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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Death of a Member: Lord Ezra.....	2441
Questions	
Northern Powerhouse: Early Years Attainment.....	2441
Tourism.....	2444
Education: Politics A-level.....	2446
Housing: Spare Room Subsidy	2449
Immigration Bill	
<i>Second Reading</i>	2451
Misuse of Drugs Act 1971 (Temporary Class Drug) (No. 3) Order 2015	
<i>Motion to Approve</i>	2525

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Tuesday, 22 December 2015.

11 am

Prayers—read by the Lord Bishop of Southwark.

Death of a Member: Lord Ezra

Announcement

11.05 am

The Lord Speaker (Baroness D’Souza): My Lords, I regret to inform the House of the death today of the noble Lord, Lord Ezra. On behalf of the House, I extend our condolences to the noble Lord’s family and friends.

Northern Powerhouse: Early Years Attainment

Question

11.06 am

Asked by Baroness Massey of Darwen

To ask Her Majesty’s Government how they plan to address the report *The State of the North 2015: Four Tests for the Northern Powerhouse*, in particular the statement that there is a 12 percentage point gap in early years attainment between the poorest children in London and those in the north of England.

Baroness Evans of Bowes Park (Con): My Lords, the Government are investing in transport, science and innovation alongside devolving powers to local areas to raise productivity, increase employment prospects and enhance transport links in the north. Since the Institute for Public Policy Research report was published, the early years attainment gap it refers to between the north and London has narrowed. The latest early years foundation-stage profile shows that it has decreased from 12 to 10 percentage points.

Baroness Massey of Darwen (Lab): I thank the noble Baroness for that Answer. May I press her about the early years foundation-stage profile, which is for children aged five at the end of their first year in school, covers seven areas of learning and gives teachers a good picture of how the child is developing? However, I understand that this profile will not be statutory after September 2016. Will this not leave a gap in how we can assess child development, will anything replace it, and how will we know what is happening across the country?

Baroness Evans of Bowes Park: Obviously, the early years are a critical time in a young person’s development, so of course we will continue to assess development at this early stage. It is encouraging that in the north the gap has begun to close, but it is also somewhat concerning

that a gap remains between the top and bottom deciles. Therefore we are looking both to improve the quality of early years by improving the quality of the workforce and expanding access, and to support vulnerable families to ensure that those who are most deprived are not left further behind.

Lord Storey (LD): My Lords, educational attainment in my home city of Liverpool was at the bottom of all the core cities. It then went to the top of all the core cities, under a Lib Dem council. That was because of a concentration on early years, support for teachers and for schools, and the organisation of the schools. Does the Minister agree that that is how you raise educational attainment?

Baroness Evans of Bowes Park: I entirely agree with the noble Lord, which is why we focus very much on improving the quality of the early years workforce and why we are focusing resources through the early years pupil premium, which was introduced in April 2015. The pupil premium for secondary schools was of course a coalition achievement. Focusing resources on the most deprived is extremely important, and we will continue to do that.

Baroness Rawlings (Con): My Lords, will the Government relocate any public bodies to the north—that is, to the northern powerhouse—a bit like the BBC moved up to Salford?

Baroness Evans of Bowes Park: I am afraid I am not entirely sure on that point. However, we will be establishing a network of industry-led national colleges, which will be operational from September 2017. They will include the National College for Onshore Oil and Gas, which will be headquartered in Blackpool, the National College for Nuclear, which will have one of its hubs in Cumbria, and the National College for High Speed Rail, which will be based in Doncaster, so we will certainly be encouraging organisations to move to and develop in the north.

Lord Campbell-Savours (Lab): Could the Minister give us her personal view on why there is a differential in attainment?

Baroness Evans of Bowes Park: The answer is extremely complex, but the most important thing is to ensure that all young people across the country are supported, and that is why we are focusing resources on the most disadvantaged through various programmes. There is a multitude of factors, such as deprivation and low academic achievement, meaning that families may not have been able to achieve over a number of years. That is why we are focused on helping vulnerable families and vulnerable children through a range of programmes and resources, targeting the finances where they are most needed.

Lord Ramsbotham (CB): My Lords, when the assessment mentioned by the noble Baroness, Lady Massey, gives so much information about the development

[LORD RAMSBOTHAM]

of a child at the age of five, why is the Welfare Reform and Work Bill delaying any such assessment until key stage 4?

Baroness Evans of Bowes Park: As I said, we will continue to ensure that we look at the development of young children from an early age. We are working with local authorities and charitable organisations on the ground to make sure that we provide the best resources that we can to vulnerable families. There are a number of very good projects going on in the north: a project in Durham is bringing agencies together to focus on children's well-being; Wigan is one of eight local authorities piloting an integrated education and health review for two year-olds; and, through the vulnerable families programme, we are bringing local services together. So we are learning from practice on the ground to try to ensure that we target resources on the families who need them the most.

Baroness Massey of Darwen: Perhaps I may return to my earlier question about the assessment of children. What will replace the early years foundation-stage profile, which disappears in 2016?

Baroness Evans of Bowes Park: My understanding is that that is still being considered in the Department for Education. However, as I said, we are looking very closely at where we can make the most difference to young people's lives. Of course, whatever takes over from the early years foundation stage, we will ensure that it continues to be a focus.

Baroness McIntosh of Pickering (Con): My Lords, I refer to my entry in the register. I congratulate the Government on their work so far in creating the northern powerhouse. Will the Minister ensure that rural communities are not left behind and that, in particular, the plight of rural schools and rural transport is not lost sight of?

Baroness Evans of Bowes Park: I can certainly offer my noble friend that reassurance. Rural communities remain at the forefront of the Government's mind.

Lord Watson of Invergowrie (Lab): My Lords, the Government have already rowed back on their manifesto commitment to double free childcare for all three and four year-olds. Does the Minister not accept that that age group is very important in terms of early years attainment and that it should be targeted with all the resources available?

Baroness Evans of Bowes Park: We are indeed doubling the amount of free childcare for children in that age group. We are also providing free childcare for 40% of disadvantaged two and three year-olds. In addition, through the early years pupil premium, we are targeting resources to provide additional support for disadvantaged three and four year-olds. It is certainly a group that we are very keen to ensure resources are properly directed to.

Tourism Question

11.13 am

Asked by Lord Lee of Trafford

To ask Her Majesty's Government whether they plan to give further recognition and support to the tourism sector, in the light of the number of jobs being created in that sector and the future growth potential.

Lord Lee of Trafford (LD): My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I declare an interest as chairman of the Association of Leading Visitor Attractions.

The Earl of Courtown (Con): My Lords, our five-point plan for tourism makes clear the Government's support for our tourism industry. The spending review reiterated this by increasing GREAT funding and providing a £40 million Discover England fund to provide direct investment to support growth and tourism in England, specifically ensuring that overseas visitors explore beyond London. We have revamped the English Tourism Council, with a focus on jobs and skills, and have established a Business Visits and Events Board to support business tourism.

Lord Lee of Trafford: Having pleased the tourist industry by leaving the core funding unchanged and lifting the GREAT moneys, as the Minister referred to, and by allocating £40 million to its Discover England Fund, the Government now have sadly shot themselves in the foot by merging VisitEngland, which markets England domestically, with VisitBritain, which markets all Britain overseas. Does the Minister realise that this subsuming, without any industry consultation, flies in the face of what the DCMS Select Committee, then chaired by the present Secretary of State, recommended, arguing for a clear delineation of separate roles? Does he realise that this has caused the 52 tourism trade bodies and key individuals in tourism to write to the Secretary of State strongly objecting, caused the chief executive of VisitEngland to resign in protest and severely compromised the relationship of VisitScotland and Visit Wales with VisitBritain? Now England joins an exclusive club of two—Chechnya and the Vatican—in not having a stand-alone tourist board.

The Earl of Courtown: I think that what the noble Lord is trying to say is how important it is that English tourism has a strong voice. However, this is not a merger. VisitEngland is already part of the British Tourist Authority, which trades as VisitBritain and VisitEngland. All we are doing is clarifying governance arrangements and lines of accountability with the BTA. This will ensure that there is clarity of direction, and will drive efficiency and effectiveness.

Lord Cormack (Con): My Lords—

Lord Harrison (Lab): My Lords—

The Lord Privy Seal (Baroness Stowell of Beeston)

(Con): My Lords, at the start of Questions there is no official line to say who is next. I urge that one noble Lord give way to the other.

Lord Harrison: My Lords, given that tourism is an important economic industry, rather than fiddling around with existing successful structures, would the Government not be better advised to place tourism under the aegis of BIS or, at the very least, to include it in the title of the department where it currently finds itself, that of Culture, Media and Sport? Why not add tourism to the title to give it the energy that is required to treat it seriously?

The Earl of Courtown: My Lords, we do treat tourism extremely seriously, as was made apparent in the recent spending review. DCMS takes 1% of spending but contributes a sixth to the UK economy. We must also remember that employment in the UK tourism industry has increased from 2.66 million to 2.81 million jobs; that is almost twice the rate of non-tourist-related industries. I listened carefully to what the noble Lord said about where tourism's natural home is, and must admit that I feel it is in the Department for Culture, Media and Sport.

Lord Cormack: My Lords, at a time when the cathedrals and parish churches of this country, some of our greatest tourist attractions, are very much in the news, could my noble friend spare a moment to give thanks for all those volunteers without whom many of our tourist attractions, including those owned by the National Trust, could not properly function?

The Earl of Courtown: My Lords, my noble friend is quite right in what he says on one of his most important subjects—he continually refers to the cathedrals and churches. He is right to congratulate the volunteer work done by so many people for no recompense whatsoever but for the sheer love of looking after these great areas.

Lord Berkeley of Knighton (CB): My Lords, given that the Government warmly welcome the contribution of the creative industries to tourism, and will, I am sure, seize the opportunity to do so again today, is it nevertheless a matter of regret that the five core subjects announced in June for the baccalaureate for secondary schools exclude music and art?

The Earl of Courtown: My Lords, the noble Lord and I took part in a debate only last week about the music industry and small venues. Many of us reiterated during it how important music is, as far as exports are concerned, for the overall economy. The noble Lord also talked about education relating to music. As far as GCSE music is concerned, there is a rise in that sector, but of course we all take due account of what the noble Lord said.

Lord Collins of Highbury (Lab): The Minister interpreted the Question again but, on the key point, why the U-turn, bearing in mind that the department

and the Select Committee reinforced the need for separation between VisitEngland and VisitBritain? What has caused this U-turn? Is it the Chancellor of the Exchequer cutting off his nose to spite his face, or does the Minister have an alternative view?

The Earl of Courtown: My Lords, as noble Lords will be aware, the whole issue relating to the triennial review, which I think is what the noble Lord is getting to grips with, is that it was brought in by the Public Bodies Act 2011, in the early part of the coalition Government. We remain committed to the principle of the review, including the importance of ensuring clarity of roles for the tourist boards. But, as I said earlier, we have decided not to proceed with the separation of the two bodies because greater collaboration will enable us to extend the reach and impact of both brands. Separation would also incur costs and we decided that the money could be better spent on growing the visitor economy.

Education: Politics A-level

Question

11.21 am

Asked by **Baroness Parminter**

To ask Her Majesty's Government what plans they have to revise the Politics A-level curriculum.

Baroness Evans of Bowes Park (Con): My Lords, a public consultation on reformed content for politics AS-level and A-level closed on 15 December. We are analysing the responses and have already started work with the exam boards to develop the content in light of the views expressed. As always, we will listen carefully to the views of the sector and the wider public as part of this full consultation process.

Baroness Parminter (LD): Increasing awareness of the outstanding challenges facing gender equality requires young people to be familiar with the political thinkers and the movements that have generated progress to date. Why, then, do the Government intend to cut feminism and limit study to one political female thinker in the proposed politics A-level syllabus?

Baroness Evans of Bowes Park: The noble Baroness will be aware that there is no requirement in the existing A-level criteria to study feminism. Exam boards have worked closely with universities on the proposed content. That is why the recently consulted-on content has identified three core political theories to be studied. But of course the work of key female thinkers can be included within those.

Lord Blunkett (Lab): Why are the Government not supporting the continuation of A-level citizenship alongside A-level politics in circumstances where the Government's anti-radicalisation programme and the National Citizen Service, of which I am a board member, indicate that at this moment in our history

[LORD BLUNKETT]

more than ever A-level citizenship, alongside A-level politics, is critical to the well-being and future of our country?

Baroness Evans of Bowes Park: We certainly consider citizenship education important and will continue it within schools. But we believe that the revised content for A-levels and AS-levels that has been undertaken will ensure that the key elements of citizenship A-level will continue to be taught within different A-levels.

Baroness Rawlings (Con): My Lords, will the Government encourage more learning of foreign languages, which is so important in life and to international politics?

Baroness Evans of Bowes Park: Yes, we certainly do want to encourage the use of modern languages. We live in an ever-global world, and the more that young people and people heading into the workplace can speak foreign languages, the better their prospects in the economy.

Lord Bew (CB): My Lords, I thank the Minister for her reply indicating that there has been an interchange between the exam boards and the universities. Does she accept that the people who have most to lose if the reform goes badly are in fact university teachers in this subject area? It is therefore important that a level of consultation with universities has been undertaken because that had somewhat fallen by the wayside in recent years.

Baroness Evans of Bowes Park: I agree with the noble Lord, and certainly the reason for the new focus for the politics A-level is that universities have indicated that, if students study the three core political theories—conservatism, socialism and liberalism—at A-level, that best prepares them to be undergraduates. There has been and will continue to be close consultation on this. But, as I have said, there has been a public consultation which is now closed and exam boards are looking at the responses.

Lord Grocott (Lab): Would not a useful module in a politics A-level course be the subject of politics in the House of Lords? Students would discover essential facts such as that, under this five-and-a-half-year Government, there have been 123 government defeats in the House of Lords, whereas under a comparable five-and-a-half-year period under the last Labour Government, there were 325 defeats. Would not a splendid A-level question be: “Labour Governments get defeated three times more often than Tory Governments. Discuss”?

Baroness Evans of Bowes Park: As someone who studied politics at A-level, I can certainly say that an understanding of the House of Lords would have helped me.

Baroness Burt of Solihull (LD): My Lords, picking up on my noble friend’s question about the issue of feminism in the curriculum, it is now more than 40 years since the passing of the Equal Pay Act, but the wage

gap between men and women is still disappointingly wide. Should not young people understand the importance of equality, the history of what has happened with feminism and the future challenges that we all hope will be worked on together to achieve greater equality?

Baroness Evans of Bowes Park: I agree with the noble Baroness. As I have said, the work of feminist thinkers absolutely can be studied within the new politics A-level once the content has been revised. Of course, feminism can also be studied within other A-levels. For example, in the reformed sociology specification, students must study issues of gender.

Lord West of Spithead (Lab): My Lords, will the Minister confirm that we are going to look at broadening the presence of cadet forces in schools, because they do so much good both for local communities and for youngsters? While we are thinking about the military, perhaps the Minister would pass on our wishes for a safe Christmas and a successful new year to all of our forces deployed around the world looking after the safety of our nation.

Baroness Evans of Bowes Park: I am very happy to join the noble Lord in wishing the best to our Armed Forces and to thank them for all they do for us. He is absolutely right. We are seeing an increase in the number of cadet forces in schools, particularly through extra-curricular activities. These help young people to learn about resilience and discipline, which are the character skills that this Government consider to be so important because they complement the academic side of education.

Lord Watson of Invergowrie (Lab): My Lords, I hope that we are not seeing a pattern developing here because, in addition to the A-level politics syllabus, the A-level music syllabus recently had to be changed because it featured 63 male composers and no female composers; now it includes five. With a nod to the season, do the Government have any plans to drop the female reproductive system from the biology syllabus?

Baroness Evans of Bowes Park: I think that the answer is probably no, and I shall leave it at that.

Baroness Royall of Blaisdon (Lab): My Lords, following on from the very unsatisfactory answer given by the Minister to my noble friend Lord Blunkett, will the Government consider making citizenship classes available to all students who are studying A-levels? Citizenship is absolutely key to the future governance of this country and, as my noble friend said, to issues such as radicalisation.

Baroness Evans of Bowes Park: As I have said, citizenship education remains in schools. I am happy to raise the noble Baroness’s concerns with the department.

Lord Cormack (Con): My Lords, are the Government prepared to give further thought to enabling all school leavers to have a citizenship ceremony such as the one

recently conducted in your Lordships' House and sponsored by the noble Baroness, Lady Prashar? It was a most moving occasion and all our young people would benefit if they signified their citizenship and their responsibilities when they leave school.

Baroness Evans of Bowes Park: Obviously, we have been putting power into the hands of head teachers, and I know that many head teachers offer citizenship baccalaureates and allow their students to do such things. But I think that it is best for schools to decide on what they believe is the best way of recognising the achievements of their students.

Housing: Spare Room Subsidy *Question*

11.29 am

Asked by Baroness Lister of Burtersett

To ask Her Majesty's Government how they propose to respond to the results of the *Evaluation of Removal of the Spare Room Subsidy: Final Report*.

The Minister of State, Department for Work and Pensions (Lord Freud): I am pleased that the final report on the removal of the spare room subsidy has now been published. As it shows, the policy is promoting more effective use of housing stock and encouraging people to enter work and increase their earnings. We will therefore be maintaining the policy and will continue to protect vulnerable claimants who require additional support through discretionary housing payments.

Baroness Lister of Burtersett (Lab): I thank the Minister. I think we read different reports. Conveniently published amid the flood of end-of-term statements, the report also shows that many tenants affected face significant barriers to downsizing, including the shortage of smaller homes. They are now paying the price as they cut back on essentials, frequently run out of money and accrue debts as they struggle to pay the rent. Will the Minister finally accept that the hated bedroom tax was misconceived and give these tenants who are suffering as a result the perfect Christmas present by announcing its abolition?

Lord Freud: We have seen a reduction in the numbers affected by the removal of the spare room subsidy. They are down by nearly 100,000—by 18% or 98,000. Half of those have downsized—45,000 within the social sector and 12,000 moving into the private sector. We have seen 20% of people looking to increase their earnings. That figure goes up to 63% for those affected who are unemployed. So, no, we will not be changing this policy.

The Lord Bishop of St Albans: My Lords, I welcome the final report's findings that local authorities are becoming more efficient in the allocation of direct housing payments. However, it has also revealed that there is a postcode lottery. Some local authorities are making payments to all claimants while others have

imposed quite strict criteria. Does the Minister agree with me that it is important that this should be placed on an equal footing so that in whatever part of the country people live, they receive exactly the same treatment, irrespective of the locality?

Lord Freud: We have approached helping people who are hard cases through the discretionary housing payment route, which has been found sound in the courts. The reason for that is that local areas are best placed to determine how best to help people in their own areas. They are doing it in a variety of ways, but that reflects their views on how best to do it in their areas.

Lord Shipley (LD): My Lords, I wonder whether the Minister would be prepared to admit that the policy has not worked well. The evaluation by his own department has confirmed that it is creating hardship for many and has failed to get enough smaller housing units built for those who want to downsize. In the evaluation, three-quarters of those affected are now spending less on food and half are spending less on heating. Will the Minister agree that it would have been better not to apply the policy to existing tenants?

Lord Freud: This policy is about making sure that people who are living in oversized accommodation take the decision either to downsize or find the funds to run the extra rooms. That is how this policy works, and we can see in this study that people are now making adjustments. There are substantial moves in various areas in terms of downsizing and finding work between the interim report and this final report.

Lord Young of Cookham (Con): My Lords, is it not in everyone's interests that there should be a better match between household size on the one hand and the size of houses and flats on the other, to avoid overcrowding and underoccupation? Does the survey not show a fivefold increase in the number of working-age tenants seeking to downsize? Does this not show that the policy is working?

Lord Freud: Yes, we have seen a substantial number of people downsizing—45,000 people have downsized within the social rented sector and another 12,000 have moved into the private rented sector. The number of people who have registered for downsizing is now running at 16%. Noble Lords may remember that when this policy started it was estimated from the surveys that about 20% of people would want to do so. We are well on the way to people making this adjustment. Other people, however, are looking to earn more money and to work. That is one of the factors, but not a major one, in some of the record employment levels we are now seeing.

Baroness Hollis of Heigham (Lab): My Lords, nearly 500,000 families are affected. Two-thirds of them are disabled, just 8% have been able to downsize and just 10% have received a discretionary housing payment to help them, so, as my noble friend said, 76% have cut back on food. Does the Minister consider this a success and, if so, what would he consider a failure?

Lord Freud: As noble Lords will remember, this was a key savings measure for people who had larger accommodation than they needed. We have now saved £1 billion. As we have discussed, the number of disabled people on the highest rates of DLA who are affected is running at 17%. As I said, we are seeing real signs of people adjusting to the process, not least landlords managing the process more effectively.

Immigration Bill

Second Reading

11.36 am

Moved by Lord Bates

That the Bill be now read a second time.

The Minister of State, Home Office (Lord Bates)

(Con): My Lords, our country is diverse, democratic, peaceful and economically successful. We are all rightly proud of it. We want to protect it but it is also no surprise that we are a country experiencing positive net migration, attracting the brightest and the best, those seeking refuge and those in search of a better life. As more people seek to come here and as the global landscape continues to change, we must ensure that the UK remains a country with fair and safe workplaces, access to adequate housing, quality public services and security against changing threats.

Today, we start to debate the Immigration Bill. Immigration legislation is always a contentious subject and I know that we will take great care exploring the detail. However, this Bill has the interests of the country as a whole at its heart. Tackling illegal immigration builds social cohesion, takes pressure off public services and creates the space, politically, socially and economically to help those migrants in need, as we are now doing with refugees from Syria.

One of the principal aims of this Bill is to implement a manifesto pledge to crack down on those individuals who exploit workers in our country and to support working people. The national living wage, welfare reforms and economic growth are just part of our commitment to support workers. In the last quarter, 73.7% of people aged 16 to 64 were in work, the highest employment rate since comparable records began in 1971. However, in the shadows of our economy there are some abuses and exploitation that we must tackle. Some of the victims are migrants, but the criminals exploiting the vulnerable have no regard for their immigration status. We have laws to tackle these abuses and we have agencies to enforce these laws, but we all agree that we could do better. There are multiple enforcement bodies for employment legislation, each with a good reputation and each working well, but they are fragmented, have different lines of accountability and do not always share intelligence. Organised criminals find it too easy to get away with deliberate exploitation of workers. That is why the first thing the Immigration Bill will do is to bring tougher and better co-ordination of enforcement in this field.

Some have said that the Bill will deter victims of labour market abuses from stepping forward and exposing criminals. We believe that nothing could be further from the truth. Illegal workers and the victims of

exploitation are not necessarily the same people. Illegal workers, in most cases, have come to the UK for personal economic gain, circumventing our existing immigration laws. The current offences of entering the UK illegally and breaching immigration conditions date from 1971, but equivalent offences predate even that. Where there are victims, the system is loaded with safeguards. The Modern Slavery Act provides a statutory defence for victims of exploitation. The Crown Prosecution Service and the courts will provide the necessary oversight and support for the enforcement agencies, which will always seek a fair and proportionate outcome.

The Immigration Act 2014 broke new ground on regulating migrant access to services. This House gave it careful scrutiny to ensure that the vulnerable were protected, but also to ensure that the UK remained an attractive destination for international students and investors. We agreed to the creation of the immigration health charge, and to controls on access to bank accounts, driving licences and housing. The right to rent scheme drew considerable debate but was ultimately accepted with additional safeguards and a commitment to a careful, phased implementation. The Government recently published our evaluation of the first phase of that implementation, which I am sure we will debate in detail, but I am confident that the fears of two years ago have not materialised. We worried that international students would not be able to secure a home, that the vulnerable would be rendered homeless and that landlords would not understand the documentation; we worried about discrimination. These concerns have been, and continue to be, taken seriously and remain the focus of our efforts to ensure that problems of this nature do not arise as we roll the scheme out across England and then the rest of the UK.

The new reforms to bank accounts and driving licences will further ensure that those who are here unlawfully cannot take advantage of our generous services. We want to stop illegal migrants driving on our roads and to deny them the use of bank accounts. Illegal immigration has a detrimental impact on multiple parts of society, from businesses who are undercut by unscrupulous employers paying low wages to illegal workers, to the threat that can be posed to social cohesion within local communities. Although immigration officers already have existing powers to deal with illegal immigration, we can and must go further. That is why we are providing a basis for public authorities to share documents they hold that may assist the Government in controlling immigration. In doing so, we are simultaneously supporting a collaborative approach to tackling illegal immigration: a vital part of the Government's objectives. Existing partnerships between immigration enforcement and the police have led to over 3,600 people being removed from the UK, so the benefit of collaborative working is clear. This must be strengthened, which is why we will also ensure that our immigration enforcement warrants are aligned with those of the police. Through this Bill, we will also fulfil the Government's manifesto commitment to satellite-tag foreign national offenders when they are released on immigration bail, so that we know their whereabouts and can improve public protection.

Another method of combating illegal immigration is to accelerate the removal of those who no longer have the right to be in the UK. Under the 2014 Act, the introduction of the “deport now, appeal later” scheme has had a beneficial operational effect, allowing us to deport hundreds of foreign criminals before they appeal. This is why, in our manifesto, the Government committed to extending this to cover all human rights cases, except asylum claims. I reassure the House that this measure will only be used when requiring someone to appeal from overseas will not cause serious or irreversible harm, or otherwise breach their human rights. The best interests of any children affected will remain a primary consideration for the Home Office before making a decision to exercise this power. We are therefore confident that the extension of this scheme is a proportionate response to maintaining effective immigration control, a position supported by the Court of Appeal’s recent ruling that the Government are generally entitled to proceed on the basis that out-of-country appeals are a fair and effective remedy.

This House will agree that supporting asylum seekers, and ensuring we offer protection to the most vulnerable, is a cornerstone of our democratic and humanitarian society, particularly given recent events. However, the Government believe that it is right to demonstrate our commitment to those who are in search of humanitarian assistance by delivering on our obligation to spend the targeted 0.7% on international aid. We are the only major economy to do that. We are also committed to supporting those affected by the crisis in Syria by delivering £1.1 billion to that region: several multiples of the required share. However, it is not justifiable—or it is difficult to justify—that we spend millions of pounds supporting failed asylum seekers; individuals who have had their claims refused and exhausted their appeal rights, and who should leave the UK where there is no obstacle preventing them. That is why this Government are taking firm action to restrict such support to failed asylum seekers who are destitute and face genuine obstacles to leaving this country.

I can assure your Lordships that there will continue to be safeguards to protect children. In addition to the continued Home Office support that I have just referred to, local authorities will remain able to support families without immigration status who would otherwise be destitute. Some have voiced their concerns that this will simply result in the burdens being transferred to local authorities and the third sector. This is not the intention or the reality. Local authorities do not have a general obligation to accommodate illegal migrants who intentionally make themselves destitute by refusing to leave the UK. Instead, those who do not qualify for Home Office support can, and should, leave the UK and we will work closely with local authorities to encourage and enable them to do so.

This Government have also taken positive steps to relieve some of the burdens which local authorities face to ensure that their finite resources are used effectively. Currently, the framework under which local authorities can support migrants without immigration status is complex and burdensome to administer. This is inefficient and a waste of taxpayers’ money, so the Bill will simplify this process while ensuring that those genuinely in need of support continue to receive it. I

appreciate that many in your Lordships’ House will again be concerned about the impact on children, but I assure the House that local authorities will continue to support children and their families to safeguard and promote the child’s welfare.

A further significant burden that local authorities face is the requirement to pay international tuition fees for adult migrant care leavers, which generally range from £12,000 to £15,000 per year but can be as much as £30,000 per year. This Government are not trying to deny these adult migrants access to a university education but the current position is unfair to other migrants and British citizens, who must qualify under regulations for student loans. So to ensure greater consistency and fairness, the Bill will relieve local authorities of the obligation to pay these fees. Finally, we must make sure that we avoid a repeat of the situation that occurred this summer, where a small number of local authorities incurred substantial financial pressure to care for an unexpected number of unaccompanied asylum-seeking children. We are therefore taking steps to encourage other local authorities to voluntarily accept responsibility for such children while simultaneously making sure that we have the required powers, through the Bill, to transfer responsibility for unaccompanied asylum-seeking children between local authorities.

While illegal immigration poses a significant problem for the UK, it is not the only area which requires greater control. We must ensure that we know who is coming into and leaving the UK, irrespective of whether they are lawfully here or not. A lack of control over our borders poses a significant risk to our national security—a risk we cannot afford to take. So the Bill contains measures to ensure that airlines always present passengers to immigration control, and that the Government automatically apply UN and EU travel bans to stop dangerous individuals coming to our country.

Our manifesto committed to requiring all public sector workers in customer-facing roles to speak fluent English. Some have questioned whether there is a need for this measure. First, it is important to stress that many professions within the public sector already require standards of spoken English and that this measure simply brings the rest into line with the forerunners. I am sure we can all agree that it is essential that all members of the public who need to access public services can understand the information provided to them and be confident of their needs being understood. Not only is the provision important for that purpose but it contributes helpfully to another manifesto commitment, to promote British values within society, and will simultaneously increase the efficiency and effectiveness of public services funded by the taxpayer.

Finally, many businesses in the UK are now choosing to hire overseas workers. This has the knock-on effect of denying our resident workforce the opportunity to secure employment and develop its skills to fill existing shortages. The Government have taken positive steps to reduce unemployment in the UK. For example, in the last quarter, youth unemployment stood at 653,000, down 83,000 from the previous year. But more is

[LORD BATES]

needed. That is why the Bill introduces a charge for employers recruiting from outside the European Economic Area, with the money raised helping to train resident workers and fund apprenticeships in the UK.

There are many speakers down for this debate with immense personal experience in this area, and as always I assure them that the Government will listen very carefully to their contributions and concerns today and of course, as the Bill progresses, to their suggestions for improvements. I am sure we all want to see the continued prosperity of our great nation. We must ensure we continue to welcome the brightest and the best migrants to the UK while also continuing to provide humanitarian relief to those who need it most. However, an inevitable requirement for that continued prosperity is to ensure that the generous and invaluable services the UK provides are safeguarded for those who have a right to be here, as well as for the most vulnerable in our society and those requiring our international humanitarian protection. That is the balance the Bill achieves and I commend it to the House.

11.51 am

Lord Rosser (Lab): The last page of the Bill states that its purpose is:

“To make provision about the law on immigration and asylum; to make provision about access to services, facilities, licences and work by reference to immigration status”.

On the face of it, that is pretty innocuous, since immigration has brought significant benefits to our nation. However, two sentences in the second paragraph of the Explanatory Notes tell us in blunt and stark terms the true objective and purpose of the Bill:

“The purpose of the Bill is to tackle illegal immigration by making it harder to live and work illegally in the UK. The intention behind the Bill is that without access to work, illegal migrants will depart voluntarily, but where they do not, the Bill contains other measures to support enforced removals”.

This is one group of working people who will not be lauded by the Government but will instead now be criminalised and removed from the country for the offence of working hard. We shall need to keep in mind the two sentences I have quoted from the Explanatory Notes as the Bill goes through its different stages in this House, since they explain the driving force behind the Government’s clumsy legislative proposals.

Strong arguments will no doubt be made that in reality some of the clumsy measures in the Bill will make the illegal immigration situation worse rather than having the effect the Government envisage. The differences of view that are likely to arise will be over the manner in which the declared objective of reducing illegal immigration is intended to be achieved and the likely effectiveness of the measures actually proposed. Unlike the Government, we will not be judging the desirability of or the need for the measures in the Bill against the criterion of whether they make life harder for some extremely vulnerable people.

No one is likely to be opposed to reducing illegal immigration—the key word being “illegal”. However, the Bill has appeared before there has been any time

for a proper assessment of the effectiveness or otherwise of the Immigration Act 2014. One can only conclude that the Bill has been driven primarily not by hard evidence of what works and what does not work but by the continuing political difficulties the Government have created for themselves by not coming even remotely near their own ill-judged, self-imposed and self-chosen objective of net migration in the tens of thousands. There appears to be a need in the Government’s eyes to give the impression to their supporters that they are acting tough on immigration, when in fact the Bill simply highlights the reality that the Government, on this issue, are like a duck paddling furiously simply to try to stand still.

There are some aspects of the Bill which we support, and I shall refer to these before coming to the parts we consider clumsy and potentially damaging. We support the establishment, although not the precise functions, of a Director of Labour Market Enforcement, who could provide much-needed strategic leadership in protecting the victims of labour market exploitation, but who should not also have any role connected to immigration control. We support the strengthening of sanctions for employers of illegal workers, which builds on the Immigration, Asylum and Nationality Act 2000. We also support the requirement for banks to carry out immigration status checks on current account holders, although it needs to provide sufficient redress for those wrongly identified, and the introduction of a duty on public authorities to ensure that all public sector workers in public-facing roles are able to speak fluent English.

I turn to our key but not only areas of concern, but make one general point. That is the apparent lack of hard evidence clarifying the extent or nature of the problems that the Government perceive as existing, and thus the need to take the kind of measures proposed in the Bill, or to show that the measures proposed in the Bill will, first, have the effect that the Government expect and, secondly, will not prove to be counterproductive and harm community cohesion.

The Bill’s overarching impact assessment is thin in terms of both pages and content, which suggests little quantifiable impact on reducing illegal immigration and even less assessment undertaken. There are references in the impact assessment to some financial savings but, as we consider the Bill, we will need to know by how much the Government expect each major measure to impact on illegal immigration and the hard evidence on which such expectations are based.

In that context, I assume that the reference in the Explanatory Notes of the purpose of the Bill being “to tackle illegal immigration” means, as far as the Government are concerned, reducing illegal immigration. No doubt that point can be clarified in the Minister’s response at the end of the debate, along with an indication of the criteria against which the Government intend subsequently to assess the success or otherwise of the Bill in delivering their declared objectives.

The Bill creates an offence of illegal working, although it is already an offence for a person who does not have leave to enter or remain to be in this country. The Bill simply creates a further criminal offence for such people. The Government do not appear to be claiming

that this further criminal offence is needed to enable those who are working in this country illegally to be discovered and removed when without it they would not be. Rather, they are saying that this new criminal offence is being created because being able to catch such people under the new offence enables the earnings that they have made from working illegally to be seized under the Proceeds of Crime Act 2002.

The actual need for this measure, what it will achieve in reality and how it will operate will have to be explored in Committee. Perhaps even now the Government could say whether it is one of their objectives to criminalise some vulnerable people further in order to get from them what little money some of them will have earned, possibly over a lengthy period and in a situation where they will have been exploited, to a greater or lesser degree, by those employing them. It is those doing the employing and exploiting who should feel the full force of the law, not those being employed and exploited.

We need to find out whether the Government intend to prosecute all those found to be in breach of this new illegal working offence. How many people do the Government estimate are currently working illegally in this country in what will in future be breach of the new offence, and how many will be prosecuted for the new offence during each of the first three years during which it is on the statute book? How much money do the Government expect to seize in earnings from illegal workers during each of the first three years during which the new criminal offence of illegal working will be on the statute book, if the Bill is passed as it stands?

The new illegal working offence runs the real risk of further disempowering potentially vulnerable workers and empowering would-be exploiters, who will now have a further offence that they can remind those who they are employing they could be prosecuted for if they get the authorities. It could also leave vulnerable people opened to being trafficked. What is needed is more resources for inspections, a focus on exploitative employers and mechanisms to encourage, not discourage, those who believe that they are being exploited to come forward. Criminalising vulnerable or potentially vulnerable people through the proposed illegal working offence seems to cut right across these objectives. Since there are already criminal offence provisions relating to those who have breached the Immigration Rules, is there really a need to introduce a new criminal offence of illegal working, against which an employee who does not have the right immigration status has no defence at all?

The Bill also includes proposals to terminate support for asylum seekers and their children who have had their applications turned down and any appeal rejected but have not departed from this country within the required period of time. The only basis on which support could continue would be under a provision now inserted in the Bill which says that they would be eligible for support if they could demonstrate that there was a “genuine obstacle” to their leaving the UK. There will be no right of appeal against decisions to refuse or discontinue support under this limited provision, despite the track record of the Home Office in seeing successful appeals against its decisions, so the only potential remedy would presumably be judicial

review, which is neither quick nor cost effective. Perhaps the Minister could say what the anticipated amount is that would be paid out each year under this provision—namely new Section 95A—compared with the savings that would be made by withdrawing all existing support under Section 95 of the Immigration and Asylum Act 1999.

Will the Minister also say what might count as a “genuine obstacle” to leaving the UK, and confirm that the reality is that the onus would be on the failed asylum seeker to somehow find and produce the evidence to prove their case? This risks increasing the chances that failed asylum seekers will abscond, again increasing the risk of vulnerable people—not least, the children of families affected—being exploited. Simply offering warm words on these concerns from the Government’s Dispatch Box is not sufficient. Terminating support might also make it more difficult for the Home Office to remain in contact with people liable for removal from the UK and undermine efforts to promote voluntary deportations. Evidence suggests that support for families facing removal—including support by way of help with documents and advice—is the best way of ensuring that they leave. Withdrawing support for this category of migrants seems like a threat of destitution as a means of enforcing the Immigration Rules.

A further issue is that of immigration detention. The Government have said that they will be conducting an internal review on this. What is needed is an independent review on immigration detention to be carried out within a short period of time once this Bill has come into force. It should consider the effectiveness and suitability of the law concerning immigration detention, including the merits of having a time limit. The All-Party Parliamentary Groups on Refugees and Migration have called in a report for a time limit on detention to be introduced, which they argued should be 28 days. I believe that I am right in saying that the UK is the only country—or about the only country—in Europe that does not have a time limit of any sort for immigration detention.

Another concern relates to the new criminal offence under the Bill for landlords and letting agents who do not comply with the right-to-rent scheme or fail to evict tenants who do not have the right to rent. In our view, potentially criminalising landlords in this fashion could lead to discrimination in the rental markets, as landlords play it safe over whom they accept as tenants when it comes to immigration status. Landlords themselves are calling for clarification that they will not be prosecuted where they have done everything reasonably possible to confirm the status of a tenant or where they are actively seeking to evict a tenant whom they have been told does not have the right to rent.

Among other provisions of the Bill that will need careful consideration of their justification and likely impact, including on children, is the power that the Secretary of State will have to certify the claim of someone appealing against an immigration decision—including on human rights grounds—so that they can appeal only from outside the UK.

The Bill also contains some measures in respect of border security. The Government maintain that they have control of our borders, but that seems highly questionable if the Government are arguing that one

[LORD ROSSER]

of the justifications for the proposals in the Bill is the level of illegal immigration. It is clear that the resources provided for securing our borders are insufficient. Perhaps the Minister could say what the Government's estimate is of illegal immigration each year. Indeed, perhaps the Minister could also say what the Government's estimate is of the level of net migration for this year and for 2016. We will also during the passage of the Bill want to discuss the recommendations in the very recent report to the Government on overseas domestic workers.

I have set out our concerns about a number of what we regard as clumsy and potentially damaging provisions in the Bill. It will be for the Government to produce the hard evidence to show that their proposals are needed and justified; that they will deal with the problems that the Government say they are intended to address; and, most importantly, that they will avoid unintended consequences such as undermining the progress made on tackling modern slavery and human trafficking, leaving families—including children—destitute, and increasing the likelihood of discrimination in the workplace and housing market. If the Government cannot do this—and they certainly have not so far—we are in real danger of passing a Bill that, as it stands, would be counterproductive in respect of illegal immigration and would harm community cohesion. We will do our utmost to ensure that this does not happen.

12.05 pm

Baroness Hamwee (LD): My Lords, from these Benches we find little that is positive in the Bill. We fear that it will increase discrimination, exploitation, destitution and homelessness. It will risk children's welfare, turn citizens into enforcers through outsourcing and reduce the UK's reputation in employment and other sectors—all of this, and more, without making any progress on a time limit for immigration detention, on family reunion, on integration and on community cohesion. This is the Bill we would have had in the last Parliament had it not been for the moderating effect of coalition government.

I thank the Minister for the pack from the Home Office that deals with some of these anxieties with what it calls “myth-busters”. I am afraid that the perspective of these Benches is different and I pray in aid two policy areas. The first is family reunion. When the Government are asked about relaxing the very restrictive rules, we are reminded that family visas can be issued outside the Immigration Rules on the basis of exceptional, compelling and compassionate circumstances—which is good to know, but how many have been issued? In 2011, the total was 77. In 2012, it was down to 30. In 2013, it was down again to 18, and in 2014 the total was just 12. My first thought was how counterintuitive this was, given what is going on in the world. My second thought was: in view of the experiences of people caught up in, or driven out of, Iraq, Syria, Afghanistan, Eritrea, Sudan and other countries, the situation is not exceptional.

My second example is the UN's review of overseas domestic workers and their visas. The aims of the review included bringing their lives out of the relative

shadows into an open and legal framework where they can receive the proper protection of the law. The review supports points made forcefully by a number of noble Lords during the passage of the Modern Slavery Bill. These were resisted by—or perhaps did not find traction with—the Government at that point until the very last knockings of the Bill, when its very passage was threatened. The Minister will understand that this will encourage us to stick to our guns when we are convinced that this Bill should be amended. He will also be aware that, given the current debate on how secondary legislation is dealt with, we will want at least very clear assurances about the detail of the regulations provided for in the Bill.

I hope that the Minister can tell us today—not just this House but those outside it—whether the Government plan to implement Mr Ewins's recommendations. If they do not plan to implement all of them, which of them do they plan to implement, and when?

Second Reading is a time when one can attempt to give only a flavour of one's approach. So to the organisations and individuals who have sent so much thoughtful and powerful material—I measured it this morning; it was almost 5 centimetres deep—I say, “Thank you, and if you are not mentioned directly, none of it will be wasted”.

I will start with some of what is not in the Bill: family union and reunion. Last week I asked whether the Government would allow people of Iraqi or Syrian origin, for instance, who are settled here to sponsor family members. The rules are very restrictive and the processes complex. They do not even allow for a child asylum seeker who has arrived here alone to bring over his closest family. If I had a 19 year-old daughter who had to be left behind in a camp in the Middle East, that would be exceptionally tough. If I had a 24 year-old son married to a Costa Rican, starting his career and not earning much, I would be very confused why his own country would not welcome his wife. As for myself, with neither of those children, I want my country to work on safe routes for refugees. The Bill's maritime enforcement powers beg the question of what is to be done to help the passengers—or victims—once a ship without nationality is stopped.

I was a member of the all-party group inquiry into immigration and detention, as were a number of other speakers today. I was struck then by the paradox at the heart of unlimited detention: the lack, one might even say deprivation, of hope—might detention last for ever?—coupled with uncertainty that tomorrow one might, without warning, be deported. We will certainly look at the time limit. Sweden is one country where returns of unsuccessful asylum seekers is achieved more humanely and with a higher rate of voluntary returns. The returns process will be another point of focus.

I appreciate that the Bill deals with immigration bail. Seeking asylum is not equivalent to the commission of an offence with a trial pending, as the term “bail” suggests. Though we have tried before, we will try again on the right for asylum seekers to work within a reasonable period of their arrival and in occupations

not regarded by the Government as in shortage. For us, it is a matter of integration and not badging asylum seekers as “other”.

Many who have the right to work and come from other parts of the EU do not understand that they have rights and are vulnerable to exploitation. This is the experience of the Gangmasters Licensing Authority, the future of which seems unclear in the light of this Bill and the recent consultation. Another question to the Government is what their plans are with regard to amendments in this area, what those amendments are and when they will be made.

I am not entirely comfortable with Part 1 of the Bill. Inevitably, there will be tensions because there are different priorities between the departments involved. At the moment, we have three entities funded separately: HMRC, enforcing—though some say it does not—the national minimum wage; the Employment Agency Standards Inspectorate, a group of civil servants within BIS; and the Gangmasters Licensing Authority, a non-departmental public body with a board. What is that board for if not to create a strategy, a function which is to go to the new director of labour market enforcement? Even before that question is answered, there is the one of who—the Home Office or BIS—will appoint the director and to whom the strategy is submitted. There is a great deal to explore around governance powers, the sectors, resources, avoiding confusion between inspection and enforcement, and, in the case of the new director, his or her very purpose. There is even the name of the Gangmasters Licensing Authority: the consultation refers to a possible change of name but does not pursue that. That is not a frivolous point as the GLA is a very strong brand.

I had thought that we might have a year without a criminal justice Bill, but of course we have the immigration-related offences. Those may be what the Government call a logical extension to the preceding legislation but I would be happier to see an end to that legislation instead. It is objectionable that employers and landlords are enlisted in the cause of enforcement and subject to difficult requirements with a criminal sanction. Landlords may not set out to discriminate—most will not—but I would not fancy your chances of easily finding accommodation if your name is “Afshar”, “Ahmed”, “Janke” or “Hamwee”. It is not as if everyone can produce a single, easily understood document to prove status. Some 17.5% of the UK population do not have a passport, and I suggest that there is likely to be a higher proportion of such people among those who are seeking rented accommodation. The homelessness that may ensue is so often a trigger for exploitation. Also, eviction on the say-so of the Home Office without court involvement goes against all our instincts. In the employment context, the new illegal working offence is something else that we believe will add to the vulnerability to exploitation. Elsewhere in the employment forest, will the skills charge add to the UK’s reputation internationally?

I am sure that the House will live up to its reputation for scrutiny of the enforcement powers of the state and rights of appeal. Immigration officers already have considerable powers, which will now relate to crimes as well as to civil penalties and removal from the country. Those powers will be extended from

immigration officers trained as criminal investigators to all—but with what recourse? In the case of the police, as a comparison, there is the IPCC.

One of the “myths busted” in the Government’s information pack is that asylum support appeals are to be scrapped though 60% are currently allowed. Leaving aside for now challenging that assertion, I would not say that the figure given in the pack of 37% of appeals being dismissed is anything to boast about, nor is extending the cohort of migrants who must appeal from overseas. Where is the equality of arms so fundamental to our justice system—that is, where there is any right of appeal at all?

The Government’s human rights memorandum acknowledges that Article 6, the right to a fair trial, is engaged regarding the refusal of new Section 95A support, but says that this is, again, “susceptible to judicial review and emergency injunctive challenge where appropriate”.

How realistic is this, even if there were no residence test? In assessing the Bill’s compatibility with various convention rights, I am sure that proportionality will be to the fore. New Section 95A says that support for asylum seekers whose application has failed can be by way of vouchers. What a pity not to have got rid of this bureaucratic and inflexible arrangement. That might be a minor point, though, compared with other aspects of this section. We are told that the regulations will provide “very narrowly drawn” criteria for facing, “a genuine obstacle to leaving the UK”,

and that the grace period will be short. We will not be able to amend the regulations, so it is inevitable that we will seek to challenge the Government’s plans through primary legislation.

If we do not spend time today on the horrors and risks of destitution, that is not because we ignore them. We are aware of the government amendments to plug gaps in the provision, but the Minister will be aware of views that there is a real risk that destitute families will fall through the gaps. It is not only those who fail in their application who find themselves in such difficulty. The Red Cross reports on what is called the “move-on” following the grant of refugee status, and makes practical recommendations to avoid breaks in support, which I hope we can use the Bill to look at.

The House has a veritable army prepared to fight for children’s well-being. Children’s best interests, whether among their family or if they are unaccompanied, should run through the Bill. I do not dismiss the pressures on local authorities; I have been there. As the LGA says, no council should be made to choose between supporting unaccompanied asylum-seeking children and providing vital services for their local community. The Minister dealt with the position of local authorities, but I noticed that he did not answer his own question about the transfer of burden to the third sector. There are still resource issues to be sorted out, together with the Home Office—should it not be the DCLG, if anyone?—exercising powers of direction on local authorities.

Issues of support are the subject of most of the representations which I and, no doubt, others have received from individual members of the public, although I do not think any of them have described as disingenuous

[BARONESS HAMWEE]

applying the Home Office term “simplify” to the basis of assessment and support of people with immigration status who are destitute.

What should our immigration policy say about our Government? Should it say they are responsible and humane, show leadership and are closer to Trudeau than Trump? Will pulling up the drawbridge make us a better nation? The movements of people that we are seeing now will be as nothing if, or when, climate change drives even bigger movements. What will we do then?

Lord Ashton of Hyde (Con): It may be helpful if I note that there are 31 speakers for today’s Second Reading debate and that if Back-Bench contributions are kept to around eight minutes, the House should be able to rise by 5.30 pm.

12.20 pm

Lord Hylton (CB): My Lords, I congratulate the noble Baroness, Lady Hamwee, on emphasising the importance of family reunion. That can hardly be overstated. Like her, I thank the Minister and the Home Office for commissioning and publishing the UN’s report on the domestic workers visa. I have put down a Written Question asking when it will be implemented. Your Lordships know that this can be done quite easily by modifying the Immigration Rules.

Turning to the Bill, there are two things that are completely abhorrent to English public opinion and to our law and traditions: destitution and indefinite administrative detention. That is why we developed, first, monastic and religious charity, then the Elizabethan and Victorian poor laws, then the welfare state and quite recently food banks. Against detention, we invented habeas corpus, and we killed off Regulation 18B and detention in Northern Ireland. Since detention is so unpopular, almost every one of the so-called removal centres now has its voluntary group of friends who visit detainees and help them. As the noble Lord, Lord Rosser, mentioned in March, an all-party group from both Houses demanded, not for the first time, a time limit for detention. This was followed up in September, I am glad to say, by a resolution of the other House. What will the Government do about that? When will they bring us in line with France, Spain, Portugal and Belgium? When will they ratify the EU returns directive, like our EU partners? When will they cut the cost of the detention estate with its 3,500 places? When will they reduce the cost, which was £164 million in 2013-14?

The Government should know that some 30 organisations are demanding reform. A coalition of 78 groups is now calling for action against destitution, especially as it affects children. The Bill proposes a complex and bureaucratic process under four sections of two different Acts and prevents help being given under Section 17 of the Children Act 1989. Given the risks of destitution, it is not surprising that some 10,000 applicants have disappeared without trace. I urge the Government to provide a simple procedure to forestall destitution when unsuccessful applicants face a genuine obstacle to leaving Britain. Action is also needed to prevent foreign criminals lingering on in prison after their sentences have expired.

The Minister in his opening speech mentioned—I was glad to hear it—that there may be scope for improvements in the Bill. I trust that he will use all his diplomatic skills to persuade his colleagues that major amendments are needed.

12.25 pm

The Lord Bishop of Southwark: My Lords, the Bill is the latest in a list of substantive immigration legislation that this House has considered in recent years. Since the Nationality, Immigration and Asylum Act 2002 we have had five further pieces of primary legislation in this area, yet Her Majesty’s Government have published no White Paper on immigration since 2002—no considered, detailed overview and proposals through which we might consider all aspects relating to immigration before embarking on major legislation. The Explanatory Notes are helpful but they are no substitute for a White Paper.

I hope that the Bill, which has now been considered in another place, will not be subject to government amendments in this House save in those areas where Ministers are responding to concerns or amendments of your Lordships. We merit having the whole of the Government’s intended Bill before us now and I hope the Minister will give us that assurance.

Time forbids that I should discourse widely on immigration control. It is a proper function of the state but I fear that, as there is much over which we operate limited control, we find ourselves applying extraordinary effort to exclude support and consideration to persons over whom we have relative discretion. Yet the measures before us have not been quantified as getting us back to the Government’s ambition of net migration in the tens of thousands. Why, then, are they so urgent and so necessary?

The extension of immigration officers’ powers should not be in lieu of addressing declining numbers of police officers. It is true that they have powers already under the 1971 Act and that the power to seize property connected to offences unrelated to immigration when on immigration duties will be considered by many to be sensible. Whether immigration officers are selected and trained for such a purpose is quite another matter. Discussing this extension of the role of the immigration officer in criminal justice is precisely an area for which a White Paper is necessary.

The provision in Clause 17 to search an individual if the immigration officer has reasonable grounds to suspect they are in the UK unlawfully and do not have a driving licence is concerning. What could possibly constitute “reasonable grounds” for suspicion? A means of tracking irregular migrant activity is through the ways in which individuals engage in the regulated business of life—bank accounts, utility bills, rental agreements. To exclude the possibility of these may be counterproductive. It would be useful to hear from the Minister how successful such measures are in other countries.

Clauses 37 and 38 will reduce the meagre support available to those whose asylum claims have been refused. In July, the Government tabled regulations to cut support to asylum seekers by nearly a third to £36.95 a week. Before enacting these provisions we

should reflect that, according to the latest statistics, under the current system, which is subject to appeal, 65% of cases are withdrawn by the Home Office or found against the department. Should we remove a right of appeal in such circumstances?

Clause 59, on regulations for the charging of civil registration fees, adding as it will to living expense, particularly for those on modest incomes, will have consequences. Will the Government consider a consolidated measure of relevant legislation following the passage of the Bill?

This is perhaps the point at which to add a personal reflection. At the end of October I visited the migrant camp at Calais. Not once were we asked for money. Frequently we were greeted. I saw the dignity and devotion of the makeshift St. Michael's Church. I heard the terrible stories of many of those with whom I spoke and I witnessed the energy of those who had fled there. These were people of courage and vigour, and often victims of harm. I trust that the Government will act to address these and other concerns of noble Lords.

12.30 pm

Lord Horam (Con): My Lords, opinion polls suggest that immigration is the number one issue at the moment. We know why it is a big issue. For a long time post-war, there was almost no immigration in this country. Then, in the 1980s and 1990s, it went up to the low tens of thousands, and then it went up massively under the last Labour Government, reaching a net level of hundreds of thousands.

At this point I pay tribute to the efforts of Migration Watch UK, started by the noble Lord, Lord Green of Deddington, whom I am glad to see in his place today. The fact is that, as has been said once or twice, it is very difficult to get concrete evidence on many issues in this area, including numbers. Migration Watch UK stepped into the vacuum that existed at the time and prodded the Government into getting better numbers. In my view, it has therefore performed a valuable public service.

A level of immigration higher than, say, that of the 1980s or 1990s is probably inevitable in the globalised 21st century. The fact is that controlled immigration brings many benefits to Britain and many immigrants have contributed a great deal to this country. However, the very large numbers that we have seen in recent years can, as the Home Secretary in her conference speech rightly said, damage social cohesion and national identity, as well as drive down the wages of the low paid, as evidenced by the recent Bank of England research, particularly in the service sector, where many of these problems are at their most acute.

What we have seen this year is not only large-scale immigration to Britain but mass immigration to Europe from failed states outside. In my view, that can be dealt with only by strong border controls, as well as diplomatic and military efforts to get some sort of governance back into failed states, plus international aid for the countries that need it.

It has always struck me that one of the problems with large-scale immigration is that it can damage not only the living standards of many of the poorest in the

receiving country but the country the immigrants come from. I remember going on a parliamentary trip to Botswana, which has a huge AIDS problem. The country was having great difficulty in managing the drug-related health services that could mitigate the situation. The problem was a shortage of nurses. Where were they? They were all in the British NHS. They had all gone to make more money and to help us run our health service. Which was more important—to deal with the massive problem of AIDS in Botswana or to deal with our own NHS? It can be a real problem for developing countries.

That is why my right honourable friend the Prime Minister's brave insistence on a generous and targeted international aid programme is entirely right. It goes hand in hand with a strong commitment to reduce immigration to more acceptable levels. Reference has already been made by the noble Baroness, Lady Hamwee, and others to the levels of migration that we are seeing on an international scale now and can expect to see in the future. A combination of proper border controls and international aid is the right way to deal with this. That of course will take time, and the Bill does not attempt to deal with these broad issues; it is a relatively modest measure designed to deal with some of the more egregious problems thrown up by immigration.

As someone who has always supported a living wage as well as a minimum wage, I am strongly in favour of Part 1, which tackles illegal working and the exploitation of workers. In some areas this has become linked, as we know, with organised criminal activity. The Bill establishes a new statutory Director of Labour Market Enforcement, and that has been widely welcomed in this place, as well as elsewhere. When you have established these new bodies there is also, of course, the question of resources. I doubt people want to see a new director in the same position as the inspectors for Her Majesty's Revenue and Customs, who, on average, can visit a firm only once every 250 years.

I take seriously the point made by the noble Lord, Lord Rosser, from the opposition Benches about the effect on employees. These are very vulnerable people. I know that my noble friend Lord Bates is very sympathetic to this, and I hope that the situation can be carefully monitored. We do not want to see any counterproductive consequences for employees, who are, as I say, in a very vulnerable position.

Parts 3, 4 and 5 of the Bill strengthen the procedures dealing with those who have no right to be here. As my noble friend Lord Bates rightly said, the evidence is that the 2014 Act has worked well. This extends it to wider areas and will, I hope, cut down the hitherto ludicrous and extensive appeals procedure. I remember from my time as a Member of Parliament for Orpington appeals that went on for literally years and years, which is incredibly depressing for the people concerned and, indeed, harrowing for everybody.

I also support the measures to improve the language skills of immigrants who work in the public sector, and the charge on employers designed to improve the skills of the people they recruit. Employers, I am afraid, are often used to the easy solution of employing foreign workers rather than taking the trouble to train properly indigenous workers.

[LORD HORAM]

All this, frankly, is common sense. I believe that the Bill is not a game-changer. Getting immigration back to reasonable levels will take time, possibly even as long as a decade. However, the Bill was passed by the Commons with quite a large majority. I hope it will receive effective scrutiny here but also be supported by this House.

12.36 pm

Lord Dubs (Lab): My Lords, I should first declare an interest as I spent eight years as a director of the Refugee Council before joining this House. Perhaps I should also add that I was a refugee myself, during my childhood. I am grateful to the many organisations that have provided ample briefings. It has been too difficult to read them all because so many came in, but they were very helpful.

I should like to make one or two general points. Immigration is such a hot issue. There are, indisputably, benefits to this country from immigration, but the problem is that those benefits are spread over many parts of the country and certain communities have resulting pressures on hospitals, schools, housing and so on. It ought not to be beyond our ability and skills to make sure that the communities that are welcoming and accommodating refugees, asylum seekers and immigrants should be helped with resources out of the benefit that goes to the country as a whole from our extra GDP.

It is important that we try to win public opinion as opposed to adopting a policy that is hostile to immigration and asylum seekers and says that we do not want them here. Of course we must have a sensible and controlled policy for immigration; of course we cannot have an open door. However, it is important that we try to win public opinion. It is somewhat ironic that, in recent years, Germany has become the conscience of Europe. We never thought Germany would set standards of human rights that would be a model for the rest of Europe.

It is important that we have a sensible way of distinguishing between asylum seekers, under the 1951 convention, and people who seek to migrate for economic purposes. There is confusion between the two, because it depends a bit on how effective our determination of asylum seekers is. I put it to the Minister that there are people who may not be deemed to be asylum seekers but who find it very unsafe to return to their countries. It is no wonder that some of them are desperate not to return—it is unsafe—no matter what asylum determination processes we have. We have to be careful of and sensitive to that. I have heard of people who just feel that it is unsafe for them to return, and they will hang on because of that.

I have a question about the devolved Administrations. Some measures will be transferred to the three devolved Administrations under SIs and I am not sure that they have been fully consulted or had a chance to consider the Bill. Will the Minister comment on that?

I want to talk about something that happened when the Bosnians came some years ago because it will affect the way in which we have Syrians coming here—not enough, but they are coming here. It is important that

communities to which asylum seekers go, with the Government's blessing, should be made to feel involved in the process so that they can be welcoming. When I was at the Refugee Council, we had some reception centres for Bosnians who came under the government scheme. I remember going to one in Newcastle. We had an open day for this centre, and we invited not just Members of Parliament and local councillors, but the police, the churches, the medical profession, community workers, voluntary organisations and so on. Altogether, it was a welcoming occasion, when the local community felt that they had a stake in the people who had arrived in their midst. I urge the Government to consider a model of that sort when looking at the Syrian refugees.

Lord Empey (UUP): With the noble Lord's experience, both personal and political, would he not agree that the concentration of such enormous numbers of people in small geographical areas is almost unmanageable? It is natural for people to gravitate towards those who come from their own background, can speak their language and so on. It is difficult to get any kind of distribution that would achieve the noble objectives that he outlines.

Lord Dubs: That is helpful. If I go back to my past with the Refugee Council, in conjunction with the Home Office at the time, we set out to have reception centres in various parts of the country—we worked with the Red Cross and other organisations—so that the numbers would be manageable in terms of local community involvement. In that way, we would not have a vast number coming—although we could have accommodated far more than we did—and they would be dispersed in various centres around the country to make the process sensible and manageable. From my experience, it worked. That did what the noble Lord said should be the objective and worked pretty well. However, that is in the past and I want to move very quickly to concerns about the Bill.

I am worried that cutting support for failed asylum seekers will lead to destitution. For the reasons that I have already said about it being unsafe to return to the country of origin, people will want to hang on here. Removal of the right of appeal against a Home Office decision to refuse or discontinue support for asylum seekers is not desirable. Indeed, I am also worried that the right of appeal exercised abroad will simply not work.

I received this big document, a fact book produced by the Government, only last night, so I have not had a chance to read it all, but it states:

“Making a migrant depart from the UK before appealing is not a new concept”.

The powers were there before in the Nationality, Immigration and Asylum Act 2002. But that does not make it right. An appeal from outside the country, without legal aid and without help, is very difficult to achieve.

As regards family reunion, where we have children here and other close members of their family are in other countries, it would be desirable to be generous in allowing such child refugees to sponsor their family

members to join them. Maybe it goes the other way and they would want to go in a different direction, but we should make it possible for children here to be joined by their families. It would make for stability, would probably lower the cost of the whole process and would make sense.

Perhaps I may turn to detention. I should like to see an automatic entitlement to claim bail before detention starts; in other words, there should be a process whereby a person who is being detained should be able not only to apply for bail after a number of days, but that the process should get under way right at the beginning. Otherwise we have officials and administrators saying, "You will be detained", and surely that goes against all our traditions. There should also be an upper limit on how long someone is held in detention before they can be bailed, even if the earlier claim does not apply.

I shall mention briefly two other points. There is tremendous concern on the part of the Government about driving licences. We do not have ID cards. That debate is for another day, but I think that as a country we were silly not to have them. The Government document states:

"UK driving licences can be used as a form of identification which can help an individual access UK services".

We all use driving licences or passports time and again, so I think we have got ourselves into a muddle about this and we should not put the burden on people who have come here.

Lastly, of course it is difficult to remove people who have no right to stay here, especially given all the reservations I have expressed about some countries not being safe to return to. I am not sure that I have my facts right on the country, but I believe that some years ago Australia tried an experiment. If families are due for removal having exhausted their rights, they should be provided with personal support through people working with them. That is a way of getting their acquiescence in the removal process which the harsher regime suggested by the Government here does not achieve.

12.46 pm

Lord Wallace of Saltaire (LD): My Lords, I wish to address four aspects of this complex Bill. The first is the importance of the pull factor in immigration and how best the Government should tackle it. Clause 55 gives the Secretary of State powers through subordinate regulations in the form of statutory instruments, of course, to,

"require certain employers to pay an immigration skills charge for each skilled worker from outside the EEA that they sponsor".

It is good to see some explicit recognition by the Government that the shortage of skills in our domestic jobs market acts as a powerful incentive for employers to recruit from abroad, thus pulling immigrants into Britain. There has been too much emphasis on in-work benefits acting as a pull factor without the Government providing the evidence that this is a key incentive driving large numbers of immigrants. But our media are full of stories about shortages of skills within the UK, resulting in searches for qualified workers from overseas. Frank Field MP has just called for a crash programme to train young British unemployed people

in building skills to supply the labour we desperately need to build more houses rather than, he argues, importing workers from abroad who in turn will require more houses to live in.

We read every week about the desperate shortage of nurses, with reports that hospital trusts want to recruit an additional 6,000 nurses from outside the EEA. The Commons Home Affairs Committee recently commented that the Government's tier 2 migrant cap, "could have been responsible for a crisis in nurse recruitment". I saw another recent story that the UK faces so wide a gap between supply and demand for long-distance lorry drivers that there are doubts that assembly plants, shops and supermarkets will be able to maintain the flow of supplies in peak periods. And we all know about the continuing shortage of youngsters with computer skills within the UK.

The Government's answer to this in Clause 55 is to impose a charge on employers recruiting from outside the EEA in the hope of pushing companies to invest more in training. It is not clear whether hospital trusts recruiting nurses or doctors from outside the EEA will be expected to pay this charge, and perhaps the Minister could clarify whether public sector employers, including universities, will be included in the imposition of such charges. The implications for universities appointing academic staff from outside the EEA could be significant. But the underlying problem with this approach is that it ignores the problems of the English education system; it is particularly a problem in northern England, as we heard at Question Time today, in failing to motivate students or provide them with the skills the market needs. Cuts in further education and proposals that in future student nurses in England will be expected to pay for their training act as disincentives to acquiring the skills the country needs. There seems to be a complete absence of co-ordination across Government on this as the Home Office tightens controls on immigrants with skills while the Department for Business, Innovation and Skills, the Department for Education and others cut back on training for those already here.

I have worked in Bradford with a social housing association which runs, as part of its social responsibility agenda, a superb apprenticeship scheme for the various building trades which is enormously oversubscribed. But then, another arm of government is making it harder for social housing associations to contribute to their communities in ways like this. Unless the Government take responsibility for the failings in our education and training systems, and their funding that contributes to the long-term skills shortages which drive inward immigration, they have no hope of reducing the determination of companies and public sector employers to recruit directly from abroad. I have told the noble Lord, Lord Green of Deddington, that Migration Watch should be campaigning for a massive government training programme for the domestic unskilled and unemployed.

My second point is about fees. Clause 59, and Schedule 12, provide powers to charge fees for services that were previously provided without charge, and for any services provided in connection with marriages. Again, this seems to be an example of the Government pursuing entirely contradictory policies. They are strongly

[LORD WALLACE OF SALTAIRE]

in favour of marriage, as we have read in successive manifestos, but determined to charge for them in the future. Fees, as anyone familiar with taxation knows, are regressive: the poor pay more, in effect, than the rich. Imposition of fees will make the business of marriage more expensive for the poor. Is that the Government's deliberate intention? Do the Conservatives regard marriage as important for the well-to-do, worthy even of offering tax concessions to encourage, but not worth investing public money into for those already marginal in our society?

My third point is about border security—Clauses 44 and 45. These focus on civil airlines and airport operators, although Clause 45 also deals with private vessels, of which there are a great many crossing to and fro across the English Channel, and up and down the Bay of Biscay. When I briefly answered on policing and anti-terrorism issues for the coalition Government in this House, I was struck by the unavoidably transnational nature of serious crime, including drug-smuggling, and the frequent use of private aircraft and private airstrips and heliports in pursuit of illegal activities. I am struck by the apparent absence of reference to private airstrips and helicopter landing pads in this clause, and in Schedule 10. Is it assumed that these are used only by the rich, and can therefore be left outside our tighter border controls?

The Minister may know that I have asked specific Questions about Brecqhou helicopters, which fly the Barclay brothers to and fro from within the UK border control area—devolved in the case of Brecqhou to the Guernsey authorities, which I understand are strongly discouraged from ever setting foot on the island—and various parts of continental Europe. Do the owners of a newspaper that campaigns for the defence of British sovereignty from continental encroachment themselves live outside the reach of British sovereignty, while benefiting from free movement within the UK? Are there others, including Russian oligarchs and Gulf royalty with homes across southern England, who fly from private helipads beyond border controls? Are we moving towards one set of border controls for ordinary people, and a far lighter regime for the super-rich? I hope the Minister will be able to assure us that controls on private flights and landing strips will also be tightened. We cannot be sure that,

“Persons excluded from the United Kingdom”—

in Clause 46 might not be smuggled in by such means, as well as other illegal immigrants and undesirables.

My fourth point is about the impact of the tiered visa system on patterns of movement into and out of the country. The Minister will know that I have recently been concerned with a personal issue in this area, related to spouse visas for talented young Britons seeking to return to the UK after some years of study and work abroad. In the context of this issue, which I do not, of course, wish to discuss further here, I did some comparative investigation of the situation that faces British citizens who have gone abroad for graduate study, as many of us have done in recent years—I used to encourage my brighter students to do so—most often to the United States of America, and then wish to return to the UK to take up employment.

Fifteen years ago there was very little difficulty or delay in bringing those whom such people had married, while abroad, back with them. Now it is a lengthy and costly process. I was particularly shocked by the case of a British citizen who had married a Japanese fellow student while in the USA; his wife was refused entry and forced to hire lawyers to support an appeal. I was more deeply shocked by the comment from a young man I have known since he was an undergraduate, now equipped with a mathematics PhD from a top US university, and married to an American with a similar PhD from the same university. He told me that he is now unlikely to return to the UK because the sense of hostility that faces non-British applicants makes him feel, “that my wife and my children would be unwelcome in my own country”. How much talent are we going to lose in the next generation if that impression spreads across talented expatriates outside the EEA? Exchanges with postgraduates currently within the USA have suggested to me that that feeling is already widespread.

The Tier 1 (Investor) Visa, on the other hand, welcomes those who are willing to bring over £2 million with them into the UK to buy a house in central London, for example. So we open our arms to the super-rich of Russia, China, Malaysia and the Gulf states, looking for somewhere to invest funds they may or may not have accumulated through means that are legal in this country, while raising obstacles to British citizens who have improved their skills and developed their reputations by studying and working abroad. The Tier 1 (Investor) Visa is worthy of a tax haven, not a self-respecting sovereign country; it fits in with a housing regime which promotes sales of newly-built homes in London to overseas buyers before they have been offered to British citizens, and allows them to be bought through anonymous offshore companies.

I note that the Bill has no proposals to tighten controls on Tier 1 visas. If raising fees for marriage is appropriate to this Bill, then transparency of ownership for non-commercial property within the UK must also be entirely appropriate to add. Are the Conservative Government really determined, with Mayor Boris Johnson's support, to build a country fit for foreign money-launderers to live in? One law for the poor, again, and another for the rich. It seems easier for a rich man to enter the kingdom of Great Britain than for the young and talented to go through the eye of UK border controls.

12.56 pm

Lord Brown of Eaton-under-Heywood (CB): My Lords, this 162-page Bill ranges obviously fairly widely over immigration law. Today, therefore, one needs to be selective. The two matters I have chosen for brief comment are, first, immigration detention and, secondly—if I have time—support for failed asylum seekers. Both have, of course, provoked a great deal of controversy and, indeed, litigation down the years—in much of which litigation I confess that I have been involved.

Immigration detention is the subject of Clause 32 and, more particularly, Schedule 7, which are intended to regulate the granting of immigration bail for all those detained under the several different powers in

earlier, pre-existing immigration legislation. As to the term “immigration bail”, I respectfully ask whether it would really be of assistance to anybody to describe it instead as release from immigration detention.

The two basic concerns that arise in this area are, first, the conditions in which those detained are held and, secondly, the length of time for which they are held. The physical conditions of detention are, as is well known, the subject of an ongoing review by a former ombudsman, Mr Stephen Shaw. I think we are promised that report by Committee. Therefore, I shall say nothing about that aspect now.

However, I want to say a word or two about the length of detention. There are two basically different circumstances in which people are detained under the legislation: first, on initial application for asylum and, secondly, when, much further down the line, it is sought to remove people whose rights of whatever sort have expired and it is proposed that they finally be deported. These are very different situations. Speedy decision-making—that is, when it is thought likely that a decision one way or the other on an initial application can be comparatively speedily arrived at—is facilitated by keeping those who make their claims readily available for interview and so forth during the processing of the individual claims. This is known as the Detained Fast-Track—or DFT—operation and has itself spawned a number of legal challenges. It was considered in the APPG report on immigration detention. However, that report concluded that there is, indeed, a need for such a procedure, although it is only fair to say that the report expressed some concern that,

“the focus is on detention rather than making quick, high quality decisions”.

The need was recognised that, in these cases, speed is desirable for both the claimants themselves and the many others who are waiting in the queue to have their applications decided.

The other, very different, situation in which people are detained, sometimes for substantially longer periods, is where asylum seekers—or other categories of immigrants—have exhausted all their claims. They have no further appeal rights or rights to remain and are detained pending their proposed removal from the country. These cases present altogether greater difficulties, certainly in terms of introducing any fixed limit to the permissible length of time for which they can be held. Although, on the face of it, the statutory power to detain pending removal is unlimited, 30 years of case law, starting with a decision by the noble and learned Lord, Lord Woolf, then Mr Justice Woolf, have established that it is not. It exists only so long as there is a reasonable prospect of removal within a reasonable time. These questions are kept under review and are subject, ultimately, to judicial scrutiny and decision.

What is reasonable inevitably depends on the facts of each case and the sort of considerations in play. These obviously include factors such as the risk of the person offending or, often, reoffending. Many of those detained for deportation are FNPs—foreign national prisoners—who are completing their sentences of imprisonment here. There is also the risk of absconding—going to ground and thwarting all attempts to enforce immigration control. Unsurprisingly, all these

considerations are listed in paragraph 3(2) of Schedule 7, among the various matters to which regard must be had in deciding whether bail should be granted. Many participants in this debate have urged and will urge, benevolently, for fixed limits—sometimes as little as 28 days—to immigration detention. I say to those noble Lords: do not underestimate the ingenuity and persistence of many of those who seek to defeat immigration controls. Time and again, down the years, the system has been cleverly played, often by those who are least deserving of our sympathies.

In the present edition of one of the standard textbooks on immigration law, the chapter on detention and bail extends to 96 dense pages and endless footnotes. A case on this topic in the Supreme Court in 2011, in which I sat as one of nine justices, stretched to 115 pages of judgments. This is a difficult area of the law and I respectfully suggest that we should not rush to impose some limit. I recognise that, under the EU returns directive—from which the UK opted out—most EU countries have a time limit of under 18 months, some substantially shorter. I would certainly be interested to know how this is achieved; perhaps the Minister can help us. I rather suspect it is because other countries are more ruthless than we have been, over the years, in refusing to allow appeals and challenges against deportation. I am no supporter of what has been called today “indefinite administrative detention” but nor would I support releasing back onto our streets foreign national criminals who have managed to stretch their fight against deportation beyond some arbitrary time limit.

I turn, inevitably and more briefly, to support for failed asylum seekers, covered in Schedules 8 and 9. I hope to be reassured by the Minister that, one way or another, by reference to either local or central government—much of the dispute down the years has been about which of those two bodies is responsible for keeping destitute asylum seekers off our streets—we shall not again be faced, as we have been over the years, with certain immigration regimes which have allowed destitute asylum seekers unsupported on the streets. Some 20 years ago, in the Court of Appeal, I cited the Lord Chief Justice, Lord Ellenborough, from a 200 year-old case:

“As to there being no obligation for maintaining poor foreigners ... the law of humanity, which is anterior to all positive laws, obliges us to afford them relief, to save them from starving”.

Surely that holds no less true today.

Those are the only matters on which I will address the House today. These and a number of others will need to be more carefully explored in Committee, when we have more time.

1.05 pm

Baroness Ludford (LD): My Lords, I can match neither the expertise nor the radical force of my noble friends Lady Hamwee and Lord Wallace of Saltaire. As a Liberal Democrat, I want better management of immigration and asylum than we have at present. This is essential in the interests of good government and public trust. The question is whether this Bill provides that better management. The answer, on grounds of both ethics and effectiveness, is that it does not.

[BARONESS LUDFORD]

On the subject of labour market provisions, it is necessary to clarify the primary purpose of the Director of Labour Market Enforcement as being to enforce the rights of workers and to protect people from exploitation, and not to confuse this with immigration control. The introduction of a criminal offence of illegal working is a very bad idea. I prefer the term “irregular migrants” to “illegal migrants”. Rightly or wrongly, there is already a range of criminal offences on the statute book to deal with those who enter the country irregularly, overstay or breach conditions. Criminalising working is an unnecessary distraction from the fair and lawful pursuit of removal. During consideration of the Bill in Committee in the Commons, the Immigration Minister, James Brokenshire, confirmed that the primary response to the discovery that an individual is in the UK illegally is to seek to remove them, rather than to pursue a prosecution. Given that, is this new offence not just political posturing?

Making illegal working a crime creates a perfect environment for exploitation because it will deter exploited workers from coming forward and militate against the Government’s work to combat trafficking, slavery and labour exploitation. The Home Secretary claimed, in the other place, that vulnerable people such as trafficking victims would not be punished because the Modern Slavery Act would continue to apply. How will this work, given that that Act only applies once someone is arrested and charged? There at least needs to be a provision for a defence of “reasonable excuse”. Many employers organise visas and so on for their employees, who may fall foul of these new provisions through no fault of their own. Does there really need to be criminalisation of illegal working in order to use proceeds of crime powers to confiscate the wages of illegal workers? Is it morally and practically sensible to seize them? Will it not deter exploited people from seeking protection? Will the proceeds not exceed the costs?

On the subject of access to services, the right-to-rent scheme, making landlords into immigration officers on pain of criminal sanctions, is objectionable on several grounds. There is a danger of discrimination against people who do not look or sound British but who have the right to rent that British and other nationals do. The pilot evaluation and research by NGOs have found worrying indications of stereotypes and prejudices coming into decision-making by landlords. Will the Government at least commit to a fuller evaluation of impact post-rollout, if that is what happens? The provision for landlords to evict tenants without a court possession order removes a crucial due process safeguard which protects against erroneous decision-making.

On the subject of support for asylum seekers, the provisions in the Bill which attempt to create a hostile environment to force people into leaving voluntarily are very worrying indeed. There is a real risk that refused asylum-seeking families will fall through the gaps. There are moral and practical objections. As to the moral objections, I would just quote Barnardo’s, which has said:

“Threatening families with destitution, with having their children taken into care, is not an ‘incentive’ that any caring society should utilise”.

As to the practical objections, the Home Office’s own evidence, including from the pilot a decade ago, strongly suggests that cutting families off from support will be ineffective in making them more likely to leave the UK, so the Government simply will not achieve their stated objective.

People cut off from support are more likely to abscond and go underground, putting them out of reach of the authorities and undermining the very immigration controls that these headline-grabbing proposals are supposed to enforce. Managed engagement, as in the Swedish practice, has a much better track record. In the Minister’s letter to the noble Lord, Lord Rosser, which he kindly circulated, he says that “when working to remove families with children we are seeking to achieve compliance and voluntary departure through the family return process. These processes work but by their very nature are not always quick”. These processes work. The best solution is to give asylum-seekers permission to work—even an obligation to work, if fit—if they have waited more than six months for a decision.

I have observations on two themes which run through the Bill. The first is the extra bureaucracy and expense imposed on those outside government. Outsourcing immigration control to landlords, banks and the DVLA is not commensurate with the idea of reducing red tape. Local authorities will get more bureaucracy in regard to language requirements, asylum seeker and child support and notification of licences, as well as greater expense. Businesses will have the immigration skills charge. All this is rather strange when the Government go on about Brussels imposing too much red tape. Where is the domestic refit to match the European Commission’s regulatory fitness and performance programme, which the Government rightly support? The need is to get better Home Office management of asylum and immigration instead, not least by speeding up full monitoring of both entry and exit. Taking students out of the net migration target would also be helpful.

The second theme that runs through the Bill is having more powers and less scrutiny for those in government but fewer rights for people against poor government decision-making. The extra powers proposed for immigration, detainee custody and prison officers—such as to search and seize documents including driving licences, and for speculative in-country stops and closing premises—all need firm scrutiny. Does not some of this undo the good work in reforming and reducing stop and search, which the Home Secretary is rightly proud of because it generates resentment and harms race relations? Then there is the assumption that Home Office decision-making is perfect. This is reflected in the provisions on summary eviction of a tenant on the basis of a notice from the Home Secretary, enforceable in the same way as a High Court order, and the extension of “deport first, appeal later”. In fact only 13% of out-of-country appeals succeed, compared to an average of around four in 10 made in country. Then there is the absence of a right to appeal against the refusal of Section 95A support, whereas in six out of 10 cases determined by the Asylum Support Tribunal, the Home Office has been found to be in the wrong.

Another example is the ability of the Home Secretary to overrule the tribunal and impose electronic tags, and otherwise to overrule bail decisions, whereas in the period from 2011 to 2014 £15 million was paid out for unlawful detention. When the decisions of the Home Office could jeopardise people's livelihoods, safety, home, bank account and driving licences and thus their ability to work, the extent of these unreviewable powers is unacceptable. My conclusion is that the Government need to display humanity and an attachment to real efficiency in enforcement and the rule of law, and accept changes to the Bill in so far as it can be improved.

1.14 pm

Lord Alton of Liverpool (CB): My Lords, I should like to contrast this Immigration Bill with the Bill which the Home Office laid before us last year on human trafficking and modern-day slavery. That was a well-crafted piece of legislation, which enjoyed bipartisan support and was significantly improved as it made its way through both our Houses of Parliament. Ministers were warmly congratulated on the way in which they engaged with complex issues and the organisations working in the field, but I wish that I could say the same for this Bill.

As the Minister knows, last week I chaired a briefing organised by the Refugee Children's Consortium, which comprises some 40 agencies. No one could have left that meeting believing that organisations ranging from Barnardo's and the Children's Society to the Refugee Council, the Office of the Children's Commissioner and the Immigration Law Practitioners' Association were anything other than deeply concerned by the impact which the Bill will have on some already incredibly vulnerable people.

I would draw a further link with the showcase legislation on human trafficking and modern-day slavery. There is a widely held view, which I share, that the enforced destitution, which has been referred to in this debate and which this legislation sets out to achieve as a misguided way of disincentivising immigrants, will push desperate people into the clutches of traffickers and leave them open to the very exploitation which the 2014 Act set out to deter.

It is sometimes said that when you legislate in haste, you repent at leisure. I feel very uneasy about a Bill which has all the characteristics of hasty legislation: proposals not fully thought through or developed; inadequate evaluation; and drafting that has been struggling to keep up with the progress of the Bill. Another tell-tale sign of unseemly haste is the way in which extensions to Scotland, Northern Ireland and, in some cases, Wales are deferred to regulations—a point which the noble Lord, Lord Dubs, alluded to. How can this possibly be a good way of making law?

Nor have we properly evaluated the impact and effect of the Immigration Act 2014 before legislating further. I refer to issues such as the removal of rights of appeal, the creation of civil penalty schemes for landlords and the dispensing with time-honoured remedies and rights of redress. So when we get to Committee and Report, I hope that we will carefully scrutinise in particular Clauses 37 and 38, which are concerned with the destitution of refused asylum seekers.

In a speech which I made in October in support of the noble Baroness, Lady Hamwee, when she sought to annul asylum support regulations, I quoted Asylum Link Merseyside, of which I am a patron and which is based in the heart of the inner-city areas that I represented for 25 years as a city councillor or as a Member of the House of Commons. As I said then, it said:

"This government policy of making asylum seekers destitute works on the assumption that by forcing people into extreme poverty they will choose to return to countries from which they have fled in fear of their lives".

Its experience has been that 98% of failed asylum seekers choose to stay, surviving on handouts, sleeping on floors or sleeping rough. Over the past three years, it has come into contact, in its words,

"with over 400 destitute asylum seekers out of which only 8 have chosen to return home voluntarily".—[*Official Report*, 27/10/15; col. 1145.]

The Cardinal Hume Centre, a stone's throw away from where we are gathered today, is one of the very few organisations that still provides free immigration advice from application right up to judicial review. The centre currently has a caseload of more than 300 open cases. From the centre's front-line experience, it warns that using destitution simply does not work. Instead, it leaves people only more reliant on charities and more susceptible to abuse and exploitation.

Paradoxically, the Bill is likely to undermine immigration controls as refused asylum seekers will have little incentive to remain in contact with the authorities once support has been withdrawn. Statistics released by the Home Office last month revealed that a third of appeals are in fact accepted, so under Part 5 of the Bill there will be individuals and families with children who will eventually be granted asylum, but who by that point will have been starved and abandoned by the British state. How will that help with their integration into society?

The current demonising and scapegoating of migrants should make us think about the society we want to be: do we value these people as sources of economic potential or as human beings? My late mother came to this country as an immigrant from the west of Ireland. Her first language was Irish, not English, and she and her siblings fled harrowing poverty after the deaths of both their parents. She met my demobbed father, who was a Desert Rat, and married. She was always grateful for the opportunity to earn a living, make a home and bring up her children. In my years as a teenage student in Liverpool, there were still advertisements for accommodation that bore the words, "Blacks and Irish need not apply". I also saw how easily people and communities could be stigmatised and discriminated against. All this makes me especially wary of laws which indefinitely detain immigrants and seem to discriminate against them. I hope that, in Committee, we will correct this injustice, and I entirely agree with the remarks of the noble Lord, Lord Rosser, about indefinite detention.

We should also enable people to have the right to work, perhaps modelled on the American green card system. How many of us could survive in accommodation, given on a no-choice basis, with just £5.28 each day to cover food, clothing, toiletries, travel, communications and all other necessities? This year, the British Red

[LORD ALTON OF LIVERPOOL]

Cross says that it has supported more than 10,000 asylum seekers and their dependents in that kind of situation. This is not Syria; it is the UK in 2015, and yet 10,000 people were in receipt of aid from the Red Cross. That is not the hallmark of a compassionate or civilised society.

The Bill also affects family unity. The Universal Declaration of Human Rights insists:

“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State”.

The situation in Calais was referred to earlier. There are currently an estimated 6,000 people living in the “jungle” refugee camp in Calais, and the majority of residents are refugees from countries and regions facing the kind of dangers of which we are all too sadly aware. Caritas Social Action Network recently visited the camp and spoke to young people fleeing terror groups. One young man, just 18, was left with little choice but to leave Iraq after his village was taken under Daesh control. Had he stayed, he would have faced two options: join or be put to death. His brother had already claimed asylum in the UK, and was now living safely in Liverpool, yet the restrictive family reunification rules mean he cannot join him here. Having experienced such atrocities and loss, is it fair that he would not be able to be reunited with his family in England?

I have referred to the camp in Calais on a number of occasions during exchanges in your Lordships’ House. Rob Lawrie, a former soldier, tried to rescue a four year-old girl from the camp because he could not bear to see her remain in the horrific conditions—he now faces five years in prison for doing so. He concedes that what he did was wrong, but it is hard not to think of the Kindertransport or Sir Nicholas Winton and the rescue of countless children caught up in the horrors of the Third Reich, which bears easy comparison with the depredations of ISIS. Save the Children says that 10,000 minors and unaccompanied children fled to Europe last year, but 4,000 have disappeared. Into what? The Minister has undertaken to meet Save the Children and I hope he will give us a detailed response on the position of unaccompanied minors and children and what priority they will be given, how local authorities will be co-ordinated to deal with them, what safeguarding will be put in place, and how the amazing generosity and goodness of countless British people will be tapped through nationally organised fostering arrangements.

Finally, as currently drafted, the Bill fails to address the abuse and exploitation that migrant domestic workers face as a consequence of the tied visa system, an issue which I spoke on at each stage of the Modern Slavery Bill, and on which my noble friend Lord Hylton and I divided your Lordships’ House. I echo his remarks from earlier. In response to our debates, the Government asked the barrister James Ewins to carry out a review of the overseas domestic worker visa. Published last week, it covered the right to change employer, extension to two and a half years for such workers, information interviews and refusal of settlement. Mr Ewins says:

“On the balance of the evidence currently available, this review finds that the existence of a tie to a specific employer and the absence of a universal right to change employer and apply for extensions of the visa are incompatible with the reasonable protection of overseas domestic workers while in the UK”.

The tied visa system has increased the exploitation and abuse of domestic workers. Reform to the rules is desperately needed and it is vital that we do not miss this opportunity, once again, to rectify this injustice. The report quotes the Minister himself as saying:

“Abuse of domestic workers, whether UK or EEA nationals, those on an [overseas domestic workers] or other visa, or those who have entered the UK illegally, is an abhorrent crime and will not be tolerated here in Britain”.

Now is our chance to give legislative protection to this group of workers and I look forward to hearing from the Minister what the Government propose to do.

1.25 pm

Lord Selsdon (Con): My Lords, as I nervously got ready to speak, I noticed there was a mass migration from the Benches opposite. I should like to speak on migration as, despite having worked in research in this world, I feel a bit confused. Information from the Commons Library gave me some help:

“The origin of migrants coming to the UK is recorded in three different ways: by nationality, country of birth, and country of last residence. The first indicates the legal status of migrants, the second records their historical origins, while the third identifies the geographical sources of migration to the UK”.

However, I am still a little confused as to whether migration is a benefit or a cost. I looked at the overseas population of the United Kingdom. Tables that were produced recently list the countries of origin from one to 25. Unsurprisingly, the first is India, followed by Poland, Pakistan, the Republic of Ireland and then suddenly Germany, Bangladesh, South Africa, China and the United States of America. These are not necessarily economic migrants, but they are quite significant in the world that we work in now.

What can those coming into this country expect? The key issue is employment. The difficulty with employment is that we often have to deal with name changes, and it is particularly difficult to obtain relevant information. Some of us may remember that there were always parts of London that might be handed over to Africa or elsewhere—more recently to eastern Europe—but the basic opportunities that we face at the moment concern what to do with the migrants. Who or what is a migrant and why have they come here?

The Commons Library suggests that the origin of migrants coming to the UK is recorded in three different ways—nationality, country of birth and country of last residence—which give the legal status of migrants. Another record is their historical origin, but nowhere do the figures seem to show what competences they have and what they could bring to this country. Many are skilled and many come from interested former territories. I remember well, from when I worked in the research world, the scramble for Africa. Suddenly we look and say that Africa is rather a doubtful place and we do not want any more people coming from there. We look at banning migrants or trying to limit their number, instead of assessing why they migrated in the first place. I would suggest that they migrated because the economic, political and maybe social conditions in their mother country or country of residence were unacceptable, and the element of fear took hold as persecution began.

We have had mass migration into this country by large numbers of people, including, in 2014, 22,000 from India, 13,000 from Pakistan, 8,000 from Nigeria, 5,000 from South Africa, 3,000 from Bangladesh and 72,000 others. Have we made a plan for what we can do to help them when they come? There is residency, certainly, but this needs accommodation and employment. Many certainly have excellent skills that we have often forgotten about. Those who may have worked in Africa tend to be good carpenters, because they have worked with wood, but are not necessarily good welders. One looks at the origin of this immigration and how it could possibly be reversed. Do we have enough employment opportunities in this country at this time to provide a working wage for many people who come in, whether they are escaping persecution in their countries or for purely economic reasons? Alternatively, could we find a way to use those resources to redevelop their own country of origin?

I think of Africa, for which I have a great affection and a lasting fear, from times of trouble in which I have been involved. We look at the scramble for Africa and migration to and from Africa and the vast resources that the continent has at this time that are underutilised. One wonders whether we could reverse what was called the scramble for Africa, when everyone saw it as an area of the world with great economic potential, whereas now it is an area of concern. If we look at those who have moved here from Africa, one would like to know what are their skills and how we could encourage them to return to their host country if the reasons why they left were entirely due to fear.

I have always enjoyed charts and maps of the world and have made it clear to noble Lords by boring them on many occasions that if we look at the countries of the world which have the greatest influence—I take the landmass of a country and add to it the economic exclusion zones of 200 kilometres or so—we find that immediately we come up with the United Kingdom having almost the largest territorial rights in the world. Add to that the French, who of course had their scramble for Africa, as we did, and we find a great opportunity for co-operation.

The question is, in this particular problem or opportunity that faces us at the moment, with which other countries can we co-operate and what sort of accords could we have? I tend to think that Africa is one of the greatest opportunities for that and look at those countries who had serious interests in the raw materials of Africa, which could be developed again. One, logically, is the French in the north—but we must not forget the Italians, for their part, the Germans or the Belgians. Right across the continent of Africa, there were those countries. Is there a way that we could bring them together for a renewed initiative to develop those more impoverished countries of Africa that have significant raw materials, including labour? That is something I should like the House to think about.

1.32 pm

Baroness Kennedy of The Shaws (Lab): My Lords, I declare immediately that I am involved with a number of charities dealing with refugee matters: the Cardinal Hume Centre already referred to by the noble Lord, Lord Alton, and Women for Refugee Women—I am a

patron of both. However, today I will mainly draw on my role as chair of Justice, which is an independent all-party law reform and human rights organisation that works on strengthening the justice system here in the United Kingdom. It is also the UK section of the International Commission of Jurists.

Luckily, we have a whole set of wonderful researchers and young lawyers who work for us, who have been looking avidly at the Bill because of concern expressed to Justice by practitioners and others—lawyers who are members of Justice who are concerned about the Bill's implications for our society.

I say immediately in tribute to the noble Lord, Lord Alton, who is one of the great moral voices in this House, that his is the speech I would have liked to have made in this debate, because he speaks about the actual experience of people, the need for us never to lose our compassion when dealing with the issue of immigration and how we must remember the stories. People say to me, “How come you are a human rights lawyer? What made you a human rights lawyer?”. I always say, “It is the stories of my clients”. My clients were my way into human rights law, because you only have to hear the stories of persecution, suffering and abuse—whether domestic violence or abuse in countries beyond these shores—to know why we need law that is strong but tempered by protection of human rights.

I want to refer to the concerns that we at Justice have about the Bill. We are very concerned about a number of the provisions, and recommend that the offence of illegal working be removed from the Bill altogether. I say that because we already have power to deal with people who are here illegally. It is a criminal offence to overstay or to find a way in to this country that is not licit, and we can prosecute. We are in fact burdening the legal system with yet more criminal processes when they are unnecessary. It will also, as the noble Lord, Lord Alton, said, undo so much good work by the Minister himself and others around the House and the whole of this Parliament on the Modern Slavery Act. That will be undermined by making people fear that they are going to be prosecuted for the meagre money they earn if they find some sort of work to help support themselves. We are talking about taking those earnings from people, which will all go into the coffers of the United Kingdom. I suspect that it will cost us more to do that. To confiscate what are usually miserable, meagre, lowly earnings from those people seems to me a terrible statement of where we have got to with immigration issues.

Justice also recommends that the offence of leasing premises to those disqualified from renting be removed from the Bill, pending a comprehensive evaluation of the law that we introduced only a year ago and which, as others have mentioned, has introduced a whole civil process for people who are leasing premises to those who should not be in the country. An assessment of that is important to see whether it is undermining good race relations in this country. As others have mentioned, there is serious concern about discrimination. People with a foreign name who apply for housing and approach letting agencies already face problems even getting on to lists and seeing premises. We should be most anxious about the ways in which this undoes the mortar of a civilised society.

[BARONESS KENNEDY OF THE SHAWs]

Justice also recommends that we look again at the provision in the Bill that would enable the Secretary of State to challenge the decisions of the courts, of the First-tier Tribunal, in respect of bail. Just because a Secretary of State might not like a court's decision should not mean that a power be vested in him or her to intervene, save in the most exceptional circumstances. Mention was made in the House of Commons of a circumstance where a flight to remove someone from the country is changed, and it was said that bail should therefore be removed to enable that. We could put such an amendment into the Bill, but we should be most concerned about the idea that there should be a readily available right for the Secretary of State to overcome a court's decision, given what that means for the rule of law.

Justice also recommends that the proposal to extend the "deport first, appeal later" powers to all human rights-based immigration appeals should be a source of alarm to anyone who cares about the law and the rule of law. How can people outside the country assert their rights and appeal in the way that we think is appropriate under the rule of law? It is unimaginable. We can already see that the huge drop in numbers is not just because some applications or appeals would have been unjustified but because many people do not understand the process and therefore cannot complete and submit the relevant forms, do not have legal representation, or have difficulty arranging and paying for representation and liaising with any legal representative thereafter. They have difficulty obtaining, translating and submitting evidence to the tribunal. Just think through the practicalities of doing that, as someone who is here and for whom a decision has been made, which can often be wrong. The practicalities tell you just how ludicrous it is to extend that provision to all human rights bases for appeal. To insist that it be done from somewhere else is to operate serious injustice in ways that should be a source of shame to us.

The noble Lord, Lord Alton, and others have mentioned the business of turning people into destitute persons living on our streets and in our doorways. The idea that we are going to make it so hard for people to access some sort of minimal support is something we should be ashamed to be even considering. The support is already minimal, but making the situation even harder is never a good way of dealing with false claims to the right to stay. Destitution should not exist in Britain in these times.

I want to mention Yarl's Wood because I am a patron of Women for Refugee Women. You just have to see the conditions these women have experienced in their own countries and hear of the horrors they describe—we cannot allow that to continue. Unlimited detention has a terrible psychological consequence, and we should really put a time limit on it: of 28 days, I hope.

This is a shocking Bill. It is morally disgraceful, mean-spirited, near-sighted and speaks to our lesser angels. Of course we have to have proper immigration procedures and systems, and they should be clear and just; but they have to be imbued with humanity and decency. We are better than this.

1.41 pm

Lord Teverson (LD): My Lords, as someone who is not involved in this area of policy very regularly, I thank the Minister for his voluminous explanation of the Bill. I have just one specific interest which I will come on to later on. One thing that really struck me in that booklet was when it started to get down to numbers. As the Opposition have already said, it does not actually give any estimate of what the level of the problem is. We all know that it is very difficult to estimate things that are illegal, but it is possible, and we do not really understand the size of the problem without it. Certainly, in my business life, we would never do anything until we had done the market research and the background numbers, and it seems to me that those are not really being done in this case.

However, I was struck by some of the numbers that were in the booklet: for instance, that there were around 5,000 forced repatriations a year, which is some five times the size of this House—hardly huge. My noble friend Lord Wallace mentioned that some 1,000 passengers are directed wrongly to entry points in UK airports. It struck me that, really, this whole Bill is completely unnecessary. Having gone through many immigration Bills since I have been privileged to be a Member of this House, I think that what we really need is to make the legislation that we already have work; because the other principle of my business life—and this comes back to appeals procedures and immigration controls—is "right first time". It is not only right because it saves money and resources, but in human issues like this, it actually saves a lot of distress and a lot of problems for individuals, families, immigration officers themselves and all the people who have to deal with this area of policy. My first point, therefore, in a general sense, is: let us get on and enforce what we have, and not bother so much about the Bill that we have in front of us.

There are two areas that really concern me relating to what is in the Bill, and these have already been mentioned by other noble Lords. First, we have scraped the bottom of the barrel, and it is really vindictive, when we get to the point of threatening to take the money off illegal workers in this country through the proceeds of crime legislation. That was brought in mainly to deal with money laundering in the City and wider areas—I fully applaud that. However, to apply it to some of the most oppressed people in this country is really quite a vindictive legislative policy. I hope that this will be removed from the Bill as it proceeds through the rest of its stages: it is clearly quite wrong.

The other area relates to detention, which has been brought up a number of times. To have a system that is clearly not on Guantanamo Bay levels but where people who are detained do not know when they are going to be released is distressing to everybody—primarily the people who are interned, but also those who are dealing with it and the taxpayers who have to pay for it—and wrong. I hope that we can in some way move that agenda forward to a more civilised state as this legislation goes through.

However, the one area that really interests me—in which I became involved originally through casework that came to me naturally—concerns the rights of

spouses of UK citizens. I applaud the work that my noble friend Lady Hamwee has done on this issue in the past. It seems to me just obvious and a matter of common sense that British citizens should be able to marry whom we want. As long it is not a sham marriage, we should be able to marry whom we want and live together as a family, because if you cannot live with your spouse, then it is not a family. Since 2012, we have had a regime where you have to have an income of £18,600 to bring your spouse into the UK. It does not matter if your spouse has earnings and a promise of a job in the UK—that does not make any difference—but we have that price tag. It is estimated that around 47% of the population is not able to afford that under the rules. Indeed, it is estimated that some 33,000 spouses or other halves are not able to join their legal, married other halves in the UK because of this rule.

This is completely wrong, even in financial terms, because if a spouse comes from outside the EEA, then we can apply all the rules, which are not affected by EU legislation. It means that they are not eligible to collect benefits anyway. That is the situation at the moment, so they are not going to be a drain on the state. Furthermore, as I said, most spouses who come into the UK earn incomes themselves; they do not claim benefits. It is a problem that does not actually exist.

The 2010 Conservative manifesto strongly, and quite rightly, put the rights of the family at the top of the party's priorities. In 2015, it was not quite so high, but, having said that, all the way through the 2015 manifesto, the policies were written around families. I think it is on page 17 where a quote is highlighted, saying that the greatest security for a family is a job. I agree with that, but the greatest security of all for a family is that it can live together. In this country, that is not a given, and for 33,000 families, that is not the case. I would like to see a positive aspect to migration in the Bill: that we finally have the common sense to allow British citizens to marry and live with whom they wish.

1.48 pm

Lord Harries of Pentregarth (CB): My Lords, there might be aspects of the Bill that are necessary, but, as the Minister indicated at the beginning, there are widespread concerns both in this House and outside it about certain provisions. In particular, I and others are concerned about Clauses 37 and 38, which relate to the safety and well-being of children. As we know, people seeking asylum do not have permission to work in the UK and are therefore forced to rely on support provided by the Home Office. This, as the noble Baroness, Lady Kennedy, said, is pretty minimal. It consists of accommodation given on a no-choice basis and just £5.28 per day to cover food, clothing, toiletries, travel, communication and all other necessities. Since 10 August, children seeking refugee protection have had their financial support cut by 30%. This is simply too low to cover anybody's basic needs and it forces people seeking asylum to live in poverty and isolation.

Even under the current system, many refused asylum seekers in the UK do not qualify for the limited Home Office support available, or have to wait for long

periods in order to access the support. Others are sometimes erroneously denied the support they are entitled to. Meanwhile, they are destitute and are forced to rely on whatever ad hoc support is available to them from charities and faith groups—or they face life on the streets, as the noble Lord, Lord Alton, pointed out. The British Red Cross has supported more than 10,000 asylum seekers and their dependants in this situation in the UK so far this year.

Being refused asylum in the UK does not mean that a person does not need protection. One factor that has been known for a long time is the unreliable decision-making by the authorities, and asylum seekers' limited access to good legal advice. This means that they can reach the end of the process without their protection needs being fully recognised. A significant number of people whose asylum claims have been refused submit fresh evidence of their need for refugee protection. Roughly 50% of people who apply for asylum eventually get some form of leave to remain in the UK.

As we know, currently families with children who have had their asylum claim refused remain on Section 95 support—if their child was born prior to the final refusal of asylum—until their immigration status is regularised or until they leave the country. This is quite properly in order to safeguard the rights, safety and well-being of the child. However, key provisions of the Bill will remove important safeguards, leaving children and their families vulnerable to homelessness and poverty. These provisions will leave refused asylum-seeking families and their children without access to Section 95 support. They will remove leaving-care support from specific groups of children and prevent local authorities supporting children and families under Section 17 of the Children Act 1989.

As we have known for a long time, there is significant evidence, including from the Home Office, which shows that the measures proposed in the Bill simply will not encourage families to leave the UK. In a pilot of similar measures in 2005, the removal of asylum support for refused families did not result in increased voluntary returns, forced removals or engagement with the authorities. So while they may not meet the narrow criteria for refugee status, many families still hold very real fears for their safety in their country of origin.

Under the proposed legislation, refused asylum-seeking children will no longer be protected under the Children Act 1989. Instead, the Government propose to introduce two new support streams that will create a patchwork of various forms of support, with little clarity as to who will administer them or what they will consist of. Because of its bureaucratic nature, the new system will bring with it a high likelihood of delays that could seriously undermine children's safety. Indeed, as the death of one mother and child covered by a 2012 serious case review illustrates, delays in support can have disastrous consequences.

As a number of noble Lords mentioned, the removal of a right of appeal against a Home Office decision to refuse or discontinue support to refused asylum seekers who face a genuine obstacle to leaving the UK is something we must look at very carefully and should, in the interests of justice, overturn. This is of particular concern as Home Office decision-making on support

[LORD HARRIES OF PENTREGARTH]

applications is poor. Appeals against Home Office refusals of support are often successful. Between 1 September 2014 and 28 February 2015, in over 50% of cases in which the asylum support tribunal made a decision, the case was either allowed or remitted. Currently, the right of appeal offers an essential safety net for refused asylum seekers that should not be removed.

All of us—and, I believe, the majority of people in our society—want to live in a country that treats those who have fled war, torture and persecution with dignity and respect. Therefore, we have to look very carefully and in detail at some of the provisions of the Bill and seek to remove those that prevent destitute, refused asylum-seeking families accessing Section 95 support. We need to remove provisions that prevent local authorities providing leaving-care support under the Children Act 1989 to specific groups of young people. We need also to provide a right of appeal to those who have had their support refused or discontinued because the Home Office believes that there is no barrier to them returning home. We also need to increase the current level of asylum support and ensure that it is adjusted annually in line with inflation. Finally, we should allow asylum seekers to work if an initial decision on their application has not been taken within six months. There is a great deal of work to be done on the Bill.

1.55 pm

Baroness Afshar (CB): My Lords, I begin by thanking the noble Baroness, Lady Hamwee, for remembering that I once reported to this House that the name “Afshar” trumped membership of your Lordships’ House as far as immigration officers were concerned. I was not allowed in because they thought “Baroness” was a first name. So I suggest that we should be very wary of making such people judge and jury over who is suitable for entry into this country—because I would like to continue to serve in your Lordships’ House.

I would also like to introduce a sense of perspective. Britain—the UK—is home to less than 1% of the total number of refugees in the world, so it seems to me that extending this by a small amount would not really cause an enormous strain on the resources of the Government.

Much has been said about the refugees who come to this country. They come because they are being bombed out of existence in their homelands and because drones, by day or by night, do not recognise friends or foes; they just kill you, and any of us in that situation would try to find an alternative. But it is only the better-educated and better-off—those who have the resources—who are able to scramble out of these death traps. They can offer this country enormous talent, resource and wealth. They choose to come here because they have transferable skills. We are short of doctors, nurses and carers—and these are people who have done their qualifications and very often do not need retraining. They could serve this country and they come here because they wish to come here. To try to bar their way is to do a disservice to this country at all levels. If we allow wiser counsel and look at each person as an individual rather than in terms of numbers,

and if we move away from fearing “the other” and instead welcome them, we would find that the whole country would benefit.

As a university teacher, I fear what would happen to academe in this country if we started imposing restrictions that would mean that talented people, many of them born in this country, could not come and teach. I declare an interest because I was born in Iran and my husband was born in New Zealand. Neither of us would find it easy to come and teach in this country under the proposed laws.

It is far more advisable to start thinking about how to accommodate these people. But to expect them while the decision is being made to live on £40 a week is unreasonable. I challenge any Member of your Lordships’ House to live on £80 a week and see how long they would last. Surely we should do unto others as we would wish to have done unto us. That is a Christian proverb but as a Muslim I support it. There are better ways to deal with the floods of immigration than this attempt to drown talent and opportunities. Please, will you change your minds?

1.59 pm

Lord Hamilton of Epsom (Con): My Lords, when we debate Bills in Committee and on Report, we are liable to be accused of making Second Reading speeches. Now that this is Second Reading, perhaps I will be forgiven for making one. I will look at the wider issues of immigration that are of course referred to in this Bill, which addresses some of the problems.

I support my noble friend the Minister’s view that we have benefited enormously from immigration into this country in the past and that we welcome immigrants to this country. However, it is a question of numbers. We cannot get away from numbers. The noble Baroness, Lady Afshar, just said that we have already made a modest 1% contribution to the refugee crisis taking place. To put that in context, that small number of Syrian refugees we are taking in is in addition to the 330,000 immigrants who came legally into this country in the last year. That contrasts rather forcibly with the undertakings that my right honourable friend the Prime Minister made that immigration should be limited to 100,000 a year—or to tens of thousands. Despite the number of times that that commitment has been made, we seem never to have met the 100,000 target. That is a problem.

We now face an immigration crisis across Europe of proportions never seen before. These are very large numbers of people indeed. The noble Lord, Lord Dubs, referred to Germany as being the conscience of Europe. Angela Merkel may well have been moved with compassion when she said that Germany would take 900,000 Syrian refugees, but I suspect she has regretted that remark ever since. She created enormous problems within her own party. Indeed, I would have thought that that remark was extremely ill-advised if she did not want to see the renaissance of extreme right-wing parties in Germany in future.

My noble friend Lord Horam referred to my right honourable friend the Home Secretary’s remarks at the Tory Party conference. The problem is that, if immigration is in too large numbers, it creates very

serious stresses in the home nation. This is something we cannot overlook. At the moment we suffer from a major crisis in housing—in particular, in affordable housing. We are not building enough. This is a problem we have with our existing population. If we take in very large numbers of immigrants, they are almost invariably in greater need of affordable housing than the resident population in this country. That creates enormous resentment. This may well be one reason why UKIP has had a certain amount of electoral success in areas traditionally regarded as bastions of the Labour Party. We cannot overlook this, as my noble friend Lord Horam said. Immigration is a very high priority in the views of the people of this country. We cannot take unlimited numbers of people. I come back to what I said originally: it is a question of numbers.

Lord Wallace of Saltaire: My Lords, I apologise for interrupting the noble Lord in a Second Reading speech. I entirely agree with him that we have a housing shortage. Might he possibly address the question of how we will overcome that shortage when we have such a remarkable lack of skilled labour to build houses within this country? Is there not a real problem that a major housebuilding programme now would draw in a very large number of people from abroad to build those houses?

Lord Hamilton of Epsom: The noble Lord, Lord Wallace, knows very well that it is a question not only of the shortage of skilled bricklayers and people who can build houses, but also of the enormous shortage of land on which you can build. This is all to do with our planning laws and is a much more complicated issue than just a question of the shortage of people.

If we control immigration and have a system of allowing in the people with the skills we need, I do not have any problem with that. The problem is if we allow very large numbers of people in who do not have those skills. That is a totally different issue. It is what puts enormous pressure on all our services at the moment. It is not only housing, which is the most obvious issue. The National Health Service seems to be creaking under the demands pressed on it at the moment. Our infrastructure and education are also under great pressure. With all these things, if you have enormous numbers of immigrants coming in, the pressure on public services inevitably grows and that creates resentment and difficulty.

With the EU referendum coming up, I refer to the question of European immigration. As we know, EU citizens are allowed into this country. We apparently do some survey to find out how many there are of them. The figures for last year were 330,000. That is net immigration, netted off against those going out. It is reckoned that about half that number are EU citizens—some 150,000. At the same time, some reports came out recently about 2 million EU citizens applying for national insurance numbers over a period of four years. That is an average of half a million per year. I know we are not comparing like with like here, but it seems that you must do something to reconcile these two numbers. You have half a million EU citizens

applying for national insurance while, in theory because of the surveys we do, we had only 150,000 come into this country last year. I believe the number may be even bigger this year. When my noble friend comes to sum up, I would be grateful if he could confirm that 2 million EU citizens applied for national insurance numbers over the past four years. How does he reconcile that with the number of EU migrants that are supposed to have come to live here? We need statistics.

I also support the noble Lord, Lord Rosser, in saying that we need to know what the Government estimate to be the number of illegal immigrants in this country. If we do not have that number, it is extremely difficult to assess whether this Bill has been a success or failure in reducing that number.

2.07 pm

Baroness Lister of Burtersett (Lab): My Lords, it feels like déjà vu all over again. Not only are we faced with a very similar set of measures to those in the 2014 Act, but also the Bill includes a second savage cut in asylum support this year and, yet again, a parallel consultation is taking place on charging migrants for healthcare, including some emergency treatment. We still await time limits on detention. As if the 2014 Act did not create a hostile enough environment for so-called illegal migrants—a term that bodies such as the General Assembly of the UN committed not to use; I will refer instead to “undocumented” migrants because no person is illegal—organisations on the ground warn that this Bill will make Britain an even more hostile and suspicious place for all migrants and their descendants.

I am grateful for the bumper bundle of official information that appeared on my desk last week, but the sunny picture it paints bears no resemblance to that detailed in the copious briefings we received, for which I am also grateful—though I will not be able to do them justice. Instead, they point to a Bill that spells discrimination, exploitation and destitution.

A number of provisions could give rise to discrimination. As the Conservative MP Richard Fuller warned,

“the problem is that it is very difficult for someone to see that a person is an illegal immigrant. What they see is someone who is different”.—[*Official Report*, Commons, 13/10/15; col. 196.]

He asked whether the Home Secretary accepted that within this law there was the potential for discrimination to be increased if this was pursued too aggressively. The Home Secretary’s reply provided no reassurance. In the name of combating exploitation, some of the Bill’s provisions are likely to increase it, as we have heard, and, as has been argued, the withdrawal of the asylum support from appeal-exhausted families with children will without doubt mean destitution for all too many of them.

It was my original intention to speak solely about asylum support as I feel so strongly about this, particularly following the shabby and shameful cut in support for children that we debated in October. However, I am increasingly alarmed by other provisions, particularly the likely implications for children, whose best interests would appear to be far from paramount, and for women. I shall flag up some of these other concerns.

[BARONESS LISTER OF BURTERSETT]

First, I shall speak on Clause 34, known as “Remove first, appeal later”. In its two reports on the last immigration Bill, the Joint Committee on Human Rights, of which I was then a member, raised serious concerns on human rights grounds about out-of-country appeals. This provision now goes further. As we have heard, Justice is one of numerous organisations warning about the human rights and rule-of-law implications as access to justice is impeded. There are also concerns about family separation and fears that the best interests of the child will not be given primary consideration as required by the UN Convention on the Rights of the Child, despite the Minister’s reassurances.

Rights of Women is worried about the implications for women migrants who have left abusive partners but who do not qualify to remain under the normal domestic violence rules because of their status, which is a common occurrence. Rights of Women fears that: “A mother seeking to remain in the UK as the parent of a child who is wrongfully refused by the Home Office faces the prospect of leaving her child in the UK with an abusive father or taking her child with her forcing them to leave behind a network of friends and family, abandoning their schools and communities and being forced to live in a country where in many instances they have no ties, no understanding of the language or culture”.

It points out that this upheaval could last for months or longer.

I and other noble Lords raised fears about the potentially discriminatory impact of the right to rent scheme during the passage of the 2014 Bill. The Home Office’s gloss notwithstanding, I am not reassured by the findings of the pilot, which in my view do not allow us to conclude that our fears were unfounded, particularly in the light of JCWI’s independent evaluation, which reinforced those fears. Rights of Women warns that its extension and intensification could disproportionately affect women fleeing abusive partners, regardless of their nationality.

With regard to discriminatory effects, will the Minister give an assurance that the new language requirements for customer-facing public sector workers will not be used against those whose first language is British Sign Language, and commit to include a clear statement to that effect in the code of practice, as requested by Sense?

Turning back to the right to rent, there are also fears that it would make undocumented migrants more vulnerable to exploitation by rogue landlords. Similarly, as we have heard, the criminalisation of undocumented workers who undertake paid work makes them more vulnerable to exploitation in the workplace, thereby undermining one of the Bill’s aims. Exploitation can also be one result of the removal of asylum support from appeal-exhausted asylum seekers unless they can demonstrate destitution and a genuine obstacle to leaving the UK. The danger is that, counterproductively, adults and children disappear into the shadow economy or even are subject to sexual exploitation. Despite widespread opposition to the use of prospective destitution to incentivise voluntary return, the Bill steamed ahead with the original proposal just six days after the consultation closed.

The language of “incentives” is constantly used as justification, as if asylum seekers personified economically rational man in their decision-making. Such thinking

was challenged by a Centre for Social Justice working group some years ago, and the overwhelming evidence from organisations working with asylum seekers shows just how misplaced it is. For example, Women for Refugee Women writes that,

“parents who fear for their own and their children’s safety will not be swayed to return to their home countries by the threat of being made destitute, or actual destitution”.

Not one of 45 women that WRW spoke to in a 2012 study felt able to contemplate voluntary return, despite facing destitution. That still held true when it spoke to 30 of those women a year later.

Women can face particular problems in getting their need for protection recognised when it arises from sexual persecution. My concern about this provision is heightened by the absence of any appeal rights, as we have heard, which again raises serious human rights and rule-of-law issues. It has been justified on the grounds that whether or not there is a genuine obstacle to leaving is a straightforward matter of fact, but judgments have to be made on facts pertaining to both this and the other criterion for destitution. ASAP’s analysis of decision-making on destitution under the existing scheme suggests that serious injustices could result.

More detail about what constitutes a genuine obstacle will be contained in regulations, as will the level and type of support to be provided for those who qualify and the length of the grace period, although I am pleased to say that the Home Office has recognised the strength of representations that 28 days is just too short in family cases. When will the draft regulations be published? Can the Minister give us a firm reassurance that at the very least an Explanatory Note of the contents will be published before Committee?

The Home Office has been more willing to respond to local authority concerns by severely restricting access to local authority support. The result is graphically described by ILPA as,

“a series of tatty ‘safety’ nets, each full of holes”,

through which it would be all too easy to plummet. There are also limitations on support for care leavers subject to immigration control, who are referred to as “adults” as though somehow the vulnerabilities faced by care leavers who turn 18, long recognised in law and policy, will magically dissolve.

I have received many emails from organisations and individuals asking me to speak today because of their concerns, particularly around asylum support. One of them, a Quaker,

“saddened by the increased dehumanisation”,

of policy-making in this area, wished me,

“strength in maintaining your opposition to the Bill in its present form”.

We owe it to them and, more importantly, to all those who stand to be affected by this wretched Bill to improve it and prevent the discrimination, exploitation and destitution that it threatens.

2.16 pm

Lord Taverne (LD): My Lords, I agree with and admire the excellent speeches made by the noble Lord, Lord Rosser, my noble friend Lady Hamwee and many other critics of the Bill.

I will restrict myself to three concerns. One is deportation before an appeal is heard. It is an appalling denial of justice that an appeal that may make the difference between life and death, which in Britain would have perhaps a 50/50 chance of success, may be conducted when the appellant is thousands of miles away from the legal advisers familiar with the details of his or her case. In the debate on the Bill in the other place, Wes Streeting MP gave the following example of a case in his constituency:

“One of the many cases my office is dealing with at the moment is that of a Sri Lankan Tamil whose application has been refused and who bears the mental and physical scars of torture. His application is now on appeal. If the Home Secretary’s proposals had been in place, he would already have been returned to Sri Lanka, where, given the human rights situation there, his life would potentially be at risk”.—[*Official Report Commons*, 13/10/15; col. 212.]

I am rather doubtful about the safeguards that are sometimes mentioned by the spokesmen on behalf of the Government.

My second concern is the position in which some whose asylum appeal is refused are left. I have recently been involved, through the Refugee Council, in a case of a young Afghan who was an unaccompanied child refugee from Afghanistan at the age of seven. He was well looked after at first, and did well enough at school to be offered a place at a college of further education. However, when he was 17 and a half he had to apply for asylum, which was refused. It must be very difficult for someone who was seven years old when they became a refugee to prove that they would be persecuted. For four years, while his status was uncertain, he lived in fear of deportation back to Afghanistan, where he knew no one and had no prospects of a job; indeed, he was no longer familiar with speaking an Afghan language.

Deportation is not often carried out, but Channel 4 showed a memorable film of a young man in a similar plight who was deported and taken away from loving foster parents, ending up as a drug addict living under a bridge in Kabul. My reasons for concern are increased by the fact that the Government seem to take the view that Afghanistan is now safe, which is not a view shared by former ambassadors.

While his status was uncertain, my young Afghan lived without means of earning a living and dependent on support from friends until finally he was given permanent leave to remain. People seeking asylum do not have permission to work in the UK and thus are forced to rely on support provided by the Home Office. This consists of accommodation given on a no-choice basis and just £5.28 a day to cover food, clothing, toiletries, travel, communication and all other necessities.

Even under the current system many refused asylum seekers in the UK do not currently qualify for the limited Home Office support or have to wait for long periods to access this support. Others are sometimes erroneously denied support that they may be entitled to. While they wait, they are destitute, forced to rely on whatever ad hoc support is available to them from friends, charities and faith-based groups. I am told that the British Red Cross has supported thousands of asylum seekers and their dependants in this situation in the United Kingdom so far this year.

My third concern, which I shall refer to very briefly, is the extraordinary proposal to make illegal employment a crime not only for the employer but for the employee. What illegal employee will dare to reveal the condition of near slavery in which he or she is employed if they fear that they will be prosecuted or will lose whatever meagre earnings they may have saved? Control of illegal employment will be infinitely more difficult.

This is another in a series of ineffective immigration Bills. It tinkers with the system and leaves large areas of uncertainty and denial of justice. As an SNP Member in the other place observed, it is a case of,

“if at first you don’t succeed, legislate and legislate again”.—[*Official Report*, Commons, 13/10/15; col. 220.]

2.22 pm

Lord Ramsbotham (CB): My Lords, I am very grateful to the Minister for writing to all those speaking today at 6.30 last night, following the briefing that he and James Brokenshire, the Minister for Security and Immigration, gave to the Cross-Bench weekly meeting last week about the Bill. In his letter, he comments on the three concerns that I represented to him, resulting in my altering some of what I intended to say today. However, he has not allayed all my concerns, and I warmly agree with what many other noble Lords have said about them today.

My first concern was about timing because, in addition to having Second Reading today, the last day before the Christmas Recess, we were faced with three Committee days out of five on which the House was sitting, starting on the third day after our return. By any standards, that is indecent haste, and I congratulate the Minister on persuading the Government to put the first Committee day back to 18 January.

The Immigration Law Practitioners’ Association reported its impression that the Bill as it emerged from the other place showed signs of,

“haste: proposals not fully thought through or developed; inadequate evaluation, and drafting that is struggling to keep up”.

That is not a very good advertisement for what the Government clearly regard as a flagship Bill, accompanied, as it is, by a health warning to concerned people such as myself: as so many of its provisions were in the Conservative Party election manifesto, interfere if you dare.

I know from *Hansard* what was debated in the 15 Committee days in the other place and that a flood of government amendments were tabled only on Report and were therefore unscrutinised in Committee. While the constitutional position of this House in relation to secondary legislation is subject to a review by the noble Lord, Lord Strathclyde, I wonder whether the constitutional rectitude of the committee system in the other place has ever been questioned in the same way. A built-in government majority of nine to seven is hardly an example of democracy at work and explains why so few non-government amendments are ever accepted. I suspect that this contributes to much legislation arriving in this House accompanied by a frank admission that the other place has been unable to scrutinise it properly before sending it on but is doing so because of its confidence that we will do our job. This large and complex Bill contains a number of very contentious

[LORD RAMSBOTHAM]

issues. I hope therefore that, rather than being pressurised into completing our scrutiny in too short a time, under the cosh of manifesto conventions, we will be allowed to focus properly on such issues as the observance of the rule of law and safeguarding the reputation of this great country of ours.

My second point was that parts of the Bill appear to be in breach of the rule of law. Here, I must thank the Bingham Centre for the Rule of Law for its admirable document *Immigration Detention and the Rule of Law: Safeguarding Principles*, which I hope has been seen and read by not only the Minister, but by every other Minister and official in the Home Office who has anything to do not only with this Bill, but with asylum and immigration issues in general. Despite what the Minister said today, I remain unhappy, as do other noble Lords, about what is proposed in Clause 34 regarding appeals, particularly the suggestion that some may be made only from outside the United Kingdom. When the majority of current appeals are against flaws in Home Office casework, such a drastic change to procedures long practised by a country that prides itself on being thought civilised should be based on stronger grounds than ministerial assurance that the Home Office will get things right in future. Then there is the suggestion in Clause 31 that the Home Secretary is claiming the right to overrule the judiciary on immigration bail. That issue will no doubt be explored fully in Committee, but it gives the impression that the Government are prepared to ride roughshod over niceties that for centuries have characterised our reputation for humane behaviour towards those who seek sanctuary here.

In his letter, the Minister comments on my particular concern about possible breaches of the Children Act 1989 in respect of vulnerable asylum-seeking children. When I was Chief Inspector of Prisons, the Home Secretary and the Prison Service claimed Crown immunity from the provisions of the Act as far as the treatment of children in custody was concerned. Both were taken to judicial review by the Howard League for Penal Reform, and the provisions of the Act now apply in every place in which children are held. The Children Act is in line with the UN Convention on the Rights of the Child, to which this country is a signatory, and I hope that any doubts about the application of the Act to destitute asylum-seeking children will be removed, once and for all, during the remaining passage of the Bill through Parliament. I also hope that the Government are disturbed that recent research by the Children's Society has disclosed that, despite their protestations of their humanity, separated children involved in Article 8 immigration cases are unable to get legal aid or exceptional funding for advice and representation.

My third concern is much more difficult to quantify, but has been with me ever since 1997, when I was asked to take on the inspection of immigration detention centres, then under the Immigration and Nationality Directorate of the Home Office. It was immediately apparent that the directorate was dysfunctional, not to say unfit for purpose—a soubriquet applied later to its successor, the UK Border Agency, by the then Home Secretary, the noble Lord, Lord Reid. Honourably,

and quite understandably, the Minister defends the performance of the Home Office, but I have to tell him that my experience over the past 18 years does not give me the same degree of confidence in its ability.

I shall not bore the House by repeating all my dealings with the immigration system, but if there has been one constant bar to progress throughout this period it has been the inability of the Home Office to cope with what is demanded of it. What is worse, what the Independent Asylum Commission, of which I was a commissioner, described as a culture of disbelief pervades the whole asylum and immigration structure and is manifested in much shoddy work, shown up by the number of appeals that are granted because of flaws in decision-making.

One incontrovertible fact that inspecting immigration centres proved to me was that they were neither designed nor resourced for other than short-term holding. The lack of activity places for more than a few makes them unsuitable for holding anyone for long and totally unsuitable for the detention of children. I found it particularly concerning that their population included far too many ex-prisoners, sentenced to be deported but whose deportation had not been processed while they were in prison. Ever since 1999, I have campaigned to have this stopped, recommending that such prisoners should have their deportation processed in prison so that at the end of their sentence they are taken straight to an airport and out. Most of the disturbances in immigration detention centres are caused by such ex-prisoners, who should not be there in the first place.

However, of more relevance to the Bill is the issue of time-limiting immigration detention. The committee of the All-Party Groups on Refugees and Migration, of which, like the noble Baronesses, Lady Hamwee and Lady Lister, I was a member, recommended that it should be limited to 28 days, which was endorsed by the other place on 10 September. I note what my noble and learned friend Lord Brown of Eaton-under-Heywood said about this issue. We are told that the government response to an as yet unseen report on the issue by the Home Office's favourite rapporteur, Stephen Shaw, is due to be published before we begin Committee, which presumably means over Christmas. This issue will undoubtedly be pursued in Committee.

However, because of its dreadful record of failure over so many years, there is clearly a pressing need for a root-and-branch overhaul of the Home Office's case-handling process, long called for by many organisations that support immigration detainees. Only last week the Chief Inspector of Borders and Immigration highlighted the Home Office's failure to remove several thousands of asylum seekers, many of whom had "gone missing". During the passage of the Immigration Act 2014, it was suggested that there was a backlog of over 50,000 unresolved asylum cases, which millstone makes it impossible for any current system to be up to date. If the immigration system is to work properly, let alone absorb the extra responsibilities that the Bill seeks to thrust upon it, that backlog must be cleared so that the business of the day can be handled in the day and decisions reached in a timely fashion.

Despite what the Minister says, my concern about some of the provisions in the Bill is that they are simply undeliverable given the lack of a functional

system for handling cases in the Home Office. Until and unless there is a proper structure, with built-in systems of accountability and responsibility to ensure consistency, immigration will remain in a mess, which is the only word to describe it now. That it is in this state is not the fault of any one Minister but the failure of a succession of short-term Ministers, served by ineffective officials, to get to grips with what is required.

In addition to all those presently trying to come to Europe, mass migration, related to climate change, is bound to increase the pressure on countries such as ours, to which many people will wish to come. If we are to be able to cope with that inevitable future, it is essential that we put our house in order now. Legislation may be required to do this, but not, I suggest, many of the provisions in the Bill, which will complicate rather than simplify procedures.

Every business, hospital and school has named individuals who are responsible and accountable for different departments. The cult of managerialism, which presumes that because an instruction has been issued from on high it will automatically be obeyed, is no way to run an operational system such as immigration. Individual caseworkers need to be responsible and accountable to a manager, who is him or herself responsible and accountable to a director for different countries or types of cases, who is in turn responsible and accountable to a Minister. Only then can you be certain that an instruction will be obeyed and its obedience overseen. Therefore, if the Government are so keen to tighten the way asylum and immigration applications are handled, I suggest that before introducing yet more complicated legislation, they should first ensure that a functional system, capable of implementing the actions that they wish to take, is in place.

2.34 pm

Baroness Sheehan (LD): My Lords, this Bill fills me with dismay and disquiet. To design legislation such as this, which has within it the seeds of racial conflict, is to dice with community cohesion and our current, mostly harmonious race relations. There is a great deal contained in the proposed measures that I could address, but I am sure that noble Lords will be relieved that I will confine myself to a select few.

I start with the right to rent clause. It will tear apart the already fractious landlord/tenant relationship. Making the landlord criminally responsible—if I may put it like that—for staying up to date with his or her tenant's immigration status puts him or her in the invidious position of taking on the mantle of immigration officer and border control officer. Who will take the risk of letting accommodation to an Imran Khan, on a student visa, when faced with a possible prison sentence if they get it wrong? Buy-to-let landlords had not bargained on this. They will opt for safety first, and who can blame them? Therefore, if the said Imran Khan is temporarily without the necessary papers to prove his legal presence, he will be evicted. The scope for injustice is great.

I have some direct experience of this. In a former role as caseworker for my noble friend Lady Kramer when she was in another place, I dealt with a number of immigration cases. Richmond upon Thames has a

surprising number of these due to its proximity to Heathrow. I know from first-hand experience that the Home Office has an alarming propensity to lose case files and applicants' documents. The Home Office hotline for MPs and their staff was frustrating in its frequent lack of response on often urgent cases, and I fear that there will be people, including UK citizens, who are wrongfully evicted for lack of proof of their right to rent and made homeless. It is as inevitable as night follows day.

St Mungo's Broadway, a charity working with 25,000 homeless people across London, the south-east, the south-west and the Home Counties, states:

"Homelessness often results in the loss of ID documents and many vulnerable people will not have a passport or be readily able to provide other ID documents required to rent or renew their existing tenancy".

St Mungo's Broadway's figures for services working with rough sleepers show that in Westminster last year, counting only UK nationals and Irish clients, 49% had no ID. The process of tracking down and producing allowable ID documents is time-consuming and expensive. Will the Minister look into making this task a little easier for charities involved in helping homeless vulnerable people to rebuild their lives?

There is also concern about the deterrent effect of applying the right to rent scheme to households who take in lodgers and to charitable families who offer a spare room to refugees and homeless migrants while their application is being considered. These hosting schemes are extremely important for helping people to avoid destitution while they go through the process of regularising their situation or preparing to return to their home country and who are otherwise not entitled to any support.

A couple of weeks ago, I met a newly arrived young Syrian who had recently been granted refugee status. He recounted how his delight on receiving indefinite leave to remain was dampened by the realisation that he would have immediately to find his own accommodation. He had nowhere to go and would have had to risk the streets if someone had not put him in contact with an organisation called Room for Refugees, which found a room for him in a family house in Epsom. I fear that families will be deterred from coming forward to offer spare rooms to destitute asylum seekers and refugees for fear of falling foul of the law. More and more people will be forced to sleep rough on the streets.

The concern is that the Home Office's record on dealing with immigration leaves something to be desired, and there is concern about its ability to deal promptly with inquiries from landlords and indeed employers. The impact on lives of getting the information wrong or not responding quickly enough will be devastating to those—as many in these situations will be—close to the bread-line.

The pilot of the right to rent scheme in the West Midlands showed the potential for an increase in discrimination on racial grounds and an increase in homelessness. Therefore, before the Government go ahead with the more draconian measures in the Bill, will they carry out an impact assessment of the current countrywide rollout of right to rent measures taking

[BARONESS SHEEHAN]

effect in February 2016? It is particularly relevant to test areas such as London, where demand for housing is higher than in the West Midlands. It will be useful to have some evidence of whether existing measures are succeeding in tackling illegal immigration or whether the effect is to drive illegal immigrants further underground, increasing homelessness and providing easy pickings for unscrupulous landlords.

I have similar reservations about the measures in Part 1 on the labour market and illegal working. I seek reassurance from the Minister that the role of the Director of Labour Market Enforcement is unconnected to the role of immigration control.

The many other measures contained in other parts of the Bill could have serious adverse effects on the lives of innocent people who have inadvertently fallen foul of the law or who have suffered from wrong or tardy information from the Home Office. The loss of a driving licence, the loss of a car, the suspension of a bank account, the loss of documents and the inability even to represent oneself at an immigration appeal hearing will devastate and, in some cases, destroy lives.

What will be the effect of stopping drivers to ask for their driving licence? The police have expressed grave reservations about this. Janet Hills, the president of the National Black Police Association, believes that, if it becomes law, the Immigration Bill will set back the hard work of the police and, in particular, the NBPA to improve community and race relations—relations which are hard to build and easy to destroy.

Scope for injustice in many of the provisions outlined in the Bill exists. Therefore, I ask whether the Minister and his colleagues will consider putting in place measures to offer compensation to those who have had their lives and livelihoods disrupted or destroyed by the wrongful application of the Bill's provisions.

I end by drawing your Lordships' attention to the recently released report of the Home Affairs Select Committee entitled *Immigration: Skill Shortages*. I will make reference to just one section in it—the one relating to nursing and healthcare. The Royal College of Nursing advised the committee that about 20,000 registered nursing vacancies were currently advertised in England. Your Lordships will have seen yesterday's newspapers: nine out of 10 NHS trusts face a shortage of nurses. So I ask the Government: is this a good time to create a hostile environment for much-needed migrant workers?

2.43 pm

Lord Best (CB): My Lords, the points I am raising on the Bill relate to the extension of the right to rent provisions introduced through the Immigration Act 2014. When we considered the previous Bill, I spoke against the right to rent measures which place a requirement on landlords or their agents to check the immigration status of potential tenants. Landlords saw that as an unwelcome new regulatory burden, and the representatives of tenants saw it as being likely unintentionally to exclude people with every right to be in this country but who might be suspected of being illegal immigrants.

The noble Lord, Lord Taylor of Holbeach, was then the responsible Minister in this House and, thankfully, he won the approval of his Home Office colleagues to make a number of improvements to that legislation as it went through Parliament. It was agreed that, in effect, student lettings should be excluded from the rigours of the legislation and that a localised pilot scheme would be organised from which lessons could be learned before the right to rent was rolled out nationally.

Subsequently I agreed to chair, jointly with the Minister for Immigration, James Brokenshire, a consultative panel comprising representatives from the local authorities in the pilot area of the West Midlands, representatives from other government departments and representatives of landlords, tenants and agents. This role has enabled me to observe the Home Office both putting considerable energy into its efforts to communicate the new duties for landlords and agents through conferences, newspaper articles, social media and so on, and approaching the enforcement of the new measures carefully and methodically.

This Bill now toughens up the sanctions against landlords who fail to check the immigration status of tenants subsequently found to be in the country illegally. Instead of a civil penalty with fines after the second offence of up to £3,000, as in the 2014 Act, this Bill would mean that the landlord or their agent could be charged with a criminal offence, with the possibility of an unlimited fine and/or up to five years in prison.

In response to the concerns of the landlord bodies on the consultative panel, the Government have introduced in this Bill new powers for landlords which make it easier to evict a tenant found to be an illegal migrant without necessarily needing to go through the courts and with a new grounds for possession where the courts are involved. In some instances, the Bill provides for landlords to engage the services of High Court enforcement officers. I recognise that these provisions can themselves create concerns but I have also noted the following points from the consultation panel discussions.

First, the legislation does not affect any existing lettings. It relates only to future lettings, where landlords, or their agents, must now check the status of the applicant before granting the tenancy. Secondly, if the landlord is in any doubt about the legal status of a potential tenant, the new Home Office checking service, with its telephone hotline, is properly geared up to give a yes or no answer within 48 hours. If the landlord does not receive the Home Office's response within this timescale, they can go ahead with the letting without fear of breaking the law. Thirdly, the experience of the arrangements in the West Midlands has not demonstrated special problems for either landlords or tenants, and it has fostered new and better working relationships between councils and the Home Office. Fourthly, unsurprisingly, in an earlier YouGov poll conducted for Shelter, private landlords said that they would be less likely to let to people who did not hold British passports or appeared to be immigrants. However, the pilot has led to simplifications in the requirements on landlords, spelled out in a code of practice which sets out all the documents—of which a passport need not be one—that will satisfy the right to rent criteria.

Finally, I have noted potential gains on the housing front from these new measures. They involve the Home Office devoting extra resources to target areas in which rogue landlords who prey on the vulnerability of illegal migrants are known to be at large. Local authorities very often lack the resources needed to pursue bad landlords who let abysmal slums at high rents, with accompanying overcrowding and sheer exploitation. Moreover, the penalties currently imposed on landlords who offend have proved trivial set against the income that the landlords have been extracting. Joint working between councils and the Home Office can greatly enhance the potency of any drive to enforce proper standards at the bottom end of the private rented sector, and the serious fines and threat of imprisonment for serial offenders contained in the Bill should make the worst of these rogue landlords wake up and take notice.

Therefore, while I recognise entirely that neither landlords nor tenants are likely to be positive about any new requirements on them, I do not believe that this legislation will create major problems for decent landlords or legitimate tenants. Nevertheless, the Residential Landlords Association still has fears that innocent landlords could be caught up in potentially heavy-handed action by Home Office officials. The Immigration Minister has made it clear to the consultative panel that there is no likelihood of prosecutions being pursued against landlords who, through no fault of their own, find themselves breaking the law, and only in extreme circumstances—where the landlord repeats the offences knowingly and persistently—would a criminal prosecution be pursued. To put the position beyond doubt, I ask the Minister to repeat this reassurance on the record today as explicitly as possible and to keep a watchful eye on whether the “right to rent” leads to problems for entirely legitimate tenants. I ask the Minister to commit today to a future evaluation of this measure, building on the Home Office’s helpful research for the pilot stage.

2.50 pm

Lord Ahmed (Non-Affl): My Lords, I am in agreement with the Government’s overall aim to reduce immigration. However, like many noble Lords, I am concerned about the strategy for tackling this issue, as stated throughout the Bill. The Government’s stated aim, as mentioned in their impact statement, is to create a hostile environment for individuals living in this country without any leave. There are certain provisions of the Bill that will certainly have unintended consequences for immigrant communities that are settled permanently in the UK. There are historically established ethnic-minority communities in England, which mainly derive from the Indian subcontinent. Many of these communities are already into their fourth generation of native-born children and grandchildren. I do not believe that enough has been done to consider the consequential impact of the measures set out in this Bill. They will create a culture of fear and further alienate communities. There is already growing discontent, especially in the British Pakistani community. Many of them believe that they are being targeted systematically by the police, immigration services and the Government, and that the latest Immigration Bill is designed merely to harass them,

create a racial profiling culture and give wider powers to the immigration and police services so that they may stop and search whoever they wish, which may also lead to entering private premises, just because they have the power to do so. I have seen this happen in Rotherham, in east London and on PIA flights from Islamabad.

I foresee that, if the Bill is implemented, there will be many cases lodged against the Government for unlawful detention, racism, discrimination, arbitrary detention and much more. Sadly, we are very much reverting to the Enoch Powell days. British-born children of immigrant families strongly believe that this is merely another tool designed by the Government to harass them and will be used in such a manner. A thorough qualitative impact research methodology should be created to see how these provisions will impact minority communities, including Sikh, Hindu and others. There is also growing unrest and frustration that the Government currently use surveillance methods that target Muslim communities in Britain. Those methods, along with the powers given to immigration officers, are simply tools to alienate minority communities and feed into racial profiling.

I am aware that the Immigration Bill contains both positive and negative aspects. However, the negative aspects seem to outweigh the positive. The Bill appears to contain measures that will unfortunately encourage discrimination against minorities, whether they are British citizens or migrants. It will encourage the exploitation of migrant workers by removing all safeguards and protections from them, and will help create an underclass of people removed from the protection of the law. The danger is that this underclass will be targeted by criminal entities for exploitation and the worst kind of unimaginable horrors. Paul Blomfield, MP for Sheffield Central, argues that the purported aim of the Bill directly contradicts those of the Modern Slavery Act and that victims of slavery will be made to pay for the abuses that they have suffered.

Planned changes to employment and access to services could exclude individuals and alienate communities. Unfair discrimination against minorities is a certain consequence of the Immigration Bill. As has been said already, the Bill requires landlords to carry out checks on potential tenants, including asking to see their passport or visa to discover their immigration status. As has also been mentioned, there will be fines and jail sentences for those who refuse. Although landlords will not be expected to carry out thorough investigations for each of their tenants, it none the less puts more pressure on them. One little mistake could lead to either a negative effect on the landlord’s reputation or the possible deportation of an innocent legal migrant. In any case, who has the ability to make the right judgment in this situation?

Alongside this, Britain would adopt an image of a more hostile and unwelcoming country. The right honourable Andy Burnham warned that the new laws could lead to widespread discrimination resembling the racist and xenophobic signs confronting minorities in the 1950s, when people refused to take Irish or black families as tenants. Here I declare an interest as a landlord.

[LORD AHMED]

The Bill would also make it an offence for businesses and recruiters to hire from overseas without advertising job opportunities first in the UK. Although this is positive for jobseekers living in the UK, it is not so positive for businesses and recruiters, as they may have a harder time doing their job with a smaller recruitment field and therefore fewer opportunities. In other words, employers would have to wait a little longer to recruit those with the right abilities, which will also prevent those who are perceived to be foreign having an equal chance of employment. Due to employers being incentivised to choose the “safe” option as a result of the Bill, discrimination is likely to occur. Ethnic-minority names have been mentioned, and it is obvious that employers will decide not to go for people with those names. Although this certainly is not the intention of this Bill, it seems that a blind eye has been turned to the unfortunate effects such legislation may have.

Furthermore, the Bill looks to extend the current Home Office “deport now, appeal later” powers to be able to more efficiently expel those whose asylum claim on the grounds of human rights fails. Although that is an efficient way of removing those who are known to illegally reside here, it is a nightmare for those who are wrongly accused and then deported, who then have to wait such a long time to come back. Lawyers will tell you just how long these procedures can take. Can the Minister in his winding-up speech say whether the Home Office will be prepared for the potential compensation claims? Have Her Majesty’s Government measured what impact this will have? How will they deal with stateless persons?

Lastly, the strip-and-search provisions proposed in the Bill, including for immigrant children, are degrading, humiliating and unacceptable. With this in mind, it is the taxpayer who will be paying the Home Office staff to do their job. But the Government are also expecting people in high street shops and small businesses to become their unpaid police officers—the same people who may also be subject to punishment.

It is great that Her Majesty’s Government are committed to taking 20,000 refugees from Syria over the next four years. But compare this with, for example, the UNHCR report of 2014, which states that 86% of the world’s refugees are hosted by developing countries. Turkey now hosts the highest number of refugees with 1.6 million, followed by Pakistan with 1.5 million.

Clearly, illegal immigration numbers need to come down. However, a large part of the Bill solely targets minority communities. There are long-established historic and Commonwealth links between some of these minority communities within the UK. These communities and their countries of origin have contributed tremendously to the UK, but they are now unfairly being punished. The international reputation of the Government will definitely take a beating. Harassing and targeting these communities will only damage the British in a costly way, including in foreign relations and trade and industry, not to mention the considerable support offered by countries such as Pakistan in the war on terror. With all that said, I hope that we can come to an agreed conclusion on how we should amend and improve the Bill before it becomes law.

2.59 pm

Lord Balfre (Con): My Lords, perhaps I should begin by declaring an interest as the son of an immigrant—admittedly one who came here during the Second World War and, as such, was quite welcome because he immediately joined the right side, as they say. The Bill is the result of a manifesto commitment; there is no doubt about that. There is no surprise. The Government won an election with the main provisions of the Bill clearly in the manifesto. It has been an interesting debate, but the contents of the Bill are not extraordinarily right-wing compared with the public opinion that is to be found in many areas of this country.

I have listened with great interest to the debate. Having heard the speeches from the Liberal Benches, I now understand why there are only eight Liberal Democrat Members in the House of Commons because they are totally out of touch with the feelings in the country. My good friend the noble Lord, Lord Ahmed, somewhat overegged the pudding. Lots of representations will come forward on the Bill. Our job is to make it workable, but we cannot gainsay the thrust of the Bill. Indeed, had there been a different result in the election in the summer, the Labour Party would also have been looking at bringing forward some legislation because some points covered in the Bill need covering. Indeed, the Labour Party has agreed with a number of the points in the Bill.

I saw on the lunchtime news that the number of illegal immigrants coming into the European Union has now exceeded 1 million this year. Of course, very few of them come to Britain. Many of them have gone to Germany and a good proportion to Sweden, but that could well not be the end of the story. As some noble Lords know, I hold a different view on Syria from many of them. If Assad is toppled and his defence of the minority communities ends, we will see a refugee tide that we will feel obliged to help. We will see a very large refugee tide sweeping into Europe. I have said this before, but we should be careful what we wish for there.

I also briefly mention the economic consequences of migration. I was recently in Frankfurt talking to an economist at the ECB. He made an interesting point that the cost of migration in Germany this year will be about 0.5% of GDP. Germany estimates that in five years’ time, the cost will be zero and in 10 years’ time the migrant community will contribute positively to German GDP. We must get away from the image that all migrants are necessarily bad. Indeed, my noble friend Lord Horam mentioned the conflict between the migrants who work in our hospitals, who are welcomed into our country, and others who somehow are not seen as being quite as good or quite as welcome.

Lord Hamilton of Epsom: Does my noble friend’s German economist welcome the idea of the million refugees coming into Germany in one year?

Lord Balfre: The discussion was largely technical, but the interesting point that he did make was that the German Finance Minister, Minister Schäuble, has

been remarkably quiet on this issue, even though he comes from the CSU, which is well-known to be to the right of the German political scene.

There is a huge difference in the way that Europe is now organised. Once the Berlin Wall came down and the European Union expanded, it was quite clear that the pull of the English language would make a huge difference to the structure of Europe. That is what has happened. Anyone who speaks a few words of a foreign language is likely to be speaking English.

We have three groups of migrants in this country: the completely legal ones who move around Europe, the welcome ones who come to man the hospitals and so on, and a fairly small group who come in illegally. Clearly, the illegal migrants cannot be given a free ride, but it is important to keep them in perspective. We must also recognise that most of them come here to work: they do not come here to live on benefits. That is not surprising when you look at the level of benefits that they get.

Having made a few general points, I have a couple of questions for the Minister about the excellent briefing that he sent on the Immigration Bill, particularly on the labour market enforcement section. I welcome the creation of a Director of Labour Market Enforcement, but I see in the background that the Minister says:

“There are three main public bodies responsible for enforcing these requirements: a team in HMRC which enforces the National Minimum Wage; the Gangmasters ... and the Employment Agency Standards Inspectorate (‘the enforcement bodies’)”.

He goes on to say that,

“this Bill will create a new Director of Labour Market Enforcement ... Their primary functions will include: setting the strategic direction and budgets of the enforcement bodies”.

Am I to understand that the budget and the direction of HMRC with relation to the national minimum wage will come under this group? If so, what will be the reference and the connection to the Low Pay Commission and its work? I see that the director will also look at bodies that employ illegal migrants. I suspect that many such bodies also employ legal migrants. Where will the mix end? At what point will the Director of Labour Market Enforcement be told, “This is off-limits: there is only one there”, or will they have powers to enforce. In particular, will they have powers to enter premises in the same way, for instance, as a tax inspector can?

Moving on, I am not trying to be awkward, although I probably am. The 48-hour close-down seems remarkably short. A business closed down on Friday could open again on Monday morning. What is the thinking behind that?

Finally, the Bill in its enforcement relies on immigration officers and many other public servants. They feel a little persecuted by the Government so I hope the Minister will take the opportunity to say how much he values the work of public service officers and indicate that he will consult and work with the TUC, which has a very good record of trying to help migrants through programmes such as Unionlearn and the like. Many migrants who come to this country stay in this country and they need help in integrating. I believe that they, like many others, will make a great and positive contribution to the wealth and well-being of this country.

3.08 pm

Lord Roberts of Llandudno (LD): My Lords, it has been a heart-warming month in a way. We saw refugees from Syria being welcomed to the Isle of Bute, and I am proud of some Canadian connections when we hear that Justin Trudeau promised that Canada, under its new Liberal Government, will welcome 25,000 refugees by the end of February. Last week when the first plane arrived in Toronto, the call went out: “Please do not go to the airport: too many people are already there welcoming the refugees”. I only wish that our country had a similar feel.

I know that there are some people who will oppose this. Indeed, some even opposed Welsh people coming to London and opening dairies 100 years ago. However, most people are compassionate and kind, yet this Bill flies against all that compassion and kindness. So much has been said already that I must make my speech shorter than it was. One of the provisions of the Bill is the “deport now, appeal later” system. What will happen then? What percentage of those who appeal now have their appeals accepted? Is it 30% or 50%? Some say that it is 70%. That will not be possible with this measure. It will overturn the judicial appeals process of our country: “Go abroad and we will forget all about you”.

This could have been such a good Bill. It could have provided the right to work after six months instead of after 12 months. It could have provided an end to the deportation of 18 year-olds who may have come here as unaccompanied children. We have heard stories of how they have been nurtured, but then all of a sudden, they must go. Some 225 such deportations have taken place in the past year, and in more than half of them there was violence in the deportation process because the person being deported was totally panic-stricken. I have heard some stories about Afghan lads. One even constructed a noose over his bed in case the UKBA came for him when he reached 18 years of age. Others have pushed wardrobes up against their doors. We are not treating these people like human beings, but they are just like you and just like me.

There is so much that the Government have proposed in the past, such as the Detained Fast Track procedure, which was struck down by the High Court this year and then again by the Court of Appeal. The Immigration Bill is being used as a tool which the Government can use to bypass judicial oversight. We have already heard how the United Kingdom is to recommend its European neighbours not to have a time limit on the detention of immigrants. In France the maximum period is 32 days, while in Belgium it is two months. In the UK our unlimited detention laws mean that in 2013 some 400 immigrants were detained for more than six months. It is a medieval system, one that a dictator would really rejoice in, but we are not like that. We are humane people with a record for showing compassion.

Some things need to be taken out of this Bill. Studies by Detention Action and the British Red Cross have recorded the impact on mental health and well-being of those being indefinitely detained. The cost of mental health treatment for those struggling with the experience of indefinite detention is astronomical. This Bill represents a timely opportunity to bring our

[LORD ROBERTS OF LLANDUDNO]

laws into this century and in line with our European counterparts. If an amendment is brought forward for a possible maximum period of 28 days, I will be more than happy to support it.

We also have the threat that all payments and benefits will be removed if an asylum appeal fails. It is £36.95 a week, paid to many on the Azure card which greatly limits where and how the money can be spent. It does not cover travel, but it is not included. It would be much better to provide the money in the form of a cash benefit. The effective removal of Section 4 support is brutal. The Government say that it will encourage asylum seekers to return to their home countries—where they face death, starvation, or becoming the victims of extreme terrorism. For that £36, we are saying, “We want you to go”. The whole thing is ludicrous.

Put simply, this Immigration Bill achieves the Home Secretary’s aim of creating a hostile environment for innocent immigrants. It lacks compassion and empathy, which we in our country have been so proud of in the past. We could emulate Canada, so that instead of taking in 20,000 people over five years, we could take 25,000 in two months. We cannot do that, but we could certainly be far more generous. The Bill will increase the number of families in penniless destitution. Moreover—I do not think that enough has been made of this—it is in breach of the United Nations Convention on the Rights of the Child. Article 3 of the convention states:

“The best interests of the child must be the primary consideration”.

The child will be destitute and penniless not because of anything he has done, but because of family failure. The child is going to be victimised in this way. The Bill also breaches Section 55 of the Borders, Citizenship and Immigration Act 2009, as well as Supreme Court rulings made in 2013.

The sight of refugee families, including children and old people, trudging hundreds of miles in search of some hope which they are being denied in Syria or wherever it might be, should move us. We could provide that hope, but we will have to look very seriously at this Bill to do that.

3.16 pm

Lord Green of Deddington (CB): My Lords, I would like to address the wider context of this Bill. It comes before us at a time when the whole context of immigration is changing very rapidly. We are indeed a compassionate country, I believe, but we expect our Government to control our borders. Immigration has been a major concern for a very long time, as the noble Lords, Lord Horam and Lord Balfe, both pointed out. Indeed, in calling for a significant reduction in net migration, I have been speaking for 70% of the population, including a majority of the ethnic communities. In recent times, that concern has intensified further. Immigration and asylum have for the past six months been the very top issue of public concern. It is not hard to see why. The public are clearly conscious that the European Union has lost control of its southern borders. As a result, a mixture of refugees and others who in reality are economic migrants are arriving in huge numbers which are already overwhelming any orderly system of reception,

let alone control. The Commission itself is expecting an additional 3 million migrants by the end of 2017.

Here in Britain, a moderate level of immigration is of course a natural part of an open economy and an open society, and for my part I have always supported that. I agree with the noble Lord, Lord Wallace of Saltaire, that major efforts are needed to improve the training of our own workers so that we do not draw in unmanageable levels of migrants. But unfortunately after some fairly strenuous efforts over the past five years, net migration is now running at a third of a million a year. This mass migration will have a huge effect on our population, on our society and on our environment.

Let me take just population. Even if net migration is brought back to the average of the past 10 years, which is roughly a quarter of a million, our population will grow by 2.5 million in the course of this Parliament. That is about two and a half times the population of Birmingham. Can we really cope with that? Let us look a little further ahead. In the next 15 years, the population of the UK would, at that rate of immigration, grow by 8 million. Numbers mean very little to most people, so let me tell noble Lords what 8 million means. It is the populations of Birmingham, Leeds, Glasgow, Sheffield, Bradford, Manchester, Edinburgh, Liverpool, Bristol, Cardiff, Newcastle upon Tyne, Belfast, Aberdeen, Leicester, Coventry, Nottingham, Stoke-on-Trent and Portsmouth all added together. Is that remotely sensible, desirable or even feasible?

Baroness Afshar: How many people will die during that period in these cities?

Lord Green of Deddington: This takes full account of those who will die and those who are born. It brings all three together. Any population projection depends on the birth rate, the death rate and the net migration. Taking all three into account, on 240,000 a year we would get what I have just described. We have to accept that. We have to recognise it and decide whether we will take serious measures to get the numbers down or whether we will build the list of cities that I will not read out again.

There is no doubt that immigration is the main driver of this huge population increase. In the medium term, two-thirds of it will be due to future immigrants and their children, and in long term, of course, all population increase will be due to immigration because our birth rate is below the replacement rate. In these circumstances, the public clearly want immigration brought under control, and rightly so. This will require two elements: reducing admissions where possible; and ensuring departures. Let me take them separately.

The Bill bears mainly on the latter. It is concerned largely with discouraging illegal immigration, whether by those who seek to enter clandestinely or those who have overstayed their visas. As for the clandestines, noble Lords might like to ask themselves why thousands of people—mainly young men—are camped near Paris in pretty dreadful conditions in the hope of getting into Britain. The noble Lord, Lord Alton, spoke eloquently about the conditions in which they find themselves.

Surely it has to be recognised they are not there because they are desperate, as the press so often says. They are already in a safe country and are perfectly at liberty to claim asylum in France. It is only because they believe the conditions in Britain are so much more favourable that they will take considerable personal risk to get here. Indeed so, because they know that if they do get here they can work on the black market—an activity that is not even illegal in this country, as the Mayor of Calais never fails to point out. They also know that if they are discovered they can claim asylum. Indeed, about half of all asylum claims made in Britain are made on discovery, not on arrival. If they succeed in their claims, as about half of them do—

Baroness Ludford: I apologise for interrupting and thank the noble Lord for giving way. Does he also accept that there are those who maintain, and I think there is force in these suggestions, that some of the reason for coming to the UK has nothing to do with the factors that he has mentioned? It is obviously the English language, which is the number one language learnt around the world. Also, although we are far from perfect in this country on race relations and integration, the atmosphere for integrating people and welcoming diversity is better in this country than in France.

Lord Green of Deddington: Yes, absolutely. There is a lot that we can be proud of in this country, not just our language, culture, the openness of our society and the rule of law. We can be immensely proud of all these things. They are certainly a part of the reason why very large numbers of people want to come here. They also mean that we have to have pretty effective control or else, even as we have now and as have I pointed out, there would be consequences for many people in this country. It is perfectly clear how the public see all this.

The other main category of illegal immigrants are those who arrived legally but overstay their visas. Ministers regularly point out that we must break the link for those who are in reality economic migrants between setting foot in the UK—and indeed in the EU—and remaining indefinitely. Despite that, enforced removals of immigration offenders are running at only about 5,000 a year, so aspects of this Bill are designed to make the removal process more effective, which is certainly necessary. Other aspects are designed to shift the balance so that future migrants will be deterred from overstaying and others already here will decide to go home.

The Committee stage will be the time for detail. What is clear is that major pull factors are addressed, some of which the noble Baroness referred to. The task must be to reduce the overall scale of net migration to a level that the public can tolerate and, better still, support. We have the opportunity in considering this Bill to contribute to that essential objective.

3.25 pm

Baroness Janke (LD): My Lords, I welcome the opportunity to speak in this debate. Coming rather at the end, I feel that quite a few of the points I would

have mentioned have already been well made. In following the noble Lord, Lord Green, I think that the essential thing for us with this Bill is his point about reducing admissions and ensuring departures.

From the speeches that we have heard today, so far we are unconvinced. If we talk about cutting asylum support, we have already heard how desperate it is for so many people. Certainly, in my city, I know many people are living on food bags. They do not get proper advice. Volunteers give them clothes. They cannot get English language lessons. They do not eat properly. That is on the limited support that they get already. If we withdraw that support, it will make these people very much more miserable. It will impact badly on their children. All the evidence that we have says that in thinking about what is best for their families and their children, parents—even people in such desperate situations—do not choose to return. What happens instead is that they go underground. They become destitute. They live on what means they can. We have already heard in the debate that local authorities will have great difficulty carrying out safeguarding duties. We have already heard about all the missing children and the fears that people have about them being part of trafficking schemes.

We have heard stories from individuals on how they have been forced to enter criminality to support themselves and their families, yet they have still not wished to return to their own countries. They have not wished to do so because they are terrified of what they would go back to. There has been great discussion about economic migrants and refugees, and in my view we are still not clear where the line lies. It is easy to talk in terms of economic migrants and people seeking a better life when that hides the fact that people are fleeing war, desperate circumstances, torture and possibly death. On the criteria that we had from the noble Lord, Lord Green, making people more miserable does not apparently cause them to return to their own country. On the figures that we have been given, it apparently does not deter them from wanting to come here although they are in desperate situations at the moment.

Having spoken to people in my city, the words they use about the Bill are destitution—we have heard about that—and division, when they talk about communities. What they mean by that is that all the work that has been done by community groups for many years in trying to bring communities together, so that they understand cultures, value each other and have mutual self-respect, will be undermined if we have these new offences which encourage communities to turn on themselves and encourage people to report on their neighbours and tell the police about what they believe to be offences, which may not be in the end.

It is even an offence to work in the Bill: we are creating a new offence that people may not work. We on this side believe that asylum seekers should be able to work. There are also things like illegal driving. Again, these are criminalised circumstances which not only undermine the well-being of communities but set individuals and groups against each other.

Another point that people make to me about this Bill is on discrimination. Many noble Lords have already referred to the right to rent scheme, which

[BARONESS JANKE]

makes it an offence for landlords to rent accommodation to illegal immigrants in this country. All the evidence we have read on the Home Office pilot implies that this will make an acceptable situation of discrimination. Like the noble Lord, Lord Alton, I grew up in Liverpool and can remember the days when we saw signs saying, "No blacks, no Irish, no dogs". Yet we are now promoting a situation which will encourage discrimination and play to some people's very worst instincts.

Everybody should have the chance to experience justice. When people are asked what is great about the British, one thing they mention is the sense of fair play and justice. I do not believe there is anything in the Bill which supports that view.

This Bill will need to be discussed at great length and there will be great disagreement about some of its measures. I accept that the whole issue of immigration, and the circumstances it raises, are considerations of key importance to many people in this country—I do not deny that for one moment. However, if we say there are not enough schools, houses or space in this country, we have to substantiate that. Successive Governments in this country have failed to build affordable houses, so we cannot lay that at the door of migrants. We have cutbacks in local services which mean that local authorities have been unable to expand school places. Again, we cannot lay that at the door of migrants. If the whole issue of space, facilities and accommodation was looked at in a rational way and with a will to provide and expand proper facilities for people, these arguments would not stand up.

Lord Green of Deddington: I am grateful to the noble Baroness for giving way. Nobody is blaming migrants for the scale of building that is necessary. What has happened is that successive Governments have completely failed to focus on the scale of immigration and the impact that would have on population and housing. That is what has to change and that is why I focus so much on population.

Baroness Janke: As a former councillor having faced some of these difficulties, I point out that rises in population are due not just to migration and that local authorities have been unable to respond to them because of the systematic centralisation of government and the cutbacks that have been inflicted on local authorities. If we were to embrace the issue of providing more facilities and better infrastructure and try to answer the needs of our country, some of these arguments would simply not apply. I hope to play a part in considering this Bill as it goes through Committee and thank noble Lords for their attention.

3.33 pm

The Earl of Listowel (CB): My Lords, I declare my interest as a landlord, as set out in the register of interests. I follow the noble Baroness, Lady Janke, in deeply regretting the failure of successive Governments to invest in housing, which has had so many adverse outcomes. However, I am grateful to this Government for making a commitment to build many more houses.

I thank the Minister for introducing the Bill, for his correspondence, and for listening to the concerns of colleagues and putting back the first Committee day in January. That is helpful.

The noble Lord, Lord Horam, and others have said that the Department for International Development is funded to the tune of 0.7% of gross national income. That measure was put into statute by the last Government and is very welcome, particularly in the context of the situation that my noble friend described. With so much global migration, we need to tackle the problem partly at source.

I am grateful to the 30 British soldiers who have recently returned to Helmand in Afghanistan to help maintain stability there and to stem the flow of migration. The International Organization for Migration announced today that on Monday, we passed the 1 million figure of people entering Europe over the last year. That is a fourfold increase on the previous year, so there is a huge challenge for us in many different ways, but particularly for our humanity. The Minister may have referred to this, but there, but for the grace of God, go us. I often speak to my mother about her experience of the war. She had a factory at the end of our garden in Croydon, which was bombed. My father was on the list that Hitler ran up of people he would knock off when he arrived in this country. We had the experience of being bombed in this country not so long ago and have experienced the threat of invasion. It is helpful to keep that in mind.

The noble Lord, Lord Horam, and others also referred to concern about young unskilled workers in this country and the lack of incentive in the past for business to train them because it was so easy just to take migrants from the continent. I welcome what the Bill does to increase incentives for business to train young people in this country. The noble Lord, Lord Dubs, referred to centres established in the past to enable the dissemination of immigrants across the country. Many years ago, I lived and worked in Bermondsey in east London and used to reflect that the poorest, least educated, most poorly housed groups of people tended to become the neighbours of immigrants. They do not go to Hampstead, so it is important to think how we can make it as easy as possible for those people to accommodate incomers. The noble Lord, Lord Dubs, also said that, rather than making families destitute, we should engage with them and build a relationship of trust, as that is the most effective way of helping them to move on. I recall looking at research in the past, and will do so again during the passage of this legislation. I much prefer what the noble Lord proposes to what is proposed in the Bill.

I should like to concentrate my comments on care leavers. I have been the vice-chair of the all-party parliamentary group for young people in care and care leavers for the last 10 years. I have worked with young migrants in hostels. Last year, I met six young care leavers, two or three of whom were from Afghanistan, and heard about the issues they had faced. I would like to talk about support for care leavers. The Government's changes to the Immigration Bill aim to limit support to care leavers subject to immigration control. These provisions effectively override children and leaving

care legislation and policy to prioritise immigration control over young people's welfare considerations. It creates a two-tier system of support for care leavers based on their immigration status. The corporate parent duties of local authorities would be severely limited despite the ongoing needs of these young people. This is effectively a reversal of the Court of Appeal's judgment in *SO v Barking and Dagenham*, which held that local authorities could not look to the availability of asylum support to determine whether a continued leaving care duty applies.

This provision will affect care leavers who came here as unaccompanied children and have not been granted refugee status or humanitarian protection but have been granted temporary leave on the basis of there being no adequate reception facilities in their country of origin. This leave is normally granted for 30 months or until the child turns 17 and a half years old, so it will include children who have been trafficked into the country for the purpose of exploitation and those who arrived as young children but are estranged from their families and have lived in the UK for most of their lives but were never helped to regularise their status. Upon turning 18 years old, these young people are likely to be left without status and most at risk of being caught by these provisions, despite continuing to need the additional support provided through leaving care provisions in recognition of their continuing vulnerabilities. I encourage noble Lords to imagine that the circumstances of our children were very different and they had to be sent off to another country, as some children were sent to America in the past, and how concerned we would be about their future. When I spoke to those young men last year—this is backed up by the research—I became aware that most of them would disappear. They will not return to their own countries and will disappear into the black economy. I think that one became a taxi driver and another spent a lot of time in a mental institution.

I ask your Lordships to keep this in mind. If the Bill is passed, these care leavers would no longer be able to stay in their foster placements, counteracting the staying put provision, recently introduced by the Government, whereby care leavers can stay in placements until the age of 21. They would no longer have access to a personal adviser; therapeutic support; a pathway plan; maintaining contact; support with legal aid, training and education; or any of the other services that care leavers are entitled to in light of the fact that they have no family responsible for them.

Young migrants in care often face additional difficulties that British children do not. They are particularly likely to have faced trauma, may experience language and cultural barriers, and are less likely to have contact with biological family members. Care leavers often need their personal adviser or advocate to help identify, and even instruct, their immigration lawyer and a local authority to pay for their representation or evidence, including subject access requests and doctors' letters. The Government argue that these young people are simply adult migrants, will not remain in the UK in the long run and should not, therefore, receive additional help as care leavers. Not only is this not the case for many of the young people affected by the Bill, but that argument ignores long-established law and policy, which

makes it clear that those who have been in care need additional support on turning 18, in light of their vulnerabilities.

Care-leaving services are already limited to eligible and relevant children. By that, I mean children aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14. Central and local government have a unique relationship with children in care and care leavers, as they are their corporate parents. As such, care leavers should expect the same level of care and support that other young people get from their parents. Will the Minister outline what would happen if a care leaver whose appeal rights were exhausted needed additional support, for example to remain in a foster placement because of concerns they may self-harm? Would the local authority have the power to support this vulnerable young person in those circumstances? I look forward to the Minister's response. He may prefer to write to me.

3.42 pm

Lord Sherbourne of Didsbury (Con): My Lords, it is a pleasure to follow the noble Earl, who always brings a valuable perspective to these proceedings. I begin by stating something which is, perhaps, obvious but is worth saying to set the context for another Immigration Bill. For centuries, there have been waves of immigration into our country, going back to the Angles and Saxons, the Normans, Huguenots and Jews. Later, there were migrants from Africa, the Caribbean and the Indian subcontinent. These people have, in their different ways, helped shape our islands and enriched our country. Until the middle of the last century, the scale of migration to the UK was relatively modest. My noble friend Lord Hamilton and other noble Lords have explained how too great an influx of people into one locality, in too short a time, can create tensions. Health services, schools, housing: all can become overstretched. The danger then is anti-immigrant prejudice, bigotry and xenophobia. We have seen eruptions of that all too close to home in some European countries.

When people from overseas are here illegally, this creates real problems. The Government are right to want to deal with the problem of unscrupulous employers who exploit illegal immigrants, who often end up having to work for very low wages in dangerous and degrading conditions. I therefore welcome the establishment of a new statutory director of labour market enforcement, although I am not mad about the rather clumsy title. I am pleased to see that the Secretary of State will have to provide the new director with the resources needed to do the job. This is in marked contrast to the small business commissioner, now being set up by the Enterprise Bill, who will have to ask the Secretary of State for approval for the numbers they want to employ. Under this Bill, the new director of labour market enforcement will not be subject to those constraints, and rightly so, because—I echo the thoughts of my noble friend Lord Horam—the director will have a big job on their hands. They will need to collect information and intelligence, which will not be easy. The Bill talks quite a lot about a labour market enforcement strategy, but for this to be effective you need the relevant information about what is happening

[LORD SHERBOURNE OF DIDSBURY]

in some of the darkest corners of the economy. Without that, you cannot clamp down on the offences. Will the Minister, either today or in Committee, give noble Lords some detail about how it is expected that the director will actually do his or her job?

I also welcome the provisions in the Bill about the need for those working in, for example, the NHS, state schools or the police, to have minimum standards of English. This is obviously important for practical reasons but it is also vital for integration into British society. To achieve this, the Bill proposes a code of practice and sets out what the code must include. However, it is not clear how this will work in practice. I suspect we will not know for some time how effective it is.

More generally, the Bill is seeking to tighten up existing measures to deal with illegal immigration. Inevitably, therefore, it is very detailed and imposes new, and sometimes onerous, obligations on employers and landlords. These will need to be scrutinised very carefully in Committee. The questions we will want to ask on all these very detailed measures are whether they are practical and capable of being implemented, and whether they will be effective and achieve their objectives. We will also want to know—and to be reassured about—whether the resources necessary for all this work will be available.

I have one last point. Everybody, illegal immigrants or otherwise, must always be treated with dignity. Yes, we should enforce the law rigorously but it must be done in a proper and humane way. Does the Minister believe that any further training of immigration officers or others will be necessary?

3.47 pm

Lord Paddick (LD): My Lords, before I get on to the Bill I start by paying tribute to the Minister, for whom I have the utmost respect. I genuinely wish him a merry Christmas and a happy new year—but this Bill really is appalling. To contrast the nature of the Bill with the character of the Minister, if I may use a corrupted 1970s cliché, “What’s a nice bloke like the Minister doing with a Bill like this?”

Let me say clearly and unequivocally at the outset that Liberal Democrats support proper immigration control. The big question is: is the Bill the way to do it? In his opening remarks, the Minister talked about the Bill having the interests of the country as a whole at heart, but what interests are they? The right reverend Prelate the Bishop of Southwark talked about the fact that there has been no White Paper since 2002, so what is the strategy? The Minister said that employment had never been higher in the UK and referred to a significant reduction in youth unemployment. At the weekend, the Irish Europe Minister gave some very interesting statistics. Apparently, 8% of workers in the UK are from overseas, which is the average for the European Union as a whole, but in Ireland it is 11%. So what problem is the Bill trying to address?

As the noble Lord, Lord Rosser, asked, what in hard numbers is expected to be achieved by the Bill? As my noble friend Lord Teverson said, the Government do not appear to have done the market research or the numbers. The noble Lord, Lord Ramsbotham, asked why we do not make what we have already work before

we introduce yet more complex legislation. My noble friend Lady Hamwee said that there was little positive in the Bill; I am probably more of the same school as the noble Baroness, Lady Kennedy of The Shaws, who described it as a shocking Bill.

My real concern is about unintended consequences. My noble friend Lady Sheehan quoted the president of the National Black Police Association regarding the negative impact of the Bill on what is already a hostile environment in this country towards black and minority ethnic people in general, and migrants in particular, as evidenced by recent hate crime figures. The Bill will do nothing to alleviate this with its increased stop, search and seizure powers. The effect on existing discrimination against BME renters and job applicants is that it is likely to be made worse. This takes me back to my days as a police constable over 30 years ago, when a common reason for detaining somebody who was black was because they were a suspected overstayer. The police decided to move away from immigration enforcement on the grounds of improving community relations. As the Race Equality Foundation briefing says, there is the potential in the Bill to set us back 30 years in race relations, although I would not go as far as the noble Lord, Lord Ahmed, on that point.

To get down to specific issues, starving asylum seekers who have reached the end of the road with their asylum applications is not something that this country should be doing. The noble Lords, Lord Hylton and Lord Alton of Liverpool, made strong points on this. It is misconceived and it has been tried before. There was a trial of Section 9 of the asylum and immigration Act of 2004, which removed all support from those who had run out of road, and 39% of those families disappeared compared with 21% of those who continued to get support. During the pilot, only one family from which support had been removed was successfully removed, while nine in the control group were successfully removed. It is not just inhumane; it just does not work, and the evidence is there to show that. In any event, as the noble and right reverend Lord, Lord Harries of Pentregarth, has pointed out, if the Government want to starve these people into submission, the British people will not allow the Government to do it. As he said, the Red Cross has helped 10,000 asylum seekers in the past 12 months.

As far as the right to rent is concerned, the Liberal Democrats reluctantly agreed in the coalition to conduct a pilot scheme on it, in the belief that the evaluation of that pilot would show that it was not worth pursuing. The Government have made much of the fact that there has been a pilot, but the actual number of black renters who were interviewed is in the 30s, so fewer than 40 people were questioned about whether they felt discriminated against as a consequence. The majority of those in the evaluation were white, which is not where we expect the problem to come from with this right to rent provision. The issue is discrimination against black and minority ethnic people, as a number of noble Lords have already said.

As my noble friend Lady Hamwee said, there are serious issues that are not being addressed in the Bill. We have heard today about the crisis of those fleeing

conflicts in the continent of Africa, Afghanistan and elsewhere who are currently in Europe—1 million in the last 12 months. As my noble friend said, the establishment of safe routes for those people seeking refuge is not addressed. Family reunion is not addressed. Even Syrian and Afghan families who are already settled in the UK are not being allowed to take in family members who are currently stranded in Europe.

There is nothing in the Bill about the unlimited administrative detention of migrants, at the cost of £40,000 per detainee per year. Although I note the comments of the noble and learned Lord, Lord Brown of Eaton-under-Heywood, surely there must at least be judicial involvement in these cases after 28 days—convicted foreign criminals are of course a separate issue. The right of asylum seekers to work where there is no decision after six months will clearly reduce the burden on the public purse, and surely we are more likely to be able to keep tabs on these people if they have social ties than if they do not. Other noble Lords covered many issues with which I agree.

Like my noble friend Lady Hamwee, I am very grateful for the government briefing on the Bill, although it throws up a number of questions which highlight the fact that the Bill is ill conceived and clearly has not been thought through. I will give a few examples. The Secretary of State has the power to order asylum seekers to move from one local authority to another. Can the Minister assure the House about the safeguards that will be in place to ensure that transfers do not take place for some party-political reason? The current Government will not do that, of course, but who is to say that future Governments might not try to transfer people from one part of the country to another for party-political purposes?

This Conservative Government is apparently very concerned about national sovereignty in the face of decisions made by the EU, but, under the Bill, Council of Europe travel bans are to take effect in the UK automatically, without the need for secondary legislation. Does the Minister not see the contradiction?

As far as skills shortages in this country are concerned, as my noble friend Lord Wallace of Saltaire highlighted, the Bill will introduce a new immigration skills charge, which will apply to employers sponsoring non-EEA nationals who come to the UK under tier 2 of the points-based system. Which employers will this apply to and what amount will be set following consultation? Will we know these details before the end of our deliberations in this House, or does the Minister want the House to write the Government a blank cheque?

As my noble friend Lord Wallace of Saltaire also pointed out, the Bill changes the Government's fee-raising powers in respect of civil registration, including that of births, marriages, deaths and passports. The reasons given in the government briefing include to allow such services to be "self-sufficient", which is fair enough, and to have passport fees that, "better reflect the costs incurred", for example the costs of processing "complex applications". That is also fair enough. But then it says, "to allow some passport fees to be set at above cost". Can the Minister tell the House which type of passport applications they intend to make a profit out of?

On the no-courts eviction process, the government briefing says that a tenant can challenge the Home Office decision to give notice administratively by contacting the Home Office or by applying to the High Court for judicial review. Does the Minister honestly believe that these are sufficient safeguards against families with children being thrown out onto the street?

It has been suggested that we on these Benches are out of touch with public opinion. We as Liberal Democrats do not subscribe to the Donald Trump school of populist politics. We will stand up for what we believe is right.

4 pm

Lord Kennedy of Southwark (Lab): My Lords, I want an immigration system that is fair and just to British citizens and those who want to come here, play by the rules and make a contribution to our society. That is why, in my opinion, in many parts the Bill is unhelpful, unjust, unfair and risks many unintended consequences that make life even more difficult for very vulnerable people. My noble friend Lord Rosser made clear at the start of his speech our concern at many aspects of the Bill.

There are, of course, parts of the Bill we welcome, as well as parts we have serious concerns about, but before focusing on its provisions, it is worth putting on record how much this country has benefited from immigration. Look at one institution, our NHS, which would be in considerable difficulty if it were not for the immigrants who have come to this country to provide the services that we rely on. We heard about that in the contribution from the noble Lord, Lord Wallace of Saltaire.

How many of your Lordships are immigrants yourselves, or the children or grandchildren of immigrants? Quite a large number, I expect. I am the eldest son of immigrants. My parents came here from Ireland in the 1950s to find work. They played by the rules and worked hard for their whole working lives. The noble Lord, Lord Alton of Liverpool, made similar points when he talked about his late mother coming from the west of Ireland. I can tell him that the signs saying, "No Blacks, no Irish", were in London as well. In 2014, the Centre for Research and Analysis of Migration, when looking at the fiscal effects of immigration on the UK, estimated that migrants contributed about £25 billion to the economy between 2001 and 2011.

Part 1 of the Bill is about tackling illegal working and preventing the exploitation of workers. We support the creation of a director of labour market enforcement, which builds on the work of the previous Labour Government through initiatives such as the Gangmasters Licensing Authority. The illegal labour market can have a very detrimental effect on the pay and conditions of legally employed workers, and a very damaging one on reputable businesses that are playing by the rules. However, for this measure to be effective, considerably greater action will need to be taken on enforcement, because if powers are not used they will have little or no effect.

I say to the noble Lord, Lord Horam, that it is a matter of great concern how few prosecutions there have been on the Government's watch of employers

[LORD KENNEDY OF SOUTHWARK]

who pay workers below the minimum wage. The proper enforcement of workers' rights is what is needed, and if the new arrangement and powers will take the matter forward and ensure effective enforcement, that is good news. People working for tips or being paid below the minimum wage is to our mind not acceptable in modern Britain. When he responds the debate, it would be helpful if the noble Lord, Lord Bates, said more about protecting and supporting legally employed workers and businesses that play by the rules. My noble friend Lord Rosser made clear our concern about criminalising illegal workers, as did many other noble Lords today.

Part 2 concerns access to services. We will want to probe further during Committee the measures dealing with driving licences and access to bank accounts. There is, however, much greater concern about the right to rent scheme and the extension of sanctions to be imposed on landlords. Asking landlords to carry out reasonable checks of identity documents, as they already do, is perfectly acceptable, but it must be understood that landlords are not immigration officers. How do they go about spotting if a document is forged? How do they read and understand a document in another language? What support will the Government give landlords to get this right? The punishment of up to and including five years' imprisonment for committing such offences is certainly very tough.

There is also concern that by not striking the right balance, the Government run the risk of landlords just deciding to play it safe and renting only to people with British passports, thereby creating a whole new area of discrimination and injustice, whereby people with foreign names, foreign paperwork or foreign passports are routinely refused accommodation. I fully concur with the comments of the noble Baroness, Lady Sheehan, in this respect. I am sure that the Minister will say that that was not his intention. I know the Minister and I am confident that it was not, but I think he and the Government are going to have to clarify this part of the Bill; otherwise, there could be far-reaching and unintended consequences that cannot go unchallenged in your Lordships' House. This issue was also referred to by the noble Baroness, Lady Hamwee, and the noble Lord, Lord Paddick.

The Residential Landlords Association has provided a very helpful briefing for this Second Reading debate. It has suggested an amendment making it clear that a landlord would not be committing a criminal offence if, first, they had done everything reasonably possible to verify the status of the tenant and, secondly, they were in the process, within the 28-day window, of evicting a tenant whom they had been notified did not have the right to rent. Will the Minister comment on this proposal when he responds?

Part 3 of the Bill concerns the expansion of the powers of immigration officers. We will probe and explore these powers further during the passage of the Bill, but we support the notion that immigration officers need to have adequate powers to enable them to undertake their duties effectively and to seize evidence that may relate to non-immigration offences. The noble Lord, Lord Paddick, made a very powerful point

about police stopping suspected overstayers and the damage that can do to race relations. We surely do not want to go back to that.

One of the most troubling sections of the Bill is Part 4, which gives considerable new powers to the Home Office. It includes a major extension of the "deport first, appeal later" provisions for foreign national offenders in all human rights claims. Will the Minister tell the House why we should give any organisation such powers, when 50% of its initial decisions in immigration matters are found to be wrong? The noble and right reverend Lord, Lord Harries of Pentregarth, also referred to this issue. What is the current backlog of immigration cases that the department is struggling to cope with? Surely the solution lies in improving the decision-making process in the first place, so that the original decision is more likely to be correct and the individuals concerned can be present at their own timely appeal. My noble friend Lady Kennedy of the Shaws, who has considerable knowledge and experience of this area of law, set out much more eloquently than I can the difficulties and problems that the "deport first, appeal later" provisions could present.

Part 5 of the Bill makes a number of changes to the way local authorities assess and provide accommodation and subsistence support for destitute families with immigration status. This is one of the most damaging parts of the Bill, and I very much hope that the Government will listen to the wise words of noble Lords and put in place proper provision for families. The Government clearly attempted to make some movement on this during the Commons' consideration of the Bill, but they have not in any way gone far enough. I agree with what the noble Baroness, Lady Hamwee, said about how families are treated. The House needs much greater clarity regarding what is proposed. Vulnerable people need proper protection, and the proposals fall far short of that. Almost every week, there are reports in the media of vulnerable people being abused and exploited at the hands of criminals, and firm action needs to be taken. That equally applies to vulnerable people whose immigration status may not be in order; while they are in the United Kingdom, people deserve the protection of the law no matter what their status. I agree with my noble friend Lord Dubs, the noble Lord, Lord Hylton, and others that the Bill will leave families destitute. I join with the noble Lord, Lord Hylton, in urging the Minister to use his considerable skills to persuade his colleagues of the need to change this part of the Bill.

Part 6 of the Bill deals with border security and would introduce a civil penalty regime to be applied to airlines and port operators who allow passengers to disembark without being presented to immigration control officers. It also gives certain immigration officers powers that can be used in UK territorial waters. Again, I say to the Minister that the proper resourcing of our borders could make significant inroads into some of the problems the Bill tries to address, but in a manner that makes life difficult for some very vulnerable people and is not based on any sound evidence or evaluation of the problem and its possible solutions. I do not believe that the Government have proper control of our borders, particularly at ports, and this problem needs to be addressed. This Bill has failed to do that.

The point made by the noble Lord, Lord Wallace of Saltaire, about the effects of the Government's policy in the education sector, relates to one of the most worrying parts of the Bill. It exposed the fact that the policies of different government departments are at odds with each other and are failing our country and damaging our reputation abroad.

Part 7 of the Bill sets out a requirement for public sector workers in customer-facing roles to be able to speak fluent English. It would be useful if the Minister set out examples of where this has been a problem. I fully accept that speaking fluent English in a customer-facing role is a sensible requirement. Can the Minister also tell us what protections there will be for people against spurious complaints that are made just because someone does not like their accent or the colour of their skin? I fully endorse the point made by my noble friend Lady Lister, who asked for confirmation that those whose first language is British sign language will not be discriminated against in this respect.

In conclusion, the Bill is not fit for purpose in many respects. While there are some parts of it that we can support, large parts of it are not grounded in evidence and risk making the situation worse, not better. It would have been much better if the Bill had been put through a rigorous pre-legislative scrutiny process, as happened with the Modern Slavery Bill and is presently happening with the Draft Investigatory Powers Bill. The right reverend Prelate the Bishop of Southwark made a similar point when he asked why there had been no White Paper to enable debate and discussion to take place. I fully concur with the comments of the noble Lord, Lord Alton of Liverpool, who contrasted the way this Bill has reached your Lordships' House with the way the Modern Slavery Bill reached us. In this legislative area of government, knee-jerk reactions should not be allowed to rule.

4.10 pm

Lord Bates: My Lords, I thank all noble Lords who participated in this debate. It has been a passionate debate, enhanced by the level of first-hand experience and knowledge that noble Lords have in dealing with these very difficult issues.

I will start with an issue that came up quite a few times. The noble Lord, Lord Kennedy, and a number of other noble Lords mentioned the process by which we have got here, so I will deal with that before I go on to policy. The right reverend Prelate the Bishop of Southwark also touched on this. The question was asked: on what basis of evidence are we acting here? What is the basis on which we are legislating? Of course, we have the evidence from the Immigration Act 2014, which the coalition Government took through the House. A lot of the proposals in this Immigration Bill are an extension of areas covered in that Act. We have had the opportunity to see how that has worked in practice over the past couple of years.

We have also, in the process of putting this together, outlined in the briefing pack the draft codes of practice. We have issued the Bill's European Convention on Human Rights and Delegated Powers memoranda, along with policy equality statements. We talked technically about pre-legislative scrutiny, and there

were two days of evidence-gathering in the other place before Committee formally started. Some 48 representations were made to the Public Bill Committee on the legislation in another place, which were taken into account during Committee, which lasted for five and a half days. There were some 35 Divisions. I am not saying that it is always a contentious issue or that we anticipate that it will be, but there was a level of rigour in the scrutiny in the other place that should give us some confidence as we approach this.

We have also seen, in the time since we started the process, the Court of Appeal's ruling on out-of-country appeals, and the Government's evaluation of the right to rent scheme, which was published in October—I thank the noble Lord, Lord Best, for contributing to this. The Ewins report on domestic workers, which I know the noble Lords, Lord Hylton and Lord Alton, will want to discuss further, was published just before Christmas. The report of the Independent Chief Inspector of Borders and Immigration on illegal working and immigration removals has just been published. The Shaw report on immigration and detention, which I know is of significant concern, will be published in early January—certainly by the time we reach Committee.

There will also be a Migration Advisory Committee report on the operation of tier 2, in addition to the Home Affairs Select Committee report. Extensive consultations have taken place, including the government consultation on tackling exploitation in the labour market, which we have yet to respond to but which is there in the briefing pack. The Government's response to the consultation on reforming support for failed asylum seekers and other illegal migrants is another basis for our legislation. There is also the government consultation on draft language requirements for the public sector workers' code of practice. On the specific point about signing, there is no question that signing would not be covered under this but there is a consultation on that. I go to that length to show that process is very important. It was important, too, for the Modern Slavery Act. I want to put on record that there has been a significant amount of evidence gathering to build the case for the actions we propose here.

Turning to the policy, one thing we tend to be in general agreement about is that there is an issue with illegal immigration into the country. Lots of noble Lords prefaced their remarks by recognising that. Indeed, my noble friends Lord Horam, Lord Sherbourne, Lord Hamilton and Lord Balfe, and the noble Lord, Lord Green, all pointed to the fact that this was an issue of significant public concern. Certainly, my noble friends Lord Horam, Lord Balfe and Lord Hamilton also mentioned that this was something central to the Conservative Party manifesto—and the government manifesto, in that we announced our intention to legislate on it in the Queen's Speech. In fact, a number of the areas we are dealing with in this Immigration Bill were also subjects in the Labour and Liberal Democrat manifestos. There is an agreement at a high level that there is a problem.

We have categories of people here. We have people who come here through the right of free movement in the European Union. We have issues with that which are being taken on and discussed with our European

[LORD BATES]

colleagues at present. We also have the plight of many people suffering around the world. I was very moved by the words of the noble Earl, Lord Listowel, and others who spoke of the plight of those refugees. None of us, at this time in particular when we remember another refugee in a foreign land fleeing persecution, should be immune to acknowledging the tremendous pain and anguish that many people face in these countries. The noble Earl said “there but for the grace of God go I”, and that should challenge us with a sense of humility but also the deep desire to ensure that we treat people with the dignity and humanity that my noble friend Lord Sherbourne invited us to put on the record. People who come to this country in search of help enter our asylum system. All Governments—coalition and Labour—have a proud track record of offering sanctuary to those people fleeing in fear of persecution.

Then there are those people who circumvent the immigration procedures and are found not to be genuine asylum seekers when their claim is tested through the appeals process and tribunal service. The question then is: what do we do? Therein comes a debate. I am very conscious of the hour and the fact that officials have been very busy in providing answers to 64 questions. It may be better if I put some of the substantive answers to those questions in writing to colleagues, ensuring that they have them before the beginning of our first week back on 11 January. All the answers are here. Of course, 11 January is also the date when the Government must table the amendments they intend to bring forward for consideration on 18 January.

I was grateful to the noble Lord, Lord Ramsbotham, for mentioning the timing. We listened very carefully, as we always do, when we attended the Cross-Bench Peers to talk about this issue; there was concern, and we have reacted to that. My noble friend Lord Taylor has responded to that from the Government Whips’ Office and has been able to secure for us additional time, which I think will be appreciated by all, so that people can reflect upon this Second Reading debate as well.

I shall deal with some of the particular points that were raised. The noble Lords, Lord Rosser and Lord Alton, asked about the impact of the Bill. We have published six separate financial impact assessments on various parts of the Bill, as well as a range of equality assessments. The recent report by the Chief Inspector of Borders and Immigration commented on the Government’s success in our aim of year-on-year increases in confirmed voluntary departures every year since 2012-13.

On border security, the noble Lord, Lord Wallace of Saltaire, asked a specific question about private helipads. The Counter-Terrorism and Security Act 2015 included stronger legislative provisions and protection for notification in advance of people arriving on private airstrips, and we would certainly expect an equality of scrutiny for all people coming into this country.

The issue of appeals was raised by the noble Lords, Lord Dubs and Lord Roberts, the noble Baronesses, Lady Ludford, Lady Kennedy of The Shaws and Lady Lister, among others. Appealing from outside the UK

does not mean that appeals are less likely to succeed. Internal Home Office statistics for the past five years to July 2015 show that 38% of entry clearance appeals succeeded. Some 42% of appeals succeeded in 2015 in the comparable in-country category of managed migration appeals. Both these categories of appeal could involve human rights claims.

On the point about family reunion, which was raised by the noble Baroness, Lady Hamwee, and the noble Lords, Lord Hylton and Lord Dubs, we recognise that families may become fragmented because of the nature of conflict and persecution, and the speed and manner in which those seeking asylum often flee their country of origin. Our policy allows the immediate family members of a person granted refugee leave or humanitarian protection in the UK, their spouse or partner and children under the age of 18 who formed part of the family unit before the sponsor fled the country, to reunite with them. We have granted over 21,000 family reunion visas over the past five years, 2010-14. Numbers are likely to increase over the next five years in line with the number of applications that are received.

With regard to the points raised about landlords by the noble Lord, Lord Rosser, the noble Baronesses, Lady Kennedy, Lady Lister, Lady Sheehan and Lady Janke, I have acknowledged the work done by the noble Lord, Lord Best. The Government gave careful consideration to concerns about potential race discrimination when establishing the right to rent scheme. These concerns are understandable, and the right to rent checks were carefully crafted in consultation with bodies representing landlords, agents, local authorities and housing charities before the scheme was rolled out. A wide range of documents can be provided to give evidence of the right to rent. The Government recognise the need to be flexible so as not to disadvantage, for example, the minority of British citizens who do not hold a passport.

On detention, I have given an undertaking that Stephen Shaw’s review, which I know is eagerly awaited, will be published before we reach the relevant stage in Committee, while our response will be published before the clause on immigration bail is debated. While there is no fixed time limit to immigration detention—in fact, that is a matter that was discussed in previous legislation—there are well-established principles set out in case law, known as the *Hardial Singh* principles, which state that for detention under immigration powers to be lawful there must be,

“a realistic prospect of removal within a reasonable timescale ... Detention must be used sparingly, and for the shortest period necessary”.

An arbitrary time limit would potentially allow criminals and non-compliant individuals to play the system, as it were, which was a point raised by the noble and learned Lord, Lord Brown of Eaton-under-Heywood.

At that point, I shall draw my remarks to a conclusion.

Lord Hamilton of Epsom: I know that everybody wants to get off for Christmas, but I would be very grateful if the Minister would write to me on EU citizens claiming national insurance and how that relates to net immigration figures.

Lord Bates: I am very happy to do that. A number of noble Lords asked me to write to them on various technical aspects and I will do that. That letter will be sent out on 11 January, a week ahead of Committee stage.

My noble friend has raised one of the elements which is a problem. It is that we do not fully understand the scale of the problem. We deal with estimates. Even when the ONS undertakes forecasts, they are based on estimates. With effect from April, there will be exit checks and therefore we will know who is coming into the country and who is leaving the country and will be able to deduce by fact how many overstayers or illegal migrants there are.

Lord Alton of Liverpool: I realise that we are coming to a conclusion, but I think the Minister would agree that the theme that has run through the debate in your Lordships' House today has been about destitution, deliberately making people destitute and the way that links into the landmark legislation last year on modern-day slavery and human trafficking. Before he concludes, will the Minister say a word about that? I do not think it should be left to a letter.

Lord Bates: The Bill does not represent a threat of destitution. We are simply making it clear that failed asylum-seeker families and other illegal migrants cannot expect automatically to be in receipt of Home Office and local authority support in circumstances where they could and should leave the UK. We need a better basis of incentives and possible sanctions on which, together with local authorities, to engage with these families in a process that secures more returns. We believe that the Immigration Bill will deliver that. I do not expect that to satisfy the noble Lord because I know he takes a great interest in this area, rightly so, and speaks up for those in need. We are not unmoved by that. As with previous Bills, in Committee we will work together constructively, with the general recognition that there is a problem and that the Government have received a mandate from the electorate to do something about it, to ensure that that mandate is delivered in a way which gets to the people we want to tackle and protects those who are in need of our protection. That is the challenge of the Bill. It has been eloquently set out by contributions to this Second Reading debate and I am sure it will be returned to in the new year as we go through the Bill methodically in Committee.

Bill read a second time and committed to a Committee of the Whole House.

Misuse of Drugs Act 1971 (Temporary Class Drug) (No. 3) Order 2015

Motion to Approve

4.28 pm

Moved by Lord Bates

That the order laid before the House on 25 November be approved.

Relevant document: 12th Report from the Joint Committee on Statutory Instruments

The Minister of State, Home Office (Lord Bates) (Con): My Lords, the order came into force on 27 November, two days after it was laid before Parliament.

I put on record our thanks to the Advisory Council on the Misuse of Drugs for its advice, which has informed the order we are considering today. Its numerous risk assessments over the last six years or so on a range of new psychoactive substances, so misleadingly referred to as “legal highs”, has been the cornerstone of our work to date to ban 500 of the most harmful of these substances under the Misuse of Drugs Act 1971.

Subject to Parliament's will, the Psychoactive Substances Bill will be enacted in the new year. As I informed the House when we debated the Bill before the Summer Recess, the Misuse of Drugs Act will continue to sit at the apex of the UK's drug legislation, ensuring we have the most robust controls in place for the most harmful drugs, whether or not they are categorised as new psychoactive substances.

The order relates to methiopropamine, commonly known as MPA—I shall refer to it as MPA for the remainder of this address—as well as its simple derivatives. The effect of the order is to make these drugs subject to temporary control under Section 2A of the Misuse of Drugs Act 1971, thereby making it an offence to produce, import, export, supply or offer to supply these drugs. As with all previous TCDOs, personal possession will not be criminalised. The controls will last up to 12 months while the ACMD considers whether these drugs should be made subject to a permanent ban. The order is already having the desired effect. We are aware that since it came into force, websites marketing MPA have withdrawn it from sale.

It may assist if I now set out the evidence put forward by the ACMD surrounding MPA. The council reports that MPA has recently emerged as a replacement drug for the methylphenidate-based compounds also currently subject to temporary control. While MPA has been monitored by the ACMD, hard evidence of it being injected has only recently surfaced.

MPA is a stimulant psychoactive substance which is similar in structure to other drugs in that class and has effects such as stimulation, alertness and an increase of energy and focus. Side effects reported include abnormally fast heart rates, anxiety, panic attacks, perspiration, headaches, nausea, difficulty breathing and vomiting. As with all injecting drugs, there is also a potential high risk of bacterial infection and local tissue damage.

The National Programme on Substance Abuse Deaths reported 30 cases where MPA was found in post-mortem toxicology between 2012 and 2015. In 22 of these, MPA was implicated in the cause of death. As such, on 18 November the ACMD recommended that urgent action should be taken due to the proliferation in use and an increasing number of associated deaths and harms related to MPA.

For all these reasons, my honourable friend the Policing, Crime and Criminal Justice and Victims Minister accepted the advisory council's advice that MPA and its simple derivatives should be subject to the order that has been in force across the UK since 27 November. It enables UK law enforcement to take action against traffickers and suppliers of the new

[LORD BATES]

temporary class drugs. The order has given enforcement agencies the requisite powers to disrupt the sale of MPA both online and in local head shops. The order has also sent out a clear message to the public, especially to young people, that these drugs and the brand names associated with them carry serious health risks.

We know that the law change cannot on its own deter all those inclined to use or experiment with these drugs. However, we expect the order to continue to have a notable impact on their availability and, in turn, on demand for these drugs, as we saw with other banned substances.

Parliament's approval of the order will ensure that it remains in force to reduce the threat to the public posed by these temporary class drugs, for up to 12 months. Together with the Advisory Council on the Misuse of Drugs, we will consider the case for placing MPA under permanent control under the 1971 Act. I commend the order to the House and beg to move.

Baroness Hamwee (LD): My Lords, the House will be grateful to the Minister for managing, just about, to get through that presentation. I have one question and one request for him. My question is about the progress of the Psychoactive Substances Bill. He mentioned that it would be enacted in the new year but it seems to have become a bit stranded in the House of Commons, and I wonder whether he has any more detail than that.

My request relates to a completely different matter. It comes from a conversation with colleagues just outside the Chamber during the previous debate. Next time the Minister does one of his amazing walks for charity, can he tell us, as we would like to support him? I do not know whether he is going to the North Pole or the South Pole over Christmas. I prefer to think of him sitting by a fire with a big box of chocolates but I do not think that is quite his style. However, we are so impressed by what he does during recesses, when most of us slob about, that we would at least like to support him in that way.

Lord Colwyn (Con): My Lords, my remarks will be brief. I ask my noble friend, who has responsibility for steering the Misuse of Drugs Act 1971 (Temporary Class Drug) (No. 3) Order 2015 through your Lordships' House, whether the Government have kept to their undertaking to ensure that the Psychoactive Substances Bill does not infringe the rights of UK herbal practitioners to supply unlicensed herbal medicines, as permitted under paragraphs (2), (6) and (9) of Regulation 3 of the Human Medicines Regulations 2012, No. 1916, dated 14 August 2012.

In an answer to the noble Lord, Lord Hunt, in July this year, my noble friend wrote:

"The Bill team is working with the ... (Medicines and Healthcare Products Regulation Agency) to make sure that the Bill does not criminalise activities in relation to medicinal products which are currently lawful under medicines legislation. This includes the activity that Michael McIntyre refers to—namely herbal medicines that do not hold a ... (Traditional Herbal Registration) but are prescribed by herbal practitioners on a named patient basis".

I ask my noble friend whether the current draft of the Bill ensures the continued rights of UK herbalists to

supply unlicensed herbal medicines on a named-patient basis, as he promised. If the legal highs Bill were enacted without making provision for herbal practitioners, it would mean that their work was criminalised, which of course would be an unmitigated disaster.

Lord Kennedy of Southwark (Lab): My Lords, I support the order before the House. As the noble Lord, Lord Bates, said, it would be in effect for a maximum of 12 months, by which time a decision would be made on whether MPA should be subject to a permanent ban. I shall not attempt to pronounce the name in full but will stick with the abbreviation. I am sure that the noble Lord will come back on the points made by the noble Lord, Lord Colwyn.

I echo the comments of the noble Baroness, Lady Hamwee, in respect of the work, and the walks, that the noble Lord does in the recesses. I will leave it there.

Lord Bates: I am very grateful. I should perhaps explain to the House that the reason for my slight struggle was that I was not only trying to pronounce those words but, at the same time, was feeling the symptoms that I was reading out of an abnormally fast heart rate, anxiety, a panic attack, perspiration, headaches and nausea. My inability to pronounce the medical terms was due to my having to pause slightly to compose myself. I am grateful for the patience of the House.

I shall deal with where we are with the Psychoactive Substances Bill. We expect the Bill to reach its Commons Report stage and Third Reading early in the new year, and I hope noble Lords' consideration of Commons amendments will follow shortly after that. Explanatory notes on the Commons amendments will be published in the usual way once the Bill leaves the Commons. The noble Lord, Lord Rosser, and the noble Baroness, Lady Meacher, among others, will have seen letters from the Policing Minister detailing the government amendments made at the Commons Committee stage.

Schedule 1 to the Bill lists substances exempted from the scope of the Bill. Medicinal products as defined by the Human Medicines Regulations 2012 are included in that list. The definition of medical products, as in regulation, includes herbal medicines. Therefore, herbal medicines covered by the regulations are excluded from the scope of that Bill. I hope that offers some reassurance to my noble friend Lord Colwyn and clarifies the communication that I had with the noble Lord, Lord Hunt.

The Chief Whip is here, so I need to be on my best behaviour, but let me just say that I have no plans to engage in further walks over the Christmas period. I will be back on duty for the Immigration Bill on 11 January as required. However, I am very grateful for the kind words that have been said. We heard about the tremendous work being done by many charitable bodies this Christmas. I was thinking in particular of the Red Cross walk this year, which managed to raise more than £90,000 for its work in China and the UK. It is a tremendous privilege for us all, I know, to do anything that we can to support the many people who at times such as this are helping and caring for those in greatest need in our country and on our planet.

Finally, the Bill will go through Report and Third Reading early in the new year. That completes the business before us and I commend the order to the House. I join others in wishing noble Lords on all sides of the House a very merry Christmas.

Motion agreed.

Motion

Moved by Lord Taylor of Holbeach

That the House do now adjourn.

4.41 pm

Lord Taylor of Holbeach (Con): My Lords, we are at the stage now where I beg to move that the House do now adjourn. By custom, we pay tribute to all those who have helped this House over the past 12 months. Before I start, I should like to thank my colleagues in the usual channels. The working of the usual channels is not supposed to be revealed to anybody but those who take part in them. None the less, I think everybody knows that the relationships we have—the noble Lord, Lord Bassam, the noble Lord, Lord Newby, and the noble and learned Lord, Lord Hope—are very important to the way this House runs. They are very civilised, and we always have the opportunity of talking about things frankly. I am very grateful for the way that they support us.

There has been quite a change since we were last here. The geography of the House has changed. My deputy is no longer my deputy, but is still a good friend, which is good for the House, if I might say so.

It is customary to also thank all those who support us in our task as Chief Whips and support the Leader of the House. We are very fortunate in our private office; we are all supported by extremely intelligent and bright people, whose company is a pleasure. They all work extremely hard. If people think that we work hard, it is nothing compared to the work that the professional staff supporting us put in.

This is also an opportunity for us to recognise those long-serving members of the staff of the House who have retired or are shortly due to retire.

Before I do that, I pay tribute to Shorayne Fairweather who sadly died in September this year after a short period of illness. Shorayne joined the House of Lords Library in January 2001 as an assistant librarian, and was promoted in 2007 to reference services librarian. She managed the enquiries desks in the Queen's Room and in the Millbank Library. A number of noble Lords will have known her well. Shorayne had an enthusiasm for sport, an unfailing sense of humour and an infectious laugh. She will be missed by her colleagues and Members alike, and our thoughts are with her family at this time.

Tom McCarthy retired as conservator from the Parliamentary Archives in August this year. Tom joined the House of Lords after being transferred from the British Library. He was flattered to be handpicked—or so he thought. After six weeks, he discovered that his good fortune had been due to other people declining the position. I understand that Tom was very much of

the opinion that this was their loss and his gain. His only regret seems to be that he had not joined the House of Lords earlier in his career.

Joan Bakker retired in September after nine years as a housekeeper. She was a quiet yet conscientious member of the team and in the last few months was responsible for the Robing Room and the Royal Gallery. She will not be taking it easy in her retirement and is volunteering in her local schools, reading to children. I hope this is at least a respite from the early morning starts that she had to make to be here before we all arrived.

Myrtle Celaire worked as a housekeeper for 19 years until her retirement in February. She cleaned the room that I occupied in the Home Office. She was always the first to arrive and the last to leave and particularly enjoyed the additional duties that came with the occasion of State Opening. I am sure that, over the years, that there were many noble Lords whom Myrtle helped with their robes or missing buttons. Her lively spirit and conversation have made a lasting impression on those she worked with. I hope that over the last few months she has been able to enjoy spending more time with her nine grandchildren.

All that remains is to wish all Members and staff of the House a restful and enjoyable Christmas. I beg to move that the House do now adjourn, and look forward to the supporting speeches to that Motion from my colleagues.

Lord Bassam of Brighton (Lab): My Lords, I pay tribute to the gracious comments from the noble Lord, Lord Taylor of Holbeach, whose company in the usual channels I greatly enjoy and for whom I have a great deal of affection and respect. It is always difficult praising the Government Chief Whip because there is the worry that too much praise will lead to them being reshuffled and I would not want that to happen, so I will draw those comments to a close.

I also pay tribute to my noble friend Lord Newby, with whom I have many fruitful and useful conversations, sometimes of a conspiratorial nature. Colleagues around the House will appreciate why. I thank the Cross-Benchers for the important work that they do. I know that the noble and learned Lord, Lord Hope, is carrying on the fine traditions left to him by the noble Lord, Lord Laming.

As the Chief Whip said, this is a time of year when we should reflect and give thanks to people for the hard work that they do on behalf of the House. The House would not work if it were not for the doorkeepers, the attendants, the clerks, the cooks, the bar staff, the cleaners, the conservators, the technicians, the police, the librarians, the researchers and many others. As he rightly said, we would not operate as Front-Benchers terribly well if we did not have professional and dedicated staff of our own. Our own Labour Lords group is a brilliant team. Its members have had the disappointment of being on the bad end of a general election this year, and I pay tribute to their professionalism and the determination with which they have carried out their duties since and for the high-quality work they do. That has enabled us to be a very effective Lords Opposition, but a constructive one nevertheless.

[LORD BASSAM OF BRIGHTON]

I have a number of colleagues to whom I want to draw particular attention in paying tributes. I know some of them better than others, but all of them have given great service to your Lordships' House. The first is Mr Dick Edwards, who retired in July having joined the doorkeeper cadre in 2002. Prior to that, Dick completed a full career in the Metropolitan Police, and part of his service was spent in the coroner's office. On occasions when he and his colleagues knew that new police constables were paying their first visit to the mortuary, they would lay on the slabs, cover themselves with white sheets and suddenly sit up. Needless to say, from their point of view it had the desired effect—humour at its best. In October, Dick and his wife, June, flew to Australia where they have a daughter and grandchildren who live on the outskirts of Sydney, so after a great deal of touring, they will all spend the festive period together. "When will Dick return?" you may ask. As yet, he has not booked a return flight, but I am told that as he is a season ticket holder at Arsenal Football Club, he will return to see them lift the Premier League trophy; that could be some time off. Anyway, that is what he thinks, apparently. As a Brighton & Hove Albion fan, I hope to obstruct Arsenal's path next year.

Mr Tony Hanlon joined the doorkeeper cadre in 2006. Prior to joining the House, Tony completed a full career in the London Fire Brigade. On one occasion, Tony and his crew were called out to a fire at an elderly lady's house. Tony and his colleagues rescued the lady. However, she refused to leave without her budgie, so Tony re-entered the house to rescue the said budgie and, as they say, everyone lived happily ever after. After those excitements, Tony now lives quietly in Harrow with his wife, Heather.

Mr Dave Stollery retired in September as a senior doorkeeper. Dave joined the doorkeepers in October 1996. Prior to that, Dave completed a full military career in the Royal Marines. Indeed, he was the first person to be appointed the corps sergeant major of the Royal Marines. It is said that during the World Cup in 1966, Dave was on jungle warfare training. On the day of the final, he and another marine were sent out as sentries down a track away from the main base. Not wishing to miss this most patriotic of moments in the cup final, he managed to tune his radio into the World Service, which was covering the game. History does not record if doing that blew his cover, but of course we all know that the match had a successful result. Dave lives in Norfolk with his wife Shirley in a house he designed and built himself. On retirement from his military career and his service in your Lordships' House, Dave had given in total to us as a nation more than 50 years' loyal service, something that I think very few in public service would be able to celebrate.

Finally, I want to pay tribute to Jackie Mouzourous. She retires this Christmas Recess having served as a doorkeeper since February 2000. On joining the House, Jackie was a judicial doorkeeper, and along with her colleagues she helped to ensure that all cases heard by the Law Lords went smoothly. Nothing was too much trouble for her and this was greatly appreciated by the Law Lords. On the formation of the Supreme Court, Jackie declined the option to move with the Law

Lords and she joined the rest of the doorkeepers. She has been a much valued member of the team and the traits and good habits that she developed while working with the Law Lords have continued to give great service to your Lordships' House. I know that Jackie will be greatly missed by her colleagues, but as she lives only in Pimlico, we hope that she comes and visits all her friends on a regular basis.

Staff tributes are very important and we know that we would be the poorer without the good quality staff we have. Like the noble Lord, Lord Taylor of Holbeach, I wish all in your Lordships' House a very merry Christmas and a happy new year. I hope that everyone celebrates and gets some rest over what is a pleasantly lengthy vacation from the arduous task of scrutinising our business.

Lord Newby (LD): My Lords, I start by echoing that last sentiment of the noble Lord, Lord Bassam, and the comments of the noble Lord, Lord Taylor, about the importance of the smooth running of the usual channels. It is, of course, somewhat strange, having spent a very happy time as co-conspirator with the noble Lord, Lord Taylor, to be now spending a certain amount of time, with mixed success, planning his and his colleagues' downfall. It is, however, a source of continuing pleasure to work with the noble Lord, and indeed with the noble Lord, Lord Bassam, and the noble and learned Lord, Lord Hope, in such a civilised way, even though we often disagree on matters of great importance to the country. However we manage to do it in what I suspect most people would think of as in the best traditions of the House of Lords.

I, too, am paying tribute to several staff who have served your Lordships' House very well. Zulmiro Trigo, known to her colleagues and your Lordships as Zizzi, started in the House of Lords in September 1997 as a member of the service team. She worked in all areas, including the Home Room, Attlee Room, Cholmondeley Room and Terrace, the Peers' Dining Room and Gift Shop. She retired in April and is now enjoying life between Portugal and UK with her husband Umberto who also retired in April.

Umberto himself joined the House in November 1999 and worked as a waiter in banqueting in all areas, including the Attlee Room, the Cholmondeley Room and Terrace, and also the River Room. We wish them both very well.

Oye Acolatse joined the House in January 1993 as a junior chef working in the main kitchen. She worked in all areas and then specialised in the very busy pastry section for a number of years working as chef de partie—and winning the department's employee of the year award in 2007. She was promoted to lead the section as sous chef in 2008 and decided to retire in April this year after 22 years' valued service to the House to spend time with family and friends.

Biagio Lammoglia joined the House in June 1993 as the manager of the Peers' Dining Room, the Peers' Guest Room and Bishops' Bar. He was a House of Lords institution. He was a valued member of the senior catering and retail services management team and shared his many years of experience in other areas of the department, as well as running a tight ship in the Principal Floor outlets.

As a new Member to your Lordships' House, I was rather in awe and dread of Biagio because I felt that I probably already had broken, or was about to break, one or more of the rules of protocol in the Peers' Guest or Dining Room. Of course, when I did, Biagio was always far too polite to point it out. But my sense of foreboding never completely disappeared. Biagio retired in July this year and is now spending time between Italy and the UK with family and friends.

James—Jim—Donoghue joined Lords Hansard in December 1984, having previously worked as a reporter in the law courts and Commons Hansard, and, after 31 years, retired in May. When live television broadcasting of the Lords began in January 1985, he was the first ever *Hansard* reporter to appear on television.

Jim still recalls an alarming encounter he had in the Chamber with Lord Denning, the recently retired Master of the Rolls. During the passage of the Education (Corporal Punishment) Bill, Lord Denning raised the legal definition of “battery”, and said:

“We have to go to the common law to know what is battery. The least touching of another person is a battery. So I just have to put my hand on the shoulder of the Hansard writer, like this, and I would be guilty of a battery”.—[*Official Report*, 4/6/85; col. 622.]

Jim was the *Hansard* writer in question, and vividly remembers the force that Lord Denning used to make his point; fortunately, no lawsuit resulted.

Jim was an assistant editor on his retirement and said at his retirement party that he would miss the chimes of Big Ben on the quarters and on the hour, the beauty and serenity of Westminster Hall, and listening to the parliamentary choir through the Hansard office window as it rehearsed. He also shared that he would not miss annual appraisals, Thursday debates—which seemed to go on for ever—or waiting for the lift to the third floor, West Front. He calculated that during the 31 years he worked here, he spent eight months waiting for it. We certainly have sympathy with some of those sentiments!

Since retiring, Jim has been indulging his passions for travel and good food and wine, and spent four months in Greece. Jim's hard work, passion for detail and rich grammatical knowledge are a big loss to the *Hansard* team, and he is sorely missed.

I have read out several tributes but the qualities of the staff to whom I have just referred apply to all the staff in your Lordships' House and we wish them a peaceful Christmas and happy new year.

Lord Hope of Craighead (CB): My Lords, on behalf of the Cross Bench group, I associate myself with the very well-earned tributes that have been expressed by other Members of the House.

I add a personal word of thanks to the noble Lords, Lord Taylor of Holbeach, Lord Bassam of Brighton and Lord Newby, for the welcome they have given me as the newest member of the rather special group—the usual channels—of which I have not been a member before.

It is a privilege for me to take part in this important tradition, when the House quite rightly takes a moment to express its gratitude to the many staff who have served us so well over so many years. My appreciation of what the staff do for us goes back to when I first

entered the House 20 years ago last February. I can look back to my 13 years as a Lord of Appeal in Ordinary, and to the excellent and devoted service we received on the Committee Corridor from our own dedicated team of doorkeepers, one of the last of whom was Jackie Mouzouros, to whom the noble Lord, Lord Bassam, has just referred. They were with us when we sat in the Committee Rooms and they were with us, too, when we came into the Chamber on Wednesday mornings to deliver our judgments. I still recall their call “Counsel”, when the door opened and the lawyers were admitted to the presence of the Law Lords in the Committee Room, and their equally impressive call, “Clear the Bar”, when the day's hearing was over. They added a dignity and sense of order to our proceedings which we could not possibly have achieved without their assistance.

It has been another very busy year for us in this House. We have had to work very hard, continuing to hold the Government to account through a wide variety of questions and debates and through our widely respected Select Committee structure. All this has been achieved during a period of continued financial constraint. More has had to be done with no increase in our resources. It is a real achievement, and a tribute to the dedication and resilience of our staff, that we have all continued to enjoy such a seamless service from them.

We have also seen a number of new Members introduced on all our Benches. It is always a real pleasure to hear the tributes paid in maiden speeches to the kindness of the staff and all the help they give new Members in coming to terms with their new surroundings. We know that those words of thanks are not empty, and that the tributes are expressions of gratitude sincerely meant. I believe that we are very fortunate, and that it is entirely appropriate that the staff should be recognised in this way this afternoon.

I should like to mention two former members of staff who have served the House in different, but equally important, roles. First, I mention Lenny Lenaghan, who served as a doorkeeper here for 15 years. Lenny joined the House after a 30-year career in the Metropolitan Police, which included a period as part of the police force that protects us here in the Palace of Westminster. I shall always remember an incident one afternoon when he spotted me, seated just outside the Bar of the House, in need—I am ashamed to say—of being kept awake. He thrust an Order Paper into my hand, which I still have, on which he had written in capital letters the words, “The TV camera will have you on it”. When I apologised to him the next morning for falling asleep, he replied, “Just thinking deeply, my Lord”. This was typical of the firm but tactful way in which he kept us all in order. Lenny retired as one of the four senior doorkeepers in July this year, and we wish him and his wife, June, a very long and happy retirement.

Next, I should like to mention Gail Munden. Gail joined the House in June 1998 as a temporary personal secretary to the noble and learned Lord, Lord Steyn, and myself on the Law Lords' corridor. We both thought very highly of her and were delighted when she was made permanent in July 2000. In 2006, as the plans for the transfer of the judicial function of the

[LORD HOPE OF CRAIGHEAD]

House of Lords to the Supreme Court were being put in place, she was faced—like others, including Jackie Mouzouros—with a very difficult decision: should she move, or should she stay? Gail decided to stay here and accept a position that was then on offer in the office of the Clerk of the Parliaments. This proved a very happy choice as, shortly afterwards, she was promoted to senior personal secretary. She remained in this post, where she made many friends, until her recent retirement in October. Gail is a trustee of the

Archer Community Centre, a community building near where she lives in Essex. The building was recently saved from a state of disrepair by Gail and other volunteers, and I understand she intends to continue to devote much of her time to that project in her retirement. We wish her well.

I end by adding my own thanks to all the staff and wishing them, and all noble Lords, a very happy Christmas.

House adjourned at 5.05 pm.

CONTENTS

Tuesday 22 December 2015

Death of a Member: Lord Ezra	2441
Questions	
Northern Powerhouse: Early Years Attainment	2441
Tourism.....	2444
Education: Politics A-level.....	2446
Housing: Spare Room Subsidy	2449
Immigration Bill	
<i>Second Reading</i>	2451
Misuse of Drugs Act 1971 (Temporary Class Drug) (No. 3) Order 2015	
<i>Motion to Approve</i>	2525
