

Illegal Migration Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

**Amendment
No.**

Schedule 1

LORD ETHERTON
LORD CASHMAN

43A★ Schedule 1, page 67, leave out line 23

Member's explanatory statement

Hungary is presently subject to proceedings under Article 7 of the Treaty on European Union.

LORD ETHERTON
LORD CASHMAN

49A★ Schedule 1, page 68, leave out line 16

Member's explanatory statement

Poland is presently subject to proceedings under Article 7 of the Treaty on European Union.

After Clause 21

LORD ALTON OF LIVERPOOL

92A★ After Clause 21, insert the following new Clause—

“Early access to legal aid

- (1) After paragraph 32A (victims of slavery, servitude or forced or compulsory labour) of Schedule 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 insert—

“32B (1) Civil legal services provided to an individual who is subject to removal to a third country under the Illegal Migration Act 2023, or who might reasonably suspect they are subject to removal under that Act, in relation to referral into the national referral mechanism and connected

immigration advice and representation, where there is no other provision for this within the scope of legal aid.

General exclusions

- (2) Sub-paragraph (1) is subject to the exclusions in Part 2 of this Schedule.

Specific exclusions

- (3) The civil legal services described in sub-paragraph (1) do not include –
- (a) advocacy, or
 - (b) attendance at an interview conducted by the competent authority under the national referral mechanism for the purposes of a reasonable grounds decision or a conclusive grounds decision.”
- (2) In regulation 11(9) of the Civil Legal Aid (Merits Criteria) Regulations 2013 (S.I. 2013/104) (qualifying for civil legal services: cases in which merits criteria do not apply), at end omit the full stop and insert –
- “(e) or, for an individual who is, or might reasonably suspect they are, subject to removal to a third country under the Illegal Migration Act 2023, in relation to any matter described in paragraph 32B of Part 1 of Schedule 1 to the Act (civil legal services provided to an individual in relation to referral into the national referral mechanism).”
- (3) In regulation 5(1) of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (S.I. 2013/480) (exceptions from requirement to make a determination in respect of an individual’s financial resources), after paragraph (r), omit the full stop and insert “and,
- (s) for an individual who is, or might reasonably suspect they are, subject to removal to a third country under the Illegal Migration Act 2023, civil legal services described in paragraph 32B of Part 1 of Schedule 1 to the Act (civil legal services provided to an individual in relation to referral into the national referral mechanism).”

Member’s explanatory statement

This new clause would give individuals subject to, or who might reasonably suspect they are subject to, removal to a third country under this Act access to early specialist legal advice, which is not means- or merits-tested, allowing for informed consent to a trafficking referral. The intention is that potential victims of modern slavery or human trafficking in that position will be able to understand what the NRM is and what it does, and provide informed consent to be referred into it. This expands the support available for advice on referral into the NRM, which is currently only available if you have a matter that falls within scope of certain types of legal aid.

After Clause 60

LORD ALTON OF LIVERPOOL

139A★ After Clause 60, insert the following new Clause —

“Secure reporting for victims of crime

- (1) The Secretary of State must, by regulations, make provision for the prohibition of automatic sharing of personal data of a victim or witness of crime for the purposes of section 2(1).
- (2) In section 20 of the Immigration and Asylum Act 1999 (power to supply information etc to Secretary of State), after subsection (2B) insert —
 - “(2C) For the purposes of section 2(1) of the Illegal Migration Act 2023, this section does not apply to information held about a person as a result of the person reporting criminal behaviour which they are a victim of or a witness to.”

Member's explanatory statement

This new Clause would prevent immigration data being shared for the purposes of section 2(1) about a victim or witness of crime who reports an offence. This is to ensure victims are able to approach the authorities for assistance without fear of removal under section 2(1) as a result of that contact or resultant data sharing with immigration enforcement.

THE LORD BISHOP OF DURHAM
BARONESS LISTER OF BURTERSETT

139B★ After Clause 60, insert the following new Clause —

“Duty to comply with recommendations of Chief Inspector of Prisons

- (1) This section applies to a report made by the Chief Inspector of Prisons to the Secretary of State under section 5A(3) of the Prison Act 1952 (appointment and functions of His Majesty’s Chief Inspector of Prisons) in relation to the impact of this Act on —
 - (a) removal centres,
 - (b) short-term holding facilities,
 - (c) pre-departure accommodation, and
 - (d) escort arrangements
 within the meaning of section 147 of the Immigration and Asylum Act 1999 (interpretation).
- (2) The Secretary of State must, within six months, implement any recommendations made by the Chief Inspector of Prisons in a report to which this section applies.”

Member's explanatory statement

This Clause would place the Secretary of State under a statutory duty to implement recommendations of the Chief Inspector of Prisons in relation to immigration detention and the impact of this Act within six months.

THE LORD ARCHBISHOP OF CANTERBURY
LORD KIRKHOPE OF HARROGATE
LORD HUNT OF KINGS HEATH
LORD BLUNKETT

139C★ After Clause 60, insert the following new Clause —

“Ten-year strategy on human trafficking

- (1) The Secretary of State must prepare a ten-year strategy for tackling human trafficking to the UK through collaboration with signatories to the European Convention against Trafficking or any other international agreement on human trafficking.
- (2) The Secretary of State must make and lay before Parliament a statement of policies for implementing the strategy.
- (3) The first statement must be made within twelve months of the passing of this Act; and a subsequent statement must be made within twelve months of the making of the previous statement.
- (4) A Minister of the Crown must, within 28 sitting days of the statement being laid before Parliament, table a motion for resolution in each House of Parliament in relation to the statement.
- (5) “Ten-year strategy” means a strategy for the period of ten years beginning with the day on which preparation of the strategy is completed.
- (6) “The European Convention against Trafficking” means the Council of Europe Convention on Action against Trafficking in Human Beings done at Warsaw on 16th May 2005.
- (7) A “sitting day”, in relation to each House of Parliament, means a day on which that House begins to sit.”

Member's explanatory statement

This amendment would require the Secretary of State to have a ten-year strategy for collaborating internationally to tackle human trafficking into the UK.

THE LORD ARCHBISHOP OF CANTERBURY
LORD BOURNE OF ABERYSTWYTH
LORD BLUNKETT
BARONESS KENNEDY OF THE SHAWS

139D★ After Clause 60, insert the following new Clause —

“Ten-year strategy on refugees

- (1) The Secretary of State must prepare a ten-year strategy for tackling refugee crises driving people to enter the UK as refugees through collaboration with signatories to the Refugee Convention or any other international agreement on the rights of refugees.

- (2) The Secretary of State must make and lay before Parliament a statement of policies for implementing the strategy.
- (3) The first statement must be made within twelve months of the passing of this Act; and a subsequent statement for the strategy must be made within twelve months of the making of the previous statement.
- (4) A Minister of the Crown must, within 28 sitting days of the statement being laid before Parliament, table a motion for resolution in each House of Parliament in relation to the statement.
- (5) “Ten-year strategy” means a strategy for the period of ten years beginning with the day on which preparation of the strategy is completed.
- (6) “The Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol.
- (7) A “sitting day”, in relation to each House of Parliament, means a day on which that House begins to sit.”

Member's explanatory statement

This amendment would require the Secretary of State to have a ten-year strategy for collaborating internationally to tackle refugee crises driving people to enter the UK as refugees.

Clause 66

THE LORD ARCHBISHOP OF CANTERBURY
LORD KIRKHOPE OF HARROGATE
LORD HUNT OF KINGS HEATH
LORD BLUNKETT

144A★ Clause 66, page 65, line 36, at end insert —

“(ba) section (*ten-year strategy on human trafficking*) (*ten-year strategy on human trafficking*);”

Member's explanatory statement

This amendment would provide for the new Clause on a ten-year strategy on human trafficking tabled by the Lord Archbishop of Canterbury to come into force on the day on which this Act is passed.

THE LORD ARCHBISHOP OF CANTERBURY
LORD BOURNE OF ABERYSTWYTH
LORD BLUNKETT
BARONESS KENNEDY OF THE SHAWS

144B★ Clause 66, page 65, line 36, at end insert —

“(ba) section (*ten-year strategy on refugees*) (*ten-year strategy on refugees*);”

Member's explanatory statement

This amendment would provide for the new Clause on a ten-year strategy on refugees tabled by the Lord Archbishop of Canterbury to come into force on the day on which this Act is passed.

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23 May 2023
