

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### BORDER SECURITY, ASYLUM AND IMMIGRATION BILL

*Seventh Sitting*

*Tuesday 11 March 2025*

*(Morning)*

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CLAUSES 37 AND 38 agreed to.  
Adjourned till this day at Two o'clock.

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**not later than**

**Saturday 15 March 2025**

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**The Committee consisted of the following Members:**

*Chairs:* DAWN BUTLER, DAME SIOBHAIN McDONAGH, DR ANDREW MURRISON, † GRAHAM STUART

† Bool, Sarah (*South Northamptonshire*) (Con)  
 † Botterill, Jade (*Ossett and Denby Dale*) (Lab)  
 † Eagle, Dame Angela (*Minister for Border Security and Asylum*)  
 Forster, Mr Will (*Woking*) (LD)  
 † Gittins, Becky (*Chwyd East*) (Lab)  
 † Hayes, Tom (*Bournemouth East*) (Lab)  
 † Lam, Katie (*Weald of Kent*) (Con)  
 † McCluskey, Martin (*Inverclyde and Renfrewshire West*) (Lab)  
 Malhotra, Seema (*Parliamentary Under-Secretary of State for the Home Department*)  
 † Mullane, Margaret (*Dagenham and Rainham*) (Lab)

† Murray, Chris (*Edinburgh East and Musselburgh*) (Lab)  
 Murray, Susan (*Mid Dunbartonshire*) (LD)  
 † Stevenson, Kenneth (*Airdrie and Shotts*) (Lab)  
 † Tapp, Mike (*Dover and Deal*) (Lab)  
 † Vickers, Matt (*Stockton West*) (Con)  
 † White, Jo (*Bassetlaw*) (Lab)  
 † Wishart, Pete (*Perth and Kinross-shire*) (SNP)  
 Robert Cope, Harriet Deane, Claire Cozens,  
*Committee Clerks*  
 † **attended the Committee**

## Public Bill Committee

Tuesday 11 March 2025

(Morning)

[GRAHAM STUART *in the Chair*]

### Border Security, Asylum and Immigration Bill

9.25 am

**The Chair:** Would everyone please ensure that all electronic devices are turned off or switched to silent mode? We now continue line-by-line consideration of the Bill. The grouping and selection list for today's sitting is available in the room, as well as on the parliamentary website. I remind Members about the rules on the declaration of interests, as set out in the code of conduct.

#### Clause 37

##### REPEAL OF THE SAFETY OF RWANDA (ASYLUM AND IMMIGRATION) ACT 2024

*Question proposed,* That the clause stand part of the Bill.

**The Minister for Border Security and Asylum (Dame Angela Eagle):** It is a pleasure once more to be in this delightful room doing line-by-line scrutiny of the Bill.

The clause repeals in full the Safety of Rwanda (Asylum and Immigration) Act 2024. The Act, which requires that decision makers treat Rwanda as a safe third country for the purposes of removing individuals there, and disapplies sections of the Human Rights Act 1998, was passed by the previous Government in an attempt to facilitate removals to Rwanda under the migration and economic development partnership. Despite that, the Act has served no practical purpose since it became law: no decisions were made that were affected by its provisions, and, as we have stated repeatedly, only four individuals were ever relocated voluntarily. No enforced removals to Rwanda ever took place under the partnership.

The Government have been clear from the outset that we will not proceed with the partnership. There is no evidence that it was successful in deterring small boat arrivals, nor has it delivered value for money for the British taxpayer. On the contrary, nearly 84,000 people arrived on small boats between 14 April 2022, which was the date the partnership was announced by the former Government, and 5 July 2024, which was the day after this Government were elected.

The Government have been clear that we will not make further payments to Rwanda, saving £100 million in upcoming annual economic transformation and integration fund payments, and a further £120 million that the UK would otherwise have been liable to pay once 300 individuals had been relocated to Rwanda. That is without even considering the additional staffing and operational costs, which would have been substantial. We will also exit the UK-Rwanda treaty as part of ending the partnership. It is therefore appropriate for

the Government to repeal the Safety of Rwanda Act so that the legislation, which relies on the provisions of the treaty, will no longer be on the statute book. That is what clause 37 achieves.

**Matt Vickers** (Stockton West) (Con): Clause 37 repeals the Safety of Rwanda (Asylum and Immigration) Act 2024. In doing so, the Government are removing the only deterrent, and indeed the only place where we can send people who have arrived from a safe third country. It is well established that it is extremely difficult to return people to some countries. In addition, the lack of documentation can frustrate the process of removal to someone's home country. That is why a third country deterrent is needed: if people cannot be removed to their home country, they can and will be removed to a third country.

The logical consequence of repealing the Safety of Rwanda Act is that a greater number of migrants will arrive from countries that are harder to return them to. Without some form of agreement to send the migrants to a safe country, they will continue to come and to stay. Section 80AA of the Nationality, Immigration and Asylum Act 2002 contains a list of safe countries, but the list is limited to countries that contribute very few illegal migrants, save for Albania. The last Conservative Government cut the number of Albanian illegal migrants coming to the UK by small boat crossings by over 90%, showing that our returns agreement with Albania worked. As the former director general of Border Force said:

"If we cannot send them back, we could send them to another safe country—ergo, Rwanda—where they could be resettled safely without adding to the continuing flow of arrivals by small boat from France."—[*Official Report, Border Security, Asylum and Immigration Public Bill Committee*, 27 February 2025; c. 41, Q43.]

Channel boat crossings are up 28% since the election, with more than 1,300 people crossing in the week commencing 1 March 2025. This Labour Government have smashed farmers, small business owners and pensioners, but it seems that the people-smuggling gangs are the only ones who are safe. The only thing that will stop the gangs is a strong deterrent that means that people do not board small boats because they know that they will be deported if they reach the UK, and they will not be allowed to stay.

The additional offences and powers in this Bill are welcome as far as they go, but, with the scrapping of the Conservatives' deterrent—that if someone has no right to be in this country, they will not be able to stay—this Bill is just window dressing. It will not, and cannot, stop people crossing the channel in small boats. The Government know that, because their own impact assessment shows that only a handful of people each year would be imprisoned because of the new offences created by this Bill.

Since the announcement that our deterrent would be scrapped, there are almost 8,500 more people in asylum hotels. That is the Government's failure.

**Tom Hayes** (Bournemouth East) (Lab): I was trying to count the number of times the hon. Member used the word "deterrent", and I ran out of fingers. Could he please define what a deterrent is?

**Matt Vickers:** Does the hon. Gentleman want me to use my fingers to help him to count? The deterrent is

preventing people from getting in those boats. If people know that they will be detained and removed when they arrive in this country, they will stop coming.

**Mike Tapp** (Dover and Deal) (Lab): Does the hon. Gentleman acknowledge that the crossings have risen from 299 in 2018 to more than 150,000 since then, the majority of them on the Conservatives' watch? Does he also acknowledge that deportations have increased by 24% under this Government?

**Matt Vickers:** Does the hon. Gentleman know what has happened with global migration? If we compare the movements that have been made in the last week, those into Europe and those into this country seem to be slightly misaligned. The number of people arriving in this country is up 28%. The number of people put into hotels in communities across this country is up 29%; that is 8,500 more people. The number of people who have arrived in this country illegally and been removed is down significantly since this Government came to office.

It is clear that a new approach is needed. The National Crime Agency said that stopping channel migrants is not possible without a Rwanda-style scheme. It was a terrible mistake for Labour to cancel our deterrent before it had even started. The Labour Government like to point out the cost of the Rwanda plan, but a deterrent that stops illegal migrants from making the crossing and settling in the country will save the state billions in lifetime costs.

As Karl Williams from the Centre for Policy Studies pointed out,

“the Office for Budget Responsibility’s analysis last summer... estimates that a low-skilled migrant, or low-wage migrant as the OBR puts it, will represent a lifetime net fiscal cost to the taxpayer of around £600,000.”

Williams then pointed to

“analysis from Denmark, the Netherlands and other European countries that asylum seekers’ lifetime fiscal costs tend to be steeper than that” —[*Official Report, Border Security, Asylum and Immigration Public Bill Committee, 27 February 2025; c. 43, Q49.*]

The evidence therefore suggests that if 35,000 people cross the channel a year—that is roughly where we were last year—at that sort of cost range, the lifetime costs will probably be £50 billion or £60 billion.

**Tom Hayes:** I ask the hon. Member to desist from referring to that report. In oral evidence, I asked two experts whether they thought it was possible to make such assessments on the basis of the available evidence, and they declined. In fact, the author of that report said that the available evidence was fairly lacking in robustness and integrity. When I asked him whether he had considered certain key counterfactuals, he admitted that he had not. Later, in response to my question about whether it was appropriate for MPs to brandish such research, Professor Brian Bell said that it would be “foolhardy” to do so because the report itself made “very brave” assumptions.

Will the hon. Member now desist from using that report, given that we are in a democracy, we are striving for accountability and truth, and we should not be using fake information?

**The Chair:** Order. Interventions must be short.

**Tom Hayes:** I apologise, Mr Stuart.

**Matt Vickers:** I will not desist from using those figures, but I would be happy to hear the hon. Member’s alternative figures when the time comes. I am sure this is not cost-neutral; I am sure it is very expensive.

As I was saying, that is why an effective removals and deterrent agreement is needed. I ask the Minister whether the Government are looking at a removals and deterrent agreement. If not, why are they repealing the UK’s only deterrent? How does she think we can control our borders without one, when it is clear that this Bill will not be effective in doing so? Does she agree with the National Crime Agency that a removals agreement is the only way to stop channel migrants, as happened with Operation Sovereign Borders in Australia?

The Government say that they are clearing the backlog and returning people who arrived on small boats. That is just not the case. The most recent immigration figures show that the asylum backlog is higher than when Labour came into office, and returns of small boat arrivals were down again in the most recent quarter, with only 4% of arrivals being removed. In fact, of the total returns between October and December 2024, only 16% were enforced; in the three months before, only 13% were. Does the Minister think that allowing 96% of illegal immigrants who arrive by small boat to stay in the UK is a deterrent?

**Tom Hayes:** It is a pleasure to serve under your chairmanship, Mr Stuart, and I promise that I will be briefer. Does the hon. Member agree that the overwhelming trend under the last Conservative Government in the balance between enforced and voluntary returns was in favour of voluntary returns? In fact, in 2023, only 24% of returns were enforced, in 2022, 25% were and in 2021, 27% were. Does he not agree that the trend over the last years has been one of voluntary returns?

**Matt Vickers:** I would say that the big issue around deterrence is how many of those who arrive in small boats are removed. Despite the fact that the number of those arriving illegally is up 28%, the number who are being returned is down significantly. That is the big question at play here.

**Tom Hayes:** I thank the hon. Member for his patience. Does he agree that he is moving the goalposts slightly to manufacture a political argument that, as he knows, would not be supported by the evidence available? Furthermore, will he look back into history at the record of the last Labour Government? I invite him to comment on their success—I know that he will want to jump at that. In 2004, 85% of people reaching our country were removed through enforced returns; in 2005, 73% were. Where there was a trend of enforced returns, it was actually under the last Labour Government.

**Matt Vickers:** In terms of the political arguments, what people out there want to see is the number of people arriving illegally in this country going down. They are not seeing that; it is up 28%. They want to see the number of hotels in communities across the country

[*Matt Vickers*]

going down. It is not, although it was. The number of people arriving was also going down, but it is now up 28%, and there are 8,500 more people in hotels. That is the reality of the situation.

**Dame Angela Eagle:** I thank the hon. Gentleman for giving way; he is being very generous. Of course, that is what Committee debates are meant to be about; it is easier to have a bit more to and fro in Committee than it often is on the Floor of the House, when we have two and a half minutes and we have had to rewrite our speech and discard most of what we were going to say.

Will the hon. Gentleman admit that the way in which the Illegal Migration Act interacted with the Safety of Rwanda Act meant that nobody could be processed at all; they were just stuck, and there was a build-up in hotels of small boat arrivals and other asylum claimants who could not be processed? That meant that there was a big backlog, and we have had to restart decision making. That inevitably means that there will be a slowdown in sending back people who have arrived by small boat until we can get on top of the backlog that the Conservative Government created.

**Matt Vickers:** The principle at stake is that if someone arrives in this country illegally, they will be removed. We were not processing people who had arrived illegally and were meant to be removed, but we were returning more of them before the election than we are now. However, I will get through my comments, and there will be plenty of time then for debate—we have a full morning ahead of us.

Does the Minister think that allowing 96% of illegal migrants who arrive by small boat to stay in the UK is a deterrent? At the moment, people know that if they come here on a small boat, they are 96% likely to be allowed to stay. That is a strong pull factor. The only way to remove that pull factor is to reinstate a strong deterrent. People need to know that if they arrive here on a small boat, they will not be able to stay. Can the Minister explain how she will increase the number of removals without a third country to which migrants can be sent? If it is not Rwanda, where will they go? Will it be Redcar? Will it be Romford? Will it be Richmond? Where will these people who cannot be removed to a safe country go?

As Alp Mehmet said,

“repealing the Rwanda Act will encourage illegal immigration... 240,000 people were declared to have entered”

the EU “illegally last year” and will likely end up coming to the UK. The Government have confirmed with this Bill and the repeal of the Safety of Rwanda Act that there is no deterrence, because once people arrive here, the likelihood is that they will be able to stay. Mehmet also echoed the comments from the National Crime Agency, saying,

“the only deterrent is to restrict arrivals, and to contain and remove quickly. That will send the right message.”—[*Official Report, Border Security, Asylum and Immigration Public Bill Committee, 27 February 2025; c. 39-40, Q43.*]

As he pointed out, there is not “anything in the Bill” that would suggest that people will be removed quickly. Why has a removals agreement not been included in the

Bill? The EU is now looking at offshore processing and deportation centres. There is also a growing consensus in the EU that the 1951 refugee convention is not fit for purpose. What assessment has the Minister made of the impact of these changes on the UK? Why have the Government scrapped the Rwanda plan, leaving the UK as an outlier? We wish to oppose the repeal of the Act by way of a Division.

**Jo White (Bassetlaw) (Lab):** I welcome the opportunity to examine the failed Rwanda scheme. The Israeli scheme, which was set up more than a decade ago, provides stark evidence that the previous Government should have considered before recycling an idea that has cost taxpayers £700 million. In Israel, asylum seekers were given a stark choice: be sent home, go to a migrant detention facility or take \$3,500 on a one-way flight to Rwanda. One such asylum seeker quickly found that he was not welcome on arrival. No sooner had he landed in Kigali than he was told he had to leave again for Uganda, and for a fee. He said that he quickly left for Greece on a small boat and then travelled over land to Switzerland, where he is now settled. Another used a \$5,000 payment that he received to catch a flight to Amsterdam, where he then claimed asylum status.

The previous Conservative Government entered into the agreement with Rwanda with full knowledge of the previous failings there and offered individuals a personal payment of £3,000 to resettle their lives. Figures have been banded about on how many asylum seekers Rwanda was willing to take, with the previous Government saying 1,000, and Rwanda saying between 100 and 200. It is not clear who was right, but a question that has often been repeated to me is: how can that be regarded as a deterrent? Indeed, our witnesses from the refugee support organisations made the point that people will continue to come and try their luck, and 84,000 took that risk. I welcome the fact that we have our common sense back and we are repealing the Act, but I despair at the waste of taxpayers’ money on pursuing a fantasy that had already failed elsewhere.

**Pete Wishart (Perth and Kinross-shire) (SNP):** Good morning to you, Mr Stuart, for week two of our fascinating journey into the depths of the Bill. There will be absolutely no argument from me about this one, and I wholeheartedly agree that the Bill must go through. When we look back at the whole sorry Rwanda debacle, we will wonder how on earth such a crackpot scheme was not only conceived, but actually constructed and delivered. A few words will be forever on the gravestone of the last Conservative Government: “stop the boats” and “Rwanda”. It was the first time, in my experience, that an Act decreed a new reality. Through sheer willpower alone, the Conservatives declared that Rwanda was a safe place, and in true Orwellian style, they even called the legislation the Safety of Rwanda Act. It was the most blatant political attempt ever to try to convince us that black was white.

Rwanda is so safe that it is currently accused of supporting the M23 militia, which is claimed to be recruiting child soldiers and carrying out killings and rapes of civilians in the Democratic Republic of the Congo. Saying all that, Rwanda played an utter blinder. It milked this for all it was worth. It saw these mugs coming. So far, Rwanda has made £240 million—money

that will not have to be paid back. The Bill was described by the Law Society as “defective” and “constitutionally improper”, and it was declared unlawful in the Supreme Court. All those rebukes did nothing for the Conservatives other than to encourage them to ensure that the idea became a reality.

We just have to look at the sheer waste and the sheer stupidity that was the very essence of the Rwanda policy. The headline was that it cost taxpayers £750 million and failed to deport a single asylum seeker against their will. There was £270 million to support economic development in Rwanda, £95 million for detention and reception centres and £280 million for other fixed costs. Fifty million pounds was spent preparing for flights that never took off.

Then there is the farce of the Kigali four—the four volunteers sent to Rwanda, who were the only people who actually made it through the whole scheme. *Tortoise* did us a favour by unearthing the script that was used when the Home Office tried to persuade people to take up a “generous one-time offer” of a relocation package to Rwanda. One source said that demonstrated an “insane level of resource that went into just proving the concept”.

9.45 am

The Tories were so obsessed with the scheme that it totally blinded them to what was happening in the rest of the immigration landscape. We heard an example of that from the Minister. They were so exclusively focused on Rwanda and spent so much political capital on it that they did not notice the hundreds of thousands of people who just happened to come into the UK through a new immigration system that they had put in place but did not properly understand. Even small boat crossings hit record levels in the year that the Rwanda policy was announced, and deaths in the channel steadily rose in the subsequent period. A deterrent it most definitely was not.

Asylum seekers came to the same assumption as every other practical person in the UK: they knew that there was no chance, or very little chance, that they would ever be put on a flight to Rwanda. The Tories tell us that they want to keep the policy. Instead of defending it and trying to bring it back, they should apologise for it and promise never to come up with something as hare-brained again, but after listening to the leader of the Conservative party over the weekend talking about stopping human rights for asylum seekers, I do not think they have learned their lesson. They should be asking for forgiveness for trying to forcibly remove refugees to a third country where their safety could not be guaranteed. They have a hard neck trying to bring the scheme back, and have lost the little credibility they had left on asylum.

I have just few words of caution for my Labour colleagues. It was great to see them so animated this morning; this is obviously a real target. We all love Tory-bashing, and this presents such an obvious target for all of us, so enjoy yourselves—but I have a warning. Labour Members talk about deterrence, and I followed with great interest the exchange between the hon. Member for Stockton West and the hon. Member for Bournemouth East. The Government have put deterrence at the heart of their Bill, but if Rwanda was not going to work, neither are some of the features in the Bill. People sitting in a war-torn region take no account of deterrence.

I wonder just how long it will take the Labour Government to start to get into the same territory as the Tories. I can see it coming: they are backtracking on the Illegal Migration Act 2023 and some other features in this grotesque race to the bottom of who can be the hardest on Reform. I suspect that in a few years’ time the hon. Member for Stockton West might actually get his wish and the Labour party will introduce Rwanda mark 2. I say to Labour Members: “Think very carefully—particularly about clause 38, about the IMA—about wandering down this route.” I have my doubts that they will resist the temptation to revisit some of the territory that the Conservatives trailblazed with their last stupid scheme.

**Mike Tapp:** I thank the hon. Member for Stockton West for his creative statement. The chaos in our asylum system and the dangerous rise in illegal small boat crossings is, of course, one of the greatest challenges facing our country, and for years the British public have been promised solutions. They were told that the previous Government’s Rwanda policy would fix the problem, but instead it proved a costly failure. It got stuck in legal battles, was riddled with operational flaws and was utterly ineffective. I will go into detail about that soon.

In 2018, 299 people crossed the channel on small boats. By 2022, the number had surged to 30,000—a hundredfold increase on the Conservatives’ watch. Despite their grand claims that the Rwanda scheme would act as a deterrent, more than 80,000 people crossed the channel after the scheme was announced, and not a single asylum seeker has been successfully removed under it—not one. It is clear that this policy failed.

Let us start with the legal reality. The Rwanda asylum scheme was not just controversial but unlawful. In November 2023, the UK Supreme Court struck it down, ruling that Rwanda was not a safe country to send asylum seekers. The reason for that was systematic defects in Rwanda’s asylum system: almost no claims from Afghans, Syrians or Yemenis were ever approved. The Court found a serious risk that genuine refugees could be sent back to danger, in direct breach of international law. Let us not forget that Rwanda has a track record here: a previous deal with Israel, mentioned by my hon. Friend the Member for Bassetlaw, led to refugees being secretly deported back to their home countries, in clear violation of human rights protections. This policy depends on breaking the law, and that is no policy at all. It is a legal and moral dead end.

That is why the Bill repeals the Rwanda scheme and replaces it with a system that upholds the rule of law. It will focus toughness where it belongs: not on desperate people, but on the criminal gangs who exploit them. Instead of wasting years in court, we will implement a legally sound system that actually works.

Further, the Rwanda scheme was not just unlawful; it was an economic disaster. As of mid-2024, at least £318 million had already been spent on this failing policy. What did taxpayers get in return? Nothing—no removals or deterrent effect, just an ever-growing backlog of cases and ever-rising hotel bills, which we have inherited. Even if the scheme had gone ahead, it would have been staggeringly expensive. The National Audit Office estimated that removing just a few hundred people could cost up to £2 million per person, yet we are expected to believe that this was a serious solution to the problem of tens of thousands arriving each year on the Conservatives’ watch.

[Mike Tapp]

This Government are putting an end to that waste. Instead of throwing money at a scheme that does not work, we are investing in practical measures. This approach is already delivering results: since taking office, the new Government have increased enforced removals by 24%. That shows that when we have a working system, we do not need gimmicks like the Rwanda plan; we just need competence.

This is not just about law or economics. It is also about how we treat people. A core British value is strength, but another is decency. Strength without decency is weakness, as the previous Government demonstrated. The Rwanda scheme was not just ineffective; it was cruel. It was based on the idea that people fleeing war and persecution should be someone else's problem, no matter the risk to their safety.

Let us be clear that many of those crossing the channel are genuine refugees—they include people fleeing the Taliban in Afghanistan, dictatorship in Iran and war in Syria—but the Rwanda policy, and, it would seem, the Conservatives, did not care. The policy made no distinction, lumped everyone together and treated them as a problem to be shipped off 4,000 miles away, out of sight and out of mind—although of course it did not work.

That is not the British way. This country has a proud history of offering sanctuary to those in need, and we do not abandon our humanitarian duties for the sake of a headline and a gimmick. Of course, those who should not be here will be deported, as we are already seeing, and those who genuinely need help will receive it under this Government. A true deterrent is taking out the smuggling gangs and deporting those who should not be here. The truth is that we do not stop the boats by shouting slogans; we stop the boats by giving people an alternative.

Finally—I thank hon. Members for their patience—the Rwanda plan was never operationally viable. Even if it had survived the legal challenges, the logistics were impossible. To make it work, the Government would have had to detain nearly every small boat arrival indefinitely—a task for which we simply do not have the detention space, the staff or the legal authority. Rwanda itself had agreed to take only a few hundred people a year, which is a drop in the ocean—excuse the pun—compared with the scale of the problem. Meanwhile the real criminals—the smuggling gangs—continued to operate freely. The Rwanda plan did nothing to target them. It was an illusion of control, rather than a real solution.

This Government take a serious, workable approach. That is how we secure the border: not through wishful thinking, but through real enforcement. The Conservatives have tried gimmicks. They tried grandstanding; they tried expensive, legally dubious, headline-chasing policies, and they failed. It is time to move forward. We will uphold the rule of law, protect those in genuine need and take real action against the criminals exploiting them.

**Katie Lam** (Weald of Kent) (Con): These are difficult problems and challenging questions. Practically every country in the western world is struggling with this and, with the notable exception of Australia, effectively none has solved it. The basic logic of the situation is that, if

someone comes here illegally from a place to which it would be dangerous to return them, there are only four options.

First, they could be sent back to the country they came from. That is not legal in our current framework—even before getting to the morality of doing such a thing. Secondly, they could be put in immigration detention indefinitely. That is also not legal; a person can be held in immigration detention only if there is a realistic prospect of removal, which there would not be in this case. Thirdly, they could stay here indefinitely. That is not fair, and it is not what the public want. Finally, they could go somewhere else—a safe third country. Such an agreement was very difficult to broker; indeed, until the Rwandans agreed, many considered it to be impossible.

Clearly, the Government have little time for the Rwanda scheme and destroying it was one of the first things they did in office, but the basic logic problem remains. The last Conservative Government did not get everything right—that is for sure—but the Rwanda scheme was a genuine attempt to solve this truly hard problem, and it remains the only solution that we can see.

**Chris Murray** (Edinburgh East and Musselburgh) (Lab): Does the hon. Lady accept that there is a fifth option? Just because someone does not have the right to be in the UK, it does not mean that they do not have the right to go to any other country in the world. The programme of voluntary returns, which massively went down under the Conservatives but has gone up massively under this Government, is part of the solution to that.

**Katie Lam:** As we have heard, people who have come here illegally are not voluntarily leaving the country. Most of the voluntary returns are overstayers or people who have not come here on small boats.

**Chris Murray:** But they could.

**Katie Lam:** But they do not. There will always be people who come to this country illegally from dangerous places. They are human beings responding to obvious incentives. Could the Minister please tell us which of the four options she thinks is the right one? Is it sending someone back to a dangerous country, which will entail a change in the law and probably leaving the European convention on human rights? Is it holding someone in immigration detention indefinitely, which has the same conditions? Is it allowing people to stay here, or is it sending them to a third country?

**Becky Gittins** (Clwyd East) (Lab): It is a pleasure, once again, to serve under your chairpersonship, Mr Stuart. I was disappointed but not surprised to hear that the official Opposition want to keep the Safety of Rwanda Act on the statue books. I was disappointed for a number of reasons, which I will set out shortly, but I was not surprised. I have seen the way in which the Tories continue to position and conduct themselves on immigration policy. It is clear to me that they simply refuse to learn the lessons of the last 12 months. The public saw right through their Rwanda plan. They could see it for exactly what it was: a gimmick that was both unworkable and unaffordable.



Before today, I thought I would familiarise myself with the Report stage and the Third Reading of the Safety of Rwanda (Asylum and Immigration) Act 2024. At the time, a good number of Committee members, including me, had yet to be elected, but reading the debates really brings home the sense of chaos that had engulfed the Conservative party at the time. The then shadow Home Secretary, now Home Secretary, summed it up:

“What a farce... We have a Prime Minister with no grip, while the British taxpayer is continually forced to pay the price. Former Tory Cabinet Ministers and deputy chairs from all sides have been queuing up to tell us it is a bad Bill. They say it will not work, it will not protect our borders, it will not comply with international law and it is fatally flawed.”—[*Official Report*, 17 January 2024; Vol. 743, c. 966.]

A previous Attorney General, the right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright), stated that

“to arrogate to oneself the right to declare one’s own compliance with international law runs the risk of, first, other states finding comfort in our example and, secondly, undermining our own messages in other situations. That makes this not just bad law, but bad foreign policy.”—[*Official Report*, 17 January 2024; Vol. 743, c. 855.]

This is an example of utter chaos. The Law Society, in welcoming the repeal of the Rwanda Act, said in its evidence to this Committee that the Act

“set a dangerous legal and constitutional precedent by legislating to overturn an evidence-based finding of fact by UK courts that Rwanda is an unsafe country to send asylum seekers to.”

However, the measure made it on to the statute book. The Rwanda plan ran for two years and, as we know and have heard several times this morning, a grand total of four volunteers were sent to Rwanda at the not insubstantial cost of £700 million to the UK taxpayer—quite a remarkable feat.

While hundreds of millions of taxpayer pounds were sent to Rwanda, the legislation’s effect was felt in the UK. As a result of the fantastical Rwanda plan, huge backlogs of asylum claims were building, with tens of thousands of people in hotels unable to leave because of the design of the Illegal Migration Act. We know that the use of hotels does not represent value for money and we are moving away from it. When it comes to the idea of the Rwanda policy being a deterrent, from its inception to the announcement it was to be scrapped, 84,000 people crossed the channel in small boats. It is always difficult to measure a deterrent’s effectiveness, but that is a pretty clear indicator that a deterrent it was not.

10 am

An important part of this scrutiny process is that we take the opportunity to hear from witnesses who have valuable expertise in this area. From listening to the oral evidence and wading through the written evidence, we do not have to dig too deep to find out what organisations and individuals think of the Rwanda legislation. We asked about the repeal of the Rwanda Act and the majority of the Illegal Migration Act. At that point, Enver Solomon from the Refugee Council called the Act a “disaster” that caused

“a fundamental meltdown that resulted in the system pretty much coming to a standstill. The system slowed down, with productivity in asylum decision making at its lowest level since the height of the covid pandemic.”—[*Official Report*, *Border Security, Asylum and Immigration Public Bill Committee*, 27 February 2025; c. 6-7, Q3.]

On the strain that such a system put on public services, he said:

“The number of people in hotels— asylum contingency accommodation, as it is called—reached record numbers. Hotels were being stood up in communities without proper prior assessments with relevant agencies of the potential needs—health, the NHS, and tensions vis-à-vis the police.”—[*Official Report*, *Border Security, Asylum and Immigration Public Bill Committee*, 27 February 2025; c. 10, Q9.]

The Children’s Commissioner also gave evidence and, speaking from children’s perspective, stated:

“I am pleased to see the Rwanda Act repealed. Children told me that it would not have stopped them coming; they were just going to disappear at 18. It would have ended up putting them at more risk.”—[*Official Report*, *Border Security, Asylum and Immigration Public Bill Committee*, 27 February 2025; c. 22, Q21.]

So not good for children, not value for money and a huge increase in the asylum backlog. When it comes to the idea of a deterrent, the evidence suggests it would have been unsuccessful in that regard too. We heard from Professor Brian Bell, who said:

“The numbers are certainly not consistent with a story of a very significant deterrent effect from the Rwanda Act... The cost was staggering for a policy that was very unlikely to have a significant deterrent effect.”—[*Official Report*, *Border Security, Asylum and Immigration Public Bill Committee*, 27 February 2025; c. 56-57, Q84.]

Professor Bell went on to say:

“My personal view is that getting asylum claims dealt with more quickly would have been a much more effective use of public resources.”—[*Official Report*, *Border Security, Asylum and Immigration Public Bill Committee*, 27 February 2025; c. 57, Q85.]

I could not agree more. That is what this Government are focused on doing.

The Government have transferred staff and resources from the failed Rwanda scheme. We have refocused our efforts on a new returns and asylum system and Border Security Command, which has boosted levels of returns and enforcement. That, as we heard from my hon. Friend the Member for Dover and Deal, has led to a 24% increase in enforced returns in our first seven months of those who have no right to be in the UK. Some 19,000 people were returned by the end of January, including the four largest return charter flights in our country’s history. There has been a 38% increase in illegal working raids and arrests compared with the same period under the previous Government.

There are no more gimmicks. Instead there is investment in a workable system with new structures and resources to smash the gangs that cause so much misery to so many vulnerable people.

**Margaret Mullane** (Dagenham and Rainham) (Lab): Good morning, Mr Stuart. It was interesting to hear from the hon. Member for Perth and Kinross-shire that he considered the Rwanda scheme a crackpot scheme. Another opinion is that it was “un-Conservative and un-British”—the opinion of John Major, the former Conservative Prime Minister. We have to acknowledge that the basic principle of this Bill is to address the failures of past legislation. Indeed, the Minister explained during an earlier debate that it is not possible to make the suite of legislation involved in the Safety of Rwanda Act and the Illegal Migration Act work together coherently. Not to repeal the Safety of Rwanda Act would undermine confidence in the credibility of the Bill. We are moving away from reliance on expensive gimmicks, hotel use,

[Margaret Mullane]

the flaw that is the Rwanda Act, with its price tag of £700 million of taxpayers' money, and failure to effectively process the people arriving on our shores. Do we really believe that clinging to a piece of dead legislation is the way to protect our borders and put the safety of our country in focus and at the front?

**Tom Hayes:** May I start by saying that it is a pleasure to serve under your chairpersonship, Mr Stuart? I am particularly enjoying the opportunity to have these debates in a free-flowing way—while sticking to parliamentary etiquette, obviously.

I commend the hon. Member for Stockton West, with whom I have some sympathy. He has been sent here to defend the impossible. I half wondered, when he came in wearing that fetching yellow tie, which I slightly covet, whether he had come to hold his hands in the air, make an apology and perhaps stand on the side of classical liberalism, but no: he stood true to the 2024 manifesto on which he was elected. I hope that in addressing how he would define a deterrent, I will add something new. When I asked him for a definition, he said that a deterrent would prevent people from coming and that it would do so by detaining and removing them. I shall make a case that challenges his assumptions on that basis.

A deterrent is a strategy aimed at preventing external actors, targets and adversaries in the military sense from taking unwanted actions. For the Rwanda asylum policy to be a deterrent, the Conservative Government would have needed to achieve certain things: to maintain the capabilities required to deter and be highly resolved to deploy them—as the hon. Member said, to be able to detain and remove—and to effectively communicate their resolve to act. In any communication, one needs to be understood to be highly resolved and capable of following through.

For the Rwanda asylum policy to be a deterrent, the Government would have needed to persuade potential migrants of their capabilities and resolve to send them to Rwanda to process their claims after they had illegally entered the country, and to have stopped migrants from paying significant sums of money to smuggler gangs facilitating illegal migration. In short, from what the hon. Member said, it feels as though the principal target of deterrents was migrants. The Rwanda asylum policy was always doomed to fail on those key conditions, because it was not able to achieve detention or removal.

On detention, Professor Brian Bell, the chair of the Migration Advisory Committee, told us that the numbers given by the Government

“are certainly not consistent with a story of a very significant deterrent effect from the Rwanda Act.”—[*Official Report, Border Security, Asylum and Immigration Public Bill Committee*, 27 February 2025; c. 56, Q84.]

Dr Peter Walsh of the Migration Observatory cited concerns about

“where people would be detained”,—[*Official Report, Border Security, Asylum and Immigration Public Bill Committee*, 27 February 2025; c. 14, Q13.]

as the UK immigration detention system had capacity for only 2,200 people, with roughly 400 spaces free. Moreover, he said that Rwanda would struggle to process more than “a few hundred” asylum claims a year.

That takes me to the question of removal.

**Dame Angela Eagle:** Does my hon. Friend realise that the detention estate was used by the Conservative party to empty some prison places and try to relieve pressure there? I think it highly unlikely that there would be even 400 spaces.

**Tom Hayes:** I thank my hon. Friend for that important reminder that when the Labour Government took office after our historic win, we inherited an awful mess in our prison system, which was described by independent experts and organisations as near to collapse—so near that there were just a few hundred spaces left at a time when the country was rioting.

**Chris Murray:** Is my hon. Friend also aware that under the previous Government, the Home Office tried to secure additional detention estate for asylum seekers but catastrophically failed to do so? For example, at Northeye, they spent hundreds of millions of pounds to secure the site—far more than the previous owners had paid—yet found that it had contaminated ground and could not be used, and the Bibby Stockholm in Dover closed very swiftly after opening.

**Tom Hayes:** I thank my hon. Friend for those important points. In fact, the Bibby Stockholm was moored just off a place near my constituency in Dorset. I thank my hon. Friend the Member for South Dorset (Lloyd Hatton) for campaigning so quickly and efficiently to have the Bibby Stockholm closed, and I thank the Government for responding so constructively to that request. I agree with my hon. Friend the Member for Edinburgh East and Musselburgh about how we have seen significant challenges to the state's ability to detain. As a consequence, in one of the two conditions set out by the hon. Member for Stockton West for an effective deterrent, it is clear that the Conservative Government failed.

For the next component of an effective deterrent—removal—we need only look at the ultimate proof: who went to Rwanda? What deportations actually happened? I can anticipate some of the ways that the Conservatives may challenge that, so I would like to take them on. First, they may blame this Labour Government for cancelling the policy, without also saying that the Conservative party controlled the timing of a general election that they seemed certain to lose. That they believed they were certain to lose is perhaps why they called the election before they could begin deporting asylum seekers to Rwanda. In fact, the first flight was set to take off on 24 July. If the Conservatives had delayed the Dissolution of Parliament by just 20 days, to 19 June rather than 30 May, the first planes could have taken off.

The last Prime Minister could have waited out those 20 days, if he did not have anything else to do. With a zombie Government that were not showing any ambition, if he had wanted to show ambition, he could have spent a nice 20 days watching all 90 hours of the TV show “Lost”. If he wanted to go at a more leisurely pace—and the Conservatives were excelling at going at a leisurely pace—rather than binge watching something, he could have watched all 30 hours of the TV show “Stranger Things”. Instead—and this is where the “ba-dum” comes in—the Government manifested signs of being lost, and the last Conservative Cabinet just comprised stranger things.

**Dame Angela Eagle:** Elegant.

**Tom Hayes:** I thought I would to and find a moment of humour in the dispiriting debate on this topic.

The Conservatives may progress to blaming successful legal and judicial challenges to the policy. The Rwanda policy was, as my hon. Friend the Member for Dover and Deal said, unlawful and deemed to be so by the courts. If they do, His Majesty's Opposition should confirm whether they respect the independence of our judiciary in adjudicating such challenges on the one hand, and respect the international human rights laws, under which challenges were made and were successful, on the other. That is important, because one of the hallmarks of the new Government is to be lawful and to respect our judiciary. We need to embrace that change. The Opposition could also reflect on the probability of further legal challenges being undertaken because of the human rights concerns about Rwanda, which my hon. Friend highlighted so effectively.

Last, the Conservatives may want to blame political challenges for undermining the credibility of their Rwanda asylum policy. In a democracy, it is of course right that Members of Parliament raise concerns on behalf of their constituents—indeed, that is what we have been doing—but the Conservatives overcame those political constraints by passing the Safety of Rwanda Act to address judicial concerns, and they signed a legally binding agreement with Rwanda. So the idea that the deterrent was not able to function because of legal or political challenges is actually farcical, because the previous Government held the cards in their hands.

I have heard it said that the Conservatives could have followed the Australian asylum policy, which has been described as a successful model—perhaps it even inspired the Rwanda asylum policy—but there is good reason to believe that UK could not have achieved the deterrent effects of the Australian offshore asylum processing model. Indeed, Professor Brian Bill, chair of the Migration Advisory Committee, said in oral evidence that it was inappropriate to draw comparisons between the Rwanda scheme and the Australian policies.

Were we to be generous and accept the view of the hon. Member for Weald of Kent that the Australian policy stood out in the world as being successful, there would be challenges to assessing the efficacy of that policy. As the Migration Observatory at the University of Oxford, an expert and independent institution, has said, there is no compelling evidence to suggest that the Australian offshoring policy was the reason for a drop in numbers of people going to Australia. Put bluntly, if migrants were paying attention to the last Government's policy, they had no reason to believe that they would be barred from staying in the UK.

That takes me to my third and final definition of what would make an effective deterrent. Yes, the state must be understood to be highly resolved to deter, detain and remove, and capable of doing so, but it takes two to tango. Britain can only be understood if asylum seekers are able to understand, which in turn depends on several key factors. It means migrants being able to do at least three things: to pay close attention to the last Government's actions—I struggled to do that, so I cannot see how asylum seekers would—to stay fully informed about the many twists and turns in the Safety of Rwanda

Act asylum policy, which again I struggled to stay abreast of, and to behave as rational actors who weigh up the costs and benefits of action.

We have heard in testimony and oral evidence that migrants are typically unaware of Government policy and actions, because they are too busy being asylum seekers and migrants. Moreover, it can be said that there are reasonable grounds to believe that the chaotic and difficult circumstances that they are forced to inhabit prevent them from being the rational actors that they would otherwise be, calmly and objectively assessing the trade-offs between the perceived costs of illegal entry, the probability of those being incurred, and whether those are outweighed by the potential benefits of migration.

10.15 am

If we are querying the ability of the asylum seekers seeking to come to the UK to behave rationally, it is also right to assess whether, in fact, the last Government were acting rationally themselves. As Professor Brian Bell said, the Rwanda policy was a product of

“a problem in the Home Office at the time: there was little rational thinking about what the costs and benefits of different policies were.”—[*Official Report, Border Security, Asylum and Immigration Public Bill Committee, 27 February 2025; c. 57, Q85.*]

Finally, it is worth ruminating on the additional emotional reasons why a migrant considering an illegal and dangerous crossing might be motivated to embark. As we heard in oral evidence, our country exercises a strong pull effect on migrants seeking a new life, which means that they may be willing to pay smugglers large sums of money for dangerous crossings. Here I commend my hon. Friend the Member for Edinburgh East and Musselburgh, who has repeatedly made the point throughout our sittings that demand is inelastic, so we need to find a way of addressing that particular nature of the demand.

Given that, I wanted to pick up a point that the Minister summed up well on Second Reading. Conservative Members started off by saying that all they had to do was talk about the Rwanda scheme, and it would be a deterrent. Then it was, “Once we have put it on the statute book, it will be a deterrent.” Now, all of a sudden, they are saying, “Oh well, it never worked because not a plane took off.”

The Minister was right. Just talking about a scheme does not create a deterrent effect; the number of people taking the channel route did not fall following the policy's announcement, according to a 25 July Q&A by Peter Walsh of the Migration Observatory. Putting it on the statute book does not create a deterrent effect; 84,000 people crossed the channel from the day the policy was announced to the day it was scrapped by the new Government. Last, as I have outlined, the deterrent effect was never going to work because planes did not take off under a Conservative Government and were never going to. As Dr Walsh said in the Q&A that I cited earlier:

“If only a few hundred asylum seekers were sent to Rwanda...as suggested by the Deputy Prime Minister and the Home Office's modelling...the probability of a person crossing the Channel in a small boat being sent to Rwanda would have been... around 1–2%.”

The costs of this fiasco are extraordinary. The Conservatives lost control of our borders. They made our asylum and immigration system dysfunctional. Their

plans did not work. More than 84,000 people crossed the channel between the announcement of the scheme and its scrapping. An eye-watering £700 million of taxpayers' money was haemorrhaged on a system that the Conservatives knew could not work and that did not work. For three years, they invested and poured all their energies, all their time and all of this country's focus on asylum and immigration into the failed Rwanda gimmick, instead of focusing on the source of the small boats problem: the organised criminality behind the highly lucrative trade in people smuggling.

That is why I commend this new Labour Government's new border security Bill; it will put right what the Conservative Government got so wrong and, unfortunately, continue to defend today. It will strengthen border security that was weakened and undermined by the last Government, bring in counter-terrorism-like powers, strengthen international co-operation, and co-ordinate and command so that everybody, in every part of our system, is pulling in the same direction: going after the criminal gangs that are the source of the small boats problem.

As Martin Hewitt, the Border Security Commander, says, there is no "simple answer" to stopping the small boat crossings. We need a toolbox that is filled with tools. To co-ordinate is to command and to disrupt is to deter. That is what this Bill will do, and in so doing it will, thankfully, replace the failed Rwanda gimmick.

**Kenneth Stevenson** (Airdrie and Shotts) (Lab): It is a pleasure to serve under your chairship, Mr Stuart. I rise to put on the record my support for the Government's decision to repeal the Safety of Rwanda Act. It is important to remember that this Act was passed by a Conservative Government who knew that they were on their way out—a Government who had run out of road and run out of ideas. The Safety of Rwanda Act was nothing more than a gimmick, as has been pointed out many times this morning. It was a waste of taxpayers' money and only reaffirmed the widely held view that the Conservative Government had lost control of our borders.

The Bill brought forward by the Labour Government aims to tackle an extremely challenging issue—one made far more challenging by the incompetence shown by the previous incumbents. It marks a welcome shift from wasting taxpayers' money on projects such as the Rwanda scheme to a plan that genuinely aims to smash criminal gangs and stop small boat crossings at the source, with a consistent approach of respecting the vulnerability of the human lives involved. That is why we must reject Conservative attempts to continue their failed schemes.

For those now in Opposition, one would have thought the lessons of July last year were to look outwards, consider what went wrong and reassess their positions on key matters such as immigration, but clearly, they are carrying on as they have done for years, insistent on making the same mistakes that cost the public purse millions that could have been spent on supporting the working people of the United Kingdom. I reiterate my support for the repeal of the Rwanda scheme and look forward to supporting this Government's plans for restoring control to our borders and delivering on the priorities of the British people.

**Chris Murray:** It is a pleasure to serve under your chairship, Mr Stuart, especially after we have had such an interesting debate with some very thoughtful contributions. I will respond to some of the issues that have been raised.

My hon. Friend the Member for Bournemouth East mentioned that I keep quoting Peter Walsh, and I am going to again, because the point he made in the evidence sessions was one of the most critical points on immigration policy in Britain overall. He said that demand for Channel crossings is "fairly inelastic". The demand will not wax and wane hugely in response to Government policy, which tells us that deterrence will have only limited use. That is the conceptual flaw at the heart of the Rwanda plan. It put all the country's cards and money on a deterrence-only approach. Deterrence has to be real and believable, which the scheme clearly was not.

I listen closely to what the hon. Member for Perth and Kinross-shire says about the role of deterrence in migration policy. The exchanges we are having are helping to clarify the thinking. It is clear from the Bill that deterrence can only ever be a component. We must focus on the supply—the ability for people to cross the Channel—and not just the demand. That requires the measures in the Bill, but also diplomatic work and upstream work.

The repeal of the Rwanda legislation was inevitable and written in the stars from the very beginning of that hare-brained scheme. Before it passed, the European Council on Foreign Relations said that the scheme was doomed to failure and a "floundering disaster", because it was unlikely to deter illicit migration, it would damage the UK's standing in international law, it would endanger refugee lives and it would come at huge financial cost. Every single one of those predictions came to pass, so it is no surprise that we are having to deal with this today. I would also say that it presaged the Conservatives going down in an historic election defeat, so it was clearly a failure politically for them as well.

On the point about removal to third countries, before we left the European Union, the UK had the capacity to remove people to safe countries in the EU that they had travelled through. The Conservatives manifestly failed to avail the country of that power we had, and then failed with the Rwanda system. Clearly, the Conservative track record on third countries is very poor. There is a component in the immigration system for people going to third countries when they have no right to stay here, which is something we need to look at further ahead.

The hon. Member for Stockton West made reference to the Albania relationship and returns increasing to Albania, as if that somehow proves that the Rwanda scheme would have worked if we had just let it take its course, but it is a completely spurious parallel. The returns to Albania happened before the communiqué was signed with Albania, so the two are not related—perhaps he was arguing that the prior readmission agreement was the variable that led to the increase, but it came after the spike, so it cannot be held responsible. The Albania agreement was not just about illegal immigrants; it also included a huge number of foreign national offenders—a different group of people entirely. It was also about people from Albania returning to

Albania, not third-country nationals. The idea that the Albania scheme is somehow an alibi for Rwanda can be completely rejected.

That is not actually the point, however, because the Rwanda scheme would never have worked at the scale required, even if it had been able to work at all. The Minister was correct when she talked in her initial remarks about the interaction between the Illegal Migration Act and the Safety of Rwanda Act. That meant that nobody was getting processed, so the country ended up with a perma-backlog of asylum seekers with nowhere to go; they could not return to the country they came from through a voluntary returns agreement or be recognised as refugees. The Rwanda scheme would never have worked at a meaningful scale, and it would never have been able to deal with the backlog. We were on track to having to take over half the hotels in the country to accommodate asylum seekers.

We can have a debate about how best to manage an asylum system—voluntary returns, swift processing, meaningful decisions and removals are clearly components of that—but we can surely say in debating this clause that the Rwanda Act was not the solution. Some £240 million of our constituents' money was wasted on the scheme, which the hon. Member for Perth and Kinross-shire was quite correct to call “crackpot”. Passing legislation to assert that reality is not what it is will never be an effective way to govern anything, never mind the asylum system, so I am pleased that the Act will finally be off the statute book.

**Dame Angela Eagle:** We have had an interesting debate about taking the Safety of Rwanda Act off the statute book, as clause 37 does. I am distressed that the Conservative party continues to assert without evidence—in fact, contrary to most evidence—that that Act and the Illegal Migration Act were about to work. Apparently, those Acts were on the cusp of being a great success when the evil new Government came along and cancelled them.

I speculate that many Conservative Members are secretly pleased that they can assert that, because it gets them out of an embarrassing, expensive farrago; the Safety of Rwanda Act will go down in this country's history as one of the most catastrophic pieces of legislation that Parliament has ever dealt with. As my hon. Friend the Member for Dagenham and Rainham rightly pointed out, it was not ordinary or normal for Conservative ex-Prime Minister John Major to pronounce the Act to be “un-Conservative”. The Act is many things, unconservative being one of them.

Government Members, and the hon. Member for Perth and Kinross-shire, assert that the Act was not a deterrent. This is the current discourse: we are saying that it was not a deterrent and that we can prove it, and the Conservative party, which was responsible for the Act, is left asserting that it was a deterrent, despite there being absolutely no evidence for that despite all the years since the policy was announced and all the years the Act was on the statute book.

That reminds me of discussions I used to have as a student—a very long time ago—about whether communism in its pure sense had actually ever existed. It was obviously a failure, but when one came across the ideologues, they simply asserted that the communism that had been tried to date just was not pure enough, and it was therefore

still likely to succeed if ever it was tried properly. Does that sound similar to the discussions we are having about this iteration of fantasy asylum policy as gimmick? I think it does.

10.30 am

What we are now close to hearing from the Opposition is that Rwanda has not been tried properly, even though it has wasted £715 million of taxpayer money, and that somehow it was just about to work, but then the dastardly new Government were elected—by a landslide, it has to be said—and stopped this policy, which was inevitably going to work, even existing. That is arrant nonsense, and I am disappointed to hear the Conservative party, from its berth in Opposition, continuing to spout it.

There is no evidence that the policy worked, was beginning to work or would have ever worked, as many of my hon. Friends pointed out. It was not a deterrent. It was a catastrophic waste of taxpayer money, and it risked our reputation as a country that respects the rule of law internationally. It would have had—in fact, it had begun to have—many consequences for our reputation and ability to influence other powers.

Let us look at the costs that were published for the scheme. A breakdown of Home Office costs for the migration and economic development partnership with Rwanda was published on 2 December 2024. The then Government were going to pay £150,874 per individual sent to Rwanda. The Government of Rwanda only ever agreed to take 300 people, but 84,000 people crossed the channel while the Conservatives were talking about the Rwanda scheme. One does not have to be much of a mathematician to understand how much it would have cost to deport large numbers of people if we had had to pay £150,874 for each person deported over five years.

Had it been possible to deport those people, and had Rwanda agreed to take more than 300, it would have cost a fortune, and that is without considering about all the extra IT that had to be designed and the cost that had to be written off for that. New detention accommodation would have been required, as we have only 2,500 detention spaces at the moment, though the Government are building more so that we can bring some integrity back to our system with enforced returns. We certainly would not have had anywhere to put 84,000 people pending their deportation to Rwanda. I also do not know where the detention camps were going to be, who was going to guard them or what it would have cost to escort that number of people out of the country to somewhere else.

On top of that, we have had to place sanctions on the Rwandan regime for its involvement in M23's incursion into the Democratic Republic of the Congo and the displacement of nearly 1 million people in that area. I do not know whether, in the fantasy world that some Opposition Members seemingly still inhabit, every part of Rwanda will always be safe because at one point we asserted legislatively that Rwanda was a safe place. There are many flaws in the way that the legislation was conceived, enacted, put on the statute book and never operationalised, and events continuing to happen may well have impinged on it too.

**Matt Vickers:** I have asked this question a few times and never quite got to the bottom of it. We were sending people to Rwanda who could not be returned

[Matt Vickers]

to their home country because it was not safe. Where will those people go now, if not Rwanda? Does the Minister fear that, as the hon. Member for Perth and Kinross-shire said, the Government might end up coming back to this issue in a few years when they realise that things are continuing to go the wrong way?

**Dame Angela Eagle:** First things first: the hon. Gentleman was not going to send to Rwanda only those whom we could not return to their own country; in theory, he was going to deport to Rwanda absolutely everybody who arrived to claim asylum after March 2023—that was what we were told. In reality, those people all ended up in hotels, unable to be processed and growing in number, while the Conservative party indulged in its expensive gimmicks and fantasies of how the world should be.

As many Committee members have pointed out, the day job was not being done while that parallel universe policy was being developed. It took all the attention away from running what is a complex enough system as it is. Many resources were diverted to try to create that new reality, resulting in the neglect of the system, and huge backlogs were built into the system because of how the Illegal Migration Act interacted with the Safety of Rwanda Act. That made it impossible to run the current system or to move to a new system that was remotely workable, thereby landing this country with a huge, dysfunctional series of backlogs, and a system that we have had to literally start up again from scratch to try to get working coherently.

**Pete Wishart:** The Minister may have been coming on to the second part of the question asked by the hon. Member for Stockton West, but will she be brave enough to tell the Committee that this Labour Government will never consider sending asylum seekers and refugees to a third country?

**Dame Angela Eagle:** The Home Secretary has said that she does not rule out third country processing; that is not the same as the Rwanda scheme, which was deportation to a third country permanently. I think the hon. Gentleman is talking about third country returns, such as reviving the Dublin system. When the previous Government negotiated the EU withdrawal agreement, they perhaps should have included something about returns to Europe. Had they done so, perhaps we would be in a different situation, but those would also have been third country returns. He asked a wide-ranging question, and I have been as honest as I can in answering it at this point.

We could spend all day, and probably many more days, talking about the failure encompassed in the interaction of the Safety of Rwanda Act and the Illegal Migration Act. Our job today, though, is to tidy it up. Clause 37 will take the Safety of Rwanda Act off the statute book and put it in the dustbin of history, where it belongs.

*Question put, That the clause stand part of the Bill.*

*The Committee divided: Ayes 11, Noes 3.*

#### Division No. 8]

#### AYES

Botterill, Jade	Hayes, Tom
Eagle, Dame Angela	McCluskey, Martin
Gittins, Becky	Mullane, Margaret

Murray, Chris  
Stevenson, Kenneth  
Tapp, Mike

White, Jo  
Wishart, Pete

#### NOES

Bool, Sarah  
Lam, Katie

Vickers, Matt

*Question accordingly agreed to.*

*Clause 37 ordered to stand part of the Bill.*

#### Clause 38

#### REPEAL OF CERTAIN PROVISIONS OF THE ILLEGAL MIGRATION ACT 2023

**The Chair:** The Liberal Democrat spokesperson is not here to move amendment 9, so we move to clause 38 stand part.

*Question proposed, That the clause stand part of the Bill.*

**The Chair:** With this it will be convenient to discuss new clause 2—*Repeal of the Illegal Migration Act 2023*—

“The Illegal Migration Act 2023 is repealed.”

*This new clause would repeal the Illegal Migration Act in full. In combination with Amendment 8 to leave out clause 38, it would replace the selective repeal in the Bill with a full repeal.*

**Dame Angela Eagle:** As always, the Lib Dems are keeping us on our toes. I hope there is a benign reason why they are not in attendance today—perhaps my horrible cold made its way over to them and they are not well.

Clause 38 repeals the vast majority—not all—of the Illegal Migration Act 2023. We decided not to take a blanket approach to repealing it all, and we will have that debate when the hon. Member for Perth and Kinross-shire speaks to new clause 2. He has given us the choice whether to repeal the Illegal Migration Act as a whole. Our view, which I will explain in response to his speech, is that there are a few useful clauses in the Act that we have decided to keep on the statute book.

In general, we all know that the Illegal Migration Act was a flawed piece of legislation that made it impossible for us to process and run asylum claims. It was on the statute book in the context of the Safety of Rwanda Act, which assumed that anyone who arrived after March 2023 would not be allowed to become part of an asylum claim in this country. It contained the so-called duty to remove, which placed a statutory duty on the Home Secretary to remove everyone who came to this country after that time. It was flawed in many ways, but it made it impossible for us to run asylum claims in this country lawfully. Therefore, it is important that the vast majority of this flawed legislation should be removed from the statute book, and that is what clause 38 does.

I will set out in detail why we have decided to keep six clauses of the Act. I will try to explain to the hon. Member for Perth and Kinross-shire and the rest of the Committee our thinking behind each case, but I will do so when the new clause has been spoken to.

**Matt Vickers** (Stockton West) (Con): Clause 38 repeals sections 1 to 6 and schedule 1, sections 7 to 11, sections 13 to 15 and schedule 2, sections 16 to 28, sections 30 to 5, sections 53 to 58, section 61 and section 66 of the Illegal Migration Act.

Section 2 of the Illegal Migration Act placed a duty on the Home Secretary to make arrangements to remove persons to their home country or a safe third country who have entered or arrived in the UK illegally. Let me point out to those people who are concerned about genuine asylum seekers that section 2(4) of the IMA makes it clear that the provision does not apply if someone comes directly from a place of danger, which is consistent with article 33 of the 1951 refugee convention. However, people who come here directly from France, a safe country where no one is being persecuted and which has a perfectly well-functioning asylum system, should not illegally enter the United Kingdom.

I ask the Minister why the Government are repealing this duty. Is it because they do not think they are able to remove those who have arrived illegally? Is it because the Government think people who arrive in this country illegally should be allowed to remain?

Section 5 of the Illegal Migration Act provides that asylum claims are automatically deemed inadmissible for those who have arrived illegally. One of Labour's first actions in government was to allow illegal migrants to claim asylum. Can the Minister explain how allowing illegal migrants to claim asylum is providing any deterrent? Surely it will help the smuggling gangs, by providing a stronger incentive for people to make those dangerous crossings of the Channel in small boats.

**Tom Hayes:** The Illegal Migration Act, which we are discussing under this clause, was put on the statute book by the previous Government, but they did not commence much of it at all. Can the hon. Member explain why that was?

**Matt Vickers:** There is a lot to do in the way of commencement; the Bill is there and could be commenced at any time, if the Government felt it was of help. In fact, in a few years' time, when they come back to the drawing board to try to find a deterrent, they might well want to do that.

Sections 31 and 32 of the Illegal Migration Act prevented people who have entered the country illegally from obtaining British citizenship. The Labour Government are repealing this provision. Their position is hardly surprising when the Prime Minister does not think that British citizenship is a pull factor, but that does not mean it is the right thing to do. Why are the Government repealing this clause, allowing illegal migrants to get British citizenship?

Do the Government not believe that British citizenship is a privilege rather than a right, especially for those who have entered the country illegally? If so, why have the Government not included measures to stop illegal migrants obtaining British citizenship, and instead only issued guidance stating that

"applications made after 10 February 2025 that include illegal entry will 'normally' be refused citizenship, regardless of when the illegal entry occurred."

Section 58 of the Illegal Migration Act states:

"The Secretary of State may make regulations about the effect of a decision by a relevant person ("P") not to consent to the use of a specified scientific method for the purposes of an age assessment... where there are no reasonable grounds for P's decision." This means that, if a migrant refused to undergo an age assessment, they would be considered an adult. Labour have removed age assessments for illegal migrants who claim to be under 18, resulting in the risk that grown men may end up in schools with teenage girls. In fact, the most recent data on age disputes shows that more than 50% of migrants claiming to be under 18 were actually adults. How do the Government therefore intend to ensure that migrants claiming to be under 18 actually undergo age assessments, and why is that not included in the Bill?

The SNP's new clause 2 would repeal the Illegal Migration Act entirely, so the SNP must be agreeing with the Labour Government that illegal migrants should be able to get British citizenship and should not have to undergo age assessments. Therefore, I ask the same questions: does the SNP not believe that British citizenship is a privilege rather than a right, especially for those who have entered the country illegally? How would the SNP ensure that migrants claiming to be under 18 actually undergo age assessments, and why is that not included in new clause 2?

By repealing the Illegal Migration Act in its entirety, the SNP want to stop the seizure of mobile phones from illegal migrants, something that helps to establish identities and obtain evidence of immigration offences. As Tony Smith said:

"Passport data, identity data, age data and travel history data are often held on those phones—all data that would be useful when considering an asylum application."—[*Official Report, Border Security, Asylum and Immigration Public Bill Committee, 27 February 2025; c. 40, Q43.*]

The Liberal Democrats' amendment 9 would have repealed section 29 of the Illegal Migration Act, which requires the Secretary of State to remove people who have sought to use modern slavery protections in bad faith. Do the Liberal Democrats think that people using modern slavery protections fraudulently should be allowed to stay in the UK? If so, do they believe that people who make fraudulent immigration claims should be allowed to stay in the UK? We believe that the effect of repealing the majority of the IMA and the entirety of the Safety of Rwanda Act will be an increase in the number of people arriving in this country illegally and remaining.

I have therefore asked the Government whether they would be prepared to be transparent about the numbers. If they are convinced that the approach set out in the Bill will be successful, let us measure it. Will the Minister commit to publishing all the numbers, and the nationalities, of all those who might have been excluded from the UK asylum system on grounds of connection with a safe third country or a late claim, but have not been—with reasons why not—and to setting out the obstacles to returning them to their country of origin and what steps are being taken through international agreements to overcome that, as recommended by Tony Smith in evidence to this Committee? We will oppose the inclusion of this clause in the Bill by way of a Division.

**Pete Wishart:** I must say to the hon. Member for Stockton West that he really does not want to know my views on British citizenship, because they are likely to blow his head—but we will leave that one at that.

[Pete Wishart]

It is disappointing to note the absence of our Liberal colleagues. Back in the day—the good old days, Mr Stuart—when we had an effective, efficient, diligent and conscientious third party, there would always be someone present to ensure that the views of the third party were represented. I am sure that the Liberal Democrats have good excuses, but I hope they start to take a bit of interest in this important Bill, because it has been disappointing thus far.

I say to the Minister, “‘Useful clauses?’ Come on!” We are talking about sections 29, 12, 59, 60 and 62, some of the nastiest and most pernicious parts and aspects of the Illegal Migration Act. I cannot believe that this Government want to continue that horrible and heinous Tory set of proposals and clauses in this Bill. This was their great opportunity to wipe the slate clean of the previous Government’s hopeless and useless crackpot Rwanda scheme and their heinous and horrible Illegal Migration Act.

I will give the Minister a few quotes from some of her colleagues, some of which I wish I had come up with myself. The now Prime Minister said at the time that the Illegal Migration Bill would drive “a coach and horses” through protections for women trafficked to the UK as victims of modern slavery. The now Home Secretary said that that IMA does the “total opposite” of providing support for those who have been trafficked, and that it was nothing other than “a traffickers’ charter”. There are other prize quotes from the Home Secretary and various Ministers within the Home Office—absolutely and totally correct, right and true—about the horrible Illegal Migration Act. Now we have a Labour Government inconceivably standing by large swathes of an Act that they so rightly and widely rubbished and wanted rid of only a short while ago.

It would be different if the Government were maintaining some benign, useful or helpful parts of that Tory Act, but they are maintaining some real, pernicious nasties. Provisions that were damaging, dangerous and contrary to human rights under the Tories are just as damaging, dangerous and contrary to human rights under this new Labour Government. I remind the Minister what the then Home Secretary said on that Bill when introducing it:

“I am unable to make a statement that, in my view, the provisions of the Illegal Migration Bill are compatible with the Convention rights, but the Government nevertheless wishes the House to proceed with the Bill.”

The previous Government could not care less about our obligations under international law or about human rights, and they were quite happy to set them aside. Now we have a Home Secretary who stands by certain provisions of that Act, with all its difficulties concerning its relationship with convention rights.

**Dame Angela Eagle:** The hon. Gentleman will have noted on the front of the Bill that we are debating the statement from the Home Secretary on the European convention on human rights:

“In my view the provisions of the Border Security, Asylum and Immigration Bill are compatible with the Convention rights.”

**Pete Wishart:** I am glad that the Home Secretary stated that, as she always does when it comes to our relationship with, and compatibility with, human rights.

I want to raise a couple of issues and ask a couple of questions about just how very loosely this Bill is connected with the Government’s obligations and about some of our real concerns on human rights. I will come to that in the course of what I hope will be a short contribution.

It is completely incomprehensible that the Government have chosen to repeal only some aspects of the IMA rather than the whole Act, particularly since so many members of this Government have been so vocally opposed to the IMA in the past. Can we please just have a look at some of the stuff that they want to retain? The one that concerns me most, and the one that concerns the range of organisations, groups and charities associated with refugees and asylum seekers, is the retention of section 29.

Let us remind the Committee what section 29 does. It extends the public order disqualification originally introduced by section 63 of the Nationality and Borders Act 2022 and mandates that victims of trafficking and modern slavery who have criminal convictions or are considered a threat to public order be disqualified from support and protection. To me, that provision is deeply concerning, as it means that victims of trafficking, many of whom have been coerced into committing crimes as part of their exploitation, could face detention, deportation or removal rather than the support and recovery that they need.

**Mike Tapp:** Is the hon. Gentleman aware that, prior to section 29 coming into law, Home Office figures show that up to 73% of foreign national offenders were using modern slavery as a means to avoid deportation, which could in turn put members of the public in danger?

**Pete Wishart:** I do not know where the hon. Member gets his figures, but let me give him some in return. Home Office statistics from 2024 revealed that 70% of the individuals disqualified under the provision had elements of criminal exploitation in their case. What is so wrong about this particular measure is that it stops us giving the necessary and relevant support that we should give—that we owe—to people who have been victims of human trafficking.

**Mike Tapp:** Does the hon. Gentleman also realise that under compelling circumstances, if there is evidence that they have been victims of modern slavery, those who have been convicted and apply will fit into the system?

**Pete Wishart:** This is where we start to get back into very uncomfortable and dangerous territory, where it is going to be up to the individual to prove that they are not guilty of such crimes. This is a blanket clause that will entrap them and leave it to them to make their way through the courts to prove their innocence when they have been innocent all the time, or particularly when they have been victims of trafficking and forced into criminal activity. The system could punish vulnerable individuals who were coerced into committing crimes, often by their traffickers, thus reinforcing the power dynamic that allows traffickers to exploit their victims further.

The retention of section 29 increases the likelihood of re-trafficking and re-exploitation as victims might fear coming forward to the authorities due to the threat of



detention, removal or criminalisation. That has issues for us in Scotland. Quite rightly, I suppose, immigration is totally and utterly reserved, but we have responsibility under our devolved powers to ensure that victims of modern slavery who come to Scotland are looked after and tended to by Scottish legislation. There are powers that we have within Scotland.

In retaining section 29 of the IMA, the Bill also restricts the ability of the Scottish Government to support the victims under the Human Trafficking and Exploitation (Scotland) Act 2015. The Scottish Act places a duty on Scottish Ministers to secure immediate support and recovery services for victims of human trafficking and exploitation. In Scotland we have tried to design a system that, unlike this Bill, places an emphasis on victim care and rehabilitation.

That is the approach that we take in Scotland, and that is what we want to try to deliver within our range of devolved power, but it relies on the national referral mechanism identifying and supporting victims of trafficking. The disqualification provisions in section 29 could result in vulnerable individuals in Scotland being detained or deported without being properly identified and supported as trafficking victims, thus weakening the Scottish Government's ability to implement their own modern slavery protections.

11 am

Then there is the retention of section 59, which makes asylum and human rights claims from a range of countries inadmissible. I do not know how the section is considered to be useful, but I would be interested in the Minister's views.

The Bill introduces worrying new measures that expand the scope of immigration offences and the Government's ability to detain migrants. Although the Council of Europe convention on action against trafficking in human beings has not been entirely incorporated into UK law, some of its obligations were implemented by the Modern Slavery Act 2015—do you remember that Act, Mr Stuart? It was seen as a landmark achievement and as pioneering legislation, but it has now been hollowed out, with survivor protections restricted, undermined and effectively erased by legislation such as this.

Section 12 of the IMA enables the Executive to decide the lengths of all forms of immigration detention; it intends to overturn an established common-law principle that provides for judicial oversight over the length of detention as an important safeguard against arbitrary detention. The section is to be retained, so that principle will go.

Section 59 of the IMA extends the current general inadmissibility process for asylum claims from nationals of EU member states, including Albania, which we have debated at length in Committee so far. India and Georgia were added by the prior Government, despite concerns about their general safety. Section 59 will be retained despite the fact that the UK's country policy information on Albania notes issues with trafficking and sexual or criminal exploitation, as well as people being targeted on the basis of sexual orientation. Similarly, in recent months Georgian officials have been the subject of UK sanctions for a brutal crackdown on media and protesters. Now people from those countries will not be able to secure any rights in the UK.

Section 60 of the IMA, rather than introducing the new safe routes that are so urgently required, places a duty on the Executive to make regulations containing a cap—not a quota, but a cap—on the number of persons who may enter the United Kingdom annually using safe routes. Finally, if that is not enough, section 62 means that if a person making a human rights or asylum claim does not follow the Home Office's instruction to let it look at everything, including private, sensitive information on their phone, the Home Office could take that into account as damaging the person's credibility when deciding whether to believe that person. This provision must also be considered in connection with the new extended powers in the Bill to search, seize and retain mobile devices.

I scoured the Illegal Migration Act for anything that could remotely be described as useful or helpful in smashing the gangs and disrupting their business operations, which are what the Government tell us the Bill—and these Committee sittings—is all about. I could not find one thing. Only with the full repeal of this horrible, harmful Tory Act, and the introduction of stronger protections for victims of trafficking and modern slavery, can we protect the vulnerable, uphold human rights and ensure justice for those who have suffered exploitation and abuse.

**Chris Murray:** Like the Safety of Rwanda Act clause, this clause is an inevitability, because it was clear from the outset that these sections of the Illegal Migration Act were never going to work. I know that the Conservatives tend to think that everybody who works in the migration sector set out to thwart their plans at every turn, but that is not the case. I was working for the strategic migration partnership in Scotland when the Illegal Migration Bill was introduced two years ago. I remember sitting down with local authorities, the police and other key stakeholders to look at the legislation, and all of us collectively said, "How is this going to work? This is never going to be feasible in reality."

I draw people's attention to one component of the Act that is being repealed, which brings its failure to the fore. The IMA placed on the Home Secretary a duty to remove that applied to all asylum seekers regardless of their case. For anyone under 18, the duty to remove kicked in at the age of 18, but when we were working with local authorities, unaccompanied asylum-seeking children came across and sought asylum in this country. These children are among the most vulnerable people in the world. They have lost their loved ones, they are on their own and they are in a strange country. In the UK, we have a national transfer scheme to disperse them around different local authorities. I worked with the officers who were trying to help those children to get themselves together after a really traumatic experience.

The Illegal Migration Act meant that, at the age of 18, in theory those people would be eligible for immediate removal. What does the Committee think that did to those children in terms of their attempts to secure any services, learn English or get any education? It made it impossible for them and it had a direct impact: they did not leave the country, but they disappeared. Some of them are probably out there being exploited right now, as a direct consequence of clauses in the Illegal Migration Act. The Act did not just put those children at risk; it put incredible pressure on overstretched local services

[Chris Murray]

around the country. For the previous Government to set out to use immigration legislation to put further pressure on overstretched local services was only going to have negative consequences in communities, and it should never have happened.

More broadly, the duty to remove, which this clause repeals, essentially shut down the asylum system and created what IPPR has called a “perma-backlog”. We have talked about deterrents and incentives, but I do not see any greater incentive for someone seeking to exploit the asylum system in this country than shutting it down overall, which is what that duty to remove did. It created a vicious circle, which frankly was bad for asylum seekers themselves, because genuine refugees had to spend years in hotel accommodation, which is not a particularly nice thing to do, and for the taxpayer in the UK, because costs soared from £18,000 per asylum seeker per year in 2019 to £47,000 in 2024. It was also bad for communities, because people could not be moved through that process, which clearly put pressure on an already febrile immigration situation. It is good that we are repealing this duty; as I said, it was inevitable, because it was never going to work.

Finally, I understand the points that the hon. Member for Perth and Kinross-shire made about human trafficking. It is really important that we offer the victims of modern slavery proper protections, especially when they are forced to commit crimes in the course of being trafficked. This legislation does not completely take that power away, but again, I have to draw on my experience of the last couple of years. There was an increase in the number of exploiters—those who were perpetrators of trafficking—using the trafficking system to evade prosecution. I worked closely with Police Scotland and the Crown Office, including in the Perth and Kinross council area. We saw, particularly in the Vietnamese community, the growth of that development.

We must not see the world in black and white. I am by no means saying that every victim of trafficking is somehow an imposter and we must stop them getting any protection, but it is happening, so it is proper that we keep the clauses in place so that we can tackle that. If we do not have that component, the system will break down. Just as we saw with the asylum system, if we do not have clauses to make the system functional, it will break down and everybody loses.

**Tom Hayes:** It is an honour to follow my hon. Friend the Member for Edinburgh East and Musselburgh, who, in an outstanding speech, set out the major challenges with the Illegal Migration Act, part of which will be repealed.

I want to knock on the head four things that were said by the hon. Member for Stockton West. The first was in reference to section 23 of the Illegal Migration Act 2023. That provision, which the Opposition have talked about, was never implemented by the last Government, so in effect he is opposing a repeal of something that his last Government never started. That feels to me like the worst kind of politics. Between the Royal Assent given to that legislation and the Dissolution of Parliament, 315 days passed, yet no effort was made to implement that provision.

Secondly, sections 9 and 10 of the Illegal Migration Act 2023 were, as we have heard, unworkable. They allow people to arrive, claim asylum in the UK, get support, and be put up in a hotel, which as my hon. Friend the Member for Edinburgh East and Musselburgh described, will often be in the some of the most dire conditions that somebody can go through after fleeing some of the worst experiences that people can have, be it trauma, famine, disease or poverty—the list goes on. Applications were not processed, so people were not able to leave their hotel. The consequence of that is not just an expensive asylum backlog, but people living with serious psychological scarring for a significant amount of time.

That brings me to my third point. I will talk more about this when we reach new clause 26, which relates to scientific age assessments, but I really do not know how the Conservative party can talk about the welfare and protection of children when we heard oral testimony from the Children’s Commissioner about children who were subject to, and vulnerable to, organ harvesting, rape, sexual assault and disappearance from hotels and into wider society, where, as my hon. Friend the Member for Edinburgh East and Musselburgh said, they are likely to continue to be abused, exploited and victimised. I will make those points when we reach that debate.

Lastly, on the point about France, I wish the Conservative party would stop throwing stones at one of nearest neighbours and most important strategic allies, particularly when we are in such a volatile international climate. It is really important that we properly scrutinise legislation, but do not indulge in the petty politics that defined the last Conservative Government, disrupted so many of our international relations, and actually made us less secure.

**Dame Angela Eagle:** This has been a small but perfectly formed debate on clause 38, which repeals all but six sections of the Illegal Migration Act. As Government Members have pointed out, despite the amount of time that has lapsed since the Act got on the statute book, the vast majority of its provisions have never been commenced. In fact, we had to commence one tiny bit of it so that we could restart asylum processing; that is probably the most it ever had any effect.

Let us be clear: the Illegal Migration Act meant that thousands of asylum claims were put on hold, because of the duty to remove, increasing the backlog, putting incredible pressure on the asylum accommodation system and creating what has been called the “perma-backlog”. We all know what that was, and how big it was when we came into Government. The Act has largely not been commenced, nor will it be under this Government. We need to sort out the chaos created by the unworkable and contradictory provisions in the Act. Despite the bravado of the hon. Member for Stockton West in his earlier contribution, I suspect that most Conservative Ministers knew that the Act was unworkable, because it was not commenced when they had the ministerial capacity and power to do so for all the time between when it was put on the statute book and when we formed a new Government a year later.

The system had been left in chaos but, were the Government to accept new clause 2 and simply repeal the entire Act, it would lead to a missed opportunity to

improve our immigration system. I will go through some of that with the hon. Member for Perth and Kinross-shire. Clause 38 will repeal section 2 of the 2023 Act, which provides for the duty to remove. The Government are committed to ending the migration and economic partnership with Rwanda, so section 2 will be repealed to deliver that by repealing the duty to remove and associated provisions.

On sections 22 to 28 of the Illegal Migration Act, we are not retaining the vast majority of modern slavery provisions in the Act because they are connected to the duty to remove irregular migrants. These sections were never commenced and provided that where a duty to remove was applied for an individual, that individual should be disqualified from the national referral mechanism unless certain limited exemptions applied. We are removing sections 30 to 37 relating to permanent bans on entry, settlement and citizenship, which, while held up as a success by others, were unenforced and unworkable. Sections 57 and 58 of the Act are also repealed. They relate to age assessments, but both sections are unworkable and irrelevant without the duty to remove.

11.15 am

The hon. Member for Stockton West should not go away from today's debate thinking that we are not interested in scientific age assessments. That is not true, but the Illegal Migration Act's scientific age assessment provisions related to the duty to remove, which is being repealed. We can come back to talking about using that kind of technology, but not in this context.

**Matt Vickers:** Is there any reason we cannot introduce provisions in this area as part of the Bill, and when can we expect to see them?

**Dame Angela Eagle:** Work is going on in the Department to assess the accuracy of the various methods of age assessment, which ministerial predecessors from the hon. Gentleman's party commenced, but which has not yet been finished. As soon as we have more idea about how reliable scientific age assessment can be, how expensive it is and all those things, I will either come to Parliament or make a statement about how we intend to proceed. The hon. Gentleman must not assume that because these sections have been repealed we are not interested in scientific age assessments and their potential per se. They were simply unworkable because they were attached to the duty to remove, which was such a feature of the Illegal Migration Act.

The six measures that the Government intend to retain, including where provisions are in force, have been identified as having operational utility and benefit. These powers are all ones that the Government see as important tools to allow for the proper operation of the immigration system and to achieve wider priorities alongside the powerful measures set out in the Bill.

The hon. Member for Perth and Kinross-shire talked about section 29 of the Illegal Migration Act. The public order disqualification under the Nationality and Borders Act is currently in operation. It enables decisions to disqualify certain individuals from support and protections afforded by the national referral mechanisms on grounds of public order and bad faith. Public order

grounds include serious criminality and threats to national security. Such decisions are made on a case-by-case basis, considering the individual's vulnerabilities. That is the sole modern slavery measure in the Illegal Migration Act that is being retained. It would, if commenced, amend the public order disqualification to allow more foreign national offenders to be considered for disqualification from modern slavery protections on public order grounds. Disqualification will continue to be assessed on an individual basis.

**Pete Wishart:** I am glad that the Minister got to that last sentence, because it is quite clear from section 29 that victims of modern slavery only have to be considered a threat to public order. It is quite likely that many victims of modern slavery will get caught up in this; in fact, they already have. Is the Minister happy that those who were probably coerced into criminal activity will now almost be blanket-banned from any opportunity to go through the asylum process in the United Kingdom?

**Dame Angela Eagle:** There will not be a blanket ban. Individuals who have been subject to public order disqualification will have been disqualified for things such as multiple drug offences, possessing a firearm and ammunition, multiple counts of sexual assault and assault by beating, grooming and engaging in sexual communication with a child. Those are the kind of things that currently lead to public order disqualifications. Nothing in the retention of section 29 will mean that individual circumstances on a case-by-case basis cannot be taken into account. It is important to understand that that will still happen. If it were commenced—it has not yet been—section 29 would introduce a duty to apply the public order disqualification, unless there are compelling circumstances that the disqualification should not apply. That still ensures case-by-case consideration.

The citizenship ban is removed from the Bill because it was unworkable and unenforced; that is, again, attached to the duties to remove. We have updated the good character guidance to prevent people from gaining citizenship if they arrived illegally by dangerous journeys. The idea is to emphasise that citizenship is not a right, but a privilege. We will continue to make those decisions on a case-by-case basis.

The other sections that we have retained are thought to be useful. The six measures in section 12 emphasise the right of the Secretary of State to determine what constitutes a reasonable time period to detain a person for the specific statutory purpose of effecting removal from the UK. Section 52 allows flexibility in our judiciary by making first-tier tribunal judges eligible to sit in the upper-tier tribunal. I cannot imagine anyone in the Committee would worry about that.

Section 59, if commenced, would extend the inadmissibility provisions to asylum and human rights claims from nationals in a list of generally safe states. Section 60 requires an annual cap to be set on the number of individuals admitted to the UK by safe and legal routes. Section 62 adds failing to provide information, such as a passcode to an electronic device, to the behaviours that could be considered damaging to the credibility of an asylum and human rights claim. All those issues are thought to provide utility, but outside the context of the duty to remove.

*Question put, That the clause stand part of the Bill.*

*The Committee divided: Ayes 10, Noes 4.*

**Division No. 9]**

**AYES**

Botterill, Jade  
Eagle, Dame Angela  
Gittins, Becky  
Hayes, Tom  
McCluskey, Martin

Mullane, Margaret  
Murray, Chris  
Stevenson, Kenneth  
Tapp, Mike  
White, Jo

**NOES**

Bool, Sarah  
Lam, Katie

Vickers, Matt  
Wishart, Pete

*Question accordingly agreed to.*

*Clause 38 ordered to stand part of the Bill.*

*Ordered, That further consideration be now adjourned.*  
*—(Martin McCluskey.)*

11.23 am

*Adjourned till this day at Two o'clock.*