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PARLIAMENTARY DEBATES  
(HANSARD)

# HOUSE OF LORDS

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The first time a Member speaks to a new piece of parliamentary business, the following abbreviations are used to show their party affiliation:

<b>Abbreviation</b>	<b>Party/Group</b>
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
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

No party affiliation is given for Members serving the House in a formal capacity, the Lords spiritual, Members on leave of absence or Members who are otherwise disqualified from sitting in the House.

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# House of Lords

Wednesday 22 July 2020

*The House met in a Hybrid Sitting.*

Noon

*Prayers—read by the Lord Bishop of Southwark.*

## Arrangement of Business

*Announcement*

12.05 pm

**The Lord Speaker (Lord Fowler):** My Lords, the Hybrid Sitting of the House will now begin. Some Members are here in the Chamber, respecting social distancing, others are participating remotely, but all Members will be treated equally.

## Royal Assent

12.06 pm

*The following Acts and Measure were given Royal Assent:*

Supply and Appropriation (Main Estimates) Act,  
Finance Act,  
Stamp Duty Land Tax (Temporary Relief) Act,  
Business and Planning Act,  
Channel Islands Measure.

## Retirement of a Member: Baroness Hanham

*Announcement*

12.06 pm

**The Lord Speaker (Lord Fowler):** My Lords, I should next like to notify the House of the retirement, with effect from today, of the noble Baroness, Lady Hanham, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I should like to thank the noble Baroness for her very much-valued service to the House.

Oral Questions will now commence. Please can those asking supplementary questions keep them short and confined to two points. I ask that Ministers' answers are also brief.

## Covid-19: UN Sustainable Development Goals

*Question*

12.07 pm

*Asked by Lord Collins of Highbury*

To ask Her Majesty's Government what assessment they have made of the impact of the COVID-19 pandemic on global progress towards the United Nations Sustainable Development Goals.

**The Parliamentary Under-Secretary of State, Foreign and Commonwealth Office and Department for International Development (Baroness Sugg) (Con) [V]:** [*Inaudible.*] It is clear, however, that Covid-19 poses yet further

challenges to reaching the sustainable development goals by 2030 and that urgent action to accelerate progress is required. The UK is committed to this aim. To date, we have provided £769 million of UK aid to the international response and we are co-leading work through the UN Financing for Development work stream on sustainable recovery.

**Lord Collins of Highbury (Lab) [V]:** My Lords, this pandemic has proved the importance of the global goals. Sadly, last year's Voluntary National Review was evidence that the SDGs were not prioritised by the top level of government, despite David Cameron's early leadership role in their establishment. What practical and institutional steps are the UK Government taking to ensure that the SDGs are at the centre of their plans to "build back better" at home and internationally post Covid?

**Baroness Sugg [V]:** My Lords, I can assure the noble Lord that the sustainable development goals remain central to the Government's plans, both internationally and domestically. We remain strongly committed to responding to Covid-19 and, in parallel, it is of course important to consider how we will recover. The SDGs are an important lens to help shape policies that will help us build back better from Covid-19 both here in the UK and in our international work.

**Baroness Goudie (Lab) [V]:** My Lords, in what ways are the UK Government ensuring that their rebuilding and recovery efforts are guided by local partners and in line with the national SDG strategy, including working with the private sector globally?

**Baroness Sugg [V]:** My Lords, it is of course important both that we work with the private sector and that we champion localised action as well. We work very closely with front-line responders and southern women's rights organisations; we know that those people are best placed to ensure that the response is informed by the voices and needs of those being affected.

**Baroness Jones of Moulsecoomb (GP) [V]:** Now that the Department for International Development has been scrapped, which Minister and which department are responsible, and ultimately accountable, for the UK's delivery of the sustainable development goals?

**Baroness Sugg [V]:** My Lords, the department is being merged to form the new Foreign, Commonwealth and Development Office. The SDGs will remain at the centre of that department and the Cabinet Minister with ultimate responsibility for the SDGs is the Chancellor of the Duchy of Lancaster.

**Baroness Stroud (Con) [V]:** As part of our commitment to achieving the SDGs, Her Majesty's Government have signed up to eradicate extreme poverty for all people, including those in the UK, and to reduce by at least half the proportion of men, women and children of all ages living in poverty in all its dimensions, according to national definitions. I welcome the fact that the Government have committed to developing the

[BARONESS STROUD]

Social Metrics Commission measure of poverty as the UK's measure but, given that the officials undertaking the work have been deployed to the front line as part of our Covid response, can my noble friend the Minister tell me when work will resume and, when it does, what the strategy will be for halving the proportion of men, women and children of all ages living in poverty in all its dimensions according to these national definitions?

**Baroness Sugg [V]:** My Lords, as my noble friend says, due to the current circumstances, work to develop experimental statistics has been suspended. DWP's current focus is on supporting people financially in these unprecedented times. In the current uncertain climate, I am afraid that I am unable to provide my noble friend with a date for when this work will continue. It will happen only when we are able to do so and are sure that benefit payments and support to the vulnerable will not be put at risk.

**Baroness Sheehan (LD) [V]:** My Lords, the global devastation caused by Covid-19 tells us that we must redouble our efforts to deliver the SDGs. This will require vision, finance and open and transparent collaboration between Governments and stakeholders, both public and private. Why are we dismembering the one department within government that is closest to those requirements? How will our experience be any different from Australia's, where a similar merger led to a loss of over 2,000 years-worth of experience?

**Baroness Sugg [V]:** My Lords, as I said, the UK remains committed to the SDGs and to the underpinning pledge to leave no one behind as we strive to achieve them. The Prime Minister said in his statement to the UN high-level event on financing for development at the end of May that, following Covid-19, there is every need for us to work together to advance shared international objectives, including the SDGs. The SDGs will therefore remain central to the new department's mission.

**Baroness Hodgson of Abinger (Con) [V]:** My Lords, given that Covid-19 has exacerbated gender inequality, pushing the rights of women and girls backwards, how will we ensure that more girls across the world are able not only to go to school but to stay in education at secondary level? Without girls' education, SDG 5 will be impossible to achieve.

**Baroness Sugg [V]:** I completely agree with my noble friend. We know that we will not achieve all the goals without strong action on gender equality, and women and girls are key to their success. We absolutely agree on the importance of girls' education. The Prime Minister and the department champion the right of every girl to 12 years of quality education.

**Lord Crisp (CB) [V]:** My Lords, the pandemic has dramatically demonstrated the importance of having strong health systems everywhere in the world. In that context, what assessment have the Government made

of progress towards universal health coverage—part of goal 3—and will they increase their support for achieving universal health coverage?

**Baroness Sugg [V]:** My Lords, the weakness of developing countries' health systems is one of the biggest risks of the global impact and spread of Covid-19. Equitable, resilient and sustainable systems for health are the foundation for meeting all health needs and preparedness for future health threats. Working towards universal health coverage is more important than ever, given the increased barriers to, and need for, accessible healthcare. The Government will continue to support access to universal health coverage.

**Lord Judd (Lab) [V]:** My Lords, when, as we all hope, a vaccine to deal with this scourge becomes available, what plans are in place to ensure that adequate supplies of the vaccine are getting to the most needy in the Third World?

**Baroness Sugg [V]:** My Lords, a globally accessible and affordable vaccine is, of course, needed to end the pandemic; we are working very closely with organisations such as the Coalition for Epidemic Preparedness Innovations and Gavi. The noble Lord will know that recently we hosted the Gavi replenishment conference. We will work with the WHO on its ACT Accelerator and with partners across the globe to make sure that, if and when a vaccine is found, it is accessible to all.

**Lord Bruce of Bennachie (LD) [V]:** In his Statement announcing the incorporation of DfID into the Foreign Office, the Prime Minister complained:

"We give as much aid to Zambia as we do to Ukraine ... and we give 10 times as much aid to Tanzania as we do to ... the western Balkans".—[*Official Report*, Commons, 16/6/20; cols. 666-7.]

At a time when the number of those facing food insecurity and consequent health vulnerability is likely to double, according to UNDP, is it right to think of taking money from sub-Saharan Africa and giving it to middle-income countries which have been well supported by the EU and aided by the UK contribution to the EU budget?

**Baroness Sugg [V]:** The noble Lord is right to highlight the issue of food insecurity. Pre-existing levels, before Covid-19, were historically high and the impacts of Covid-19 restrictions on trading and supply chains are likely to increase food insecurity. That is why we are working very closely with the World Food Programme and UNICEF to ensure supply chains for food supplies and life-saving treatment for acute malnutrition.

**Lord Loomba (CB) [V]:** My Lords, now that Covid-19 is affecting earning power, health and access to education worldwide, it is obvious that many girls in developing countries may not get a quality education, which will affect the SDGs. What plans do the Government have to meet their 2019 pledge of ensuring 12 years of education for more than 12 million children, half of them girls?

**Baroness Sugg [V]:** My Lords, the Covid-19 crisis has had an incredibly negative impact on the education of millions of children—at least 1.5 billion children in more than 150 countries were out of school at its height. We are working to ensure that we are pivoting our existing programmes to allow remote learning, through radio and television programmes. The important thing is to make sure that all pupils, especially girls, return to schools as and when they reopen. We know that children outside school are at risk of child marriage and violence, so the important thing is to get girls back into school and then ensure that we are doing more to deliver 12 years of quality education for every girl in the world.

**The Lord Speaker (Lord Fowler):** My Lords, the time allowed for this Question has elapsed.

### Schools: Arts Teaching Question

12.17 pm

Asked by **The Earl of Clancarty**

To ask Her Majesty's Government what support is planned for the teaching of arts and other creative subjects in schools (1) online, and (2) in classrooms, as the restrictions in place to address the COVID-19 pandemic are lifted.

**The Parliamentary Under-Secretary of State, Department for Education and Department for International Trade (Baroness Berridge) (Con):** My Lords, the department is committed to high-quality education for all pupils during this difficult time, including in the arts and other creative subjects. We have introduced several initiatives for schools and parents, including signposting to a range of online resources, including BBC Education, the Oak National Academy and other professional organisations, such as Music Mark and the National Society for Education in Art and Design. On 2 July, the department published detailed guidance to support the return to full-time education in September.

**The Earl of Clancarty (CB) [V]:** My Lords, there is considerable concern that so-called core subjects will be prioritised in the autumn and arts subjects sidelined, with particular worries about subjects studied in year 10—a worry further fuelled by the comments of the CEO of the Harris Federation. Will the Government ensure that, come September, a broad and balanced curriculum will mean precisely that from the off, and that students will have a wide GCSE choice, including arts and design subjects? Does the Minister agree that arts in schools are currently urgently needed to play a central role in the country's mental recovery from Covid?

**Baroness Berridge:** My Lords, I concur with the noble Earl that arts, PE et cetera, are vital to the well-being and recovery not just of children but of adults. Yes, the guidance makes clear that schools should return to a broad and balanced curriculum, with some flexibility, though, for teachers in relation to how pupils recover in the core subjects. Key stage 4 students should be expected to continue to study all

their examination subjects. However, there may be exceptional circumstances where it is best that a pupil is not entered for the full range that they were intending to study next year, but we leave that matter with school teachers. As I say, it is exceptional: the noble Earl will be aware that Ofsted will begin visiting schools again in September, and the breadth of the curriculum is one of the matters it will be discussing collaboratively with schools.

**Lord Baker of Dorking (Con) [V]:** I declare my chairmanship of the Baker Dearing Educational Trust, which sustains and supports 48 university technical colleges. I am afraid that I do not share the Minister's optimism. There is a real danger that in GCSEs next year the arts and cultural subjects are likely to be dropped or made second rate—indeed, the advice from Ofqual and examining boards is to focus on just eight academic subjects. This is extremely disadvantageous, because these subjects are popular with disadvantaged and less gifted children and should be available. The Government should make sure that they are preserved. Since 2010, these subjects have dropped by 25% to 30%. What has happened to the broad-based curriculum I introduced in the 1980s?

**Baroness Berridge:** The broad base is now the broad and balanced curriculum, which was introduced as the new Ofsted framework last September. My noble friend is correct that we want to see the broad curriculum taught from September. We are also aware that extra-curricular use of arts and music is important for arts subjects, for which we fund a number of initiatives, including the essential life skills course for opportunity areas, which focuses on extra-curricular activities for disadvantaged children in those areas.

**Lord Berkeley of Knighton (CB) [V]:** I am afraid the noble Lord, Lord Baker, is absolutely right. Will the national plan, which expires in 2020, be continued and funded? Does the Minister agree that the acquiring of creative knowledge—the technique to play an instrument or sing—requires constant practice, which has of course been unavoidably broken? We need to replenish the minds and muscles of the young.

**Baroness Berridge:** I assure the noble Lord that the national plan introduced in 2011 will be refreshed. Unfortunately, due to Covid, that and the development of the model curriculum for key stages 1 to 3 had to be put on hold. As someone who has recently taken up a musical instrument, I can only agree that practice is important. In our guidance issued at the beginning of the month, we have given flexibility to the curriculum that will enable not just core content in maths but core skills in music teaching.

**The Lord Speaker (Lord Fowler):** Baroness Bakewell. No? I call the noble Lord, Lord Storey.

**Lord Storey (LD) [V]:** In a reply to my Written Question on arts subjects in schools, the Minister said that all

“maintained schools are required to teach the full National Curriculum, including art and design, and music”



[LORD STOREY]

and creative subjects, while, as she knows, academies do not have to do this. Why is this? If she is keen to have a broad and balanced curriculum that provides opportunities for creative subjects for all pupils, surely this needs to be changed.

**Baroness Berridge:** My Lords, the noble Lord is correct that teaching the national curriculum is not compulsory in the academies sector. However, Ofsted inspects all maintained and academy schools to the same standard of the broad and balanced curriculum; its inspection framework now includes whether children's cultural capital is being improved. Ofsted judges all schools to the same standard.

**Lord Watson of Invergowrie (Lab) [V]:** My Lords, studies have shown that the arts can improve young people's cognitive abilities and contribute to raising the—[*Inaudible.*]—particularly for children from lower-income backgrounds. The Secretary of State for Education seems to agree; two weeks ago he said that

“it is important that the curriculum is full, broad and balanced and includes the arts and humanities, sports and so much else”.—[*Official Report, Commons, 2/7/20; col. 541.*]

The guidance which the Minister just referred to contains similar aspirations. Can she explain how the Secretary of State believes this can be achieved while the Government maintain their policy of driving up the number of pupils sitting EBacc subjects, which narrow the curriculum?

**Baroness Berridge:** My Lords, I hope I have got the tenor of the question—it was a bit difficult to hear. Although there have been fluctuations in the take-up of arts subjects at GCSE and A-level, over the last 10 years they have remained broadly stable. Any decrease in numbers was present before 2010, so it is not correct to link those fluctuations to the introduction of the EBacc. As I said, Ofsted inspects against a broad and balanced curriculum. It is important to remember that, although for students who want to specialise in arts subjects it is important to take the examinations, we fund specific initiatives to make sure that arts and music activities in particular are part of extra-curricular education for many more students than take examinations in those subjects.

**Lord Moynihan (Con) [V]:** Will my noble friend consider establishing an innovation fund for charities to support the adaptations the charity sector in education will need to make to provide specialist services to support the teaching of arts subjects, so that vulnerable children and young people can benefit from the extensive support which could now be unleashed by the charitable sector, focusing on digital innovations and access as we emerge from the crisis?

**Baroness Berridge:** My Lords, in relation to music, one of the things in establishing the national plan and the hubs was that they would help in music practitioner training. An important thing we have seen in looking at the subjects undertaken is that art and design has become more popular over the last 10 years. However, we recognise—and fund—an enormous amount of initiatives, such as the National Youth Orchestra, to give young people opportunities to participate.

**Baroness Bull (CB) [V]:** My Lords, dance is perhaps unique in the curriculum as it provides intellectual, emotional, social and physical education in a single subject. It is therefore particularly well placed to address the negative impacts of lockdown on children's emotional and social skills, mental well-being and physical fitness. Can the Minister say why the published guidance makes no reference at all to dance? When can schools expect to receive guidance on specific safety measures related to the teaching of dance in or alongside the curriculum?

**Baroness Berridge:** My Lords, dance is included in PE, which we have promoted particularly in primary education through the £320 million PE premium. However, the noble Baroness is correct that dance provides young people with emotional and physical exercise. She will be aware that for young people and adults we give dance and drama awards to those who are exceptionally talented, like the noble Baroness, so that they can go on to study at specialist institutions.

**Lord Knight of Weymouth (Lab) [V]:** I remind noble Lords of my interests in the register. The initial focus for school leaders in September must be the well-being of children. Studying music is known to improve health and well-being as well as attainment. Given the restrictions currently in place on choirs and instrument lessons, as the noble Lord, Lord Berkeley, asked, when will the Government renew the national plan for music education and show how we can resume the music education to which all pupils are entitled?

**Baroness Berridge:** My Lords, unfortunately I do not have a timeframe for when the national plan will be refreshed. Although the noble Lord is correct that there is mention in the guidance about not singing or playing wind or brass in larger groups, there is a hierarchy of controls to enable those activities to take place in smaller groups, such as doing it outside, making sure that shared instruments are disinfected, et cetera. When the £1.57 billion to support the arts sector was announced, scientific research was also commissioned from Imperial College London and other institutions so that we could understand more about the risks of these activities.

**The Lord Speaker:** My Lords, the time allowed for this Question has elapsed.

## Churches: Reopening of Buildings *Question*

12.28 pm

*Asked by Lord Lexden*

To ask Her Majesty's Government, further to the Written Answer by Lord Greenhalgh on 26 May (HL4184), what discussions they have had with (1) the Church of England, (2) the Catholic Church in England and Wales, and (3) other Churches, about the reopening of church buildings for private devotional prayer and public worship.

**The Minister of State, Home Office and Ministry of Housing, Communities and Local Government (Lord Greenhalgh) (Con):** The Government have worked closely with all major faiths in England through the places of worship task force and regular faith round tables with leaders and representatives. These include Christian representatives from the main denominations. Our engagement has covered a wide variety of issues relating to the Covid-19 pandemic and plans to reopen places of worship. Individual prayer and communal worship are now both permitted.

**Lord Lexden (Con):** My Lords, since social distancing could have been arranged so easily from the outset, was it really necessary to lock up all our churches for the first time since Pope Innocent III ordered their closure 800 years ago, with the Church of England going beyond official government guidance initially by banning private prayer in churches and forbidding its clergy to enter them even on their own? Is my noble friend able to tell the House how much financial support the Government have so far provided to assist the survival of our historic places of worship? Salisbury Cathedral, which is celebrating its 800th anniversary this year, was expecting some £2.2 million from visitors; it will be lucky to get £200,000. Finally, may I press my noble friend again on the urgent need for explicit guidance on the safe resumption of choral singing? The great composer John Rutter said recently:

“Some two million people in the UK engage in choral singing, and they are desperately missing this pillar of our national life.”

**Lord Greenhalgh:** My Lords, the decision to close places of worship was not taken lightly, but it was in response to the fact that the virus is highly contagious, particularly in areas where people gather indoors. In recent months, historic places of worship have been able to apply for grants from Historic England and the National Lottery Heritage Fund of some £55 million, and listed places of worship can get around £200 million for heritage construction projects. I refer to the DCMS guidance on my noble friend’s third point.

**The Lord Bishop of St Albans [V]:** My Lords, many of our churches and cathedrals are desperate to enable small groups of singers, perhaps four singers standing five metres apart from each other. Is there any possibility that that will be allowed soon? Secondly, will the Minister tell the House whether there are any plans for the compulsory wearing of face masks in places of worship?

**Lord Greenhalgh:** My Lords, I will have to write on the policy regarding face masks in places of worship. We have announced that indoor musical performances to a live audience are expected to resume after 1 August, subject to a successful completion of pilots and provided that prevalence remains at around or below current levels.

**Lord Kirkhope of Harrogate (Con) [V]:** Will my noble friend join me in congratulating the leaders of our religious faith communities on the way they have, despite restrictions, through innovation and enterprise,

managed to find ways to allow worship to continue through the Covid crisis, especially by employing virtual networks and indeed by co-operating to maintain the spiritual health of the nation?

**Lord Greenhalgh:** I certainly will. The move by all faith communities towards online worship has been simply incredible. In fact, it has enabled them to reach further into communities and it is to be commended.

**Lord Singh of Wimbledon (CB) [V]:** My Lords, discussions with the Minister confirm that the Government are concerned with the safety of all faiths. The attached risks to BAME communities are greater and there are important differences in the manner of worship, proximity of worshippers and layout of buildings. Will the Minister confirm that all these factors should be considered in government advice?

**Lord Greenhalgh:** My Lords, the government advice as published provides a framework for places of worship, including gurdwaras, to open safely, and of course it is down to local decision-making to work within that framework.

**Lord McNicol of West Kilbride (Lab) [V]:** My Lords, churches serve many vital and often underrecognised purposes across our communities, which includes providing support to members of both their congregations and the wider community through food banks, childcare services and bereavement support, to name but a few, as well as providing both spiritual and practical support. Has the Minister engaged with churches of all faiths to understand what practical support they require to continue that important work?

**Lord Greenhalgh:** My Lords, we have engaged with a series of virtual round tables, and the noble Lord is absolutely right that the response during the pandemic and the support for the vulnerable by all faith communities has been simply remarkable. I have also provided some input into a review that has been started by Danny Kruger MP to look into how that can continue during the recovery phase of the pandemic.

**Lord Roberts of Llandudno (LD) [V]:** I join the tribute to those who helped organise the online worship and thank all those who held Zoom services and fellowships for all they have done. There must be hundreds of them throughout the United Kingdom. However, I also thank the broadcasting authorities, S4C in Wales and the British Broadcasting Corporation, which have been able to help people, especially older people, who are confined to their homes. This has made it so important that the licence fee for those over 70 be also now deferred. Without that companion of the television set, they would have been lost.

**Lord Greenhalgh:** My Lords, I note the point raised around the licence fee and the importance of the television set in people’s lives but also recognise, as I said before, the great moves and strides for online engagement within faith communities.

**Lord McInnes of Kilwinning (Con) [V]:** My Lords, given the importance of the voluntary and third sector in dealing with the Covid crisis, I am delighted to hear my noble friend tell us of his involvement in the faith groups round table. However, in future, will more of a government co-ordination effort be made in terms of fully utilising the resources, both human and financial, as well as geographical and infrastructural, of all faiths throughout the UK to ensure that there is less of an ad hoc approach in local communities but a unified support of the most vulnerable?

**Lord Greenhalgh:** My Lords, we need to make better sense of how government can work beyond departments, and I have engaged with my colleague my noble friend Lady Barran in DCMS in that endeavour, and in the review conducted by Danny Kruger I have made representations precisely along those lines.

**Baroness Sherlock (Lab) [V]:** My Lords, I remind the House that I am a Church of England priest, and I was therefore delighted when churches could reopen for private prayer. However, I found out because a Minister tweeted the announcement at 10 o'clock on a Saturday night. We got a week's notice, but there was not enough time for the guidance to come out. That was not very helpful. Preparing to reopen safely was tough enough for my church, which is blessed with a team of staff, but lots of churches rely just on volunteers. I gently ask the Minister whether it would be possible for him to reassure us that the Government will try to give more notice of future changes.

**Lord Greenhalgh:** We recognise that the communication could have been better around individual prayer. I think that the guidance was shared with faith leaders in the places of worship round table some days in advance, so when we moved to communal worship, communication improved. However, I note the noble Baroness's points.

**Viscount Waverley (CB) [V]:** My Lords, the importance of the message could well do with underlining. Does the Minister agree, without reservation, that the United Kingdom is a multi-religious country and that great care needs to be taken to respect all religions on all occasions, particularly when being referred to in your Lordships' Chamber? That is equally applicable to churches, mosques and synagogues, to name but a few, for we are all servants of God.

**Lord Greenhalgh:** My Lords, I wholeheartedly agree, which is why the faith round tables engaged with leaders of all our major faiths and those of the belief groups, recognising the importance of engaging with everyone.

**Lord Pickles (Con) [V]:** My Lords, noble Lords have been quite right to point to the way in which various religious groups have managed to keep their congregations together and to outreach in the wider community, particularly to the vulnerable. As one local religious organiser said to me, in many ways they have been able to go out further than was possible

before the outbreak. What will the Government do to help co-ordinate and ensure that this level of contact with the vulnerable is kept up?

**Lord Greenhalgh:** My Lords, that is precisely the point of the review being conducted by Danny Kruger MP to look at how we can sustain the tremendous effort during the pandemic into the recovery phase; I will not pre-empt his report.

**The Lord Speaker (Lord Fowler):** My Lords, the time allowed for this question has elapsed. We now come to the fourth Oral Question.

## Parliament: Restoration and Renewal Project Question

12.39 pm

*Asked by Lord Cormack*

To ask Her Majesty's Government, further to the letter from the Prime Minister to the Chief Executive of the Sponsor Body and Chief Executive Designate for the Delivery Authority for the Houses of Parliament Restoration and Renewal Project on 15 July, what their proposals are for the relocation of both Houses of Parliament during the restoration of the Palace of Westminster.

**The Minister of State, Cabinet Office (Lord True) (Con):** My Lords, as I said in my Answer on this last Monday, the location of Parliament is a matter for Parliament. Both Houses will need to review their sitting arrangements as part of restoration and renewal. The Government are keen to ensure that the restoration and renewal of the Palace of Westminster delivers best value for money and asked the sponsor body to advise Parliament on a range of options and consider decant locations outside London in its strategic review. The Government are not prejudging any particular outcome.

**Lord Cormack (Con) [V]:** My Lords, do the Government remain firmly committed to ensuring that after restoration and renewal is complete, both Houses will continue to sit in the Palace of Westminster as their permanent home? Bearing in mind that only one bicameral legislature in the world, that of the Ivory Coast—we owe that information to the Lord Speaker—has Chambers in different geographical locations, does the Minister accept that it makes no constitutional or economic sense to remove either or both Chambers to any other city within the UK for just a few years?

**Lord True:** My Lords, in the original debates on this subject, my noble friend rightly pointed to the heritage nature of this great Palace of Westminster, which I think we all hold dear. Indeed, heritage is one of the aspects referred to in the Prime Minister's letter. So far as how the Houses will operate when decant—if decant—takes place, that is a matter for them. I would simply say that the broad and generous acres of Yorkshire are not in another continent.



**Baroness Hayter of Kentish Town (Lab) [V]:** My Lords, any suggestion about a move should have been made to the Speaker and the Lord Speaker, not in a letter to non-parliamentarians. I ask the Minister to remind the Prime Minister that he is not a president but is accountable to Parliament, which needs to be located close by so that the Prime Minister and Ministers can report to Parliament, no matter how much he dislikes having to do so. This is the nature of our democracy, and Parliament will hold him to it.

**Lord True:** My Lords, the sponsor body is independent: that was the decision of your Lordships' House and of the other place. The strategic review was announced in May by the sponsor body and it is for it to progress as it wishes. It is open to every Member of Parliament, not just the Prime Minister, to put forward their views to the sponsor body.

**Lord Wallace of Saltaire (LD) [V]:** My Lords, I understand that the Prime Minister's letter proposing that both Houses of Parliament might relocate to York had already been sent when the Minister answered questions on this on 15 July, yet he made no reference to it in any of his replies. Was that because he was not aware of the letter or because he chose not to inform this House that the Commons might also be moved?

On 9 July, in answering questions on the ISC report on Russia, he described suggestions that the Conservative Party had received large sums from Russian donors as "wild charges". Now that several articles in the quality press and the published ISC report have substantiated that such sums have been accepted by the Conservatives, will he withdraw that reply?

**Lord True:** My Lords, I think the second part of the noble Lord's question is germane to the Question that follows; I am not sure if he has a chance to ask a question on that. The Conservative Party's donations are declared, permissible and controlled. On the first part of his question, I stand by every word I used last week.

**Lord Flight (Con):** My Lords, I hope our democratic machinery will get a move on in taking a decision about relocation and will take a wholly common-sense view on what is appropriate, which I personally believe is to stay in Westminster. The great cities of this country have an important local leadership role and a role liaising with Westminster, but I do not think it makes any great sense for them to be considered as a location for our Houses of Parliament. The Minister is not necessarily in a position to support that, but I would be interested in his personal views.

**Lord True:** My Lords, giving personal views from this Dispatch Box is probably not the wisest thing. On the timescale, again, the sponsor body is independent. It will conduct its review on the timescale it has set out, but I understand that it expects and hopes to report this autumn.

**The Earl of Devon (CB) [V]:** My Lords, the Earl of Devon was first summoned to Shrewsbury, so I am not averse to sitting elsewhere, but I am very concerned

about delay. We passed the restoration and renewal Act last autumn with an urgent mandate to get to work immediately to save the Palace. Nowhere in the Act is the sponsor body empowered to second-guess that mandate. Under what authority is the sponsor body conducting its strategic review, and why is it not complying with its obligation to restore this key national heritage?

**Lord True:** My Lords, again, the sponsor body is independent. It was obliged under the Parliamentary Buildings (Restoration and Renewal) Act, which your Lordships assented to, to prepare a strategy on this and to consult Members of each House of Parliament. That was published in May and, as I said, I hope and understand that the sponsor body will report in the autumn, but I take note of what the noble Earl said.

**Lord West of Spithead (Lab) [V]:** My Lords, I agree with the noble Earl because the situation is now confusing in terms of its accountability. Options seem to be coming out of No. 10 like chaff from an aircraft under missile attack. But given that we are in the season for crackpot ideas and bearing in mind that the furthest point from the sea in our great maritime nation is Coton in the Elms in Derbyshire at 45 miles, and that a large number of cruise ships that are now lying idle may in the future be available at very cheap rates, could not both Houses embark on a ship and operate from it while visiting all parts of our islands? I have raised this idea before on the Floor of the House and the Minister replying said that it would be looked at. Has it?

**Lord True:** My Lords, I will have to take advice on the matter in order to respond to the noble Lord. Options coming out like chaff will have varying effects, as he will know. I repeat that this is a matter for the exclusive cognisance of your Lordships' House and, in the last resort, of the other place.

**Lord McNally (LD) [V]:** My Lords, since the origin of the idea to move to York came from No. 10, perhaps we should carry on up to Barnard Castle. In the meantime, the real wake-up call for this House is that for the past 20 years, the Conservative and Labour Benches have frustrated any real and radical reform of this House. I ask the Lord Speaker to call together the leaders of all parties to consider such a programme of radical reform. While I know that turkeys do not vote for Christmas, unless we are willing to reform ourselves, we will certainly be plucked and stuffed by that cabal in No. 10.

**Lord True:** My Lords, I always commend an open mind, but unfortunately for the Liberal Democrat party, many of its proposals for reform have fallen on stony ground.

**Lord Empey (UUP):** My Lords, in the event that the Government should decide to move this House to another location against its will, would that require primary legislation and would the Minister propose to take such legislation through all its stages in this House?

**Lord True:** My Lords, I never answer hypothetical questions. On the factual point, as I have said, this is a matter for the exclusive cognisance of both Houses.

**Lord King of Bridgwater (Con) [V]:** I welcome the statement by my noble friend the Minister that this is finally a matter for Parliament and not one for the Government to order. Knowing the obvious benefits of the two Houses working together in many fields, I hope that the Joint Committee which is investigating this matter recognises the importance of ensuring the closest possible co-location of the two Houses, and that in view of the problems caused by the pandemic, it seems quite unrealistic to try to move Parliament elsewhere in the country because it will be difficult enough to operate it even in our present locations.

**Lord True:** My Lords, a number of factors have been raised by noble Lords during our various exchanges of which I have taken careful note, and the considerations that my noble friend has put forward are among those. Indeed, they were alluded to in the Prime Minister's letter, along with timelines, the effect on the work of Parliament and so on, which were specifically referred to.

**The Lord Speaker (Lord Fowler):** My Lords, the time allowed for this Question has elapsed.

12.50 pm

*Sitting suspended.*

## Arrangement of Business

### *Announcement*

1 pm

**The Deputy Speaker (Lord Faulkner of Worcester) (Lab):** My Lords, hybrid proceedings will now resume. Some Members are here in the Chamber, respecting social distancing, and others are participating remotely, but all Members will be treated equally. If the capacity of the Chamber is exceeded, I will immediately adjourn the House.

## Intelligence and Security Committee: Russia Report

### *Private Notice Question*

1.01 pm

*Asked by Lord Foulkes of Cumnock*

To ask Her Majesty's Government what steps they are taking in response to the report by the Intelligence and Security Committee of Parliament *Russia*, published on 21 July.

**The Minister of State, Cabinet Office (Lord True) (Con):** My Lords, the Government welcome the Intelligence and Security Committee's report on Russia. We have been clear that Russia must desist from its attacks on the UK and our allies. We will be resolute in defending our country, democracy and values from any such hostile state activity. As set out in the Prime Minister's Written Ministerial Statement of 21 July, yesterday the Government published a full response, and I commend it to the noble Lord.

**Lord Foulkes of Cumnock (Lab Co-op) [V]:** My Lords, does the Minister not accept that this report reveals a catalogue of confusion and indifference in dealing with the threats from Russia? Will the Government now task the intelligence agencies with learning from our past failings and producing a plan to tackle interference in our democratic processes and the penetration of British society by Russia? Will the Minister tell us when they will introduce the legislation that has been announced to strengthen our capability to deal with espionage and the illicit dealings of the Russian elite with its agents and enablers in the United Kingdom?

**Lord True:** My Lords, the noble Lord asked a number of questions there, which no doubt we can return to. On the first point, I do not accept that there is a catastrophic failure, as he puts it. In 2017, the Government implemented the Russia strategy and established the cross-government Russia unit, which brings together diplomatic, intelligence and military capabilities to maximum effect. So far as foreign resources are concerned, illicit money is not welcome in this country.

**Lord Browne of Ladyton (Lab) [V]:** My Lords, it is no wonder that trust in this Government and the Prime Minister is in decline. On 9 July, the Minister claimed that the Government

"always take proactive action to defend our democracy"—[*Official Report*, 9/7/20; col. 1213.]

against the threat of Kremlin interference. This report, its blocking and the predictable rejection of justified calls for an inquiry into interference in the EU referendum and the 2017 election show his assurance to have been worthless. My noble friend Lord Foulkes highlighted the most important of the report's several recommendations, but the Minister did not fully address his question. I respectfully ask if he can confirm which of the recommendations the Government will implement.

**Lord True:** My Lords, the Government have given a very full response to the inquiry. In the short time available, I cannot add further to the details of that response. As for the noble Lord's question, it is the work of the intelligence and security agencies to assess any new evidence as it emerges; that is a continuing process. Given this long-standing approach, it is not necessary to hold a specific retrospective inquiry. If there were evidence available to be found, it would emerge through our existing processes.

**Lord Campbell of Pittenweem (LD) [V]:** My Lords, as a result of the report, is it not the case that the Minister and the Government are compelled to accept that the Government have been negligent of their responsibility to guard the democratic values of this country, that they delayed the publication of the report with fake news excuses so that it did not feature in the general election, and that the failure to allow a full-scale inquiry into Russian meddling will make it seem that the Government have something to hide?

**Lord True:** My Lords, I have said before that I do not accept the noble Lord opposite's narrative about delay. The intelligence committee has been reformed

in this Parliament; it has published the report and the Government have responded to it in detail at the first possible opportunity.

**Viscount Ridley (Con) [V]:** My Lords, does my noble friend agree with Anders Fogh Rasmussen, speaking when he was Secretary-General of NATO, that

“Russia, as part of their sophisticated information and disinformation operations, engaged actively with ... environmental organizations working against shale gas ... to maintain European dependence on imported Russian gas”?

Will he agree to look into how much the debate on shale gas in the UK was distorted by Russian interference?

**Lord True:** My Lords, my noble friend asks a detailed question; I will undertake to respond to him on that. In general, the threats faced are various, and there is no question that the UK is not fully aware of the efforts of external actors to intervene in our country.

**Lord Janvrin (CB) [V]:** My Lords, I declare an interest as a member of the committee in the last Parliament that produced this report. I am pleased to see that it has been recognised as a wake-up call to the Government about the dangers of the covert threat posed by the Russian state. Should there be a single government department responsible for countering hostile state activities in the United Kingdom, whether from Russia or any others, including against the integrity of our democratic processes?

**Lord True:** My Lords, I pay tribute to the noble Lord and his work on the production of the report, which I have welcomed on behalf of the Government. It makes comments and recommendations about the management of activity within government, but I repeat that the Government’s coherent Russia strategy was established in 2017. Obviously, we always keep effective operations under advice.

**Baroness Hayter of Kentish Town (Lab) [V]:** The report says that while Russia poses a “security threat”, including to democracy, the Government

“took their eye off the ball”,

failing to provide oversight or strategic direction, and had a surprising lack of curiosity over the impact of Russian activities. The report called for enhanced transparency, and the Government promptly suppressed the report. Given that the Government’s responsibility is to keep the country safe, can the Minister reassure the House that the Prime Minister will implement the report’s recommendations?

**Lord True:** My Lords, repeating the allegation that the Government suppressed a report that is not a government report does not make that allegation true. I repeat that the report has been published and the Government have responded in detail at the first possible opportunity. As for taking their eye off the ball, the Government have long recognised that there is an enduring and significant threat posed by Russia to the UK and its allies. That is why, to repeat what I said earlier, the Government implemented the Russia strategy in 2017.

**Lord Tyler (LD) [V]:** My Lords, in the final 72 hours before the EU referendum in June 2016 there was extensive, disguised, unregulated and targeted digital campaign messaging. Ministers ignored this. Why? This occurred again last year, with shadowy Brexit-supporting groups spending hundreds of thousands of pounds and then disappearing. Ministers ignored this. Why? Given the detailed recommendations of the Electoral Commission and the Information Commissioner more than a year ago, and now of both Commons and Lords Select Committees, that those responsible and paying for such political digital messages must be made to identify themselves, why have Ministers dragged their feet?

**Lord True:** My Lords, Ministers have not dragged their feet, and issues of electoral integrity are very much under consideration, as the noble Lord knows. Action will be taken in the course of this Parliament. On his central question, we have seen no evidence of successful interference in the EU referendum.

**Lord Howard of Rising (Con) [V]:** Does the Minister agree that no one should be permitted to interfere in the internal affairs of the United Kingdom? For example, Jean-Claude Juncker had to be restrained by David Cameron from interfering in the 2016 referendum. As for Russian interference in the referendum, was the Minister influenced by a Russian, or did he manage to make up his own mind?

**Lord True:** My Lords, I was not influenced by any Russians. My noble friend touches on something which I beg your Lordships—and have done before—to hold in their mind. The decision to leave Europe was taken by millions upon millions of our fellow countrymen—twice. The result was not hatched in some dacha in Moscow.

**Lord Houghton of Richmond (CB) [V]:** Whatever else this report tells us, it seems clear that the United Kingdom’s democratic processes and political system are unacceptably vulnerable to malign Russian influence. It is further evidence that we live in an age when we cannot properly differentiate between war and peace. Many countries exist in a perpetual state of unarmed conflict with other countries, when mendacious activity below the level of formal warfare is the norm.

In the context of this year’s integrated review of diplomacy, defence and security, what reassurance can the Minister offer that the country has developed, or is developing, the capability not just to mitigate the effects of malign foreign activity, but deter them? An effective deterrent strategy must of course be based on the credibility of capability and the willingness to use it.

**Lord True:** My Lords, I am not going to comment on operational matters, but the noble and gallant Lord obviously touches on important questions, which are firmly on the agenda and in the purview of the Government.

**Baroness Kennedy of Cradley (Non-Aff) [V]:** My Lords, further to the question by the noble Lord, Lord Janvrin, does the Minister agree it is time the



[BARONESS KENNEDY OF CRADLEY]

Government stopped passing round the job of defending our democracy from Russian disinformation campaigns like a hot potato, which has clearly been happening despite the 2017 Russia strategy, and make it clear who within government has responsibility for protecting the UK from hostile interference? Furthermore, Government should insist that the social media companies agree a protocol for decisive and quick action to remove foreign political influence and fake news from their platforms.

**Lord True:** My Lords, the noble Baroness raises a range of important matters, and I do not deny the importance of any of them. The Government keep all these factors in mind and are watchful. As I have said before, all our agencies are constantly assessing and seeking to deter the threats posed by hostile state activity.

**Lord Harris of Haringey (Lab) [V]:** The Minister must understand that he does himself and the Government no favours by continuing to disrespect the House in the manner with which he answers—or fails to answer—questions. The Government and the noble Lord have repeatedly told us there is no evidence of “successful” interference in elections or referendums, but that is not the point. The evidence received by your Lordships’ Democracy and Digital Technologies Committee, and indeed the ISC report, made it clear that Russian disinformation is designed not necessarily to produce a particular result but to undermine faith in democratic institutions and democracy itself. That is wider and more insidious. Do the Government accept this is a real and present danger, and what will they do about it?

**Lord True:** My Lords, again I am not commenting on the Government’s operational activities. I repeat that we have seen no evidence of successful interference, and we assess any new evidence as it emerges.

**Lord Robathan (Con) [V]:** My Lords, I would like to raise a point from the report that some Members of your Lordships’ House are, perhaps, influencers in this Russian debate. I am banned from going to Russia, but I have been to various meetings with Members of both Houses, and I regret to say that some noble Lords seem to be defending the indefensible—namely, the Putin regime. Could my noble friend ensure there is a closer investigation into one or two links that people have with the Putin regime?

**Lord True:** My Lords, all Members of the House will have noted the comments in the committee report in relation to your Lordships’ House. It is extremely important that we should all be on our guard against the activities of the Putin regime. The noble and learned Lord, Lord Mance, has written to the appropriate committee of the House on the recommendations made in the report.

**The Deputy Speaker (Lord Faulkner of Worcester) (Lab):** We are not able to hear the noble Lord, Lord Rowe-Beddoe, and we have come to the end of the Private Notice Question.

## House of Lords: Allowance

### *Motion to Agree*

1.17 pm

*Moved by Baroness Evans of Bowes Park*

That 1. The Resolution of the House of 6 May 2020 (House of Lords Allowance) shall have effect, and shall be deemed to have had effect from 8 June 2020, as follows—

a) For paragraph 5, substitute—

“5. In respect of attendance at a physical sitting or virtual proceeding of this House Members should only be entitled to an allowance if—

a) they speak during the sitting or proceeding, or

b) they are otherwise necessary to the sitting or proceeding, or

c) they are on the Speaker’s List for the item of business and present when that business is taken (but that entitlement only arises to claim once in respect of that item).”; and

b) At the end, insert—

“7. Notwithstanding the previous Resolutions of the House, travel and related expenses can only be claimed by Members attending physically to whom paragraph 5 applies.”

2. The Resolution of the House of 6 May 2020 (House of Lords Allowance) (as amended) shall cease to have effect on 1 September 2020, and the Resolution of the House of 20 July 2010 (House of Lords Allowance) shall temporarily cease to have effect in respect of attendances after 1 September 2020.

3. Members of this House, except any Member who receives a salary under the Ministerial and other Salaries Act 1975 and the Chairman and Principal Deputy Chairman of Committees, should be entitled to an allowance in respect of each day of attendance on or after 2 September 2020 as provided for below.

4. “Attendance” means virtual or physical attendance—

a) at a sitting or virtual proceeding of this House,

b) at a meeting or virtual meeting of a Committee of this House, or

c) on such other Parliamentary business as may be determined by the House of Lords Commission.

5. In respect of virtual attendance at a sitting or proceeding of this House Members should only be entitled to an allowance if—

a) they speak during the sitting or proceeding, or

b) they are otherwise necessary to the sitting or proceeding, or

c) they are on the Speaker’s List for the item of business and present when that business is taken (and in that case, the entitlement is only to claim once in respect of that item).



6. In respect of attendance under paragraph (4)(b), only Members of that Committee, or Members authorised to attend a meeting of such a Committee by the Chair, should be entitled to claim an allowance.

7. The amount of the allowance payable to a Member should be—

- a) £323, or
- b) £162, if paragraph 5 applies or if the only attendance of the Member is to vote using the remote voting system pursuant to the Resolution of this House of 4 June 2020.

8. Members of this House specified in paragraph 3 may be entitled to a supplementary daily allowance for Parliamentary work as—

- a) a designated spokesperson for the Official Opposition or the Liberal Democrat Party, or
- b) the chair of such committee of the House, or such other body, as may be determined from time to time by the House of Lords Commission.

9. The maximum entitlements applicable for the purposes of paragraph 8 are—

- a) 10 additional days per month (if paragraph 8(a) applies), and
- b) 5 additional days per month (if paragraph 8(b) applies),

provided that for any month the total number of days claimed for does not exceed the total number of sitting days of the House in that month.

10. The provisions of this Resolution shall be applied in accordance with guidance issued under the authority of the House of Lords Commission.

**The Lord Privy Seal (Baroness Evans of Bowes Park) (Con):** My Lords, at its meeting last Thursday, the House of Lords Commission agreed on an updated set of proposals relating to the financial support available to Members to enable them to carry out their parliamentary duties.

The Lord Speaker, the Senior Deputy Speaker, the leaders of the three main parties and the Cross-Bench Convenor are all members of the commission, as are the chairs of the services and finance committees, two Back-Benchers and two external Members. A summary of the proposals were sent to noble Lords on Friday, and the full details are in the Motion on the Order Paper. In short, if this Motion is agreed to, the current temporary arrangements, which have been in place since May, will, from September, be replaced by a further temporary system that will reflect the expectation and, I think, desire that many more noble Lords will attend and carry out their parliamentary duties here at Westminster, rather than remotely.

In recognition that some noble Lords will be unable or would prefer not to attend in person, but wish to contribute to our proceedings, the proposals maintain the current arrangements for those participating virtually. The commission believes that these proposals also better recognise the work carried out by the Opposition's

Front Benches and our Select Committee chairs. From September, committee chairs and designated opposition Front-Benchers will have access to a limited supplementary daily allowance.

The House authorities are working very hard to ensure that all Members who want to return in September can do so in a way that is compatible with the latest public health guidance, so that Parliament is a safe, Covid-secure working environment. The House authorities will update noble Lords on these plans before we rise for the summer.

This has been an unprecedented period. Although we can be proud that the House has adapted so quickly to significant challenges the current crisis has raised, and that so many noble Lords have been able to participate in our hybrid proceedings, it has certainly not been without its difficulties. In particular, we have had to make difficult decisions in relation to allowances, none of which has been taken lightly by members of the commission. We fully appreciate the concern and impact these have had on Members across the House. On behalf of the commission, I thank all noble Lords for their forbearance and patience. We believe that the changes which will be brought into effect by this Motion represent a positive and clear step towards the return to normal we all want to see as soon as possible, and I hope noble Lords will support them. I beg to move.

**The Deputy Speaker (Lord Faulkner of Worcester) (Lab):** I have received notice that the following noble Lords wish to speak: the noble Baroness, Lady Smith of Basildon, and the noble Lords, Lord Newby, Lord Shinkwin and Lord McConnell of Glenscorrodale. I call the noble Baroness, Lady Smith of Basildon.

**Baroness Smith of Basildon (Lab):** I would prefer to hear from the Back-Benchers before speaking. I am surprised to be called. Would it be in order for Back-Benchers to speak and for me to speak after them?

**The Deputy Speaker:** That is fine. In that case, I call the noble Lord, Lord Shinkwin.

**Lord Shinkwin (Con):** My Lords, every situation can teach us something. The experience of the last few months might have plunged some noble Lords into significant debt, but it is none the less valuable in the lessons that it teaches us as a self-regulating House. I think it is fair to say that the most important lesson is that we must avoid at all costs reinforcing the unfair perception that your Lordships' House is the exclusive preserve of privilege and wealth. Diversity is our strongest defence against that charge, which is why we need to recognise that some noble Lords will inevitably have neither inherited nor acquired wealth but will have significant outgoings. That is normal and must be taken into account, and I thank the Lords Commission for doing so in its latest decision.

However, apart from the personal consequences of suddenly having very little income, it has been very unsettling to see such decision-making power wielded in secrecy and without any accountability to a parliamentary Chamber that is meant to be self-regulating.

[LORD SHINKWIN]

I therefore think that, to move forward, we need to get our own House in order by injecting some transparency and accountability into the system. Most importantly, we urgently need to strengthen the legitimacy of the Lords Commission in future by holding an election of its chair and deputy chair by the whole House, by holding open meetings of the Lords Commission, by ensuring advanced publication of Lords Commission papers, and by having a quarterly Lords Commission Question Time with its chair, held in the Chamber, as in the House of Commons.

I will close on this point. Specifically with regard to the position of the Clerk of the Parliaments, I know that I am not alone in being concerned that the postholder wields huge authority without any real accountability to the House. I therefore suggest that the contract for such a hugely important role should not be extended in future without it having been put to and agreed by the House first, and the details of the package, the job description and objectives having been made available in the Library a week before consideration.

**Lord McConnell of Glenscorrodale (Lab):** I first praise the noble Lord, Lord Shinkwin, for speaking out on issues that he has felt strongly about over recent weeks. It is never easy to talk about parliamentary allowances, because your words are capable of being distorted and you become a bit of a target. If he has opinions to provide to your Lordships' Chamber, he should do so, and he is brave to speak out. I have different points to make, but I welcome his contribution.

I also thank the noble Baroness the Leader for her introduction, for making sure that the information for today was available early and for the supplementary information that has been provided this morning. I recognise that the last few months have been difficult for all concerned. I have praised the staff of the House before. They have done an outstanding job in difficult circumstances. But I also think that the Leader has steered us through these times in a responsible and admirable way.

I have two points, partly spurred on by the use of the word "temporary" to describe this second version of the temporary scheme that we are going through. That word was used to me in the spring of 2011 when I questioned the new allowances scheme. I was told that it was a temporary move to remove the abuses that had been taking place and bring in something that would be simple to administer, but that it would be reviewed quickly and we would return to overnight reimbursement in the near future.

That, of course, has not happened. If, over the nine years since, those Members who live in London or have property in London—I suspect that the vast majority in this House have either inherited that property or had it paid for by the state as Members of the House of Commons—have attended every sitting of this House since Easter 2011, they will have gained more than £200,000 from the change in the allowance system that was brought in, when the previous overnight allowance, which I think was about £160 to £170, was

mopped into the daily allowance so that everybody in the House could claim it, not just those who actually had overnight costs from being in London.

This has happened in the same decade when every party leader, in the House of Commons and here, has expressed a desire to bring more people from more parts of the country, with different experiences and backgrounds, into your Lordships' Chamber. At a time when that is the expressed aim, there is institutional discrimination against those Members who do not live in London and the south-east. That discrimination has never been tackled by the commission, successive Leaders or any of the political parties. I think that that is shameful. I have said it here before and I will say it again today.

I raise this today because we have an opportunity. I want to be positive rather than just negative about what has happened. There is an opportunity, given that these temporary arrangements have had to be put in place, to reduce the daily allowance for all Members and to reinstate some overnight allowance for those Members who have to travel from other parts of the country and do not own property in London. There must be an opportunity over these coming months, as we use this new temporary system, to make a change—to do the right thing. I ask the House of Lords Commission to give that serious consideration. The time is right. I think that it would suit the public mood, but it would also be the right thing to do, not only for the individuals concerned but for the diversity of this House and the attendance of Members from around the whole of the United Kingdom.

My second point is a bit more specific. It is not far off some of the principles behind the points made by the previous speaker. I should perhaps say first of all that my comments on this in no way affect or change my ability to reclaim the legitimate travel costs that I have incurred in attending the Chamber physically over the last few weeks, because on each of those weeks I made a contribution in the Chamber and I will receive my full travel reimbursement, as is right and proper.

However, I am not happy at all about the situation where changes to the regulations and the interpretation of the travel allowance are being backdated. If someone has attended this Chamber over the past seven weeks but on the day was not able, for whatever reason, to go on the relevant Questions list, perhaps because they were not chosen by their Whip, and they incurred legitimate travel costs to be here, if they were not on a list for the day or days they were here that week, they will not get the travel reimbursed, which they paid at the time assuming that that was okay.

I have raised this with the Clerk of the Parliaments, in correspondence with the Leaders and with the Lord Speaker. I think it is wrong that the travel allowance changes should be rigidly backdated. There should be some flexibility for anyone caught up in that situation. I am lucky and fortunate not to be in that position, but at least one or two Members of your Lordships' House might be.

*1.30 pm*

This raises an issue of principle about the allowances system. Members' ability to reclaim their travel expenses should not depend on their party Whips selecting

them for the list to speak in your Lordships' Chamber. It is wrong to have a system so rigid that if someone travels to London with a legitimate desire to contribute to a debate, but because of the numbers that have applied, is then not selected for their party's list of Members to speak, they then must pay their own travel, having come here with the best of intentions. The rigidity of the proposal before us today, with no exceptions allowed for special circumstances, will work against Members from Northern Ireland, Scotland and perhaps the north of England.

I strongly welcome the very good change to help compensate those Members who do extra work, for example as chairs of committees. That should be bedded into the system for the future. However, these things, whether allowances for chairs of committees or claiming reimbursement for travel, should not be in the hands of the Whips. If we are going down this route, we must find a better way of deciding who can participate, where party Whips do not have that level of control over the financial reimbursement—not allowances—that would then be available to Members of your Lordships' House. I would welcome the Leader's comments in respect of those two points.

**Lord Newby (LD):** My Lords, the commission spent many weeks and many meetings attempting to provide a new temporary system that would be fair to everyone; those who can attend, those who cannot attend, those who speak a lot and those who do not speak as often. This proved quite difficult to achieve, but after a very long and winding road, we produced a system which is as near as we could get it to satisfying all the legitimate requirements of Members of your Lordships' House. It still has anomalies. Some people will still legitimately feel disadvantaged by it, but any system broadly based on our current one is bound to have anomalies, and we have minimised them. Therefore, I strongly support the Motion.

While I am happy with the allowance system, or as happy as I am ever likely to be with such a system, I am concerned about the plans for the physical operation, not only of the Chamber, but also of all the ancillary services, when we return in September. We are expecting a lot more people to be here and, as things stand, the House cannot accommodate us. There are plans, which we will hear about before we rise, showing some mitigations of the current, very strict requirements in your Lordships' House, but I am concerned that the degree of rigour with which some of the restrictions are being applied in your Lordships' House is completely out of kilter with what is happening in the country at large. I recognise that many Peers are older and more vulnerable, but we must look very carefully at all our practices to ensure that we get back, as far as possible, to a system whereby not only the allowances allow people to attend, but also that we allow people, when they get here, to operate as parliamentarians, the nature of which requires a lot of close personal interaction. We will have to look at this in September. For today, it is very important that we can give people certainty about the allowance system from September, so that they can plan what they will do in the autumn. This Motion will give them that degree of certainty.

**Baroness Smith of Basildon:** My Lords, when the Minister introduced this, she made it sound so easy—as though the commission met and agreed these proposals, when it was actually a long, winding and rocky road to find agreement, because we were dealing with contentious matters. On the point made by my noble friend Lord McConnell and the noble Lord, Lord Shinkwin, the days when this House was the preserve of the landed gentry have long gone. As we have seen, many Members who have participated in the work of the House, and who I am sure the Minister will join me in paying tribute to, have shown the value of the work that this House does. That should always be our priority, which we have shown ourselves to be ready for. All decisions are about compromise. I disagree with the noble Lord, Lord Shinkwin, that the House has a new role. The commission brings proposals to your Lordships' House for agreement, and the only body that can agree these proposals or otherwise is this House and the Members taking part in it. It is the ultimate preserve of this House whether it wishes to accept the proposals.

My noble friend Lord McConnell spoke of the imperfections in this temporary system and outlined one. That is one of the things we will address in the proposals going forward. This is a compromise—a way forward in a temporary system that a lot of people had to grapple with to find a way for the House to operate better, recognising the contributions not only of individual Members but of this House and its role in legislation. This week we have dealt with the Business and Planning Bill, where significant amendments that were not dealt with in the House of Commons were sent back to the House of Commons with the agreement of all parties. Last night, those Members dealing with the Agriculture Bill were in your Lordships' House until midnight debating it, and that could happen tomorrow night as well. We also have the Second Reading of the immigration Bill coming up. We must recognise that we all need to get back to normal working as soon as possible, before we forget what that is, because working in these circumstances is a lot harder for everybody in many ways. As the noble Lord, Lord Newby, said, it is about not only the allowances but how we operate and fulfil our functions.

There were those who were very cynical and sceptical that this House could embrace technology as we have done to conduct our business. Members of the other place are envious of our remote voting system. As their queue snakes around Parliament and they pretend to socially distance, many are very concerned for their welfare and that of their colleagues. The system that we have adopted is infinitely preferable.

While I accept that there will be imperfections and that we all have concerns, the allowance system before us today recognises a number of issues, particularly the frustrations of Back-Benchers who cannot contribute virtually and wish to come into your Lordships' House. As I have said to my Front-Benchers, and I am grateful for their support in this, the work of the House of Lords is often like a swan; it appears to be going smoothly on top, but if only one could see the furious paddling underneath, including those of us on the Teams channels, WhatsApp channels and email channels managing our business during the days and the enormous



[BARONESS SMITH OF BASILDON]

amount of work that Peers are involved in that is never seen. These proposals recognise that, and the work of our committees.

With more Peers attending, the point made by the noble Lord, Lord Newby, about the arrangements in place is important. The most important thing is to keep ourselves, each other and our families safe. I hope that we can get some more people into the Chamber and we will have a second Hybrid Chamber operating as well, but I also mean around the building. When I get in early, I talk to cleaning staff and catering staff. They also have concerns, so we must ensure that, whatever we do and however we operate, processes are in place to ensure the safety not only of Peers but of the staff of the House, and not only those in funny clothes but also those cleaning the place and ensuring that we are fed and watered. Can the Minister say something about that? Does she have any comments on the wearing of face masks in the Palace? Also, on testing, if any member of staff or noble Lord has symptoms, what will the procedures be for them being tested, and are there any proposals for preventive testing or preventive support?

On balance, these proposals are an important step forward. I see this not just as something that is happening today. In all the decisions being taken, there must be a process. Having dealt with very difficult circumstances, we are moving to a position from which we can return to normal. That must be part of the process, because it is where we all want to be.

**Baroness Evans of Bowes Park:** I thank all noble Lords for their contributions today. I agree with the noble Baroness about the commission bringing proposals to the House and the House ultimately having to make decisions on them.

I hear what the noble Lord, Lord McConnell, said about travel, but I am afraid that the commission's decision has been set out. He is rightly expressing his view, which is doubtless shared by many Members of the House, that there needs to be a review of the allowance system overall. I am sure that the members of the commission will have heard his comments, and that there are Back-Benchers who have a lot of sympathy with him.

These are challenging times. We have had to develop a system for the working of the House, as opposed to allowances, which we all know is not perfect, but we have all worked together to do our best to ensure that noble Lords can be involved and can contribute to the important work we want to do. We all accept that this is by no means perfect, which is why we are all very keen to move towards a return to normality—whatever normality finally becomes. But as the noble Baroness and the noble Lord said, we have to make sure that as we return, hopefully, in larger numbers in September, we do so in a safe, Covid-secure way, not just for us and all our colleagues but for the staff of the House.

The noble Baroness asked about masks; obviously, as government guidance may change, we will keep that in mind. For instance, in our new Grand Committee that will start in September, we have moved to “one metre with mitigation”, so masks will be worn as you enter because that ensures Covid security, whereas in

the Chamber we are two metres apart. So, I suspect we may find in different parts of the House different ways of making sure that we comply with the guidelines. I encourage all noble Lords to bring face coverings with them, but there is already a supply of masks in the Hallkeeper's Lodge, in St Stephen's Hall, should people require them. Ah—the noble Lord has pulled one out, and I saw the noble Baroness come in with one earlier. It is the responsibility of all of us to make sure that we keep ourselves and all our colleagues safe.

The noble Baroness also asked about testing. The House authorities have consulted Public Health England on the provision of different types of testing on the Parliamentary Estate, how they could be put in place and how effective they will be in increasing the safety of Members and staff. Members can already get infection testing, as the public can, but I know that as more people come back, guidance changes and testing becomes available in other ways, the authorities are exploring how and whether it could be offered in the most convenient way to Members, but without creating further issues of too many people in one place.

These are all challenges that we will all be working on together, and I appreciate noble Lords' comments. As the noble Baroness said, I certainly did not mean my remarks to make it sound like this has been easy—it has not—but I hope noble Lords feel that we have taken a step forward. I assure all noble Lords that their concerns have registered with all of us and we greatly appreciate everything they have done. I hope that at this point I can wish all noble Lords a very happy August Recess, and I look forward to seeing many more noble Lords back, I hope, in September.

*Motion agreed.*

**Lord Ashton of Hyde (Con):** My Lords, we need to have the changeover and to respect social distancing, we need to adjourn for five minutes.

*Sitting suspended.*

## Arrangement of Business

### *Announcement*

1.49 pm

**The Deputy Speaker (Lord Faulkner of Worcester) (Lab):** My Lords, the Hybrid Sitting of the House will now resume. Some Members are here in the Chamber, respecting social distancing, and others are participating remotely, but all Members will be treated equally. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. The usual rules and courtesies in debate apply.

## Immigration and Social Security Co-ordination (EU Withdrawal) Bill

### *Second Reading*

1.50 pm

*Moved by Baroness Williams of Trafford*

That the Bill be now read a second time.

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con):** My Lords, I am very pleased to be able to bring this much anticipated—I will not say



“most welcome” to some of your Lordships—and most important of Bills before your Lordships’ House. It will pave the way for the ending of freedom of movement for EU citizens and the introduction of a single, fairer points-based immigration system which treats people in the same way, regardless of their nationality.

It is now over four years since the British people voted in a referendum to leave the European Union. I know that not all noble Lords were happy with that result, but it was the clearly and democratically expressed will of the people of the United Kingdom, and I do not think that anyone can doubt that concerns about immigration played a part in the referendum. This Government believe that we must deliver what the people voted for, and that position was given added weight by the emphatic result in the general election last December.

The heart of the Bill is that it ends free movement. It does that by repealing EU immigration legislation that is retained by the European Union (Withdrawal) Act 2018, as amended by the European Union (Withdrawal Agreement) Act 2020. By ending free movement, EEA citizens, including both EU citizens and those from EFTA countries, and their family members will become subject to UK immigration law and will require the same permission to enter and remain in this country as people from the rest of the world. This will pave the way for the introduction of our new points-based immigration system from 1 January 2021, as we pledged to do in the general election manifesto that my party put before the people last December. The design of the new system was set out in the Government’s policy statement issued in February and further details were published on 13 July. I will say more about this new system shortly but, before I do that, I want to highlight some of the other key features of the Bill.

The first is about Irish rights. We are enormously proud of our deep and historic ties with Ireland and of the contribution that Irish citizens have made to the UK over many years, which is why this Bill will protect the rights of Irish citizens. The long-standing arrangements between our countries ensure that Irish citizens benefit from specific rights in the UK—the same rights that British citizens enjoy in Ireland. They include the right to work and study, to access healthcare and social security benefits, and to vote.

This Bill makes it clear that, once free movement ends, Irish citizens will continue to be able to come to the UK to live and work as they do now, regardless of where they have travelled from. There will remain limited exceptions to this, as is the case now; namely, where an Irish citizen is subject to deportation orders, exclusion decisions or an international travel ban.

The wider rights enjoyed by Irish citizens in the UK that flow from the common travel area arrangements remain, as reaffirmed in the memorandum of understanding signed by the UK and Ireland last year. Both Governments are committed to preserving the unique status and specific rights in each other’s countries enjoyed for over 100 years.

The Bill also includes an important power to ensure that UK legislation remains coherent once free movement ends. This power permits amendments to primary and

secondary legislation which become necessary after the end of free movement. It means that we can align our treatment of EEA and non-EEA citizens, and deliver a system that treats people fairly based on the skills they have and the contribution they make, regardless of where they come from.

The Bill will also enable us to make any necessary changes to our social security system as we align access to benefits for EEA and non-EEA citizens. These policies are led by my noble friend Lady Stedman-Scott and her officials in the Department for Work and Pensions.

The Bill contains powers for the UK Government and/or a Northern Ireland department to amend the retained EU social security co-ordination rules from the end of the transition period for those not in scope of the withdrawal agreement. Scotland will need to make its own primary legislation as appropriate to amend the retained rules in its area of devolved legislative competence.

We are currently in negotiations with the EU about possible new reciprocal arrangements on social security co-ordination. We have been clear that any future agreement on social security must respect Britain’s autonomy to set its own rules. We have already announced that we will end the export of child benefit, and the Bill will enable us to deliver on that commitment.

The UK is working to establish practical, reciprocal provisions on social security co-ordination in order to remove barriers and support the mobility of workers. Any agreement with the EU should be similar in kind to the agreements that the UK has with countries outside the EU. It could include arrangements that provide healthcare cover for tourists, short-term business visitors and service providers; arrangements that allow workers to rely on contributions made in two or more countries to access their state pension, including uprating; and arrangements that prevent dual social security contribution liabilities.

As I have indicated, once free movement ends, we will introduce a single immigration system that encompasses citizens of the whole world. It will be a system based around skills, with the greatest priority given to those with the highest skills who can make the greatest contribution to the UK economy, rather than giving privilege to particular nationalities.

It will be an evidence-based system. Noble Lords will be aware that we commissioned the independent Migration Advisory Committee to advise us on the design of a future system. We have followed its recommendations very carefully and I am pleased to have this opportunity to put on the record once more the Government’s appreciation of the thoughtful and considered work that the MAC does.

It will be a system that works for the benefit of all parts of the United Kingdom. We do not believe that any part of this nation would be well served by operating different immigration systems in different regions. Such an approach is a recipe for chaos and confusion.

Of course, it will be a points-based system, in keeping with the promise that we made to the electorate. Prospective migrants will be able to score additional points if they have particular skills or based on the

[BARONESS WILLIAMS OF TRAFFORD]

nature of the job they are coming to do. This will ensure that it really is an immigration system that enables us to attract the very best migrants from around the world.

We are seizing the opportunity to change the entire system for the better, with simpler, clear and transparent routes. That is why we welcomed the Law Commission's report into simplifying the Immigration Rules, and why we have accepted many of its recommendations. Cutting through the complexity and streamlining processes will be at the heart of our new system.

As well as working closely with the MAC, we have listened to businesses and stakeholders across the UK in designing the new points-based system, and we will continue to engage and work with employers to make it a success and prepare them for the changes. Throughout the Covid-19 pandemic, and since the policy statement was published in February, the Home Office has facilitated over 50 events with a wide variety of stakeholders. They include the food and drink manufacturing, retail, automotive and transport, professional business services, agriculture, creative industries, broadcasting, education, public administration, defence, and air and water transport sectors. This is in addition to extensive stakeholder events held in 2019.

Our engagement has focused on those sectors most impacted and those who have previously had little interaction with the immigration system due to reliance on EU labour. We are engaging with advisory groups, a specific group focused on small and medium-sized enterprises, the devolved nations and parliamentarians, as well as holding external events. We have adapted our programme of engagement via increased use of remote technology and are keeping it under continuous review during the current Covid-19 situation to ensure that it remains effective.

We have designed a number of policies which will support the NHS and wider health and care sector to continue to access the best and brightest talent from across the world. We recently announced the introduction of the health and care visa from this summer, which will offer fast-tracked entry to the UK for eligible health and care professionals, reduced application fees and dedicated support through the application process. Those eligible will also be exempt from paying the immigration health surcharge.

In addition to this new visa, we have introduced a number of unprecedented measures to support health workers from overseas. These include: supporting NHS workers with a free, automatic one-year visa extension for those with six months or less left to stay on their visas; exempting all NHS workers, wider health professionals and social care workers from the requirement to pay the health surcharge; and, as we have clarified, refunding payments made since 31 March. Our EU settlement scheme also continues to enable EU citizens whose home is the UK to build their lives here, including those working in our NHS. We have now seen over 3.7 million applications, with over 3.4 million of them concluded. The scheme is simple and easy to use, and there is just under one year to go until the deadline for applications.

The events of recent weeks have also illustrated just what a crucial role the care sector plays in our society. Talented and dedicated social care workers have risked

their lives on the front line in providing vital care to the most vulnerable. We truly value the work they are doing, which is why the Government set out steps in our *Action Plan for Adult Social Care* to support the workforce and ensure that we have the staff we need and that they feel both supported and valued. The Government's long-term plan for social care is focused on investment in the sector and those employed in it who deliver compassionate and high-quality care.

The Department of Health and Social Care recently launched a new national recruitment campaign, *Every Day is Different*, highlighting the vital role that the social care workforce is playing during this pandemic and the longer-term opportunity for working in care. We have also commissioned Skills for Care to rapidly scale up capacity for digital induction training, provided free of charge under DHSC's workforce development fund. This is free of charge for employers when accessed directly from Skills for Care's endorsed providers. DHSC is also providing councils with access to an additional £1.5 billion for adults' and children's social care in 2020-21.

As the MAC identified in its own report, published earlier this year, the immigration system is not the sole solution to the employment issues in the social care sector. It would be a very poor reward for all of those who have worked heroically in the care sector if we were to set up an immigration route which had the effect of keeping wages in the sector at or near minimum wage—a point that the chairman of the MAC has made. As we implement the new immigration system, we want employers to focus on investing in our domestic workforce. The Government are working closely with the sector to go further to recognise the contributions of social care workers. This includes a widespread focus on training, increasing the prestige of our domestic workforce, and introducing a proper career structure to provide opportunities for those in the sector while making it an attractive profession for prospective carers.

In conclusion, there are many across this House who care passionately about immigration issues. It would be remiss of me not to mention my right honourable friend the Home Secretary's Statement yesterday on the *Windrush Lessons Learned Review* and how we are progressing towards implementing the recommendations. We will undoubtedly have a very valuable and detailed debate on the breadth of these subjects this afternoon. However, the Bill is a simple one, focused on ending free movement. It enables the Government to deliver an immigration system that is firm, fair and fit for the future, supporting economic recovery and prioritising jobs for people here in the UK, while continuing to attract the brightest and the best global talent. I beg to move.

2.05 pm

**Lord Rosser (Lab) [V]:** The purpose of this Bill is narrow in scope. It is to end EU freedom of movement rules in the United Kingdom and it has just nine clauses. EEA nationals will become subject to United Kingdom immigration laws after the Brexit transition period, and thus be covered by the Government's points-based immigration system, to be introduced next year. This Bill is nearly identical to its predecessor,

which fell due to the general election last year. It took just six weeks to complete all its stages in the Commons before being passed unamended at Third Reading on 30 June. Progress in the Lords will not be so rapid as in the Commons, although it remains to be seen whether that will be due solely to the August Recess.

The Bill does not itself create a new immigration system. The change to the points-based system will be covered in unamendable Immigration Rules. However, the Bill gives Henry VIII powers to the Government which are so wide-ranging in the way they are worded that they would enable the Government to modify, by unamendable statutory instrument, both primary immigration legislation and retained direct EU legislation. The Government maintain that the Henry VIII powers in Clause 4 are only to address necessary technical legislative changes to primary legislation, arising from the ending of free movement.

The same powers in Clause 5, say the Government, are there to enable, first, consequential modifications to be made to primary legislation and other retained EU law if areas of the retained EU social security co-ordination regulations, co-ordinating access to social security for individuals moving between EEA states, have to be repealed because they are not covered in a reciprocal agreement with the EU following the end of the transition period; and, secondly, if consequential technical amendments are needed to legislation arising from any new reciprocal agreement with the EU.

The Lords Delegated Powers Committee said of the previous Bill, however, that Clause 4 presents

“a very significant delegation of power from Parliament to the Executive”,

and on Clause 5 it said that

“Parliament is being asked to scrutinise a clause so lacking in any substance whatsoever that it cannot even be described as a skeleton.”

Parliament is going to be denied any proper say and involvement in determining even the basic principles of our future immigration policy post Brexit, and the ending of free movement. Yet the Government admit in their fact sheet 3 on the Bill that:

“By ending free movement, the Bill makes a substantial change to the UK’s immigration laws.”

This is not about the merits or otherwise of Brexit; that decision has been made. It is about the Government’s attitude towards Parliament and its major law-making process in scrutinising and then deciding which government legislative proposals should, or should not, be passed, rejected or amended.

While the Bill seeks to deny an opportunity to address issues of concern about our immigration system, that does not mean they were not raised in the Commons and will not be raised in the Lords. Issues that have had cross-party support include a time limit on immigration detention for the purpose of deportation, the granting of automatic indefinite leave to remain to eligible EEA and Swiss national children who are in care, or are care leavers, and the need for the continuation of the existing EU arrangements on unaccompanied child refugees and family reunification.

Further issues include, but are not confined to: the application of the “no recourse to public funds” rules, in the light of an apparent promise of a review made

by the Prime Minister on 27 May; the progress being made on the Government’s commitment to abolish the immigration health charge for all migrants working in the NHS and social care; exemption from the immigration skills charge for NHS employers in the light of the reality that some hospitals are now paying nearly £1 million a year; clarity on the rights and status of EU nationals in the UK following the end of the transition period, including proof of settled status; and limitations on the duration of the Henry VIII powers.

The end of free movement and the move to the points-based immigration system, with its general salary threshold of £25,600 per annum for coming to work in the UK, seeks to equate low pay with low skills and low value. Consequently, this sends a very clear negative message to low-paid, but not low-skilled, EU nationals currently working in the UK. Many of these people have been among those who have kept, and are keeping, our public services going during the pandemic, not least in the care sector. This sends a clear negative message that, in today’s sometimes distorted view of the value of different jobs to society, we do not appreciate the contribution they make and the skills they bring.

In the Commons last week, a Home Office Minister said that the reason that care workers had been excluded from the qualifying list for the health and care visa was because the Government had a “vision” for the social care sector that it should no longer carry on looking abroad to recruit at or near the minimum wage, and that the Government’s priority was that, in future, care sector jobs will be

“valued, rewarded and trained for, and that immigration should not be an alternative.”—[*Official Report*, Commons, 13/7/20; col. 1250]

If that means significantly better rates of pay in the underpaid social care sector, I am sure it will have widespread support. However, yesterday the Government said that with the vast majority of social care workers employed in the private sector their

“ability to influence pay rates there is limited”.

Since there are already 100,000 vacancies in England’s care sector alone, and the current flow of people from abroad to fill low-paid care sector jobs is about to dry up, how have the Government been able to satisfy themselves not only that UK-based workers will immediately step in to fill that gap but that they can lower vacancy levels in the social care sector?

If higher pay rates materialise in the social care sector, as a result of the points-based immigration system, there will presumably be an increase in the cost of providing social care. Who will finance those higher costs? Will it be the elderly care home residents and residents receiving care at home? Will it be already cash-strapped local authorities, or will the providers of care provision have to absorb the costs? Or does the Government’s vision extend to them financing the additional costs of a welcome improvement in pay in the social care sector? Perhaps the Government could provide an answer to that question in their response at the end of this debate.

The Government have said that ending free movement from the EU plus the future points-based immigration system should reduce net migration. On what basis have the Government come to that conclusion, bearing



[LORD ROSSER]

in mind that net migration from outside the EU, where there is no free movement, exceeds net migration from the EU, where there is free movement?

Perhaps the Government's conclusion is an indication that, in the absence of publicly declared targets for net migration, they expect their approach to deter sufficient numbers of people from seeking to come and work here, in which case the hostile environment approach may still exist in spirit, if not officially in name. What happens and what is said during the passage of the Bill may throw some light on that. We will have to see whether some amendments to the Bill are accepted, or whether the absence of any movement on the Bill in the Commons really means a Government which think they are 100% right and that an alternative approach on anything related to the Bill is 100% wrong.

2.14 pm

**Baroness Hamwee (LD) [V]:** My Lords, noble Lords will have had briefings from many organisations. I wish, in the time, I could do them justice, but I thank them. They say this is an important opportunity to raise issues; noble Lords will make it an opportunity, well beyond the narrow scope of the Bill.

I shall be blunt on behalf of the Liberal Democrat Benches. We understand where we are with Brexit, but we deplore so much of UK immigration policy, we do not support the Bill and we deeply regret the loss of free movement and our membership of what we regarded as a union which was more than political.

Ironically, in the context, the Bill denies parliamentary sovereignty. It is always a concern when excessive powers are granted to the Executive. In its report on the same Bill in a previous Parliament, our Delegated Powers and Regulatory Reform Committee, to which the noble Lord, Lord Rosser, referred, made that quite clear.

The Bingham Centre for the Rule of Law, which lives its name, lists the issues of the Bill: legal uncertainty; lack of detail; the power of the Secretary of State to remove unspecified rights; the power to thwart the will of Parliament; the power to amend Acts of Parliament and secondary legislation, which there is an awful lot of; the power to set immigration fees, the size of which can restrict the exercise of rights; diminishing scrutiny; and no clarity on how changes in relation to Irish citizens will affect the rights of Northern Irish citizens under the Good Friday agreement.

Preliminary research by the Immigration Law Practitioners' Association has identified three important legal protections which are not in any way addressed in the Bill. These are: protections for victims of trafficking in the anti-trafficking directive; protections for asylum seekers in the receptions conditions directive; and protections for victims of crime in the victims' rights directive.

Our immigration law is, in the words of the Law Commission, "overly complex and unworkable". A new Bill should simplify it. This is not dry or geeky—it is constitutionally important, and the personal impacts are enormous. An overarching policy that is hostile, harsh, robust, compliant—however it is badged—impacts individuals and personal relationships, often in ways never expected. Ask anyone faced with the need for a spouse visa, who becomes part of a Skype family.

The Windrush review recommendations include assessing whether policies, individually and cumulatively, are effective and proportionate. The recommendations deal too with the engagement of groups and communities affected by proposed policies. I was glad to hear the Minister refer to this and that the Home Office is clearly taking this seriously. We look forward to progress reports on the work now going forward, announced yesterday, and to its outcome.

I did not expect to feel so viscerally shaken by Brexit, not by the direct effect but by a sense of shame in what is heard as "Nice to have known you"—"you", the millions of people who, through free movement, have become integral to our society. For British citizens living in the EU, their loss of free movement between member states is a real and immediate worry.

Huge numbers of applications have been processed through the settled status scheme, and it has been very successful for those for whom it has been successful. Inevitably, some troublesome aspects are coming to the fore as we draw closer to the close of the scheme, and they will become clearer as time goes on. That is why my noble friend Lord Oates will be tabling an amendment regarding physical documentation in the scheme. If I were renting property, facing an employment check or opening a bank account, I would want that too.

There is a shortage of specialist advice for people whose applications are not straightforward or who may not be able to look out for themselves—many children are within both groups. The detail and nuances of the scheme are not well understood. I read of a civil servant—so no slouch, one assumes—who did not appreciate that his pre-settled status was not the end of it.

We should listen to the people affected: they have a real-world view. We should thank those who painstakingly and responsibly analyse impacts such as entitlement to benefits, no recourse to public funds and allied issues like naturalisation, where comprehensive sickness insurance has reared its head as grounds for refusal. My noble friend Lady Ludford will pursue this in Committee; I miss her today as she is unwell, and I am grateful to my noble friend Lord Purvis who is covering some of what she planned to say.

Social security co-ordination needs a whole laundry basket of hot towels. It was a relief to read that the DRR Committee recommends leaving out Clause 5, but I do not suppose that that will be all we discuss. I hope that I have not contributed to my noble friend Lady Ludford's ill health by suggesting that she deals with Clause 5.

It is not beyond the bounds of the possible that, as values diverge, asylum may be sought in the UK from countries where discrimination becomes persecution—I am thinking of Hungary and Poland—so it is entirely right that, in an EU Bill, we address whether, how and for how long we use detention in immigration removal centres. Did moving detainees when Covid-19 took hold show that there are real flight risks? Asylum seekers never have an easy time; it feels heartless to reduce them and their situation to an item in a list. Unable to work when they are keen to contribute, they are caught with so little income that even existing is a challenge.



We will have more time to debate that in Committee, as we will have more time to discuss family reunion for refugees and ensuring safe and legal routes for unaccompanied children—something that member states have mandated the EU to deal with, so there are no bilateral agreements there; all that is on the table is a very inadequate draft text from the UK.

The immigration system is much more than the points-based system, but the PBS is currently in the spotlight. It is to be preceded by the health and social care visa and a belated nod to the health charge levied on health workers who pay tax, but hands-on

“care workers won’t be able to apply for a visa dedicated to care.” That neat summary comes courtesy of the BBC’s Dominic Casciani. Are we heading for an even bigger shortage of carers? They ensure that people can stay in their own homes, which means big savings all round and support for the biggest band of carers: the family. Low paid does not mean low skilled. With care workers, it is often a skill that is innate and a matter of culture. I hate the term “brightest and best”. Best at what?

A lot of sectors will be mentioned. A number of my noble friends have stood back today but plan to take part in Committee, when these issues will be explored. I do so want to talk about the creative industries; I will join that debate then.

Time is against me. I can combine two areas of concern—agri-food workers and seasonal workers—to mention seasonal agri-food work. I can also make the link between two Bills: this one and the Domestic Abuse Bill. The link is the lack of provision for migrant women suffering abuse.

Let one sector in the PBS stand proxy for many. Apparently, 80% of the UK’s 10,000 international architects are from the EU; the RIBA says that £7,000 a year will be added to the cost of bringing one in. That seems counterintuitive when we are told to plan for a great burst of building infrastructure.

The requirement for a level of English makes me acutely conscious of my own lack of facility in another language. It is sadly typical of our still too prevalent, overwhelmingly proud and complacent insularity.

No doubt adjustments can be made to business models. Paying a fair wage and not exploiting people must be part of that model, but can this be achieved overnight and while gearing up for a full Brexit, whatever that may comprise?

I know that many of our concerns are shared widely across the House, so we will be glad to support Members on other Benches on a number of amendments, taking forward those proposed in the Commons, as well as having plenty of our own. There are far more issues than we can even touch on today.

**Lord Parkinson of Whitley Bay (Con):** My Lords, given the large number of noble Lords down to speak in the debate, I gently remind them of the three-minute Back-Bench advisory speaking limit.

2.25 pm

**Lord Lilley (Con) [V]:** My Lords, the two Opposition Front-Bench speeches that we have just heard raise the question, why do we restrict immigration? After all,

most immigrants are good, industrious and enterprising people, welcome here as our friends, neighbours and colleagues, as the noble Baroness, Lady Hamwee, said.

Some immigration is indeed good for the economy, but you can have too much of a good thing. That is why we limit immigration. Immigration is a lubricant for the economy—not, as Tony Blair appeared to believe, its fuel. If you do not lubricate your car, it grinds to a halt; if you stopped all immigration, it would harm the economy. But beyond a certain point, adding more lubricating oil does not make your car go faster, and allowing mass immigration has not made our incomes grow faster—on the contrary.

The British economy suffers from three major weaknesses, all of which have been exacerbated by mass immigration since Tony Blair lifted the lid. First, we have a major housing shortage, yet over the last five years, net immigration has averaged 300,000 people a year. We need to build a city the size of Hull every year just to accommodate those incomers, and more when they have children.

Secondly, our chronic reluctance to train people means that fewer British workers have vocational and technical skills than any of our competitors; yet encouraging employers to recruit from abroad undermines their incentive to train and employees’ incentive to upskill. After Blair opened our borders, training time per worker halved and funding for training fell by 16%. We are told that the NHS needs migrants because Brits do not want to be doctors and nurses. Untrue—there are 10 applicants for every place in a medical school, and we turned away 35,000 applicants for nursing courses last year. The NHS finds it cheaper to import doctors and nurses from poor countries, which need them more than us, rather than train British applicants.

Thirdly, we invest less per head than most of our competitors. A ready supply of cheap labour reduces employers’ incentives to invest in improved productivity, and most skilled immigrants work in low-skilled jobs.

So, we need this Bill to reduce pressure on housing, encourage training in skills and boost investment.

2.27 pm

**Lord Russell of Liverpool (CB):** My Lords, it will come as no surprise to the Minister that I and many others will focus on some of the potential unintended consequences of this Bill as we endeavour to speak on behalf of those with limited voice and means and without the level of expertise required to navigate our highly complex immigration and social security systems. At this stage, I will not set out a shopping list of the many areas where we would like clarification; we will be able to do that in painful detail in Committee, which I hope will be conducted in your Lordships’ House with rather more time, care and attention than was possible in another place.

This afternoon, I want to focus on an area that the Minister confessed on Monday is of particular interest and relevance to her. During an exchange with the noble Baroness, Lady Neville-Rolfe, who will speak later in this debate, she indicated how pleased she was to find a colleague in your Lordships’ House who shares her interest in her particular area of policy responsibility: digital ID and data. One might ask

[LORD RUSSELL OF LIVERPOOL]

what relevance accurate and reliable digital ID and data have to this Bill. Your Lordships will be aware that accurate and reliable data are not a defining characteristic of the modern Home Office. Whether it is confusion over the accuracy and segmentation of our estimated immigration statistics, the exact numbers of care leavers or children awaiting adoption, or the lamentable lack of knowledge and clarity about the legal and citizenship status of the Windrush generation, there is much room for improvement.

There are three areas where accurate and reliable data are of particular importance to this Bill: immigration statistics; exact data on the different categories of EUSS applicants; and the dilemma of how to evaluate policy toward those with no recourse to public funds when there is an absence of proper data on exactly who, and how many, the condition affects. I ask the Minister to do her utmost to commit to clear actions, initiatives and policies and measurable targets to bring about a dramatic improvement in the quality, timeliness and accuracy of data, which are completely fundamental to successful policy direction and implementation. Given her professional and personal interest in this subject—a passion that she appears to share with a certain Mr Cummings—I look forward to her working with your Lordships' House toward achieving a step change in the quality of Home Office data.

This Bill is regarded by those who believe that we made the right decision in leaving the European Union as the dawn of a new era. Whatever one's views about that decision, this is an opportunity to ensure that we create new legislation and policies using a level of data and insight that has been sorely lacking in the past—and, alas, is also lacking today.

2.30 pm

**The Lord Bishop of Southwark:** My Lords, the introduction of this Bill in another place is a signal opportunity for Her Majesty's Government comprehensively to reset the legislative basis for immigration control in this country, to set out a vision for doing so, and to rationalise and streamline the more than 1,000 pages of immigration legislation under which we labour. It is surprising, therefore, that, as other speakers have pointed out, this Bill is so narrow in scope.

The Government have separately published intentions for their policy on the Immigration Rules which extend neither refuge, welcome nor the means of integration, but instead offer a system that meets the labour demands of business and is therefore entirely different from the Australian points-based system. The Bill is silent on the issue of EU citizens in the UK—another immigration crisis in the making. We now know that the estimate of the numbers of EU citizens here was too low and that the campaign to get them to apply for settled and pre-settled status has been solely in English. The Home Office has cut its funding to NGOs which would help reach those who have not applied, and what about those who think they need not apply, whose English is still poor, or who are children in care in this country?

Following the Government's recent announcement on their points-based system, I asked the noble Baroness to respond to the concerns around visa routes for ministers of religion and other religious workers, which

are particularly exercising for the Roman Catholic Church and black majority churches, where cost is a major factor. Additionally, definitions of "ministers", "religion" and "religious workers" are leading to confusion. The Church of England would be willing to offer help around definitions, and if the Government would consider the issue of cost, that would be well received by those affected.

There is a strong moral case for the tariff on visas and other fees to be confined to administrative costs. The current system is an unwarranted and burdensome levy on migrants, which is iniquitous. Those who come here to work already pay tax and national insurance to fund our public services. Why must they pay a health surcharge as well? I trust that the waiving of this surcharge during the pandemic is a sign that the Government are having second thoughts on this regrettable manifesto commitment. A migrant applying for indefinite leave to remain in the UK must pay £2,389, whereas the average cost to the Home Office to process such an application is a mere £243.

We should welcome applications to become British citizens and not saddle applicants with debt. Scandalously, the fee for a child is over £1,000, although the High Court found last year that the Home Office had failed to assess the best interests of children in setting this fee. Will the Minister update the House on the implementation of this ruling?

There are two amendments that I would likely be ready and willing to support. Time and again in my diocese, I am told of asylum seekers who are massively disadvantaged by the current ban on paid working. Furthermore, I will support an amendment that sets clear limits on periods of detention. We ignore the relational aspect in the delivery of any public service at our peril. I hope the Government will commit to immigration reform on just principles.

2.34 pm

**Lord Blunkett (Lab) [V]:** My Lords, the only market the Conservative Party is not in favour of is the labour market. In opening this debate, the Minister talked about the referendum and the December election. A number of seats surrounding my city of Sheffield have gone Conservative. I think those voters would be astonished to find that while the numbers from Europe have literally fallen like a stone, the numbers from the rest of the world, as cited by the noble Lord, Lord Lilley, have rocketed. The changing culture that that will bring in due course might bring pause for thought to the Conservative Party.

I want to concentrate briefly on the contradictions between skilling our own people and this Bill. As has been said, we should of course skill people and do everything possible to ensure that we transform their life chances and the ladder of learning through life. The more people learn and the higher the skill they obtain, the less likely they are to work in those industries and services which are absolutely crucial to our survival.

There are 120,000 vacancies in adult residential care and a turnover rate of 30%. It is estimated that about a quarter of a million people of overseas origin work in adult care services. The Government will probably be saved temporarily by the aftermath of the

Covid virus, because people will be desperate to take a job—any job. However, as they skill, they will find that those from overseas will not take the jobs that they are leaving but the jobs that they are seeking—that is, as managers or owners of residential care services. This can be replicated right across the sector.

We deprecate young people going to higher education, as the Secretary of State and his higher education Minister did recently, and suggest that it would be better if they took other jobs. We also imply that those with little skills should take up the jobs previously occupied by migrants who then educated themselves and contributed to the economy.

There is not time to go into the disparaging of the Labour Government by the noble Lord, Lord Lilley. I am very happy to take him on in future, inside and outside the House, on the statistics he quoted, the attitude he displayed and the real importance of understanding the contradictions and difficulties of managing migration policy at the same time as transforming the life chances of those already here.

2.37 pm

**Lord Paddick (LD) [V]:** My Lords, this Bill is heralded as the UK taking back control, not least by ending the free movement of people under retained EU law. Noble Lords will also remember the promise that EU citizens will no longer have any advantage over citizens of non-EU countries. And then Brexit dogma hits reality.

Noble Lords will remember when e-passport gates at UK airports were restricted to UK, EU and EEA citizens only: you simply scan your passport and you are free to enter the UK. Compare this with the often vast queues for other passport holders, whose reason for entry is questioned and whose passports and visas are checked manually by Border Force officers. Of course, the Government cannot continue to give preferential treatment to EU citizens, so the enormous number of EU and EEA visitors to the UK would surely have to queue with those from the rest of the world. After all, we are taking back control of our borders, are we not? Well, no, because the system would grind to a halt if that happened.

So what are we doing now? The Government's solution is to let citizens of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the United States also use e-passport gates, as well as EU citizens—then, of course, the Government cannot be accused of giving EU citizens preferential treatment. These visitors can come to the UK for six months, do a day trip outside the UK and then come back to the UK for another six months—no visa, no fee, and no way of tracking where they are, how long they stay or whether they have left again. The Government say that

“they may not live in the UK by means of repeat visits”,

but there is no way of checking, unless the Minister can enlighten us; I will listen to her response with interest. Rather than taking back control of our borders, we have thrown them open to even more people.

If you go to the United States of America as a UK citizen, Homeland Security officers at the border will assume that you intend to stay and work illegally until you convince them otherwise. Your photograph and

fingerprints are taken and you have to record where you are going to stay and when you intend to leave. When a US citizen comes to the UK, they swipe their passport at the e-passport gates and waltz through the border. It may be a trivial example but, across a wide range of issues, the dogma of ending free movement will result in a detrimental impact on the UK, ranging from staffing our NHS and social care systems to ensuring that our crops are harvested.

2.40 pm

**Lord Hodgson of Astley Abbotts (Con):** Three-minute speeches require one to cut corners, which is always a dangerous thing to do and no more dangerous than when one is talking about immigration, an area where every phrase is liable to misinterpretation.

In the mid-1990s, before the Blair Government opened the gates to and encouraged large-scale immigration, the population of the country was 58.1 million. It is now 66.4 million, some 8 million higher. The ONS projection for the numbers for 2040 is another 6 million on top of that. It means that, in half a century, we will have added a quarter to our population. Today, as I speak, the population is going up by just under 1,100 a day, or just under 400,000 a year, with a third, roughly, from the natural increase—the excess of births over deaths—and roughly two-thirds from immigration.

Members of your Lordships' House may regard all this with equanimity, but let me tell them that, outside, our fellow citizens do not regard it with equanimity; they are very concerned about it indeed. Recent polling says that no fewer than 74% of those polled believe the Government should introduce policies to deal with the challenges of rapid population growth. Of course, it is important, as my noble friend Lord Lilley said, not to demonise new arrivals; they bring a degree of economic and cultural dynamic without which we would be a much poorer country. But it is about scale, and it is important to recognise that, under the system of the past few years, there have been losers.

Who are the losers? They are the poorest in our society, as the wages for the bottom decile are now 12% lower in real terms than they were in 2008; they are older people, as it is increasingly difficult for people over 50 to get a job, and at a time when we are raising the retirement age from 65 to 68. Another loser is the British economy, whose Achilles heel is a poor productivity record, which is linked to the free availability of labour, meaning that no investment has been made in machinery; it is the developing world, because we, along with the rest of western society seem to see no moral fault in draining the developing world of its scarce trained resources. Lastly, it is our environment and ecology, because of the damage caused by rapid population growth.

In this Bill, we will be resetting the dial on this critical issue. In Committee, I will want to probe my noble friend on the Front Bench to reassure us, first, that those who have lost out in the years so far will not lose out in the next set of years and, secondly, that proper weight will be given to the quality of aspects of population growth, since they will have such an important and vital consequence for the country we leave our children and grandchildren.



**The Deputy Speaker (Lord Lexden) (Con):** I call the next speaker, the noble Baroness, Lady Coussins. She is not responding. I call the noble Baroness, Lady Sherlock.

2.44 pm

**Baroness Sherlock (Lab) [V]:** My Lords, I will concentrate on those parts of the Bill that make provision for social security co-ordination, particularly Clause 5 and Schedules 2 and 3.

We are currently part of the EU system, which is based on four principles: the single state principle that, at any one time, EU citizens are covered by the social security system of just one country and have to pay contributions in only one country; equal treatment, whereby if they are in another member state, they have the same rights as their nationals; aggregation, meaning that periods of insurance, employment or residence in other member states count when determining eligibility for benefits; and exportability, meaning that they can receive benefits from one member state even when they live in another. There is a well-established system of administrative co-operation behind this and these provisions will still apply after the transition period for those within the scope of the withdrawal agreement. The UK has also done a deal with Ireland that broadly replicates the current provisions.

However, the position of other people moving between the UK and the EU after the transition period will depend on whether a future relationship agreement covering social security co-ordination is secured. The augurs are not positive. Last month, a Commons Library brief noted:

“The EU’s Draft Protocol on Social Security Coordination and the UK’s Draft Social Security Coordination Agreement differ significantly in terms of both the matters covered and the persons covered.”

Oh dear.

There is some common ground on state pensions, where both sides want aggregation and for pensions to be able to be exported and uprated annually, but not on disability benefits or healthcare for pensioners living abroad. And there are no co-ordination provisions for benefits other than pensions.

Can the Minister tell us whether there is an agreement in the offing? If not, am I right that this could mean that, without an agreement, workers moving to or posted to an EU country could have to pay national insurance contributions in both countries; people moving between the UK and the EU could find that their contributions paid overseas are ignored if, say, they later fall sick and need to claim benefits; and that there will be no clear rules about which country is responsible for paying someone’s benefits and no mechanism for resolving disputes?

There is deep uncertainty about the future position, but the right response is not a Bill containing Henry VIII powers so broad that they will allow Ministers pretty much to rewrite the social security co-ordination rules at will. Social security co-ordination is an essential prerequisite for labour mobility. But it is also about fairness. These issues affect a lot of people and Parliament deserves more clarity, control and accountability than this Bill currently affords.

2.47 pm

**Lord Oates (LD):** My Lords, there is little positive to say about this Bill and much, as my noble friend Lady Hamwee has so eloquently summarised, that is not only negative but deeply alarming. In its current state, the Bill has the potential to disrupt the family life of British citizens resident in the EU and risks creating a bureaucratic quagmire for EU citizens after the settled status deadline expires, leaving all of them without physical proof of their right to live in the UK—a point that I will come back to in Committee.

The very first clause abolishes free movement. From January next year, EU citizens will lose their free movement rights in the UK. At the same time, every British citizen will lose their right to live, work and travel freely throughout the European Union. EU citizens will lose their rights and privileges in one country; British citizens will lose their rights and privileges in 27 across the European continent. Ministers who enjoyed those rights for the majority of their lives have ensured that they are stripped from their children and grandchildren for ever. They have shrunk the horizons of our country and of our children’s futures, and it is a shame. I recognise that the Government will not reverse course, but I hope that they will at least reduce the impact by listening to the arguments to improve the Bill as it progresses through the House.

I want to focus on three particular areas for improvement. The first is in respect of British citizens resident in the European Union. Those with non-British spouses and family members need to know that, should they wish to return to live in the UK with their family, they will be able to do so. All British citizens living in the EU want to be reassured that we will uphold the treaty rights of EU citizens in the UK; the better to insist that they are upheld for our citizens in the EU. Secondly, the current Prime Minister and Home Secretary made a categorical commitment to EU citizens during the referendum that they would retain exactly the same rights as they had before exit. That promise has long since been betrayed but, at the very least, the Government could make one small concession and provide EU citizens with settled or pre-settled status with physical proof of their right to be in the UK. It is a small thing to ask, but it would make a huge difference, especially to the elderly, many of whom are particularly anxious about the current digital-only status. Finally, I urge the Government to amend the Bill to guarantee that the rights of EU citizens will not be subject to alteration by ministerial fiat, but guaranteed in primary law.

In conclusion, let me make this appeal. The Government have the opportunity to reconsider the Bill by accepting amendments that will bring it at least a little closer to the promises made in the referendum campaign and will help to alleviate the anxiety felt by millions of people facing an uncertain future. To do so, they will need the strength and humility to swallow their pride and do the right thing. I hope that they will find it.

2.51 pm

**Baroness Coussins (CB) [V]:** My Lords, my concern is the negative impact of the end to freedom of movement and the subsequent points-based system on two discrete groups of people: teachers of modern foreign languages

and public service translators and interpreters, especially in the NHS and the criminal justice system. I declare my interests as co-chair of the APPG on Modern Languages and vice-president of the Chartered Institute of Linguists.

An estimated 35% of MFL teachers and 85% of classroom language assistants are EU nationals. The new system would result in such drastic shortages in the supply chain of MFL teachers that the viability of languages on the curriculum would become terminal. If languages disappear in schools they will also continue to disappear in universities, cutting further the supply chain of homegrown MFL teachers and the linguists needed for diplomacy, trade, defence and security. Around a third of public service interpreters are EU nationals and many more are from other countries. The new rules would create severe shortages and many people will have justice or healthcare either delayed or denied. The national register of PSIs has shrunk by nearly a third since 2012 and, unless we improve recruitment and retention, the risk is that, to quote the register's director, "Inadequate pseudo interpreters will be used and there will be life-threatening situations using bilingual children rather than qualified, experienced, registered and regulated interpreters who understand medical terms and are trained health and medical language experts."

Some amendments to the new rules would prevent this crisis. Qualified teachers would meet the salary threshold, but it is an impossible barrier for interpreters, almost all of whom are freelance with average annual earnings as low as £15,000 a year. A PhD offers a smoother path into the UK, but this would rule out most vocationally trained practitioners. It would also be fairer to classify them as "highly skilled" rather than just "skilled", as at present. Freelance status itself is an issue. There is no dedicated route for self-employed people and, as low-earning freelancers, PSIs will not be able to get a sponsor and do not fit into the so-called innovator route. There is a vague promise of a future route that could help, and I ask the Minister to make good on this promise now. Public service interpreting should also count as a specialist occupation.

Finally, it would help enormously if PSIs and all MFL teachers were on the shortage occupation list. Teachers of Mandarin are listed, but with a shortfall already of 38% in MFL teacher recruitment, they should all be on it. I hope that the Minister will look carefully at all the weaknesses I have identified in relation to these two groups of highly qualified, highly skilled workers vital to the UK's economic and cultural well-being and our human rights. If for nothing else other than enlightened self-interest, we should offer them a better deal.

2.54 pm

**Lord Bowness (Con) [V]:** My Lords, I thank my noble friend for introducing the Bill, but I regret the context in which it is presented, particularly as it was presented in the other place. Immigration from the European Union has never prevented us permitting the entry of highly skilled and talented people from elsewhere in the world. Indeed, the number of skilled and talented people coming from outside the European Union has always been considerably higher, but there

is an implication that EU migrants are somehow of lesser ability. Bearing in mind the number of them working in the NHS, this is clearly wrong.

We have enjoyed considerable benefits from the 2004 enlargement. Yes, the numbers turned out to be greater than anticipated, but permitting migration from the newly admitted nations was a bold move and a gesture to those states formerly under communist rule. Moreover, the move met with only limited opposition from the then Conservative Opposition.

I also regret the Bill because it marks a very clear break with our neighbours in Europe. It signals the end of the benefit of free movement throughout the EU by UK citizens and we should in no way be triumphant about that. No, European Union immigration is not going to deliver the greatness we seek; it never stopped us having it.

It is not clear to me where the negotiations are regarding travel for UK citizens. I have been asking over time about the efforts Her Majesty's Government are making to ensure that 180-day visas for visitors, which we are giving to visitors from the European Union, are matched by the 27. I understand that this is a matter for separate negotiation with each of them. It may be that my noble friend can tell me where we are and whether the Government are even concerned about the situation and the potential difference in treatment. Can she also tell me where the negotiations are taking place?

I turn now to Clause 5, which I have read carefully, together with the Explanatory Notes. It is probably me, but I found them quite difficult to follow. Does this clause permit the existing rights of those with EU settled status to be changed to their detriment post 2020? My noble friends have already referred to changes to child benefit. What other changes do the Government have in mind and what other provisions are capable of being changed under the Bill's provisions? Surely people who have applied and are about to apply for settled status need to know that their entitlement will not be different from UK citizens'. My noble friend referred to the outcome of negotiations. This creates uncertainty for EU citizens, who in fairness need to know where they will stand.

2.57 pm

**Lord Kilclooney (CB):** My Lords, I welcome the Minister's introduction of the Bill, particularly her reference to the common travel area between the United Kingdom and the Republic of Ireland. This is particularly welcome today because in recent weeks there has been some concern about Northern Ireland and the message from Dublin that British visitors to the Republic of Ireland are not welcome this year due to the pandemic infection level in Great Britain.

At 7.30 this morning the Dublin Government issued their "green list" of visitors, and while citizens of the EU are allowed to come, people from Great Britain are sadly not on the list. To me, that seems a contradiction of the common travel area. The common travel area has worked successfully and I fully support it. I am glad to say that, for the first time since the south of Ireland left the United Kingdom, last year more people from Britain went to live in the Republic of Ireland than Irish people came to live in the United Kingdom.

[LORD KILCLOONEY]

I am a governor of the second-largest boarding school in Northern Ireland. Of the total number of pupils who board there, we have some 40 to 50 from foreign countries such as China, India and now even Russia, as well as from the Republic of Ireland. I am concerned about the issue of English language schools in the United Kingdom because they are now in trouble. We have 400 such schools, attended every year by some 150,000 students. The sector is worth £1.4 billion to the United Kingdom economy and it supports 35,000 jobs. Moreover, having students from foreign countries in our schools helps our soft power when they return to their home countries.

However, the statistics are not good for this year. Student numbers were down 28% in the first quarter, down 79% in the second quarter, down a further 83% in the third quarter, and 83% of school staff are now on furlough. Of course, the schools have missed out on the peaks for Easter and summer breaks. There is uncertainty in the key markets—for example, China—and concern about the effect Brexit may have on EU students and staff coming to the schools.

At the same time, competition is increasing from such countries as the United States, Canada, Australia and the Republic of Ireland. In fact, the Republic of Ireland has this year extended its visas due to the pandemic, to make it easier for students to go to English language schools in the Republic. There is big competition out there in the wider world, and the English language schools in the United Kingdom require support. Therefore, I suggest that the temporary workers scheme be introduced with a dedicated visa category for those attending schools, similar to the one we have for seasonal agricultural workers.

3 pm

**Lord Morrow (DUP) [V]:** My Lords, paragraph 6 of Schedule 1 allows for any EU-derived rights to cease to be recognised in domestic law if they are either inconsistent with immigration legislation or “capable of affecting the exercise of functions in connection with immigration”.

An important body of EU-derived rights has been the human trafficking directive, one of the aims of which is “to enable the victim to recover”.

Article 11 requires assistance and support for victims. While the Modern Slavery Act 2015 made many positive changes, it did not, regrettably, include a statutory right to assistance and support, as in the parallel Northern Ireland and Scottish legislation. When the directive ceases to have effect, the EU rights for victims in England and Wales will disappear. It would seem, therefore, that the legal rights of these victims will be negatively affected by the power in Schedule 1.

Last week, the Centre for Social Justice published a report on modern slavery. It said that the Government must enshrine survivor rights in law to guarantee and protect access to support. It, like me, urges the Government to give all trafficking victims certainty over support and immigration status by adopting the noble Lord, Lord McColl, and Sir Iain Duncan Smith Modern Slavery (Victim Support) Bill, which would give confirmed victims of trafficking immigration leave for a minimum of 12 months to receive assistance and support to recover from their abuse.

In the context of the imminent termination of the immigration rights implicit in the right to free movement and the protections in the directive, which have not been translated into UK law, the need for the McColl/Duncan Smith Bill is now greatly strengthened. I hope the Government will now prioritise giving this Private Member’s Bill time to become law, led as it is in part by two eminent Conservative parliamentarians, one a former leader of the Conservative Party.

I very much welcome the Minister’s opening remarks. She said that all parts of the United Kingdom will be treated as equals. That is very important, and I could not support it more.

3.03 pm

**Lord Dubs (Lab) [V]:** My Lords, I am grateful that a day or two ago, the Minister allowed us to ask questions and discuss the Bill in a more informal way than we can today. I still regret that there is so much in the Bill that it will not be in our power to do much about: in other words, the powers given to the Government under the Henry VIII provisions or Immigration Rules will be such that we can hardly influence them, and we cannot amend them. Can the Immigration Rules come to us in two stages: the first, amendable in draft form; and then the final version?

Other noble Lords have talked about the difficulties with social care. The Government are saying that their policy is that social care workers should have higher pay, and we should train more of them so that we do not need to have immigrants to deal with social care, where there are 100,000-plus vacancies at the moment. The trouble is, there will not be time for that: we will be near the end of the year and it takes time to train people; it is wishful thinking. The danger is that we will have a larger gap in social care provision as a result of this legislation. It is a retrograde step and we shall live to regret it.

I shall refer to one or two issues on which, if amendments are tabled, I hope I shall be able to support them. I am concerned about the length of immigration detention. As far as I know, we are the only country in Europe that has no limit on immigration detention. In 2019, 24,000 people were detained in this way. Currently, some 1,500 to 2,000 are detained, although it may have gone down a bit because of early releases due to the pandemic. I hope the Minister will confirm that a large proportion of those detained are, in the end, not removed from the country and are released. The only figure I can find is that 37% of those under immigration detention were removed and the remainder were released, so why detain them at all? What is the purpose of that? It seems to me quite wrong, in a democratic country, that we should be doing that.

The right to work for migrants should be such that they can work after six months and not one year. It is very hard for people who have arrived in this country and want to contribute to our economy and pay their taxes if they are not able to do that. I am also concerned about the discussions about no recourse to public funds, which punishes people twice over. I hope to be able to move an amendment to the Bill on child refugees. I believe that public opinion, if the arguments are put, supports bringing into this country some of



the most vulnerable of our fellow human beings—child refugees in Calais and on the Greek islands. I very much hope the House will support such an amendment in the interests of human rights and justice.

3.06 pm

**Lord Dholakia (LD) [V]:** My Lords, it is a delight to follow the noble Lord, Lord Dubs. Immigration and asylum issues are fairly emotive. Despite the nature and effect of various pieces of immigration and asylum legislation, the circumstances surrounding them remain contentious. The present immigration and social security co-ordination Bill is a clear example of the failure of the Government's strategy to make migration work for Britain. All the promises about controlling numbers—fewer than 100,000 a year—have not worked for Britain.

Economic migrants have helped to make Britain one of the richer countries in the world, both economically and culturally. There remains a positive economic benefit from managed immigration, filling the demand for skills and labour that are in short supply. It is for this reason that we should concentrate more on the economic and cultural benefits of this process. Constant harping on the control of numbers has skewed our approach to this subject. The cultural and operational practices adopted by the Home Office are notoriously inefficient. Nowhere is this more explicit than in its failure to provide a service that is efficient, effective, timely and fair for all. There is a very high error rate in the initial decision-making process, which results in a culture of rejection.

We have seen race and immigration issues being exploited during both general and local elections. The attempts by politicians to appease a certain section of the public and the media shamefully made a political football of the immigration issue. The last Greater London mayoral election was a case in point. We were told that millions of Turkish migrants were ready to enter this country after the referendum. One does not need Home Office vans touring the streets of London telling illegal immigrants to go home: this is not the way to run our country.

Immigration policies have played a crucial role in successive Governments over the past few years. Let me cite an example. The Labour Government in the 1950s, at the time of Windrush, set up an interdepartmental committee to consider the possibility of legislation and administrative methods to deal with the matter of immigrants. Its key recommendation was that any solution depending on an apparent or concealed colour test would be so invidious as to be impossible to adopt. However, it concluded that, nevertheless, it has to be recognised that the use of power to restrict the free entry of British subjects would, as a rule, be confined to coloured persons. This was nearly 70 years ago. It is no wonder the price we are paying for Windrush, which has now affected so many lives.

We have the same situation now. We are refusing to give proper documentation to settled migrants from the EU, despite the concern expressed on this by EU ambassadors and others.

Finally, there are many issues in the present legislation that we intend to probe; many of them have been highlighted by other speakers. Key among these is that

the Bill leaves the immigration system to secondary legislation. This is unacceptable, and the Government should be prepared to expect problems in Committee.

3.10 pm

**Lord McColl of Dulwich (Con) [V]:** My concern is the interests of EEA citizens who are victims of human trafficking and exactly how their situation will change on 31 December. Hitherto, some EEA victims have been able to remain on the basis of treaty rights that will no longer exist. Even if the Government allow all EEA victims of human trafficking to be automatically considered for discretionary leave to remain, the criteria are tight.

On the basis of past experience, only a tiny portion of confirmed victims of human trafficking are likely to be granted leave to remain. The EEA cohort of victims of trafficking is therefore likely to experience a significant net reduction in access to public funds. This will have significant implications for UK rates of destitution and re-trafficking, given that 39% of victims were EEA nationals as of 2019.

In this context, do the Government recognise the strategic significance of my Modern Slavery (Victim Support) Bill? As the noble Lord, Lord Morrow, mentioned, it is sponsored in another place by Sir Iain Duncan Smith. It provides confirmed victims of slavery a minimum of 12 months' support to help them rebuild their lives, avoiding destitution and re-trafficking with all its associated costs and trauma. It will also greatly assist the conviction of traffickers by making it much easier for all victims to think about giving evidence in court.

The Government deserve great credit for their commitment in dealing with human trafficking and slavery, and I am particularly grateful that they adopted my first anti-trafficking and slavery Bill after your Lordships kindly passed it in this House. I therefore look forward to their adoption of my second Modern Slavery (Victim Support) Bill, as kindly mentioned by the noble Lord, Lord Morrow.

3.13 pm

**Baroness Masham of Ilton (CB) [V]:** My Lords, I am president of the Spinal Injuries Association and we are being contacted by an increasing number of members, who include some of the most vulnerable people in society today, desperately worried about the future shortage of skilled carers as a result of the planned immigration system. A very real staffing crisis is looming, with serious implications for the health and safety of a significant number of these vulnerable people.

Carers are not used just in hospitals and care homes. Many disabled people live in their own homes and have live-in carers or carers who visit them every day. These carers include many overseas nationals, and they are absolutely essential in managing disabled people's health needs and enabling them to lead active, productive and fulfilled lives. They are key workers. Carers are a vital and integral part of the healthcare system.

Low paid does not mean low skilled. The vast majority of social care roles do not meet the planned immigration system's salary threshold of £25,600.

[BARONESS MASHAM OF ILTON]

Restricting the numbers of overseas nationals who can work in this sector will put lives at risk, especially as we have an ageing population. We need people with a work ethos who want to help and look after people and enjoy and take satisfaction in doing this.

There is a danger that people who cannot get work of their choice are pushed into doing care work, with such horrifying results as happened at Whorlton Hall near Barnard Castle, Thors Park in Essex and Winterbourne View near Bristol, where patients were abused and bullied. This cruelty was exposed by “Panorama”. We must surely try to prevent this sort of thing happening again. I hope the Government will listen before it is too late.

3.16 pm

**Lord McConnell of Glenscorrodale (Lab):** My Lords, I look forward to the debates on the Bill in Committee and at other stages and draw attention to my registered interests, not least the work I do with charities representing child refugees. I endorse the comments made by a number of noble Lords already in the debate about the need for us to show more humanity in our approach to that. Hopefully your Lordships’ House will indeed do that.

I pick up on one of the remarks made by the Minister in introducing the debate. She said that any regional approach to immigration in the UK would cause chaos and therefore should be avoided. I reflect back on 2004 when, as First Minister of Scotland, I had identified the problem of Scotland’s depopulation. One of the ways we could tackle that problem was to encourage in particular those who had come to study in Scotland to stay, but also to attract new people to Scotland to energise both our population numbers and our economy with the entrepreneurship they would bring.

I agreed a scheme with the noble Lord, Lord Blunkett, when he was Home Secretary—an incredibly thoughtful and intelligent Home Secretary, who I think would win that debate he promised us at the end of his earlier contribution. He agreed a scheme that involved a fresh talent visa in Scotland. It was particular to Scotland and allowed those who had studied in Scotland to stay longer to secure work and perhaps establish a family and home in our country. The scheme was never abused. Report after report showed that it was possible to have a scheme in one part of the United Kingdom that worked for the local circumstances there. The partnership we developed at that time between the Scottish Government and the UK Government—the Home Office—was an exemplar in devolved-central government co-operation in the UK.

While debates about regional approaches to immigration are sometimes coloured by more extreme demands for devolving responsibility for immigration to one of the devolved nations—which I have never been in favour of—it is possible to have regional approaches. There are parts of the United Kingdom where a one-size-fits-all approach no longer works. This is not just in Scotland but can be in other parts of the UK too. I hope that when we come to debates on this in Committee or on Report, the Minister will be willing to listen to the opportunities that would exist if

we opened the door to regional approaches, which would benefit the whole UK and not just the nations or regions affected.

3.19 pm

**Baroness Barker (LD):** My Lords, the Government say that this Bill aligns the treatment of people from the EEA seeking asylum or to migrate to the UK with that of the rest of the world. From the Government who were responsible for the Windrush scandal, this is indisputably a levelling down and needs extensive scrutiny in this House. Some may question whether any EU 27 citizens would claim asylum. Clearly they have not spoken to people from Poland, where, under the latest iteration of Section 28, municipalities in one-third of the country have declared themselves LGBT-free zones, or to people from Hungary, where President Orbán used the Covid-19 emergency to obliterate the legal recognition of trans people. I hope our Home Office will not treat citizens as inhumanely as it does LGBT asylum seekers from the rest of the world.

Cancer Research UK has pointed out the fear that this Bill threatens the UK’s position as a centre for world-class research. We need an immigration system that enables our institutions to be go-to destinations for global research and innovation talent. That means having a skills pipeline of young junior research scientists, who do not reach the income levels set out in this Bill. Will the Government carry out an urgent review of the UK’s visa costs and their expected impact on the recruitment of international research and innovation staff? If our visa system remains one of the most expensive in the world, we will simply create a hostile environment for research.

We still await the Government’s detailed proposals for the future of social care, but this Bill will definitely disrupt the supply of care staff from abroad. What modelling have the Government done to work out the impact of this Bill on the health and social care sector?

The Bill is heralded by Ministers as laying the foundation for a new immigration system, but it is silent on the nature of that foundation, let alone the substance of any system that may be built upon it. Let us use it as an opportunity to remove one stain on our national reputation: unlimited detention. Let us use it to do what the Home Affairs Select Committee in the other place said on 21 March 2019, when it made wide-ranging criticisms of our current detention policy and practice and concluded that:

“Lengthy ... detention is unnecessary, inhumane and causes harm.”

It recommended an end to indefinite immigration detention and the implementation of a maximum 28-day limit.

This Bill has the potential to do great harm to the health and well-being of our nation. I hope it receives detailed scrutiny and amendment during its passage through this House.

3.22 pm

**Baroness Redfern (Con) [V]:** My Lords, I am pleased to be able to take part in the Second Reading of this important Bill, as hundreds of thousands of final decisions are made annually under the Immigration Rules which are life-changing for the applicants.

In the past, many have said that the rules have been too complex, so I am pleased about the work to complete redrafting, making the rules simpler and more accessible to applicants, and the twice-yearly updates creating more certainty and transparency.

The Bill commits the Government to deliver a fairer, skills-led immigration system based not on where people come from but on their skills, not only enabling businesses to flourish but giving people the opportunity to begin one, to help drive and deliver a high-performing UK economy. It does this while giving us full control over our borders, together with a future points-based immigration system for when transition ends. As this new system is introduced, decisions can be made, importantly, far quicker and more accurately.

In supporting our economy, business and trade, the Bill ensures that workers and employers pay contributions in only one country at a time. Those who are resident in the UK by the end of the transition period are protected by the European Union (Withdrawal Agreement) Act and will be able to apply to the EU settlement scheme to secure their immigration status in UK law until 30 June 2021. I am also pleased with the confirmation of the rights of Irish citizens.

Let us not forget that migrants play a huge role in our economy—you have only to look at the contribution they make to our health service, brought to prominence particularly during the Covid crisis. It is important to note both that those currently working in the NHS will be subject to an automatic extension for a year and the settlement scheme for EU citizens, which opened in March 2019 and received 3.7 million applications.

This Bill will allow the Government to identify understaffed sectors and make provision for those who want to make a new life here and contribute to our economy. The costs to the public sector of ending free movement will relate to the administration of the evidence-based system. They will not be minor costs, but the Government are responding to the people across the country who have called for this change.

As the Secretary of State said, this is a once-in-a-generation opportunity to reform our immigration system so that all EU and non-EU citizens will be treated equally—a system to develop our national interest and the economy which treats immigrants from all countries on the same basis. It is fair and not anti-immigration. It is based on people's skills rather than on their nationality. It is a system which mirrors those of other countries and will give us a lever to open up to the world, which I welcome.

3.25 pm

**Lord Green of Deddington (CB) [V]:** My Lords, I fully endorse the contributions of the noble Lords, Lord Lilley and Lord Hodgson. I declare a non-financial interest as founding co-chairman and now president of Migration Watch. In those capacities I have followed immigration for nearly 20 years; indeed, I am now on my 10th Home Secretary and 15th Minister for Immigration.

Migration Watch is the only body that has consistently called for a reduction in the scale of immigration, a view which, according to nine recent opinion polls, is shared by a majority of the UK population. That amounts to approximately 30 million adults. I add that Migration

Watch has a remarkable record in projecting immigration levels. For example, in 2002, we estimated that non-EU net migration would run at 2 million over the following decade. We were met with disbelief, but the ONS later estimated that it had indeed amounted to 2.1 million.

This points-based system will cause net migration to spin out of control. The only question is how rapidly this will occur. Secondary legislation under the Bill will lower salary and educational requirements. At the same time, work routes will be opened up to the whole world and will generate a pool of potential—I stress “potential”—candidates running into literally hundreds of millions. Some employers will want cheaper, non-unionised workers; others will follow suit to stay competitive. Furthermore, as these routes will lead to settlement, many candidates around the world will have relatives already here to guide and encourage them—all this as unemployment in the UK heads into several millions.

In a nutshell, the Government are heading for a car crash. There is only one way to avoid this: to start with a cap on work permits and then adjust it as necessary. The public will simply not understand why, having promised to take back control over immigration, the Government should then hand control over to employers, most of whom have very little interest in controlling it.

3.28 pm

**Lord Hain (Lab) [V]:** My Lords, under cover of the pandemic, Ministers are doggedly pursuing their Brexit immigration agenda when we are in the grip of a pandemic-induced economic tsunami. A hard Brexit, sought by many Conservatives, will sever links with our most important trading partners and neighbours, and unilaterally end free movement on 31 December, with our economy still on its knees and facing a major skills crisis.

This will be the second time in the last 10 years that a Conservative Government have retrospectively changed the rights of migrants who have legally entered this country to live and work here. The Bill aims to prioritise “skilled” labour with a points-based system based largely on salary. However, as shown by a recent Ipsos MORI poll, the public recognise, with my noble friend Lord Rosser, the important role played in the pandemic by the 180,000 European Union-national health and care workers, most of whom would be identified by the Home Secretary as “low-skilled” and would not have qualified for visas under the Bill.

Unless deals on citizens' rights are reached with the European Union, these workers, many of them heroes in the Covid crisis, will be exposed to the harsh reality of the Home Office's failed and inhumane hostile environment policy. It is also likely that there will be a second Windrush for the children of migrants, as the noble Baroness, Lady Benjamin, said in this House on 2 July. The Government's promises on EU nationals' rights mean nothing if they are not backed by primary legislation. They should be granted automatic settled status. The Bill does neither.

To lead a recovery from Covid, the Government are promoting investment in construction and infrastructure, highly dependent on skilled labour from the EU, yet they have no effective strategy for domestic skills-based programmes, which take years to deliver results. By ending



[LORD HAIN]

free movement, the UK will become less accessible to highly skilled EEA migrants, on whom we have depended for years. The Huawei debacle has illustrated that the “global Britain” assumed by leave in the referendum campaign no longer exists. Our legal, economic and trading relationship with the EU—the world’s biggest, richest market, right on our doorstep—which is in no way settled, should remain our most important for years to come. Our immigration system should reflect that, not the other way around.

Another huge consequence of the Bill is that, as a direct consequence of the lack of reciprocal agreements on citizens’ rights, 66 million UK nationals will lose the benefits of their EU citizenship, their rights to travel freely and to live, work and study elsewhere in our European home. Frankly, this is all a shambolic disgrace.

3.31 pm

**Lord Naseby (Con):** My Lords, I believe our nation welcomes the broad thrust of this Bill, as I do, but in the short time available, I will pick out just three points. First, I suspect that all noble Lords are well aware of the challenge with care workers. There is no doubt that there needs to be some transition, some amendment to how we deal with care workers. We have 8% of roles in adult social care vacant at the moment: 122,000. In addition, 8% of the social care workforce has an EU identity—et cetera.

It seems to me that Canada, Australia and New Zealand, to mention just three countries that face a very similar problem, have found what they believe to be a fair answer to meet this challenge—which is not a challenge that can be dealt with in five minutes. I have been a Member of Parliament, as have a number of my colleagues sitting in the Chamber this afternoon. We know about care homes, old people’s homes and nursing homes, so we know you cannot adjust them furiously in a few minutes. But I say to my noble friends on the Front Benches that we have to find an answer.

The other aspect of the NHS is doctor recruitment. We have had far too few young men and women entering the medical profession. It is highly oversubscribed, but—I am sorry to say this; I might be seen to be sexist—60% of the intake today is female, and, of those, well over half only ever work part time, so that is not an answer. We need to increase the intake to our medical schools.

My noble friend Lord Lilley mentioned nursing. What was the figure he gave: 25,000 nurses applying to nursing schools turned down last year? We have to find an answer to this. If we do not, the figure of 29% of doctors working in NHS hospitals coming from overseas will never be solved. I say to my noble friend on the Front Bench: I hope that will be looked at.

Finally, a number of colleagues in the House know that I am closely involved with Sri Lanka. I know a fair bit about illegal immigration; I know about self-harm; I know about alleged torture; and it is still happening. I am sorry to say that: self-harm is still happening. That is not good for the individuals involved and it is putting money into the pockets of people that it should not be, so I should like that investigated, and I will be supplying my noble friend with some information about that.

3.34 pm

**Baroness Prashar (CB) [V]:** My Lords, the Bill includes extraordinary powers for Ministers to make changes to primary legislation. It does so without any safeguards or restrictions on how they may be exercised. These powers were described as “very significant” by the House of Lords Delegated Powers and Regulatory Reform Committee, and it rightly expressed concern. I am concerned too. This legislation, even if it is narrow in scope, is seen as laying the foundations for a new immigration system. If that is the case, this is an opportunity to ensure that it is underpinned by principles and purpose that will guide the exercise of immigration powers and ensure that it is compliant with fundamental rights.

Our immigration system is becoming responsible for a vastly increased number of people and applications, but is the system up to the task? Apparently not; the Windrush scandal shows that. The Law Commission recently highlighted the complexity of the Immigration Rules. The system is in need of reform, and this is an opportunity to make it compliant with fundamental rights and, in the words of the Home Secretary, to make it firmer, simpler and fair. It is an opportunity to have a system which supports refugee family reunion and takes steps towards ending immigration detention, among other things.

With regard to family reunion, in Committee on the Bill in the other place, the Immigration Minister, Kevin Foster, stated that the Government are committed to the principle of family reunion and supporting vulnerable children. These words should be matched with action. Currently, the Dublin regulation includes transfers for the purposes of family reunion, but at the end of the Brexit transition period this route for family reunion may be lost. This is an opportunity to amend domestic legislative rules and provide a legal and safe means for vulnerable individuals to join families, and to mitigate some of the risks of leaving the Dublin system. With regard to detention, this is an opportunity to significantly improve the law by providing a statutory limit of 28 days for any person to be held in detention.

Finally, I wish to raise an issue which has been drawn to my attention by English UK, the national association of English language teachers. The current situation is that EU, EEA and Swiss citizens can use ID cards in lieu of passports to enter the UK under free movement rules. The Government plan to scrap the EU ID card entry by 2021. This threatens to deter EU and EEA students, particularly junior students under 18. This could lead to a downturn of juniors coming here; we might lose them to Ireland or Malta. About 260,000 students travelling to the UK to study are under 18. Many do not have passports. The cost and bureaucracy of obtaining them for a short period is prohibitive.

Four hundred English schools bring in 550,000 students every year and inject about £1.4 billion into the economy. The benefits to the economy of the UK and to UK soft power are evident. The future of English schools is already in danger due to Covid, and if no action is taken on ID cards, we may see closure of those schools. A small amendment, such as creating a passport-free joint travel document which could be used by a group of students travelling together with

the group leader, would ease the situation and minimise delays at the border. The security risks of juniors are minimal, as they will be travelling as a group with a leader, so I hope this small amendment will be accepted in the course of the Bill's passage.

3.38 pm

**Lord Adonis (Lab):** My Lords, immigration policy has been controversial, often bitterly controversial, in this country for more than 130 years, since the waves of Jewish immigration in response to the pogroms in Russia in the 1890s. Looking at policy since then, we see that there have been periods of substantial immigration that have led to civic reactions against it and then a closing down of immigration.

The last time we went through a process similar to the one we are going through at the moment was in the 1960s when, in response to the substantial immigration from the Commonwealth, there was a big social reaction, bitter political controversy caused by it and, in the two Commonwealth immigration Acts of the 1960s, an almost complete cessation of immigration. From the late 1960s until the expansion of the European Union in the early 2000s, there was almost no net migration into this country. Looking at the challenges that we have faced and the situation the Government are responding to in the context of Brexit, it is always important to get the history right to understand what the right policy is for the future.

What went wrong after 2003 was not too much Europe but too little. What we should have done with the expansion of the European Union to central and eastern Europe—I bear my share of responsibility for this—was to have implemented the same seven-year transitional controls as virtually the whole of the rest of the European Union implemented. If we had actually been a team player in the European Union, which we have been so bad at doing for almost the entirety of our membership, I do not believe we would have had the social pressures which led to the big immigration concerns about Brexit after 2010. We were at fault in that, which is why Britain became the overwhelming focus of immigration after 2004, and it was not properly managed.

However, two things were going on at that time. One was net migration into this country from central and eastern Europe, predominantly—although there had been earlier waves from Italy and Spain, they were of smaller numbers. However, the other crucial development, which is why the whole system is unstable is, of course, that Brits were going freely to travel, live, study and settle abroad. The bit which will make this system entirely unstable is that anything we do in response to migrants coming from the rest of the European Union will be done in respect of the more than 1 million Brits who have already settled and many others who want to take advantage of similar rights in the future. When the public wake up to the fact that their own rights to travel, study, settle and work across the European continent will suffer in exactly the same ways we restrict rights to others in Europe coming here, this situation will become controversial in this country and not just internationally.

Of all the speeches made so far, the one which the noble Baroness and the Home Secretary should be really worried about is that of the noble Lord, Lord Green.

He is correct. My analysis of the points-based system with the salary threshold is that the Government do not in fact have any control. In the guise of taking back control, they do not have control over the situation hereafter. We now have a massively unstable system, potentially millions of new immigrants coming from the wider world beyond the European Union, and a British population that will be increasingly disgruntled when they realise that their own emigration and travel rights across the rest of Europe will suffer. I therefore see this as a staging post in a very unstable situation with regard to immigration in the future.

3.42 pm

**Baroness Northover (LD) [V]:** My Lords, it is clear from the Minister's introduction that she knows how damaging the Bill is. The Government deploy a circular argument. They say they are delivering on the referendum result, and that immigration was a factor in that result, as if members of the Government had not been the ones who helped persuade the British public that leaving the EU was a good idea, and that there were risks of huge increases in immigration if we did not.

We have been clapping for NHS, social care and other essential staff. The Government are belatedly realising how important they are. It is specious for the Government now to say what they are saying about pay in the social care sector when they have not addressed it in funding. What will they say when those helping to underpin, for example, our virtual system, leave? Will they say that they just did not know? There are so many others in so many other sectors, from agriculture to warehouse distribution. We depend on the City of London for the tax revenues required for the NHS and social care, let alone the so-called levelling up of the north. Yet here the City of London is undermined.

We are in the middle of a pandemic, with things likely to get worse this winter. We choose this moment to fail to secure a deal with the EU that keeps us in the customs union and the single market, or any but the most basic of arrangements, further damaging our better businesses. Then we make it worse by introducing this immigration system into an economy which, prior to coronavirus, had record levels of employment. The Bill gives business totally inadequate time to prepare. Why is so much in secondary legislation, which is so difficult to scrutinise? It shows how unprepared the Government are that they are seeking to do it this way. They are beginning to realise the unintended consequences of their system.

The Chancellor said that he was not driven by ideology. He has recognised the support required for our economy. If only his colleagues in the Home Office could be as pragmatic, and spend their time protecting the country from the effects of that referendum. The proposed new system is deeply damaging to Britain, to the British economy and to those whom the Government say they wish to help.

3.45 pm

**Baroness McIntosh of Pickering (Con) [V]:** My Lords, I am delighted to participate in this debate and I pay tribute to the Minister and her team for the immense work they have put into preparing for this stage of the proceedings.

[BARONESS McINTOSH OF PICKERING]

I declare an interest in that I am half Danish—the product of a union between a Scottish father and a Danish mother. There are deep historic ties between the UK and Denmark and I regret that they will be broken at one swoop in the Bill. I too take very seriously the words of the noble Lord, Lord Green. My noble friend the Minister referred in particular to the vote. I am sure that she is right that this is the general folklore as to why people voted in the referendum for us to leave the European Union. However, did they vote to see EU net migration fall to now well below 100,000 and to see non-EU migration rise to 250,000 in the same period? I am not entirely sure whether the public have yet grasped the consequences of the vote.

I will put one or two specific questions to my noble friend and would like to explore them further in later proceedings on the Bill. Should we not be making provision for a grace period to clarify the rights of EU and EEA citizens who live here and who may be caught out between 1 January 2021, when the new provisions come into effect, and 30 June 2021, when more detailed subsequent statutory instruments and guidance will come into effect under the terms of the withdrawal agreement? It would be helpful to have that clarified, as obviously both those citizens and their legal advisers will be concerned by this.

I echo the comments of other noble Lords who flagged up the category of the low-skilled worker, which will come back and cause the Government and the country enormous problems. All of us are concerned about the healthcare workers, and I mention the 29% of doctors working in the NHS hospitals, to whom we are enormously grateful, and the 12% of non-British EU health care workers who will be caught out by these provisions. There are also the farm workers, who pick the vegetables and fruit at this time of year. If my noble friend could address my concerns in that regard, I will be very grateful. I hope the Minister will also have regard to a plea from businesses about the lack of time until the new provisions come into effect. Will better guidance be made available before the end of the transition period?

3.48 pm

**Baroness Greengross (CB) [V]:** My Lords, I acknowledge the comments from the Minister and welcome the Government's intention to make significant improvements to the pay and conditions of social care workers. The health and care visa route recently announced excludes social care worker from its list of skilled workers. In Australia, New Zealand and Canada, as mentioned by the noble Lord, Lord Naseby, where a points system like that proposed by the UK Government operates, they have included an alternative immigration route for social care workers.

In April 2017, the New Zealand Government increased care and support workers' pay by 21% to improve recruitment and retention in the sector. That also resulted in greater parity between social care and health workers and meant that migrants in the sector were more likely to meet the income threshold under New Zealand's points-based immigration system. In Canada, like in the UK, social care workers are in demand across the country. There they are listed in the

target occupations list, which means that migrants with experience or relevant qualifications can gain a Canadian permanent resident visa.

If the Government will not create a visa route to allow social care workers into this country, prior to the new system being introduced next January they must develop a strategy for social care that will ensure an adequate supply of labour in the sector. Nearly 8% of roles in adult social care are currently vacant, equivalent to 122,000 vacancies at any one time. We know that the NHS is a direct competitor for staff in some roles and can offer enhanced pay levels and a national career structure. For example, nurses working in the NHS earn 7% more than those working in adult social care—a gap that is set to grow under the recent NHS pay deal.

Parity of recognition for social care staff is acknowledged as important. It is more than important; it is essential. I hope the Government will recognise this and act accordingly.

3.50 pm

**The Lord Bishop of Bristol [V]:** My Lords, migration is a natural part of life and an experience shared between all living things on our planet. Moreover, for those of us who trace our faith back to Abraham, migration has been a continuous and inescapable feature of our human history.

In this context, I welcome any debate to discern together what guiding principles and moral framework should underpin a new system for managing migration. However, given the narrowness of the Bill, I hope we will not lack further opportunities for healthy public debate, and that the reservation of so much to secondary legislation will not hide future policy from scrutiny and discussion.

Research indicates that a hostile immigration environment does not deter migration. Rather, it makes migrants more vulnerable to abuse. I record my particular concern about the lack of provision for victims of human trafficking and modern-day slavery in the Bill. Indeed, this legislation could see crucial protections for the most vulnerable in society being lost, without appropriate replacement. I think in particular of the EU anti-trafficking directive, as the noble Lords, Lord Morrow and Lord McColl, indicated.

However, it is not just victims of modern-day slavery who are extremely vulnerable. Asylum seekers and refugees continue to be denied the right to work. It seems very strange that the Government continue to deny people waiting on a decision from the Home Office the opportunity to support themselves—and to pay taxes.

Meanwhile, the Government are keen that the United Kingdom should attract the brightest and best from overseas. Many people displaced by conflict or persecution have valuable professional skills in areas such as medicine and engineering but are stuck in refugee camps, unable to use those skills to support their families and rebuild their lives. I welcome the Government's openness to considering a displaced talent visa to level up access to labour market mobility for those displaced from their homelands. My colleague the right reverend Prelate the Bishop of Durham and I look forward to further discussions in Committee.



Finally, I highlight the lack of provision for children in the Bill. According to Children's Society research, many local authorities are not aware of how many children in their care will be affected by our exit from the European Union. This would leave an already vulnerable group of children and young people without recourse to public funds liable to immigration detention or forced removal from their home and the country they have grown up in.

Migration is a constant feature of our nation's story. Our shared task is to discern how we can create a system that benefits all.

3.54 pm

**Lord Foulkes of Cumnock (Lab Co-op) [V]:** My Lords, although I too am pleased to speak in this Second Reading, I am sorry that we have this Bill at all. Like so many of our fellow citizens, I regret it. It is a Bill that makes provision to end the excellent free movement that we had under EU law in exchange for what I believe to be a punitive points-based system.

Like my noble friend Lord Rosser and others, I will concentrate on the care sector. We have seen how much care workers do under the pressures of the virus, and how the problems of funding and security have created problems for the care sector and shown how it is often treated as a poor relative of the NHS. We need to give more consideration to the care sector's value and to work to keep its workforce; otherwise they will continue to be an afterthought in immigration, as well as other areas. As others have said, part of the new points-based immigration system disadvantages them. They will be excluded from the new health and care visa. Even senior care workers would not qualify with the minimum salary threshold. It is unjust and unfair, particularly on top of the lack of support they have had during the Covid epidemic. I hope this matter can be dealt with and looked at more carefully in Committee and on Report.

As the noble Lord, Lord Morrow, and my noble friend Lord McConnell, did, I will touch on whether this applies to the whole of the United Kingdom. As a Scots Peer, I think that immigration must remain principally a UK-wide competence, as the noble Lord, Lord Morrow, said. I strongly disagree with the SNP's proposal for an alternative immigration system for Scotland. That is very different from the very limited scheme that my noble friend Lord McConnell introduced, which he described earlier. Scotland's immigration needs are not significantly different from other parts of the United Kingdom. Anyway, how could we prevent immigrants moving around the UK without border controls? The Deputy Speaker will know and I am sure that he would agree that the last thing we need are border controls at Gretna and Berwick.

**The Deputy Speaker (Lord Duncan of Springbank) (Con):** The next speaker is the noble Lord, Lord Strasburger.

3.56 pm

**Lord Strasburger (LD) [V]:** My Lords, this squalid little Bill would end our participation in Europe's greatest post-war achievement: freedom for all of us to live, love and work without hindrance anywhere in 27 countries. I deeply regret its loss.

We have to wonder how we have plummeted so far since the heady days of the London Olympics. In just eight years, that pride in our country and the welcome we gave to the world have given way to division and cynicism. What has changed is that the cabal of leave campaigners, who cheated and lied their way through the referendum, went on to capture the Conservative Party and then the Government. They have not changed their shameful methods. They are still peddling the beguiling but delusional myth of British exceptionalism, claiming that everything they do is world-beating when it manifestly is not. The hard truth is that their stewardship has taken us into the relegation zone of the world Covid league. When they combine that with a hard Brexit, we will tumble out of contention altogether. Our excessive death toll from the virus was caused by the PM's absence in February while rearranging his marital affairs, his dithering over lockdown in March and his adviser's barely concealed fetish for herd immunity.

Yesterday's ISC report described Russia as "a muddy nexus between business and corruption and state power", but this sounds a bit familiar closer to home. Here, we have rushed planning decisions to help party donors, huge untendered PPE contracts with unsuitable companies and the ruling party being dangerously close to wealthy, Kremlin-connected Russians. Indeed, Mr Johnson has a penchant for oligarchs' hospitality. At the risk of gifting them kompromat in 2018 he cavorted with them, without his security detail, but with a former Russian spy, at an Italian palazzo. At the same time, the citizens of Salisbury were reeling from Russia's use of a deadly nerve agent on their streets.

The Prime Minister's chief adviser, who, remarkably, retains his post while being literally in contempt of Parliament, and whose mantra is "Never admit mistakes, never apologise, never resign", has three years in Moscow on his CV. Is it then any wonder that these people buried the ISC report before the election, or that they are still resisting the cross-party calls for an investigation into Russian interference in the referendum? What on earth could they possibly have to hide?

4 pm

**Lord Horam (Con):** My Lords, I shall strike a rather less partisan note. Like my noble friend Lord Naseby, I welcome the Bill because it is clearly a necessary part of the Government's attempts to reduce the large-scale immigration we have had over the past 20 years to a more sustainable level. Large-scale immigration is damaging to Britain in a number of ways. First, it reduces the quality of life in these islands. The UK is a heavily populated country. The population is growing at its fastest for more than a century and two-thirds of that growth comes from immigration. The extra people have to be provided for, and that has many adverse effects. For example, an area of countryside the size of Cornwall has been lost to development since 1990. All this is well set out in a pamphlet by my noble friend Lord Hodgson of Astley Abbots, which I recommend the House reads carefully. It is much more interesting than most government pamphlets and much better illustrated.

Secondly, large-scale immigration damages the economy. Most obviously it deters businesses from investing in training and apprenticeships for the domestic

[LORD HORAM]

population. Thirdly, immigration on the present scale also increases inequality because the lowest paid suffer most from immigration. Fourthly, large-scale immigration makes the problem of maintaining social cohesion far worse. Fifthly, there is a moral point. What right has Britain to scour the world for skilled people when they are often desperately needed in their own countries? Finally, British people have repeatedly shown that they do not want large-scale immigration at this level. Despite this, the Labour Government under Tony Blair went ahead with large-scale immigration. It harmed the country, it cost Labour votes on a massive scale and it increased distrust of politicians because people felt they had not been consulted—and, indeed, they had not been.

This is an enabling Bill and does not set out the Immigration Rules. Like the noble Lords, Lord Green of Deddington and Lord Adonis, I hope that when the Minister considers these comments she will look at what they said because I am afraid we have insufficient control of this situation and we have given employers too much control. None the less, I am delighted that the Government have said that they will keep the situation under review and will act quickly when necessary. I hope my noble friend will confirm that in her wind-up speech.

4.02 pm

**Baroness Falkner of Margravine (Non-Aff):** My Lords, I start by explaining that I am married to someone who has gone through the EU settled status scheme after having lived here for more than 25 years. His experience as a German national was relatively straightforward, albeit expensive. The *dénouement* came when his citizenship ceremony took place. Other new migrants had been given crib cards showing the words of the national anthem, but they were unable to sing it when the audio system broke down in the town hall in the middle of their rendering of “God Save the Queen”. Suffice it to say that while we are good at most big things, we tend not to be able to pull off small but symbolic things very well in this country.

Turning to the Bill, I shall pick up the thread of the concerns of the noble Lord, Lord Russell of Liverpool, about data and statistics that will determine the future rights of some EU citizens. The *Financial Times* recently showed up the discrepancy between the Office for National Statistics data and the reality of the number of EU citizens in the UK who may be eligible for settled status. According to the ONS, some 3.4 million people from the EU are eligible for settlement. However, the number of EU migrants who have applied to stay after Brexit already exceeds the official estimate. At the end of May, there had been some 3.6 million applications. The *FT* surveyed EU embassies and discovered that the UK Government had underestimated the EU-born population of the UK by more than 500,000 people.

This is reminiscent of Mr Blair’s breezy estimates about how few people would move to the UK when people from the A7 countries were allowed to come, but it is more serious because of its consequences. When the deadline for applications comes on 30 June 2021, there are likely to be people who will lose their

legal status overnight and face wrongful deportation. I understand that the Home Office has said that it will take a “flexible and pragmatic approach” and that anyone with “reasonable grounds” for missing the deadline will be given further opportunities to apply. I would like to hear from the Minister what the flexibility and reasonable grounds criteria will be. What opportunities will be available and, more importantly, will they be publicised to EU nationals and their family members? That further opportunity is bound not to be taken up if people do not know about it.

In Committee, I will press for an improvement in the granting of visas for the tech industry. When I was chairing the EU Financial Affairs Sub-Committee, we heard from numerous groups about the importance of a fast-track, simplified system for people who establish start-ups or work in the fintech sector. There is a vast amount of data on the success of those born abroad in driving growth in the fastest-growing companies. Half of the UK’s fastest-growing companies have at least one foreign-born co-founder, according to studies. As time is short, I shall pick up on this theme in Committee. In the meantime, I look forward to the Minister’s reply to my questions.

4.05 pm

**Baroness Kennedy of Cradley (Non-Aff) [V]:** My Lords, in the time I have today I shall restrict my comments to two issues. The first is care workers. As noted by many noble Lords, there are around 120,000 jobs currently vacant in the adult social care sector and around 250,000 social care workers are EU or non-EU nationals. The immigration system proposed in the Bill will seriously undermine the social care workforce. It puts up barriers that will stop people from overseas coming to the UK to work in adult social care. This will lead to an even higher level of staff shortages in the care system, which is already stretched thin and experiencing a high number of staff vacancies. It is also wrong to exclude care workers from the qualifying list for the new health and care visa. While the senior care worker role is included, the salary threshold will make the vast majority of care workers ineligible to apply. Will the Minister set out clearly in her response why the Government are reluctant to provide a sector-specific visa route which allows international recruitment into social care? Such a route exists in other countries, such as Canada and New Zealand, so why is such a route not being considered for the UK, especially as our need is as great as theirs?

The second issue I want to touch on is EU children in care. I echo the comments of the right reverend Prelate the Bishop of Bristol. Thousands of children in care and care leavers could be at risk of being left unlawfully resident in the UK next year without co-ordinated action between central government and local authorities. The Government are the corporate parent of these children and should act as any parent would. They have a responsibility to ensure that all children in their care receive the settled status to which they are entitled. Applying under the EU settlement scheme is not simple and straightforward. For children in care and care leavers, gathering the required evidence has been a challenge. Will the Minister give the House up-to-date figures on the number of children in care

who have applied under the scheme to date and indicate how many of them have been denied settled status? If she does not have the figures to hand, perhaps she will write to me and place a copy of the letter in the Library. Will the Government commit to put in place the processes and policies necessary to guarantee that all EU children in care and care leavers receive the permanent immigration status to which they are entitled?

4.08 pm

**Baroness Goudie (Lab) [V]:** My Lords, I declare my interests as set out in the register. I thank all the NGOs and businesses which have been in touch with me regarding the Bill.

The Bill allows the Government to create a new immigration statement by statutory instrument. The Bill is asking for a blank cheque, but on something as important as this, proper parliamentary scrutiny is essential. The Bill also dispenses with the consent of the Scottish Parliament to social security co-ordination measures. Not only is the content of the Bill bad, it is a constitutional outrage that concentrates executive power in the UK by taking control over the consent of nations and Parliament at the expense of child refugees, migrant workers and others.

Further, the Secretary of State must make provision to ensure that unaccompanied children, spouses or vulnerable dependent adults who have a family member legally present in the United Kingdom have the same right to be reunited in the United Kingdom as they would have had under Commission Regulation EU 604/2013.

The deadline for applying to the EU settlement scheme must be extended and a comprehensive plan implemented to protect, as many others have said, all children in care and care leavers to whom this provision is applicable. Furthermore, a child has the right to citizenship in UK nationality law and they should not be charged more than £1,000 to make it a reality. The current citizenship fee for children should be scrapped. I shall also support the amendments on refugee children that will be tabled by my noble friend Lord Dubs.

4.10 pm

**Lord Clement-Jones (LD) [V]:** My Lords, I share all the criticisms made by my noble friends but I shall focus on the potentially hugely detrimental impact on the higher education, cultural and tech sectors of the ending of EEA freedom of movement and on how government needs to take the necessary action required by those sectors so that the impact can be at least partially mitigated.

International students and academic staff contribute hugely to our universities and the UK as a whole. We have recently lost ground as a destination, and the new points-based system and Covid-19 are extremely likely to further damage recruitment. The creative and culture sector makes a major contribution to our lives and economy, but highly talented individuals in this sector are often paid salaries lower than the UK median. As regards the important tech sector, 13% of the UK's digital tech workforce is international. The UK faces a chronic digital skills gap, and access to talent is the number one issue in the sector.

Given the issues faced by those sectors, will the Government take these steps? Will they extend the current, or make special, arrangements for EU students for the calendar year 2021? Will they confirm and ensure better promotion of the rules for the new two-year post-study work visa? Under the new minimum salary requirements, only 27% of current international academic staff will be eligible, and the figure is even lower in the creative sector. For each sector, will the Government therefore explore a further reduction in the current income threshold and provide greater flexibility for eligibility? For the creative sector, will they extend the permitted paid engagement scheme, allowing multiple visits and permit-free festival arrangements for EU citizens? Will they also seek a reciprocal touring visa with the EU to enable creators and performers to travel temporarily and take their equipment with them tax free?

The new system will place significant burdens on SMEs in particular. Will the Government give businesses and individuals time, guidance and support to adapt to the new system and provide a much more streamlined system for processing visas? Will they bring costs in line with other countries? The total costs are high. In addition to salary costs, they include the cost of a sponsor licence and a visa, the immigration skills charge and an immigration health surcharge, all of which make recruiting workers internationally much more challenging.

In just these three sectors, despite the huge detriment potentially caused by the new system, a number of crucial mitigating steps could be taken if there is the political will. I hope that the Minister can respond accordingly.

4.13 pm

**Baroness Altmann (Con) [V]:** My Lords, I congratulate my noble friend the Minister on the way in which she introduced this debate. However, I echo the concerns expressed around the House about the Henry VIII powers in Clauses 4 and 5, which seem to deny parliamentarians the right to a say over the new Immigration Rules in the future. I fear that that is not the kind of "taking back control" that fits with our tradition of parliamentary sovereignty.

The Bill is silent on how the changes that it makes in relation to Irish citizens will affect the rights of Northern Irish citizens under the Good Friday agreement. However, I want to focus my brief remarks on the issue raised by many others across the House: the implications for the social care workforce and the elderly, disabled or frail individuals who rely on them for their basic quality of daily life.

I support the desire for employers to focus on investing in their staff, providing training and increasing the prestige of the care workforce, thus making it an attractive profession, but that will take a long time. Even in 2018, the National Audit Office highlighted the lack of any updated DHSC strategy for the adult social care workforce. Nearly 20% of that workforce is from overseas but, despite that, there are more than 120,000 vacancies and staff turnover is around one-third each year. The new points-based system will not include those workers.

I support the aim of attracting the very best migrants from around the world but, unlike in the Australian and New Zealand points systems, our limit of £25,000



[BARONESS ALTMANN]

a year suggests that those working in social care are not considered to be skilled or valuable enough to be worthy of British residence. However, low pay does not mean low value. What will happen if the domestic workforce cannot be trained? We cannot ask these frail, vulnerable individuals to just wait until the training programme works out. As the noble Lord, Lord Morrow, powerfully explained, this is not about care homes alone; it is about those who live in their own homes and who rely on some immigrants to help look after them.

The domestic workforce is unlikely to respond quickly or positively to work in the care sector—a sector that is underfunded and where workers are underpaid relative to the NHS. Unless we have the Government's long-term plan for social care, for which we are still waiting a year after it was supposed to be oven-ready, we cannot seriously expect the social care workforce to be filled domestically. I urge my noble friend to listen to the words of my noble friend Lord Naseby and others and introduce a transitional scheme that will help encourage immigration for social care.

4.16 pm

**Lord Patel (CB) [V]:** Before I start, I wish to say that I support the comments made by the noble Lord, Lord McConnell.

I shall focus my remarks on how immigration reform will affect science and innovation and the health and care sector. The Government have often said that they want the UK to be a science superpower. Apart from funding and international collaboration, which are crucial, this sector relies heavily on our ability to attract, recruit and retain global scientific talent. Thirty-one per cent of UK Nobel prize winners in science were born outside the UK, and 50% of CRUK-supported PhD students are from outside the UK, rising to 70% of post-doctoral researchers. In part, the Government have recognised this by introducing the global talent visa, but serious concerns remain about the rest of the system.

I will focus on two issues. First, I want to talk about the significant cost of the system for employers and researchers, early-stage researchers and technicians, who will be punished by the new rules. Even researchers gaining a Global Talent visa will face costs of over £2,500. This is 10 times the comparable cost in Germany, the US and Australia, and seven times that in France. The UK will be the most expensive scientific destination in the world. Much of this cost is also associated with health costs. The impact is even greater for those not included in the Global Talent visa due to heavy visa costs, which can be as much as £8,500, and that does not include the costs related to family, which will be above that. The points-based system further disadvantages those whose salary level does not reach £25,000, such as lab technicians—a workforce crucial to science and innovation.

Secondly, I want to refer briefly to the effect that the Bill will have on health and social care workers. The mutual recognition of professional qualifications has played a vital role in enabling EU doctors to work in the UK. The legislation would remove that recognition, which applies also to other countries, and would have a significant effect on recruitment, and not just of EU doctors.

My final comment relates to the lack of any migratory route for unregistered care staff—a point already mentioned by the noble Baronesses, Lady Greengross, Lady Kennedy and Lady Altmann. The sector is already in crisis, with an estimated 110,000 nursing vacancies in social care alone. As has already been said, the classification of social care workers as low skilled devalues their contribution and their skills.

I look forward to the Minister's comments and the opportunity to explore these matters further in Committee.

**The Deputy Speaker (Lord Faulkner of Worcester) (Lab):** The noble Lord, Lord Griffiths of Burry Port, has withdrawn from the speakers' list. The next speaker is the noble Lord, Lord Roberts of Llandudno.

**Lord Roberts of Llandudno (LD) [V]:** When this Bill emerges, it will define our place and reputation. Will we be proud to have been here? As the verse at the bottom of the Statue of Liberty says:

“Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore.”

Is that what we want to be remembered for? Or will it be: bring me those who earn between £25,000 and £30,000 per year? Or, bring me those we think of as being best for us? Is it not better to welcome those who are most in need in the world? About 200 or 300 members of staff at the House of Lords earn less than that minimum income that is required to come to the UK—those wonderful people. Need, not greed, should define us, so that people come to us because we want to welcome them. We are trying to build a world which is fit for children to live in, yet we are far, far away from that.

I suggest we look at what will happen with income in Committee, and say that we have to mend this. We have to make this an immigration Bill with a human face. Thinking of those detained in our immigration centres, we know we are the only country in Europe that has indefinite detention. When the Chief Inspector of Prisons visited some of those detention centres in May this year, it was found that one person had been detained for three years, while another 12 had been detained for 12 months. There is something so wrong with what we are doing with our immigrants. This Bill gives us a chance, so that history will say we took a step that was humane, kindly and concerned. Let us take it.

4.22 pm

**Lord Balfé (Con) [V]:** My Lords, someone needs to say it. Those countries of Europe closest to us, our neighbours, are the ones we have most in common with. We should not be contemplating this Bill—I deeply regret it and find it totally depressing that we are considering it.

The first question I want to ask is of the Labour Party. There is a majority in the House, if Labour supports it, for this Bill to be improved. We saw in the Business and Planning Bill that Labour did not support any amendments, because it wanted it to get through without a Third Reading debate. My first challenge is to the noble Lord, Lord Kennedy, when he winds up for the Labour Party. I am not asking for specifics, but are we going to see the same again, or will Labour support reasonable amendments to this Bill?

My second point is that 1.2 million British citizens live in Europe. They have genuine concerns. They want three amendments to this Bill. The first would prevent the removal of the existing right of UK citizens who moved to the EEA to return with the families they have made there. The second and third would prevent the Bill's regulation-making powers being used to breach the UK-EU withdrawal agreement. Is the Minister prepared to meet representatives of Britain in Europe to discuss their concerns?

My next set of points is from Unison, the union that represents many of the low-paid workers who have been spoken about by noble Lords today. Many of these workers uphold our services, which would not exist without them. There are a number of areas where improvements are needed, not only in the £25,600 threshold, but also in other areas to help low-paid workers. I hope that the Minister will be significantly sympathetic to the need to draft provisions in this area.

Finally, we seem to have privatised the immigration system, with one great notable exception. We have all these difficulties: we need to sort people out and reduce migration—apart from 3 million people from Hong Kong, who, somehow, we can fit in with no problem at all.

This is not a very logical Bill, and I hope we can improve it as it goes through the House. If we can, we can at least make a depressing Bill just about adequate.

4.26 pm

**Baroness Ritchie of Downpatrick (Non-Aff) [V]:** My Lords, this Bill brings me great sadness. It embeds and promotes a Brexit that has all the hallmarks of a disaster for the people of the United Kingdom, which, I will remind the House, the people of Northern Ireland did not vote for. This legislation ends the free movement of citizens of the EU, the EEA and Switzerland into the UK. At a stroke, that diminishes the UK, breaks family ties, damages our economy, creates huge obstacles for employers and degrades international research, co-operation and understanding. Frankly, it is a powerful demonstration of how common sense within the British Government has finally slipped its moorings. It makes aliens of European citizens, with whom we have shared common bonds for many years. For me, that is a tragedy, and I do not believe it is what people voted for in the referendum of 2016.

I have particular concerns about specific parts of this Bill that go beyond the obvious risk of creating another Windrush disaster. That would once again show that there are times when the UK's callousness is matched only by its incompetence. The ending of freedom of movement will cause severe disruption to UK citizens living in the EU, an issue that has already been referred to by other noble Lords. It will also make European nationals coming here potentially subject to the full force of our harsh and often disproportionate immigration detention procedures. I would like the Minister to outline how the Government intend to address these deficiencies.

I note that the opportunity to regularise the position of Irish citizens in Northern Ireland, who do not also hold UK nationality, has not been taken in this Bill, despite the safeguards of the common travel area. This potentially leaves these citizens open to deportation.

The Good Friday agreement guarantees their rights under the Northern Ireland Act 1998, and it is time for the Government to fulfil their obligations here. I call on the Minister to address this particular issue and how the Government intend to remedy this gap in the common travel area provisions.

4.29 pm

**Lord Bilimoria (CB):** My Lords, as the noble Lord, Lord Dholakia, said, without the economic and cultural benefits of the immigrant community to this country over the decades—15% of our population is black, Asian and minority ethnic—this country, with 1% of the world's population, would not be the fifth or sixth-largest economy in the world.

This week is the Joint Economic and Trade Committee meeting between the UK and India. As chancellor of the University of Birmingham, president of the UK Council for International Student Affairs (UKCISA) and co-chairman of the APPG for International Students, I welcome the recent government support for international students through the reintroduction of the two-year post-graduation work visa—I helped to spearhead this in this House in 2007, it came into place in 2008, was taken away in 2012, and has now come back—and the three-year visa for PhD students. Will the Minister say whether the government will consider the graduate route as part of an international graduate employability strategy, to be developed in collaboration with the education sector and employers, that provides clear guidance for UK employers on how to employ students via the graduate route?

I ask the UK Government please to exclude students from the net migration statistics. Many of us have requested that for years; all our competitor nations do it. Including them is very misleading, as research has shown that more than 95% of international students return after their studies for postgraduate work. For example, when people enter, they say that they are coming to study, but when they are asked on the way out, anybody who worked afterwards says that they were working. This creates an illusion of illegally overstaying international students. The lag between arriving and leaving also means that growing numbers of international students exporting UK education shows an increase in net migration.

Can the Government include India in the list of the 25 preferred countries for the UK tier 4 visa rules being relaxed? For example, China is now included in that list. Furthermore, international students generate business and tourist visas. Can the UK Government also reduce the visa fees for a two-year multiple entry business or tourist visa for Indians to the same level as that for the Chinese? Four years ago, this was reduced for China to £85, whereas it is still more than four times that for Indians. This reduction would help to increase the number of business and tourist visitors from India in general, of course.

In April 2015, we introduced exit checks at our borders. Are the Government using those checks to work out their immigration figures or do they still rely on the International Passenger Survey figures? The noble Lord, Lord Russell, spoke about data. In August last year, Iain Bell, the Deputy National Statistician at the Office for National Statistics, said that

[LORD BILIMORIA]

“the weaknesses in the data were due partly to the International Passenger Survey—a poll of travellers at ports and airports around the UK, which is used to extrapolate wider migration patterns.” The *Financial Times* stated:

“The UK’s official statistics agency has announced it is downgrading its estimate of the country’s net migration to the status of ‘experimental’ data after discovering ‘limitations’ in the way the figures are calculated”

using the IPS. Can the Minister address this?

Finally, many noble Lords have mentioned that coronavirus has placed a spotlight on social care and that it is often treated poorly compared to the NHS in terms of support. It is important that the sector is also not an afterthought when it comes to immigration. Social care should be treated as equal to the NHS regarding visa exceptions.

4.32 pm

**Baroness Primarolo (Lab) [V]:** My Lords, I want to talk about unaccompanied migrant children. These children, and teenagers, are alone. They have fled war zones and famine. Many of them have been abused, sexually abused and assaulted. They are trapped in camps in Greece and northern France, but have family members in the UK who could look after them. As a country, we need to demonstrate our commitment to these children.

Under the current EU procedures, their rights are enshrined in a network of obligations reinforced by international agreement. When we leave the European Union at the end of December, those protections will fall away. The political declaration of 17 October 2019 between the European Union and the UK set out the framework of what can be negotiated in the future agreement. On the basis of that declaration, the Commission was given a negotiation mandate, but there is no mention in it of asylum, refugees or unaccompanied children. The Commission has competency in this area so, as I understand it, there is no question of negotiating with individual member states after we leave in December.

Therefore, to continue to offer a safe route for these children to join family members in the UK, we must have clear Immigration Rules. We need to amend this immigration Bill to ensure that, in taking back control, as the Government say repeatedly, unaccompanied children are not forgotten. We are talking about children and teenagers who are alone, frightened, isolated, vulnerable and desperate. Without safe legal routes to sanctuary, they will be easy prey for trafficking and smuggling gangs.

The Government’s position is to weaken these children’s rights. Their current proposals are discretionary, not mandatory, with no objective criteria on which to base an application and no rights of appeal, leaving a child in danger and in limbo. Time is running out for these children. We have to do better. Many improvements need to be made to the Bill. In particular, protecting the rights of these children is paramount. Are we a country that values, respects and protects children, or are we not? Will we fail in our duty to help these children and young people? I hope not.

4.35 pm

**Lord Greaves (LD):** My Lords, I am one of the people who finds this Bill to end free movement a sad and shameful moment in your Lordships’ House. I was

proud to sit on these Benches when I listened to the inspiring and outstanding speech that opened this debate, from my noble friend Lady Hamwee. I was encouraged by the speech by the noble Lord, Lord Rosser, from the Labour Front Bench; I thought it sensible and liberal with a small “I”, if I may say so. Like the noble Lord, Lord Balfe, I hope that the Labour Party can maintain that view as the Bill progresses.

It occurred to me that, over the last 50 years, a large number of families have become pan-European families. I was quite surprised when I worked it out to discover something I simply had not noticed: over half of my own family—a household of three—and our extended family, including cousins, aunts, grandchildren and so on, possess European Union passports. There is a large number of such families in Europe and here, including British families, all of whom will find life increasingly difficult as their families branch out and become more complex as time goes on.

I have four quick questions for the Minister. The first is one that I think the noble Baroness, Lady Falkner of Margravine, asked. What guarantees are the Government giving to people who did not achieve their settled status by the end of June? This is a serious matter.

Secondly, what will happen to people with pre-settled status if they do not convert? Will they simply continue their pre-settled status for ever, or do they have a guarantee that serious things will not start happening to them?

Thirdly, the Minister will know that 10% of the most recent applications were refused; there was a minor spike in refusals in the last lot. Can she tell us why that took place and what the reasons for refusal are?

Finally, the Law Commission suggested that the Immigration Rules need a thorough rewrite. In the spring, the Government issued a paper saying that they were preparing to do that in early 2021. Can the Minister tell us what progress is being made and whether that deadline will be met? If it will, will this House have a chance to discuss the Immigration Rules thoroughly at draft stage, because they are so important?

4.38 pm

**Baroness Uddin (Non-Aff):** My Lords, another important Bill with a potentially detrimental and permanent impact is being rushed through. Concerns are widespread, both in this House and among organisations that represent NHS front-line staff, the care sector and students, and business organisations that represent SMEs and the hospitality sector, including the Bangladesh Caterers Association.

These proposals shut the door on many of the people whom we clapped as heroes, yet the Government say that they will consolidate immigration law and the migrant’s voice. Immigration law experts are disturbed by the extortionate fees, which will penalise families and leave them impoverished. I share the disquiet expressed by many noble Lords at the Minister’s power to amend primary and secondary legislation without sufficient parliamentary oversight and scrutiny.

As an officer of the APPG for International Students, I wish to refer to proposals to repeal free movement for EU students. Aside from those in our universities and private schools, 550,000 students come to the UK



every year to learn English, contributing over £1.4 billion to our economy yearly. Over 60% of these students and over 59% of international staff in the HE sector come from EU countries.

The Bill would treat these students, who consider Britain an extension of their home country, on a par with other international students, removing their access to loan support. This would compromise our citizens in the EU in many respects. Will the Government consider some reciprocal arrangement to retain these EU students, to mitigate the many postponing commencing their courses as a result of the Covid crisis?

What expert advice are the Government receiving to ensure that the new points-based system will continue to welcome EU students as our neighbours without penalising them? To avoid any Windrush-like scandals, will all EU citizens, and non-EU family members eligible for the EU settlement scheme be provided with physical documentation as proof of their settled status? Without these, students will find it challenging to obtain jobs and accommodation in the future, and it will cause families to continue to exist on tenterhooks.

The Bill introduces a salary threshold detrimental to many NHS nurses and which definitely excludes care home workers, 100,000 of which are currently needed, as well as 93,000 people in the hospitality sector, including those in the curry industry. The Home Secretary made hyped-up promises of support to these people, who are excluded from the proposed list, during the Brexit campaign.

Finally, women make up more than two-thirds of the low-paid earners in this country who face financial uncertainty as a result of Covid-19 and the Bill. Have the Government considered what impact this policy will have on vulnerable women who have fled violence and are now working in this country?

4.42 pm

**Lord Wei (Con) [V]:** My Lords, I declare my interests as in the register. I join others in welcoming the Bill; it has been a long time coming. Though I have seen and acknowledge the benefits of freedom of movement, clearly the world is different today from what it was 10 or 20 years ago, for better or worse. It is a more volatile and unstable place and there is a lot more economic migration. Therefore, it is only right that we design and shift to a system which is sovereign and based on skills—that is what this country needs.

I hope that, as we make this transition over the coming 12 months or so, we send a message to the world that we are still open to migrants and that we are not closing the shop or raising the drawbridge. In fact, I hope we can see migrants—such as me and my own family, who came here from Hong Kong in my father's generation—as people who want to come and contribute to Britain, be a bridge to the rest of the world once they are here and be part of helping to level up the country, which I know is a government priority.

I will not dwell on the Henry VIII clauses, because it is important that the Government have the flexibility they need over the coming months. However, it is important that Parliament is involved in this process and in the evolution of our immigration system, and

that the Government do not create policy on the fly, which there is a risk of given the scope of the powers the Bill might give.

I have a couple of questions for the Minister. First, while this is clearly not a regional matter, certain regions could benefit as well as suffer if this policy is implemented poorly. For example, areas that are already wealthy may get some of the more skilled, talented and wealthier migrants, whereas there are parts of the country which really need an influx of talent from overseas. Do the Government have plans, particularly around free ports, that are envisaged to encourage that kind of shift?

Secondly, I am worried about capacity: what preparations have been made in the Home Office and the Border Force to cope with the change and the demand that may come? If we can get our act together, I am excited about the potential to harness technologies such as blockchain. Estonia, for example, even has e-citizens who cannot come to the country on a long-term basis but can make use of its law, business and the ability to set up shop in Estonia. Is reform coming to the Home Office to enable it to handle this demand, given that it has such a backlog of regular passports to process currently?

Could we one day shift to a system where we can match the demand from different industries in closer to real time? There is such a delay between knowing where the skills are needed and whether you can match them through local skills coming through the pipeline, or if you need to import labour from overseas. Technology such as blockchain and internet technologies may be able to facilitate better matching than we currently have.

4.46 pm

**Lord Hunt of Kings Heath (Lab):** My Lords, as noble Lords have mentioned the medical profession, I declare my interest as a member of the GMC board. I reflect on the irony that, as we seem to be curtailing the migration of doctors from the EU to our country, we are repeating history, as my noble friend Lord Adonis said, and returning to the developing world big time to recruit doctors for the NHS. It is also ironic that the new health and care visa excludes a great majority of care workers, who will not meet either the income or the skills threshold.

In the Minister's opening remarks, there was surely a sense of irony too when she said how much the Government value social care. I do not think the Bill shows much appreciation of that profession. Ministers point to the Migration Advisory Committee, which said that the problems in the care sector are caused by a failure to offer competitive terms and conditions. I do not think we need reminding of how important skilled care worker jobs are, and we certainly want more people training and entering the care sector at a decent wage.

However, as UNISON said in its evidence, it is disingenuous of the Government to call for better wages and conditions in the sector when the Government are so influential on the financial health of care services. The rate paid by local authorities to care homes for people whose income is below the means-test threshold is highly dependent on grants from central government, which has been going down just as demand as has

[LORD HUNT OF KINGS HEATH]

been going up. These rates have been tightly squeezed in the last decade and, as a result, self-funders pay exorbitant fees, which are in effect a subsidy for council-funded places. These self-funders get no support at all from the state and can see their assets run down considerably.

It is a Catch-22 situation. Essentially, the Home Office says that the care sector should recruit staff from people living in this country and pay them more, but the Department of Health, by its actions, is ensuring that there is no funding to enable this to happen. The Government have now had 10 years to sort this out. They had the Dilnot commission, they legislated for it and then would not put it into place. We had Mrs May's promise in the 2017 election, which she withdrew. We keep hearing from the Government about a plan that will be brought forward—let us see it.

The thought that this plan, at a stroke, will deal with the immediate issues of the care sector is just blowing in the wind. We have 100,000 vacancies in England alone and, though I do not know in how many months it will be, at some point soon the Home Office will be forced to change this ridiculous policy. I hope the House will help the Home Office do that.

4.49 pm

**Baroness Bakewell of Hardington Mandeville (LD)**

[V]: My Lords, during the protracted passage of the Agriculture Bill, I spoke about the links between it and the trade, environment and immigration Bills. These all have inextricable links and clauses in each affect the others. I will speak solely to the issue of migrant workers.

The agriculture business relies very heavily on migrant workers. The farm close to me is award-winning, milks huge herds three times a day and is totally reliant on migrant workers. In Cornwall and other arable counties, crops are sown, tended, matured and picked when they are ready to be harvested. This work is done almost exclusively by migrant workers.

At the start of the lockdown, television adverts appealed for those laid off to go and pick crops. The initial response was good, but the work was back-breaking, the hours long, the pay minimal and the accommodation inferior to what was expected. After three weeks, the British workforce melted away. No matter how hard the Government try to sell this as a means of making a living, most of our population is no longer willing to do this work.

The horticulture and agriculture sectors are heavily dependent on migrant workers. It is estimated that over the course of a year, 17,000 migrant workers will be required to fulfil the needs of ensuring that the crops grown are picked and make their way to the farm shops, supermarkets and farmers' markets, and from there on to our tables.

I have read the points-based system document. The people picking crops are not going to earn anything like the salary threshold proposed. A good grasp of English is not necessary to cut flowers or cabbages; they are not skilled workers as the Government define "skill". They are never going to accumulate the necessary 70 points, despite falling into the category of a specific shortage occupation.

The Government require businesses to adapt to manage without lower-skilled migrant workers. The development of robotics can help with both the tending and the harvesting of some crops. However, this requires heavy capital investment. While I support the extension of robotics into cropping in agriculture, some crops are not suitable for such methods—strawberries spring to mind.

During the Covid-19 crisis, we have seen in sharp focus how important it is to have a ready supply of healthy, locally grown food. I urge the Government to think again on this Bill and ensure that the workers our land needs are there to assist those running farming and horticulture businesses, so that their crops and produce do not go to waste and rot in the fields.

4.52 pm

**Lord Randall of Uxbridge (Con) [V]:** My Lords, I declare an interest as a vice-chairman of the Human Trafficking Foundation. This Bill, with its overhaul of the immigration system, presents a major opportunity to address issues of modern slavery and prevent the abuse and exploitation of migrant workers. It could be a crucial tool in the fight against modern slavery. Modern slavery is a hidden crime, and I hope that our borders will be more resilient to infiltration by the evil traders in human beings. I would like to ask the Minister what improvements the Bill provides to ensure that those slavers are denied entry to the UK.

There are some other measures I would like the Minister to consider. Will she look at introducing measures into the Bill to provide safe routes and safe working environments for low-paid workers? We should recognise the importance of labour market enforcement and protection for workers as part of any new such policy. As the Bill stands, I believe it lacks safeguards that would ensure migrant workers are able to come to the UK safely and with appropriate protection from vulnerability. We must create a system that does not encourage or exacerbate modern slavery risks.

We could embed labour protections into the design of any new temporary migration programme proposed, by making specific requirements of employers who wish to hire migrant workers on any temporary migration programme. Perhaps the Government could also include the provision of a safe route for regular labour migration, with decent rights and protections to reduce the risk of increasing the size of the UK's undocumented workforce. I am sure there will be a high demand for workers in some sectors, which could combine to lead to a rise in undocumented workers and therefore the spread of exploitation. I hope the Government will commit to providing pre-departure and on-arrival information about working conditions and rights for all migrant workers to help identify and seek remedy for cases of abuse.

With our borders better controlled post Brexit, I hope, why not repeal the illegal working offence—a tool used by traffickers to threaten victims—at the very least for employees, if not employers, to enable them to co-operate with labour inspection and report labour abuses? This would also prevent the targeted recruitment of irregular migrants for exploitative purposes and ensure that employers perpetrating abusive or exploitative behaviours can be brought to justice.

I would like the Bill to be amended to establish a new safeguard to ensure that no personal information about workers that is processed or held by a labour inspectorate or the police is passed to the Home Office for the purposes of immigration enforcement. I believe that such mechanisms already exist in the Netherlands, the USA, Brazil and other jurisdictions. This would ensure that our future migration system does not undermine decent work conservation and anti-slavery objectives.

I suggest that we repeal Section 24B of the Immigration Act, which criminalises the act of working without required documentation in the UK, as it is proven to increase the risk of exploitation. Let us not waste this golden opportunity to further our fight against this appalling crime.

4.55 pm

*Sitting suspended.*

5.16 pm

**Baroness Bennett of Manor Castle (GP) [V]:** My Lords, many laws come before the House of Lords that I disagree with but few deserve the label “tragedy”—but the Bill now before us does. In introducing the Bill, the Minister set it out plainly:

“The heart of the Bill is that it ends free movement.”

She said it. The Bill deliberately and bluntly ends something deeply precious that had been available to hundreds of millions of people for decades—a freedom and an opportunity for a wider life. It is a tragedy that we are today, in a stroke, preparing to reduce the freedoms and opportunities of 450 million European citizens and the chances for them to come to the UK and contribute their skills, knowledge and energy to our life.

I will focus on the far greater reverse loss for 66 million Britons, and particularly our young people. Denying free movement from the EU to the UK also means the reverse. We lose freedom of movement in the EU in more than a score of countries spread across a good part of a continent.

Lots of this debate has focused on economics, as far too much of our debate assumes that people exist to serve the economy and not the reverse, but I will focus on people’s lives, hopes, loves and, yes, even whims; the chance to up sticks and move, to stop in your travels, to experiment and to change—an opportunity that this Bill wipes out for Britons.

Movement is integral to the nature of our species—indeed, the nature of our genus, when you look at how far even our ancestor *Homo erectus* spread around this planet. With this Bill we are choosing to deny it to ourselves. It is traditional in your Lordships’ House to declare interests, although I know that as soon as I open my mouth it is evident that I grew up in one place, which I did not much like, and decided to see what was on the other side of the world, being lucky enough to have that opportunity open to me.

Huge numbers of people in the world move not by choice but by force of war and civil conflict, climate emergency and nature crisis. We should be working towards a world where no one has to move, but we should want a world in which everyone can move and make choices. That option is always available to the

rich; there are always ways. Losing freedom of movement is profoundly an issue of inequality. It is those without the cash, connections and languages who will be stuck while the few wander the globe at will.

Many noble Lords have outlined how we might make this Bill slightly less disastrous, prevent children being torn away from their parents and couples from each other, protect child refugees and stop Henry VIII powers, and in Committee I will join in that work. Today I ask your Lordships to consider taking a bold, brave step, stop a tragedy and stand up for a deeply precious right: freedom of movement.

5.19 pm

**Lord Ramsbotham (CB) [V]:** My Lords, I will concentrate on an amendment which I hope will be tabled in this House, even though it was defeated in the other place, proposing new Clause 7. This would limit the time that may be spent in immigration detention to 28 days. It was moved by David Davis, shadow Home Secretary when the noble Lord, Lord Reid, then Home Secretary, famously said that his border force was not fit for purpose.

Last week, a number of us attended a briefing by the Independent Chief Inspector of Borders and Immigration, who exposed a situation that the noble Lord, Lord Reid, would find depressingly familiar. It is no use saying that under Brexit we have regained control of our borders when our fragile immigration system is in such dire need of direction and organisation. The situation in detention is reportedly even worse than it was when I was Chief Inspector of Prisons and responsible for inspecting it. All the important case work on which everything depends is chaotic. The “hostile environment” should never have been created and the culture of disbelief in the Home Office can be eliminated only by firm and consistent leadership.

As allegedly a civilised nation, we should be ashamed that what purports to be our immigration system is regarded as the most draconian in Europe. In 2019, it was found that a person had been detained for 1,002 days, and the cash-strapped Home Office can ill afford the £21 million that it had to pay out in compensation to 850 people—a shameful number—whom it had wrongfully detained. The Home Affairs Committee in the other place and the Joint Committee on Human Rights have both recommended that no immigrant should spend more than 28 days in detention, with judicial oversight after 96 hours. I shall be tabling an amendment to end the use of segregation during detention, unique in Europe. People describe the locking up of prisoners who have broken the law for 23 hours a day as inhuman treatment. How much worse is the use of similar treatment on innocent immigrants?

5.22 pm

**Lord McCrea of Magherafelt and Cookstown (DUP) [V]:** My Lords, when the electorate across the United Kingdom were given the democratic opportunity to choose whether to stay within the European Union or leave, they decided to leave. There were a number of contributing factors that energised the electorate to come out in their millions to cast their vote, and one was immigration. As one who voted leave, I support the general principle undergirding this Bill.



[LORD MCCREA OF MAGHERAFELT AND COOKSTOWN]

In the other place, the Home Secretary stated that she was endeavouring to end EU freedom of movement, get ready for a new global immigration system and help restore public confidence in the integrity of our borders. She contended that her aim was to have a fairer, firmer and simpler system that would attract the people we need to drive our country forward, attract the very best talent from around the globe, tighten security and keep criminals out, et cetera. These are laudable objectives, but how to achieve them will no doubt command varying opinions.

In recent years the United Kingdom has struggled with uncontrolled and undemocratic mass immigration that has caused unrest within our society. In my humble opinion, the previous system was untenable and caused increasing pressure on schools, health and hospital services that had to be rectified. We must pay tribute to those from across the world who have worked tirelessly in our health and social care sector, providing an excellent level of service to the community during the most difficult of times. The Government must ensure that these workers do not fall foul of any skills and income-threshold rule that would leave our elderly vulnerable.

Will this legislation exclude some health and care workers from entering the United Kingdom, primarily social care staff? What are the implications for the staffing of health and social care services, quality of care and patient safety in the foreseeable future? I appreciate that we must have an immigration system that is efficient, transparent and able to act against those who frequently break our rules, abuse our health and social services systems and commit serious crime, but we need to permit adequate personnel to come to the United Kingdom, not only to protect the healthcare needs of our community but to have a system that fully meets the needs of our businesses and our economy. During the Covid crisis we owe a great debt of gratitude to agricultural workers and food production workers, who were not only key to the survival of our local economy in Northern Ireland but essential to keeping fresh fruit on our table.

The United Kingdom must be open to receiving the brightest and best talents, wherever they are from, including those with the skills necessary to keep the wheels of industry moving, protect our hospitality sector and, I hope, rebuild our manufacturing base. I must stress that while I welcome the principle of ending uncontrolled immigration, it must be done in a manner that preserves the best of British decency and compassion. We must therefore have an open approach to refugees from communities affected by terrorism, war or persecution.

5.25 pm

**Lord Wood of Anfield (Lab) [V]:** My Lords, I will leave to others the substantive policy consequences of the choices in the Bill and will leave aside my own views on the wisdom of the Brexit that prompted it—that is now a done deal. My points are focused on the ways in which the Bill will generate bad law, which is damaging in itself and as a precedent. I want briefly to mention two aspects of the Bill that seriously concern not just me but many legal experts.

First, picking up on the comments from many colleagues, especially those of my noble friend Lord Rosser, I will mention the provisions for delegated powers in Clause 4. The scope of secondary legislative power given to Ministers is absolutely astonishing. Clause 4(1) confers a power on the Secretary of State to make by statutory instrument such regulations as she

“considers appropriate in consequence of, or”—

in the famous phrase—

“in connection with, any provision of”

the part of the Bill concerned with ending free movement.

This power may, among many other things, modify

“any provision made by or under primary legislation passed before, or in the same Session as, this Act.”

Noble colleagues have heard how the House’s Delegated Powers Committee has made its views on this aspect of the Bill crystal clear. It was disturbed by the phrase “in connection with” Part 1 because, as it said:

“This would confer permanent powers on Ministers to make whatever legislation they considered appropriate, provided there was at least some connection with Part 1, however tenuous”.

In short, this enables a Minister to decide whatever they want, as long as they can draw some vague connection.

This extraordinary problem is compounded further by a conspicuous lack of clarity in Clause 1 about which aspects of free movement law actually remain in place. With an extraordinary wide discretion to do something very vague, all this adds up to bad law, trouble down the line and a terrible precedent. This is no way to make immigration law, nor law in general. At the very least, Clause 4 delegation powers should be subject to a sunset clause for six months. Will the Minister consider that?

The second issue is the power to charge fees. Clause 4 provides that this charging power extends to making regulations in relation to

“fees or charges ... made by or under”

any prior primary legislation. But there is no need for this power to amend fees or charges provisions, as statutory powers to make an order for an immigration health surcharge and related charges are found variously in Sections 38, 64 and 74 of the Immigration Act 2014. The provision should therefore just be removed.

Whether or not we support the removal of free movement, it is what was voted for and the Government are entitled to legislate for it. But that is no excuse for law that is open-ended, vague and inconsistent. Flexibility for Ministers is one thing, but sidestepping issues that should be the domain of primary legislation is quite another.

5.29 pm

**Baroness Neville-Rolfe (Con) [V]:** My Lords, there is much to say and to agree to, but today I will confine myself to four points. First, I very much hope that with the help of this Bill, government policy on immigration will in future pay better attention to the serious public concern around this subject, as displayed in the Brexit referendum. The fact is that all the polling found that the desire for an independent immigration policy was among the biggest motivators for leaving the EU. Such concerns are held especially strongly among the have-nots in society; they have held government policy on immigration to be far too

lax for many decades. The haves, particularly the liberal professional classes, have not in general reacted sympathetically to these concerns. Rather, they have too often responded with smug references to their own virtue. But of course the downsides of immigration—the effects on public services and wages, and the creation of depressed areas—are borne disproportionately by the less fortunate in society.

My second point is that the scale of immigration must be reflected in planning within the public sector, a point made clear by my noble friend Lord Hodgson in his startling figures, which are on top of the 3.7 million EU citizens who have applied for the EU SS scheme. Given the number of people who are arriving on our small islands, this needs to be reflected in schools, hospitals, doctors and transport infrastructure, as well as in housing, as was rightly emphasised by my noble friend Lord Lilley. The Blair Government failed in this elementary task and we do not want that failure to be repeated. It is chilling that the noble Lord, Lord Green of Deddington, has warned in such stark terms about the risk of much larger numbers if the operation of the rules is left with employers. We need a proper answer to this.

Thirdly, it is exasperating to see how often Government policies on immigration, supported by large majorities at the ballot box, are upset by decisions of the judiciary, allegedly on the grounds of human rights. The case of the young lady who travelled to Syria of her own volition is the most recent egregious example. Can the Government draft legislation in order to avoid this risk?

Fourthly and finally, noble Lords will know that I am always concerned about the practical side of laws. The only means of enforcing immigration law aside from tightening border controls is deporting those without a right to remain in the country, yet the Government's ability to do this is embarrassingly weak. One reason for this is the complexity, expense and riskiness of arranging charter flights. Does my noble friend the Minister agree that to improve enforcement, the Government should purchase or convert some planes for this express purpose?

5.32 pm

**Lord Alton of Liverpool (CB) [V]:** My Lords, on 15 July, the Minister told me that the Home Office is unable to state how many applications from asylum seekers for refugee status are currently being assessed or how long it takes on average to resolve each application. Data collection and the adequate staffing of care homes have both been mentioned during this debate by other noble Lords. Those are questions to which, along with others, I hope to return at later stages. At this point, I want briefly to ask about trafficking, exploitation, family visas, child refugees and indefinite detention.

I am a trustee of the Arise Foundation, which combats human trafficking and modern slavery. Alongside the new points-based system, the Government are considering an extension of their pilot scheme for strict six-month visas for seasonal agricultural workers. The system gives people limited opportunities to change their employer or to challenge abusive practices, and it is therefore essential to ensure that proper safeguards against exploitation are in place.

More widely, we know that traffickers will seek every chance to abuse new immigration policies. We also know that fear of prosecution currently deters many people from escaping abusive employment practices or presenting themselves to the police. Repealing the offence of illegal working so that no victim is at risk of being punished would be an important step towards protecting people from exploitation. I hope that the Government will take this opportunity to do that.

Under any new or extended scheme for seasonal agricultural workers, what steps will the Government take to inspect recruiters, working practices and living conditions, as well as ensuring that seasonal agricultural workers are aware of their rights and know how to challenge exploitation?

For those who are here legally but who miss the June 2021 deadline for the settlement scheme, what steps will the Government take to ensure that access to healthcare, housing or employment is not lost? Have they made any assessment of older and more vulnerable people who may not yet have applied to the settlement scheme and therefore will be at risk of losing their rights?

The UK remains the only European country without a time limit on detention. Last year, the longest detention stood at a shocking 1,002 days. Covid-19 has led to speedier and more humane decisions. Will the Government build on that and end indefinite immigration detention by replacing it with a 28-day time limit and robust judicial oversight, and amend the Bill to introduce a time limit on such detention? Simultaneously, it would be humane to examine the family visa system to prevent prolonged separations that are detrimental to family life, and to help families to stay together by reforming the minimum income threshold for family visas.

Can the Minister say what steps will be taken under the new rules to ensure that child refugees have access to family reunion with relatives in the UK? More than 1,600 unaccompanied refugee children are stranded on islands in the Aegean. Surely in the context of this Bill, we can do more to help people like them.

5.35 pm

**Lord Judd (Lab) [V]:** My Lords, I find a certain paradox about what we are considering. We are favouring a policy that encourages those who are most needed for the development of their own society—highly qualified people who are desperately needed in their own parts of the world. We are encouraging them to come here, favouring them as compared with those who do not have prospects of a good future but have proved that they have become valiant parts of our public services and health service.

I want to put on record, however, my appreciation for the progress that has been made in rooting out the hostile environment. This was a disgraceful period in our history and totally contrary to everything we claim as our values. It was particularly damaging to those who had been through sad, traumatic experiences—sometimes hell, with torture. It required political leadership, and I think we should pay our respects to those who have been prepared to provide that political leadership, as compared with others who like to flirt

[LORD JUDD]

with popularism. There is a difference between firmness and insensitive, harsh policies. We may need firmness, but we must always remember that people are people, and they must always, all the time, whatever the frustrations, be treated with respect and dignity.

We need to safeguard the position of European Union and EEA citizens, and we need to re-examine the right to work, which seems to me a logical development. We must look at the implications of the legislation for trafficking, and we need to be sure that there is real access to legal aid for those who most need it. We really must look at ending, or moving towards ending, detention; we certainly should be imposing a 28-day limit. We need vigilance about all the powers that are being delegated to the Secretary of State.

My final point is this: we all constantly emphasise the importance of family in terms of social stability and the well-being of society, so why is it that, in our immigration policy, we discourage family? We need to look at children and parents and at the part to be played very often by siblings. There is a lot to be examined and scrutinised in the legislation.

5.38 pm

**Baroness Kennedy of The Shaws (Lab):** My Lords, I cannot disguise my despair when I watch the ineptitude of this Government: their handling of the pandemic and the abysmal complacency and incompetence that we saw there; their blind pursuit of a hard Brexit, even though we are facing a serious economic recession and imagined contracts may be in short supply; the arrogant abuse of power, of which the Henry VIII powers in this Bill are but a searing example; the ugly rewarding of contracts to friends; the never resigning despite bad behaviour; their sweeping under the carpet of inconvenient truths, like the interference by Russia in the referendum; and other aspects of our polity being interfered with too.

This Bill, I am afraid, fits into that list of inadequate governance. It boasts that it is a short, simple Bill. Well, that is one of its failures, because in being so short it fails children, it fails trafficked people—men, women and children—and it fails migrant workers and asylum seekers. There is no mention of their need to be able to work to survive and no mention of detention without limit, referred to by the last two speakers. It fails families, particularly European families who are of mixed European heritage—they might have a parent who is British and a parent who is German or Italian—and the implications of that in keeping families together. It fails students and universities; it fails our elderly, who will be deprived of social care; it fails our farmers and our agri-food businesses: the list is endless.

I want to ask the Minister—I make no criticism of her, because I hold her in high regard—what are we going to do about EEA nationals, so that they are able to prove that they are in the UK lawfully? We were told that the statutory instruments that are promised should be published alongside this Bill, but will they be? Why cannot there be physical proof of settled status? We know that one of the great threats to our security comes from cyberattacks, so we all understand

why people want to have a piece of plastic, like the membership card that we all have for museums, to prove their status in this country.

I also want to raise the position of people who settled in other parts of Europe when we were part of the EU, who married and have children but who may want to resettle back here. Will their partners be included in this points system? Will they face insurmountable financial criteria when wanting to come back here if their partner is a German, an Italian, or whoever? Will the Government honour the rights those people thought they had? What will happen about health coverage?

Finally, I want to raise the issues that have also been raised about indefinite detention—we really have to stop that, because it is so cruel and inhumane—and about our deportation regime. We are sending people back to countries they left when they were three or five years of age. There is something inhumane in doing that. There are many questions I seek answers to, but I am afraid that the Bill is a searing indictment of an opportunity that could have been quite different.

5.42 pm

**Viscount Waverley (CB) [V]:** My Lords, I thank the noble Baroness, Lady Kennedy, for her remarks, particularly in relation to those UK citizens living on the continent. The UK has embarked on a journey and, given the course the country is taking, I see a degree of *fait accompli*. A caveat would be to allow for flexibility should the need arise.

I had expected to deliver a diatribe this afternoon addressing the uncompassionate manner in which the immigration authorities deliver their services. However, I have taken note that the Secretary of State has underlined the desire to ensure that compassion will become the mantra. I am taking her at her word. This would be highly welcome, but she needs to be kept to account. We need to be able to say to the world—I borrow the Minister's words, although said in a different context—"This country needs the reputation of being firm, fair and fit as a nation."

Taking those words in context, we all know of horror stories, and I have first-hand experience whereby a family member undeniably fits those criteria. She was scholarship material at university and is considered to be world-class in her field, yet she was turned down for entry to the UK for a summer vacation to stay with my sister and son—no right of appeal, no nothing. An incorrect assumption was made by an official. I know because I filled in her form and, of course, I know the person concerned. We were eventually informed that her biometrics should be done, and a round-trip drive of 700 kilometres was undertaken, but then, quite extraordinarily, her application was rejected. The system assessed this totally incorrectly. If I were not a Member of your Lordships' House, I would have made more of a song and dance of it. The report card for the Home Office on that occasion was a resounding F for fail, with a possible flaw in farmed-out services—in this case, a team that had been parachuted in from eastern Europe.

5.44 pm

**The Earl of Shrewsbury (Con) [V]:** My Lords, I declare an interest as a member of the National Farmers Union. I support the Bill, but I have a number of



concerns I wish to raise with regard to migrant labour involved in the agricultural, horticultural and fishing industries, together with the food processing industry.

All these industries rely heavily on migrant labour. We have seen the reported problems caused by the lack of immigrant labour for fruit and vegetable harvesting over the past couple of months, caused by the lack of movement due to coronavirus. These problems have been severe, and recruitment of labour from home-grown resources has not been a resounding success. The work is tough, often in inclement weather conditions, and not everybody is suited to it.

Under the Government's new immigration policy, there will be a rigid set of criteria which must be fulfilled prior to the application for a visa. EU and non-EU citizens will need 70 points to enable their application to go ahead, including: first, to have a job offer from an approved sponsor; secondly, to have a job offer which is at a required skilled level; and, thirdly, to be able to speak English to a certain level. I have absolutely no problem with any of those requirements. However, those workers are low paid, which is one of the reasons why we in this country cannot gear up enthusiasm for these jobs, and why we rely heavily on migrant labour.

Many migrant workers will also upskill while they are working here, and that needs to be taken into account. While great strides are being made to automate a wide range of jobs in these industries, there are still very many requirements which simply cannot be carried out by machine. Therefore, I believe that the Government must keep a watchful eye on the migrant labour situation as it unfolds, as the industries which I mentioned earlier might well be disadvantaged, and that would have a considerable effect on the consumer and on food supply.

Finally, I very much welcome the Government's plan to exclude Irish citizens from migrant restrictions. The Irish are great friends of ours, and they are a major force in the horseracing industry throughout the UK. To restrict their movement would cause serious problems for that industry.

5.46 pm

**Lord Truscott (Ind Lab) [V]:** My Lords, many of your Lordships have made very valuable points, including the noble Earl who just spoke, so I shall keep my comments short.

I agree that there should be an independent review of the Bill's impact on the health and social care workforce and the adequacy of public funding for those sectors. The Bill will see an end to free movement, but I am afraid that that is an inevitable consequence of both the Brexit referendum and the incompetence of the EU in the run-up to the referendum, which showed virtually no flexibility on this vital matter. The vote reflected the fact that the British public's concerns about immigration were ignored by the EU and mishandled by David Cameron, who woke up to the danger of his reckless and opportunistic referendum gamble too late.

Her Majesty's Government will introduce a points-based immigration system from 2021, as we have heard, but will not introduce a general low-skilled or temporary work route. The fact is that 180,000 EU nationals work in the NHS and care sector, but 69% of

EU migrants would not be eligible for a visa if the Government's immigration system applied to them. I welcome the fact that the Government will introduce a new health and social care visa and fast-track entry, but can the Minister explain further how this would work in practice?

Once the UK starts doing international trade deals, a number of countries will demand visa-free entry to the country as part of the package—India is one example of a country that has asked for that. Can the Minister explain how this fits in with the points-based immigration system?

Finally, will Her Majesty's Government revisit the idea of ID cards, which are an accepted way of controlling illegal immigration and cracking down on crime elsewhere across the world?

5.48 pm

**Baroness Lister of Burtersett (Lab) [V]:** My Lords, not only does the Bill do nothing to dismantle the institutional architecture of the hostile/compliant environment, directed by its predecessors, but it extends it to thousands of EU citizens, and with it, vulnerability to detention. So I, like others, hope that we will build on the efforts of Conservative MPs to introduce a time limit. Following the Home Secretary's very welcome announcement that she has accepted Wendy Williams' recommendations of a full review of the confined environment, can the Minister assure us that the review has the power to question its basic tenets and institutions?

Also at risk are thousands of children of EU and EEA nationals, particularly looked-after children and care leavers. What safeguards will be put in place to ensure that these children receive permanent immigration status before June 2021? What procedures will there be to protect children's best interests, including by ensuring that their right to British citizenship is not impeded by lack of information or the exorbitant £1,000-plus fee? Will the Minister also undertake to review the no recourse to public funds rule, recently ruled to be in breach of children's human rights, as many more could now be affected by it? Could she give a categorical assurance that there will be no diminution in the rights of unaccompanied refugee and asylum-seeking children?

The Bill does nothing to address the existing immigration system's many flaws, including those affecting asylum seekers. Yet it gives the Government *carte blanche*, particularly on social security with, as already noted, a clause described by the Delegated Powers Committee as "even thinner than skeletal", raising serious questions on social security posed by some noble Lords that I hope will be answered.

What we do know is that a points-based system will be introduced through Immigration Rules which Parliament cannot amend. Far from being fair, as noted by other noble Lords, it confuses pay with skill and contribution, to the detriment of those recognised and applauded as key workers during the pandemic but now cast aside as lacking necessary skills. The Home Secretary herself conceded in February that caring is not a "low-skilled occupation". Why is it being treated as one now?

Overall, the equality impact assessment acknowledges the adverse impact of a pay-based points system on women—as has the Minister. The Cavendish Coalition

[BARONESS LISTER OF BURTERSETT]

of 37 health and care organisations has warned the Prime Minister that we are heading swiftly towards an alarming destination with no obvious solution for the care sector and that it would be unwise to believe that domestic recruitment will solve all social care's immediate problems. With adequate funding, domestic recruitment may well offer a long-term solution, but it is irresponsible to pretend it can do so from next year.

I plead with the Government to think again and, as other noble Lords have pressed, at the very least provide for a transition period during which the promised, much-delayed new care strategy can make provision for rewarding carers adequately in recognition of their essential contribution during the pandemic, which the Minister herself lauded.

5.52 pm

**Lord Purvis of Tweed (LD):** My Lords, I first thank the Government Whips for facilitating my substitution for my noble friend Lady Ludford, who is regrettably ill today. I send her my best wishes. As my noble friend Lady Hamwee said, she will participate during scrutiny of this Bill.

We have heard reference to “take back control” today, but I do not think the Minister had in mind the image presented by the noble Lord, Lord Green, of an uncontrolled car doomed to crash. If we are taking back control, as she has said, some Members have not given it the warmest of welcomes. But the fact that the Liberal Democrat Benches are among those who have not given it a warm welcome is a lower-order issue. What is most unwelcome is that millions of EU citizens continue to endure great uncertainty, bureaucracy and cost. This is scant reward for the great contribution to our country that these people have made—to our economy, our health and care systems, our culture, as my noble friend Lord Clement-Jones indicated, and our urban and rural economy alike, as my noble friend Lady Bakewell indicated.

The Minister referred to this Bill as simple. However, a great number of uncertainties arise from it, as outlined by my noble friend Lady Hamwee, who gave a characteristically forensic but humane response to the Minister's speech. Some of those uncertainties have been outlined clearly in this debate, such as the very appropriate questions from my noble friend Lord Greaves on the legal position across Great Britain if a legislative consent Motion from Scotland is not forthcoming. Will a system come into place, as promised in paragraph 33 of the White Paper, of a

“fully digital end to end customer journey, requiring everyone ... to seek permission in advance of travel”?

Or, as the Minister and the White Paper have been silent on numbers, if the Government disagree with the prognosis of the noble Lord, Lord Green, and, as page 20 of the 2019 Conservative manifesto said, “overall numbers will come down”,

to what level and over what timeframe? How will we know if this is a success and how will we be able to hold the Government to account for it?

What will be the limits on the order-making powers in Clauses 4 and 5, as the noble Lord, Lord Wood, asked? The Minister referred to possible reciprocity with regard to UK citizens across the European Union—

I stress “possible”. If it is possible that agreement will not be reached, there must surely be contingency arrangements. Will the Government publish those now? People need to know whether they will be enjoying the rights of UK citizens six months on.

The Minister also implied that Clause 2, on Irish citizens, is straightforward. As the Bill proceeds, we will scrutinise that further. We know that those who come from Ireland, processing through Northern Ireland from 1 January next year, are a distinct case. The Government say that the UK has left the single market, but while Great Britain has, the UK in its entirety has not—one whole nation remains. In the words of Boris Johnson to UK citizens there:

“You keep free movement; you keep access to the single market”.

With a common travel area with no immigration processes for people also living under the EU single market, or for those under the free movement of people rule set by the European Union going forward from next January, how will we know when they travel to Great Britain and what will the processes be? It may not be that a border point will be required in my home town of Berwick-upon-Tweed, as the noble Lord, Lord Foulkes, indicated, but what are the internal United Kingdom immigration processes to be? These are unprecedented and likely to be very unwelcome.

Turning to most of those who move from Northern Ireland to GB, or accompanying goods and for trades and services, this leads on to the issue raised with regard to trade. Another of the Minister's comments that weakens when there is greater scrutiny was that we will have a single system with no privilege for particular nationalities. However, that is not the case, as the UK trade agreement with the Swiss Confederation illustrates. We know that Australia and New Zealand have asked for differential visa arrangements and that this is also part of the discussions with the European Union. The Government themselves have asked for preferential treatment for those working in banking and the City of London. Perhaps that is what the difference is when my noble friend Lady Hamwee asked who the best are. If they have money, we will want them, but if they have not, they will have to struggle.

Finally, “the brightest and best” will, I think, gradually be seen, along with “global Britain” as a toom tabard, as we in Scotland would say—an empty coat. The time for sloganising has gone; the campaigns for referenda or elections are finished. We now face the hard task of legislating and we need to make the Bill better. As my noble friend Lady Hamwee indicated, it needs to be a more humane piece of legislation. Through those amendments that will be pioneered by my noble friend Lady Barker and others, we will give the Bill scrutiny. It is unwelcome, but we will try to make it better for all those people who are currently going to endure it.

5.59 pm

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, I start, as did the noble Lord, Lord Purvis of Tweed, by paying tribute to all the immigrants who have come to our country and worked in essential services and elsewhere. They have made a great contribution to the

United Kingdom. They have made it richer, better, more diverse and a better place to live. Bills such as this are scant reward for that.

This has been an interesting debate, to say the least. It continues the path the Government have taken of inflicting harm on our country based on obsessive dogma rather than what is right. Dogma is the problem here. That is a tragedy and, working with colleagues across the House, I will work to improve the Bill and send it back to the other place in a better state than it arrived in here.

As we have heard, the Bill repeals retained EU law on free movement and brings nations which benefited from that status into a single immigration system. I suppose bringing things together in one system is probably the best thing you can do, but it is the Government's attitude, and of the Home Office in particular, that concerns me when it comes to these matters. We have often heard the Government say that they have learned lessons and apologise for the latest scandal, but when you see a Bill such as this, you begin to ask yourself whether the lessons have really been learned.

We are in the middle of the biggest health emergency in our lifetime. We have clapped health workers, care workers and others who have kept the country going, including those who have picked our fruit and vegetables in the hot sun and worked in food processing and other essential jobs. Many are just the sort of people who in future will be materially affected by the proposals in the Bill. In turn, that puts our citizens at risk. The Bill creates a system which falls way short of meeting our needs in such sectors as health, social care, hospitality and food production. It imposes bureaucratic and financial barriers to recruiting skilled healthcare workers from the EEA. If they get past all the red tape, their rights and entitlements are diminished and, for the carers and other essential workers we have relied on during the pandemic, who have also put their lives on the line, there is no route to work in London or elsewhere because they will not meet the minimum income requirement.

The saying "shooting yourself in the foot" comes to mind. We need to look carefully at the powers of the Secretary of State to make immigration policy by way of the Immigration Rules. The noble Baroness, Lady Altmann, made an excellent speech. We have a serious problem which the Government must address. We must improve the position of workers coming from abroad to work in the health and social care sectors—they are vital to the proper functioning of our society and to ensure that people are looked after properly in old age and when they are ill—along with an affordable, simple, effective and clear route to residency and citizenship if they want to take that.

The Minister referred to the long-term plan for social care in her opening remarks. I was not aware that we had a long-term plan for social care. Perhaps she will outline it in her response to the House.

The other line I got from the Minister—and heard from many noble Lords today—was that the system has allowed wages in the care sector to be kept low, and that this new system will allow us to ensure that wages can increase. Of course, that is good to hear, but

it is an interesting line from the Government. I have not heard it many times from the Benches opposite in the 10 years I have been in this House. It will be interesting to see campaigns from those Benches to ensure that wages for healthcare workers are increased, because we need to deal with the scandal of poverty pay. I cannot recall such a campaign, but I have contacts at the GMB, UNISON and the TUC. If any noble Lords opposite need them, I am sure we can get a campaign going for the Government to call on employers to ensure that they pay their workers better. But, of course, the Government have not used the powers they have now to do that. They have the powers to increase wages and so on, and they have chosen not to do so or to deal with these issues.

Many noble Lords have referred to the Delegated Powers and Regulatory Reform Committee of your Lordships' House. It raised concerns about the previous version of the Bill, as did many noble Lords, including my noble friend Lord Rosser and the noble Baroness, Lady Hamwee. It is important that we deal with this issue. I kept hearing "take back control", but it never seemed to me to mean what we have now. It seems a very funny "take back control" where you do not like scrutiny by Parliament, engagement or challenge. That is what Parliament is here for. It is strange that the Executive seem to be shying away from those things. We need to remember that because what we have now is bad government. It is not good government; it does not get the balance right. This is a Government who do not like scrutiny, challenge or being accountable. They are a Government who will reap what they have sown. Their intolerance of scrutiny will leave us with all sorts of traps, which the Government will be dragged into. We shall sit here year after year, after all sorts of changes and moves backwards and forwards, because they would not listen and take part in that scrutiny. They will find difficulties in years to come.

The noble Lord, Lord Russell of Liverpool, made some excellent points about the importance of proper, accurate data to make the decisions you need to make. I hope he gets a detailed response from the Minister on that.

A number of noble Lords referred to skills and the need to upskill our workforce. I agree with the comments of my noble friend Lord Blunkett. In his previous roles as leader of a major local authority, Education Secretary and Home Secretary, he has an impressive track record of improving the life chances of citizens, reducing class sizes, improving schools' infrastructure, increasing literacy and numeracy and keeping us safe. I also agree with the comments of the noble Lord, Lord Bowness, and thought he raised a number of important questions that need careful answering.

My noble friend Lady Sherlock raised concerns about the parts of the Bill that deal with social security entitlements. Can the Minister confirm how we will ensure that eligible residents take advantage of the settled status scheme? I have raised this before. The real risk, of course, is that people do not realise they need to take advantage of this scheme and potentially end up in our country illegally. That cannot be right.

As entitlements to benefits, healthcare and other services are denied or deferred here in the UK, how will that affect British citizens living in the European



[LORD KENNEDY OF SOUTHWARK]

Union? A number of noble Lords made the point that they are our citizens living abroad and we need to ensure we protect them. If the EU sees its citizens having their rights denied or taken away here, there is a risk of changes to the rights of our citizens living abroad in Europe.

I support the calls of a number of noble Lords, including the noble Lord, Lord Morrow, to support the Private Member's Bill of the noble Lord, Lord McColl of Dulwich. It is a very good Bill, and I have supported him many times in the past. It would be good to bring the protection afforded to victims of modern slavery in England and Wales up to the same standards we have in Scotland and Northern Ireland. I ask the Minister to address the issue of victims of modern slavery and why the Government are just not engaging with it. The loss of important EU protections is a risk to victims of modern slavery, as the right reverend Prelate the Bishop of Bristol said.

My noble friend Lady Kennedy of Cradley asked a number of questions about the status of child EU citizens in care in the UK. The Government have a responsibility to ensure that these children's immigration status is resolved properly and that the path to residency and citizenship is mapped out for them.

The noble Lord, Lord Balfé, asked me about our attitude to voting on Bills in this House. I am always happy to divide the House and defeat the Government on issues where I think they have not listened or are wrong and need to be given the opportunity to reconsider in the other place and come back. I think I have a reasonably good record of defeating the Government, but I am also happy to engage with them, work constructively and seek to persuade them of the need for change. I hope the Government would confirm that I am always constructive, as I am with all members of the governing party.

On the Business and Planning Bill I made it clear on Second Reading and in Committee that I was prepared to divide the House if necessary. I was successful in winning a number of concessions, such as the 11 pm cut-off for off-sales, protections for pavement users and issues on which we felt the Government had unintentionally forgotten bodies such as the mayoral development corporations and TfL—for example, not allowing them to meet virtually. We raised those issues and the Government agreed. When considering the Business and Planning Bill or any other Bill, I have to weigh up what is right and get the right balance between further demands, important issues to be raised, engagement and when it is right to vote or accept the concession. Sometimes you can get that wrong, but I think I got it right this week. I am always happy to engage with noble Lords on that basis.

Moving on to other areas of the Bill, I warmly welcome the part that protects the rights of Irish citizens. There are historic links between Britain and Ireland, and that is to be welcomed. My parents came from the Republic of Ireland to work in London and then, some years ago, they retired back to the Republic. Like many others, I have a great love of both the UK and Ireland. We have many shared values and a shared history. My mum came to this country to work as a nurse in the NHS. Many years later she ended up

working in the Members' Tea Room in the House of Commons, and there will be many Members here who knew her when they were in the other place. The links between our two countries are to be treasured.

A number of noble Lords raised the issue of immigration detention. We have heard some horrific stories of people being treated unfairly and unjustly, and that does nothing but bring shame to our country—we have to do better than that. My noble friend Lady Kennedy of The Shaws, the noble Lords, Lord Roberts of Llandudno and Lord Alton of Liverpool, and others raised concerns about this issue, and I agree with them.

In conclusion, this is a dreadful Bill and I hope that we will have made it a little better when we send it back to the other place. I will very happily join other noble Lords in dividing the House if necessary. I believe that the Government will reap what they sow with this Bill. I predict that over the next few years there will be many retreats, U-turns and changes, with the Government saying, "We didn't really mean that". I look forward to the noble Baroness's response to the debate.

6.11 pm

**Baroness Williams of Trafford:** I thank noble Lords for all their contributions over the course of four or five hours, and I am sure that they will understand that I will not be able to answer every single question. We have covered a wide range of issues, and the fact that there has been either support for the Bill or comments such as "tragedy" and "squalid" shows that there is a wide range of views in this House. That demonstrates to me the importance attached to many immigration issues, and rightly so. I guess that there is a further irony, in that a first-generation Irish immigrant Front-Bencher is winding up the debate with a second-generation Irish immigrant; such is the importance that we attach to Irish immigrants.

My noble friends Lord Hodgson and Lord Lilley reflected on the trends of the last couple of decades—which are very important in the context of immigration—and the consequences that immigration has had for those trends, whether they be in housing or infrastructure or indeed in attitudes among society. I was most intrigued that both the noble Lords, Lord Adonis and Lord Green of Deddington, who are probably on quite different parts of the spectrum on a number of matters, put down the marker of the importance of getting this system right—or else. In fact, the noble Lord, Lord Adonis, outlined—quite openly, I thought—the problems and consequences of immigration in the early 2000s.

Many noble Lords expressed concern about the detailed policies proposed under the points-based immigration system and the immigration delegated power set out in the Bill. It is important to note at this point that the Bill is narrow. It is focused on ending the EU's rule on freedom of movement now that we have left the EU. It is a short, technical Bill that does just that and it does not deal with wider immigration issues.

I must also make it clear that the delegated power in the Bill will not be used to make wide-ranging policy reforms; it will merely switch off the free movement

rights that EU citizens currently enjoy so that we can align the immigration treatment for EU and non-EU citizens. The Immigration Rules will continue to be used to set out the detailed requirements that a person must meet in order to live, work and study in the UK under the new points-based immigration system.

The Immigration Rules are well established and their use is based on the powers in the Immigration Act 1971. That process is therefore nearly 50 years old, so it is not a novel concept in this Bill. The Immigration Rules are subject to parliamentary scrutiny and enable flexibility, so that policies can be adapted to respond to changing circumstances—for example, as we have done during the coronavirus pandemic.

The Bill does not legislate on the details of the points-based system, nor does it legislate on detention, asylum or compliant environment policies. These are important matters and I know that we will discuss them in Committee and on Report, whether they are in the Bill or not—I have been in this House long enough to know that. They are not part of the Bill, but I look forward to discussing them.

My final point in my introduction is that it is four years since the British people voted to leave the European Union. We must deliver on the will of the people, much as some people may not like it.

The topic that has probably been discussed most in this Second Reading debate is health and care workers. My friend, the noble Lord, Lord Kennedy of Southwark, asked about the long-term social care plan. I am afraid that that is out of my powers. However, I know that down the other end of the Corridor, the various sides of the House are trying to come to some sort of consensus on the way forward. I should say that I got into local government more than 20 years ago, and it was a conundrum then and remains so to this day. All parties to the matter, whether from this House or that House, need to find a way forward on this. We should all be incredibly grateful for the work of health and care workers and for the lives that they have saved over the past few months in the fight against coronavirus. They should be valued more than they are.

The Home Secretary has introduced a free one-year automatic visa extension to approximately 3,000 key front-line health workers, including an exemption to the immigration health surcharge. The Home Secretary has also expanded the bereavement scheme to all NHS health and social care workers to include offering indefinite leave to remain for immediate family members and bereaved hospital support workers and social care workers.

On 29 April, we announced that we will extend the visas of NHS front-line workers and their families whose visas expire between 31 March and 1 October. We are working with all NHS trusts and the wider independent health and care sector across the whole of the UK to identify who will benefit. The extension to NHS visas will be automatic. There will be no fee attached and it will be exempt from the immigration health surcharge. We have extended this offer to more key front-line workers, including midwives, social workers and medical radiographers. Social care workers who are employed by NHS trusts, or independent health and care providers, and working in one of the defined

occupations, will benefit from the automatic visa extensions offer where visas are due to expire between 31 March and 1 October 2020.

There has been much discussion about the ability of migrant workers to undercut UK workers. Much has been made of the idea that we cannot train people up between now and the end of the year. However, there is a challenge to employers across this country around the easy option of migrant labour, which has undercut our own home-grown workforce for far too long. I cannot remember which noble Lord it was who said that people in this country do not want to work in care, but I do not agree with that. Employers need to support this very worthwhile profession on which so many of us rely, both at the beginning of our lives and towards the end of our lives. That is a challenge for employers in this country.

I come next to unaccompanied asylum-seeking children and family reunion. The noble Lord, Lord Rosser, and the noble Baroness, Lady Hamwee, challenged me on this, as of course did the noble Lord, Lord Dubs—I am sure he will continue to do so. I have said it before and I will say it again: the UK has a long and proud tradition of providing safety to those who claim asylum and it will not be affected by our exit from the EU. We will continue to provide protection to those who need it, in accordance with our international obligations.

I have trotted out the statistics at this Dispatch Box time and again. Under national resettlement schemes we have resettled more people than any other state in the EU—we are incredibly generous to those who need our help. During the transition period, the UK will continue to reunite unaccompanied asylum-seeking children in Europe with family members in the UK under the Dublin regulation. During the coronavirus pandemic, we brought over 52 people from the Greek islands, and I think we might be the only state in the EU that did that. We will continue to process all those transfer requests.

We have now presented a genuine and sincere offer to the EU on a new reciprocal arrangement for the family reunion of unaccompanied asylum-seeking children. On 19 May, we published our draft legal text as a constructive contribution to negotiations. Additionally, children with immediate family members in the UK will still be able to join them under the refugee family reunion rules and part 8 and appendix FM of the Immigration Rules. These routes are unaffected by our departure from the EU. Finally, noble Lords will have heard the Prime Minister's pledge to resettle a further 5,000 vulnerable people seeking refuge, from not just Syria but anywhere in the world. That actually goes way beyond the asks that some of the NGOs have made of us. I am proud of the record that we have.

The noble Baroness, Lady Kennedy of Cradley, talked about children in care being denied EU settlement scheme status. Across government, we are working to ensure that all eligible children obtain the UK immigration status they are due. The Home Office has already spent £9 million funding third-party organisations across the country that support families and the hard-to-reach with the apps that they produce. In March, we announced a further £8 million to support this work. It is wrong to say that children will be subject to

[BARONESS WILLIAMS OF TRAFFORD]  
restrictive measures; they will not. Up to 31 March 2020, there have been almost half a million applications from under-18s. That is a really good figure. There is still plenty of time to apply before the June 2021 deadline.

In that vein, the noble Baroness, Lady Falkner of Margravine, asked me about the EU settlement scheme grace period and reasonable grounds. We will publish the guidance on what constitutes reasonable grounds for missing the deadline; we intend to do so in early 2021. However, I will give her examples of what might be included. It will include children whose parent, guardian or local authority failed to apply on their behalf; people in abusive or controlling relationships who perhaps could not apply; and those who lack the physical or mental capacity to apply. I think that I might have talked to her about that earlier.

The right reverend Prelate the Bishop of Bristol talked about looked-after children. I think I am repeating myself, because I just mentioned that in response to the noble Baroness, Lady Kennedy of Cradley. We are liaising very closely with local authorities.

The noble Lords, Lord Morrow, Lord Foulkes of Cumnock and Lord McConnell of Glenscorrodale, and my noble friend Lord Wei all asked about regional variation. Our new points-based system—I am very pleased that the noble Lord, Lord Judd, I think it was, supported this—will work for all parts of the United Kingdom. We will not establish different visa arrangements for different nations or regions of the UK. The MAC has repeatedly said that the economic situations in different parts of the UK are not sufficiently different to warrant different immigration arrangements.

The noble Baroness, Lady Ritchie of Downpatrick, referred to Northern Irish citizens and the Good Friday agreement. A person of Northern Ireland, as defined in the Belfast agreement, has the right to hold British and Irish citizenship, and the right to identify as British, Irish or both, as they may so choose. The Irish rights clause in the Bill is focused on protecting the rights of Irish citizens under existing CTA arrangements. Irish citizens in any part of the UK and British citizens in Ireland enjoy reciprocal rights. Maintaining these rights supports provisions in the Belfast agreement, specifically the right to identify as British, Irish or both.

The noble Baroness, Lady Barker, and others asked about fees—I think maybe the noble Baroness, Lady Lister, did as well. On the face of it they seem high, particularly when we are talking about children, but application fees for border, immigration and citizenship services play a vital role in our ability to run a sustainable system. The income helps to deliver the funding requirements to run the border, immigration and citizenship service and substantially reduces the burden on UK taxpayers. I am sure that noble Lords and members of the public rightly expect that. Any decisions regarding future fees payable or funding of the system should be taken in the round and outside the passage of this Bill.

Lots of noble Lords, including the noble Lords, Lord Kennedy, Lord Dubs and Lord Ramsbotham, the noble Baroness, Lady Barker, and others talked

about a detention time limit. The main rationale put forward for a time limit is that, in the absence of one, individuals are detained indefinitely. Although I know that noble Lords have cited cases, it is not the case that the law actually permits indefinite detention. A time limit is not only unnecessary; it would severely limit our ability to use detention as an effective means of removal. A time limit would encourage those who seek to frustrate the removal process—and there are those who do—to run down the clock until the limit is reached and release is guaranteed.

Quite a few noble Lords, including the noble Lord, Lord Morrow, my noble friends Lord Randall and Lord McColl of Dulwich, and the right reverend Prelate the Bishop of Bristol, spoke about modern slavery. The right reverend Prelate the Bishop of Durham also spoke to me yesterday about this. Modern slavery and human trafficking have no place in this society, and we are committed to fortifying our immigration system against these crimes while ensuring that victims are protected and offenders prosecuted. Decisions made through the national referral mechanism regarding whether someone is in fact a victim of modern slavery are not affected by their nationality or their immigration status. In fact, I might say that many victims of modern slavery are citizens of the United Kingdom. Support for suspected victims is provided through the NRM regardless of nationality and, although the UK has left the EU, our core international obligations to victims remain unchanged.

I had questions from the noble Baroness, Lady Coussins, and the noble Lord, Lord Clement-Jones, about specific sectors. The noble Lord asked about the creative industries and the noble Baroness asked about modern foreign language teachers. The shortage occupation lists are set on the advice of the independent MAC. It has considered the position of teachers in a specific report in 2017 and in a general view of the shortage occupation lists last year. Teachers of Mandarin are on the shortage occupation list, as I think the noble Baroness might have said, but the MAC did not consider that the case was made for MFL teachers. I can tell her and the noble Lord that the MAC is currently undertaking a further review of the lists and will keep them under regular review so, if they have concerns about this and the sector, I would encourage them to submit evidence to the MAC.

I turn now to another sector, that of ministers of religion, which the right reverend Prelate the Bishop of Southwark asked about. We greatly value the contribution that migrants make to faith communities in this country, and that is why there are two routes for religious workers within the current immigration system which will be continued under the future points-based system. When we made changes in 2019, the then Immigration Minister hosted a round table with representatives of all the major faiths, and just in the past week the current Immigration Minister hosted a further meeting with representatives of the Catholic Church.

I turn to the points raised by the noble Lord, Lord Russell of Liverpool, on data. This means that I now have a third friend in the House of Lords who is interested in this subject. On a much more serious point, however, the data that we collect on people



coming into this country and going out again, along with noting the number who have applied for the EU settlement scheme—a figure that is much higher than we first thought—is absolutely crucial to some of the retrospective and future decisions that we make. We do not agree that Home Office data on immigration is poor. It may be criticised, but we publish some of the most comprehensive immigration statistics of any country and their quality is overseen by the UK Statistics Authority which has been clear that the data is good. I think that the noble Lord, Lord Bilimoria, made a point about exit checks. These are crucial to enhancing the robustness of our data and I believe that we have been collecting data on them since 2015.

The noble Lord, Lord Oates, and a number of other noble Lords talked about physical proof of status. I smiled a little at that point because, just the other day, the noble Lord, Lord Clement-Jones, and my noble friend Lady Neville-Rolfe were absolutely adamant about digital proof of status. We are developing a broader immigration system that, going forward, will be digital by default. As I told the noble Lord on a previous occasion, individuals will receive notification of their immigration status by email or letter. However, the one thing about digital status, as the noble Lord, Lord Clement-Jones, pointed out, is that you cannot lose it.

The noble Lord, Lord Bilimoria, asked about the data for higher education and he noted that the vast majority of students return to their home countries after they have completed their studies. They do that and they are incredibly compliant. He quoted from published Home Office statistics. I agree that it is true for the current crop of students that the current sponsorship is working well. We do not want to return to the pre-sponsorship days, when there were significant concerns about the quality of some of our education establishments, particularly in the FE sector.

I have probably come to the end of my time. I thank all noble Lords who have spoken in the debate, and I look forward to considering in Committee some of the issues that I know will be brought forward, whether they are in this Bill or not.

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

6.35 pm

*Sitting suspended.*

## Arrangement of Business

### Announcement

7 pm

**The Deputy Speaker (Lord Alderdice) (LD):** My Lords, the Hybrid Sitting of the House will now resume. Some Members are here in the Chamber, respecting social distancing, others are participating remotely, but all Members will be treated equally. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. The usual rules and courtesies in debate of course apply.

## China

### Statement

*The following Statement was made on Monday 20 July in the House of Commons.*

“With permission, Mr Speaker, I will make a Statement updating the House on the latest developments with respect to China, and in particular Hong Kong.

As I told the House on 1 July, the UK wants a positive relationship with China. China has undergone an extraordinary transformation in recent decades, grounded in one of the world’s ancient cultures. Not only is China the world’s second-largest economy, but it has a huge base in tech and science. The UK Government recognise China’s remarkable success in raising millions of its own people out of poverty.

China is also the world’s biggest investor in renewable technology, and it will be an essential global partner when it comes to tackling global climate change. The Chinese people travel, study and work all over the world, making an extraordinary contribution.

Let me be clear: we want to work with China. There is enormous scope for positive, constructive engagement. There are wide-ranging opportunities, from increasing trade to co-operation in tackling climate change, particularly with a view to the COP 26 summit next year, which the UK will be hosting. However, as we strive for that positive relationship, we are also clear-sighted about the challenges that lie ahead. We will always protect our vital interests, including sensitive infrastructure, and we will not accept any investment that compromises our domestic or national security. We will be clear where we disagree, and I have been clear about our grave concerns regarding the gross human rights abuses being perpetrated against the Uighur Muslims in Xinjiang.

It is precisely because we recognise China’s role in the world as a fellow member of the G20, and fellow permanent member of the United Nations Security Council, that we expect China to live up to the international obligations and responsibilities that come with that stature. That is the positive, constructive, mature and reciprocal relationship that we seek with China, striving for good co-operation, but being honest and clear where we have to disagree. We have been clear about the new national security law that China has imposed on the people of Hong Kong. That is a clear and serious violation of the UK-China joint declaration, and with it a violation of China’s freely assumed international obligations.

On 1 July, I announced that we were developing a bespoke immigration route for British nationals overseas and their dependants, giving them a path to citizenship of the UK. The Home Secretary will set out further details of the plans for a new bespoke immigration route for BNOs and their dependants before the Recess. That bespoke route will be ready by early 2021, and in the meantime the Home Secretary has already given Border Force officers the ability to grant leave to BNOs and their accompanying dependants at the UK border.

Beyond our offer to BNOs, today we are taking two further measures, which are a necessary and proportionate response to the new national security legislation that we have now had the opportunity to assess carefully.

First, given the role that China has now assumed for the internal security of Hong Kong, and the authority that it is exerting over law enforcement, the UK will extend to Hong Kong the arms embargo that we have applied to mainland China since 1989. To be clear, the extension of the embargo will mean there will be no exports from the UK to Hong Kong of potentially lethal weapons, their components or ammunition, and it will also meet a ban on the export of any equipment not already banned that might be used for internal repression, such as shackles, intercept equipment, firearms and smoke grenades.

The second measure relates to the fact that the imposition of this new national security legislation has significantly changed key assumptions underpinning our extradition treaty arrangements with Hong Kong. I have to say that I am particularly concerned by articles 55 to 59 of the law, which give mainland Chinese authorities the ability to assume jurisdiction over certain cases and to try those cases in mainland Chinese courts. The national security law does not provide legal or judicial safeguards in such cases, and I am also concerned about the potential reach of the extraterritorial provisions.

I have consulted the Home Secretary, the Justice Secretary and the Attorney-General, and the Government have decided to suspend the extradition treaty immediately and indefinitely. I should also tell the House that we will not consider reactivating those arrangements unless and until there are clear and robust safeguards that can prevent extradition from the UK being misused under the new national security legislation.

There remains considerable uncertainty about the way in which the new national security law will be enforced. I just say this: the United Kingdom is watching and the whole world is watching. In the past few weeks, I have been engaged with many of our international partners in a concerted dialogue about how we should best respond to the unfolding events we are seeing in Hong Kong. On 8 July, I spoke with our Five Eyes Foreign Minister partners. We agreed on the seriousness of China's actions and the importance of pressing Beijing to meet its international obligations. I welcome the fact that Australia, Canada and the US have taken a range of measures with respect to Hong Kong including, variously, export controls and extradition, as we have done today.

I also discussed the situation with our European partners, including Josep Borrell, the EU's High Representative for Foreign Affairs. The UK Government also welcome the EU announcement on 13 July, which sets out further proposed measures in response to the national security legislation.

A number of our international partners are also considering what offers they may be willing to make to the people of Hong Kong following the UK's offer in relation to BNOs. I can reassure the House that we will continue to take a leading role in engaging and in co-ordinating our actions with our international partners, as befits our historic commitment to the people of Hong Kong.

As I said at the outset, we want a positive relationship with China. There is a huge amount to be gained for both countries. There are many areas where we can

work productively and constructively together to mutual benefit. For our part, the UK will work hard and in good faith towards that goal, but we will protect our vital interests. We will stand up for our values, and we will hold China to its international obligations. The specific measures I have announced today are a reasonable and proportionate response to China's failure to live up to those international obligations with respect to Hong Kong, and I commend this Statement to the House."

7.01 pm

**Lord Collins of Highbury (Lab):** My Lords, the UK must offer a firm and resolute response to China's unwarranted and illegal actions in Hong Kong, and I welcome the two measures contained in the Statement as part of this. The extension of the arms embargo will prevent UK weapons and equipment being used, and I would like to ask whether the Minister will also review the training provided to the Hong Kong police by UK institutions. The immediate and indefinite suspension of the extradition treaty is also welcome, but this must form part of a global response.

On Monday, the Foreign Secretary acknowledged that it needs to be more than just the traditional Five Eyes and Europeans, because there is, as he put it, a whole range of non-aligned countries out there that are very much influenced by what China is doing and saying. So, I ask the Minister: has the meeting with the German Foreign Secretary taken place this week, and has there been a positive response? Also, have there been any multilateral or bilateral talks with the Commonwealth to build support for upholding the international rule of law in all areas, including the South China Sea?

The Foreign Secretary, in response to my honourable friend Lisa Nandy, said in relation to the HSBC Statement:

"The rights and the freedoms of ... the people of Hong Kong should not be sacrificed on the altar of bankers' bonuses."—[*Official Report, Commons, 1/7/20; col. 336.*]

Can the Minister explain what the Foreign Secretary meant? The persecution of Uighur Muslims, including their detention in re-education camps and the forced harvesting of their organs, represents one of the gravest oppressions of human rights today. At PMQs today, Boris Johnson said:

"That is why the Foreign Secretary, only this week, condemned the treatment of the Uyghurs. That is why this Government, for the first time, have brought in targeted sanctions against those who abuse human rights in the form of the Magnitsky Act."

So, does the noble Lord agree with Mr Johnson? Does he accept the urgency of targeting those Chinese officials involved in human rights abuses, including in Hong Kong, or does he follow the Foreign Secretary's more cautious approach? I was disappointed that yesterday the Minister said that he was not willing to speculate on designations—something Boris Johnson appears happy to do.

I have not asked the Minister to speculate. What I hope for from this Government is a clear commitment to accelerate the timetable for targeted sanctions on Chinese officials involved in the persecution of the Uighur people. If he will not make this commitment tonight, will he at least confirm that the US has provided the evidence upon which they have acted?

I would appreciate it if he could, at the very least, confirm the Government's red lines on what it would take for the application of Magnitsky sanctions in this case.

The Foreign Secretary said that he had given, with Mike Pompeo as well as the other Five Eyes partners, "due consideration to co-operation on future evidence."—[*Official Report, Commons, 20/7/20*; col. 1840.]

Does that mean we have an agreement on the sharing of evidence, and can we move more speedily as a consequence?

In the coming months, the Government must remain alert, monitor China's action and respond accordingly. While it may be Hong Kong or Xinjiang today, it could be Taiwan tomorrow. The Minister will be aware that Taiwan's Foreign Minister warned only today that China is imposing itself on Taiwanese airspace and waters. Has the Foreign Office made an assessment of these claims, and were they discussed with Mike Pompeo?

**Baroness Northover (LD) [V]:** My Lords, I thank the Minister for bringing this Statement on China and Hong Kong to the House. It is surely right to seek a positive relationship with China, with its ancient culture, economic strength and developing excellence in science and technology—especially green technology—as the Statement makes clear.

Nevertheless, we cannot turn a blind eye to human rights abuses, and the Secretary of State is right to identify the appalling treatment of the Uighurs. Can the Minister say whether the Foreign Office has now taken a view on the China Tribunal's conclusions, and is the FCO bringing China within the scope of the new Magnitsky sanctions?

In terms of Hong Kong, we have a special responsibility. Britain and China signed a treaty, which is lodged at the UN, protecting the rights of those in Hong Kong for at least 50 years. The national security law has blown that away. Like the noble Lord, Lord Collins, I therefore welcome the Government's actions on citizenship for BNO passport holders, the suspension of the extradition treaty and the extension of the arms embargo. Nevertheless, I once more flag the position of young activists who do not have BNO passports and will be particularly at risk. Will the Government make sure that no one is excluded from this offer? What steps are they taking to ensure that those facing political persecution can freely leave?

The involvement of independent foreign judges in Hong Kong has long been seen as the canary in the coal mine: if they went, the writing would be on the wall for the independence of Hong Kong. The President of the UK Supreme Court has now questioned whether UK judges can continue to sit on the Hong Kong Court of Final Appeal. What is the Minister's view?

As I asked yesterday, does the Minister believe that there can be free and fair elections to the Legislative Council in September? Will the Government seek to send an election observation mission to Hong Kong? What further actions might the Government take if these elections are not free and fair?

There is also wide concern about free speech. Will British journalists be advised to relocate, and how might access to a free internet be protected? Are the

Government willing to work alongside others to create a UN special envoy or rapporteur for Hong Kong, who could have special responsibility for monitoring the human rights situation on the ground? Is there a way this could be done without China simply vetoing it?

As I have expressed before, I remain concerned that not all countries in the EU, a tiny number of Commonwealth countries and no countries in Asia, South America and Africa supported the UK in relation to the new law. This is a desperate situation, and China should recognise the loss to their country of an outflow of talented young people from Hong Kong and step back, even at this late stage, from implementing this new national security law. I look forward to hearing the Minister's response.

**The Minister of State, Foreign and Commonwealth Office and Department for International Development (Lord Ahmad of Wimbledon) (Con):** My Lords, I first thank the noble Lord, Lord Collins, and the noble Baroness, Lady Northover, for their support of the Government's position. I am sure they both recognise—indeed, they have acknowledged—the fact that, over several months now, the Government have stood up for what they said they would do.

I know, in my own work as Human Rights Minister, that we have not only strengthened but sought to build alliances in the context of the UN Human Rights Council and gained support—including ourselves, there were 27 countries that voted for the statement. However, as the noble Baroness, Lady Northover, has rightly reminded us again, there were a vast number of countries that were not supportive of the statement initiated by the United Kingdom, and that is a cause for concern.

Therefore, we continue to work through all international fora, as well as bilaterally, to ensure that not only the situation in Hong Kong but that of the Uighur Muslims—which the noble Lord, Lord Collins, and the noble Baroness, Lady Northover, mentioned specifically—is at the forefront of all our minds. It is particularly noticeable and disappointing that very few countries in the Islamic world have spoken out in defence of the Uighur Muslims. I am not for a moment suggesting that one religion should speak in its own defence, but whoever is persecuted, wherever they are persecuted and irrespective of your faith or belief, you should stand up for their rights, and it is disappointing that we have not seen a response from the wider community. However, we continue to work undeterred.

The noble Baroness mentioned the Commonwealth and will have noted that we have the support of notable partners, including Canada, Australia and New Zealand, in this respect. We will continue to work with them in further strengthening the response from across the Commonwealth. In the context of the European Union, there was a meeting of the Foreign Affairs Council, which agreed that national Governments would focus on this issue and announce appropriately.

The noble Lord, Lord Collins, asked about the visit today of the German Foreign Minister, which is ongoing. I have been on a virtual visit to the UN today, so I have yet to see the updates from those discussions. However, knowing the German Foreign Minister well, I know how much he cares about human rights. Recently,



[LORD AHMAD OF WIMBLEDON]

I was with him when he chaired an event at the UN Security Council on the important issue of preventing sexual violence in conflict and standing up for the most vulnerable. We share a value system with many of our EU partners and, more globally, across the Commonwealth—values central to Commonwealth thinking. We will continue to raise these issues bilaterally and in international fora.

The noble Lord, Lord Collins, mentioned the role of various private institutions in Hong Kong, which continue to operate. The Foreign Secretary and the Prime Minister have been clear that companies must decide in which countries they will operate, but that, while that is a business decision for them, everyone should recognise that the situation prevailing in Hong Kong is a direct contravention of the joint agreement and of “one country, two systems”. As the noble Baroness, Lady Northover, reminded us, this agreement has been lodged with the United Nations. Therefore, we continue to implore China to uphold its obligations as a P5 member of the UN Security Council and as a wider player on important issues currently confronting the world—not only Covid-19 but also, as we work towards COP 26, China’s important role in ensuring that the world faces the challenges of climate change.

The noble Lord, Lord Collins, asked about the sharing of evidence and work around the Magnitsky sanctions. Again, I would cause speculation if I were to say specifically what the next designations will be, but before the Recess we shall have a debate about the sanctions that have already come forward.

The noble Lord, Lord Collins, asked about red lines. On the issue of the Uighurs and human rights across the world, the intention of the global human rights sanctions regime is to hold those who abuse human rights and commit gross human rights violations to account. However, I cannot speculate on the specifics of China at this juncture.

The noble Lord, Lord Collins, asked a specific question on the sharing of evidence. We work very closely with partners across many areas, including the United States among others. We share a common value system with countries in the European Union, with the United States and with many countries in the Commonwealth and beyond. Many countries look towards us for the initiation of what we have done and invoked through the global human rights sanctions regime. I know that other countries—I know of many in Europe—and the European Union itself are considering a similar specific global human rights sanctions regime.

The noble Baroness also rightly raised the important issue of the judiciary in Hong Kong. As I am sure she recognises and as all noble Lords have followed, what has happened as a material change in the announcement of the national security law is the passing of the appointment of judges from the Chief Justice to the Chief Executive. This is in direct violation of Section 3(3) of the joint declaration. We also saw a statement from the noble and learned Lord, Lord Reed, on 17 July. While it remains a question for the judiciary, I am sure that everyone will reflect very carefully on the important role that judges have played in Hong Kong under the existing joint declaration. We continue

to implore the Chinese and the Hong Kong Special Administrative Region to continue to uphold the independence of the judiciary.

The noble Baroness also rightly asked about the pending elections. There is some suggestion and speculation that the Covid crisis might be a factor in consideration of whether these elections are held, but our position remains clear and consistent: we believe that the elections in Hong Kong should be open, fair and transparent. We will continue to raise these issues consistently with the Chinese authorities and the Hong Kong Administration.

**The Deputy Speaker (Lord Alderdice) (LD):** We now come to the 20 minutes allocated for Back-Bench questions. I ask that questions and answers be brief so that I can call the maximum number of speakers.

7.17 pm

**Lord Garnier (Con) [V]:** My Lords, will my noble friend agree that the justices of the Hong Kong Court of Final Appeal—both the permanent and non-permanent justices from Hong Kong itself and the visiting British and Commonwealth justices—have been a bulwark against political interference, and strong guarantors of the rule of law and judicial independence in criminal and civil law cases? Would he not agree that the same could be said of legal practitioners in Hong Kong, who operate under severe pressure from the Beijing and Hong Kong Governments? Can I press him on what the Government’s policy is with regard to the immediate and future viability of the court and the continuing participation of UK and Commonwealth justices in its work? Should they stay as exemplars of judicial independence and help to maintain the rule of law, or leave to avoid their independence being compromised?

**Lord Ahmad of Wimbledon:** My Lords, I agree with both my noble and learned friend’s points. On his specific question on the judiciary, as he will acknowledge and as he knows from his own experience and insights, the UK judiciary is independent of the UK Government and makes its own assessment. We have already heard from the noble and learned Lord, Lord Reed, about the continued service of UK judges specifically, but he has made the point—which is also the Government’s position—about the importance of judicial independence and the rule of law. The situation is currently under constant review.

**Viscount Waverley (CB) [V]:** My Lords, multiple examples of highly regrettable actions by China go far beyond British values and the values of our allies. How has this deterioration been allowed to happen to the degree that it has? Is it a breakdown in diplomacy—I suspect that megaphone diplomacy is probably ineffective—or are some political asks now too difficult to achieve? Does the Minister agree that there needs to be an urgent, all-encompassing consideration of the relationship with China, rather than a piecemeal approach, to cover all aspects, including climate change, human rights, security, defence, and trade and supply chains, from which a policy of coherent consistency can be derived?

**Lord Ahmad of Wimbledon:** My Lords, some of the questions the noble Viscount poses are for the Chinese Administration to answer. We deeply regret the actions they have taken recently in Hong Kong. We have reacted as we said we would, with the various statements we have made on BNO status. On reassessing our relationship, as my right honourable friend the Foreign Secretary said in the Statement he made on 20 July, China has undergone an extraordinary transformation and the UK Government recognise its success. It is a key partner when it comes to important issues such as climate change. Once again, we call upon the Chinese to recognise their international responsibilities, protect the “one country, two systems” in Hong Kong, and provide basic civil and human rights for its own citizens.

**The Lord Bishop of Southwark:** My Lords, the Foreign Secretary is correct about the importance and place of China in the world but China’s human rights record, especially as it concerns Uighurs, has been well known for some time. In the light of the recent US Uighurs human rights act, will Her Majesty’s Government consider similar measures and produce a list of Chinese companies involved in the construction and operation of the camps? Given the rising and publicly expressed concern in this country, including by the Board of Deputies, will the Minister now accept that it is high time we took firmer steps to counter Beijing’s harrowing human rights abuses against the Uighurs, and that such abuses should influence negotiations on any future trade deal with China?

**Lord Ahmad of Wimbledon:** My Lords, I believe the Government have made their position on the deplorable situation faced by the Uighurs in Xinjiang very clear over a number of months—indeed, over years. This problem has been brought to our attention. We have strengthened the work on building alliances to call out the human rights abuses endured by the Uighurs in particular, and we will continue to work to ensure that human rights remain central to our discussions with China on all aspects of our relationship with it.

**Baroness Henig (Lab) [V]:** My Lords, on Monday the Foreign Secretary said he was “stubbornly optimistic” about global Britain, including in our relations with China. The Minister will know that China is one of the countries which the Government have identified as a potential partner for a new trade agreement—one of the many post-Brexit deals the Government are hoping to negotiate. In light of all the disputes and serious human rights issues which have arisen over the past six months, do the Government still aim to conclude a trade deal with China and, if so, in what sort of time-frame, or have they changed their mind and abandoned the idea of an agreement?

**Lord Ahmad of Wimbledon:** My Lords, the noble Baroness raises an important point about the issue of human rights within the context of trade agreements and negotiations. As I said, we recognise that China has an important role to play where it has supported both UK growth and UK jobs, but we will not accept investment that compromises our national security. The issue of human rights is also very much part of our thinking.

**Baroness Smith of Newnham (LD) [V]:** My Lords, in responding to the right reverend Prelate, the Minister said that the Government are calling out China over human rights abuses. That is not sufficient. Given that China, despite being led by a so-called Communist Party, relies on the global system of international trade, what scope is there for naming companies that rely on Uighur labour and trying to have a regime whereby people simply do not buy products produced by forced labour?

**Lord Ahmad of Wimbledon:** My Lords, the United Kingdom has been at the forefront of the issue of modern slavery, led by my right honourable friend the former Prime Minister, ensuring that rights of workers, wherever they may be in the world, are fully protected. I disagree with the noble Baroness: I think we have been very clear and frank, and we have led on the issue of the persecution of Uighurs in Xinjiang and we have done so consistently over a long period.

**Lord Polak (Con):** China has just announced its wish to become a member of the United Nations Human Rights Council—yes, my Lords, the Human Rights Council. The Government have rightly condemned China for the appalling and inhumane treatment of the Uighur Muslims in Xinjiang. They have also rightly condemned China for its crushing of Hong Kong. Currently, China is agreeing a \$400 billion economic security deal with the terror-supporting Iranian regime. So, not only is it destroying human rights at home in China; it is clearly a threat to human rights worldwide. History teaches us that condemning is not enough. Will my noble friend the Minister therefore agree with me that the Government should now lead the world and create a coalition of allies to vote against allowing China to take a seat on the UN’s most senior human rights body? Otherwise, our words of condemnation will, sadly, be just words.

**Lord Ahmad of Wimbledon:** My Lords, I cannot speak for other countries; they will make their decisions on who qualifies and who does not qualify for the Human Rights Council. However, like other member states, I hope, in making a decision we will certainly consider very carefully the human rights records of countries which aspire to speak about human rights at the HRC.

**Baroness Kennedy of The Shaws (Lab):** My Lords, today the Bar Human Rights Committee of England and Wales published a powerful report on the persecution of the Uighur Muslims. It is based on sound evidence and exemplary legal scholarship and it makes a number of recommendations, one of which is to use the recent Magnitsky regime on targeted sanctions. Secretary of State Pompeo indicated yesterday while here in England that he had used Magnitsky sanctions on a number of Chinese functionaries. Are we in conversation with the United States about who those people might be, and might we follow suit? Secondly, will we consider requesting that China, which denies that persecution takes place and denies the nature of the camps, allows in an investigatory delegation to assess the situation on our Government’s behalf?

**Lord Ahmad of Wimbledon:** My Lords, on the noble Baroness's first point, as I have already said, I will not speak about what future designations may be. However, I agree with the noble Baroness; I think we have all been appalled by some of the scenes we have seen recently across the media on the treatment of the Uighurs. They were quite chilling in every respect. On the issue of access to Xinjiang, work was done previously looking at the human rights commissioner visiting China, and I hope that that will come to fruition at some future point.

**Lord Thomas of Gresford (LD) [V]:** My Lords, I declare an historic interest, having fought a case against extradition from the UK to Hong Kong for four and a half years through 12 separate applications for habeas corpus. A senior Hong Kong solicitor told me today that almost all the extradition proceedings now current are concerned with either money laundering or drugs. Now that we have terminated extradition in both directions, how do we ensure that Britain does not become a safe haven for Hong Kong criminals, nor Hong Kong a safe haven for those committing crimes in the UK? Would it not be sensible to have a generous approach to claims for political asylum by young protestors from Hong Kong who do not qualify to come here as a BNO?

**Lord Ahmad of Wimbledon:** My Lords, on the noble Lord's second point, the United Kingdom has been, is and will remain a place where people from all over the world seek asylum for a number of reasons. Each case is judged on its merits, and we have provided protection to many people across the world who have suffered persecution.

**Lord Robathan (Con) [V]:** My Lords, most of the 53 countries that supported Chinese security laws in the UN Human Rights Council were almost certainly either scared of Chinese power and its aggressive nature or had been bought; that particularly applies to countries in Africa and elsewhere with huge loans. We need to ensure that we in this country are not bought. I commend Her Majesty's Government for being resolute and clear. However, do they have a policy on influencers in Britain, be they individuals or organisations such as Cambridge University—Jesus College is much in the news at the moment, being written about by Charles Moore—who are either in the pay of Chinese companies or receiving large grants from the Chinese Government?

**Lord Ahmad of Wimbledon:** My Lords, I would be pleased if my noble friend could write specifically on the concerns he has raised. Of course it is concerning that some do not recognise the situation that has prevailed in Hong Kong or the suffering of the Uighurs, as well as that of other minorities in Xinjiang. It is important that we continue to focus on those. Those who defend or deny those actions need to take a long, hard look at themselves.

**Lord Campbell-Savours (Lab) [V]:** My Lords, Dr Sarah Gilbert from the Oxford group dealing with coronavirus talks of collaboration worldwide on virus research, which we all welcome. To what extent are we collaborating with the Chinese, who are devoting huge resources to

finding a vaccine? Can we be assured that if they or we get a breakthrough, we will not allow an hysterical Trump to issue trade threats to prevent us sharing in the benefits? A lot of lives are at stake.

**Lord Ahmad of Wimbledon:** The noble Lord raises an important point about collaboration and working with China on the issues that matter. Clearly, China has a role to play on the pandemic, as it does on climate change. As my right honourable friend the Prime Minister has said, this is a global pandemic that needs us all to work together for the common good.

**Lord Mackenzie of Framwellgate (Non-Aff) [V]:** My Lords, in considering Magnitsky sanctions against individuals of the Chinese Communist Party, will Her Majesty's Government take into account the judgment of the China Tribunal in March this year, chaired by Sir Geoffrey Nice QC, that the abhorrent forced harvesting of organs from Falun Gong prisoners has been perpetrated for years throughout China on a significant scale and that medical testing on detained Uighur prisoners could allow them to become an organ bank?

**Lord Ahmad of Wimbledon:** My Lords, the Government have received Sir Geoffrey Nice's report and I met him a little while ago specifically to discuss it. We will continue to review the content of such reports. What I have seen and what we have assessed reveal a very concerning and deep-rooted challenge regarding organ harvesting. We have raised this issue with the World Health Organization to ensure that it is raised with the Chinese. However, it remains as yet unconvinced that the evidence supports such action.

**Lord Hain (Lab) [V]:** My Lords, I endorse everything that my noble friend Lord Collins, and Lisa Nandy, have said. No global issue, such as climate change, dealing with this pandemic or getting global trade functioning properly, is going to be resolved unless China is involved, as the emerging superpower of this century. I understand the Government's tactics, but what is their long-term strategy?

**Lord Ahmad of Wimbledon:** My Lords, I think the noble Lord has partly answered the question himself. It is important that we call out China where we see abuses of human rights, that the international system is not being observed or that treaties are not being adhered to or respected, while, equally, recognising that China has an important role to play in areas such as tackling the Covid crisis and climate change.

**Lord Rennard (LD) [V]:** What does the Minister think of the letter from the president of the Board of Deputies of British Jews to the Chinese ambassador about the film shown on Sunday? She said that nobody could

"fail to notice the similarities between what is alleged to be happening in the People's Republic of China today and what happened in Nazi Germany 75 years ago".

Will the Minister confirm that we will work with all countries governed by democratic principles and act together in trade negotiations to say that there must be



an end to the persecution of the Uighurs and people of any religion, and that breaching legal agreements over Hong Kong and seeking to bully the people of Taiwan is unacceptable?

**Lord Ahmad of Wimbledon:** My Lords, I have already said that those images we saw were quite startling. They remain etched on everyone's memories, as we have been reminded by the board of deputies in its letter. It is therefore important that China steps up, respects human rights and affords protections to the Uighurs and all minorities in China.

**The Deputy Speaker:** The noble Lord, Lord Balfe, has withdrawn, so I call the noble Lord, Lord Holmes of Richmond.

**Lord Holmes of Richmond (Non-Afl) [V]:** My Lords, these are extraordinarily serious issues—there are few more so—but does my noble friend the Minister agree that sanctions and increasing isolation are unlikely to produce the result they claim, not least for the people in desperate need they purport to protect? This is extraordinarily hard. Does he not agree that we have to try harder?

**Lord Ahmad of Wimbledon:** My Lords, that is why the global human rights regime is specifically aimed at states, not individuals. Our quarrel is not with the people of China.

**Lord Addington (LD):** My Lords, none of China's actions should have come as a surprise to anybody. There has been a warning for quite a long time on its attitude to human rights and to Hong Kong. When did the Government let it know there would be consequences to a continuation of these actions? Do we have certain red lines and standards saying that if it goes further there will be further action?

**Lord Ahmad of Wimbledon:** I am sure the noble Lord will recollect that we warned we would take action, particularly on BNOs, if the national security law was enacted. We informed the Chinese of that. They continued with their actions and we responded with the announcements we have made. We will continue to monitor the situation in Hong Kong, mainland China and other parts. Taiwan was raised, and while we retain our position on the importance of negotiations between the two sides, the issue of human rights has not gone away. It remains live and we will continue to monitor it. Where we need to act, we have acted.

## Counter-Terrorism and Sentencing Bill

### *First Reading*

*The Bill was brought from the Commons, read a first time and ordered to be printed.*

*House adjourned at 7.37 pm.*







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