

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT NATIONALITY, IMMIGRATION AND
ASYLUM ACT 2002 (JUXTAPOSED CONTROLS)
(AMENDMENT) ORDER 2021

Tuesday 23 February 2021

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The Committee consisted of the following Members:

Chair: †CAROLINE NOKES

Andrew, Stuart (*Treasurer of Her Majesty's Household*)

Begum, Apsana (*Poplar and Limehouse*) (Lab)

Bryant, Chris (*Rhondda*) (Lab)

Caulfield, Maria (*Lewes*) (Con)

† Charalambous, Bambos (*Enfield, Southgate*) (Lab)

† Duguid, David (*Parliamentary Under-Secretary of State for Scotland*)

Holmes, Paul (*Eastleigh*) (Con)

Huq, Dr Rupa (*Ealing Central and Acton*) (Lab)

Jones, Mr Marcus (*Vice-Chamberlain of Her Majesty's Household*)

Mann, Scott (*North Cornwall*) (Con)

† Morris, James (*Lord Commissioner of Her Majesty's Treasury*)

Owatemi, Taiwo (*Coventry North West*) (Lab)

† Philp, Chris (*Parliamentary Under-Secretary of State for the Home Department*)

Rutley, David (*Lord Commissioner of Her Majesty's Treasury*)

Smith, Greg (*Buckingham*) (Con)

† Smith, Jeff (*Manchester, Withington*) (Lab)

Thompson, Owen (*Midlothian*) (SNP)

Sarah Ioannou, *Committee Clerk*

† **attended the Committee**

Third Delegated Legislation Committee

Tuesday 23 February 2021

[CAROLINE NOKES *in the Chair*]

Draft Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) (Amendment) Order 2021

2.30 pm

The Chair: Before we begin, I have to remind Members about social distancing. Spaces are clearly available, and you are all sitting beautifully where you should be. Mr Speaker has also requested that Members wear masks in Committee—I note that some are not doing so—and *Hansard* colleagues would be very grateful if any speaking notes could be sent to hansardnotes@parliament.uk. I call the Minister to move the motion.

The Parliamentary Under-Secretary of State for the Home Department (Chris Philp): I beg to move,

That the Committee has considered the draft Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) (Amendment) Order 2021.

It is a great pleasure to serve under your chairmanship for the first time, Ms Nokes. I hope it is not the last time.

The order was laid before Parliament in January and is required to align the juxtaposed controls regime at the seaports of northern France with the regime currently in operation at Coquelles for the channel tunnel shuttle service, and at the Eurostar rail terminals in France, Belgium and the Netherlands. The order simply extends provisions that are already in force at the Eurostar terminals to the Channel seaports. The order replicates the existing legislative approach and enables all the UK immigration legislation to be applied in the UK control zones at the ports of Calais and Dunkirk.

The security and integrity of our borders are very important and depend on our ability to enforce immigration controls. As Members will know, the UK has several international agreements with France, allowing UK Border Force to operate at the borders. They are reciprocal arrangements, with French officers also completing entry checks at certain ports in the UK. Currently, Border Force conducts juxtaposed immigration controls at the ports of Calais and Dunkirk, with the French Police aux Frontières, or PAF, undertaking reciprocal Schengen entry checks at the UK port of Dover. The juxtaposed controls in Calais and Dunkirk are provided for by the 2003 international treaty of Le Touquet, and they were put into effect in the UK by the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003, which I shall refer to as the 2003 order. That was made under section 141 of the Nationality, Immigration and Asylum Act 2002.

The 2003 order granted officers of the Immigration Service, as it was then known, with particular immigration powers enabling them to carry out immigration controls

within certain geographical locations, known as control zones. At the time, only the powers specified in the order were necessary for the efficient conduct of immigration controls. However, the way Border Force operates has changed in the intervening years, which is why we now want to extend the powers currently used at the Eurostar terminals, to include the seaports.

The order essentially expands the powers of immigration officers to include the use of reasonable force as set out in section 146 of the Immigration and Asylum Act 1999, making the powers exercisable in the seaports exactly the same as the powers that are already exercisable at the Eurostar juxtaposed controls. In doing that, the order empowers appropriately trained Border Force officers at the seaports to use reasonable force under English law when carrying out any power conferred on them by the immigration Act. It enables properly trained Border Force staff to intervene in order to prevent harm where an individual's behaviour endangers themselves, the public or Border Force staff, and it enables such officers to enforce compliance with immigration processes, including fingerprinting. Border Force officers will of course take all reasonable steps, as they do already where they have such powers, to avoid using force and to encourage the individual to comply with immigration processes. Reasonable force would only ever be a last resort where an individual has repeatedly refused to co-operate.

This measure builds on the steps the Government have already taken to reform the immigration system, strengthen border controls and reduce illegal migration. It will strengthen Border Force's ability to manage those who seek to frustrate our immigration processes or circumvent UK immigration controls, and it will ensure that Border Force officers are properly empowered to intervene to prevent harm.

On that note, I commend the order to the Committee.

2.35 pm

Bambos Charalambous (Enfield, Southgate) (Lab): It is a pleasure to serve under your chairmanship this afternoon, Ms Nokes.

I thank the Minister for his opening remarks. Having looked through the detail of this statutory instrument, the Opposition are satisfied that the alignment that it delivers makes sense. With that in mind, however, we note that it has taken some time to make this change and it is disappointing to read that an impact assessment has not been prepared for this instrument, on the grounds that

'There is no, or no significant, impact'.

The changes will certainly have an impact on Border Force officials, and indeed they relate to our borders, so it is regrettable that no assessment has been carried out to give us complete assurance that it will have no impact or no significant impact.

I will also take this opportunity to stress that the success of the changes will continue to rely on strong and effective relations with our international partners on international security and borders, and we will endeavour to listen to our colleagues on the Border Force frontline for their assessment of the changes as they are introduced.

Nevertheless, I have heard what the Minister has said and I will not detain the Committee any longer, as we do not wish to divide on this matter.

2.36 pm

Chris Philp: I am not sure that I have anything greatly to add, other than to say that, in relation to the issue of the impact assessment, we are, of course, simply replicating existing powers, which is why an impact assessment was not undertaken.

I concur with the shadow Minister about the importance of strong international relations. We work very closely with the French; I am meeting the Interior Minister

chef de cabinet next Monday to discuss matters such as those covered by the order. I fully concur with the shadow Minister's emphasis on the importance of good international relations.

Question put and agreed to.

2.37 pm

Committee rose.

