

Illegal Migration Bill

MARSHALLED LIST OF MOTIONS AND AMENDMENTS TO BE MOVED ON CONSIDERATION OF COMMONS REASONS

[The page and line references are to HL Bill 133, the Bill as first printed for the Lords]

MOTION A

LORDS AMENDMENTS 1, 7 AND 90

Clause 1

1 Leave out Clause 1 and insert the following new clause –

“Introduction

Nothing in this Act shall require any act or omission that conflicts with the obligations of the United Kingdom under –

- (a) the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms;
- (b) the 1951 UN Convention relating to the Status of Refugees including the Protocol to that Convention;
- (c) the 1954 and 1961 UN Conventions on the Reduction of Statelessness;
- (d) the 1989 UN Convention on the Rights of the Child;
- (e) the 2005 Council of Europe Convention on Action against Trafficking Human Beings.”

COMMONS REASON

The Commons disagree to Lords Amendment 1 for the following Reason –

1A *Because it is unnecessary, as the Bill does not require any act or omission that conflicts with the obligations of the United Kingdom under the European Convention of Human Rights or other listed international instruments, and it would undermine the UK’s dualist legal system.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 1, to which the Commons have disagreed for their Reason 1A, and propose Amendment 1B in lieu –

1B Leave out Clause 1 and insert the following new clause –

“Introduction

In interpreting this Act, regard shall be given to the intention that its provisions, and any acts and omissions made as a result, are intended to comply with the United Kingdom’s obligations under-

- (a) the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms;
- (b) the 1951 UN Convention relating to the Status of Refugees including the Protocol to that Convention;
- (c) the 1954 and 1961 UN Conventions on the Reduction of Statelessness;
- (d) the 1989 UN Convention on the Rights of the Child;
- (e) the 2005 Council of Europe Convention on Action against Trafficking Human Beings.”

COMMONS REASON

The Commons disagree to Lords Amendments 1B, 7B and 90D for Reason 90E

Clause 4

7 Clause 4, page 6, line 6, leave out paragraph (d)

COMMONS REASON

The Commons disagree to Lords Amendment 7 for the following Reason –

7A *Because, as the Bill provides for two classes of suspensive claims, with a right of appeal to the Upper Tribunal, it is appropriate that any application for judicial review does not suspend removal.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 7, to which the Commons have disagreed for their Reason 7A, and propose Amendment 7B in lieu –

7B Clause 4, page 6, line 6, at end insert “if the court seized of the application refuses permission, interim relief or the application.”

COMMONS REASON

The Commons disagree to Lords Amendments 1B, 7B and 90D for Reason 90E

Clause 52

90 Leave out Clause 52

COMMONS DISAGREEMENT AND AMENDMENTS TO THE WORDS SO RESTORED TO THE BILL

The Commons disagree to Lords Amendment 90 and propose the following Amendments to the words so restored to the Bill –

90A Clause 52, page 53, line 40, after “court” insert “or tribunal”

90B Clause 52, page 54, line 1, after “court” insert “or tribunal”

90C Clause 52, page 54, line 7, after second “court” insert “or tribunal”

LORDS NON-INSISTENCE, AGREEMENT AND AMENDMENT TO THE WORDS SO RESTORED TO THE BILL

The Lords do not insist on their Amendment 90, agree with the Commons in their Amendments 90A, 90B and 90C to the words restored to the Bill by the Commons disagreement to Lords Amendment 90, and propose Amendment 90D to the words so restored to the Bill –

90D Clause 52, page 54, line 3, at end insert “without attempting to give reasonable notice to the Secretary of State so as to allow representations as to why, notwithstanding ongoing proceedings as to the legality of a decision to remove the person, they should nonetheless be removed.”

COMMONS REASON

The Commons disagree to Lords Amendments 1B, 7B and 90D for the following Reason –

90E *Because Amendment 1B is unnecessary, as the courts should have regard to the UK’s international legal obligations in interpreting legislation; because Amendment 7B is inappropriate because the Bill already provides for two classes of suspensive claims with a right of appeal to the Upper Tribunal, so an application for judicial review should not provide an additional route for suspending removal; and because Amendment 90D is contrary to the purpose of the Bill to prevent and deter unlawful migration.*

A★ Lord Murray of Blidworth to move, That this House do not insist on its Amendments 1B, 7B and 90D to which the Commons have disagreed for their Reason 90E.

A1★ Baroness Chakrabarti to move, as an amendment to Motion A, at end insert “, and do propose Amendments 90F, 90G and 90H in lieu –

90F Leave out Clause 1 and insert the following new clause –

“Introduction

In interpreting this Act, regard shall be given to the United Kingdom’s obligations under –

- (a) the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms;
- (b) the 1951 UN Convention relating to the Status of Refugees including the Protocol to that Convention;
- (c) the 1954 and 1961 UN Conventions on the Reduction of Statelessness;
- (d) the 1989 UN Convention on the Rights of the Child;
- (e) the 2005 Council of Europe Convention on Action against Trafficking Human Beings.”

90G Clause 4, page 6, line 7, at end insert “if the court seized of the application refuses permission or interim relief or dismisses the application.”

90H Clause 52, page 54, line 3, at end insert “without giving reasonable notice to the Secretary of State so as to allow representations as to why, notwithstanding ongoing proceedings as to the legality of a decision to remove the person, they should nonetheless be removed.””

MOTION B

LORDS AMENDMENT 9

Clause 4

9 Clause 4, page 6, line 13, leave out “cannot be considered under the immigration rules” and insert “must be considered under the immigration rules if the person who made the claim has not been removed from the United Kingdom within six months of the day the claim is deemed inadmissible.

5 (3A) From the point at which the provisions of subsection (3) apply to a person, no other provision made by or by virtue of this Act applies to that person.”

COMMONS REASON

The Commons disagree to Lords Amendment 9 for the following Reason –

9A *Because the Amendment is contrary to the purpose of the Bill to prevent and deter unlawful migration.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 9, to which the Commons have disagreed for their Reason 9A, and propose Amendment 9B in lieu –

- 9B** Clause 4, page 6, line 13, leave out “cannot be considered under the immigration rules” and insert “must be considered under the immigration rules if the person who made the claim has not been removed from the United Kingdom within six months of the day the claim is deemed inadmissible, subject to subsection (3B).
- (3A) From the point at which the provisions of subsection (3) apply to a person, no other provision made by or by virtue of this Act applies to that person.
- (3B) For the purpose of calculating the period of six months under subsection (3), any period during which the person cannot be removed by virtue of section 46 (suspensive claims: duty to remove) is to be disregarded.”

COMMONS REASON

The Commons disagree to Lords Amendment 9B for the following Reason –

- 9C** *Because the Amendment is contrary to the purpose of the Bill to prevent and deter unlawful migration.*
- B★** **Lord Murray of Blidworth to move, That this House do not insist on its Amendment 9B, to which the Commons have disagreed for their Reason 9C.**
- B1★** **Lord Kerr of Kinlochard to move, as an amendment to Motion B, at end insert “, and do propose Amendment 9D in lieu –**
- 9D** Clause 4, page 6, line 13, leave out “cannot be considered under the immigration rules” and insert “must be considered under the immigration rules if the person who made the claim has not been removed from the United Kingdom within six months of the day the claim is deemed inadmissible, subject to subsections (3B) and (3C).
- (3A) From the point at which the provisions of subsection (3) apply to a person, no other provision made by or by virtue of this Act applies to that person.
- (3B) For the purpose of calculating the period of six months under subsection (3), any period during which the person cannot be removed by virtue of section 46 (suspensive claims: duty to remove) is to be disregarded.
- (3C) Subsection (3) does not apply if the reason that the person has not been removed from the United Kingdom can be attributed to the actions of that person.””

MOTION C

LORDS AMENDMENT 23

After Clause 6

23 After Clause 6, insert the following new Clause –

“Restrictions on removal destinations: LGBT persons

- (1) Where the Secretary of State is required by section 2(1) to make arrangements for the removal of a person from the United Kingdom –
 - (a) trans men and women must not be removed to Brazil;
 - (b) LGBT persons must not be removed to Gambia, Ghana, Jamaica, Kenya, Liberia, Malawi, Mauritius, Nigeria, Rwanda or Sierra Leone;
 - (c) no person may be removed to a territory or country listed in Schedule 1 (Countries or territories to which a person may be removed) if the exceptional circumstances specified in section 5(5)(b) apply to that territory or country.
- (2) The Secretary of State may by regulations amend subsection (1) to –
 - (a) add or remove a country or territory, or part of a country or territory;
 - (b) reflect changes made to Schedule 1 by regulations made under section 6.”

COMMONS REASON

The Commons disagree to Lords Amendment 23 for the following Reason –

23A *Because the Amendment is unnecessary as an LGBT person who is a national of a country specified in the Amendment and who makes a protection claim will not be returned to their home country and can make a serious harm suspensive claim in the event that it is proposed to remove them to a safe third country.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 23, to which the Commons have disagreed for their Reason 23A, and propose Amendment 23B in lieu –

23B After Clause 6, insert the following new Clause –

“Restrictions on removal destinations: LGBT and other persons

- (1) Where the Secretary of State is required by section 2(1) to make arrangements for the removal of a person from the United Kingdom –
 - (a) trans men and women must not be removed to Brazil;
 - (b) LGBT persons must not be removed to Gambia, Ghana, Jamaica, Kenya, Liberia, Malawi, Mauritius, Nigeria, Rwanda or Sierra Leone;
 - (c) no person may be removed to a territory or country listed in Schedule 1 (countries or territories to which a person may be removed) if the

- exceptional circumstances specified in section 5(5)(b) apply to that territory or country;
- (d) no person may be removed to Rwanda until the conclusion of all litigation concerning the lawfulness of arrangements for removal to that country.
- (2) The Secretary of State may by regulations amend subsection (1) to –
- (a) add or remove a country or territory, or part of a country or territory, in order to apply relevant decisions of courts and tribunals operating in the United Kingdom and having regard to decisions of the European Court of Human Rights and any other material change of circumstances;
- (b) reflect changes made to Schedule 1 by regulations made under section 6.”

COMMONS REASON

The Commons disagree to Lords Amendment 23B for the following Reason –

23C *Because the Amendment is unnecessary as an LGBT person who is a national of a country specified in the Amendment and who makes a protection claim will not be returned to their home country and can make a serious harm suspensive claim in the event that it is proposed to remove them to a safe third country, and because removal of any person to any country will only be done where the arrangements to do this are lawful.*

C★ Lord Murray of Blidworth to move, That this House do not insist on its Amendment 23B, to which the Commons have disagreed for their Reason 23C.

MOTION D

LORDS AMENDMENT 31, 35 AND 36

Clause 10

31 Clause 10, page 14, line 38, leave out from beginning to end of line 19 on page 15 and insert –

“(2D) Detention under sub-paragraph (2C) is to be treated as detention under paragraph 16(2) for the purposes of the limitations in paragraph 18B (limitation on detention of unaccompanied children).”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 31 and propose Amendments 36A and 36B in lieu

35 Clause 10, page 16, line 29, leave out from beginning to end of line 6 on page 17 and insert –

“(2B) Detention under subsection (2A) is to be treated as detention under paragraph 16(2) of Schedule 2 to the Immigration Act 1971 for the purposes

of the limitations in paragraph 18B of Schedule 2 to the Immigration Act 1971 (limitation on detention of unaccompanied children).”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 35 and propose Amendments 36A and 36B in lieu

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

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 36 and propose the following Amendments to the Bill in lieu of Lords Amendments 31, 35 and 36 –

36A Clause 12, page 21, leave out lines 16 to 23 and insert –

“(3A) A person who is being detained under paragraph 16(2C)(d)(iv) of Schedule 2 to the Immigration Act 1971 or section 62(2A)(d)(iv) of the Nationality, Immigration and Asylum Act 2002 (detention of unaccompanied child for purposes of removal) must not be granted immigration bail by the First-tier Tribunal until after the earlier of –

- (a) the end of the period of 28 days beginning with the date on which the person’s detention under any provision of paragraph 16(2C) of Schedule 2 to the Immigration Act 1971 or section 62(2A) of the Nationality, Immigration and Asylum Act 2002 began, and
- (b) the end of the period of 8 days beginning with the date on which the person’s detention under paragraph 16(2C)(d)(iv) of Schedule 2 to the Immigration Act 1971 or section 62(2A)(d)(iv) of the Nationality, Immigration and Asylum Act 2002 began.

(3B) A person who is being detained under –

- (a) paragraph 16(2C)(a), (b), (c) or (d)(i) to (iii) of Schedule 2 to the Immigration Act 1971, or
- (b) section 62(2A)(a), (b), (c) or (d)(i) to (iii) of the Nationality, Immigration and Asylum Act 2002,

must not be granted immigration bail by the First-tier Tribunal until after the end of the period of 28 days beginning with the date on which the person’s detention under paragraph 16(2C) of that Schedule or section 62(2A) of that Act began.

(3C) Where a person is detained under a provision of the Immigration Act 1971 and then (without being released) under a provision of the Nationality, Immigration and Asylum Act 2002, or vice versa, the periods referred to in sub-paragraphs (3A) and (3B) begin with the date on which the person was first detained under the relevant provisions of either of those Acts.”

36B Clause 12, page 22, line 26, after “(3A),” insert “(3B),”

LORDS NON-INSISTENCE, DISAGREEMENT AND AMENDMENTS IN LIEU

The Lords do not insist on their Amendments 31, 35 and 36, disagree with the Commons in their Amendments 36A and 36B in lieu, and propose Amendments 36C and 36D in lieu of Amendments 36A and 36B –

36C Clause 10, page 14, leave out lines 41 to 44 and insert –

- “(2E) If the person being detained under sub-paragraph (2C) is an unaccompanied child, then the person may not be detained under that sub-paragraph for more than a period of 72 hours.
- (2EA) Where a person is detained under a provision of the Immigration Act 1971 and then (without being released) under a provision of the Nationality, Immigration and Asylum Act 2002, or vice versa, the period referred to in sub-paragraph (2E) begins with the point at which the person was first detained under the relevant provisions of either of those Acts.
- (2EB) The Secretary of State may, by regulations, specify time limits of less than 72 hours that apply in relation to the detention of an unaccompanied child under sub-paragraph (2C).”

36D Clause 10, page 16, leave out lines 32 to 34 and insert –

- “(2C) If the person being detained under subsection (2A) is an unaccompanied child, then the person may not be detained under that sub-paragraph for more than a period of 72 hours.
- (2CA) Where a person is detained under a provision of the Immigration Act 1971 and then (without being released) under a provision of the Nationality, Immigration and Asylum Act 2002, or vice versa, the period referred to in subsection (2C) begins with the point at which the person was first detained under the relevant provisions of either of those Acts.
- (2CB) The Secretary of State may, by regulations, specify time limits of less than 72 hours that apply in relation to the detention of an unaccompanied child under subsection (2A).”

COMMONS INSISTENCE

The Commons insists on its Amendments 36A and 36B and disagrees with the Lords in their Amendments 36C and 36D

D★ Lord Murray of Blidworth to move, That this House do not insist on its disagreement with the Commons in their Amendments 36A and 36B; and do not insist on its Amendments 36C and 36D.

D1★ Baroness Butler-Sloss to move, as an amendment to Motion D, leave out from “House” to end and insert “do insist on its disagreement with the Commons in their Amendments 36A and 36B, do not insist on its Amendments 36C and 36D, and do propose Amendments 36E and 36F in lieu of Amendments 36C and 36D –

36E Clause 10, page 14, leave out lines 41 to 44 and insert—

- “(2E) If the person being detained under sub-paragraph (2C) is an unaccompanied child, then the person may not be detained under that sub-paragraph for more than a period of 72 hours or for more than a period of 96 hours where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).
- (2EA) Where a person is detained under a provision of this Act and then (without being released) under a provision of the Nationality, Immigration and Asylum Act 2002, or vice versa, the period referred to in sub-paragraph (2E) begins with the point at which the person was first detained under the relevant provisions of either of those Acts.
- (2EB) The Secretary of State may, by regulations, specify time limits of less than a period of 72 hours or less than 96 hours where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975), that apply in relation to the detention of an unaccompanied child under sub-paragraph (2C).”

36F Clause 10, page 16, leave out lines 32 to 34 and insert—

- “(2C) If the person being detained under subsection (2A) is an unaccompanied child, then the person may not be detained under that subsection for more than a period of 72 hours or for more than a period of 96 hours where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).
- (2CA) Where a person is detained under a provision of the Immigration Act 1971 and then (without being released) under a provision of this Act, or vice versa, the period referred to in subsection (2C) begins with the point at which the person was first detained under the relevant provisions of either of those Acts.
- (2CB) The Secretary of State may, by regulations, specify time limits of less than a period of 72 hours or less than 96 hours where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975), that apply in relation to the detention of an unaccompanied child under subsection (2A).”

MOTION E

LORDS AMENDMENT 33

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

COMMONS REASON

The Commons disagree to Lords Amendment 33 for the following Reason –

33A *Because the Amendment is contrary to the purpose of the Bill to prevent and deter unlawful migration.*

LORDS NON-INSISTENCE AND AMENDMENT TO THE WORDS SO RESTORED TO THE BILL

The Lords do not insist on their Amendment 33, to which the Commons have disagreed for their Reason 33A, and propose Amendment 33B to the words so restored to the Bill –

33B Clause 10, page 15, line 29, leave out “for any period” and insert “for a period of not more than 96 hours, or for a period of not more than seven days in cases where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975)”

COMMONS REASON

The Commons disagree to Lords Amendment 33B for the following Reason –

33C *Because the Amendment is contrary to the purpose of the Bill to prevent and deter unlawful migration.*

E★ **Lord Murray of Blidworth to move, That this House do not insist on its Amendment 33B, to which the Commons have disagreed for their Reason 33C.**

E1★ **The Lord Bishop of Bristol to move, as an amendment to Motion E, at end insert “, and do propose Amendment 33D in lieu –**

33D Clause 10, page 15, line 29, leave out “for any period” and insert “for a period of not more than 120 hours, or for a period of not more than seven days in cases where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975)”

MOTION F

LORDS AMENDMENT 56

Clause 21

56 Clause 21, page 26, leave out line 19 and insert –

“(3A) Subsection (2) also does not apply in relation to a person if the relevant exploitation took place in the United Kingdom.

(3B) Where subsection (3) or (3A) applies in relation to a person the following do not apply in relation to the person –

- (a) section 22,
- (b) section 23, and
- (c) section 24.

(4) In this section – ”

COMMONS REASON

The Commons disagree to Lords Amendment 56 for the following Reason –

- 56A** *Because the Bill already makes sufficient provision to enable a potential victim of modern slavery to remain in the UK where the Secretary of State considers it necessary for the person to do so for the purpose of cooperating with a public authority which is investigating their exploitation.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 56, to which the Commons have disagreed for their Reason 56A, and propose Amendment 56B in lieu –

- 56B** Clause 21, page 26, leave out line 19 and insert –

- “(3A) If the relevant exploitation took place in the United Kingdom subsection (2) also does not apply in relation to a person –
- (a) for a period of 30 days following the making of the decision referred to in subsection (1)(b);
 - (b) for a further period if the Secretary of State deems it necessary for a victim to establish cooperation with a public authority in connection with an investigation or criminal proceedings in respect of the relevant exploitation; and
 - (c) on expiration of the period in paragraphs (a) and (b) if the Secretary of State is satisfied that the person is cooperating with a public authority in connection with an investigation or criminal proceedings in respect of the relevant exploitation for the duration of those criminal proceedings thereafter.
- (3B) Where subsection (3) or (3A) applies in relation to a person the following do not apply in relation to the person –
- (a) section 22,
 - (b) section 23, and
 - (c) section 24.
- (4) In this section –”

COMMONS REASON

The Commons disagree to Lords Amendment 56B for the following Reason –

- 56C** *Because the Bill already makes sufficient provision to enable a potential victim of modern slavery to remain in the UK where the Secretary of State considers it necessary for the person to do so for the purpose of cooperating with a public authority which is investigating their exploitation.*

- F★** **Lord Murray of Blidworth to move, That this House do not insist on its Amendment 56B, to which the Commons have disagreed for their Reason 56C.**

- F1★** **Lord Coaker to move, as an amendment to Motion F, at end insert “, and do propose Amendment 56D in lieu –**

56D Clause 21, page 26, leave out line 19 and insert –

- “(3A) If the relevant exploitation took place in the United Kingdom, subsection (2) also does not apply in relation to a person –
- (a) for a period of 14 days following the making of the decision referred to in subsection (1)(b), renewable (more than once) should the Secretary of State deem it necessary for a victim to establish cooperation with a public authority in connection with an investigation or criminal proceedings in respect of the relevant exploitation; and
 - (b) on expiration of the period in paragraph (a), whether or not that period has been renewed, if the Secretary of State is satisfied that the person is cooperating with a public authority in connection with an investigation or criminal proceedings in respect of the relevant exploitation for the duration of those criminal proceedings thereafter.
- (3B) Where subsection (3) or (3A) applies in relation to a person the following do not apply in relation to the person –
- (a) section 22,
 - (b) section 23, and
 - (c) section 24.
- (4) In this section – ””

MOTION G

LORDS AMENDMENT 102

After Clause 58

102 After Clause 58, insert the following new Clause –

“Duty to establish safe and legal routes

- (1) The Secretary of State must, within two months of the publication of the report required by section 59(1), make regulations specifying additional safe and legal routes.
- (2) In subsection (1), a “safe and legal route” means a route which allows relevant persons to come to the United Kingdom lawfully from abroad.
- (3) In subsection (2), a “relevant person” is –
 - (a) a person who, if they were in the United Kingdom, would be a refugee within the meaning of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention,
 - (b) a person who, if they were in the United Kingdom, would be eligible for a grant of humanitarian protection in accordance with the immigration rules, or

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- (c) a person who, if they were in the United Kingdom, could not lawfully be removed from the United Kingdom by virtue of Article 3 or 4 of the Human Rights Convention.”

COMMONS REASON

The Commons disagree to Lords Amendment 102 for the following Reason –

102A

Because the Amendment is unnecessary as the Government has already committed to implement additional safe and legal routes as proposed in the report to be published under clause 59 as soon as practicable and in any event by the end of 2024.

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 102, to which the Commons have disagreed for their Reason 102A, and propose Amendment 102B in lieu –

102B

After Clause 58, insert the following new Clause –

“Duty to establish safe and legal routes

- (1) The Secretary of State must, within three months of the publication of the report required by section 59(1), make regulations specifying additional safe and legal routes.
- (2) In subsection (1), a “safe and legal route” means a route which allows relevant persons to come to the United Kingdom lawfully from abroad.
- (3) In subsection (2), a “relevant person” is –
 - (a) a person who, if they were in the United Kingdom, would be a refugee within the meaning of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention,
 - (b) a person who, if they were in the United Kingdom, would be eligible for a grant of humanitarian protection in accordance with the immigration rules, or
 - (c) a person who, if they were in the United Kingdom, could not lawfully be removed from the United Kingdom by virtue of Article 3 or 4 of the Human Rights Convention.”

COMMONS REASON

The Commons disagree to Lords Amendment 102B for the following Reason –

102C

Because the Amendment is unnecessary as the Government has already committed to implement additional safe and legal routes as proposed in the report to be published under clause 59 as soon as practicable and in any event by the end of 2024.

G★

Lord Murray of Blidworth to move, That this House do not insist on its Amendment 102B, to which the Commons have disagreed for their Reason 102C.

MOTION H

LORDS AMENDMENT 103

After Clause 60

103 After Clause 60, insert the following new Clause –

“Organised immigration crime enforcement

(1) The Crime and Courts Act 2013 is amended as follows.

(2) In section 1 (the National Crime Agency), after subsection (10) insert –

5 “(10A) The NCA has a specific function to combat organised crime where the purpose of that crime is to enable the illegal entry of a person into the United Kingdom via the English Channel.

(10B) The NCA must maintain a unit (a “Cross-Border People Smuggling Unit”) to coordinate the work undertaken in cooperation with international
10 partners in pursuit of the function mentioned in subsection (10A).”

COMMONS REASON

The Commons disagree to Lords Amendment 103 for the following Reason –

103A *Because the Amendment is unnecessary as section 1 of the Crime and Courts Act 2013 already provides for the National Crime Agency to have functions in relation to combating organised crime; this function encompasses organised immigration crime.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 103, to which the Commons have disagreed for their Reason 103A, and propose Amendment 103B in lieu –

103B After Clause 60, insert the following new Clause –

“Organised immigration crime enforcement

(1) The Crime and Courts Act 2013 is amended as follows.

(2) In section 1 (the National Crime Agency), after subsection (10) insert –

“(10A) The NCA has a specific function to combat organised crime where the purpose of that crime is to enable the illegal entry of a person into the United Kingdom via the English Channel (the “organised immigration crime function”).”

(3) After section 6 (duty to publish information), insert –

“6A Duties in relation to organised immigration crime

- (1) The Director General must, in addition to other reporting requirements under this Part, make arrangements for publishing information about the NCA’s progress in fulfilling the organised immigration crime function.
- (2) Reports under subsection (1) must be made at least once every six months but may be made more frequently if the Director General deems it appropriate.
- (3) Reports under subsection (1) must be submitted to the Secretary of State.
- (4) Reports under subsection (1) may, if the Director General deems it appropriate, include recommendations regarding potential additional measures in relation to the NCA’s organised immigration crime function.
- (5) The Secretary of State must, as soon as practicable, lay before both Houses of Parliament –
 - (a) a summary of each report under subsection (1), and
 - (b) the Secretary of State’s response to the report.”

COMMONS REASON

The Commons disagree to Lords Amendment 103B for the following Reason –

103C *Because the Amendment is unnecessary as section 1 of the Crime and Courts Act 2013 already provides for the National Crime Agency to have functions (including duties to publish information) in relation to combating organised crime; this function encompasses organised immigration crime.*

H★ **Lord Murray of Blidworth to move, That this House do not insist on its Amendment 103B, to which the Commons have disagreed for their Reason 103C.**

H1★ **Lord Coaker to move, as an amendment to Motion H, at end insert “, and do propose Amendment 103D in lieu –**

103D After Clause 60, insert the following new Clause –

“Reviews: NCA organised immigration crime operations

- (1) The Director General of the National Crime Agency must, within the period of three months beginning with the day on which this Act is passed and every three months thereafter –
 - (a) prepare a report summarising the nature and outcome of organised immigration crime operations undertaken by the National Crime Agency in the preceding three months, and
 - (b) send the report to the Secretary of State.
- (2) Upon receiving each report under subsection (1)(b) and subject to subsection (3), the Secretary of State must, as soon as practicable, lay each report before Parliament.

- (3) The Secretary of State may, if they deem it appropriate for reasons of national security, publish a summary of any report from the Director General rather than publishing the report in full.
- (4) For the purposes of this section, “organised immigration crime operations” are operations to combat organised crime where the purpose of that crime is to enable the illegal entry of a person into the United Kingdom via the English Channel.
- (5) This section ceases to have effect at the end of the period of two years beginning with the day on which this Act is passed.””

MOTION J

LORDS AMENDMENTS 104 AND 107

104 After Clause 60, insert the following new Clause –

“Ten-year strategy on refugees and human trafficking

- (1) The Secretary of State must prepare a ten-year strategy for tackling refugee crises affecting migration by irregular routes, or the movement of refugees, to the United Kingdom through collaboration with signatories to the Refugee Convention or any other international agreement on the rights of refugees.
- (2) The strategy must also include provisions for tackling human trafficking to the United Kingdom.
- (3) The Secretary of State must make and lay before Parliament a statement of policies for implementing the strategy.
- (4) 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.
- (5) A Minister of the Crown must, within 28 sitting days of a statement under this section being laid before Parliament, move a motion in each House for the approval of the statement.
- (6) “Ten-year strategy” means a strategy for the period of ten years beginning with the day on which preparation of the strategy is completed.
- (7) “The Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol.
- (8) A “sitting day”, in relation to each House of Parliament, means a day on which that House begins to sit.”

COMMONS REASON

The Commons disagree to Lords Amendments 104 and 107 for Reason 107A

Clause 66

107 Clause 66, page 65, line 36, at end insert –

“(ba) section (*Ten-year strategy on refugees and human trafficking*);”

COMMONS REASON

The Commons disagree to Lords Amendments 104 and 107 for the following Reason –

107A *Because the Amendments are unnecessary as the Government already works in collaboration with the UN High Commission for Refugees and others in response to refugee crises and in tackling human trafficking.*

LORDS NON-INSISTENCE AND AMENDMENTS IN LIEU

The Lords do not insist on their Amendments 104 and 107, to which the Commons have disagreed for their Reason 107A, and propose Amendments 107B and 107C in lieu –

107B After Clause 60, insert the following new Clause –

“Ten-year strategy on refugees and human trafficking

- (1) The Secretary of State must prepare a ten-year strategy for tackling refugee crises affecting migration by irregular routes, or the movement of refugees, to the United Kingdom through collaboration with signatories to the Refugee Convention or any other international agreement on the rights of refugees.
- (2) The strategy must include an evaluation of the factors driving migration by irregular routes and the movement of refugees to the United Kingdom.
- (3) The strategy must also include provisions for tackling human trafficking to the United Kingdom and an evaluation of the factors driving demand.
- (4) The Secretary of State must make and lay before Parliament a statement of policies for implementing the strategy.
- (5) 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.
- (6) A Minister of the Crown must, within three months of a statement under this section being laid before Parliament, move a motion in each House for the statement to be debated.
- (7) “Ten-year strategy” means a strategy for the period of ten years beginning with the day on which preparation of the strategy is completed.
- (8) “The Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol.”

107C Clause 66, page 65, line 36, at end insert –

“(ba) section (*Ten-year strategy on refugees and human trafficking*);”

COMMONS REASON

The Commons disagree to Lords Amendments 107B and 107C for the following Reason –

107D *Because the Amendments are unnecessary as the Government already works in collaboration with the UN High Commission for Refugees and others in response to refugee crises and in tackling human trafficking.*

J★ **Lord Murray of Blidworth to move, That this House do not insist on its Amendments 107B and 107C, to which the Commons have disagreed for their Reason 107D.**

J1★ **The Lord Archbishop of Canterbury to move, as an amendment to Motion J, at end insert “, and do propose Amendments 107E and 107F in lieu –**

107E After Clause 60, insert the following new Clause –

“Statement on refugees and human trafficking

- (1) The Secretary of State must make and lay before Parliament, within 12 months of the passing of this Act, a statement setting out the Government’s assessment of –
 - (a) the effectiveness and utility of the 1951 Refugee Convention, as it relates to migration by irregular routes, or the movement of refugees, to the United Kingdom,
 - (b) progress domestically and internationally in tackling human trafficking, as it relates to human trafficking to the United Kingdom,
 - (c) factors relating to refugee crises or human trafficking which are driving migration by irregular routes and the movement of refugees to the United Kingdom.
- (2) “The 1951 Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol.
- (3) A Minister of the Crown must, within three months of a statement under this section being laid before Parliament, move a motion in each House for the statement to be debated.”

107F Clause 66, page 65, line 36, at end insert –

“(ba) section (*Statement on refugees and human trafficking*);”

Illegal Migration Bill

MARSHALLED LIST OF MOTIONS AND AMENDMENTS
TO BE MOVED ON CONSIDERATION OF COMMONS REASONS

17 July 2023

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