed –
 - (a) this section,
 - (b) section 67.”

Member's explanatory statement

This amendment provides that other provisions in this Act cannot come into force until the Home Secretary is able to make a positive statement that its provisions are compatible with the Convention rights as defined by the 1998 Human Rights Act.

BARONESS HAMWEE
LORD PADDICK

Leave out Clause 66 and insert the following new Clause –

“Commencement: impact assessment

- (1) Subject to subsection (4), the provisions in this Act do not come into force until at least 28 days after the Secretary of State has published an impact assessment on this Act.
- (2) Subject to subsections (1) and (4) provisions in this Act come into force on such day as the Secretary of State may by regulations appoint.
- (3) Regulations under subsection (2) may appoint different days for different purposes.
- (4) The following provisions come into force on the day on which this Act is passed–
 - (a) this section,
 - (b) section 67.”

Member's explanatory statement

This amendment provides that the Act cannot come into force until the Home Secretary publishes an impact assessment on the Bill.

BARONESS HAMWEE
LORD PADDICK

Leave out Clause 66 and insert the following new Clause —

“Commencement: backlog of claims

- (1) Subject to subsection (4), the provisions in this Act do not come into force until at least 28 days after the Secretary of State has published a statement confirming that the number of persons who have for a period of six months or longer been awaiting the final determination of their claim for asylum in the United Kingdom has for not less than six months been not more than twenty thousand.
- (2) Subject to subsections (1) and (4) provisions in this Act come into force on such day as the Secretary of State may by regulations appoint.
- (3) Regulations under subsection (2) may appoint different days for different purposes.
- (4) The following provisions come into force on the day on which this Act is passed—
 - (a) this section,
 - (b) section 67.”

Member's explanatory statement

This amendment provides that provisions in this Act cannot come into force until the backlog of asylum claims has been significantly reduced.

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