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

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House of Lords

Wednesday 14 June 2023

11 am

Prayers—read by the Lord Bishop of Durham.

Illegal Migration Bill

Committee (5th Day)

Relevant documents: 34th Report from the Delegated Powers Committee and 16th Report from the Constitution Committee

11.06 am

Clause 58: Cap on number of entrants using safe and legal routes

Amendment 128B

Moved by ***The Lord Bishop of Durham***

128B: Clause 58, page 61, line 3, at end insert—

"(6A) The Secretary of State may not make regulations under subsection (1) specifying any limit on the number of persons who arrive under the following schemes—

(a) the Ukraine Sponsorship Scheme,

(b) the Ukraine Family Scheme,

(c) the Afghan Relocations and Assistance Policy, and

(d) the Hong Kong British National (Overseas) routes."

Member's explanatory statement

This amendment would exclude the schemes for those displaced from Ukraine, the Afghan Relocations and Assistance Policy (ARAP) and the Hong Kong BN(O) routes from the safe and legal routes cap. None of these schemes are currently capped.

The Lord Bishop of Durham: My Lords, I remind the Committee of my interests with the RAMP project and as a trustee of Reset, as laid out in the register. In moving Amendment 128B, I am grateful to the noble Baronesses, Lady Stroud and Lady Lister, and the noble Lord, Lord Purvis of Tweed, for their support, which, in itself, I hope demonstrates that this whole business of safe and legal routes is a matter about which there is common mind across the House and that we all agree that we need safe and legal routes. I am therefore looking forward to the next couple of hours—as I anticipate it might be—as we explore these issues, because this is really a debate about what is the best, how and when.

This amendment is a straightforward and well-intentioned addition to ensure that any cap placed on safe and legal routes excludes current named schemes already in operation. I hope, therefore, that it is a simple amendment that the Government will be able to accept to help provide clarity. Before I explain the rationale behind the amendment, I should like to comment on the importance of safe and legal routes. Since the pandemic, and following the end of the vulnerable persons resettlement scheme, I have despaired as I have witnessed the breakdown of our contribution to global efforts to support refugees to find sanctuary. I believe that the strength of shared opinion across different sides of this Chamber on the need for safe and legal routes is, in part, due to the global reputation we once held on resettlement. Central government led with great conviction and leadership in supporting communities up and down the breadth of this country to welcome over 20,000 Syrians who could then start to rebuild their lives. However, we now find ourselves in the absurd position that in order to deter asylum seekers from travelling to the UK irregularly, we are being asked to sanction the possibility that the Government will deliberately break international law to ban the right of men, women and children to claim asylum on arrival—and this is while providing no alternatives for vulnerable people to travel here safely.

In the absence of safe and legal routes, families are left with the impossible choice to travel informally to claim sanctuary in the UK and are thus at the mercy of smugglers taking criminal advantage. We often forget that, to claim asylum in the UK, a person has to be physically present here but, for those most likely to be in need of protection, there is no visa available for this and there are no UK consulates on European soil to claim asylum before making a dangerous journey. The UNHCR has also needed to reiterate—following government comments to the contrary—that there is no mechanism through which refugees can simply approach the UNHCR itself to apply for asylum in the UK.

The Government cannot deny that it is a choice to require refugees who wish to seek asylum here to rely on dangerous journeys if we do not provide safe alternatives. It is a difficult choice, but a choice it is. The Bill provides an opportunity to demonstrate real leadership and make a different choice.

Afghans, Iranians, Syrians, Eritreans and Sudanese are among those currently crossing the channel in higher numbers, making up over half the boat crossings in the first quarter of this year: 2,086, to be precise. Although all these countries have an asylum grant rate at initial decision of over 80%, only 146 people from those same countries were resettled. Taking one country as an example from 2022, we can see that 5,642 Iranians crossed the channel but only 10 were resettled here:10 out of 5,642. Let us not forget the most vulnerable group—children—who attempt to reach safety. Between 2010 and 2020, over 12,000 unaccompanied children were granted protection in the UK, but only 700 of those were able to arrive through official schemes. How many children could have been spared the trauma of a dangerous journey with better safe and legal routes?

I find the situation perverse, and I think we can, and must, do better. Yet currently the Bill does not propose any new protection pathways to help change this; in fact, it proposes a cap on such schemes and does not place any obligation on the Government to facilitate any such safe routes, preferring simply to consult local authorities. It is also important to note that every safe route will disrupt the smugglers' ability to continue to capitalise on human misery. I therefore fully support the amendment tabled by the noble Baroness, Lady Stroud, which would place a duty on the Home Secretary to specify additional safe and legal routes. The Prime Minister has promised that the Government will create more safe and legal routes.

[The Lord Bishop of Durham]
Although these would not dispense with the need for a functioning system of territorial asylum, I will take him at face value, otherwise the intention behind the Bill would appear needlessly pernicious and unjustly punitive.

Last year, resettlement figures decreased by 39% and family reunion decreased by 23%. Amendment 128C appears simply to provide the opportunity for the Government to turn this decline around by placing the Prime Minister's welcome commitment in the Bill. I appreciate the unprecedented magnitude of forced displacement across the globe. The latest figure, from yesterday, says that there are 10 million more, so it is now 110 million. Therefore, any long-term strategy for safe and legal routes must be formulated collaboratively with our international partners and wider refugee organisations, rather than simply in a Home Office vacuum. Protection routes must be informed by the refugee experience and explore innovative and sustainable solutions with human dignity at their hearts. I know that the most revered Primate the Archbishop of Canterbury will share further on this in later groupings.

I will leave others to expand more fully on the safe and sanctioned routes that could be explored, although I note that, on previous occasions, I have spoken in favour of all three outlined in the amendments in this group. I expect the Government to bring forth details on the potential expansion of family reunion, including the ability of refugee children to be joined by their closest family members, and refugee visas, which would grant people permission to travel to the UK to claim asylum. There is also the potential capacity to welcome more people through community sponsorship, which would not necessarily be captured by a consultative cap with local councils.

11.15 am

I previously had the privilege of working with Talent Beyond Boundaries with the Minister's predecessor. We worked very collaboratively with the Home Office to launch a world-leading displaced talent pathway, so complementary routes can be created and should be explored. Will the Minister commit to working with the UNHCR, the relevant refugee agencies and Members of this House so that safe and legal routes can be co-created, not created in the vacuum of the Home Office?

The Bill does not currently include a definition of safe and legal routes. Amendment 128B would put it beyond doubt that current named schemes, such as Homes for Ukraine, Hong Kong BNO visas and the Afghan relocations and assistance policy would not be included in a proposed cap. We can discuss the merits of a cap and whether it portrays the level of ambition required for effective global responsibility-sharing, but if it includes the schemes I have mentioned, there would be limited, if any, room for additional safe routes.

In the first quarter of this year, 14,100 Ukrainians were given permission to come to the UK, alongside 8,300 people from Hong Kong. This would leave negligible remaining capacity. When including the Afghan policy, through which 3,167 were settled to the UK over the last year, the Government's work on safe and legal routes would stop before it even got started if these numbers were included in the cap. These schemes do not grant refugee status, so can the Minister confirm that they will be excluded?

Most of us here will never know the pain of having to take the unfathomable decision to risk everything to reach safety and the courage it must take to leave home in hope of sanctuary. The Government have the opportunity to offer accessible and safe routes that will provide hope for some of the world's most vulnerable and, ultimately, save lives, and to do so alongside international partners offering similar routes in their nations. It is a privilege and a responsibility that we should never choose to abdicate. For this reason, I beg to move.

Baroness Stroud (Con): My Lords, in speaking to Amendment 128C in my name, I shall also lend support to many of the amendments in this group, particularly Amendment 128B in the name of the right reverend Prelate, which he has just outlined and to which I have added my name.

Amendment 128C is very simple. It places a duty on the Government to do what they say they want to do and are going to do anyway. This amendment imposes a duty on the Home Secretary to create additional—I emphasise "additional"—safe and legal routes by 31 January 2024, six months after the anticipated passage of the Bill, under which refugees and others in need of international protection may come to the UK lawfully from abroad.

The whole purpose of the Illegal Migration Bill is to shut down unsafe and illegal routes and its whole narrative is to ensure that genuine asylum seekers and refugees can then come via safe and legal routes. If that is the motive for the Bill, as the Government have repeatedly communicated, this amendment will not be difficult for the Minister to accept.

I have been asked why I believe it necessary to establish a duty on the Government to create these routes: why is it not enough for the Government just to be required to lay before Parliament a report detailing the safe and legal routes that they intend to introduce? There are pages of the Bill weighted towards eliminating illegal and unsafe routes, but only a few sentences indicating an intention to create legal and safe routes—and then only to lay a report before Parliament detailing the Government's intention to create safe and legal routes.

This is simply not certain enough. If the Government are genuinely seeking to establish safe and legal routes, they would do so with the same weight of legislation as is committed to the abolishing of unsafe and illegal routes. I have the greatest respect for the character and integrity of my noble friend the Minister but, with the all the best will in the world, many assurances have been given and many reports written that have never delivered on the well-meaning and well-intentioned promises of Ministers. For this House to be certain that the abolishing of unsafe and illegal routes will genuinely lead to the creation of safe and legal routes, a legal duty set out in the Bill is what is required to balance the Bill and make good on the Government's intent.

When announcing the Bill, the Home Secretary told the other place:

"Having safe and legal routes, capped and legitimised through a decision by Parliament, is the right way to support people seeking refuge in this country".—[*Official Report*, Commons, 7/3/23; col. 170.]

This amendment would simply create a duty to have these safe and legal routes, capped and legitimised through a decision by Parliament, as the Home Secretary so eloquently laid out. Indeed, in December the Prime Minister announced that through the Illegal Migration Bill:

"The only way to come to the UK for asylum will be through safe and legal routes",

and he indicated that that would be through the Illegal Migration Bill. He promised that

"as we get a grip on illegal migration, we will create more of those routes".—[*Official Report*, Commons, 13/12/22; col. 888.]

The Government assure us that the Bill will swiftly get a grip on illegal migration so this amendment provides assurance that the Government will deliver on the Prime Minister's stated intent of creating, through the Bill, safe and legal routes. Vague promises for establishing safe and legal routes towards the end of 2024 or commitments to establish safe routes after we have stopped the boats are not sufficient. A duty is required in the Bill that the Home Secretary must, by 31 January 2024, make regulations specifying additional safe and legal routes.

Baroness Lister of Burtersett (Lab): My Lords, I am very pleased to follow the noble Baroness and the right reverend Prelate. Amendment 130 is in my name and those of the noble Lords, Lord Carlile, Lord Kerr and Lord Dubs, to whom I am very grateful for their support.

First, I must apologise for inadvertently misleading your Lordships' Committee in the early hours of Tuesday morning, when referring to age-assessment data from Full Fact, at col. 1805. Although, in the absence of transparent published data there remains a big question mark over the Immigration Minister's claims about the percentage of adult males pretending to be children, and similar ministerial claims, the Full Fact data were not in fact comparable and had been misinterpreted by a journalist. Clearly, I should have checked my facts rather than relying on a newspaper report. I apologise for that.

The amendment provides for a visa scheme that would allow those with viable asylum claims who meet specified conditions to travel safely and legally to the UK to make such claims. Before providing a more detailed explanation, I emphasise that the proposal is based on the premise that unites us, so clearly articulated by the right reverend Prelate: a desire to stop unsafe travel to the UK, be it by boat or other routes, such as hidden unsafely in a lorry. As such, it would damage significantly the people smugglers' business model—again, a goal that unites us. Where we differ from the Government is in our belief that the way to do this is not by, in effect, ending the right to claim asylum in the UK. There is a clear distinction between deterring people from making dangerous journeys and stopping them claiming asylum.

Of course, safe and legal routes are part of the answer, and here I support in particular Amendment 128B, to which I have added my name, and Amendment 128C. Personally, I am unhappy with the idea of a fixed cap on the numbers entitled to enter on safe and legal routes if it is what the JCHR describes as a "hard" cap. The right reverend Prelate makes an important point in excluding the listed schemes from the cap, on the grounds that these schemes are not currently capped. I also support the Children's Commissioner's recommendation that children should be excluded from the cap. I would be grateful to know the Government's response to that. It should also be noted that she emphasises that

"safe and legal routes must be agreed in parallel to the passage of the Bill",

which is relevant to Amendment 128C.

But however generous the safe and legal routes option is, the UNHCR makes it clear that it is not a substitute for the right to claim asylum under the refugee convention. As my honourable friend Olivia Blake said when she spoke to a similar amendment in the Commons,

"as it stands … there is no way for the many thousands of people who have already started their journey to get on to a safe and legal route … You cannot reduce the number of boats if the people who are going to try to make that journey are already on their journey and have no alternatives to come to the UK".—[*Official Report*, Commons, 27/3/23; col. 754.]

This proposal offers a means of reducing significantly the numbers arriving by boat or other irregular and unsafe means. It does so by retaining the right to claim asylum, but in a way that, in effect, opens up another safe and legal route. I thank Care4Calais and the PCSU —two organisations working on the front line—for all the work they have put into it. When a similar amendment was proposed in the Commons, the Minister did not grace it with a response, so we are giving the Government an opportunity to do so today.

The proposal builds on the Ukraine model of safe passage, for which, for all its difficulties, the Government can take credit. I hope that they will learn and apply lessons to other groups with a strong case. It is no coincidence that no Ukrainian has, to my knowledge, crossed on a small boat or used people smugglers. Where the proposal differs from the Ukrainian scheme is that, on arrival in the UK, applicants holding a safe passage visa would enter the normal UK asylum process —speeded up considerably, I hope—and if, at that stage, they were found not to be eligible for asylum, they would not be allowed to stay in the UK.

A safe passage visa would typically be claimed online, as in the Ukrainian scheme, although provision would be made for applications also to be made at existing visa centres. I am assured that NGOs would undoubtedly help those with literacy problems. To qualify for a safe passage visa, a person would have to be in the EU—although, if successful, it could be expanded at a later date—not be a national of the EU, Liechtenstein, Norway or Switzerland, and have a viable asylum claim. The viability of the claim would be determined in a similar way to the initial screening interview that currently takes place at the first step in the asylum process in the UK. This would ensure that clearly unfounded claims would be turned down at this point. Successful applicants would be sent an electronic letter that they could use to enter the UK lawfully. On arrival, they would be required to visit a UK centre to provide biometric data.

An initial fear that I had was that well-founded claims might be turned down as a way of reducing the numbers entering the UK, and that, although legal aid

[Baroness Lister of Burtersett]
would be available on appeal, an applicant not in the country would clearly be at a disadvantage. The point was made to me, however, that the scheme relies on it being applied in good faith. It will work only if it is seen to work fairly—if claims are processed in a timely manner and a realistic number receive visas. If the Government are genuine in their claim that their primary motivation with the Bill is to stop unsafe journeys on flimsy boats, they have a real incentive to make it work.

I know, too, that some fear that this represents an open-borders policy, so I emphasise that it does not. The reverse is the case: it offers a way of replacing the current chaos in the channel—the Government's attempts to regulate that have failed—with managed and controlled borders, where we know who is making the crossing. As I said, safe passage visas would be available only to those with viable asylum claims. Those refused a visa would receive a clear personal communication explaining that they do not have a viable claim, nor, therefore, the chance of a safe future in the UK were they to try to reach it by irregular means. Surely that would be a more effective deterrent, consistent with our international obligations, than the Bill—the deterrent effect of which is at best uncertain.

Nor does the evidence support the fear that this would attract more asylum seekers to the UK. Research suggests that immigration policies do not drive asylum seekers' destinations. The introduction of the Ukrainian scheme, on which the safe visa scheme is modelled, did not lead to the great majority of those fleeing Ukraine seeking refuge in the UK. We know that the great majority of those seeking asylum in Europe do so in other European countries and there is no evidence to suggest that they will not continue to do so.

11.30 am

The Government have talked a lot about the wishes of the British people. Research undertaken by Ipsos with British Future indicates that the great majority of the British people agree that people should be able to take refuge in other countries, including Britain, to escape war or persecution. Preference for fairness over deterrence has grown over time. There is concern about small boats, combined with compassion for those making the journey. The latest Ipsos attitudes tracker found that nearly half of those surveyed would support efforts to reduce boat crossings by allowing asylum claims to be made outside the UK—for example, by applying for a new type of visa—while fewer than one-fifth were opposed to the idea. This suggests that there could be considerable public support for the kind of visa scheme envisioned in our amendment.

In conclusion, the safe passage visa scheme offers a humane way of stopping the boats and other unsafe means of entering the UK, while maintaining the right to claim asylum and compliance with international obligations. Once it was understood that there was a safe and fair way of travelling to the UK for those with a legitimate asylum claim, which is true of the majority of those who have crossed in small boats, according to the Refugee Council's analysis of official figures, then the incentive to risk one's life by putting oneself in the hands of people smugglers would be, in effect, removed. There may be kinks in the scheme that need ironing out, but I am satisfied that it is a serious, pragmatic and humane attempt to solve the problems that this inhumane Bill purports to address. I hope, therefore, that the Minister will take it seriously and agree to meet those proposing it before Report.

Lord Kirkhope of Harrogate (Con): My Lords, I am a signatory to Amendment 128C, and I again declare my former role as an Immigration Minister in this country. I cannot really see, and I hope I am right, that my noble friend the Minister, or indeed the Government, could refuse to accept this amendment, which seems to be completely in line, as my noble friend Lady Stroud said a few minutes ago, with the declared policies and positions of the Government.

However, I want to clarify with my noble friend the whole question of definitions because I think there is a muddle here, as there has been in a number of interpretations by the Government, about what precisely is meant by a safe and legal route. They seem sometimes to be declaring that these include programmes that are organised by others, such as the United Nations. I was responsible for the 1996 United Nations Bosnian resettlement programme. A very important part of the work of this country is working with international agencies and, indeed, in specific cases, funding special programmes so that we can accommodate those who need to flee areas of repression or aggression. I think that is really a good thing for this country, and I hope that we will always take that approach, but that is not the same as providing facilities in wider parts of the world, where perhaps there is not a well-known conflict going on, but where nevertheless there are individuals who meet the criteria of the 1951 refugee convention but have no way to claim asylum in this country.

I just want to go back, if I may, for a moment or two to the history of how we used to deal with this. I am sure noble Lords will know that before 2011 or thereabouts—my noble friend the Minister will clarify—applications could be made through United Kingdom embassies and consulates in other parts of the world.

Indeed, we have been talking about specifying safe and legal routes. I would argue against that to some extent because if we are going to specify on a discriminatory basis certain places where these routes might be opened, we are falling into the same trap that I have just explained. Programmes may well be available through the United Nations or others and therefore if we are going to introduce these routes, they ought to be introduced widely.

The *International Journal of Refugee Law* from 2004 gives some of the history here. It says that in early 2002 six European states formally accepted asylum applications or visa applications on asylum-related grounds at their embassies. They were Austria, Denmark, France, the Netherlands, Spain and the United Kingdom. It seems to me that things have changed. When we got to 2011 there was a statement—I do not know whether it was made or printed or referred to. It said:

"As a signatory to the 1951 Refugee Convention, the UK fully considers all asylum applications lodged in the UK. However, the UK's international obligations under the Convention do not extend to the consideration of asylum applications lodged abroad and there is no provision in our Immigration Rules for someone abroad to be given permission to travel to the UK to seek asylum.

The policy guidance on the discretionary referral to the UK Border Agency of applications for asylum by individuals in a third country who have not been recognised as refugees by another country or by the UNHCR under its mandate, has been withdrawn".

That evidence is quite interesting because at some point—and again my noble friend will have it all available to tell us—we made a clear decision to reverse what had been practice for many years. Certainly, when I was the Minister, it was the practice that we had the ability in our embassies and consulates—people who had the discretion to be able to consider at first instance an asylum application. I recommend strongly to my noble friend that we reintroduce this, if for no other reason than to comply with the clear statements the Government have made that we can avoid the arguments and stop those boats by having a process that has a safe and legal route.

Finally, I think I am not alone in this because a number of my honourable friends in the other place have referred to it. I refer particularly to David Simmonds MP, who said:

"We must also not be afraid to look at and explore innovative solutions. For example, we could give asylum seekers the chance to have their applications processed in British Embassies around the world"—

he goes on and I do not quite agree with his last bit—

"or perhaps online".

As far as I am concerned, to meet the terms of the convention it is important that these things are done on a face-to-face and personal basis. Online does not appeal here, although I am sure the technology is being pressed on us. I certainly would not suggest for one moment that we introduce AI in such decisions. My honourable friend Pauline Latham has also spoken of her support for the processing of asylum claims in British embassies.

I know this is a complex Bill and I have not spoken in Committee before. I believe very strongly, however, that there are solutions here which would satisfy the determination of the Government—and of us all—to stop the suffering of people who cross the channel in those boats. Let us be pragmatic and sensible about it and let us use the resources we have available and are wasting in so many other ways on these matters. Let us use them and focus our attention on providing those safe and legal routes at the very places around the world where the United Kingdom has presence and representation.

Lord Purvis of Tweed (LD): My Lords, I am glad to follow the noble Lord and his very interesting contribution. In many respects, it was a very persuasive argument and, I believe, a very persuasive preparatory argument for Amendment 131 in my name, supported by my noble friend Lord Paddick and the noble Lord, Lord Carlile. It seeks to at least present a mechanism by which we would be able to realise the case that the noble Lord has made. On Amendment 128C, I have a slight concern with the way in which the Government may get around it, which I will address in a moment. At the outset I reiterate an interest that I have, in that I am currently deeply involved in working with civilian groups within Sudan and have supported an anti-trafficking project in the Horn of Africa through to the Gulf.

I am very happy to support Amendment 128B and the way in which the right reverend Prelate opened this debate so clearly today, making the case, which I believe is unanswerable, that the current schemes should not be included within any hard cap mechanism. In debates, many of my noble friends and colleagues around the House have raised the difficulties in getting some of these schemes up and running and, as the right reverend Prelate indicated, the limited scope of some of them. It would have been a tragic loss for many people if we had wrapped up these schemes in a hard cap, because Clause 58, which I argue should not be in the Bill, leaves enormous discretion for the Government. As the Refugee Council indicated, the Government could establish a cap of, say, 10,000 people and would comply with it if just 10 entered. Even a cap, an upper limit, is not a commitment to provide support and refuge for the individuals within that overall cap number.

Amendment 131 is very much designed to be a brake against smuggling and trafficking. It is meant to remove incentives for crime and is, in addition, an effective means of allowing access to apply for the very kind of support that has been called for so far in the debate. On that basis, I also commend my noble friend Lady Hamwee, who made arguments for this in debates on the Nationality and Borders Bill last year. The Government accept the case for a non country-specific emergency scheme for people who qualify for asylum in the UK. However, not only have they accepted the case but they have also, I believe, sought to misrepresent the situation and suggest that it is available already in many instances.

My first question for the Minister is that if it is the Government's position that they will consider new routes once the boats have stopped, at what level of crossings over the channel will the Government consider that the boats have stopped? Is it in their entirety or do the Government have an indicative level under which they would then trigger the mechanism they have indicated, which is to consider new safe and legal routes? Given that, as my noble friend Lord Scriven has pointed out on many occasions, this is an issue not simply about cross-channel crossings but about road access, rail access and misuse of papers, what is the level of this being stopped before which the Government will indicate new safe and legal routes?

I indicated earlier that the Government seek to misrepresent the situation. On the morning of 26 April, the Home Secretary said to Sky News:

"If you are someone who is fleeing Sudan for humanitarian reasons, there are various mechanisms you can use. The UNHCR is present in the region and they are the right mechanism by which people should apply if they do want to seek asylum in the United Kingdom".

On the same day, in the House of Commons, the Minister, Robert Jenrick, said:

"The best advice clearly would be for individuals to present to the UNHCR. The UK, like many countries, works closely with the UNHCR and we already operate safe and legal routes in partnership with it. That safe and legal route is available today".—[*Official Report*, Commons, 26/4/23; col. 774.]

Clearly, that was awful advice because, on the same day, the UNHCR issued a statement:

"UNHCR is aware of recent public statements suggesting that refugees wishing to apply for asylum in the United Kingdom should do so via the United Nations High Commissioner for

[Lord Purvis of Tweed]

Refugees' respective offices in their home region. UNHCR wishes to clarify that there is no mechanism through which refugees can approach UNHCR with the intention of seeking asylum in the UK".

The Government seemed to accept that because, in the evening, Foreign Office Minister Andrew Mitchell was on Sky News, and he was asked for clarification on what safe and legal routes a Sudanese person could use to claim asylum in the UK. He said:

"Well, at the moment those safe and legal routes don't exist".

So after what was said in the Commons and on Sky News in the morning, after clarification in the afternoon it was clear by the evening that safe and legal routes do not exist. This is the political environment in which we are having to seek clarity from the Minister today with regard to the Government's position.

11.45 am

It is not just a Sudan phenomenon. We have addressed in this House on numerous occasions the dreadful persecution of young Iranian women. On 23 February I asked the noble Lord, Lord Ahmad, the Foreign Office Minister:

"Can the Minister state, in clear terms, what the safe route is for Iranian women to seek asylum in the UK? According to the Government, Iranians were the second highest nationality of those who sought asylum in 2021, with 9,652. What signal are we sending if we have not put in place safe routes for asylum for those who seek refuge in the UK?"

The noble Lord, Lord Ahmad replied to me:

"The noble Lord, Lord Purvis, raised asylum seekers and pathways; I myself have been following this and asked that question. I assure noble Lords that I will follow this up directly with colleagues at the Home Office. Although it is a matter for them, I recognise that Iranians are eligible for the resettlement scheme, for example, which is a global scheme that started in March 2021. The need for safe routes for asylum is crucial; we need to remain focused on that".—[*Official Report*, 23/2/23; cols. GC 520-21, 525.]

We have the Home Office Minister with us here today, so I am fairly certain he will be able to offer clarity with regard to Iran.

The resettlement scheme that the noble Lord, Lord Ahmad, referred to is administered through UNHCR, which has been referred to. But the Independent Commission for Aid Impact, in its report from March this year, said that

"UNHCR has been asked by the UK government to shift its attention to focus on identifying Afghan refugees for resettlement under ACRS Pathway 2 only … As a result, the UKRS has almost completely ceased processing vulnerable refugees for resettlement to the UK, in effect closing a rare safe and legal route to seek protection in the UK for refugees who do not fall under a nationality-based scheme".

Why am I quoting from ICAI, a development inspectorate? It is because in such generosity of spirit, this Government, uniquely among developed economies and for the first time ever in our history, are scoring all support to refugees in the UK for the first year as overseas development assistance. This means it is being cut from the very places that the Government say are root cause countries in the first place. Not only that, but in a move quite hard to be palatable, the £350 thank you payments to host families are scored 100% against overseas development assistance, being cut from famine relief in the Horn of Africa and elsewhere. There is neither any sense to this nor any consistency of application.

The Government believe a need exists, as evidenced by them finding themselves in a tricky position when asked about Sudan and Iran, misrepresenting the reality. Amendment 131 tries to offer a global mechanism by which those who have serious and compelling reasons why their claim could be considered in the UK can apply. The extent of the risk that they will suffer persecution or serious harm is, therefore, a relatively high bar but justifiably so. As Amendment 131 indicates, where "P" is the applicant,

"the strength of P's family and other ties to the United Kingdom … P's mental and physical health and any particular vulnerabilities that P has; and … any other matter that the decision-maker thinks relevant"

must be demonstrated. We use "persecution" with the same meaning as in the UN refugee convention, and "serious harm" would be contrary to Article 2, right to life, or Article 3, prohibition of torture or inhuman or degrading treatment, under the European Convention on Human Rights.

This amendment does not mean that everyone who is at risk around the world would be able to apply, but it means there would be a targeted response that could be protected against government whim and would be clearly understood. All those factors would mean that it would be an effective way of breaking the smuggling and trafficking routes that are all too prevalent. If the Government think some of the drafting can be improved, we will happily sit down with Ministers to discuss it. As the noble Lord, Lord Kirkhope, said, hopefully on at least some element of the Bill, the Government will work with others in this House to ensure that there are practical mechanisms that do not need to wait on a political mechanism of when boats have been stopped, but we can act now to put in place workable, practical and meaningful responses to a real problem to assist individuals.

Lord Hannay of Chiswick (CB): My Lords, I support Amendments 128B, 128C and 131, which all deal with an issue which is crucial to any overall approach by this country to remake its broken asylum policy. Without that, you do not have an overall approach; you just have a piece-by-piece approach. All that was spelled out during the debate tabled by the most reverend Primate in December last year, and many Members of the House spoke in support of these safe and legal routes as one part of an overall solution. That is what I am doing today by supporting these amendments. At the time, the Minister who replied to that debate did not respond on the point of safe and legal routes, nor did the Government respond in the legislation we are discussing today, which they tabled quite soon after that debate. That was a pity: it was an opportunity missed.

Now, in the course of the proceedings in another place, the Government have put in the Bill some language about safe and legal routes. I welcome that—it is a shift of policy, as the noble Lord, Lord Kirkhope, said, back to policy which we practised before 2011—but I am sorry to say that the drafting currently in the Bill is really quite inadequate, not only because of the cap, which is arbitrary and is liable to frustrate the objective being pursued, but because actually there is no obligation on the Government, if the Bill passes in its current

form, with some reference to safe and legal routes, to arrive at the implementation of such safe and legal routes. Amendments 128B, 128C and 131 are all aimed to arrive at that point: where there is an obligation on the Government. The Bill imposes a lot of obligations on the Government, many of which I and others in this House have said are contrary to our international obligations. This would be in total conformity to our international obligations, and I therefore argue that it needs to be mandatory now, not awaiting some mythical moment when the last boat has been stopped. That is not going to work; it is simply not going to happen. The wording in the Bill at the moment leaves enormous opportunities for a Government who do not wish to proceed to give effect to safe and legal routes to escape. That is why I support the amendments.

I hope that the Minister will finally lay to rest the argument that the UNHCR can do all this on our behalf. As the noble Lord, Lord Purvis, has said—and others have said—reading out the text that the UNHCR has issued, that is simply not the case. I hope also that the Minister will feel able on this occasion to answer the question that has been put so many times and which I now put again: what safe and legal route exists for an Iranian woman fleeing for her life from the persecution of an extremely unpleasant regime that has hanged quite a lot of people and persecuted many others? What safe and legal route does this Iranian woman have to apply for asylum in this country? I believe myself that the answer is a very short, one-word answer: none. I would like to hear from the Minister whether he disagrees with that. If he does disagree, I would be delighted. Perhaps he would then, on the public record, show us what such a woman could do to achieve a safe and legal application, which is what she deserves.

My final point is that this all fits with our relationship with the other countries of Europe, which are also struggling to shape their migration policy to make it more apt for the circumstances of today. They are at the point of agreeing a new set of migration policies. Everyone who has looked at this—and I think the Home Office believes this too, because that is why the Interior Minister of France is in this country today, talking to the Home Secretary—acknowledges that the only way that we are going to get to grips with this is if we are able to work together right across the board. Whether it is on prevention, police work, intelligence or handling the scale of the problem, we need to work together with other European countries. That is, after all, where all these asylum seekers come from when they come illegally and where some of them would come from if we made it possible for them to come legally. At the heart of getting an effective policy is the need to have one where we can work 100% hand-in-hand with the other European countries. I hope that the Minister, when he replies to this really rather crucial set of amendments, can give us a full-scale response to these wider issues. I am sorry if it is thought at some stage that some parts of this debate have been repetitious. This is not repetitious; it is necessary.

Baroness Helic (Con): My Lords, I am pleased to support Amendment 128C in the names of my noble friends Lady Stroud, Lord Kirkhope and Lady Mobarik. The very first clause of the Bill states that its purpose is to,

"prevent and deter unlawful migration, and in particular migration by unsafe and illegal routes".

This amendment seeks to support that aim by requiring the Secretary of State to set out additional safe and legal routes in keeping with the Prime Minister's ambition, as stated in the House of Commons last December, to "create more" safe and legal routes. The amendment leaves significant discretion for the Secretary of State to determine the size and scope of these routes, and I hope that the Government will recognise that. It complements the existing clauses of the Bill that require the Secretary of State to report on what routes exist. I believe it is entirely in line with the Government's own aims and ambitions for this Bill.

In particular, the amendment addresses one of the key pressures that drives unsafe and illegal migration: the fact that, for the vast majority of refugees and asylum seekers, there are no routes deemed safe and legal by the Government. As it stands, there are routes, as others have said, for Ukrainians, for the British nationals (overseas) from Hong Kong, for select Afghans, and for a few—a very few—under UNHCR resettlement, though there is no guarantee of being sent to the United Kingdom under resettlement. For many people in desperate circumstances, there is simply no safe and legal route available for claiming asylum in the United Kingdom; yet there will always be people forced from their homes who want to seek safety—and, in particular, safety in the United Kingdom, perhaps because of family or historical ties, or perhaps because of their admiration for this country, something that we ought to be proud of. We should also recognise our obligation under the refugee convention to allow people to claim asylum in the United Kingdom. The question is whether we provide a safe method where we can carefully monitor—and indeed, as per the Bill, control—the numbers coming, or whether we criminalise everything and everyone, force everything underground and push people into unsafe routes.

There are more refugees and displaced persons around the world than ever before. The number has doubled in the past decade. Only a very small proportion of them seek to come to the United Kingdom. However, this is a global crisis that is likely to get worse rather than better. Climate change risks driving millions of new displacements. This is not something that one country can hope to solve on its own. As it stands, three-quarters of refugees are hosted by low- and middle-income countries. If they start to follow the approach set out in our Bill, the Government really will have a migration crisis on their hands.

Noon

I suggest that the best—indeed, the only—long-term way of addressing unsafe and illegal migration is through global co-operation, both to support people in need of international protection and to share not the burden but the responsibility internationally. We will need to play our part in that. Creating safe and legal routes will help us to fulfil our international obligations, will reduce the incentive for illegal and unsafe migration, will undermine the business of people smugglers and will go some way to meeting the urgent global need to support displaced persons looking for safety. It is not the whole picture but it gives us a good moral and practical basis on which to participate in

[Baroness Helic]
wider discussions about how to develop sustainable global solutions. This is not a problem that we can ignore, nor one that can be kept at arm's length across the channel. Creating additional safe and legal routes must be at the heart of the solution.

Baroness Ludford (LD): My Lords, I wish to speak to my Amendment 129 on refugee family reunion. I am grateful for the support of my noble friend Lord Paddick, the noble Lord, Lord Kerr of Kinlochard, and the noble Baroness, Lady Bennett of Manor Castle.

Refugee family reunion does exist as a safe and legal route but it needs to be expanded. I was proud to steer a Private Member's Bill on that subject; it passed through this House and is currently in the other place. I picked up the baton from my noble friend Lady Hamwee, who has worked on this issue for many years.

The problem at the moment is not only that the safe routes available to refugees are extremely limited; last year, refugee settlement provided in collaboration with the UNHCR decreased by 39% and the issuing of refugee family reunion visas decreased by nearly a quarter—the right reverend Prelate the Bishop of Durham referred to this. In the year ending March 2022, 6,000 family reunion visas were issued. In the year ending March 2023, there were only 4,600—a reduction of 23%. The Bill misses an opportunity for the UK to curb the number of irregular arrivals by creating more routes to safety and—I would like it to fulfil this opportunity—to allow more family members to join those who have reached safety in this country, including by letting separated refugee children be joined by their closest family members.

Last year, the Nationality and Borders Act restricted access to family reunion for refugees arriving in the UK irregularly. Of course, it has failed to replace the Dublin regulations since we left the EU. The noble Lord, Lord Hannay, referred to the hole that exists for international co-operation; we might refer to that later today. Although those restrictions from last year's Act are beginning to take effect only now, preliminary research from Refugee Legal Support has already found evidence of children who would previously have been eligible for reunification being stranded in Europe and crossing the channel dangerously.

Australia provides an example of the longer-term impact of this sort of restriction. In 2014, Australia reintroduced temporary protection visas—which do not confer family reunion rights—and has seen an increase in the number of women and children arriving via dangerous journeys. We should remember that 90% of those arriving on family reunion visas in this country are women and children. I am sure I do not need to convince noble Lords of the importance of family reunion for refugees' integration into their new communities. Surely that should be our aim. If we have allowed people the legal right to settle here, and in some cases be on a path to citizenship, surely we should want to do anything that fosters integration and the physical, emotional and psychological adjustment of people.

Refugees separated from their families can, understandably, experience serious mental health difficulties, compounding the trauma that they have already experienced. This means that they are less able to focus on activities which are essential to integration, such as learning English, building new relationships in the community, and working, which is another topic that we will talk about today. In the other place, the Conservative MP Tim Loughton tabled a new clause seeking to expand eligibility for refugee family reunion, and I applaud him for that. It did not get pushed to a vote.

The problem is that current family reunion entitlements are too restrictive. I have mentioned that refugee children are not allowed to sponsor family members within the Immigration Rules, and we have also had the creation of those bespoke pathways, such as the Afghan route, which do not confer protection status, meaning that some resettled people in the UK have no eligibility for refugee family reunion because they do not have the necessary status to sponsor family. All those with protection needs must have access to refugee family reunion. This pathway should be expanded to allow children to sponsor their parents and siblings and adult refugees to sponsor parents who are dependent on them.

We referred on Monday to the Immigration Minister, Robert Jenrick, announcing on 8 June that the differentiation policy, which under last year's Act decides whether someone is a group 1 or group 2 refugee, would be paused, and that those previously given group 2 status would have their entitlements increased. However, the announcement says only that the policy will be paused. The power to differentiate will still be on the statute book. Can the Minister explain exactly where that leaves us, and the Government's intention on how to go forward on this? Will they bring forward an amendment to the Nationality and Borders Act to delete group 2 refugees?

This Bill does not deal directly with refugee family reunion, and my amendment is designed to fill that hole. However, the Bill would dramatically reduce the number of people eligible for this route, as we have discussed, because it makes asylum applications from people who travel irregularly permanently inadmissible. They would never be granted protection status and would therefore never be able to sponsor family members. I propose expanding the Immigration Rules to allow refugee children to sponsor parents and siblings, refugees to sponsor their dependent parents, and Afghans settled via pathways 1 and 3 of the ACRS to be able to act as sponsors for the purposes of refugee family reunion.

I am afraid to say that research from the Refugee Council and Oxfam has found evidence of refugees turning to smugglers after realising that there were no legal routes available to bring their loved ones to join them. A lack of access to family reunification does appear to be a key driver of dangerous journeys. As many as half of those seeking to cross the channel from northern France have family links to the UK.

Finally, our Justice and Home Affairs Committee, chaired by my noble friend Lady Hamwee, published a report in February called *All Families Matter: An Inquiry into Family Migration*. One of its recommendations was:

"The Government should harmonise which relatives are, or are not, eligible for entry and stay across"

various

"immigration pathways and the Government should be transparent about the reasons for any differences",

because there is variation in the definition of a family.

I am afraid that the Government's response had me rather puzzled; it appears to be a bit circular. They say:

> "We do not think it is … right … to fully harmonise the conditions … There are clear differences between immigration routes relating to family members. Given the broad and diverse offer for family members across the immigration system, it is right that requirements vary according to the nature and purpose of their stay in the UK".

I felt that that was a bit circular or tautological—I am not sure which is the right description. They say that, because it varies at the moment, it is right that we carry on with the variations. I do not think that any reasons or explanation were given; it was just stating why we go all round the houses.

I urge support for Amendment 129 and suggest that it is an extremely valuable part of the provisions on safe and legal routes; it is a subset, if you like, of everything we are debating this morning. The problem is that the current provisions are far from being sensibly expanded to the benefit of the families—the settled refugees and their families—and our society as a whole. One thing that we often hear from the Conservative Party is that it is party of the family. Many of us would dispute that; but if it is, it should support not only the maintenance but the expansion of refugee family reunion, which is currently going in the wrong direction.

Lord Carlile of Berriew (CB): My Lords, I have added my name to Amendments 130 and 131, but I speak in support of all the amendments in this group.

There have been some very good and persuasive speeches, but I refer particularly—and I am sure that others will understand why—to the speech made by the noble Lord, Lord Kirkhope. Why? For more than one reason. First, the noble Lord was the Immigration Minister at a time of particular attrition in Bosnia, as he referred to, and he has a great deal of knowledge on that matter. Secondly, he has had the courage to make his speech from the Conservative Back Benches in your Lordships' House, and I particularly look forward to the Minister dealing, line by line as it were, with every point made by the noble Lord.

Thirdly, my belief is that, somehow or other, the Bill is a visceral part of the attempt to win votes beyond the red wall. However, the Government only have to look at the noble Lord's history to find somebody who has within his blood and bones the red wall: he cut his teeth in the north-east of England; he represented part of another great city in the north-east of England; and he represented his party in Europe, on behalf of areas beyond the red wall. So, if the Government are listening to those whom they are aspiring to gain votes from, perhaps he, above all, is the person they should be listening to at the moment. I hope he will forgive me, because praise from me may not be altogether familiar or welcome.

I hope that everybody in this House wants to stop the boats. My question is: do we want to stop the boats by means within international law and treaties, or by means that are in breach of those international laws and treaties that we have signed? As I pointed out in a debate I think the day before yesterday—although it might just have been early yesterday—the Home Office website, at least when I was speaking very early yesterday morning, still had on its immigration pages inferences that we have to obey international law on immigration and asylum.

12.15 pm

Taken as a whole, these amendments show that we can stop the boats by means that are within international law. For example, and I cite them only because I have signed them, Amendments 130 and 131 would, in their different ways, contribute to stopping the boats within international law. These are deliverable measures. It is a great disappointment to me, as with the impact assessment which the noble Lord, Lord Coaker, has raised so effectively on more than twoscore occasions already in debates on the Bill—he is telling me he will do it again in a minute—that the Government have not produced safe and legal routes or whatever they mean by them. Surely that was within their capacity. I actually do not like the term "safe and legal routes"; I prefer "deliverable legal routes", because "safe and legal routes" is too much a term of art, referring to very limited provisions that already exist and have, as the noble Baroness, Lady Stroud, indicated earlier, proved completely inadequate to meet the problem we are trying to deal with.

It is a disappointment to me that the Government have made no apparent attempt to place before the House what they mean by "safe and legal routes". How can we have any confidence in their proposal and promise if we know only the promise, not the proposal? My belief is that, if we continue in the way we are, what could be a very good scheme that would see our country as the leader in how to deal with the problems raised by this large cohort of people will actually land us in international obloquy. That is something that I and, I am sure, most other Members of the Committee, on all sides, wish to avoid.

Lord Dubs (Lab): My Lords, I am delighted that the noble Lord, Lord Kirkhope, mentioned the Bosnian scheme, because at the time I was at the Refugee Council, which was instrumental, along with the Red Cross and others, in facilitating reception centres for the Bosnians. I remember being at Stansted Airport when they arrived, and most of the world's media were there to see the spectacle of these people who had come from most appalling concentration camp-like conditions. It was a really good scheme and it did not seem to arouse a lot of public opposition. We need to think of that scheme in relation to the amendments we are discussing: the way it was handled suggests that there are ways we can get public opinion on our side, provided we explain carefully what it is we are about and what we seek to do.

To digress slightly, one of the reception centres was in Newcastle. One of the things we did to get public support was arrange an open day near the reception centre for local people—councillors, MPs, teachers, the police, voluntary organisations, you name it. That meant that they had a chance to meet the Bosnians very soon after arrival and that a willingness and friendship was created right from the beginning. I hold that up as a model for the Government. Maybe the noble Lord could start advising the Home Office again—I would not want that fate for him, but anyway, maybe he could do that.

[Lord Dubs]

I also very much welcome what the noble Lord, Lord Hannay, said; we can develop that a bit further when we come to a later amendment from the most reverend Primate on international agreements. If we are to have effective safe and legal routes—I keep saying that, despite the wish of the noble Lord, Lord Carlile, that we would not—for people to come, it is clear that they need some international underpinning.

We do not advocate an open-door policy. Some Conservatives who should know better keep saying that the Labour Party wants an open-door policy. Although I do not speak for the party but for myself as a Back-Bencher, we do not advocate that. We advocate a policy that it should be selective, based on need and on co-operation with other countries, so that we can take our share of the responsibility. My noble friend Lady Lister talked very clearly about Amendment 130, which is one model for developing a safe and legal way of doing this.

Some of us have been to Calais and the Greek islands, and to other refugee camps or what remains of them. I used to ask people there, "What are you going to do?" They used to reply that they were going to jump on the back of a lorry on the motorway near Calais. It has now become boats, but the motive is the same. I used to say to them, and would like to be able to say to them in the future, "Don't do it—there is a way that you can come to the UK safely and legally, without paying money to the people traffickers. You'll be received well when you get to the UK. That is the way forward". I would like to say to people in Calais or the Greek islands that there is a better way of doing it. I very much hope that this pack of amendments, all of which are interesting and which I support, will at least result in the Home Office moving sensibly in this direction.

It is not much to ask for. We used to have safe and legal routes; we had one for the Bosnians and we had one for children who were in Europe under an amendment I moved. It is possible to do this, and with public support. Surely that is the challenge. I look forward to the Minister's positive response.

Baroness Brinton (LD): My Lords, I will speak in support of the right reverend Prelate the Bishop of Durham's Amendment 128B, in particular the reference to removing BNO nationals from the safe and legal routes. I do so because the Government's own document on safe and legal routes, in its description of Hong Kong British national (overseas) visas, says that the scheme

"was developed following concerns about erosion of human rights protections in Hong Kong, but it is not an explicitly protection-based scheme. Eligibility is not based on the person's risk of persecution in Hong Kong. Rather, it is a way of making it easier for Hong Kong BN(O) status holders to migrate to the UK compared to the general work, study, and family visa rules".

As we discussed on Monday night—I will not rehearse those points again—BNO holders of course have rights under the British Nationality Act 1981, in that they can arrive and move to settlement without having to seek the discretion of the Home Secretary to make them a British citizen; it comes with the package of holding a BNO status. That then means that they and their dependants, after they have been here for the right amount of time, can move straight to that status.

I ask the Minister this question because it relates not just to BNO holders. If the Government seriously want to propose caps to safe and legal routes, why is there one group in there which, under our British Nationality Act 1981, does not have to be capped? Any such capping would inevitably mean that people fleeing from other countries would have their numbers reduced in order to protect BNO status-holders, who also have rights and should be able to come here, given that most of the 144,000 who have arrived did so because they or their families are dissidents under the rule of the CCP in Hong Kong.

Lord Green of Deddington (CB): My Lords, I will be extremely brief. I suggest that we look at these issues, which have now been dealt with in great detail, in a wider context. The fact is that the asylum system is a shambles; I will not go into that any further—we all know that. However, we need to be very careful before we make further commitments on safe and legal routes.

The wider reason is that, last year, we had overall net migration of 606,000. Of those, roughly 200,000 were refugees of different kinds—I am putting it in the most general terms. If that is allowed to continue, and if we fail to reduce the other elements of immigration which are also rising very quickly under this Government, we will have to build something like 16 cities the size of Birmingham in the next 25 years. Nobody has challenged that, because it is a matter of arithmetic.

We face a huge problem. Therefore, I suggest that whatever the arguments for this particular category may be, we need to keep well in mind the wider impact on the scale and nature of our society. That should not be overlooked.

Baroness Hamwee (LD): My Lords, I have my doubts about the term "safe and legal routes" as well. I would prefer to focus on safety; to talk about legal routes now impliedly accepts the argument that people who come here in the way that we have been discussing are in some way illegal. I do not think the routes are illegal any more than the people.

I did not know that my noble friend was going to refer to the recent report of the Justice and Home Affairs Committee on family migration, published in February. It raised a number of matters pertinent to the debate. Noble Lords will be familiar with the problem that one of our recommendations addresses. We recommended that the Home Office should allow biometrics to be completed on arrival in the UK for a wider range of nationalities in crisis situations. As noble Lords will know, there are many countries in which it is not possible to reach a visa application centre before travelling in order to enrol your biometrics. There are countries which do not have them. My noble friend Lord Purvis of Tweed said of the Government's attitude to Iran and Sudan that they do not recognise the reality of the situation. In this connection, I do not think they recognise the realities either.

The reply from the Government arrived less than a week ago. I hope that this "in due course" is quite quick, and we will have the opportunity to debate it, but who knows? The Government said:

"Where an applicant considers they cannot travel to a Visa Application Centre … to enrol their biometrics, they can contact us to explain their circumstances".

Well, that sounds practical, does it not? They continued:

"New guidance will be published in the near future setting out the unsafe journey policy. Where an applicant believes that travelling to a VAC would be unsafe, their request will be placed on hold pending the new guidance being published, however, should there be an urgent requirement to resolve their request this should be made clear in the request and consideration will be given as to the applicant's circumstances and whether there is an urgent need to travel to the UK. If the request is deemed to be urgent we will contact the applicants to explain available options prior to the guidance being published".

What a neat and tidy world the Home Office thinks exists.

Baroness Chakrabarti (Lab): My Lords, I know this is not something I say very often, certainly not in the context of this debate, but the Government are to be commended for their welcome to Ukrainians and Hong Kongers, and a little less so for their slightly less warm welcome to Afghans.

Even more than commending the Government, I commend the British people who opened their homes and hearts to these desperate people. When we are making these generalisations about what our countrymen will or will not tolerate and what the will of the people is or is not, it is important to remember that. There is real value in allowing people to open their homes and hearts, rather than putting people on barges or in de facto prisons and so on. It is that separation that leads, in part, to the dehumanisation of these people who are coming to our shores in the most difficult times.

12.30 pm

I support safe passage and everything that was said in support of the concept of safe passage, but, crucially, it must be in addition to, not a substitute for, honouring our obligations under the refugee convention. With that in mind, I agree with what was said on that by my noble friend Lady Lister, the noble Baroness, Lady Hamwee, and others. With that in mind, I will ask the Minister a little about Clause 58, because I am concerned about the cap, which is why I added my name to the clause stand part proposition tabled by the noble Lord, Lord Purvis of Tweed. I would like a little more explanation from the Minister, in due course, about how the cap is supposed to work and why it is there at all. Why do the Executive need to make regulations to tie their own hands and create a duty on themselves to cap the number of people coming by what they call "safe and legal routes"? What is the reasoning for that?

In subsection (2), we are told:

"Before making the regulations the Secretary of State must consult … representatives of local authorities—

fair enough—

"and … such other persons or bodies, as the Secretary of State considers appropriate".

Why do we need a statutory duty to consult people whom we think are appropriate? This is a very odd provision.

Of course, because it is such an odd provision, subsection (3) states that

"the duty to consult does not apply where the Secretary of State considers that the number needs to be changed as a matter of urgency".

Again, what is this about, given that there is so much flexibility in relation to the process for making the regulations, and given that the Secretary of State currently has discretion to decide how many people come by these currently exceptional safe routes? What is this new statutory duty about?

In the crafting of the whole Bill, we have seen all sorts of traditions being turned on their head. Traditionally, we place duties on the Secretary of State to protect people from the state—in particular with human rights protections—but here, duties are being placed on the Secretary of State to do the reverse: to disapply human rights, tie her own hands and, it would seem, limit compassion rather than bolstering it.

Elsewhere in the Bill, I can spot exactly what is going on—the Secretary of State is normally trying to avoid the jurisdiction of the courts by placing tight duties on herself to avoid judicial review—but, with Clause 58, I really do wonder. I am sure that, as a very good lawyer, the Minister will be able to explain to the Committee why there is a need for a Clause 58 regulation-making power, given all the caveats within it. Is it another attempt by the Secretary of State to tie her own hands and limit her compassion to avoid judicial review in some way? Or is it quite the reverse: is it a nice little statutory grenade left for a future Government who may have a little more compassion for refugees? I do not know, but I am sure that the Minister will be able to assist the Committee in due course in his reply, which I look forward to.

I must agree with the noble Lord, Lord Carlile of Berriew—we were not treated to ChatGPT today, but there will no doubt be more time during the course of the Bill. He is just as eloquent without the assistance of that revolutionary tool. I particularly agree with his tribute to noble Lords opposite because, frankly, it is easy to be for human rights when you are in opposition. In a former career as a human rights campaigner, I saw the ease with which opposition parties and politicians would be great friends of liberty and human rights, but I acknowledge that it is a little harder to do so in government.

However, it is not easy to speak truth to power from the Back Benches of the party in Government. I really do commend not just the noble Lord, Lord Kirkhope of the Red Wall—if Harrogate is part of the red wall. I do not know whether spa towns are in the red wall; I am obviously not an expert in such matters. I extend that tribute to the noble Baronesses, Lady Stroud and Lady Helic, for what they said.

I hope members of the Committee will forgive me for saying that I think history matters. When one considers the refugee convention and the plight of desperate people in particular, one realises that the history of the 20th century will be so important to our values and trying to protect them in the even more challenged 21st century. I do not want noble Lords opposite to think that my respect for Conservatives begins and ends with Winston Churchill. I am capable of moving a little further forward in the history of centre-right politics and I think it is important to do that.

I end by saying:

"I am an Afghan, and I am a prisoner of the gulag. I am a refugee in a crowded boat, floundering off the coast of Vietnam. I am a Laotian, a Cambodian, a Cuban, and a Miskito Indian in Nicaragua … I, too, am a potential victim of totalitarianism. The one lesson of World War II, the one lesson of Nazism, is that freedom must always be stronger than totalitarianism and that

[Baroness Chakrabarti]

good must be stronger than evil. The moral measure of our nations will be found in the resolve we show to preserve liberty, to protect life, and to honour and cherish all God's children".

That of course was President Reagan at the Bitburg air base in Germany, not long after he had been to Bergen-Belsen in 1985. I was reminded of that kind of moral leadership when I heard the speech of the noble Baroness, Lady Helic. Her words about these people being not a burden but a responsibility that we must share globally are words that I will not forget in a hurry.

Baroness Sugg (Con): My Lords, I welcome the Government's commitment to deliver safe and legal routes and I support Amendments 128B and 128C, which help deliver that commitment.

There are numerous details and duties in the Bill on how illegal and unsafe routes will be stopped, but little on how safe and legal routes will be opened—so how and when? The number will be decided by the elected Parliament, but I would welcome clarity from my noble friend on whether country-specific, at House of Commons or listed schemes will be included, as I do not really understand how the system will work if that is the case. So I support Amendment 128B.

We have had various ideas about the mechanism, and a point has been made about the UNHCR resettlement scheme. Can my noble friend explain how the Government envisage that the scheme's safe, legal and deliverable routes will work?

On timing, which I do not think has been mentioned before, the Minister has previously given verbal reassurance that these safe and legal routes will be opened by 2024. I think we all agree that they should be opened, but that does not really deliver the balance and the overall approach that is needed in the Bill. The plan is that, by the end of this year, the Bill will be law and the plans the Government have designed to stop the boats will be actioned. We are assured that the backlog is being dealt with, so safe and legal routes should be open by then, too.

The Minister has rightly highlighted the frustration that many people in this country feel about the unfairness of illegal immigration but, to make it fair, not only must we stop illegal and unsafe routes but we must open safe and legal ones. Amendment 128C does that.

The Bill is full of obligations and duties to stop the boats and to close illegal and unsafe routes. I hope the Government will agree to include the same obligations and duties to open safe and legal ones.

Baroness Bennett of Manor Castle (GP): My Lords, I rise with great pleasure to follow the noble Baroness, Lady Sugg, who raised some of the points on which I am going to focus about balance and the importance of all of this group. I offer Green support for all this group. In saying that, particularly looking at the exclusion of the Ukrainian, Afghan and Hong Kong BNO schemes, I should declare my position as co-chair of the All-Party Parliamentary Group on Hong Kong.

That word "balance", raised by the noble Baroness, Lady Stroud, is terribly important. There is a real reflection to be made. We often hear in your Lordships' House great praise for the Act passed through this Chamber centuries ago on the abolition of slavery. Yet there is a great deal of concern about the fact that there was just one very short paragraph that addressed what would happen to the former slaves, and paragraphs and paragraphs addressing compensation for the slave owners. That has had a very long historical tail that still rebounds today. I suggest that the Bill as currently constructed, with its extreme focus on attempts at deterrence and at treating refugees—desperate people—really badly, has real echoes of that, and that the Committee might like to reflect upon those parallels.

We have had a lot of discussion about terminology. The term that I prefer and will try to always use for what we are talking about in this group is "safe and orderly routes" for people to reach refuge in the UK. There is no such thing as illegally seeking asylum, and no person is illegal. That really needs to be stressed.

I pick up the point made by the noble Lord, Lord Purvis of Tweed, about our overseas development assistance and the way in which we are utterly twisting the classification as well as cutting the total sum in a way that will only produce more refugees, as well as more death and suffering around the world. In that context, I have to mention a briefing that I attended this morning from a brilliant organisation, the Global Antibiotic Research and Development Partnership—GARDP—which is working on sepsis in infants around the world and on drug-resistant sexually transmitted diseases. A comment was made that we put less money into that scheme than Germany does, despite our claims of world leadership in the pharmaceutical area. That is something to which some of our ODA money could, and should, be going.

I will focus in particular on Amendment 129 in the name of the noble Baroness, Lady Ludford, who has already outlined it very powerfully. I was pleased to be able to attach my name to it—it was one of the few that had space. It is about refugee family reunion, and I have two reflections on this. I am sad that the noble Baroness, Lady Kennedy of The Shaws, is not currently in her place, because I will first reflect on the work of the Refugee Rights Hub at Sheffield Hallam University, which is part of the Helena Kennedy Centre for International Justice. It has a scheme—a very innovative one, particularly following the cuts in legal aid to refugees, which were discussed earlier in Committee on a group when I am afraid I was not able to be present—in which 50 third-year undergraduate law students and two postgraduate interns work to help refugees already here to arrange family reunions. It is worth reading the accounts of those students and their experiences. They realise, "Wow, she is just like my sister", or "Wow, he acts like my brother". People who have heard lots of nasty things about refugees on social media, and in so much of the media bombardment we are subjected to, realise that they are doing something wonderful and amazing and how much they are enriching our whole society.

We really have not thought enough about the joy that a family reunion brings and the way in which it enriches our whole society. If a child comes and joins a school and brings all their experience and knowledge, or if an elderly parent comes—as proposed under this amendment—and a family is reunited, just think about how we are adding to the richness of our society and of the world. I do not think that we have talked about that very much.

I would love to stay hopeful but I cannot, so I will turn to the other side of this, which is the most recent report from the Independent Chief Inspector of Borders and Immigration regarding the Home Office's management of the current family reunion schemes. A report in 2019 said that there were serious problems and made recommendations for addressing them. Sadly, what we had from the report of what happened from June to September last year is that the performance of the family reunion scheme has in fact deteriorated. The chief inspector reported that the system is "beset with delays", the team is "ill-equipped to manage", there is a "backlog of … almost 8,000" cases and it routinely takes double the standard 60 days to manage an application for family reunion. There is no evidence of prioritisation based on vulnerability—it is very often the intervention of an MP that makes a difference—despite the commitment and hard work of the staff.

12.45 pm

My point in reference to Amendment 129 and what was said by the noble Baroness, Lady Ludford, is that if we simplified this scheme and had the same rules apply for everyone, it would make the work of the Home Office considerably easier and simpler; it would streamline the system. What we have here is a series of constructive amendments that aim to get the Bill into something like the shape it should be in.

Finally, I will reflect on the contribution of the noble Lord, Lord Green of Deddington. I note to the noble Lord that there are now more bedrooms per person in the UK than there have ever been before. We have a housing crisis because of decades of failed housing policies. Refugees did not create those policies; refugees are not the problem—indeed, they could build some of the houses that we need. Let us focus on the problem of housing policy rather than bringing it into a debate on refugees.

Lord Paddick (LD): My Lords, we support all the amendments in this group. The issue of the millions displaced by war and persecution requires international co-operation, including the UK taking its fair share of genuine refugees. As the right reverend Prelate the Bishop of Durham said, there are no safe, or deliverable, and legal routes for many, or most, genuine refugees. The Bill seeks to imprison and remove any genuine refugee who arrives in the UK other than by safe and legal routes that do not exist. We need humanitarian visas, as my noble friend Lord Purvis of Tweed has said.

Placing a cap on the numbers arriving by safe and legal routes at the whim of the Secretary of State is not acceptable, as the noble Baroness, Lady Chakrabarti, has said. Any cap needs to be debated and set by Parliament. Rather than the Secretary of State being exempt from the need to consult if the number needs to be changed as a matter of urgency, it is exactly in times of emergency that we need debate and consultation.

In support of the remarks made by the noble Lord, Lord Hannay of Chiswick, I say that if the UK secured a reputation for taking its fair share of genuine refugees, and had a widely publicised humanitarian visa scheme and a strong strategy for tackling people smugglers, an international agreement to address the global problem of those seeking sanctuary would be more likely to be negotiated. I ask the Minister to answer clearly in his response the questions raised by my noble friend Lord Purvis of Tweed and the noble Lord, Lord Hannay of Chiswick, about the situation facing young women fleeing Iran.

There was only one dissenting voice in the debate on this group, and that was from the noble Lord, Lord Green of Deddington, on the Cross Benches. The noble Lord knows that I have some sympathy for the views he expresses about the pressure on housing and other services caused by immigration but, as I have said previously, we are talking about desperate people fleeing war and persecution. The noble Lord talked about 606,000 being the net migration figure last year. The Government actually issued 1,370,000 visas to people to come and stay in the UK, and that is an issue that needs to be addressed. The people coming across the channel in boats, which is what the Bill is supposedly all about, are a tiny fraction of the numbers that this Government are allowing into this country.

Most of the time, it causes me real distress to hear about these sorts of policies and the direction the Conservative Government are taking this country in. Yet it is heartening to know that compassionate conservativism is not completely dead. To hear the support for these amendments from Back-Benchers on the Government side is truly heartening, and I am very grateful for their support.

On family reunion, surely children looked after by their parents will be less of a burden on the state than looked-after children, let alone the other benefits to the children involved and society generally. Hard-working refugees are more than capable of looking after dependent parents, similar to UK citizens in that situation. I support Amendment 129 particularly, as well as the other amendments in this group.

Lord Coaker (Lab): My Lords, this has been another very important debate on the Bill, on safe and legal routes. We support much of what has been said and the majority of the amendments in this group, particularly the one moved by the right reverend Prelate the Bishop of Durham. I also mention Amendment 128C, which I thought was important, from the noble Baronesses, Lady Stroud, Lady Helic and Lady Mobarik, and the noble Lord, Lord Kirkhope.

I want to pick up what the noble Lord, Lord Hannay, was saying. I thought that it was really important. I think his point was that there is a lot of intent but that it is important to see the obligations laid out, hence the importance of knowing when the Government will do certain things. The noble Baroness, Lady Sugg, also made that point. Can the Minister confirm when he expects this to be operating? If it is 2024—again, I am not being sarcastic—is the expectation that it will be towards the end of that year? Can the Minister give any indication of when we can expect the safe and legal routes to operate, however they and the cap are arrived at?

The noble Lord, Lord Hannay, also made the point that this is part of the Government's solution to the chaos in the system at the moment. The noble Lord, Lord Paddick, made the point well: it is broader than just small boats. It is about the asylum and refugee system that we think should operate.

[Lord Coaker]

During the debate, I was particularly struck when I reread the first part of Amendment 128C, on the duty to establish safe and legal routes. This is why I was referring to what the noble Lord, Lord Hannay said. It says:

"The Secretary of State must, on or before 31 January 2024, make regulations specifying additional safe and legal routes",

to try to put some sort of timescale on what is taking place. The Government say in Clause 58 that they will make regulations after consulting and so on, but, unless my reading is wrong, there is no timescale. The addition of a timescale would help significantly, for the operation of the system and for all of us to understand what is going on.

Can I also, in the spirit of early afternoon on a Wednesday, make a suggestion? The Government can reflect on it or ignore it. Obviously, they are making regulations on something really significant and important. If I have read the Bill correctly, it will be done by the affirmative process, so the regulations will be put and debated. I wonder whether the Minister could confirm that it is affirmative—my reading is that it is.

One thing that sometimes happens and which Governments have done in the past—and given the importance of this legislation, and all the various reflections that will change the primary legislation, or not, as we finish this process—when something is of significant importance or contentious, as this may well prove to be, is to publish the regulations. Because the regulations cannot be amended, to at least ameliorate the impact of that, Governments sometimes publish them for comment well before they put them for approval. They put them in a draft form and make sure that everyone is aware of it, then ask people for comments well before they put them for approval. The Government would take a view as to whether or not they would like to change them, but that is one helpful way for them to take this forward. Will the Government consider that?

Will the Minister also confirm what the regulations under Clause 58(1) actually involve? Will it just be a figure, or will they say how that figure has been arrived at, mention all the countries that may be involved, and so on? It would be interesting for us to know exactly what those regulations would involve and include. On the regulations, which are everything with respect to much primary legislation, will the Minister comment on my suggestion about having draft regulations well in advance, before they are put for approval? Will he say whether they are affirmative, and a little bit more about what they would actually involve? There is also the point about timescale and the very good point made in proposed new subsection (1) in Amendment 128C.

To move on to general points, in the Government's safe and legal routes scheme as proposed, do they intend to have any sort of prioritisation, or will it be just on an individual case basis? I am interested whether the Government are going to talk about family reunion and high-grant countries and what their view is of any of that. How will the Government deal with the emergencies that may arise? I have read the clause, but could the Minister spell that out a little bit more? It has got slightly lost, so I also emphasise one of the points that the right reverend Prelate the Bishop of Durham made—the issue of children in all this, whether they are unaccompanied or not. We would be interested to hear what the Government have to say on that issue.

I have nothing much more to add to the many excellent points made by many noble Lords during this very important debate. I am really interested in the process with respect to the regulations, because in that will be everything. I am concerned that we do not just have a repeat of what has happened before, whereby the regulations are just put and there is no ability to debate or amend them. Any regulations being published well in advance so that we can at least debate and discuss them and try to change the Government's mind would be extremely helpful.

1 pm

The Parliamentary Under-Secretary of State for Migration and Borders (Lord Murray of Blidworth) (Con): My Lords, I am grateful to the noble Baroness, Lady Lister, for her clarification of the statistic used in the earlier debate on age assessments.

Turning to the remarks of the right reverend Prelate the Bishop of Durham, I am heartened to hear, and indeed I entirely agree with him, that this group particularly highlights a point on which all across the Chamber are agreed—that there should be safe and legal routes—and the question is about the mechanics of that safe and legal route and how it fits with the scheme in the Bill to deter people embarking on dangerous journeys across the channel. It is in the spirit of that consensus that I conclude this debate.

Before I turn to the amendments, it may assist the Committee if I say a little about Clauses 58 and 59, not least as this will provide important context for the examination of the amendments. This Bill will introduce for the first time a cap on the number of people entering the UK through safe and legal routes based on local authority capacity. Clause 58 sets out how that cap will be developed and agreed. In answer to the question posed by the noble Baroness, Lady Chakrabarti, the cap is being introduced in recognition of the limited capacity that local authorities have to house and support through integration and local services, such as health and education, those in need of resettlement in the UK, a point well made by the noble Lord, Lord Green.

In recent years, following the fall of Kabul and the war in Ukraine, we have welcomed and provided sanctuary to larger numbers of people than we could comfortably manage because it was the right thing to do, and I appreciate the remarks that the noble Baroness, Lady Chakrabarti, made in relation to that. Going forward, it is right that both Houses have the opportunity to debate and approve through the affirmative procedure—which I can confirm to the noble Lord—the numbers to be admitted to the UK each year through safe and legal routes. That is the purpose of Clause 58. Local authorities have been required to provide accommodation for these large cohorts and subsequently there is no longer sufficient capacity in our system for our UNHCR-referred global settlement schemes to function in the way in which they were intended.

At this point, I wish to clarify this route for the benefit of the noble Lord, Lord Purvis. The UK's global resettlement schemes do not involve an application

process. Instead, those who have sought sanctuary in the first safe country should on arrival register with the relevant authorities as a person in need of international protection. The UNHCR is expertly placed to help the UK authorities identify and process vulnerable refugees who would benefit from resettlement in the UK and has responsibility for all out-of-country casework activity relating to our resettlement schemes.

I remind the Committee, especially my noble friend Lady Helic, that even under our current constraints between 2015 and March 2023 the UK resettled more than 28,400 individuals under UNHCR resettlement schemes, around half of whom were children. I should be clear that the cap does not remove any routes or change our willingness to help. However, consulting on capacity and developing the cap figure based on the response is the right way to continue offering resettlement pathways to the UK for those in need of our protection as part of a well-managed and sustainable migration system.

Lord Kerr of Kinlochard (CB): I apologise for missing the start of this debate as I was in a committee. Will the Minister explain why Clause 58 imposes a cap on the maximum number of people who may enter the United Kingdom, not the maximum number of asylum seekers, using safe and legal routes—in other words, tourists, businessmen, or whatever? They tend to come by safe and legal routes. I do not understand the drafting. Secondly, will the Minister consider the cart and horse problem? He has said more than once—I hope I have got it correctly—that once illegal immigration is under control the Government will create new safe and legal routes. However, the way of getting the illegal immigration problem under control is by creating safe and legal routes. Will he address that point?

Lord Murray of Blidworth (Con): I appreciate that the noble Lord was unable to be here at the beginning of the debate. I hope that Clause 58(1) makes it clear that the regulations must specify

"the maximum number of persons who may enter the United Kingdom annually using safe and legal routes".

There is a cross-reference to subsection (7), where noble Lords will see that "safe and legal route" is a defined term. It means

"a route specified in regulations made by the Secretary of State".

Those regulations will clarify what that term means.

Lord Kerr of Kinlochard (CB): I understand the Minister's point, but it does not answer the question that I asked: why does the clause talk about "persons" rather than asylum seekers?

Lord Murray of Blidworth (Con): It is because that is the structure of the legislation, and it simply makes for good parliamentary drafting. There it is. Forgive me: I shall make some progress because we have a lot of groups to deal with.

Clause 58 provides for the Home Secretary to consult local authorities, and any other organisation or person deemed suitable, to understand their capacity. The cap figure, and by extension the routes to be covered by the cap, will be considered and voted on in Parliament through a draft affirmative statutory instrument. The cap will not automatically apply to all current and new safe and legal routes that we offer or will introduce in the future. The policy intention is to manage the accommodation burden on local authorities, and my officials are currently considering which routes are most suitable to be included within the cap.

Alongside the cap on safe and legal routes, Clause 59 further requires the Home Secretary to publish a report on existing and any proposed new safe and legal routes. In response to the right reverend Prelate, we will continue to work with the UNHCR and other organisations as the Secretary of State considers appropriate in devising proposed additional safe and legal routes.

Baroness Chakrabarti (Lab): This is a technical point, but it is important to reflect on it before Report. It is not a substantive policy point, but the noble Lord, Lord Kerr, may have hit on something, in relation not just to the question of why it does not say "asylum seekers" but to a potential unlawful sub-delegation. If the regulation-making power is about safe and legal routes, and "safe and legal routes" will not be defined in vires in the primary legislation but will be determined in the regulations, there is a circularity that is in danger of looking either too vague or specifically like a potential unlawful sub-delegation. No doubt the Minister and his colleagues can discuss that with parliamentary counsel. I may be totally wrong, but the noble Lord may have hit on a point which the Government have been given an opportunity—there is time—to consider before Report. That is what Committee is for.

Lord Murray of Blidworth (Con): As I said, we have considered these issues and are satisfied with the drafting as it is, but of course I will look again at what the noble Baroness suggests.

The Lord Bishop of Durham: The Minister talked about "devising" new schemes; I asked for co-creation. Is he willing to go so far as to say "co-creating"?

Lord Murray of Blidworth (Con): The right reverend Prelate is right to point to the fact that these things are always a joint effort. The Home Secretary of the day will consult, and consider input, so yes, all those words would be applicable in my view. Clearly, ultimately the scheme has to come from the Home Office, but it will be done following appropriate consultation with and the involvement of interested parties.

Lord Purvis of Tweed (LD): Will the Minister give way on that point?

Lord Murray of Blidworth (Con): If the noble Lord will forgive me, I should probably, in order to have a more coherent speech, take his more general points at the end. I am conscious that we need to make progress, not least because we do not wish to be here into the small hours.

As I say, the report described in Clause 59, which will be laid before Parliament within six months of the Bill achieving Royal Assent, will clearly set out the

[Lord Murray of Blidworth]
existing safe and legal routes that are offered, detail any proposed additional safe and legal routes, and explain how adults and children in need of sanctuary in the UK can access those routes. This clause is being introduced to provide clarity around the means by which those in need of protection can find sanctuary here.

Through the report, we will also set out any proposed additional safe and legal routes which are not yet in force. While a range of routes is offered at present, we believe it important to consider whether alternative routes are necessary and, if so, who would be eligible. In recognition of the different needs of children and adults in need of protection, the clause will require the report to set out which routes are accessible by adults or children.

It is against this backdrop of the Government's approach to expanding the existing safe and legal routes that I now turn to the amendments in this group.

Lord Purvis of Tweed (LD): I am grateful to the Minister for giving way. My intervention is pertinent to that clause. Can he confirm, first, what I had indicated from the Independent Commission for Aid Impact: that it was the Home Office that asked for the UNHCR to direct the resettlement scheme to be focused on Afghans only, therefore closing it down for other countries; and, secondly, that when it comes to what the Government could consider to be new and safe and legal routes, they could simply be expanding some of the funding available for the UK resettlement scheme, because that is what the Government currently define as a safe and legal route, rather than it being new country routes?

Lord Murray of Blidworth (Con): On the first point, I do not have that detail to hand so I will go away and find that out and write to the noble Lord. But on the second point, obviously, the UK resettlement scheme is a general scheme to take refugees who have been identified by the UNHCR and in that sense it is not geographically specified. Obviously, these are all issues which would be considered in the report provided for under Clause 59, so the noble Lord is right to identify that.

Baroness Lister of Burtersett (Lab): Before the Minister moves on, I asked a question about children, which was echoed by my noble friend Lord Coaker. The Minister mentioned children in relation to appropriate routes but the Children's Commissioner has argued that children should be excluded from any cap. I asked what the Government's response was to that recommendation.

Lord Murray of Blidworth (Con): I ask the noble Baroness to forgive me; I was going to come to that. I have met with the Children's Commissioner and we have an ongoing dialogue on the provisions in the Bill. There is no intention to exclude children, for the simple reason that children utilise resources in the same way as adult asylum seekers do. Therefore, in assuming the global level of resources needed to provide adequate support and integration for asylum seekers, whether adults or children, it is appropriate that a global view be taken. Therefore, it is necessary to take a global view of the cap.

Baroness Stroud (Con): My noble friend the Minister just spoke of "alternative" rather than "additional" routes. Can he confirm that these would in fact be additional routes, rather than just taking one route out and putting another route in?

Lord Murray of Blidworth (Con): Yes, I was simply using the word "alternative" to discuss that particular route, but there is no intention to withdraw any routes. Obviously, it may be that routes are consolidated or changed so that they are incorporated—I do not want to tie any future Government's hands on that—but I can reassure my noble friend in that regard.

1.15 pm

Finally, if I may, I invite the Committee to consider Amendment 128B, put forward by the right reverend Prelate the Bishop of Durham, which seeks to exclude certain existing schemes from the safe and legal routes provision in the Bill. The noble Baroness, Lady Brinton, raised a similar point in relation to persons holding BNO citizenship. My right honourable friend the Prime Minister was clear that the cap will be based on the UK's capacity to accommodate and support those arriving through our safe and legal routes. The cap does not signify a lack of willingness to help; rather, it reflects the result of numbers we have welcomed through emergency and reactionary routes, which we were right to establish at the time.

Introducing a cap is the right way to ensure our safe and legal routes can become part of a sustainable migration system which sees the UK's global protection offer operating in a way that gives the UNHCR, those in need of safety and our local delivery partners clarity on the UK's capacity. Exempting routes from consideration for the cap at this stage would not be in keeping with the intention set out by the Prime Minister. I would also remind the right reverend Prelate that the provisions of Clause 58 include flexibility to revise the cap in response to a fresh humanitarian emergency.

Amendment 128C, put forward by my noble friend Lady Stroud, seeks to enshrine in law a requirement to bring in new safe and legal routes by the end of January.

Baroness Brinton (LD): Will the Minister give way?

Lord Murray of Blidworth (Con): In just a second. My noble friend Lady Sugg also spoke to this amendment.

Baroness Brinton (LD): My intervention is on the previous topic.

Lord Murray of Blidworth (Con): Can we come back to that at the end?

On Report in the House of Commons, my right honourable friend the Minister of State for Immigration confirmed that the Government's aim is to implement any proposed new safe and legal routes as soon as practicable, and in any event by the end of 2024. I hope that directly answers the question posed by the noble Lord, Lord Coaker. I believe that the timeframe proposed by the Immigration Minister is suitable as it will allow for proper consultation on potential new safe and legal routes, and meaningful consultation

with our international partners and key stakeholders, to ensure that any proposed routes work well. It will enable us to work collaboratively across government to welcome and integrate new arrivals. While we are committed to considering new safe and legal routes, we must also acknowledge the current local authority capacity to house and support refugees. It makes no sense to launch new routes where we do not have the capacity to bring people to sanctuary in the UK and ensure their successful integration into our society; otherwise, it would simply be an exercise in paperwork.

In addition, as I have indicated, Clause 59 commits the Home Secretary to publishing a report on current and any proposed new safe and legal routes within six months of the Bill achieving Royal Assent. The proposed amendment would risk rendering this report meaningless. I believe the proper thing to do is to lay the report before Parliament, as we have committed to do, after which we can make a measured decision on any new safe and legal route that may be needed. My noble friend's amendment, while well-intentioned, would not enable us to do the work needed to ensure that our safe and legal routes form part of a well-managed and sustainable migration system.

Baroness Brinton (LD): I am grateful to the Minister for allowing me to intervene. I return to Amendment 128B and his comments on those with BNO status. I raised whether they should be included within the safe and legal routes for the clear reason that they are not seeking protection and do not fall under UNHCR; they are British citizens who have rights under the British Nationality Act. If there are limits to their numbers, are the Government proposing to change the arrangement for BNO status applicants, and can we please add this to the agenda of the meeting that he promised me on Monday night? It is a very specific issue but a major political one if these people with British national rights are suddenly to be treated as if they are refugees.

Lord Murray of Blidworth (Con): As I say, the definition of those to be caught will be specified in the regulations. Those are all highly pertinent points and, for the reasons I set out on Monday, we can certainly add them to our meeting agenda. I do not anticipate that we are at odds on this, but the topic is not really for the discussion of the Committee at this stage, because these matters would be covered when any regulations were considered.

Baroness Brinton (LD): With the greatest of respect to the Minister, it is covered by Amendment 128B. It is quite explicitly covered by that amendment.

Lord Murray of Blidworth (Con): I hear what the noble Baroness says and hope to be able to offer her some more reassurance during our meeting but, for the reasons I have already set out, the Government do not accept that Amendment 128B is a necessary amendment to the Bill. No doubt we can discuss this further in due course.

Lord Hannay of Chiswick (CB): The Minister has left me a little confused about numbers. He said that it would be a terrible thing if we admitted more asylum seekers by safe and legal routes than could be housed by local authorities. He has made much of the fact that this would be an exercise in futility—a "paper exercise", he said. Can he say what assurances the Government got from local authorities about housing the 606,000 people in the net migration figures this year? It seems a bit odd that a much smaller number of asylum seekers should be subjected to these limitations whereas the much larger number is not.

Lord Murray of Blidworth (Con): The noble Lord omits to understand that the obligation to assist an asylum seeker is born of Section 95 of the 1996 Act, which applies to destitute asylum seekers. Those entering the country on a visa—for example, as a student—would not be entitled to government support for housing. The noble Lord is perhaps eliding two points in a way that is not particularly helpful.

Lord Scriven (LD): I am slightly confused on this point as well. On a number of occasions, the Minister has said that the cap will be set based on the number of available housing places that local authorities are able to provide. However, Clause 58(5) refers to:

> "If in any year the number of persons who enter the United Kingdom using safe and legal routes exceeds the number specified in the regulations".

I have two questions about that. Under what circumstances would the Minister and the Government expect that number to be exceeded? More importantly, if local authorities have said that they can deal with only a certain number in a year, where will the people who breach the cap go?

Lord Murray of Blidworth (Con): Obviously, consultation with local authorities is important—they are the primary consultee set out in Clause 58(2)(a)—but, as the noble Lord will see from paragraph (b), other persons and bodies are also possible consultees. All this information will be fed into the decision to be taken by the Secretary of State in drawing up the regulations, and by this House and the other place in discussing them. It is not just about how many people we can house; it is about the whole network of support and integration that we can provide. As the noble Lord will immediately appreciate, Clause 58(5) is there as an enforcement mechanism for Parliament to ask a Secretary of State why they have permitted the cap to be exceeded. That is the purpose of making the Secretary of State lay before Parliament a statement setting out those breaches. That is the purpose of Clause 58(5). It is not envisaged that the Secretary of State will allow the cap to be exceeded, for the sensible reasons that the noble Lord provides.

I must make some progress. Amendment 129, tabled by the noble Baroness, Lady Ludford, seeks significantly to increase the current scope of the UK's refugee family reunion policy to include additional family members. This amendment needs to be seen in the context of what I submit is already a very generous family reunion policy for bringing families together. Under this policy, we have granted more than 46,000 visas since 2015; that is no small feat, and a fact that the noble Baronesses, Lady Ludford and Lady Bennett, seem to have overlooked.

[Lord Murray of Blidworth]

The focus of our refugee family reunion policy is on reuniting core family groups. This is as it should be. It allows immediate family members—that is, the partner and any children aged under 18—of those granted protection in the UK to join them here, if they formed part of a family unit before the sponsor left their country to seek protection. In exceptional circumstances, children over 18 are also eligible.

There are separate provisions in the Immigration Rules to allow extended family members to sponsor children to come here where there are serious and compelling circumstances. In addition, refugees can sponsor adult dependent relatives living overseas to join them where, due to age, illness or disability, that person requires long-term personal care that can be provided only by relatives in the UK. There is also discretion to grant leave outside of the Immigration Rules which caters for extended family members where there are compelling compassionate circumstances.

Amendment 129 would routinely extend the policy to cover a person's parents, their adult unmarried children under the age of 25, and their siblings. Extending family reunion without careful consideration of the implications would significantly increase the number of people who would qualify to come here. We must carefully weigh the impact of eligibility criteria against the pressure that this would undoubtedly place on already strained central government and local services.

Baroness Ludford (LD): I am afraid that the Minister's use of the word "impact" triggered me. It would be very interesting to know, when we get the impact assessment—I hope sooner than "in due course"—the costings the Government would expect from something such as my amendment, or indeed my Private Member's Bill.

I want to draw attention to something that the noble Baroness, Lady Bennett, mentioned. All the time, the Government imply that those of us who argue for better family reunion, the right to work and not having group 1 and group 2 refugees, are portrayed almost as though we are trying to obstruct the asylum system. Actually, we are trying to front-load it and make it more efficient and streamlined, so that in the end there would not be a backlog of160,000 asylum applications because the system would work better; people would be more integrated and more productive, and would not have to worry all the time about what was happening to their relations.

I am sorry that this has become a bit of a rant but I also have a question. Is the Minister going to cover the point that I felt was not answered in the Government's response to the Justice and Home Affairs Committee? Why do the Government insist on having all these different definitions of family? Is it not all the time adding more complication into the immigration and asylum system? That is not the best way of getting caseworkers to be able to focus efficiently on their job. It means that, all the time, there are backlogs and inefficiency because the Government insist on not doing the rational thing.

Lord Murray of Blidworth (Con): I recall debating these topics and the very similar text of the noble Baroness's Private Member's Bill at its Third Reading. The reality is that she and I differ on the appropriate numbers that would come in and the resources that would then be necessary to attend them. It is simply a policy decision, and we differ on that.

I turn to Amendments 130 and 131, put forward by the noble Baroness, Lady Lister, and the noble Lord, Lord Purvis. These seek to create routes through which an individual may travel to the UK for the purpose of making a claim for asylum or protection. The right reverend Prelate the Bishop of Durham and my noble friend Lord Kirkhope raised a similar point. The Government are clear that those in need of international protection should claim asylum in the first safe country they reach. This policy aligns with international law, and indeed with those of previous Governments, including the previous Labour Government. In answer to the question posed by the noble Lords, Lord Hannay, Lord Purvis and Lord Paddick, that is the fastest route to safety. Such schemes would only add further untold pressure to UK systems.

Amendment 130 defines an eligible applicant as someone who

"is present in a member State of the European Union".

This underlines the point: EU member states are inherently safe countries with functioning asylum systems. There is therefore no reason why a person should not seek protection in the country concerned. Moreover, this amendment would also encourage more people to make dangerous and unnecessary journeys, including across the Mediterranean, to qualify for a safe passage visa.

1.30 pm

As I have said, the UK has a proud history of providing protection to those who need it, but we cannot help everyone. I ask the proponents of Amendment 131 whether they would place a limit on the numbers to be admitted through these schemes. Further to this, what would be the cost of providing the necessary accommodation and support services for those admitted to this scheme? The Government have been pressed to publish an impact assessment for the Bill, and we are committed to doing so in due course, but this works both ways. The Committee deserves to be told what the cost of this amendment would be. What discussions have the noble Baroness and the noble Lord had with local authorities and other service providers about the provision of the necessary support services? If there is to be no limit, the costs would mirror this, and the result of Amendment 131 would be tens of thousands more asylum seekers being accommodated in hotels across the country.

Lord Winston (Lab): Does the Minister think that the cost should also be measured in terms of the reputation of the United Kingdom, the country as it is and the way it feels about itself? It is not just money.

Lord Murray of Blidworth (Con): I clearly recognise the points the noble Lord makes—that it is believed that not providing a visa route of the type described in the amendment will damage our international reputation—but no countries that I am aware of currently have a visa route of the type suggested. I am afraid

that this is a consideration to be weighed in the balance. It would seem irresponsible not to consider the potential extreme cost of the proposal.

Lord Purvis of Tweed (LD): The Minister should not be conflating the two amendments: they are distinct amendments with distinct mechanisms and purpose behind them, so it is a wee bit cheeky of him to do that. As for an estimate of some of the costs, can he do me a deal now in the Committee? I am not sure if this is able to be negotiated across the Committee, but I will show him mine if he shows me his before Report. He needs to present the impact assessment, which will be the Government's estimate of the tariff costs for their UK resettlement scheme expansion, which he is proposing, to be part of a new safe and alternative or additional safe and legal route. I will use the basis of the central core estimates of what the Home Office is estimating to be the expansion necessary in the tariff funds available, which are scored against overseas development assistance, and I will use that on the threshold of what a humanitarian visa scheme might be. His scheme suggests to an Iranian woman that she has to flee to a neighbouring country to go to the UNHCR; then she is processed by the UNHCR, to be resettled in the UK. Our scheme allows that woman within Iran to go through a similar threshold to be able to access the UK. Which is most efficient?

Lord Murray of Blidworth (Con): I look forward to reading the noble Lord's document when it arrives.

Lord Purvis of Tweed (LD): In due course.

Lord Murray of Blidworth (Con): In due course—I am very grateful. All these questions make it clear that bringing up legal migration is irrelevant to the Bill, a point that relates to comments made by the noble Lord, Lord Paddick. The issue for the Bill is that the UK Government and local authorities have limited capacity to provide or arrange accommodation, hence a sensible cap is needed. There are other questions we need answers to. Are these safe passage visas to be given to young single men at the expense of those in more pressing need of sanctuary in the UK?

Lord Kerr of Kinlochard (CB): I hope the Minister will reflect before Report on the point made by the noble Lord, Lord Winston. I do not recall a cap on Czechs in 1968 or on Hungarians in 1956. There was no cap on Germans and Austrians in 1938 and 1939. The reputational damage to this country done by the idea of a cap would be considerable. It could be defused if the Government would consider an amendment to Clause 58(3) which made it clear that a change of international circumstances, as well as a change of domestic circumstances, could create the need to change the number. To me, the horror is that we are doing this all endogenously, as if needs have nothing to do with what happens exogenously in the world out there—so if something awful happens in the world, we will pay no attention because we will be concerned about the consultation we had with local authorities about houses.

Lord Murray of Blidworth (Con): I am not sure the noble Lord and I actually differ on the points raised by the noble Lord, Lord Winston. It seems to me that the impact on the national reputation of Britain is not relevant, given the provision for the cap to be varied in the event of an international emergency such as he outlined. As he will see, Clause 58(3) states:

"the Secretary of State considers that the number needs to be changed as a matter of urgency".

He can provide that regulation to both Houses of Parliament without consulting, and therefore the matter will be capable of discussion and approval and the cap lifted. In reality, I do not think there is any risk to our national reputation as a place which takes its obligations of international protection seriously.

Lord Kerr of Kinlochard (CB): My Lords—

Lord Murray of Blidworth: Forgive me, I have taken an awful lot of interventions, and I am very conscious of the time. I ask the noble Lord to keep this intervention until the end and allow me to make some progress.

I will return to the amendment. If, on the other hand, some numerical limit is envisaged, these schemes will not stop the boats and they are not an alternative to the Bill. Those who do not qualify for a safe passage visa will continue to be exploited by the people smugglers, all too ready to continue to take their money on the false promise of a new life in the UK.

As I have set out, we are ready to expand existing safe and legal routes as we get a grip on illegal migration, and the Bill already provides for this. That is the way forward, not amendments which exacerbate the current challenges. I commend Clauses 58 and 59 to the Committee and invite the right reverend Prelate to withdraw his amendment.

Lord Kerr of Kinlochard (CB): I was very encouraged by the answer the Minister gave. He seems to be saying that the needs referred to in Clause 58(3) could be exogenous as well as endogenous: that the cap could be raised in response to an urgent need even if that need had nothing to do with housing here but something to do with massacre or war abroad. If that is the case, could that not be made clear in the Bill by a government amendment to Clause 58(3)?

Lord Murray of Blidworth: I can certainly think about that. I will take it away, but I do not think we are terribly far apart.

The Lord Bishop of Durham: My Lords, I thank the Minister for answering and clarifying some of the questions. My prophetic powers in saying "about two hours" were slightly wrong. The last two and a half hours will be memorable for a number of things—the noble Baroness, Lady Chakrabarti, quoting Ronald Reagan being one of them—and there were helpful reminders of no person being illegal. There were helpful alternatives to "safe and legal routes", but I think that we will have to live with "safe and legal routes". No one has implied that we will change the wording in the Bill. The Minister helpfully pointed out that there will be a definition in the regulations, so that helps us. I am not sure that the Minister answered the historical question asked by the noble Lord, Lord Kirkhope, about why the change happened around 2011 concerning the use of embassies, but I am not going to ask him to stand up.

[The Lord Bishop of Durham]

Your Lordships will not be surprised to hear me say that, overall, I am disappointed that my amendment, not just about Hong Kong but particularly about Hong Kong, has not been accepted. It does not damage the Bill in any way to accept that amendment. Likewise, the amendment tabled by the noble Baroness, Lady Stroud, tries to clarify. That is the purpose, and the Minister's response has not helped us move forward on that. I have no doubt that all of us involved will find ourselves in discussions about what we might bring back on Report. The desire is to take things forward on safe and legal routes.

At this stage, I beg leave to withdraw my amendment.

Amendment 128B withdrawn.

Clause 58 agreed.

Amendment 128C not moved.

Clause 59 agreed.

Amendments 129 to 131 not moved.

House resumed.

1.42 pm

Sitting suspended.

Miscarriages of Justice

Question

3 pm

Asked by ***Lord Woodley***

To ask His Majesty's Government what steps they are taking to prevent miscarriages of justice.

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bellamy) (Con): My Lords, miscarriages of justice occur relatively rarely within our justice system. In criminal cases, the Criminal Cases Review Commission will investigate possible miscarriages of justice and, if necessary, refer the case to the Court of Appeal. The Government have recently increased legal aid for such cases. The Law Commission is also currently conducting an independent and wide-ranging review of our appeals system to ensure that it is operating effectively.

Lord Woodley (Lab): My Lords, I appreciate the Minister's Answer, but honestly, I am increasingly concerned that, whether through joint enterprise, guilt-by-association sentences or IPP sentences abolished a decade ago but not retrospectively, there are still thousands of prisoners who are rotting away with little or no hope of finding justice. It seems to be going nowhere. So, what is the Minister doing to correct these obvious miscarriages of justice, particularly as the Government have already accepted, at least on joint enterprise, that BAME groups are disproportionately affected?

Lord Bellamy (Con): My Lords, first, on joint enterprise, it is a long-standing principle of the criminal law that persons who go together to commit a crime are jointly liable, irrespective of whoever threw the brick or fired the shot. There is a great deal of jurisprudence on this subject, and it is true that there is some concern that the existing case law does operate in a harsh way on certain young black boys and men. The CPS, to which I would like to pay tribute, is engaged in a six-month pilot, which started in February 2023, to review joint enterprise cases in several CPS areas. It has also established a joint enterprise national scrutiny panel to review the interim findings of the pilot and several finalised joint enterprise cases. At the end of September this year, the results of that review will be published. This, I understand, will also be considered in relation to the Law Commission's investigation into the appeals process.

Lord Carlile of Berriew (CB): My Lords, will the Minister assure the House that the Criminal Cases Review Commission, under its excellent new chair Helen Pitcher, will be given sufficient funding efficiently to ensure that miscarriages of justice are dealt with in a timely way? Also, will he consider allowing Professor Cheryl Thomas, who is the leading researcher into juries, to carry out more in-depth research into how juries actually reach their verdicts, in order that prosecutors can be better informed about how to prepare their cases?

Lord Bellamy (Con): My Lords, the functioning of the Criminal Cases Review Commission—its resources, its governance and the test it applies—will be considered in the context of the Law Commission's current review. The Government would like to thank the Westminster Commission in particular, in which my noble and learned friend Lord Garnier and the noble Baroness, Lady Stern, participated, for its work on that. It is of interest, and the Government look forward to hearing the Law Commission's response to these difficult matters.

Baroness Burt of Solihull (LD): My Lords, a grave injustice, which should have been rectified years ago but continues to this day, is the failure to end imprisonment of the nearly 3,000 IPP prisoners. Following on from the point made by the noble Lord, Lord Woodley, the number of such prisoners being recalled has now overtaken those being released. The Justice Secretary himself recently described imprisonment for public protection as

"a stain on our justice system".

The Conservative chair of the Justice Committee recommends resentencing as the only way to end this. Will the Minister look favourably at amendments to this effect when they are considered during the passage of the Victims and Prisoners Bill?

Lord Bellamy (Con): My Lords, on IPP prisoners, the Government have responded to the Select Committee report by promulgating a very detailed action plan alongside a review by the Chief Inspector of Probation of the criteria and operation of the processes of recall. The Government will further consider the matter during the passage of the Victims and Prisoners Bill. This is very difficult because, unlike cases of people who are unfairly convicted, these persons have been fairly convicted; the only reason they are in prison is that the Parole Board does not consider them safe to release.

Baroness Berridge (Con): My Lords, I am grateful to my noble and learned friend the Minister, whose department is seized of the work on the welfare of jurors, who are exposed to traumatic evidence in that peculiar environment where they are cut off from their daily routines and support structures because we do not want them harmed. However, in the context of this Question, could he raise this issue up the list of priorities? We do not want a juror to be so traumatised—I think that contempt of court rules allow them to reveal this—that they begin to question their capacity to deliberate, and then have a question mark over the verdict for that reason.

Lord Bellamy (Con): My noble friend makes a perfectly fair point. It is essential to our system that jurors be properly looked after, and the Government will continue to consider the points raised in her question.

Lord Ponsonby of Shulbrede (Lab): My Lords, does the Minister agree with me that the easiest way for the Government to reduce miscarriages of justice is to reduce the courts' backlog? One of the biggest sources of injustice is people—potential appellants—simply dropping out of the system because it is slow and complex and there is a long wait. This is within the Government's powers to invest in; it is a direct way of reducing miscarriages of justice and is for the benefit of both victims and appellants.

Lord Bellamy (Con): My Lords, with respect, the Government do not entirely agree with the analysis of the noble Lord, Lord Ponsonby, that there is a connection between miscarriages of justices and delays in the court system. The Government are doing their very best to reduce those delays, which no one wants. They are partly caused by the longer-term overhang of Covid and are particularly and more recently caused by the barristers' strike. The Government are doing their very best to reduce those backlogs by introducing further judges and adding resources wherever they can.

Lord Sahota (Lab): My Lords, I recently read the Lammy review. It states that 41% of black defendants who pleaded not guilty opted for their cases to be heard

"in Crown Courts … compared to 31% of white defendants. This means they lose the possibility of reduced sentences and it raises questions about trust in the system".

It also states that

"for every 100 white women"

given a custodial sentence for drug offences, "227 black women" were given a custodial sentence for the same offence. Is that acceptable to the Government?

Lord Bellamy (Con): Discrimination in the criminal justice system is not acceptable to the Government. The Government are conscious that there are concerns about the way that ethnic minority persons are treated within the system and are determined to ensure that those problems are ameliorated and addressed in the longer run.

Baroness Deech (CB): My Lords, what justice can there be in retaining on the statute book sections of a statute of 1861, whereby a mother can be sent to prison for procuring an abortion? Surely it is time that we consider the lack of benefit to society, to her family and indeed to all women in retaining such an outdated and barbaric method of punishment.

Lord Bellamy (Con): My Lords, all women have access to safe and legal abortions on the NHS up to 24 weeks of pregnancy. It is not appropriate for the Government to comment on any particular case, although your Lordships will no doubt be aware of the case to which the noble Baroness is referring. This is a contentious issue and the Government maintain a neutral position on possible changes to the relevant criminal law.

Baroness Fraser of Craigmaddie (Con): My Lords, I appreciate that the Minister cannot comment on individual cases, and I need to declare my interest as chief executive of Cerebral Palsy Scotland, but I am very concerned by the case of Auriol Grey, a woman from Peterborough with cerebral palsy and potentially other disabilities, who has received a custodial sentence and been refused leave to appeal. Notwithstanding any of that, could the Minister please explain how the judiciary takes advice? Which disability organisations does it take advice from when ruling on cases of people with disabilities?

Lord Bellamy (Con): My Lords, the relevant judges will decide cases depending on the evidence in that case. There is very substantial judicial training—probably more than there has ever been—on all kinds of issues, including the issues to which the noble Baroness refers.

Drugs: Supply and Availability

Question

3.10 pm

Asked by ***Baroness Rawlings***

To ask His Majesty's Government what steps they are taking to ensure the continued supply and availability of (1) prescription, and (2) non-prescription, drugs.

Lord Evans of Rainow (Con): My Lords, the department is focused on helping to ensure continuity of supply of medicines to the NHS. We have a well-established process to manage and mitigate medicine supply issues, working closely with the Medicines and Healthcare products Regulatory Agency, the pharmaceutical industry, NHS England, devolved Governments and others operating in the supply chain to help prevent shortages and ensure that risks to patients are minimised when they arise.

Baroness Rawlings (Con): I thank the Minister for his Answer. Despite what the Government are doing, would he agree that, even though there are pharmaceutical shortages worldwide, aspects of this in the UK have been exacerbated by Brexit? As of April 2023, there are 301 drugs in shortage—100 more than in the same time five years ago. I know the Government have kept a close eye on shortages and supplies, but what are HMG doing to prepare for the forecast shortages of sunblock creams—a vital skin cancer preventive—just in case we have a good and sunny summer?

Lord Evans of Rainow (Con): My Lords, it looks like we have a good and sunny summer so far. The department recognises the important role that sunscreen creams play in preventing skin cancers by providing vital UVA and UVB protection. Suncreams are cosmetic products rather than medicines. The supply of cosmetic products is commercially driven and there is an extensive range of these products, with wide availability on the open market. Sunscreen creams may also be prescribed by clinicians if clinically appropriate, taking into account any NHS England guidance. I am not aware that there is a shortage of suncreams at the moment.

Lord Hunt of Kings Heath (Lab): My Lords, the noble Lord says that he has a well-ordered system. Will he confirm that the number of price concessions—in other words, price increases—agreed to by his department when medicines are in short supply has shot up in recent months and that community pharmacies have to pay the gap between the set price and the newly agreed price? It then takes a long time for those community pharmacies to be compensated. Will he look at speeding up the compensation for community pharmacies?

Lord Evans of Rainow (Con): Community pharmacies play a vital role in our communities. I will certainly take on board what the noble Lord has said and look into that.

Lord Patel (CB): My Lords, all of us want the UK to be the best place in the world for excellent, new and innovative medicines. However, the pharma industry has complained about uncompetitive rebate rates for both voluntary and statutory schemes. Added to that, it has found it difficult to launch new medicines in the UK, and there is a great variation of availability to patients of medicines appraised by NICE of as much as 51%. What are the Government doing to address all these problems with solutions, so that patients can get the medicines they need?

Lord Evans of Rainow (Con): The Government work closely with NICE on a multitude of new medicines and do a very good job of bringing them to the patients of need. If the noble Lord has any specific issues about any particular drugs, I can certainly look into that on his behalf.

Baroness Walmsley (LD): My Lords, when a drug is in short supply and being replaced by an alternative, can the Minister say what guidance is given to GPs and pharmacists on how to ensure that the patient understands how to use the new product? This may be particularly important in the case of medical devices, such as those to control diabetes. I am thinking of pre-filled inulin pens, which all work in different ways and have different dosages. It is particularly important that the patient understands how to deliver it, when to deliver it and what the dosage should be.

Lord Evans of Rainow (Con): The noble Baroness raises a very important point regarding medication for diabetes. She is absolutely right: when a patient is used to a medication, or indeed a device, it can be distressing and frustrating. We are aware of that. We want to assure noble Lords that the DHSC has well-established processes to manage supply issues, working with the supplier to resolve these issues as soon as possible. Where there is perhaps a shortage, it is very important that the patient gets training on the alternative device and that we get them back on to the device that they are familiar with.

Baroness Manzoor (Con): My Lords, to follow on from the comments of the noble Lord, Lord Patel, Ozempic, a drug approved by NICE, is to be made available to diabetics. The accessibility to this particular drug is poor, and yet it has been made available to non-diabetic patients, such as celebrities. My concerns are twofold. First, what is the access available for diabetic patients to this new and life-changing drug? Secondly, how are the Government ensuring that young girls in particular are not following celebrities in using this drug just to bring down their weight?

Lord Evans of Rainow (Con): My noble friend raises a very important point. Social media has a detrimental effect on the health and well-being of young girls—celebrities latch on to these things and it goes viral. The prescribers, whether NHS or private, are accountable for their prescribing decisions. They are expected to take account of appropriate national guidance. It is for the responsible clinician to work with their patient and decide on the course of treatment, with the provision of the most clinically appropriate care for the individual always the primary consideration. We will always work with clinicians to ensure that these drugs are prescribed as safely as possible, alongside specialist weight-management services.

Baroness Merron (Lab): My Lords, a recent survey by the *Pharmaceutical Journal* listed serious shortages over the last year in the availability of treatments for common conditions, including menopause symptoms, high cholesterol, high blood pressure and osteoporosis, such that pharmacists were unable to provide the necessary medication. What assessment has been made of the effect of medicine shortages on people with those conditions? Does the Minister share my concern about the associated impact of these shortages on the NHS, in pressures as well as increased costs?

Lord Evans of Rainow (Con): I share the concerns of the noble Baroness. Medicine supply problems can occur for a number of reasons, and occasionally the NHS experiences shortages of specific medicines, which may be temporary and localised. We want to assure people that the department has well-established processes to prevent, manage and mitigate medicine shortages. The noble Baroness mentioned HRT. There are 70 hormone replacement therapy products, and the vast majority are in good supply. There have been issues with the supply of a limited numbers of HRT products, primarily due to a very sharp increase in demand, but the supply position for the majority of HRT products has improved considerably over the last year.

Lord Kakkar (CB): My Lords, I draw the attention of the House to my registered interests. What assessment have His Majesty's Government made of the importance of securing an effective environment for clinical research,

in ensuring that major developers of innovative therapies continue to provide those therapies to the citizens of our country?

Lord Evans of Rainow (Con): The noble Lord raises a very important point. The Government are always keen to engage with the development community on a case-by-case basis. As we have discussed from this Dispatch Box in the past, there are moneys available. It is very important that we all work closely together to make sure that those medicines of the future are made available for the population.

Lord Sandhurst (Con): My Lords, do the Government intend to take steps in response to the January report by the Medicines Manufacturing Industry Partnership to address the decline in medicines manufacturing and employment in the United Kingdom?

Lord Evans of Rainow (Con): The Government recognise the valuable role that medicines manufacturing plays in the UK economy. It enables us to capitalise on our world-class research and development, create jobs and, significantly, create growth. Life science pharmaceutical manufacturing was responsible for more than £20 billion of exports in 2021. Our *Life Sciences Vision* set out the Government's ambition to create a globally competitive environment for manufacturing investment. Last March, we launched the £60 million life sciences innovative manufacturing fund to encourage manufacturing investment in the UK. We will announce the fund's winners later this year.

Lord Allan of Hallam (LD): My Lords, for people to be able to access the drugs they need it is essential that there is a well-staffed network of local community pharmacies. Can the Minister confirm that there will be increased training of pharmacists in the Government's long-awaited NHS workforce plan? When can we expect to see it?

Lord Evans of Rainow (Con): I thank the noble Lord for that question. I assure him that, earlier this morning, before I came to this Dispatch Box, I asked for an update on the workforce plan. It is going to be released shortly—

Noble Lords: Oh!

Lord Evans of Rainow (Con): That was my choice of words. I look forward to sharing the plan with noble Lords. The noble Lord raises an important point about community pharmacies. We all rely on them. Some 80% of the population can get to a pharmacy within 20 minutes, so there is a good distribution of community pharmacies in this country. With regard to training, my understanding is that it is rolled out, and pharmacists do an outstanding service for the country.

Football Matches: Violence

Question

3.21 pm

Asked by ***Lord Bassam of Brighton***

To ask His Majesty's Government what assessment they have made of concerns expressed by the Professional Footballers' Association about violent incidents at football matches; and what consideration they are giving to strengthening (1) stewarding, (2) policing, and (3) other legal powers, to protect professional footballers and football club staff.

The Parliamentary Under-Secretary of State, Department for Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, the safety of everyone at sporting events is of paramount importance to His Majesty's Government. Stewards play an integral role in ensuring that safety, and the Sports Grounds Safety Authority is working to improve the quality of stewarding at football matches. The police and courts have a wide range of powers to protect footballers and club staff, including the use of football banning orders, which can now be applied to a wider range of offences thanks to recent changes made by the Government.

Lord Bassam of Brighton (Lab): My Lords, this year's EFL play-off semi-finals and final provided huge drama. The FA Cup had the first ever Manchester derby and the fastest ever cup final goal. However, despite multiple announcements in advance of full time, pitch invasions by fans were commonplace, putting players, staff and officials at risk. I have raised football disorder several times at the Dispatch Box. While I accept that Ministers alone cannot solve this, we need signs of progress. I remind the Minister that we are bidding, with Ireland, to hold the 2028 Euro championships. Will the Minister commit to using his off season productively to meet governing bodies and clubs to identify possible ways forward?

Lord Parkinson of Whitley Bay (Con): It is an offence under Section 4 of the Football (Offences) Act 1991 for a person at a designated football match to go on to the playing area. Anyone found guilty of unlawfully doing so can be fined or can have a court preventive football banning order imposed on them. As I say, we have strengthened the football banning orders, and we keep these important matters under review. My department commissioned the Sports Grounds Safety Authority to conduct research into the long-term sustainability of stewarding. It is now working with football's governing bodies and others to identify the challenges that it identified in its research. It has refined guidance and issued fact sheets to the football authorities. We keep these matters under review, including, as the noble Lord rightly reminds us, as we pursue our bid for Euro 2028.

Lord Wolfson of Tredegar (Con): My Lords, I declare my interest as the chair of the Football Regulatory Authority. The noble Lord, Lord Bassam, is right: throughout the season, commentators and pundits rightly condemn pitch invasions. However, somehow, at the end of the season, when it is the fans of teams who have secured promotion—or, in Everton's case, fortuitously avoided relegation—streaming on to the pitch, those same commentators and pundits think it is a wonderful thing. It is actually very dangerous for players, match officials, stewards and the spectators themselves. Would my noble friend the Minister take note of the FA's consistent work in this area and take this as an open invitation for him and anybody from his department to meet with me or anybody else at the FA to discuss these matters further?

Lord Parkinson of Whitley Bay (Con): I congratulate my noble friend on his recent appointment. I am sure my right honourable friend the Sports Minister would be very glad to speak to him. He will be a great impartial referee for football, even if he has strong views on certain teams. As I say, unlawful entry on to the playing area is already an offence. Even in exuberant moments of celebration, that should not be happening. It is not always possible to keep spectators off the pitch in moments of high celebration. Stewards and police make every effort to prevent it happening. Of course, the police investigate these incidents after the event as well to make sure people are prosecuted where appropriate.

Lord Addington (LD): My Lords, will the Minister agree that one of the ways of solving this is to make sure that the culture within the fan groups accepts that there will be consequences to attacking or going over the fence? Will the Government encourage football to make sure that, if fans behave like this, there will be a penalty for their club and the individuals, to encourage those around them to restrain them if necessary, or at least to deter them in some way? The fans can police themselves.

Lord Parkinson of Whitley Bay (Con): Of course, the vast majority of fans want to go to and enjoy football matches safely; it is only a minority who sometimes seek to spoil that. The Government have worked with authorities across football to help to co-ordinate action in this area. We welcome the additional measures that have been introduced. The FA, the Premier League and the English Football League announced tougher sanctions, including automatic reporting to the police for anyone participating in anti-social or criminal behaviour, increased use of sniffer dogs and club bans for anyone who enters the pitch or uses pyrotechnics. The noble Lord is right: there is a role for fans and clubs themselves to help to maintain order and an enjoyable day out.

Lord Grade of Yarmouth (Non-Afl): My Lords, I declare my interest as a lifelong supporter of the greatest team in south-east London, known to its supporters as "Charlton nil". Can the Government encourage the football authorities to get the players to set an example on the field and not challenge authority in a way that only encourages hooliganism?

Lord Parkinson of Whitley Bay (Con): I mentioned some of the football authorities with which we work closely, and we also work closely with the Professional Footballers' Association, which represents the safety of players. This was part of a round-table discussion that we held recently about fan disorder at football matches. My right honourable friend the Sports Minister recently sent a joint letter, with the chief executive of the Professional Footballers' Association, to the authorities to remind all clubs of their duties with regard to player welfare and the maintenance of good order.

Lord Clark of Windermere (Lab): My Lords, I have attended a great number of football matches, and I see what appears to be an inconsistency in various clubs' attention and response to individuals running on to the pitch—they are probably the most dangerous individuals, because they have a contempt. I have an interest in Carlisle United, and we have a policy that, if someone comes on to the pitch, we exclude and ban them. Will the Minister consult every club in the Football League to make sure that they take the same strong action against individuals?

Lord Parkinson of Whitley Bay (Con): The noble Lord makes an important point, and, yes, we work with clubs of all tiers and sizes across the country to look at this issue. The policing of football matches is an operational decision for local police forces—the local police commander will make a risk assessment and deploy resources accordingly. That is of course right, but we and the police speak regularly to clubs of all sizes about these issues.

Lord Hogan-Howe (CB): My Lords, I support the noble Lord, Lord Clark. Part of the answer is mainly in the hands of the clubs: even when there are mass invasions of pitches, they usually have CCTV of the pitch, and they often have images of their members, which is the only way they can buy tickets. The only question is whether they investigate to discover who these people are and then give them a penalty. The most effective penalty for most football fans is to exclude them from the ground via a season ticket. I am afraid that there is no incentive for the club to do that if it ends up with an empty ground or less revenue, so the regulators have a role to play with the clubs to ensure that these investigations happen, even when one can understand the emotion of the moment and why it happens. But there ought to be a consequence for it—perhaps the Minister will agree.

Lord Parkinson of Whitley Bay (Con): I certainly agree with the noble Lord, who speaks with great authority. There is an important role for clubs, fans and the police in all of this. As I say, after the event, police investigations follow up using CCTV and other things, as the noble Lord mentioned. While the Sports Minister was in Istanbul for the Champions League final, he took the opportunity to meet Chief Constable Mark Roberts, the head of the UK football policing unit—I hope that reassures the noble Lord that we are in constant contact with the police on this issue.

Lord Faulkner of Worcester (Lab): My Lords, the Minister has rightly referred to the excellent work of the Sports Grounds Safety Authority, which is, of course, operated from his department. Can he give an assurance that, instead of the rather hand-to-mouth funding arrangements with which the SGSA operates at present, he will be able to give longer-term funding so that it is able to do even better work than he has described? In particular, can funds be provided for sports grounds outside the professional game, such as non-league football, stadiums that stage women's matches and so on? I declare an interest as vice-president of the National League.

Lord Parkinson of Whitley Bay (Con): The question of budgets and resources is one for the authority and my right honourable friend the Sports Minister to

discuss. I will certainly pass on the point made by the noble Lord, but as I say, they have taken action following the review which we commissioned to issue guidance and fact sheets to clubs on some of the action that can be taken to help the situation.

Lord Harris of Haringey (Lab): My Lords, could the Minister tell us what arrangements he is making to ensure that football clubs pay the proper costs of policing the matches, both inside and outside the grounds, particularly those clubs that are perhaps less assiduous in making sure their fans behave?

Lord Parkinson of Whitley Bay (Con): This is a long-standing matter on which we are in discussion with the police, the Home Office and clubs themselves. I will take the point made by the noble Lord back to my right honourable friend the Sports Minister and make sure it is heard again.

UK Food Aid: Ethiopia

Question

3.31 pm

Asked by ***Lord Browne of Ladyton***

To ask His Majesty's Government, following the decision of the USAid and the UN World Food Programme to suspend food aid to Ethiopia, what steps they are taking to protect the integrity of UK food aid funding paid to the Productive Safety Net Programme run by the government of that country.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park) (Con): My Lords, we are deeply concerned about the recent revelations of food aid diversion in Ethiopia. We welcome the Government of Ethiopia's joint statement with USAID that commits to addressing the issue and holding those responsible to account. We have asked the World Bank to lead a review of aid diversion risks in the productive safety net programme, which provides 8 million people in the poorest areas of rural Ethiopia with critical assistance.

Lord Browne of Ladyton (Lab): My Lords, the infliction of starvation by Ethiopia and its allies on the civilian population of Tigray during the two-year war now seems to be continuing in the context of a peace process, a fundamental of which was to ensure unhindered access to aid, especially for women, children and the elderly. A criminal scheme co-ordinated by elements of the country's federal and regional Governments has been stealing the food aid donated to the UN World Food Programme by the US, Ukraine, Japan and France and diverting it to feed military and ex-combatants and selling it on the open market. Now, because of diversion concerns—and this move is difficult to comprehend—the US Government and the World Food Programme have suspended food aid to Ethiopia and Tigray respectively, pending, as the Minister acknowledged, a USAID countrywide review in co-ordination with—of all people—the Government of Ethiopia. In the meantime, what if any alternative means are being considered by His Majesty's Government, and recommended to the US Government and the UN, to get life-saving food to malnourished, starving children in Tigray?

Lord Goldsmith of Richmond Park (Con): My Lords, we understand why the World Food Programme has taken the decision to temporarily halt food assistance to Ethiopia. It is worth adding that nutritional support and other programmes will continue. The demands placed by USAID and the World Food Programme are reasonable: they want independent investigations that target the people behind the aid diversion schemes, independent rather than government-managed targeting of humanitarian food assistance and independent—again, not government-managed—warehousing and distribution of food assistance. That is what they are demanding, and we understand why. As it happens, we have not yet found any diversion of UK aid, and we hope that does not change with the emergence of new evidence.

Lord Purvis of Tweed (LD): My Lords, the Minister knows that this region is suffering from the worst famine and hunger crisis for 30 years, but the UK support has been slashed from £861 million in 2017-18 to just £221 million last year. Notwithstanding that, we are still contributing a large amount of support for the people of this region. It is recognised that if combatants attack food supplies, it is considered a war crime. Is it the position of His Majesty's Government that direct and deliberate food diversion away from civilians as part of a conflict will also be considered by the UK as a potential war crime?

Lord Goldsmith of Richmond Park (Con): I will have to put that specific question to the Minister for Africa. In principle we do not question the basis for the definition that the noble Lord has put forward, but it has always been our view across the board that determination of things such as genocide or war crimes should be made by a competent court rather than by the UK Government or a non-judicial body.

Lord Collins of Highbury (Lab): My Lords, the recent fifth failed rainy season and extreme climate events across the Horn of Africa mean that catastrophic hunger levels are likely to worsen across Ethiopia, as well as in Kenya, Somalia and South Sudan, yet those countries are among the least responsible for climate change. Can the Minister, who I know has a specific interest in this, tell us more about what the Government can do to help communities adapt to the impact of climate change?

Lord Goldsmith of Richmond Park (Con): The noble Lord makes a hugely important point. It is worth saying that Ethiopia was long considered a success story. Over the last few decades, millions upon millions of people have been pulled out of poverty—with UK support, I should say; the UK has been a principal player in that process and can be proud of it—but those gains are being lost as a consequence of drought, conflict and the war in Ukraine, et cetera. The noble Lord raises the issue of adaptation. The UK has committed that half or thereabouts of our international climate finance should be spent on adaptation, the other half being spent on mitigation. A very big

[Lord Goldsmith of Richmond Park]
proportion of both will be invested in nature-based solutions to climate change, which provide both adaptation and mitigation. That is the lens through which we approach climate change, and it is the focus of all the investments in the £11.6 billion commitment that former Prime Minister Boris Johnson made at COP 26.

Lord Watts (Lab): My Lords, I very much support the Government's view about helping Africa in the way they have set out, but last time I was in Ethiopia it was clear that millions of women did not have access to family planning. Is it not the biggest scourge of Africa that those women have no ability to control the number of children they have?

Lord Goldsmith of Richmond Park (Con): The noble Lord is right to identify that as a major issue, which is why family planning remains a big focus of UK aid across Africa. So many threats, risks, challenges and pressures face that continent, and climate change and environmental degradation, as mentioned in the previous question, are rapidly becoming the dominant threat facing many countries in the continent.

The Lord Bishop of Durham: My Lords, it happens time and again that Governments start diverting food aid and other aid away from the people who need it on the ground, and time and again we have learned that international organisations such as Christian Aid and the Red Cross, and local faith communities from all faiths, are often the very best at delivering aid and making sure it gets to the people most in need. Can the Minister tell us what is being done to try to get around the Ethiopian Government and use those organisations?

Lord Goldsmith of Richmond Park (Con): I strongly agree with the premise of the question. Many of those organisations are better placed to deploy aid than Governments, government agencies or some of the very clunky, large multilateral organisations. I mentioned earlier that the UK has not found evidence that our own aid has been diverted, but we are part of a UN-led diversion task force. We are pressing for a systemwide investigation into diversion risks across Ethiopia and working with our representatives at the UN and the World Bank to bring impetus to this process at the highest possible level. But there is an urgent need to maintain the humanitarian support that the right reverend Prelate identified in areas affected by ongoing regional conflict, flooding, cholera and so on. We follow strict processes to prevent aid diversion and have controls and risk management systems in place, and they seem to be working. We are acutely aware of the need to continue to provide humanitarian assistance for those in the greatest need.

Lord Kamall (Con): My Lords, many noble Lords will recognise that the African Union has been trying to play a role in resolving the conflict in that region, but of course the African Union is also headquartered in Ethiopia. What is the Government's view of how well the African Union is doing? Does it need more support from the UK and its allies? Do the Government have any concerns about its role in trying to resolve this conflict?

Lord Goldsmith of Richmond Park (Con): It is absolutely right that the African Union should be front and centre in tackling this crisis, but I think I am the wrong person to provide an assessment of its role in the context of today's discussion. I will have to get back to my noble friend via my colleague the Minister for Africa.

Hereditary Peers By-election

Announcement

3.40 pm

The Clerk of the Parliaments announced the result of the by-election to elect a hereditary Peer, in place of Viscount Falkland.

Two hundred and twelve Lords submitted valid ballots. A notice detailing the results is in the Printed Paper Office and online. The successful candidate was Earl Russell.

Lord Grocott (Lab): My Lords—

Noble Lords: Hear, hear.

Lord Grocott (Lab): —as is traditional on these occasions, I thank the returning officer for his work; it was more complicated this time, because there were quite a few voters. I congratulate the noble Earl, Lord Russell, as the winner; I am sure he will do a good job in this House. I must also congratulate the Liberal Democrats on successfully retaining this seat. I suppose I should explain to anyone who does not follow these things closely that they were greatly assisted in that endeavour by the fact that all three candidates were Liberal Democrats. It is an unusual system in western democracies.

The electorate was 777 Peers; all of us were able to vote. But, unlike in by-elections in the House of Commons or in local government, for example, in our case when we were about to vote, we were not required to present our driving licences or passports. We coped without voter ID.

This now brings to a total of 53—the figure is obviously going up all the time—the number of Peers who have been successful in by-elections since this temporary measure, as it was intended to be, was introduced quarter of a century ago. Of those 53, the vast majority are Conservatives and Cross Benchers; Lib Dem by-elections are very rare occurrences. For anyone who is relatively new to the House, the last occasion of a Lib Dem by-election was the mother and father of all of them, in that there were seven candidates and three voters—twice as many candidates as voters. At least turnout was 100%. I tried to calculate the turnout for this election from the figures that we have been given and I think it was about 25% or thereabouts.

As a final point, this by-election was done entirely online. I found that slightly restricted my powers as a democrat, because I did try to spoil the ballot paper. It was probably my technological incompetence but I found it impossible to spoil. You simply could not forward it without filling in an answer—so that is a bad development. But at least we can now say that, unlike in any other election, when we elect a hereditary Peer in this country, it is done entirely electronically—so who can accuse the House of Lords of not moving with the times?

Baroness Smith of Basildon (Lab): My Lords, I thank my noble friend Lord Grocott for raising this issue with his customary good humour, used to make a very serious point. We all welcome our new colleague, the noble Earl, Lord Russell, to his membership of your Lordships' House and we will make him welcome. But that does not mean that we approve of this method of entry into your Lordships' House. The laughter around the Chamber as my noble friend outlined the process of coming here was testament to how we all think it is pretty ridiculous. There have been some elections when there have been more candidates than voters.

This House has said on numerous occasions that we wish to end the hereditary Peer by-elections. As my noble friend Lord Grocott said, they were a temporary measure. They really should be ended. I say this to the Government, notwithstanding any criticism of any Members who come to this House: when we are here, we are all of the same status and all Members of your Lordships' House. But the time when we would elect a hereditary Peer from a very small electorate has long gone. We have voted against such by-elections on many occasions. If the Government do not act, I assure the House that we will.

Lord Forsyth of Drumlean (Con): My Lords, I confess that I have not always been a great fan of the hereditary by-elections, but we must surely all acknowledge that the process has brought some people of quite exceptional talent and ability to this House who would not make it through the conventional appointment process.

Lord Hamilton of Epsom (Con): My Lords, I always find it very confusing that we have these speeches condemning hereditary by-elections when all the rest of us are appointed by an extremely obscure system which very few of us really understand. The problem is the appointment of so many Members of this House, not the election, albeit by a small electorate, of the few who come in as hereditary Peers.

Lord Cormack (Con): Can we express the hope that we will have no more resignation honours Peers in this House? We had seven too many last week, although each will of course be made welcome, but 40 days and 40 nights or thereabouts in Downing Street should not qualify anyone to nominate anyone to anything.

Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2023

Motion to Approve

3.46 pm

Moved by ***Lord Bellamy***

That the draft Order laid before the House on 24 April be approved.

Relevant document: 38th Report from the Secondary Legislation Scrutiny Committee. Considered in Grand Committee on 13 June.

Motion agreed.

Illegal Migration Bill

Committee (5th Day) (Continued)

3.47 pm

Clause 60: Credibility of claimant: concealment of information etc

Debate on whether Clause 60 should stand part of the Bill.

Baroness Ludford (LD): My Lords, I am, of course, hugely disappointed that some of our colleagues do not want to listen to a fascinating debate on Clause 60 of the Illegal Migration Bill, just as some of those who stayed until 4 am the other morning did not want to participate in the debates on the Bill. However, I am delighted that the noble Earl, Lord Russell, is joining our ranks. It is wonderful to have an Earl Russell back. Those who remember Conrad Russell will know what a formidable Member of this House he was, and I am sure that his son will do justice to his memory.

I am talking against Clause 60 standing part. This clause was added by the Government on Report in the Commons, so it was not discussed by MPs. It would amend a section of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 that is about factors that damage the credibility of an asylum applicant.

The point of Clause 60 is to expand the circumstances in which credibility would be damaged—where a claimant fails to produce or destroys an identity document or, indeed, where they refuse to disclose information such as a passcode that would enable access to information stored electronically, such as on a mobile phone. It is rather odd that we should be debating this poor, lonely little clause on its own. Indeed, there was perhaps a good argument that it should have been grouped with Clause 14, which my noble friend Lord German, on whichever day it was—

Lord German (LD): On a variety of days.

Baroness Ludford (LD): Yes, when it was proposed that Clause 14 should not stand part of the Bill. My noble friend debated issues about the powers of the Government to extract information concealed behind PIN numbers on phones. If memory serves, Clause 14 was particularly in relation to people who are detained, while Clause 60 oddly stands on its own—apart from Clause 14. But they need to be looked at holistically, to try to get some assessment as to what new powers the Government want. Are we in danger of getting spillover to sectors other than asylum?

The failure to provide information, an identity document or a PIN number would be added as a type of behaviour considered damaging to a claimant's credibility. It is not restricted to people who are caught by Clause 2; the intended effect seems to be directed more at people seeking asylum who arrive on a direct flight from the country in which they face persecution. In a sense, it does not have much to do with this Bill, which is another reason why it sets off a bit of an alarm bell. The problem is that making a direct journey from a country in which the person is at risk of persecution, perhaps where the persecutor is the state or an agent of the state, may require the person not to travel with documentation that would identify them if

[Baroness Ludford]
they presented that documentation or were searched as they passed through an airport. That would concern an identity document—so there are some issues around penalising a person because they have not produced such a document, and I would be grateful if the Minister could respond on that issue.

On the other arm of it, with regard to insisting on the person delivering the passcode or PIN for their phone, I am wondering how widely that is expected to apply and how it relates to Clause 14 on getting access to PIN numbers and, indeed, to handing over mobile phones. My noble friend Lady Hamwee raised the problem that that would mean asylum applicants not having access to their contacts. In the scenario that this Bill covers, that means that people could not phone their family to say, "I'm safe—I haven't drowned in the channel". So that is one aspect that arises. The other aspect is that of access and forcing someone to give up the PIN on their phone. When the Minister replied to the debate on Clause 14 and Schedule 2, he said that that the information on the phone

"can … assist in determining a person's immigration status or right to be in the UK … We all know that mobile telephones contain a wealth of data relating not just to the owner of the phone but to where that phone has been and who they have been with—all of which can be used to build up an intelligence picture which can facilitate criminal prosecutions".—[*Official Report*, 7/6/2023; col. 1542.]

We are all in favour of facilitating prosecutions. That is one of the reasons why we have been so dismayed by the provisions on victims of modern slavery and trafficking. Another reason is that there is nothing in the Bill to enhance the prosecution of smugglers and traffickers. Suddenly the Minister came out with this route which is supposed to facilitate criminal prosecutions. My noble friend Lord German referred to a High Court case which said that what the Government had been doing was illegal and that they were wrong to extract information concealed behind PINs on phones. The Minister said that the powers that have been put into the Bill in Clause 14 are fresh powers to respond to the High Court judgment, so this is a new suite of powers.

What we have got is in two different clauses. We have new powers, and the common theme across them is access to people's mobile phones and other electronic devices by forcing them to give up PINs. I am wondering what the scope of this is, beyond people detained or caught by Clause 2, because Clause 60 appears to apply to anybody who is outwith the scope of the Bill. What are the boundaries of the powers that the Government are granting themselves to access people's mobile phones? I cannot claim to be an expert on this issue, but I know there has been a lot of commentary and activity on the question of victims' mobile phones in sexual abuse cases. Will the Minister clarify exactly what the purpose of Clauses 14 and 60 is? Why was Clause 60 brought in to stand on its own rather than Clause 14 being amended? What is the composite picture that the Government are painting? How are their powers going to be constrained? Are the rest of us going to find that one day all these powers apply to us as well? I am raising this point as a clause stand part debate because Clause 60 seems to raise some rather troubling questions about the powers that the Government want to give themselves to access mobile phones.

Lord Ponsonby of Shulbrede (Lab): I thank the noble Baroness for introducing her clause stand part debate. As she said, the clause adds behaviours that would be considered damaging to the credibility of an asylum or human rights applicant by amending the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 to widen false "passport" to false "identity document" which ensures that by presenting false documents, failing to produce documents or destroying documents an applicant damages their credibility. It also adds electronic information to the list. If an applicant fails to disclose passcodes or electronic devices, their credibility can be damaged.

In a sense, this would not be a particularly controversial part of the Bill. However, there have been reports about confiscation of mobile devices which has left migrants unable to contact the outside world or to provide the electronic documents needed for their applications. The noble Baroness, Lady Ludford, referred to the recent High Court case where the Home Office policy on blanket mobile seizure was found unlawful. She also referred to the Minister saying that Clause 14 provides fresh powers through the Bill to respond to the High Court judgment.

I thought that the noble Baroness raised interesting questions about the scope of this clause and whether it goes beyond what is covered in Clause 2 and how widely it will apply. The tone with which she introduced her clause stand part notice seemed to be seeking information and reassurance regarding these enhanced powers. I look forward to the Minister's response.

4 pm

The Parliamentary Under-Secretary of State for Migration and Borders (Lord Murray of Blidworth) (Con): My Lords, I am happy to provide that reassurance and explanation. I am grateful to the noble Baroness and the noble Lord for their thoughts on Clause 60.

Clause 60 clarifies and modernises Section 8 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, which relates to the credibility of asylum claimants. First, in response to the point made by the noble Baroness, Lady Ludford, this provision will not be relevant to those who meet the conditions in Clause 2, as their asylum claims will of course be inadmissible, but it will be relevant to other asylum seekers. It is appropriate that we use the opportunity afforded by the Bill to address this issue for the reasons that I will come to in a moment. The clause puts it beyond doubt that destroying, altering, disposing of or failing to produce any identity document—not just a passport—is behaviour that should be viewed by decision-makers as damaging a claimant's credibility.

Secondly, the clause modernises Section 8 to reflect the fact that mobile phones and electronic devices play a much more significant role in people's daily lives in storing relevant documents and information than they did 20 years ago. We have therefore expressly provided that refusing to disclose information, such as a passcode which would enable access to a person's mobile phone or other electronic device, should be damaging to their credibility. In so doing, we are reading across provisions that exist in criminal law in relation to Section 49 of the Regulation of Investigatory Powers Act and equivalent

provisions in Scotland. I hope noble Lords agree that it would be inconsistent to treat what would amount to the effective concealment of a document, by not providing access, stored electronically any differently from the concealment of a physical document.

Finally, the clause brings Section 8 of the 2004 Act up to date by clarifying that the provisions relating to documents apply where those documents are stored in electronic form.

Clause 14 is a separate part of the Bill and introduces new powers. We already have some powers to seize devices, but Clause 14 introduces new powers, as the noble Lord, Lord Ponsonby, observed, and as we discussed in Committee on the relevant group of amendments. Clause 60 will of course apply no matter which power of seizure is used.

I hope that I have provided the requested clarity, and I further hope that Clause 60 will stand part of the Bill.

Baroness Ludford (LD): My Lords, I thank the Minister for those explanations. It may be that my brain has gone to cotton wool—I will read his response in *Hansard* to try to see the whole picture. At the moment, I cannot see the overall coherence of this scheme.

The Minister is going to send me scurrying off to look up the Regulation of Investigatory Powers Act, of which I have just a vague memory. I am sure that colleagues on other Benches will know its provisions off the top of their heads, but is there any sort of reasonable suspicion trigger, or some such, in that Act, about investigating crime and suspected terrorism? I do not know, but my fear with all of this is of mission creep. I am not sure whether the Minister has fully removed that fear, but I will carefully read his response and I am sure that, with his normal courtesy, if I have any follow-up questions he will deal with them in writing.

Clause 60 agreed.

Amendment 132

Moved by ***Baroness Hamwee***

132: After Clause 60, insert the following new Clause—

"Operational efficiency

(1) Within six months of the date on which this Act is passed the Secretary of State must publish a management review undertaken by management experts outside the Home Office, of—

(a) the efficiency of the processing by UK Visas and Immigration of applications, and

(b) the efficiency of the removal by Immigration Control of persons whose leave to remain has expired.

(2) For the purposes of this section—

(a) "efficiency" includes fairness, and

(b) the review must include information regarding the numbers of appeals and their success rate."

Member's explanatory statement

This amendment requires the Secretary of State to commission an independent management review of the efficiency of UK Visas and Immigration in processing applications and the efficiency of the removal process for those whose leave to remain has expired.

Baroness Hamwee (LD): My Lords, this is the first of a number of proposed new clauses relating to the efficiency of the Home Office and the elusive—maybe even illusory—impact assessment statement. We know we will be told that the impact assessment will be published "in due course". The timetabling may be clear to the Home Office but it is not to any other noble Lord who has spoken. It occurred to me that the Home Office could really teach even Avanti West Coast or TransPennine Express something about timetabling.

We cannot put into the Bill that it should not go to Report without an impact assessment. Amendment 149 is therefore one of a number that I have tabled, all following the same form of drafting, so that the Bill should

"not come into force until"

and unless various things had happened, one of them being the receipt of the impact assessment. I realised, on reflection, that it was not my cleverest thought because I did not mean any old sort of impact assessment; I meant the sort that the noble Lord, Lord Carlile, was referring to the other day, when he talked about due diligence. That is a term I understand pretty well, as I think most people would. However, the amendment enables me to make the point that noble Lords have been making throughout.

On Monday, the Minister certainly referred to an economic impact assessment, as I think he mentioned before. My reading of the debates is that noble Lords want far more than just an economic assessment. I do not need to spell out that the impact of the Bill on third-sector organisations and so on, as well as individuals, will be considerable.

Amendment 132 is about the operation of the Home Office. Frankly, it is a pretty mild amendment, especially given how often it is remarked—I agree with this—that the backlog of applications is the problem, not the number of asylum seekers. The amendment simply calls for a management review by independent experts.

Many people are calling for the Home Office to clear applications from asylum seekers who come from countries whose nationals succeed in their applications in almost every case. We have heard reference to this throughout the Committee. It should be quite straightforward, but I confess that I am in two minds about it. I am anxious that asylum seekers are not all in the same position or with the same characteristics, even if they come from the same country. It would be too easy not to see each asylum seeker as an individual whose application should be treated as that particular individual's application. However, that does not invalidate the point that what has been happening—or not happening—in the Home Office, rather than in the channel, is at the heart of the situation.

I mentioned earlier today the Justice and Home Affairs Select Committee's report, *All Families Matter: An Inquiry Into Family Migration*, and the Home Office's response to it. During the inquiry that led to that report, the committee, which I chair, heard from witnesses vivid descriptions of their attempts to find out what was happening to their applications. To give one example, people said that they had to hold the line for long periods and had to give a credit card number

[Baroness Hamwee]
in their details because they had to pay for the call. They paid to sit on the phone but then found, when they got through, that they were not speaking to the right person or that the number that they had been told to call was not the right one. The frustration and distress mount and mount. We know that the Home Office's service standards were affected by the Ukraine visa scheme and that the Home Office aims—I stress that word—to begin republishing quarterly performance data as soon as possible. Let me stress that I do not think that any of this is the fault of individual officials; there is something about leadership and management that needs to be sorted.

I will not read a lot from the Government's response to the committee's report but I want to pick out a couple of points. We made these recommendations:

"The Home Office should adopt a new approach to communication … The Home Office should establish standards about its communication with applicants and routinely publish statistics on whether these standards are met. Applicants should be able to contact the Home Office free of charge".

The Government's response states that the Home Office "is working on a notification service";

it is "currently in test", it says. It goes to say:

"All applications are proactively monitored, and customers"—

I hate the word "customers" in this context—

"are notified prior to the end date of the service standard".

Communication does not seem to be the Home Office's strongest point or its natural behaviour; it is not one of its characteristics. So much of this goes back to efficiency and sympathy for customers, which matters an awful lot. These people feel that, too often, too many of them are treated as statistics and numbers. The service is a poor one. That is one of the reasons why I have tabled Amendment 132, which I beg to move.

Baroness Chakrabarti (Lab): My Lords, Amendment 139 in this group is in my name. This group is all about efficiency and administration. Amendment 139 is purely a probing amendment—there is no way that anyone would seek to engineer changes to the machinery of government via an opposition amendment to yet another immigration Bill—but I put it down to probe the tensions that have been emerging and increasing in recent years, even months and weeks, between the respective competencies and missions of the Foreign, Commonwealth and Development Office on the one hand and the Home Office on the other. I also tabled it to stress the vital importance of international co-operation in dealing with the worst refugee crisis since just after the Second World War. It is, I am afraid, a crisis that is only going to deepen with the threats posed not just by the various conflicts all over the globe but by the climate crisis, as others have said.

Amendment 139 probes and sets out the kind of functions that sit with the Secretary of State. Noble Lords will remember that the Secretary of State is indivisible, so when Governments of various stripes move the deckchairs around and pass functions from one department to another or even rename or reconstruct departments, the Secretary of State is the Secretary of State. The kind of functions that I set out in my suggestion for an office for refugees and asylum seekers are those in general that are much more suited to the expertise and mission of the Foreign Office. That is why consideration of the various international obligations is set out, such as the function of considering safe passage and humanitarian protection and advising the Secretary of State in relation to aid and other action in conflict. It is the relationship between over there and over here.

4.15 pm

I suggest to the Committee that the poor old Home Department invariably—not just in the context of refugees and asylum seekers but in the context of all sorts of social problems, internationally and domestically—is the department of last resort. It often picks up problems that have been created elsewhere when more progressive, creative, benign measures have not been aspired to or achieved. That is what I am trying to suggest here.

We have seen the tensions, sometimes played out late at night, even in relation to the tone and response of different Ministers representing different departments replying to groups of amendments. I do not think that the tensions have been lost on Members of the Committee. It is not just in Committee; sometimes at Question Time we will have the noble Lord, Lord Ahmad of Wimbledon, representing the Foreign Office, coming to the Chamber, speaking eloquently at the Dispatch Box about the importance of promoting human rights, internationalism and our status in the world et cetera. It is not the fault of House of Lords Ministers, but then we get the House of Lords' gentlemanly version of the "Stop the boats" rhetoric that comes from the Home Secretary and the Home Department these days. These tensions at times are almost impossible and unbearable for a single Government, let alone their officials and the people who look to the Government for leadership in difficult times.

Traditionally and today, the Foreign Office contains the experts on country information around the world. In Committee, we have heard noble Lords read out what the Foreign Office says about various countries, advising British travellers to be cautious or not even to go to these places, but then we are told in this draft legislation that those countries are safe. That is a tension that has been exposed.

I say this as a mere Home Office lawyer in the past, not a Foreign Office one, but the Foreign Office lawyers have always been within government the traditional experts on international law, including humanitarian law, and of course the diplomatic corps is there. We are privileged in this Committee and in your Lordships' House to have some very distinguished former diplomats and in the noble Lord, Lord Kerr, a very distinguished former Permanent Secretary. Diplomacy, treaty negotiation, treaty interpretation and responsibility for Britain's place and moral standing on the world stage are Foreign Office matters. At times this is undermined by aspects of Home Office policy, practice and rhetoric. The way in which departmental responsibilities have evolved in the past couple of decades means that the Home Department is now pretty much a department of the interior/homeland security. It is not even the hybrid home and justice department that it once was.

We know about the terrible backlog, the refusal culture, the initial decisions that are reversed on appeal and the large number of people who currently succeed in getting their refugee status on appeal but will now

be called "illegal", incarcerated and maybe one day removed. That is a problem, but the biggest problem of all is probably the very mixed signals that we are currently hearing—and not just between the Foreign Office and the Home Office.

The Prime Minister goes to Reykjavík and elsewhere and talks about what global Britain should be and the role that Britain could play once more on the international stage, as it once did in the post-war era, in convening and promoting the kind of co-operation that the noble Baroness, Lady Helic, talked about earlier today. That is the kind of leadership on the world stage that is required, that Britain was once responsible for and for which Mr Sunak suggests he wants Britain to be responsible again. But then we hear the contrasting language of successive Home Secretaries in recent times: the very divisive, dehumanising, populist language that we have heard before. It never ends well.

That is the tension in tone and competence in these various departments that I wanted to highlight in Amendment 139. I look forward to the Minister's response.

Lord Carlile of Berriew (CB): My Lords, I support Amendment 139 in the name of the noble Baroness, Lady Chakrabarti. I have put my name to Amendments 134 and 135 in the name of the noble Lord, Lord Coaker, and I will leave it to him to speak to them if he wishes to do so at any length. I support these amendments to ensure that we have accountability and review, and I do so on a probing basis.

I think the Minister who will reply to this debate, the noble Lord, Lord Sharpe, has been in the Chamber when the noble Lord, Lord Murray of Blidworth, has been subjected to a considerable amount of attrition on the Bill—which he has treated with commendable control and self-restraint. Few have been provoked as much as he has in this Chamber in recent years. That said, I think the noble Lord, Lord Murray, would confirm in his private conversations with the noble Lord, Lord Sharpe, that there is real concern in your Lordships' House and in certain well-informed sectors in the country about the consequences of the Bill.

In the recent past we have had reviews—I and my noble friend Lord Anderson have been part of this in relation to terrorism—which have reported to Parliament in relation to controversial pieces of legislation that cause great concern, particularly to Members of the other place. I understand that, having been one. I simply ask the Government to take into account that such reviews are necessary in some form and to provide for accountability and review of the consequences of the Bill, if it becomes an Act of Parliament.

Lord Kerr of Kinlochard (CB): My Lords, I disagree with the noble Baroness, Lady Chakrabarti. She made her case for transferring this responsibility from the Home Office to the Foreign Office on grounds of efficiency and good administration. In my totally unbiased view, it is of course the case that the Foreign and Commonwealth Office is a model of efficiency and good administration. But on practical grounds, I really do not agree with this.

There is a Foreign Office role. The role of the treaty section is monitoring, ratification procedures and quality control over the treaties that we sign. There is a role for legal advisers, referred to by the noble Baroness, monitoring the Government's respect for their treaty obligations and, if necessary, reminding other departments of the obligations that we have taken on.

There could be a role for our posts abroad. I strongly support the proposal in Amendment 130 for the safe passage visa. It would be very good if our posts abroad were allowed, say, to filter out applications that are clearly not unfounded and to assist applicants with the electronic application system. That would be very good, but the trend in the Home Office, which the noble Baroness in my view correctly described, to move more and more to being a department of the interior, with a bit of homeland security, would be increased if responsibility for carrying out our treaty obligations in respect of asylum seekers were transferred to another department.

Moreover, the Foreign Office really is not equipped to take on the enhanced teams required to deal with 178,000 applicants in the asylum queue. So, although I understand the noble Baroness's motives and applaud her praise for the Foreign and Commonwealth Office, I am against this proposal.

The Lord Bishop of Durham: My Lords, the Minister ought to welcome Amendments 132, 134 and 135, because they simply ask for transparency of reporting back on the success of the Bill. The introduction says:

> "The purpose of this Act is to prevent and deter unlawful migration, and in particular migration by unsafe and illegal routes".

Most of the arguments have been around the Government's conviction that this is the right way to stop the boats. Many of us in this Committee believe that it will not stop the boats, that we will end up with large numbers of people being detained for indefinite periods and that it will cost a huge amount of money.

I quite happily accept that the Minister will probably say that practically these amendments cannot work with one month and might need a different timescale and so on, but they are basically saying, "Please report that this is doing what the Bill set out to do". Really, I cannot see how the Government can object to being required to report on their own successes.

Lord Kamall (Con): My Lords, I hope noble Lords will forgive me that I was unable to speak at Second Reading and will allow me to make a few comments. Since I have returned to the Back Benches, I have tried to focus on a few amendments rather than speaking on everything, so this is my first intervention in this part. I want to speak because I have huge sympathy for Amendment 132 in this group and Amendment 150 in the next group about operational efficiency. In fact, I have submitted Written Questions on the issue of the backlog and what the Government are doing to tackle it, and I thank my noble friend the Minister for answering them. I hope noble Lords will forgive me, because this is the first and only time I will speak at this stage, if I make a few more general comments.

First, I am very concerned about the language we are using and the lack of compassion we are demonstrating. I do not think it right that we condemn people who are either fleeing persecution and torture

[Lord Kamall]
or even coming to this country as economic migrants. There is nothing wrong with wanting to be an economic migrant. My parents were economic migrants; they came here to seek a better life. I understand all that and I think we should show some sympathy and understanding, but I also think we should be proud that people want to come to the United Kingdom, because we are one of the most open countries in the world and we have, over the years, assimilated many immigrants who have fled persecution or come here for economic reasons, to contribute to this country.

Noble Lords will have often heard me say that we should be grateful to the people from the Commonwealth —my father came in the early 1950s—who saved British public services after the war. If it were not for these immigrants, our public services would be in trouble. On this specific issue, we should be clear that while we are proud that people want to come to the United Kingdom, and while our heart may want to help as many people as possible, our head says that we cannot let everyone in. Therefore, the debate is often about where we draw the line, particularly for those who are facing persecution.

If we could do it for Ukraine and Ukrainians, and it is right that we do, why can we not understand where the problems are in the system and throw resources at them? We could have internal hit squads that tackle specific issues. We did it for Ukraine: we were able to pull people off other things to tackle issues. We are not elected, but the voters and citizens out there want to understand what is slowing down the process. Why does it take so long to sort out the backlog? If we can identify those bits of the process that are taking too long—if there are particular legal problems, people are throwing away passports, there are problems with DNA tests or whatever—it would be helpful to the Government's case to tell us where the problems are and what they are doing to tackle these issues.

4.30 pm

Also, if we clear the backlog and we are processing people coming in and their applications fail, perhaps—noble Lords may not agree with this—there will be more sympathy for those who do not want to return to their home country, or who resist, then to be sent to Rwanda once they have been processed. Many may disagree with me but if they have gone through the whole process there may then be a role for Rwanda in terms of people who have failed and are refusing to go home.

I do not agree—and I have heard this a few times—that the backlog might be a disincentive to people applying. I completely disagree with that. If you are really fleeing desperate circumstances, being in a hostel, however unpleasant or cramped it is or however restrained you are, is probably better, in some ways—relatively; I am not trying to say it is a wonderful place to be—than being in a town, village or city that has been ravaged or where you are likely to be persecuted.

I end by agreeing with the noble Baroness, Lady Chakrabarti, about international obligations. The Prime Minister recognises this. This is why he is saying that he wants to look at how countries can work together on this issue—and not only on climate change and other international issues but on communications so that people can see where they can have a better life in the rest of the world. As communications technology improves, you get news instantly about what is going on. It no longer takes weeks or years to get information from the rest of the world. We can see protests or people being persecuted in countries immediately and we can be sympathetic and want to help them.

I am sympathetic to Amendments 132 and 150. My plea to the Government is for some accountability and monitoring of why it takes so long. Can we try to throw resources at reducing the backlog, and then people can understand how the process works? There might well also be more sympathy when people are denied the ability to stay because they have not met the criteria.

Lord Coaker (Lab): My Lords, the noble Lords, Lord Carlile and Lord Kerr, will be pleased with my remarks because this is my plea for the impact assessment.

I am delighted to see that we may get a different answer because we have a different Minister, although I have to tell the Minister that if he says "in due course" or "on the first day of Report", he will get the reaction that his noble friend Lord Murray got. I say, half in jest, it was not great knowing that the Minister was going to reply to this point about the impact assessment, given what happened when he was replying to me yesterday with respect to the Public Order Bill, when the Explanatory Memorandum was published the day after the other place discussed the public order regulations and I received it at 2.27 pm for a 7.30 pm debate. I hope that the noble Lord, Lord Sharpe, having learned from that, is now on the case to ensure that the impact assessment will be with us well before Report.

The serious point is that all noble Lords are saying to the Home Office that it is simply unacceptable that we are flying in the dark here. We need the information before us. I hope the noble Lord, Lord Sharpe, can come up with another phrase which gives us more hope and expectation, because that is the serious point here.

I thank the noble Lord, Lord Carlile, for his support for Amendments 134 and 135, and the noble Baroness, Lady Ludford, for her support for Amendment 138. As the noble Lord, Lord Carlile, said, what we have here is an attempt to bring accountability and review into the system. This is about Home Office operational efficiency. The asylum system is in chaos. If it is not in chaos, I would be grateful if the Minister could tell me what word he would use for the enormous backlog, the increase in the time that any decision is taking, the drop in the number of people being returned, the surges in people coming across the channel, and the individual injustices. I remind noble Lords, if they have not seen it, that 616 migrants crossed the channel on Sunday. I am not sure whether there have been any since, but on Sunday they came.

The noble Baroness, Lady Hamwee, was right: if I had known about Amendment 132—also in the name of the noble Lord, Lord Paddick—requiring an independent review of the management and operation of the Home Office, I would have added my name to it. If we cannot get the bureaucracy, the applications

and the decision-making process right, we will have a problem. No law will work if there is bureaucratic inefficiency, so I very much support that amendment.

Amendment 134, requiring the Government to publish an impact assessment of the financial consequences of the Bill, is a probing amendment, but you can see why we require one. We had more information from the *Times* newspaper about the potential cost of the Government's reforms, when it went from £3 billion to £6 billion, than from the Government. All the Government can say is, "We don't comment on leaks". How on earth can we legislate when all we have to operate with are newspaper stories? We have no way of knowing. If the Government say this is not the case, then what is the case? What is the projected cost? Hence, there is Amendment 134.

Amendment 135 would require the Government to publish an impact assessment on the use of hotels and so on after the Bill has been enacted. Every now and again we read that the Government have bought a couple of barges; that certain hotels are not going to be used; that "it's not going work at that military camp, so we're going to try this one". Then, suddenly, a disused liner sails into Weymouth. This is fag-packet policy. What are we doing? What is the plan? We have tabled this amendment because, clearly, the Government have a plan. In the Home Office, there will be an assessment of what is needed and how it will be done. There is a secret plan, which the Government will not share with us. If that is not the case, and instead it is a case of, "Goodness me, we'll have to buy a barge", then buy "*Barge News*" and see what is available next week. "Oh, I know: there's a liner coming in"—

Lord Macdonald of River Glaven (CB): Has it occurred to the noble Lord that there may not even be a secret plan?

Lord Coaker (Lab): It had not occurred to me—but it has now.

The serious point is that there must be a plan. It cannot just be a question of, "I know—we will buy a barge, get a liner or buy this military camp". There must be some sort of strategy, secret plan, non-secret plan or memo saying what the Government are going to do, yet we are not allowed to see, share in or understand it. I have never known anything like it. This is a flagship government Bill. It is an important way of dealing with a challenge that we all know must be dealt with, yet we are having to deal with it in this way. It is nonsensical.

There is another reason why we need to know this. As noble Lord after noble Lord has said, the whole premise of the Bill is that every single migrant crossing the channel or entering illegally will be detained and subject to removal. That must mean that the Government have a figure for how many detention places they will need. If not, can the Minister say, "We have no idea what we will need", "This is what we think we will need", or, as would normally happen, describe the worst-case and best-case scenario, or best guess? We have no idea. How many detention places are the Government assuming they will need for their Illegal Migration Bill to work?

Lord Scriven (LD): Does it surprise the noble Lord to learn that I have asked that as a Written Question, and that the Answer was that it would be in the impact assessment?

Lord Coaker (Lab): No, it does not surprise me that the noble Lord asked the Question. I had not noticed it, but the Answer does not surprise me. The serious point is that the Government are clearly working to figures—they have to be—but they are not sharing them with the Chamber. It cannot be that they are just making it up as they go along. Hence the probing amendment: let us know something about the consequences of the measures and how many detention places the Government are planning for. Presumably, it will be as many as they need because of the number coming across—whatever that will be. The whole thing is predicated on the Government saying, "It will deter people from coming; therefore, we won't need many". So what is the figure and the deterrence effect assumption that the Government are working towards?

Amendment 138 is just to understand what police co-operation is taking place to deter the criminal smuggling gangs and tackle the people smugglers. Again, we would like to know. According to the figures I have—it will be interesting to know the figures from the Minister—there have been just three to four convictions per month for people smuggling across the channel, including a halving in total convictions for smuggling since 2018 to just 135 a year. Can the Minister confirm those figures? Can he confirm that over the past 12 months, criminal smuggling gangs have made, according to estimates, £180 million? Can he also confirm what co-operation is taking place between all the EU member states and beyond to tackle the criminal smuggling gangs and deal with the people we would all wish to be prosecuted and jailed for their horrific actions? An update on that would be helpful. Presumably, that would also be in an impact assessment, so we could understand it.

Finally, my Amendment 139FD would insert a new clause requiring the Government to report on the number of those removed due to the passing of the Act. How many people are the Government assuming that they will remove? As I said, the whole Bill is predicated on detention and removal—that is the whole raison d'être—so what assumption do the Government have? As we asked on earlier clauses, where are these people going to be removed to? I know we have had the debates about proper conformity to treaties, human rights and all those sorts of things, but again, we need some statistics and facts about what the Government intend to do—where they intend to remove people to, but also the number they are seeking to remove.

We are moving beyond the stage of platitudes and rhetoric. We want some hard statistical evidence to back up what the Government are saying alongside their proposals. We cannot act; we do not know the statistics and the impact assessment is being denied to us. I say again: the frank reality is that the Government have figures within the Home Office that they are working to. The only people who are not having those figures shared with them are the people legislating on the Bill, and that, frankly, is simply and utterly unacceptable.

Lord Paddick (LD): My Lords, the main problem with the broken asylum system, which appeared to be working satisfactorily in 2010, is how it has come to create a disproportionately large backlog of those awaiting asylum decisions, set against a similar or smaller number of applications for asylum and a

[Lord Paddick]
disproportionate number of failed asylum seekers awaiting removal. Amendment 132 seeks to address this. We will discuss with our Labour colleagues whether we should move to Report on the Bill in the absence of an impact assessment.

The Cabinet Office's *Guide to Making Legislation*, last updated on 15 August 2022, says:

"The final impact assessment must be made available alongside bills published in draft for pre-legislative scrutiny or introduced to Parliament, with 80 copies sent to the Vote Office (30 of which should be marked for the attention of the Public Bill Office) and 10 to the Lords Printed Paper Office on introduction, and will need to be updated during parliamentary passage to reflect any changes made to the bill".

Can the Minister say why the Government have not complied with the Cabinet Office's *Guide to Making Legislation* in relation to this Bill?

4.45 pm

We agree with the noble Baroness, Lady Chakrabarti, that immigration should not be left to the Home Office alone, if at all, and that the Foreign, Commonwealth and Development Office, and probably BIS, should take over responsibility for these issues.

The amendments in the name of the noble Lord, Lord Coaker, seem to me to require a kind of ongoing impact assessment, which we support; but, on the basis of impact assessments provided to date, I am not particularly hopeful that we are going to get a positive response from the Minister.

I will listen with interest to the argy-bargy between the noble Lord, Lord Coaker, and the Minister as to where asylum seekers are going to be accommodated.

The Parliamentary Under-Secretary of State, Home Office (Lord Sharpe of Epsom) (Con): My Lords, I thank all noble Lords who have spoken to these amendments today, and I thank all noble Lords for their comments.

Amendment 132 in the name of the noble Baroness, Lady Hamwee, would require the Home Secretary to commission an independent management review of the efficiency of UK Visas and Immigration in processing visa applications, and of Immigration Enforcement's work in removing from the UK those whose right to remain has expired.

I recognise that we should always be striving for maximum efficiency, and indeed effectiveness, in everything we do. In that regard, I agree with my noble friend Lord Kamall. But making decisions quickly and accurately is obviously in the best interests of the individual concerned, as the noble Baroness, Lady Hamwee, explained, and represents value for money for the taxpayer; and, where there is misuse of the UK's generous immigration system, so is ensuring that that is dealt with effectively. I am sure that noble Lords will join me in thanking the commitment of countless staff across the immigration system who uphold fairness and professionalism while making complex decisions every day. As regards the backlog, I do not have the precise figures to hand, but I note that the Home Secretary was speaking this morning in front of the Home Affairs Select Committee and was quoting some of those statistics, if noble Lords would like to refer to that.

Paying external management consultants to look into the efficiency of these Home Office operations would be unnecessary and not, I suggest, a good use of public funds. Reports by the Independent Chief Inspector of Borders and Immigration, the National Audit Office and others continue to provide insights into how current operations can be improved, including by identifying and disseminating good practice. We also publish quarterly immigration statistics, including on asylum and returns, which help to shine a light on current performance and inform parliamentary scrutiny of the work of the Home Office.

I agree wholeheartedly that we need a culture of continuous improvement to enhance the efficiency, accuracy and fairness of our decision-making processes in respect of visa applications and the efficiency and effectiveness of our enforcement immigration operations. I am not persuaded that legislating for an independent management review is the most efficient way to go about this, but I of course welcome the intent behind the amendment of the noble Baroness, Lady Hamwee.

Lord Scriven (LD): The Minister mentioned the Independent Chief Inspector of Borders and Immigration reports. The 2021 report indicated four key issues: a shortage of technical specialist staff; inadequate training for asylum interviews; low morale and high turnover of staff because of lack of career progression; and the removal of the 2019 standard service to decide 98% of straightforward cases within six months. Recommendations have been made; how many have been implemented?

Lord Sharpe of Epsom (Con): I am afraid I do not have answers to the noble Lord's questions. I will have to come back to him on them, if he will permit me to do so.

Amendment 134, tabled by the noble Lord, Lord Coaker, and signed by the noble Lord, Lord Carlile, and Amendment 149, tabled by the noble Baroness, Lady Hamwee, bring us back to the question of the publication of the impact assessment for this Bill. I will take this opportunity to remind noble Lords that the equality impact assessment for the Bill was published on 10 May. Unfortunately, on the economic impact assessment, I can but reiterate what my noble friend Lord Murray has said on a number of occasions: namely, that it will be published in due course.

Baroness Lister of Burtersett (Lab): On the subject of impact assessments, I am sure that my noble friend meant to ask where the child rights impact assessment is. It should have been available and shaped the decisions affecting children made during the Bill process, yet we still do not have a copy of it.

Lord Sharpe of Epsom (Con): I think that that question has been asked and answered by my noble friend; I cannot update the House on that at the moment.

As my noble friend set out on Monday, we will provide an update to the House before the first day of Report.

Lord German (LD): In talking about this matter, could the Minister address the issue of why the Cabinet Office has issued guidance which the department has

clearly ignored? Is there a need for the Cabinet Office to give guidance to Ministers on how they should produce legislation? If so, why have the Government not followed that advice?

Lord Sharpe of Epsom (Con): My Lords, the answer lies in the words the Home Secretary used this morning in front of the Home Affairs Select Committee. She said:

"We will be publishing it in due course".

I am sorry to repeat those words again. She added:

"The issue is that there are many unknown factors … upon which the Bill's success is contingent … For example, … the delivery of our Rwanda agreement. We are currently in litigation and those timelines are out of our control. We need to conclude our litigation relating to our Rwanda agreement. Once we have a clear view of the operability of Rwanda confirmed by the courts, then we will be able to take a very firm view about the economic impact of this Bill. … I would also say that to my mind it is pretty obvious what the economic impact … will be. We will stop spending £3 billion a year on … asylum cost".

The Bill

"will lead to the cessation of 45,000 people in hotels and £6 million a day. To my mind, those are savings that we cannot ignore".

I am afraid that I am unable to improve on that.

Lord Coaker (Lab): The Minister has just asserted that he cannot improve on those words. I put on the record, on behalf of His Majesty's Official Opposition—other noble Lords can speak for themselves—that that is disgraceful.

Lord Sharpe of Epsom (Con): I am sorry to upset the noble Lord opposite, but that is the best I can do.

Amendment 138, again put forward by the noble Lord, Lord Coaker, is similar to his earlier amendment on returns agreements. It anticipates the debate we will come to later today about action to tackle people smuggling. As I do not want to pre-empt my noble and learned friend's response to later amendments, I will keep my remarks brief at this stage. Suffice it to say that I support the broad intent of this amendment—namely, the need to strengthen the cross-border law enforcement response to modern slavery and people trafficking—but you do not advance such co-operation by setting out in a public document the UK's negotiating strategy to agree co-operation agreements with other countries.

Moreover, there are also existing established channels which the NCA and others use when working with their counterparts to tackle human trafficking. Where new bilaterals or multilaterals are needed, we will pursue these, but, as I have said, there are well-established mechanisms which already support cross-border co-operation in this area.

In answer to the noble Lord's questions about specific figures, I am afraid that I do not have those to hand; I will make those available to him later.

Amendment 135, also tabled by the noble Lord, Lord Coaker, looks to the Government to publish an assessment of the likely impacts of the Bill on the use of contingency asylum accommodation and the costs associated with any necessary increase in the use of contingency asylum accommodation. The Home Office is committed to ending the expensive use of hotels for asylum seekers, costing nearly £7 million a day. We recognise the need to take urgent action and will look at all available options for looking at reducing the use of hotels, including alternative sites and vessels. Asylum seekers will be in basic, safe and secure accommodation appropriate for this purpose, while providing value for money for the taxpayer. We are working closely to listen to the local communities' views and to reduce the impact of these sites, including through providing on-site security and financial support.

Amendment 139, tabled by the noble Baroness, Lady Chakrabarti, effectively seeks to transfer responsibility for the UK asylum system—the national referral mechanism, which considers and provides safe and legal routes and other similar functions—to the FCDO. She acknowledged that this is a probing amendment and put her case. I suspect that the noble Lord, Lord Kerr, gave a rather better explanation than I will give, but I will attempt to explain the status quo. The Home Office is responsible for all aspects of control of the UK border. Managing and controlling legal and illegal migration into the UK, including processing asylum claims and the designation and operation of safe and legal routes, are part and parcel of this strategic function. Different parts of the system cannot, and should not, be considered and managed in isolation.

To take one example, as we have previously debated, our capacity to admit people to the UK through safe and legal routes is impacted by the level of illegal migration, so hiving off aspects of immigration policy and operations to a separate department is a recipe for confusion, disjointed policy-making and ineffective operations. The migration and borders system is highly complicated and this change would serve only to add unnecessary complexity. However, I assure the noble Baroness that the Home Office already works closely with other government departments, including the FCDO, on all cross-cutting matters to ensure that relative interests are considered accordingly during the development and implementation of immigration and asylum policy, and it will continue to do so.

Baroness Chakrabarti (Lab): I am grateful to the Minister. He was quite right about this being a probing amendment to demonstrate the importance of the joined-upness of this being over here and that over there. I am equally grateful to the noble Lord, Lord Kerr, who is doing his old department a great service in dodging that particular bullet. The Minister talked about respective competencies and so on, so the Foreign Office should keep doing foreign affairs, including negotiating treaties, for example. Why did the Home Secretary and the Home Department negotiate the Rwanda pact, as opposed to leaving treaty negotiation to the Foreign Office? That came into my mind because the Minister mentioned the Rwanda agreement in the context of the impact assessment. Just to help him, I suggest that the impact assessment should be provided on the basis that the Government believe they will succeed in the litigation, so the impact assessment could be produced without delay on the predication that the Government are confident that their litigation will succeed.

Lord Sharpe of Epsom (Con): I will certainly ensure that the noble Baroness's points are noted in the department.

[Lord Sharpe of Epsom]

Finally, Amendment 139FD would place a duty on the Home Secretary to publish quarterly statistics on the Bill's operation after it is enacted. Again, I have no issue with the basic premise underpinning the amendment. We already publish a raft of immigration statistics on a quarterly basis and I have no doubt that these regular publications will be augmented to report on what is happening under this Bill once it is commenced. We will consider carefully what data it is appropriate to record and publish as part of our implementation planning. I am sure that the noble Lord, Lord Coaker, and his Front-Bench colleagues in the other place will not be slow to press the Government for the kind of data referenced in the amendment.

I and my ministerial colleagues, in particularly my indefatigable noble friend Lord Murray, have heard loud and clear the calls from around the Committee that the economic impact assessment for the Bill should be available to your Lordships before the start of Report. My noble friend has committed to updating the House before the first day of Report and I have already read out the Home Secretary's comments from this morning. However, having had this opportunity to debate the issue again, together with the other issues addressed in these amendments, I invite the noble Baroness to withdraw her amendment.

Baroness Hamwee (LD): My Lords, on the question of a secret plan or no plan, the announcement that came out the other day—it was almost not an announcement—that the provision about two classes of asylum seekers in last year's Bill had been ditched suggests that there is no plan. On the question of external management consultants, I am not a particular fan of management cons; there has not been a success story so far, has there? My noble friend Lord Scriven's reference to the ICIBI report was absolutely on point: reports from the ICIBI, the National Audit Office and so on do not seem to lead to any change, so one has to try something.

I am left with a very big query: why can the impact assessment not cover variables? It should address the "what ifs". As I am reminded, it is required to provide options, and over the years I have seen so many impact assessments that do provide options: "if such and such, then so and so". The Home Office is well on the way to out-Rumsfelding Rumsfeld. I beg leave to withdraw the amendment.

Amendment 132 withdrawn.

5 pm

Amendment 133

Moved by ***Baroness Ludford***

133: After Clause 60, insert the following new Clause—

"Asylum seekers' right to work

The Secretary of State must make regulations providing that adults applying for asylum in the United Kingdom may apply to the Secretary of State for permission to take up employment if a decision at first instance has not been taken on the applicant's asylum application within 3 months of the date on which it was recorded."

Member's explanatory statement

This new clause would require the Secretary of State to make regulations enabling asylum seekers to work once they have been waiting for a decision on their claim for 3 months or more.

Baroness Ludford (LD): I was pleased to hear the contribution of the noble Lord, Lord Kamall, who added another sensible and rational Conservative Back-Bench voice to the earlier remarks of the noble Lord, Lord Kirkhope. Good heavens, I have just remembered that they are both former MEP colleagues of mine—not from the same political group, obviously—and perhaps that is where they learned a sensible approach to policy.

At first blush, the inclusion of this amendment with others about the asylum backlog might not seem the right context, but the rationale of the grouping is that, with such a big asylum backlog, the impact of not allowing asylum seekers to work is all the greater; not only are more people left to stew, unable to support themselves, but for longer. Some people wait not only months but years—many years in some cases—for resolution of their asylum claims.

To pick up something I said earlier, all of these attempts—most of them from the opposition parties but not entirely; there was lots of contribution from the Cross Benches—are trying, perhaps in a piecemeal way, to construct a more sensible asylum policy than is in this Bill or last year's Bill. Many of us think that the Bill is not designed to work and that the mess will, I fear, be dumped on the next Government—I see the noble Lord, Lord Ponsonby, smiling. The Bill is designed to get the Government through the next election.

Some of us are trying to suggest elements of a more sane asylum policy—the Government could, with all the information resources at their disposal, go out and put a case to the public for why you need more sensible things to manage asylum. That is where this amendment, on the ability of asylum seekers to work, fits in. I happen to have put in the amendment that it would be after three months, but I am not particularly insistent on the time—it could be six months. The point is that, after the initial processing, and people having the ability to focus on something else, it makes sense to put people to work and give them the opportunity to contribute.

At the moment, people seeking asylum in the UK are effectively prohibited from working, such that they are forced to subsist on asylum support of £5.66 a day while they wait for a decision on their asylum claim. A lot of the public assume that such people are able to access welfare benefits and are just sitting idly in clover, but that is far from the case. They can apply for permission to work only if they have waited for a decision for over 12 months, and only for jobs on the Government's highly restrictive shortage occupation list. This has not always been the case: until 2002, people were able to apply for permission to work if they had waited for a decision for more than six months, and only in 2010 was the right to work restricted to jobs on the shortage occupation list. Today, almost seven in 10 people who are waiting for a decision on their asylum claim have been waiting for more than six months.

This forced inactivity is totally at odds with government policy, which, in most instances, aims to move people away from any kind of dependency and into work. It also increases the difficulty of integration for those who are eventually permitted to stay. I remember as an

MEP dealing with a refugee from the Middle East. I never saw the end result of his case, but he came to me after about three and a half years. He was a doctor, but his skills were obviously deteriorating and he was losing status in his family because he could not support them, and generally he was in a very deteriorated state—mentally, physically and in his whole ability to live any kind of decent life. That is a personal and social tragedy.

Not being able to work increases the difficulty of integration for those eventually permitted to stay and puts an unnecessary cost on the public purse, even with £5.66 a day. The Lift The Ban coalition, which I applaud for its campaigning, estimates that reform of this policy could lead to a gain to the public purse of almost £200 million, about three-quarters of which would be from tax and national insurance contributions. A study by British Future found that 71% of the public supports the right to work after six months—my amendment says three months but, as I say, I am not hung up on that figure. One of the members of the Lift the Ban coalition is the CBI. I heard its new director-general, Rain Newton-Smith, on the Laura Kuenssberg Sunday morning programme the Sunday before last, calling for asylum seekers to be able to work, so this is not just the cause of those with a lefty-liberal axe to grind. Mind you, I look at the right reverend Prelate the Bishop of Durham, and I would not dare put him in that category. It is because it makes sense, and makes sense for employers.

We have seen articles in the *Financial Times* saying the same thing. An article in Mach said that it is

"a human disaster for the refugees involved, and it hurts the economic prosperity of the places where asylum seekers live while waiting to have their claims processed".

Another article of just over a year ago, under the headline,

"Keeping asylum seekers in limbo is bad for everyone",

said:

"'Human capital' is damaged when people are shut out of labour markets".

The article also made the point that:

"The UK stands out internationally for its reluctance to let asylum seekers work. In the EU"—

I remember, because I worked on that directive, and there was a fight over it—

"the law specifies they must be allowed access to the labour market after a maximum of nine months".

The UK, which could choose whether to opt in, refused to opt in to that directive, for reasons that we will come to. The article continued by pointing out that many countries have shorter periods, with Sweden giving immediate access to its labour market, while Portugal puts just a one-month stay on it.

The argument for reform is that it would ensure that many people seeking asylum who have skills and experience in keyworker roles and the desire to contribute are able to do so. I know that we sometimes overuse the phrase no-brainer, but I suggest that this is one of those.

Another point is made by Professor David Cantor, director of the Refugee Law Initiative at the University of London, who says that the Government's approach seems designed to push refugees into illegality. He asks:

"Why would a refugee present herself in good faith to the authorities on arrival, or stay in touch afterwards, if there is no prospect of protection, only detention and lack of status? If released on bail, why not simply disappear into irregularity?"

The ability to work would keep people plugged into the system, paying tax and national insurance, and they would necessarily be in touch with the Home Office—they would also have an incentive. They would not disappear into the shadows, but come forward and lawfully await the determination of their claim. That would put more order and sense into the system.

In January, the noble Lord, Lord Murray of Blidworth, replied to the following oral question from the noble Lord, Lord Kerr of Kinlochard:

"Would the Minister agree that it would be better if those waiting in that internal queue were able to work—better for them, the Exchequer and the country?"—

very succinct. The noble Lord, Lord Murray, said:

"I am afraid that I must disagree with the noble Lord. It is clear that one of the major pull factors for people crossing the channel is that they hope to work in Britain".—[*Official Report*, 17/1/23; col. 1700.]

This is replicating a debate that we had on the Nationality and Borders Bill last year. I should have mentioned it at the beginning, but in that debate, we were discussing an amendment led by the noble Baroness, Lady Stroud. She told me earlier that she would have liked to be here to participate in the debate today because she continues, with admirable consistency, to support this cause, but she unfortunately had another commitment that she had to go to. However, I remember —and I am afraid that I am going to repeat—a citation that I made a year or so ago of the report from the Migration Advisory Committee. That is an independent committee that advises the Government. In a report of December 2021—some of us know this bit by heart—it took issue with the Home Office's assertion about a pull factor. The report concluded:

"To the extent that the Home Office has robust evidence to support a link between the employment ban and a pull factor, they should of course make this evidence publicly available for scrutiny and review. That is how good policy is made".

In other words, it is not made by making unsubstantiated assertions that every other commentator rebuts.

Indeed, the Home Office itself rebutted that assertion in a research report from September 2020 called *Sovereign Borders: International Asylum Comparisons Report*. It was produced by a unit called Home Office Analysis and Insight, and delightfully subtitled, *Informing Decisions Through Evidence*—which is what I think many of us would like the Home Office to do. One of its conclusions was:

"Economic rights do not act as a pull factor for asylum seekers. A review of the relationship between Right to Work and numbers of asylum applications concluded that no study reported a long-term correlation between labour market access and destination choice … Denied the right to work, many migrants may be forced to turn to clandestine work in highly insecure jobs in both the formal and informal labour markets to meet their basic needs".

Perhaps it is not surprising that this report was labelled "Official Sensitive", since if it got out into the public domain, it would be used to undercut the Government's completely unsubstantiated assertions that the pull factor is the reason why they will not allow asylum seekers to work. Their own internal research, along with the independent Migration Advisory Committee, says: "You haven't got a leg to stand on".

[Baroness Ludford]

There is no argument, except a gesture politics one, against allowing asylum seekers to work. Allowing people to work presses so many buttons in terms of their own personal well-being, the well-being of society and the well-being of the Exchequer. I hope that I will hear something positive from the Minister about this subject.

Lord Kerr of Kinlochard (CB): My name is on Amendment 133, and I had planned to make a speech debunking our friend the pull factor. Unfortunately, my speech has just been made rather brilliantly by the noble Baroness, Lady Ludford. Let me try something slightly different on the Government: since we last debated this issue during the passage of the Nationality and Borders Act, the economic arguments for allowing asylum seekers the right to work have surely strengthened considerably. Our productivity problem is greater than it then was.

5.15 pm

Those people are, on the whole, young and probably rather enterprising, because they have managed to get here. They are at present a small drain on the Exchequer, because we pay them a subsistence pittance. That could be saved, and their tax and national insurance contributions could be collected. So, there would be a small gain for the Exchequer, though not enormous. What would be good for the economy as a whole would be an influx into the workforce of people who are really keen to work—young and enterprising.

Of course, I support everything the noble Baroness, Lady Ludford, has said—it is absolutely true; the research has proved it—about the deleterious effect of not being allowed to work on those waiting in this enormous queue and the deterioration of their skills and morale. The effect on them is really very serious, but I am not sure that the Government are likely to pay much attention to that. They will probably reappear with our friend the pull factor, but as the noble Baroness, Lady Ludford, has said, there is no published evidence that we have come across that supports that argument.

I hope the Government may be able to look at the potential economic argument. Not allowing these people to work is, for a Conservative Government, very odd.

Lord Carlile of Berriew (CB): My Lords, at an earlier stage in our debates on the Bill, I referred to the fact that I am a member of the Woolf Institute's Commission on the Integration of Refugees, which is declared in the register of interests.

I and some other Members of both Houses of Parliament have had the advantage of going to a number of meetings where those with lived experience of applying for asylum and achieving it have told us about their experience. Unanimously, they say that being unable to work while there has been work obviously available for them has been the most dispiriting experience. It is the thing that has driven them—most of them young people with considerable skills, and some with professional and technological qualifications—near to total despair. It seems entirely unreasonable that they should not be able to work when, as my noble friend has said, there is clearly work available and the pull factor has been shown to be non-existent.

The other thing that people with lived experience have mentioned is the lack of availability of higher education in particular in some areas. I invite Ministers to take account of that issue too.

The Lord Bishop of Durham: My Lords, I support Amendment 133 in the name of the noble Baroness, Lady Ludford. My right reverend friend the Bishop of Chelmsford has added her name to it. She regrets that she cannot be here today; she is actually working with the Woolf Institute's independent commission on refugee integration. I thank the noble Baroness, Lady Ludford, and other noble Lords who have eloquently made the case for the amendment already.

As it stands, the Bill makes the case for a right to work for some asylum seekers more important than ever. Of course, it is a theme that has come up already. There is little prospect of potential removals being able to keep pace with the large population of asylum seekers who will be deemed inadmissible in the future, and currently we have a huge backlog. We risk the creation of a permanent underclass. Apart from the deleterious effects, that drives some of those people into the grey and black economies because they are not allowed to work openly.

In principle, there may be a grain of evidence on the pull factors but not very much at all, as has been noted already. Allowing a subset of asylum seekers to work does not undermine the duty on the Secretary of State to remove people or open up any path to citizenship or leave to remain. If the Government are able to deliver on their own timelines for processing people and deeming that they are refugees, or should be removed, not a single person will ever attain the right to work under the amendment. We ought to consider the amendment as nothing more than a failsafe aimed only at those who have been here far too long without the ability to support themselves easily and who wish to work and contribute to their own welfare, that of their local community and sometimes that of their family, back in the land they have come from, who are sometimes in semi-hiding.

I think of a friend of mine—I will share a bit of the story, but I do not want to identify them in any way—who has been given the right to work because their claim was not dealt with within 12 months. Because of the inefficiency of the system, it took nearly 12 months after that for them to be told they had the right to work. They are now working in the care sector, way below the level of qualifications and experience they have in their life; they could potentially offer huge amounts to this country. They fled because of persecution. What do they do with most of their money? They pay tax and so on, but they send most of it back to the home country to support their family who are in semi-hiding. It enables their dignity to feel able to support their family, as well as taking part in the life of the community and feeling they are contributing to a country that, they still hope, will welcome them.

This is entirely in line with Conservative economic arguments. It is in line with everything in the universal credit system about encouraging people into work and supporting themselves. Please, it is time to agree to this.

Lord Cormack (Con): My Lords, I well remember a speech made on my first day in Parliament in 1970, on the Queen's Speech. Sir John Nott was speaking; he was moving the Address, and I have never forgotten his remark that the real poor of the 20th century are those without hope. The same applies to the 21st century. We are dealing with a group of people who are pretty close to being without hope, and one thing that can give people a bit of hope is the opportunity to put something back into the community of which they wish to become a part. Therefore, it seems to me that the prohibition on working is consistent neither with Conservative principles, as the right reverend Prelate pointed out a few moments ago, nor with any principle of humanity. That is what we are really talking about today.

I hope there will be a positive response here because the other point, and the right reverend Prelate referred to this too, is that if they are not allowed to work, they will tend to drift into the black and grey economies, and perhaps become victims of modern slavery. We all know of those who man car washes and other things, who work under excruciatingly difficult circumstances and conditions, and who are effectively the creatures of those who employ them. Is that really what we want? I do not think we do; I do not think the nation wants that.

Of course, we all want to see sensible control of immigration. We all accept that the country cannot receive everybody for ever. I am glad to see the noble Lord, Lord Paddick, nodding vigorously at that point. But we are dealing with human beings and with people who deserve the opportunity to maintain their self-respect. This amendment is a little move in that direction, and I say to my noble friend who will reply that it would be entirely consistent with our Conservative principles of self-help and self-improvement to adopt an amendment along these lines, preferably a government amendment on Report.

Baroness Lister of Burtersett (Lab): I will not make the speech I was going to, because all the points I planned to make have been made. In the early hours of yesterday morning, I criticised the Minister for not listening to what had been said. There is sometimes repetition because of a hope that it will eventually be heard.

We have heard such powerful arguments today, particularly from the noble Lord, Lord Cormack, who has expressed the humanity behind this amendment. We have heard that giving the right to work is about human dignity, and we have heard about people with lived experience of that. They keep asking why they cannot do paid work and saying, "This is what we want to do".

I am pleading to the Minister to put away whatever briefing he has been given, which talks about pull factors and so forth, and address the points that have been made in this debate.

Baroness Stowell of Beeston (Con): My Lords, some very powerful remarks have been made in this short debate so far, some of which I will respond to in a moment. At the start of my contribution, it is important to emphasise an obvious statement of fact that bears repetition: the Bill is about dealing with immediate and urgent issues—the current situation in which we find ourselves and the practice of boats crossing the channel. This has to stop, as it is unacceptable not just on the basis of illegal entry into the country by that route being wrong in principle but because of the threat to life involved in those journeys.

Often, important and powerful points are made as if we can just deal with them quickly or with them and bigger issues at the same time. I support what the Government are trying to do here: they are trying to deal with an immediate issue. Through this legislation, I would like the Government to deal—as I think they are trying to do—with that problem, which is vexing not just the Government but the country at large. It is causing a widespread sense of concern and disquiet. Once that has been dealt with and we are on top of the issue, some of the topics raised in these debates will merit proper consideration and further thought.

The noble Baroness, Lady Ludford, said in her opening remarks on this group—and I have heard her say it many times, as have other noble Lords who are raising objections to the Bill—that one of the problems with the Government's approach to this legislation is that the assumption is being made that those claiming asylum must be accepted as asylum seekers and cannot be defined in any other way. Somehow, the fact that a lot of people are concerned by the legitimacy of that claim is not acceptable to many noble Lords. As I said at Second Reading—

5.30 pm

Baroness Ludford (LD): I hesitate to interrupt the noble Baroness as I will have a right of reply after the Minister, but I do not think I have said any such thing. I did not say that everybody who crosses the channel or comes in another way irregularly is entitled to refugee status. Obviously, they are defined as refugees under the refugee convention, but if they are seeking status in the UK, they have to go through a process and those who do not qualify should be removed—deported. That is what a rational, fair and proper asylum procedure looks like. Our objection to the Bill is its refusal to admit anybody to the determination process. I have never said, nor have any of my noble friends, that everybody who arrives should be allowed to stay, under whatever status. Of course you cannot run an asylum system in that way and we have never said that.

Baroness Stowell of Beeston (Con): What the noble Baroness does through many of her contributions is argue against anybody using the terminology "illegal immigrant" by virtue of the fact that they have come via that route and have claimed asylum. My understanding of what she is arguing is that their status as an asylum seeker should be accepted by virtue of the fact that they have made that claim.

I said at Second Reading that I based my remarks on conversations that I have had with people who work alongside immigrants in workplaces which are very different from the one we spend our time in. I said that if there was one way I could define the main message that they were seeking to make clear to me and to this House and to Parliament as we consider this legislation—I am quoting myself here—it was:

[Baroness Stowell of Beeston]

"Don't assume or believe that everyone attempting to enter our country illegally is a genuine asylum seeker fleeing persecution". —[*Official Report*, 10/5/23; col. 1814.]

I said that because I think that some of the arguments being made about being able to work are based on a desire for us to address that in a context where the noble Baroness's perception of the situation is rather different from that of other people.

The noble Lord, Lord Kerr, invoked economic and productivity arguments in favour of allowing asylum seekers to work. Again, I can see where he is coming from and I do not in any way disagree with him or any noble Lord about the hard-working nature or enterprising disposition of people who come to this country. That is not something I would enter into any kind of discussion about. But I think that if we are going to raise economic arguments as a reason for the Government to accept these amendments and allow asylum seekers, at this current moment in time, to work in the way proposed, we must also remember that we have 5 million people on out-of-work benefits at a time when there is a record number of job vacancies.

The Lord Bishop of Durham: There are not 5 million people out of work on benefits. Universal credit applies to large numbers of people in work as well as out of work.

Baroness Stowell of Beeston (Con): The information I have is that there are 5 million people receiving out-of-work benefits. In my view, if they are qualifying for these, they are therefore out of work.

Baroness Lister of Burtersett (Lab): My Lords—

Baroness Stowell of Beeston (Con): I will give way in a moment; let me just finish the point I am trying to make. An argument on economic and productivity grounds is not as compelling as some noble Lords are seeking to make it, given that, as I said, a large proportion of our current population are not in work but could be, and are in receipt of out-of-work benefits. I give way to the noble Baroness.

Baroness Lister of Burtersett (Lab): I appreciate that. Can the noble Baroness tell us what proportion of those people are not in work because of chronic sickness, disabilities that may get in the way of being in work, and caring responsibilities?

Baroness Stowell of Beeston (Con): I cannot, and I am not here to get into a detailed discussion about that. I am simply trying to make this point. Noble Lords are raising the issue of productivity and the economy as a justification for accepting this right now in the Bill. As I said to the Committee earlier, there is some value and legitimacy, in principle, to some of the arguments being made. For instance, I would support the right reverend Prelate's argument about ensuring that people who come to this country and are waiting for their application to be processed are able to make their contribution. However, we need to get to a position where the current rate of asylum seekers in the system is not that with which we are currently dealing.

Some noble Lords are arguing to be able to do both at the same time. Of course, I absolutely agree that the Home Office must be much better than it currently is at processing these things. I am not disagreeing with any of this. Unlike those noble Lords, however, I am saying that, for that kind of change to be accepted by the country at large, we have to take steps to get there. If you look at the bigger issue of immigration, part of what we are trying to do is to create a system that is acceptable and works for the country as a whole, and that everybody can have confidence in, so that they can feel much more in line with what the noble Baroness, Lady Ludford, would like everyone to feel and believe regarding the changes she wishes to see. We cannot do it all at the same time.

That is what I am trying to do. I am not trying to argue about pull or push factors; just that the Bill is about an immediate issue that the Government are rightly trying to respond to—

Lord Carlile of Berriew (CB): My Lords—

Baroness Stowell of Beeston (Con): I will finish my point and then I will give way. I think that some of the matters that noble Lords are advancing should not be dealt with at this time. I give way to the noble Lord.

Lord Carlile of Berriew (CB): I am extremely grateful to the noble Baroness for giving way. I wonder whether she will answer the next question with a yes or no, because I am confused by some of the things I have heard from her. If a job is available and an asylum seeker is the only person available who can realistically fill it, does she agree that, after three months or so, the asylum seeker should be allowed to take that job?

Baroness Stowell of Beeston (Con): At the moment, if somebody is still awaiting a decision on their asylum status or their status as a citizen or resident of the country, they are not eligible for employment—no.

Baroness Meacher (CB): My Lords, I was not here at the start of the debate, so I am embarrassed to stand up and will be extremely brief. I just want to support very strongly this amendment. I have spoken over the years about just how ludicrous it is that we have asylum seekers here who cannot work, however long the Home Office takes to consider their application. This is an incredibly important amendment. I support the comments of the noble Lord, Lord Cormack, on the basis that surely this is one amendment that the Government should be able to support, and it will be in everybody's interests if the Minister is able to do that.

Baroness Lawlor (Con): My Lords—

Lord Carlile of Berriew (CB): Surely noble Lords can speak only if they have been present throughout the debate from the very beginning.

Lord Davies of Gower (Con): The noble Lord is absolutely right—that is correct.

Baroness Lawlor (Con): The noble Lord may be referring to my having to rush out urgently—I needed to get a glass of water. I shall catch up with the speech of the noble Lord, Lord Cormack, which I missed with great regret, but I was back for the next one.

Lord Carlile of Berriew (CB): I do not want to be unkind, but the rest of us manage to persuade the door-keepers to bring us glasses of water.

Baroness Stowell of Beeston (Con): May I? Forgive me, I am normally somebody who is a stickler for us keeping to the *Companion*—absolutely, for sure. However, if the noble Baroness, Lady Meacher, can contribute to this debate having not even been here at the beginning, when my noble friend was here at the beginning and nipped out to get a glass of water, I think we can hear from my noble friend. If the noble Lord is minded to object, I would hope he would have objected to his noble colleague speaking.

Baroness Lawlor (Con): My Lords, I thank the noble Baroness, Lady Ludford, for raising this interesting point and for her proposed Amendment 133. The purpose of the Bill is to prevent and deter illegal migration, and it provides for swift removal, with very few exceptions. Therefore, I am not quite sure why a new clause after Clause 60 is necessary, particularly because, in respect of applications for work from asylum seekers who are already having their asylum claims processed, as far as I know—I am subject to correction here—those are covered under the 2016 Immigration Rules. Part 11B sets out the policy criteria, which can be found in paragraphs 360A, B and C.

I will also comment on various noble Lords' claims about the potential contribution that asylum seekers can make to the economy. Yes, there may indeed be contributions which can be made, but perhaps we should also consider the costs, the compliance costs and the fact that the UK is trying to move to a high-skills economy, where people with higher skills or where there is a need already can apply to work here under the normal rules. I cannot see why we need this amendment to the Bill.

Baroness Hamwee (LD): I had not intended to say anything about this amendment, but I will say a couple of things. First, those of us who have met a number of asylum seekers have been very impressed by the high level of skills and enthusiasm for work that they exhibit. Secondly, in response to the noble Baroness, Lady Stowell, I understand the point that she is making about the objective of the Bill, but it has a very long Long Title and I doubt my noble friend would have been able to table her amendment had the clerks not agreed that it was in order.

Baroness Stowell of Beeston (Con): I am not in any way trying—

A noble Lord: For God's sake.

Baroness Stowell of Beeston (Con): Excuse me? Somebody said, "For God's sake". I do not know who that was. Okay.

I am not trying to suggest to the Committee that the amendment is somehow outside of scope and therefore inadmissible—that is not my argument at all. If you want to describe the point I am making as political, it is perfectly legitimate to do that. However, I am trying to make the case, in terms of the political aims of the Bill, that I can see that it would be unwise to try to introduce something that the noble Baroness is seeking to do in this legislation—so I was not in any way arguing that.

To the noble Baroness's other points about the merits of anybody who is claiming asylum in terms of their capabilities, I do not question that either. That is not my point. My point is that I want a migration system that has the confidence of everybody in this country, and I think that we are going to have to do it in stages.

5.45 pm

Baroness Hamwee (LD): My Lords, I am sorry if the noble Baroness misunderstood my first comment. It was in response to the point made by the noble Baroness, Lady Lawlor.

Lord Carlile of Berriew (CB): My Lords, I hope that the noble Baroness will not mind my using her as an excuse but, on reflection, I think that I was unkind to the noble Baroness, Lady Lawlor, and I wish to apologise to the House.

Baroness Hamwee (LD): My Lords, shall I move on to Amendment 150? In fact, it takes us back to the previous group; I have no idea why it comes into this group. It would provide that the Act should not come into force until at least 28 days—I propose—after the Secretary of State has published a statement confirming the number of persons who, for a period of six months or more, have been awaiting final determination of their claim for asylum; and that, for not less than six months, that number has been not more than 20,000.

That may be a little circular and rambling but, basically, it proposes that we should get to a steady state in dealing with asylum applications. The periods may not be ones that noble Lords agree with, but I propose a figure of 20,000 people, which is not a negligible number of people. This amendment seeks to be realistic and provide a bit of—to our minds—common sense to the context of what we are debating.

I am grateful to the noble Lord, Lord Carlile, the noble Baroness, Lady Neuberger, and my noble friend Lord Paddick—who probably had no option but to sign it. This is a serious amendment that follows on from the serious points made about the operations of the Home Office. It is the backlog that is the problem. So much of this debate has suggested, implicitly or explicitly, that the position that we are in is somehow the fault of those who are seeking asylum, which is not an easy thing to take on.

Baroness Neuberger (CB): My Lords, I will speak to Amendment 150, to which I have added my name, and indeed to all the amendments in this group—I will be very brief.

[Baroness Neuberger]

Of course it is right that we should get the backlog down, and of course it is right that we should have a steady state, if you like, and be able to operate an asylum system that is humane, speedy and efficient. It is none of those things at present and we do not show any great signs of getting there any time soon. That is one reason why we suggest that the provisions of this Bill should not come into force until that has been achieved.

I am, along with my noble friend Lord Carlile, a member of the Woolf Institute's Commission on the Integration of Refugees. I am also Rabbi Emerita of the West London Synagogue, which runs a drop-in for asylum seekers on a regular basis and has done for more than 10 years. I also chair a small family charity that provides scholarships for young asylum seekers to access education, which they otherwise could not do because they cannot get student loans. The reason I raise those things is that they mean that I talk to quite a lot of asylum seekers, for a variety of different reasons. I have never yet met an asylum seeker who has managed to get to this country who does not want to work or is not willing to work. Most of them are in fact very talented; the students we support are unbelievably talented and have been through absolute hell, but nevertheless show incredible determination and eventually get serious professional qualifications and very good degrees.

It seems to me that what we need to do in this House is look seriously at what we want to achieve by an asylum system. Surely we want to achieve the allowing in of those who are genuinely in fear of persecution, as well as all the other reasons that we allow asylum seekers in, and create a refugee system. In so doing, however, we want to treat people humanely, as the noble Lord, Lord Cormack, said; his was a very impressive speech. We want to have coming here people who want to be here and make a contribution. We need to think quite hard about what we are trying to do. There is no pull factor, really—it just is not evidenced—but there is a very large number of desperate people seeking asylum in this country. Those who are genuine and can prove it should be treated humanely, accepted and allowed to work even if their full refugee status has not yet been achieved.

Baroness Bennett of Manor Castle (GP): My Lords, I rise to speak briefly only to Amendment 133, to which I would have attached my name had there been space. In the interests of time, I will overlook the other amendments in this group.

I do not know how many noble Lords took the opportunity of our lunch break to join the British Red Cross, which was holding an event with its VOICES Network downstairs. It was launching an excellent report that I commend to your Lordships' House, *We Want to be Strong, But We Don't Have the Chance: Women's Experiences of Seeking Asylum in the UK*. A large number of the contributors to that report were at the event. It is of particular relevance to Amendment 133 that one of the first things one of them, a very senior medical professional—again, like the right reverend Prelate, I am going to anonymise this as much as I can to make sure that I do not identify anybody—said to me was, "I want to work"; we know how much need we have for her professional skills. Another, a business master's graduate, also said to me that they wanted to work. These are people who are experts by experience, and that is one of the first things they say when they have an opportunity to speak to a politician.

I also want to make a point that no one else has made; I saw the noble Lord, Lord Wigley, earlier so he may have made this point already but I will make it in his place. In responding to the Migration Advisory Committee's call for evidence in relation to shortage occupations in the UK, the Welsh Government stressed that asylum seekers should be allowed to work. Their submission said that

"asylum seekers bring with them a wealth of experience, skills and knowledge, and as such it is a missed opportunity to not allow asylum seekers to work. We urge the UK Government to reconsider its decision"

on this issue.

We have been talking in the abstract a lot so I want to draw on one other account—a piece of practical evidence of actual individuals. We have heard a lot about the housing of asylum seekers in hotels and, I am afraid, seen a great deal of horrific attempts to stir up xenophobia and local concern about that. However, I want to tell the story of the 100-plus asylum seekers who have been housed in a hotel in Thatcham in West Berkshire for up to a year. They started a litter-picking group, and then a broader volunteering group. Each charity shop in Newbury and Thatcham now has one or two asylum seekers there regularly to help out. They are a great example of people contributing despite our attempts to stop them doing so; indeed, they have won a local award recognising the contribution of their volunteering.

This is particularly relevant to Amendment 133 when we look at what those asylum seekers who have been litter picking and volunteering in charity shops are. They are doctors, teachers and engineers. They are making a wonderful contribution but surely it would make more sense to allow them to work.

Lord Ponsonby of Shulbrede (Lab): My Lords, I want to speak briefly to the two amendments in the name of my noble friend Lord Coaker. The new clause proposed in Amendment 139FA

"requires the Home Secretary to establish a process to fast-track asylum claims from safe countries",

while the proposed new clause in Amendment 139FC

"seeks to require regular reports from the Secretary of State on progress toward eliminating the current backlog of asylum cases".

As of March, there were 172,758 asylum seekers in the UK waiting an initial decision on their case, with 128,812—that is 75%—waiting longer than six months. The backlog is so extreme that the Government have tried to quietly drop a key measure of the Nationality and Borders Act to speed up 55,000 people who have arrived over the past year.

The purpose of these two amendments is first to re-establish, if you like, the fast-tracking so that the people who are very likely to succeed in their appeals are dealt with as quickly as possible and, secondly, to monitor the situation to see how it is progressing. In the press I read that Robert Jenrick, the Immigration

Minister, said he believes that reducing the backlog would increase the pull factor for those seeking to apply for asylum. Can the Minister confirm whether the Government's view is that by decreasing the backlog you are increasing the pull factor? People taking part in today's debate would be very sceptical of that, but I wonder whether the Minister can confirm that that is indeed the Government's view.

We have had a wide-ranging debate, and I agree with the noble Baroness, Lady Stowell, that the debate has gone far wider than the Bill and has been focusing on right to work and issues such as that, but what I seek to do in this brief contribution is to talk specifically to the amendments in my noble friend's name, and I look forward to hearing the Minister's response.

Lord Paddick (LD): My Lords, we support all the amendments in this group. On Amendment 133 in the name of my noble friend Lady Ludford, it makes complete sense to ensure that asylum seekers are not a burden on taxpayers as soon as practicable. If the Government do not agree, perhaps they should ensure that claims are decided within the three or six months suggested in the amendment.

As the right reverend Prelate the Bishop of Durham says, a lot of asylum seekers who are granted permission to work send money back home, as it were. Surely that helps to ensure that people stay in the country where they are and do not add to the problem of asylum seekers.

On Amendment 150, there is no point in creating an even greater backlog until the Government have addressed the existing one.

On the amendment from the noble Lord, Lord Coaker, fast-tracking claims from countries with high rates of success makes complete sense and any ongoing impact assessment should include the impact of the Act on the backlog.

The noble Baroness, Lady Stowell, made a significant contribution and I hope she does not mind me responding to it. I think she is absolutely right that we have to bear in mind how all this is viewed by members of the British public, but we have already heard one noble Lord—I cannot remember who it was—saying that 77% of the public support allowing asylum seekers to work.

On the issue that the noble Baroness raised around job vacancies versus UK citizens who are jobless, the adult social care system cannot attract British workers, to the extent that the Government allow special provision for foreign workers to come in and fill those vacancies. The agriculture sector cannot attract British workers—for example, seasonal workers to pick crops—and the Government make special provision to allow foreign workers to come into the country. I do not know whether the figure that the noble Baroness quotes of 5 million is right, but the Government allow foreign workers to come in and do those jobs. Why can asylum seekers not do those jobs while they wait for their application to be decided by the Government?

6 pm

Baroness Stowell of Beeston (Con): I will let my noble friend the Minister respond on behalf of the Government to the noble Lord's point but, as he was responding to what I had argued, I have to say that what he has just described makes my point, if I may be so bold.

I argue that, yes, there may be schemes that are authorised for the recruitment of people from outside the UK for specific jobs, but that does not justify that we make those who arrive outside those schemes eligible for work. That would make crossing the channel a route that is seen as attractive for those who might not want to come and do those jobs in particular but certainly want to come here for economic reasons.

As far as the specific working environments that the noble Lord talks about, if the problem in those industries is that wages are insufficient, whether it is in the care sector or the food industry, then I argue very much that the employers need to address the wage issues to encourage more people to apply, if that is part of the barrier to people going to work in them in the first place.

Lord Paddick (LD): I am grateful to the noble Baroness. I am not sure whether she heard the evidence provided by my noble friend Lady Ludford from the Home Office report, which said that providing work was not a pull factor in the way that the noble Baroness has suggested.

Lord Murray of Blidworth (Con): My Lords, the amendments in this group all relate in one way or another to the operation of the asylum system. They variously seek to enable asylum seekers to work after three months and to reduce the backlog of asylum claims, an objective which we all share. Let me address each of these issues in turn.

Amendment 133, moved by the noble Baroness, Lady Ludford, would enable asylum seekers to seek employment after three months. Asylum seekers are allowed to work in the UK if their claim has been outstanding for 12 months or more, through no fault of their own. Those permitted to work are restricted to jobs on the shortage occupation list which, in turn, is based on expert advice from the independent Migration Advisory Committee, about which we heard during the debate. The list comprises skilled jobs where there is an identified shortage which it is sensible to fill, at least in part, through immigration.

It is important that our policy approach distinguishes between those who need protection and those seeking to work here, who can apply for a work visa under the Immigration Rules. Asylum seekers do not need to make perilous journeys to seek employment in the United Kingdom. There are various safe and legal routes for those seeking to work in the UK under the points-based system. Amendment 133 would fundamentally undermine our immigration framework. Instead of people applying to work in the UK through the proper channels, this amendment would simply encourage them to come to the UK illegally or overstay on a visitor's or student visa, and then claim asylum in the knowledge that they would be able to work after three months.

Lord Scriven (LD): The Minister's assertion needs evidence. Sweden allows asylum seekers to work immediately, Portugal after one month, Germany after three months and Belgium after four months. Per

[Lord Scriven]
10,000 people per capita, there is no outlier in those countries with the rest of Europe, so what evidence does the Minister have that allowing people to work after three months is a pull factor, when the evidence in other countries in Europe shows significantly that it is not?

Lord Murray of Blidworth (Con): I do not agree that the evidence from the rest of Europe is any indicator of what might drive people across the channel in small boats. It stands to reason that, if people want to come to the UK to work, they may well seek to circumvent our asylum system by crossing the boats in small channels—I mean crossing the channel in small boats, rather than crossing the small channel in big boats. It therefore clearly stands to reason that it is sensible to refuse asylum seekers the right to work unless there is a delay of 12 months which is not the fault of that individual. It cannot be gainsaid that simply because we cannot produce evidence of what is going on in the mind of someone seeking asylum there is no reason to adopt the policy. I simply do not accept the logic of the noble Lord's proposition.

My noble friend Lady Stowell made some pertinent points about the UK employment market that go to the difficulties posed by the amendment. I also very much welcomed the thoughtful speech by my noble friend Lady Lawlor. It is for all these reasons that the Government cannot support this amendment, and certainly not in this Bill, focused as it is on stopping the boats.

Amendments 139FA, 139FC and 150 all concern the current asylum backlog. We can all agree on one thing: namely, the need to process asylum claims efficiently and effectively, so that robust decisions are taken in a timely manner. We do not need new legislation to achieve this, and certainly not Amendment 150, which, quite inappropriately, seeks to tie the commencement of the Bill, which is to deal with the small boat crossings, to a reduction in the asylum backlog.

That said, I will set out the steps we are taking to reduce the current backlog. As noble Lords will know, my right honourable friend the Prime Minister pledged to clear the backlog of 92,601 initial asylum decisions relating to claims made before 28 June 2022, or legacy claims, by the end of 2023. We are making good progress. We have reduced the initial decision legacy asylum backlog by 17,000 in the past five months. We know there is more to do to make sure that asylum seekers do not spend months or years living in the UK, at vast expense to the taxpayer, waiting for a decision. That is why our commitment to tackle the backlog has focused on people who have sat in the backlog for the longest, often living in expensive hotels, while we process their case.

One way in which we will achieve that is via the streamlined asylum process which is centred around accelerating the processing of manifestly well-founded asylum claims. Another way in which we will achieve this is by grouping asylum claims by cohort. This means grouping asylum claimants and prioritising claims based on, for example, the type or volume of claims from a particular nationality, grant rate or compliance rate, and those on asylum support rate. This process means to conclude more efficiently outstanding asylum claims made before 28 June 2022 by the end of the year. This will allow decisions to be assessed in a more efficient manner. We have already doubled our decision-makers over the past two years, and we are continuing to recruit more. This will take our headcount of the expected number of decision-makers to 1,800 by this summer and 2,500 by September 2023.

Lord Cormack (Con): I am sorry to interrupt, but my noble friend referred to 17,000 claims having been processed. How many have been given permission to stay?

Lord Murray of Blidworth (Con): I do not have that figure to hand, but I will find out and write to my noble friend.

By tackling the backlog and processing asylum claims in a timely manner, we will address the issues raised by many noble Lords in relation to Amendment 133. I am sure we will return to these issues in the coming weeks and months, but for now I invite the noble Baroness, Lady Ludford, to withdraw her amendment.

Baroness Ludford (LD): My Lords, I am grateful for the Minister's response, although I feel that he slightly demolished his own argument. He claims that the asylum system and working should be insulated from each other. The logic of that is that no asylum seeker would ever be allowed to work, yet government policy has the extremely unsatisfactory rule that they can apply after 12 months to a restricted list. The right reverend Prelate the Bishop of Durham said that the case that he knows of took another 12 months to get permission—yet more bureaucracy. All we ever get from the Home Office is more bureaucracy. The Minister cannot have his cake and eat it. If he does not think that asylum seekers should ever work, why does that government policy exist at the moment? It is very unsatisfactory.

Noble Lords have made some very good points. Like others, I much appreciated the remarks of the noble Lord, Lord Cormack, who referred to "Conservative" principles of self-help and self-improvement. I would say that they are not uniquely Conservative, but they are also Conservative. That is why this policy makes sense to most people from all directions—on all Benches. It would help us have an orderly and well-run asylum system, as well as giving people the dignity and hope that have been mentioned.

I am afraid that I completely disagree with almost everything that the noble Baroness, Lady Stowell, said. The policy would not encourage people to disappear. By keeping people plugged into the system, and assuming that they are paying tax and national insurance and are known to the authorities—it would help if we had labour market inspectors—it would be easier to keep track of them. If they do not succeed with their asylum claim, they should be removed from the country. I am trying not to get even more grumpy than I am after many days on this Bill—normally I am a completely ungrumpy person—but the suggestion that I, or anyone else on these Benches, want some kind of free-for-all where anybody can come, there are no borders or

regulations and so on, is completely untrue. I totally deny that suggestion; indeed, I rather resent it. I am sorry to say that I found the noble Baroness's contribution valiant but unconvincing.

It is certainly true that I object to the term "illegal" being used to describe a person. I have long held that view. I do not believe that any person is illegal. You can say, if you must, that they have arrived by illegal routes, but the refugee convention, which, unlike some people, I rather admire, talks about "irregular" arrival because people are allowed to arrive in a country to claim asylum—so they have not made illegal entry either. It is irregular but not illegal. I am a bit of a stickler for terminology, and I stick to that of the refugee convention. I am not sure whether I have to apologise for that, but I do not think so.

I have probably said everything that I can. I think the Government are wrong. I hope a future Government will revisit this issue—not in the manner of the Government of 20 years ago, who withdrew asylum seekers' right to work—and implement the sense of this kind of provision. In the meantime, I beg leave to withdraw my amendment.

Amendment 133 withdrawn.

Amendments 134 and 135 not moved.

6.15 pm

Amendment 136

Moved by ***Baroness Hamwee***

136: After Clause 60, insert the following new Clause—

"People smuggling

(1) Not less than six months before the other provisions of this Act come into force, the Secretary of State must lay before each House of Parliament a report regarding agreements and discussions with the governments and authorities of other countries, including those bordering the English Channel and the North Sea, concerning the steps taken or agreed or proposed to prevent or deter a person from—

(a) charging refugees for assistance or purported assistance in travelling to or entering the United Kingdom;

(b) endangering the safety of refugees travelling to the United Kingdom.

(2) The report must focus on steps other than the provisions of this Act.

(3) This section comes into force on the day on which this Act is passed."

Member's explanatory statement

This new clause requires the Secretary of State to publish a report on the actions that are being taken to tackle people smugglers.

Baroness Hamwee (LD): My Lords, Amendment 136 is one of a series of amendments we have tabled on the criteria that should be met before the Bill—an Act by then—comes into force. Amendment 136 is about people smuggling, though the term is not used; about

"(a) charging refugees for assistance or purported assistance in travelling to or entering the United Kingdom; (b) endangering the safety of refugees".

The answer to most questions, of course, is to stop the boats. I wondered during the debate on the previous group whether "stop the boats" actually features as a phrase in the Bill. I do not think it does, but it seems to be the answer to everything.

People smuggling, the criminal activity which is so closely related to small boats and which the Bill purports to deal with, led to subsection (2) of the proposed new clause: the steps that are included in the Bill are not, in our view, an answer to the problem. I find it very distressing that, with such a serious situation, we have a Bill that implicitly blames victims, and we hear very little other than platitudes about tackling the criminals. We know, of course, that people fleeing by boat, endangering their lives and losing their lives, is not unique to the channel and the North Sea, which are referred to in the amendment. Geographically, we are most closely affected by those, but a lot of lives have been lost by people fleeing from countries bordering the Mediterranean and further afield.

My name is attached to Amendment 139F in the name of the noble Baroness, Lady Kennedy. As she is not here, I will speak to it very briefly, because I think it would be a pity if there was no response from the Government, and I have no doubt that the Minister has a response—he is nodding. The noble Baroness's proposal, supported by the noble Lords, Lord Alton of Liverpool and Lord Carlile of Berriew, as well as by me, is that

"Where a person meets the … conditions in Section 2"—

which is the fulcrum, if you like, of the Bill; and I like the way it is phrased, rather than "meets the criteria"—

"and is suspected of involvement in genocide, crimes against humanity or war crimes, the Secretary of State is required as soon as reasonably practicable … to refer the person to relevant authorities in the UK for investigation and possible prosecution; … to cooperate with authorities in other safe countries and international tribunals who may be investigating the person".

I look forward to the Government's views on that and beg to move Amendment 136.

Lord Swire (Con): My Lords, a more sensitive soul might be somewhat disheartened, having sat here for a large part of this debate only for the entire Chamber to empty at the very thought of me saying anything at all, but I will do my best. Perhaps I am getting an early reputation in this place already.

I will speak to the amendment in my name and those of my noble and learned friend Lord Garnier and my noble friend Lord Soames of Fletching, who unfortunately is unable to be with us but would have liked to have taken part in this debate had he been able to. There has been a lot of discussion about the Bill's scope, and I was quite pleased to get this amendment through the Table Office, because it is slightly wide of what the Government are debating, which is stopping the boats. The Bill is about illegal immigration, and it is my view that a Government have an absolute duty to secure their own borders and to know who is coming into the country, who is in the country and who is leaving the country at any time. It seems extraordinary that there is still no passport control when people leave this country, as well as when they come into it. Only by knowing how many people there currently are in the United Kingdom can we have a proper, dispassionate and, to use that word, humane debate about what size we are prepared to let our population rise to.

The problem, of course, is with the official statistics—or rather the lack of them. The Government's publication, *Irregular migration to the UK, year ending March 2023*, states:

[LORD SWIRE]

"The statistics presented here relate to the number of people recorded being detected on, or shortly after, arrival to the UK on various routes. They do not provide an indication of the total number of people currently in the UK who have entered the UK via irregular routes or the number of irregular migrants present in the UK. It is not possible to know the exact size of the irregular population currently resident in the UK, nor the total number of people who enter the UK irregularly".

The official population of the United Kingdom in 2023 is recorded as being just under 68 million, which represents a steady year-on-year increase. Some would have the real population of this country at least 1 million more. Then there is what I call the supermarket theory, which says that the real population of this country is many millions more. I have even read one report alleging that the real population of this country is not 68 million but nearer to 80 million. Of course, if you look on Twitter, you need not necessarily believe all those conspiracies.

My point is not to quibble about the size but to demand that the Government and their various agencies do more to find out the real population of this country. If the figure is 1 million or 2 million in excess of the published data, that, by definition, must mean that hundreds of thousands of people are living outside the system. How can they access healthcare and schools? What about national insurance contributions? What happens to them in old age? If they are outside the system, they are more vulnerable to low wages, abuse, poor housing, inadequate medicine and all the things that we take for granted. They are the losers, but so are we, as by definition they are not paying any tax, for TV licences or anything that people even on low incomes are obliged to pay. They are not participants in society; they are existing on the margins of it.

As it happens, I have no particular view on what should happen to those who have already settled here illegally. I am sympathetic to some sort of amnesty, but I am equally sympathetic to those who feel a sense of injustice that these people have in some way cheated the system—jumped the queue, if you like—and that they should retrospectively be subjected to the same rules on immigration as those who have sought to come after them. However, many of these illegal immigrants will be in low-paid and insecure jobs. Many businesses, certainly those in the hospitality sector, need these people. Indeed, because of Covid and, dare I say it, Brexit there is a critical shortage.

Equally, we must concede that many of those jobs could be filled by British people. I use that term to describe people who are here legally, regardless of whether they were born here or not. We need to be honest with one another. Of course, the argument goes that we need more immigrants to help grow the economy, but, equally, we should recognise and admit that the more people we have, the more schools we will need to open, the more hospitals we will need to build, the more investment in infrastructure we will need, and, critically and perhaps most contentiously of all, the more housing we will need to build. When we have done all that, and the economy has expanded, we will presumably need more immigrants to staff the increased size of our public services. That may well be acceptable, even desirable, but I believe that the British people should have the right to have a say on this. It is not just up to the politicians—or, indeed, if I might say so, the Church—to decide on the size of the population of this country.

I return to my original point. We cannot have an informed debate about this until the Government come to the table and lay before Parliament an annual estimate of the number of illegal immigrants already in this country. My noble friend the Minister will no doubt argue that this information is published, yet it is not published in a clear, unambiguous document—but it must be. Ministers and many others will ask, "If these people have been illegally operating in this country in the black or grey economy, how can we possibly find out who or where they are?" Perhaps identity cards are the answer. I am not convinced by that, but in this information-gathering world, where our data is increasingly harvested, there must be ways. Just look at the NHS app, which most of us signed up to during Covid.

Another approach—I am grateful to Migration Watch for suggesting this—would be that of residual methodology, which allows us to estimate the size of the illegal immigrant population by comparing a demographic estimate of the number of immigrants residing legally in the country with the total number of immigrants as measured by a survey. The difference is assumed to be the number of illegal immigrants in the survey, a number that later is adjusted for omissions from the survey.

I now turn to the second part of the amendment, which covers the issue of foreign national offenders held in our prisons. I am very aware of this because, when I was a Minister in the David Cameron Administration, we were all given countries to be responsible for. We were summoned regularly to No. 10, as he was trying to drive down the number of foreign national offenders and get them back to their countries of origin. It was an astonishingly difficult thing to do, not least because of the interventions of the legal teams who were trying to stop them having to go back. Further difficulties were from some countries which destroyed all the information about them, so it was very difficult to ascertain as to where they had come from and who they were. It is a difficult task, but it is an achievable one.

In March of this year, I asked a number of questions of the Home Office, which I shall not repeat now, on the number of foreign national offenders and how many we had repatriated. From that, it would seem that some 12% of the current total prison population of England and Wales—10,148 people—fall into that category. The cost alone of that is huge. The average cost of a prison place in England and Wales was £46,696 in 2021-22, so we are spending about half a billion pounds a year, by my very ropey maths, on housing these foreign national offenders. The Home Office must get a grip; we want more action and enforcement and fewer excuses as to why it is impossible to send those foreign national offenders home.

The noble Lord, Lord Carlile, who is not now in his place, rather unfairly described the desire from the Government to do something about immigration as an attempt to address the demands of the red wall—non-traditional Tory areas of the country which voted overwhelmingly for this Conservative Government in

the last election. That is not a fair accusation; I think that the majority of people in this country want a humane and fair system, and one that actually works and is seen to work. Between 70% and 80% of the British public support measures aimed at deterring illegal immigrants from remaining in the United Kingdom. The truth of the matter is that none of us knows the scale of illegal migration because no official estimate has been published since 2005.

I very much hope that the Government will support this amendment, as I hope that His Majesty's loyal Opposition will. If they do not, they will need to explain why not. At its simplest, the amendment is to encourage the Government to find out, before we agree on the future immigration policy, how many illegal immigrants and foreign national offenders are in this country, and to publish that data clearly and unambiguously on an annual basis.

6.30 pm

Lord Garnier (Con): My Lords, I follow my noble friend since I too am a signatory of this amendment. I thank him for what he said. I will not take up much of the Committee's time in supporting him.

Essentially, we are inviting the Government to find out the evidence and bring an end to government by guesswork, particularly within this area of public policy. Government by guesswork creates all sorts of frustrations and unwittingly encourages some of the less humane members of our population to behave badly and, because of that guesswork, to hold some utterly unattractive views. I entirely agree with my noble friend about the need for a humane and organised immigration policy. Until we have the numbers, the Government can do nothing other than stick their finger in the wind and say that it is "probably this" or "probably that". That is government by guesswork, and it is time that it stopped.

I will stop now, to save the ears of noble Lords and the patience of my noble friend the Minister. Having heard my speech at Second Reading, he may never want to hear from me again, particularly on this interesting Bill. I am grateful to my noble friend Lord Swire and hope that the Government listen carefully to him. I hope that others in the Committee will come behind us and speak in favour of what my noble friend asks for.

Lord Coaker (Lab): My Lords, I say to the noble Lord, Lord Swire, and the noble and learned Lord, Lord Garnier, that I have for months been calling for more statistics from the Government and for the publication of the impact assessment. They join me in calling on their noble friends on the Front Bench to publish the impact assessment.

I would be delighted if we knew how many people the Government were detaining and removing. The noble and learned Lord, Lord Garnier, made the point that numerous noble Lords have made all the way through: we have no statistics. Clearly, the Government have them and will not tell us them. I suspect that is because they are embarrassed or worried, or because it would set up some sort of mechanism by which they could be judged on whether they have succeeded or failed. We have all said it would be helpful to publish the number of people we are detaining, whom the Government regard as illegal, and the number we are removing. We have not demanded it for a year after the passing of the Bill. That would be helpful, but we are demanding to know now what the assumptions are behind the planning within the Bill.

Perhaps, just to help the noble Lord, Lord Swire, the noble and learned Lord, Lord Garnier, and the rest of us, the Minister could tell us now what assumptions the Government are working towards as to the number of people they expect to detain under the Bill and the number they expect to remove. That would make that part of the amendment from the noble Lord, Lord Swire, unnecessary, and it would help our deliberations.

There is one further thing that would be helpful on the amendment from the noble Lord, Lord Swire. Before we had the cut-off date of 7 March 2023, how many people had failed their asylum application and were at that time waiting to be deported? It would be interesting to know how successful the Government's policies had been up to that point in assessing whether people needed to be detained.

I particularly wanted to say a couple of things. I will leave Amendment 137; those debates about compatibility with various international conventions are well made, and we will return to them. I am grateful to the noble Baroness, Lady Ludford, for signing and supporting that amendment. I do not want that to be seen as somehow meaning that they are not important. I hope the Minister will respond to the amendment, but the compatibility of the Bill with various international conventions has been debated all the way through Committee and I do not want to repeat those debates now. That is not to be taken to mean that those debates are not important; they are essential and will no doubt be returned to on Report.

I will focus particularly on Amendment 139FB in my name, which relates to our ability to tackle the gangs. There has been a lot of emphasis on victims, the potential number of asylum seekers and so on. These are government statistics. I repeat what I said earlier: the number of convictions for people-smuggling gangs has reduced considerably, has it not? Can the Minister give us an up-to-date figure on the number of smuggling gangs and a helpful comparison? Can he try to do us a favour by comparing with a year that gives a true reflection, rather than picking a year that gives a good percentage outcome? That would be helpful, because it is in all our interests to know exactly what is going on. Can he confirm my figure that over the last 12 months, the criminal smuggling gangs have made £180 million, and can he therefore tell us why so few people in smuggling gangs have been convicted?

As I understand it, there is some debate about whether the number of officers, officials and National Crime Agency staff working on this has gone up or down. Can we have an indication of the number of them involved in tackling this? My amendment deals with the National Crime Agency. Can the Government confirm that it is the law enforcement agency that is leading all this work? What other agencies, both national and international, are working to tackle the criminal gangs? My amendment says that to tackle organised immigration crime across the channel, there is a need to maintain a specific unit. Is a specific unit already in existence, making my amendment unnecessary? If not, would that help?

[Lord Coaker]

Essentially Amendment 139FB is a probing amendment to try to understand the current law enforcement activity with respect to tackling this heinous crime, from a national perspective but also an international one. I join the noble Lord, Lord Swire, in demanding from his Government some statistics, please.

Baroness Ludford (LD): I will speak briefly to Amendment 137, which I was pleased to co-sign, as the noble Lord, Lord Coaker, said. The amendment raises some important points in referencing Articles 524 and 763 of the trade and co-operation agreement.

Article 524, in the context of part 3 of the agreement on

"law enforcement and judicial cooperation in criminal matters",

is predicated on respect for fundamental rights and legal principles, as reflected in the European Convention on Human Rights in particular. That is one of the reasons. One would expect the Government to be very careful about any undermining of the UK's commitment to the European Convention on Human Rights in case they, for example, undermined this part of the TCA.

Indeed, Article 763, which underpins the whole of the TCA—not just the law enforcement and co-operation part—says that

"the Parties reaffirm their respect for the Universal Declaration of Human Rights and the international human rights treaties to which they are parties".

That must also cover the ECHR. So, basically, our co-operation with the EU in the trade and co-operation agreement depends on our commitment to the European Convention on Human Rights. So it is not just important in the context of the Bill and generally but it is also a factor in the EU regarding us as playing a good-faith part in the trade and co-operation agreement. Undermining our commitment to the ECHR has to be seen in that context.

We benefit from a data adequacy decision from the European Commission, which means that data can be transferred between the UK and the EU. This can apply in the law enforcement and police co-operation sector, but it is also important to businesses, such as those in the City, those in financial services, those in fintech and others, particularly in the services arena. So there is a connection between respect for human rights and data adequacy decisions and business, because one of the factors that can be considered in the grant of a data adequacy decision—I remember debating this several times when we did the Brexit withdrawal legislation, and indeed I worked on the GDPR when I was an MEP—is the human rights compliance of the partner country, which is the UK in this case.

In fact, we commented at the time that that plays more of a role for a third country than it does within the EU, because questions arise about the human rights compliance of some countries within the EU, and it is finding it difficult to deal with them. Unfortunately or not, the UK is in the position of having less leverage in this respect. Believe me, the European Parliament will have something to say on this subject as well. The data adequacy decision gets reviewed in 2025, so the Government need to be careful that they are not undermining the data adequacy decision by disrespecting human rights.

On the situation in Northern Ireland, the Northern Ireland Human Rights Commission points out:

"The UK Government's 'Explainer' document on Windsor Framework Article 2 acknowledges that its protections apply to everyone who is 'subject to the law in Northern Ireland'. Asylum-seekers are part of the community, subject to the law in NI and are therefore protected by the Rights, Safeguards and Equality of Opportunity chapter of the Belfast (Good Friday) Agreement. In court proceedings ongoing at the time of writing"—

about four weeks ago—

"the Home Office has not disputed the argument that the protections of the relevant chapter of the Belfast (Good Friday) Agreement extend to asylum-seekers and refugees".

So that has to be considered in a United Kingdom Bill.

The Northern Ireland Human Rights Commission also points out that, in the explainer on the Windsor Framework, the UK Government have confirmed that

"key rights and equality provisions in the [Belfast (Good Friday)] Agreement are supported by the ECHR."

So, the ECHR and Article 2 of the Windsor Framework are intimately connected. The Northern Ireland Human Rights Commission, along with the Northern Ireland Equality Commission, have identified several EU asylum directives—reception, procedures, qualification and the Dublin III regulation—as relevant to Article 2 of the Windsor Framework. They conclude:

"Given this analysis, failure to address compliance with Windsor Framework Article 2 in the Human Rights memorandum to the Bill is a matter of concern."

6.45 pm

Finally, I was interested that the noble Lord, Lord Morrow, on Monday, made the point, along with his noble friend Lord Weir, that trafficking victims in Northern Ireland still have rights under the EU trafficking directive and the EU victims directive, so it is not just in the asylum sector that EU directives still apply. He pointed out that the Northern Ireland Human Rights Commission has argued consistently that both directives still apply to Northern Ireland. At that point, he and his noble friend Lord Weir wanted to amend the provisions of Clause 24

"to require the Department of Justice in Northern Ireland to continue to provide support to victims in line with Article 2 of—should I say it?—the Windsor Framework".—[*Official Report*, 12/6/23; col. 1726.]

I remember the noble Lord, Lord Morrow, smiling as he said that, because he is from the DUP, and he was relying on the Windsor Framework. But I spot something that I think will well justify being taken forward at the next stage of the Bill. I hope he does not mind that I mention this in his absence that it might be an opportunity for the DUP and the Liberal Democrats to work together, perhaps as the terrible twins, on something that is important to both of us—the provisions of the Belfast/Good Friday agreement, as affirmed in Article 2 of the Windsor Framework, as well as the European Convention on Human Rights. The Government have to take all this very seriously.

Baroness Meacher (CB): My Lords, I rise to speak briefly, but I hope strongly, to support Amendment 139FB tabled by the noble Lord, Lord Coaker. This amendment is incredibly simple and yet, it seems, immensely powerful. It gives the National Crime Agency a legal responsibility

to tackle organised immigration crime across the channel and to maintain the specific unit to undertake work related to that responsibility.

It is surely extraordinary that the Home Secretary has produced a Bill of 67 clauses devoted entirely, as I understand it, to an attack on the victims of persecution, modern slavery and trafficking and incorporating every conceivable manoeuvre to prevent those victims achieving asylum in the UK. I think I am right in saying—and I know the Minister will correct me if I am wrong—that not one of the 67 clauses sets out a plan to prosecute the criminals who demand large sums from vulnerable individuals to bring them to the UK in small boats across the channel at great risk to their lives—we know many of them die.

The noble Lord, Lord Coaker, is doing the country a great favour, in my view, in offering, in Amendment 139FB, a way in which the Prime Minister could actually fulfil what he claims to be one of his top policy priorities—to stop the boats. I presume the Government will give tremendously strong support to this amendment, but whether they do or not, the noble Lord, Lord Coaker, is to be applauded for his amendment.

Lord Paddick (LD): My Lords, I apologise for any confusion. Normally, the Labour Front-Bencher would be the last speaker but, when they have amendments to speak to, it is only right that we respond to what they have said.

Like the noble Baroness, Lady Meacher, we believe that the Government are wrongly focused on prosecuting the victims of people traffickers rather than the people traffickers themselves. Amendment 136 in the name of the noble Baroness, Lady Hamwee, and Amendment 139FB in the name of the noble Lord, Lord Coaker, seek to refocus the Government on the real criminals in all this—the people traffickers.

Amendment 139E seems to make complete sense. I slightly disagree with the noble Lord, Lord Coaker, saying that the Government have the statistics that Amendment 139E wants them to produce. I am not sure that they do have those numbers. For example, the Government increased the number of countries whose citizens can use e-passport gates at airports, so in addition to EU and EEA citizens, citizens of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA can use e-passport gates. Once those people have passed through the e-passport gates, the Government have no idea where they have gone in the UK or whether they have left after the six months they are allowed under visa-free entry. There is no way to track where the people have gone, what they are doing or whether they are illegally employed. So I am not sure that the Government have those statistics. I absolutely agree that the Government—all of us—are entitled to know who those people are and how many are here.

Lord Coaker (Lab): Just to show how it can be done: may I just say that the noble Lord might have a point?

Lord Paddick (LD): High praise indeed from the noble Lord, Lord Coaker.

We also support Amendment 139F and Amendment 137, to which my noble friend Lady Ludford has just spoken comprehensively—so I do not need to.

The Advocate-General for Scotland (Lord Stewart of Dirleton) (Con): My Lords, I see that the right reverend Prelate is absent from this place and not here to witness this outbreak of ecumenical harmony between two components of the opposition Benches.

I shall deal, if I may, with the points the two noble Lords have made as they emerge. I commence what I have to say on this group by assuring the Committee that the Government remain focused on doing everything they can to save lives, deter illegal migration and disrupt the people-smuggling gangs responsible for dangerous channel crossings.

Amendments 136 and 139FB, tabled by the noble Baroness, Lady Hamwee, and the noble Lord, Lord Coaker, focus on tackling people smuggling. Amendment 136 calls for a report on the actions being taken to tackle people smuggling, while Amendment 139FB seeks to confer on the National Crime Agency a specific function in respect of tackling organised immigration crime. A variety of noble Lords have spoken to those points and, again, I shall refer to them in more detail as they arise.

The Committee will be aware that organised immigration crime, like other forms of serious and organised crime, endangers lives, has a corrosive effect on society, puts pressure on border security resources and diverts money from our economy. Organised crime groups continue to facilitate most illegal migrant journeys to the United Kingdom. The threat we are facing from organised immigration crime spans multiple countries, multiple nationalities and multiple criminal methodologies. Organised immigration crime is exceptionally complex, and the Government are working to tackle organised crime gangs that facilitate illegal travel from source countries to Europe and the United Kingdom. Addressing the threat from organised immigration crime and disrupting the organised crime gangs responsible is a priority for this Government.

I shall address the points raised by the noble Lord, Lord Coaker, the noble Baronesses, Lady Meacher and Lady Hamwee, and—from the Liberal Democrat Front Bench—the noble Lord, Lord Paddick, seeking information about the steps the Government are taking to tackle what the noble Lord calls the "real criminals". The noble Lord is entirely justified in using that phrase. I will also address some of the points raised on an earlier group with my noble friend Lord Sharpe of Epsom. I can tell the Committee that we have a dedicated multiagency organised immigration crime task force in place which is committed to dismantling international organised immigration crime groups, including the criminal networks that facilitate people smuggling from source countries to Europe and then the UK, knowingly putting people in life-threatening situations. This task force is currently active in 17 countries worldwide and works with partners to build intelligence-sharing as well as investigative and prosecution capability.

I have an example for the Committee. In a single operation last summer, the National Crime Agency worked with French, Belgian, German and Dutch partners to target an organised crime gang suspected of smuggling up to 10,000 people across the channel over a period of 12 to 18 months. In total, the operation saw around 40 people being arrested, and 135 boats, 45 engines and more than 1,200 life jackets being seized.

[Lord Stewart of Dirleton]

The noble Lord, Lord Coaker, from the Labour Front Bench, sought information from me about convictions for people smuggling. The information with which I am provided is that, between 28 June 2022 —that being the date of commencement of the Nationality and Borders Act—and 31 March 2023, immigration enforcement arrested in excess of 385 people for offences under the Act, resulting in 166 convictions and the imposition of sentences amounting to over 110 years' imprisonment. Quite properly, the noble Lord, Lord Coaker, sought a comparator for the figure. I do not think I can give him a precise one, but I can give him additional data. I look forward to corresponding with the noble Lord to clear up anything that this has not furnished. Since 2015, there have been 1,400 arrests, giving rise to sentences being applied totalling 1,300 years' imprisonment.

Following the pledge made by my right honourable friend the Prime Minister, on 13 December last year, to stop the dangerous small boat crossings, we have doubled funding for this task force for the next two financial years. The increased funding will aim to double the number of disruptions and enforcement activities against organised immigration crime and the criminal gangs that facilitate it.

But the Government must, at all times, be conscious of the need to remove the demand that keeps people smugglers in business. That is the core purpose of the Bill. We will break the business model of the people smugglers and deter those seeking illegally to enter the UK only by putting in place a system through which it is clear to all that anyone arriving illegally in this country will not be able to settle and build a new life here, and that they will instead be returned to their home country or removed to a safe third country such as Rwanda. The Government are conscious that the refoulement of persons to a country where they are in danger is unacceptable in terms of our international obligations.

Amendment 139F was briefly introduced by the noble Baroness, Lady Hamwee, in the absence of the noble Baroness, Lady Kennedy of The Shaws. It would require the Secretary of State to refer a person who meets the four conditions in Clause 2, and is suspected of crimes against humanity, genocide or war crimes, to the relevant international authorities. The amendment is unnecessary, as protecting the British public is the Government's first priority—the priority of any Government—and, in any scenario where a person is suspected of war crimes or crimes against humanity, the Government will work with international authorities as necessary.

7 pm

In Amendment 139E, my noble friend Lord Swire and my noble and learned friend Lord Garnier gave perhaps the most recent of calls for honesty in relation to a statistical basis for what the Government are seeking to do. The amendment seeks to place a duty on the Secretary of State to publish a report on illegal migration, including statistics on the number of illegal migrants in the United Kingdom. The argument expounded by my noble friend was as to the importance of statistics, and was taken up in a number of points made earlier in the debate by various noble Lords. My noble friend expanded on the need to have a solid statistical basis upon which properly to proceed with legislation and policy in a series of complex areas. The Government will consider anxiously how to respond to the amendment. My noble friend and my noble and learned friend will forgive me if I cannot give any firm commitment to accept the amendment at this stage, but we will discuss matters with them.

As the Committee heard from my noble friend Lord Sharpe of Epsom, in relation to the amendments in group 3 that the Committee has heard today, the Home Office publishes regularly statistics on levels of migration in the United Kingdom. On 25 May, it published official statistics outlining irregular migration to the United Kingdom for the year end March 2023. This release provides an overview of irregular migrants who come to the United Kingdom, including those arriving by small boats. Statistics on return of foreign national offenders are also published as part of the immigration statistics release. It may be that noble Lords would call for the statistics to be brought together in a place where they are more readily comprehensible, and hence accessible and of practical value to your Lordships and other parliamentarians. If noble Lords will permit, I assert that a great deal of statistics in the area are published by the Government, and by the Home Office, which are available to assist the deliberations of the Committee and others. As I said in answer to the amendment brought by my noble friend, we will give close consideration to how that statistical record might be tied together.

I turn now to Amendment 137. As my noble friend Lord Murray set out at the Dispatch Box earlier this week, the measures in this Bill are compatible with the Windsor Framework. In answer to the noble Baroness, Lady Ludford, I repeat that the Government take all their international obligations, including the European Convention on Human Rights, extremely seriously and judges that nothing in the Bill requires the Government to breach their obligations. I therefore contend to the Committee that the amendment is unnecessary.

Lord Hannay of Chiswick (CB): I am most grateful for what the noble and learned Lord has said, but he may have overlooked that we had a debate, at a much earlier stage, on the way in which the Government use the word "require". The Minister says that nothing in the Bill requires the Government to take action that would be contrary to our obligations under the TCA. He seems to be overlooking—the use of the word "require" perhaps deliberately overlooks the fact—that the Bill empowers the Government to take action which, if taken, would bring us into conflict with our obligations under the TCA. Perhaps he could answer that point.

Baroness Ludford (LD): Could the Minister confirm whether he agrees with the analysis of the Northern Ireland Human Rights Commission, from which I cited extracts, on the various EU asylum directives that would continue to apply in Northern Ireland? I am afraid I have not checked what the noble Lord, Lord Murray, said in response to the noble Lord, Lord Morrow, the other day, but the trafficking directive and the victims

directive also apply in Northern Ireland. What are the Government doing to make sure that all those directives are going to be respected in practice in Northern Ireland?

Lord Stewart of Dirleton (Con): The noble Lord, Lord Hannay, from the Cross Benches, submitted my use of the verb "require" to a degree of philological scrutiny, which I had not taken into account when preparing my answer. I take the noble Lord's point in relation to empowerment as opposed to obligation.

I regret to say that, in relation to the complex interrelating commitments to which the noble Baroness sought my views from the Dispatch Box, I will have to undertake to correspond with the noble Baroness and the noble Lord.

I sum up what has been a short debate by thanking noble Lords for their informed scrutiny of what has been said, not only by me but by others participating in earlier parts of the debate. From the perspective of this Committee, at this stage, the issues have been given a good airing. Noble Lords have referred to the inevitability that we will consider the matter at a later stage but, at present, I invite the noble Baroness to withdraw her amendment.

Baroness Hamwee (LD): My Lords, the debate was not that short, but perhaps it was shorter than those on some of the other groups.

I will just comment on the Minister's response regarding people smuggling. I find it quite depressing that reliance is placed on deterring demand rather than on deterring criminals. I wonder whether the strategy might include, if it does not now, a communications component. We are told of successful prosecutions, but I am not sure that I ever really read about those in the press; perhaps I read the wrong media—I do not know.

Though I have heard what the Minister had to say, to me it is the criminality—the smuggling—that is at the heart of the problem. I am sure that we will come back to it as an issue in some form at the next stage. For now, I beg leave to withdraw the amendment.

Amendment 136 withdrawn.

Amendments 137 to 139 not moved.

Amendment 139A

Moved by ***Baroness Hamwee***

139A: After Clause 60, insert the following new Clause—

"Secure reporting for victims of crime

(1) The Secretary of State must, by regulations, make provision for the prohibition of automatic sharing of personal data of a victim or witness of crime for the purposes of section 2(1).

(2) In section 20 of the Immigration and Asylum Act 1999 (power to supply information etc to Secretary of State), after subsection (2B) insert—

"(2C) For the purposes of section 2(1) of the Illegal Migration Act 2023, this section does not apply to information held about a person as a result of the person reporting criminal behaviour which they are a victim of or a witness to.""

Member's explanatory statement

This new Clause would prevent immigration data being shared for the purposes of section 2(1) about a victim or witness of crime who reports an offence. This is to ensure victims are able to approach the authorities for assistance without fear of removal under section 2(1) as a result of that contact or resultant data sharing with immigration enforcement.

Baroness Hamwee (LD): Amendment 139A is in the name of the noble Lord, Lord Alton of Liverpool. The noble Lord, Lord Carlile of Berriew—who has managed to escape for the moment—has added his name to it, as has the right reverend Prelate the Bishop of London.

This amendment seeks to prevent immigration data being shared for the purposes of Clause 2(1), under which the Secretary of State must make arrangements for the removal of people who meet the four conditions. I am very happy to have my name to this—I would not have signed it if I were not happy—because the issue of exemption from the Data Protection Act is one which my noble friend Lord Paddick and I have raised many times since we debated the then Data Protection Bill. The exemption from restrictions on sharing data for the purposes of immigration enforcement or immigration control—I do not recall which but it amounts to the same thing—is a very wide exemption.

The concern here is to ensure that victims can approach the authorities for assistance without the fear of removal as a result of that contact, or of data being shared with immigration enforcement. Noble Lords have frequently made the point about people without secure status having more confidence in smugglers and traffickers than they do in the authorities. The traffickers' threats are not ones that they will take lightly; they control their victims, notwithstanding that the victims have "escaped".

We have a number of other clause stand part notices, all amounting to the fact that we oppose the whole of the Bill. The clauses which are listed in this group are not substantive clauses; in other words, they are not about policy. I will mention just one, which is about financial provision. I am alarmed—we all are—at how much will be spent on what we consider to be the likely costs of the policy. I will not go over them again. We are firmly opposed; I do not think I need to spend time re-emphasising that point. I beg to move Amendment 139A.

Lord German (LD): My Lords, I have two sets of amendments in this group. First, Amendments 142, 143, 144 and 147 seek to examine how the Brook House inquiry findings can influence the way in which the Bill will be enacted. Secondly, Amendment 139FE seeks to examine the devolution issues, which I will be looking at specifically through the legislation governing Wales and, very specifically, the Act of Parliament which I want to test the Government on.

First, my intention is to find out how the Government intend to deal with the recommendations of the Brook House inquiry when it reports and apply them to the changes that it will necessitate in the implementation of the Bill. Under the Inquiries Act 2005, the Brook House inquiry into mistreatment and abuse in breach of Article 3 of the ECHR at Brook House immigration removal centre was instituted in November 2019, following

[Lord German]

a judicial review proceeding. The inquiry has heard extensive evidence, and it is the first public inquiry into the mistreatment of those detained under immigration powers. The conditions of that detention provided a unique opportunity for public scrutiny of and accountability for detention practices and culture.

The inquiry, which we understand will be published in late summer, has heard evidence from detained persons, detention officers, healthcare providers, G4S—which was the contractor responsible for Brook House at the time—employees, Home Office officials, members of the independent monitoring board and His Majesty's Inspectorate of Prisons. The inquiry also appointed and heard from three experts to address the key issues of the use of force, the institutional culture, and clinical care provision and safeguards. It also examined a vast amount of documentary material and video footage.

7.15 pm

The evidence that has emerged in what has already been given to the inquiry in public session has uncovered the misuse of force, systemic failures in the operation of clinical safeguards, prison-like practices and policies, dehumanisation, racism and a lack of accountability. The aim of the inquiry was:

"To reach conclusions with regard to the treatment of detainees where there is credible evidence of mistreatment contrary to Article 3 ECHR … and then make any such recommendations as may seem appropriate."

So, central to the terms of reference is examining the extent to which any Home Office policies or practices, or clinical care issues within detention, caused or contributed to any identified mistreatment.

The chair is due to publish the report, with its findings and recommendations, in late summer. My concern is that the Government are proposing a dramatic expansion of the powers to detain without knowing what this inquiry will recommend. In response to an earlier question, the Minister told us that two new centres would be opening, which I understand will represent 1,000 new places for detention. Given the extent of the evidence to the Brook House inquiry, there is bound to be an opportunity to learn, to improve the detention estate and to see whether improvement is at all possible.

This amendment, although it seeks to halt bringing the provisions of the Bill into force until the analysis of the abuse is revealed and the recommendations are made, has also received the support of the Bar Council, which

"considers that it would be wise to await the outcome of that inquiry before considering whether the Home Secretary should be afforded yet more extensive detention powers subject to even less judicial scrutiny when there are serious, repeated and long-standing concerns about the conditions and treatment of those detained".

Have the Government and the Home Office considered how they might use the recommendations of this inquiry and how they might impact on the Bill?

I now move on to the second set of amendments, which relates to devolution issues. I have concerns and I will express them through the devolution arrangements which have been made with the Senedd, the Welsh Parliament. I use the term "Senedd" because that is in law in this country. Section 107 of Part 4 of the Government of Wales Act, by which Ministers of the Government are bound to act, says:

"The Senedd may make laws, to be known as Acts of Senedd Cymru or Deddfau Senedd Cymru",

but this part of the Act

"does not affect the power of the Parliament of the United Kingdom to make laws for Wales".

The legislation adds:

"But it is recognised that the Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the Senedd".

That is the law of the land—this land, the United Kingdom—in the Government of Wales Act, passed in 2006.

Subsequent to that Act, a guidance note was agreed by the Cabinet Office—by Ministers, but under the arm of the Cabinet Office of the United Kingdom—the two Parliaments, the two legislatures, on how the matters addressed in that part of the Act of Parliament would be dealt with. I am sure that Ministers are well aware of this detailed devolution guidance note. There are five tests, and the first stage is to apply those tests to see whether the legislative competence is indeed with the Senedd. In the process, the Welsh Government have laid two legislative consent memoranda in relation to the Bill. Both are passing through the Senedd at this time. They have been referred by the Llywydd—the Speaker—to four committees of the Senedd, which have been asked to report their findings to the Speaker by tomorrow. That will be followed by a Senedd debate on those legislative consent memoranda.

The legislative consent memorandum refers to the Social Services and Well-being (Wales) Act 2014, which received Royal Assent in September that year and to which I believe the Government intend to enact changes. I have in front of me the section of that Act that deals with looked-after and accommodated children, which I believe the Welsh Government are concerned that the Government here are going to change. I have been through all 45 pages of this section of the Act, and I am sure the Ministers have required their officials to do the same.

My questions are about the devolution guidance memorandum. Have the Government followed the Cabinet Office guidance on this matter? In other words, have they determined that legislative competence was appropriately given—it has been given Royal Assent anyway—to Part 6 of the Social Services and Well-being (Wales) Act 2014 in respect of looked-after and accommodated children? If the UK Government believe that was properly enacted, in order to follow their own guidance they should seek to have legislative consent memoranda on areas in which they choose to make changes.

The clause in this Bill gives huge power to the Government not just to enact changes by regulation but to change primary legislation, which this Act is, without any description of what changes they are looking for. The Minister will know that I asked him why an earlier clause in the Bill did not apply to Wales, Scotland and Northern Ireland but applied only to England. Is it the intention that the clause that is described for England only, which we debated earlier, is a clause that the Government seek to apply to Wales, Scotland and Northern Ireland? Is it intended to try to change the law of the land in Wales about looked-after and accommodated children?

There are 45 pages of legislation in place in Wales, where the rules are absolutely clear about how children will be looked after and accommodated, and the position in England will be quite different if this legislation remains as it is. A change to the legislation on looked-after and accommodated children should be accompanied by a process with the Welsh Government and the Senedd, described as one of negotiation and discussion, and then the legislative consent memoranda should be achieved.

I do not know whether the two legislative consent memoranda that have been laid before the Senedd were at the request of Home Office officials. Perhaps that can be made clear to us so that we can understand those matters. Fundamentally, I have raised this issue because it is about respect: respect for the devolution settlement and for the rights of the people of Wales, through their elected Government and elected Parliament, to be assured that their thoughts on these matters will not be overturned.

This section does not mention asylum anywhere but talks generally about all children who are being looked after and accommodated. There is no mention of asylum seeking or of families of asylum seekers whatever. These are the rules, and I would like to ensure that if the Government here intend to change them, they do it in accordance with the Government of Wales Act and the section of it that tells us that the Government will not normally act in these matters unless it is done with the consent of both parties.

The Lord Bishop of Durham: My Lords, I will speak first to Amendment 139A, to which my right reverend friend the Bishop of London has added her name, and then I will turn to Amendment 139B in my name. I remind the Committee of my interests as laid out regarding RAMP and Reset.

As we have heard, Amendment 139A would prevent data about a victim of or a witness to a crime being automatically shared for the purpose of immigration enforcement. My right reverend friend the Bishop of London sponsored a similar amendment during the passage of the Domestic Abuse Act, and this issue remains hugely important.

Imkaan reports that more than 90% of abused women with insecure immigration status had their abusers use the threat of their removal from the UK to dissuade them from reporting their abuse. It is deeply disturbing that any person would be deterred from reporting a crime that they have been subjected to or have witnessed because they believe that their data will be passed on to immigration officials for the purposes of immigration control. This is especially pertinent for a domestic abuse victim, a modern slavery victim, someone who has been trafficked or someone who has been subject to violence.

In the context of this Bill, a lack of safe reporting pathways would be a major hindrance to the Government's intent to "go after" the people smugglers who blight communities and destroy lives. Without the assurance of secure reporting to allow victims to come forward and report crimes committed against them, how will the Government ensure that they go after the perpetrators?

As well as a need for prosecution, we have a responsibility to victims. The Istanbul convention, to which the UK is a signatory, states in Articles 5 and 59 that victims of violence must be protected irrespective of their immigration status. It is crucial that we take all possible steps to comply with this and ensure that the right of every person, especially women and girls, to live free from violence is protected.

Since the passage of the Domestic Abuse Act, there has been a call for the overhaul of laws and policies on police data sharing with the Home Office. The Government committed to reviewing this, but stopped short of committing to a firewall. Many dedicated groups have been campaigning on this issue for many years. The House of Commons Justice Committee, in its pre-legislative scrutiny of the draft victims Bill, agreed with them:

> "We call for an immediate end to the sharing of victims' and witnesses' data between the police and the Home Office for immigration enforcement purposes and the introduction of a complete firewall for those groups".

What is set out in Amendment 139A would not prevent data sharing between services where it is required—for example, in healthcare—but would prevent data sharing for the purposes of Section 2(1) of this Bill, namely removal. At a time when trust in the police force is low, especially for minority groups, we must consider the impact of the Bill on the wider community and ensure that, when someone is subject to or a witness of a crime, they can report it without fear.

I turn to Amendment 139B in my name. I am grateful to the noble Baroness, Lady Lister, and the noble Lord, Lord Scriven, for their support. I argue that this amendment is a common-sense proposal that offers the Government a procedure to ensure that statutory oversight of detention facilities and standards is maintained, without altering the Secretary of State's power to detain on, undeniably, an extensive scale. The Bill establishes a comprehensive detention regime that many of us expected to have been consigned to history. It moves the system away from an administrative process to facilitate someone's removal to a wider system of incarceration intended to deter asylum seekers from travelling to the UK. Although this signals a major transition in government policy, there is very little detail on the standards, safeguards or protective obligations on the Home Office that there will be when providing detention accommodation. In fact, Clause 10 grants the Secretary of State the power to detain people "in any place" that she "considers appropriate".

I am grateful to the Minister for explaining that the Detention Centre Rules 2001 will be updated in light of this Bill and that all immigration removal centres must operate in compliance with the rules, including any additional sites that are opened. But the Government will appreciate that these standards are not in the Bill and, given that there is very little oversight for the potential mass detention of people, it would be unfathomable to proceed with these provisions without a detention inspection regime on a statutory footing.

This is all the more important given the fact that this legislation overturns the long-held common-law principle that it is for the courts to decide whether the detention of a person is for a period that is reasonable or even justified in principle. The Secretary of State's duty to detain does not discriminate and, in the absence of any return agreements, thousands of people—including children of all ages, pregnant women, victims of trafficking

[The Lord Bishop of Durham]
and those who are disabled—may be detained at the discretion of the Home Secretary for an unrestricted duration. I am afraid that I am not reassured by Ministers saying that habeas corpus provides enough legal protection to challenge detention, as it concerns only whether there is a power to detain, not whether the power to detain was exercised lawfully or is reasonable. Am I not correct in this observation?

7.30 pm

Under Section 5A of the Prison Act 1952, His Majesty's Chief Inspector of Prisons has a statutory duty to inspect immigration detention facilities. The chief inspector regularly conducts unannounced visits to detention facilities, reporting candidly on the conditions, and makes clear recommendations to the Secretary of State. They are an important safeguard for people in immigration detention and should play a vital role in the external and independent scrutiny of any expansion of the detention estate.

The Government know too well that it is not simple conjecture that detention facilities may fail to meet safeguarding rules and accommodation standards, given the events at Manston in 2022. With a maximum capacity of 1,600, Manston became overcrowded, with the number of people detained there nearing 4,000 towards the end of 2022. There are concerns that the conditions there are likely to have amounted to inhuman and degrading treatment.

In November 2021, the chief inspector carried out an inspection of Tug Haven—I must not lapse into pronouncing it as if it were in Holland—which was predominantly used to accommodate migrants who had undertaken crossings from France. He described the conditions there as "unacceptably poor" and said:

> "At Tug Haven, we saw several people who arrived with significant injuries and illnesses, but the site was ill-equipped to meet their needs. Migrants had little private space and were sometimes held overnight, sleeping on the ground, often in wet clothes".

He found that only one of his 10 recommendations from the previous inspection in 2020 had been partially achieved, with the others not achieved at all. This report alone demonstrates why the chief inspector's role in drawing attention to serious safeguarding problems in immigration detention facilities is necessary.

My Amendment 139B would give the Secretary of State a statutory duty to implement all

> "recommendations of the Chief Inspector of Prisons in relation to immigration detention"

centres within six months, strengthening the independent external monitoring role of the chief inspector. This is not a needless prosaic suggestion but an essential safeguard in ensuring that humanitarian crises such as those described are not repeated, especially because, after the Bill comes into force, the Home Office will be responsible for some of the most vulnerable people, for whom we know detention poses a greater risk of harm and who will therefore require an expert level of trauma-informed care.

I take this opportunity also to ask the Minister this: will the standing commission, for the Independent Chief Inspector of Borders and Immigration to carry out annual reviews of the Home Office's practices and policies towards adults at risk in immigration detention, be reintroduced after being discontinued by the Home Secretary in January? These inspections regularly found a gap between Home Office policy intentions and what happens on the ground. We simply cannot afford for this to be the case going forward as the consequences could be catastrophic, including—unjustifiably and regrettably—for children.

I quite appreciate that the Minister may not be able to provide a full response to this proposal now but I ask that he kindly write to me in advance of Report if this amendment is believed to be unworkable. It is of the utmost importance that we understand the inspection framework for detention sites and its legal underpinning. The expansive duties and powers provided to the Home Office by the Bill demand they be matched by statutory and mandatory accountability.

Baroness Lister of Burtersett (Lab): My Lords, I support Amendment 139B from the right reverend Prelate, to which I was pleased to add my name. I also support everything he said about Amendment 139A and thank Medical Justice for its helpful briefing. As the right reverend Prelate has stated, this Bill would dramatically increase the detention estate, with many vulnerable asylum seekers including children, pregnant women, and survivors of torture and trafficking experiencing the devastating harm that detention is known to inflict, particularly indefinite detention.

It is therefore imperative, as this amendment recommends, that the Home Secretary implements any relevant recommendations made by the Chief Inspector of Prisons. The chief inspector plays an integral role in monitoring immigration detention. The most recent report noted that following its inspection of all short-term holding facilities run by Border Force, children were sometimes restrained unnecessarily or inappropriately, which goes back to an earlier amendment on the use of force.

Disturbingly, that report mentioned

> "documentation showing how Border Force staff at Tilbury took a child to foster accommodation in handcuffs".

The chief inspector stated that:

> "The use of handcuffs for this purpose was disproportionate and unacceptable".

As already noted earlier in our discussion, the provisions in the Bill risk situations where there is little judicial scrutiny of the exercise of the power to detain for the first 28 days of detention with, as Medical Justice notes, only extremely limited scrutiny thereafter. This lack of accountability seems to be something of a theme in the Bill. In fact, the detention provisions ignore previous findings from the chief inspector, including that detention facilities built and operated according to prison standards should be ended and that a time limit should be introduced.

In conclusion, I echo the right reverend Prelate. Given that the Bill is likely to increase significantly the numbers of people who are held in immigration detention, including groups in particularly vulnerable circumstances, it is essential to strengthen the chief inspector's role. Will the Government therefore commit to implementing in future the relevant recommendations made by the Chief Inspector of Prisons proposed by the right reverend Prelate?

Debate on Amendment 139A adjourned.

House resumed.

Mortgage Market

Commons Urgent Question

The following Answer to an Urgent Question was given in the House of Commons on Tuesday 13 June.

"The Government recognise the anxiety that people feel about mortgages, and are using the tools at their disposal to limit the rise in rates. We are not an outlier in this regard: as Opposition Members will know, central banks around the world are raising interest rates to combat high inflation driven by the pandemic and Putin's war.

Given that inflation is the number one enemy, we are focused on delivering the Prime Minister's pledge to halve it this year. Nevertheless, I know that mortgage rates and the availability of mortgages are a concern right now. Mortgage arrears and repossessions remain below pre-pandemic levels but, if a borrower falls into financial difficulty, guidance from the Financial Conduct Authority requires firms to offer tailored support and to deal with customers fairly. The Government also offer loans to help eligible home owners to cover the interest on their mortgages through the support for mortgage interest scheme from the Department for Work and Pensions, and make it clear that repossession must be a last resort for lenders through the pre-action protocol.

As long as economic challenges exist, we will continue to stand by families. To date, government support to help households with rising bills in 2022-23 and 2023-24 totals £94 billion—that is equivalent to an average of £3,300 per household—as well as a record 9.7% increase in the national living wage, which I am sure that the Opposition support. While we are taking action to halve inflation and help families, the Opposition would make it all worse. The Institute for Fiscal Studies has been clear that Labour's £28 billion a year borrowing plan would risk even higher interest rates and higher inflation, and even the shadow Chancellor has admitted that its position is reckless. This is a Government on the side of the British people and that is why, as we shelter people from rising prices, our task remains getting inflation down and getting the economy growing and debt falling."

7.38 pm

Lord Livermore (Lab): My Lords, every day brings more bad news for Britain's mortgage holders. Two-year fixed-rate mortgages are now approaching 6%, and HSBC and Santander are just two lenders to have withdrawn all new mortgage deals from the market. The average mortgage holder is facing an increase in payments of £2,300 this year alone and borrowers are now being warned that mortgage rates are set to rise even further.

Interest rates first spiked dramatically last year when the disastrous mini-Budget sent markets into meltdown, but the two-year gilt yield has now exceeded even those levels above its US equivalent. With 1.5 million home owners set to come off fixed-rate mortgage deals this year, facing severe increases in their repayments, why is UK inflation not falling as quickly as the Government promised and why is inflation higher for longer in the UK than in many similar economies?

The Parliamentary Secretary, HM Treasury (Baroness Penn) (Con): My Lords, the underlying causes of high inflation, as we all know, are driven by higher energy prices as a result of the war in Ukraine and a tight labour market. There are complex factors as that plays out but the Government are absolutely clear in their commitment to get inflation down. We have seen inflation begin to fall, and institutions such as the IMF have recognised the Government's action in this area and that we are set on the right path to reduce inflation, which will help ease the pressure on not just mortgage holders but all people facing higher prices at the moment.

Baroness Kramer (LD): My Lords, will the Government set up an emergency mortgage protection fund, potentially recouped by a bank levy, to ensure that those struggling the most will not lose their homes and face financial wreckage and wreckage of their lives?

Baroness Penn (Con): My Lords, I hope the noble Baroness will take some comfort from the fact that mortgage arrears and repossessions remain below pre-pandemic levels. I reassure her that, if a borrower falls into financial difficulty, guidance from the FCA requires firms to offer tailored support and deal fairly with customers facing difficulties in meeting their payments. The Government also have a range of schemes in place to support borrowers, not least the support for mortgage interest scheme.

Lord Naseby (Con): As my noble friend knows, the mortgage market is affected by interest rates, both the current rate and, even more importantly, the forecast rate. Is she aware that the pricing of housing is falling UK-wide, and falling extensively, partly because of mortgage costs but partly because of reasons that are nothing to do with mortgage cost: the policies of the Secretary of State, Mr Gove, which are very anti big builder? They are also causing difficulty in the rental market.

In that situation, with growth just showing the ability to come through, which is very encouraging, and with wages just beginning to show some positive response to the situation, is it not time that the Bank of England—although we are not responsible for it—recognise that rates should be held for the moment and allow the market to settle? Given the two factors I have mentioned—growth growing and inflation falling—I hope the interest rates recommended by the Bank of England will fall.

Baroness Penn (Con): My Lords, interest rate decisions remain a matter for the independent Monetary Policy Committee of the Bank of England, but I say to my noble friend that high inflation is also bad for the economy. To have high growth we must first have low inflation, so we absolutely support the Bank of England in its task of pursuing the 2% inflation target and the difficult decisions it will have to take to achieve that.

Lord Davies of Brixton (Lab): My Lords, I cannot resist the temptation to draw to the House's attention the fact that this is the 278th anniversary of the Battle of Naseby—I am not picking a fight with the noble Lord.

[Lord Davies of Brixton]

My question concerns the fact that this is going to have a massive effect on the buy-to-let market. We are expecting further increases in interest rates, given recent news. A report in the *Times* last week showed the relationship between increases in the bank rate and the knock-on effect on "underwater" buy-to-let owners. This will cause severe damage to the buy-to-let market. I have mixed feelings about that market, but to the extent that owners of such properties cannot maintain their property properly, this will have a deleterious effect on the UK's housing stock. The Government should be seized of this issue. To me, the solution is that the Government should provide funds to local authorities in order that they can take over these underwater buy-to-let properties—interestingly, a large proportion of them are ex-council properties anyway—so that local authorities can address the housing problems in their local areas.

Baroness Penn (Con): My Lords, the noble Lord will know that the Government have given local authorities many more powers and more discretion in how they approach housebuilding and house supply in their area in recent years. He is right that the changes to interest rates will affect those in rented accommodation as well as those who have mortgages through channels such as he described. The Government are putting in place further support for renters. We have a series of reforms coming in through the Renters (Reform) Bill which will improve quality and security in the private rented sector. For those on benefits, the Government boosted investment in the local housing allowance in April 2020 by nearly £1 billion, and rates have been maintained at this increased level.

7.46 pm

Sitting suspended.

Illegal Migration Bill

Committee (5th Day) (Continued)

8.25 pm

Debate on Amendment 139A resumed.

Lord Scriven (LD): My Lords, I will speak to Amendment 139B, to which I have put my name. I thank the right reverend Prelate the Bishop of Durham for outlining the common-sense reason why this amendment is needed, particularly as the Bill will extend detention, meaning that far more people will be in detention, and restrict people's ability to appeal their reason for detention, particularly in the first 28 days.

I put my name to the amendment because I have a long history since I came into this place of asking questions about and taking a keen interest in vulnerable people who have been put in detention, particularly LGBT individuals. That goes back to 2014, when the then Independent Chief Inspector of Borders and Immigration, John Vine, investigated the Home Office's handling of asylum claims with people on the grounds of sexual orientation. Since then, every time an independent inspection has been carried out, issues concerning LGBT individuals being held in detention and experiencing homophobia or physical violence, affecting their mental health, have been documented, including in two reports in 2016. The latest analysis, done in February this year in a study for Rainbow Migration carried out by Dr Laura Harvey of the University of Brighton, shows that this continues to happen.

Despite nearly 10 years of me and other noble lords putting questions to the Home Office, it repeatedly says that action plans have been put in place based on recommendations made by these independent inspections. However, they turn out to be more plan than action. That is the reality of the evidence to date, so the right reverend Prelate's amendment is intended to ensure that the action plans are indeed action plans based on the recommendations of the Chief Inspector of Prisons.

When the Minister responds to this group of amendments, can he say according to what criteria the Home Office decides to implement the recommendations of the Chief Inspector of Prisons on detention? What criteria does it use to ignore and not implement the recommendations? It is clear to me that, if we have an independent inspector going in and making recommendations, the Home Office should be under a statutory obligation to ensure that they are carried out. They are not political; they are not inspections which come with any preconceived prejudice on the part of the Chief Inspector of Prisons. They are independent and professional and they are there to ensure the safety and dignity of those held in detention.

I am very pleased to support Amendment 139B and look forward to hearing the reasons why the recommendations are enacted or not. I believe that this is a common-sense amendment. It does not stop the Government's desire to expand detention in the Bill, but it ensures that the safety and dignity of those held in detention are paramount when the inspections are carried out and the recommendations are made.

8.30 pm

Lord Paddick (LD): My Lords, we on these Benches support all the amendments in this group, for the reasons my noble friends have explained.

Lord Ponsonby of Shulbrede (Lab): The noble Lord has caught me out as I gather my notes.

Amendment 139A, which the noble Baroness, Lady Hamwee, spoke to, is about encouraging victims or witnesses to report offences. The right reverend Prelate the Bishop of Durham also spoke to this. I absolutely understand and support the sentiments behind that amendment. I thought I would reflect a little on my experience as a magistrate in Westminster Magistrates' Court, where I remember that, about 10 years ago, we had officials from the Home Office sitting in our courts. They were basically there to try to pick up business to do with illegal migrants and asylum seekers, whether they be offenders, witnesses or people who just appeared in court.

It just so happened that one of my magistrate colleagues was a Home Office official—particularly, part of the Border Force organisation but within the Home Office. She explained to me that it was a pilot that had worked for three months, I think from memory, but which was stopped after that period because they

just did not pick up enough business. It was not worth the officials sitting in court for that period. I thought that was an interesting reflection on the points which the noble Baroness made. I absolutely understand the point which she and the right reverend Prelate the Bishop of Durham made about people being reluctant to come forward, because of their distrust of the criminal justice system as a whole, However, my practical experience of that, as just described—and Westminster Magistrates' Court deals with perhaps the most diverse group of people to pass through the doors of any magistrates' court in the country—was that not a lot of business was picked up. That is my first reflection.

My second reflection is on Amendment 139B, regarding the implementation of the report by the Chief Inspector of Prisons on immigrants in detention centres. This also goes to the point made by the noble Lord, Lord German, about the Brook House inquiry. Again, a few years ago I was a lay inspector and in that role I went to Littlehey Prison with the then chief inspector. It was an unannounced visit and extremely illuminating to see the prison itself, which was a sex offenders' prison, but also to talk to the inspectors about how they conduct their activities and how important it is to have unannounced inspections. The way they explained it to me was that the inspections need to be, on the one hand, unannounced, but perhaps even more importantly, regular, and there need to be follow-up inspections. The prison officers and governors whom I met were very sure that they would be continually inspected over a period of time. It would be a working relationship with the inspectorate to try to ensure that standards were kept up.

I am sympathetic to Amendment 139B, as it is a process; it is not a one-off. I very much hope that the Government have confidence in their inspectorate to put in place, over time, an inspection regime which is in-depth and can do its best to maintain standards, while identifying any shortcomings it may see on its inspections. Nevertheless, I look forward to the Minister's response.

The Advocate-General for Scotland (Lord Stewart of Dirleton) (Con): My Lords, I will not detain the Committee by going through Clauses 61 to 67 in turn. They contain entirely standard provisions, relating, for example, to the making of regulations under the Bill, commencement, extent and the short title. Instead, I will focus on the various amendments in the group and on the contributions that noble Lords helpfully made from a variety of perspectives.

I will first deal briefly with government Amendment 139D. This relates to the standard power in Clause 66(5) which enables the Secretary of State, by regulations, to make transitional or saving provision in connection with the commencement of any provision of the Bill. Amendment 139D simply enables such regulations to make consequential, supplementary and incidental provision and different provision for different purposes. Again, this is an entirely standard provision to facilitate the smooth implementation of an Act.

The Lord Bishop of Durham: I am sorry to interrupt, but I twice heard the Minister say Amendment 139D, and I think he meant Amendment 139G.

The Parliamentary Under-Secretary of State for Migration and Borders (Lord Murray of Blidworth) (Con): Yes.

Lord Stewart of Dirleton (Con): I am grateful to the right reverend Prelate and my noble friend Lord Murray. I did indeed mean that, and I apologise. However, if I may, I will stay with the right reverend Prelate, because he opened the debate on Amendment 139A, which deals with data sharing in relation to victims of crime.

I understand fully the sentiment behind the amendment. The whole Committee, and indeed the whole House, can agree on the need to protect all victims of crime, regardless of their immigration status. As the right reverend Prelate will be aware, guidance issued by the National Police Chiefs' Council, updated in 2020, makes it clear that victims of crime should be treated as victims first and foremost.

The NPCC guidance provides that police officers will not routinely search police databases for the purpose of establishing the immigration status of a victim or witness or routinely seek proof of their entitlement to reside in the United Kingdom. In addition, police officers must give careful consideration, on a case-by-case basis, to what information they share with the Home Office and when to do so. The reasons for sharing information must be recorded and the victim advised as to what has been shared and why. Noble Lords will appreciate that I am setting up a paper trail of responsibility. I should stress that any data sharing is on a case-by-case basis, so, to that extent, I respectfully submit to the Committee that subsection (1) of the proposed new clause is misconceived in referring to the "automatic" sharing of personal data.

We should not lose sight of the fact that benefits may flow from sharing information, as it can help to prevent perpetrators of crime coercing and controlling their victims on account of their insecure immigration status. Moreover, providing a victim with accurate information about their immigration status and bringing them into the immigration system can only benefit them.

We appreciate the need to protect women and girls from threats of violence. All that being said, the Committee will understand that the Government are duty-bound to maintain an effective immigration system, protect our public services and safeguard the most vulnerable from exploitation if that might happen because of their insecure immigration status.

Information is shared with the Home Office to help protect the public, including vulnerable migrants, from harm. The need for this was recognised by Parliament in the Immigration and Asylum Act 1999, which permits the Home Office to share information for the purposes of crime prevention, detection, investigation or prosecution, and to receive information for the purposes of effective immigration control. As for the officers charged with fulfilling those duties, Immigration Enforcement has a person-first approach and will always seek to protect and safeguard any victim before any possible enforcement action is taken.

It is important to note that the mere fact that the Home Office is aware that a person does not have lawful status and is an immigration offender does not

[Lord Stewart of Dirleton]
lead automatically to that person's detention or removal. The decision on what may be the most appropriate course of action is based on many factors that require a full assessment of the individual's circumstances, and evidence of vulnerability is an essential part of that assessment.

The public rightly expect that individuals in this country should be subject to its laws, and it is right that when individuals with an irregular immigration status are identified they should be supported to come within our immigration system and, where possible, to regularise their stay. The Home Office routinely helps migrant victims by directing them to legal advice to help regularise their stay. The NPCC guidance provides, I submit, an appropriate framework for data sharing between the police and the Home Office where a victim of crime has insecure immigration status. On that basis, I do not consider the amendment necessary.

Amendment 139B, tabled, again, by the right reverend Prelate the Bishop of Durham, would place on the Home Secretary a duty to give effect to the recommendations of the Chief Inspector of Prisons in so far as they relate to immigration detention accommodation. I start by making the general observation that recommendations by an independent inspectorate are just that: recommendations and not directions. It is properly a matter for the Home Secretary to consider whether in all the circumstances it is appropriate for her to accept and give effect to relevant recommendations by the Chief Inspector of Prisons. We naturally take very seriously all reports and recommendations by the chief inspector and have accepted many practical recommendations to improve our immigration detention accommodation. The Home Office regularly publishes service improvement plans alongside His Majesty's Chief Inspector of Prisons' report on its website. However, on occasion, there may be good policy, operational or other reasons why it would not be appropriate to accept a particular recommendation, and it would be wrong to bind the Home Secretary's hands in the way that Amendment 139B seeks to do. However, I assure the right reverend Prelate and others in the Committee that the duties to report will remain and that the existing inspection framework will apply to any new detention accommodation, as my noble friend Lord Murray said from the Dispatch Box at an earlier juncture of this Committee's deliberations.

Turning to the point raised by the noble Lord, Lord Scriven, a moment ago, I compliment the noble Lord on his important work in the field of detention, in particular working with persons rendered especially vulnerable by their sexuality. I assure him and the Committee that the Home Office does not ignore, but rather considers carefully, the recommendations which come to it. Independent scrutiny is a vital part of assurance that our detention facilities are safe, secure and humane, and the Home Office carefully considers all recommendations made by the Chief Inspector of Prisons along with the service improvement plan which sets out the action that will be taken by the Home Office, and such a plan is published in response to any concerns raised.

The noble Lord, Lord German, spoke to two amendments. If I may, I will take them out of the order in which the noble Lord put them, so I shall start with Amendment 139FE. I assure the noble Lord that the power in Clause 62 to make consequential amendments to devolved legislation is commonplace. The examples that I put before the Committee are Section 205 of the Police, Crime, Sentencing and Courts Act 2022 and Section 84 of the Nationality and Borders Act 2022.

As the noble Lord knows, it is the Government's contention that the Bill deals with matters—in this case, immigration—that are reserved to this Parliament rather than to the devolved Administrations. As we see in Clause 27, it may be necessary to make consequential amendments to devolved legislation pursuant to that reserved purpose. The standard power in Clause 62 simply enables regulations to make any further necessary consequential amendments to enactments. The Delegated Powers and Regulatory Reform Committee did not comment on this regulation-making power in its report, and any regulations that amend, repeal or revoke primary legislation would be subject to the affirmative procedure.

8.45 pm

Lord German (LD): The bit of procedure that I am looking for is whether the Government intend to do the proper consultation exercise, as laid out in the Cabinet Office directions about the way to manage that process, which is one of consultation and agreement rather than imposition. Two of these legislative reform memoranda have been laid already, and both concern that important section in the Welsh legislation on looking after children. In that area, we need some confidence that this will be a dialogue rather than an imposition.

Lord Stewart of Dirleton (Con): I am grateful to the noble Lord for that intervention. I assure him, first, that the Government are aware of the legislative consent Motions to which he refers, but they are of the view that the LCM process is not engaged. None the less, I further assure the noble Lord that, although Clause 19 enables regulations to be made applying the provisions in Clauses 15 to 18, we will of course consult with the devolved Administrations—the process for which the noble Lord called—within the devolution settlement. In so doing, we will grant the respect that the noble Lord was keen to stress and the importance of which we on the Front Bench recognise.

The noble Lord also tabled Amendments 142, 143, 144 and 147, which seek to delay the commencement of the Bill until the current Brook House inquiry has reported. We acknowledge that these amendments are well intentioned. The whole Committee can agree that we want to see the conclusions of the Brook House inquiry, but, none the less, I cannot agree that the implementation of the Bill should be made conditional on this event, important as it is. It is worth adding that, as the Committee and certainly the noble Lord will be aware, this inquiry focused exclusively on one immigration removal centre, not the whole detention estate. Clearly, matters of great interest may well emerge and potentially apply across the whole estate, but I submit that we should not confine ourselves to proceeding on the basis of such evils as may be disclosed in this report and as are identified in a single case, rather than considering the estate as a whole.

As the noble Lord said in presenting his argument, the chair of the inquiry has indicated that she intends to issue her final report in the late summer, so the noble Lord and the Committee should not have too long to wait. But my point is that, as a Parliament, we should legislate from the general rather than the particular. Well intentioned though it is, the noble Lord's amendment places the Brook House inquiry at the forefront and everything else would flow from that. I submit that that would not be the best course on which to proceed.

We will carefully consider the recommendations of this inquiry, including recommendations for that wider application to the immigration and detention estate and the practice of detention, but I submit that that is not a reason for delaying the commencement of the Bill. The debate has been interesting, and I am grateful to Members from across the Committee who contributed, but at this stage I invite the noble Baroness to withdraw the amendment.

Lord Scriven (LD): Just before the Minister finishes his conclusions, the right reverend Prelate the Bishop of Durham asked a specific question about the standing commission of the Independent Chief Inspector of Borders and Immigration, which has carried out annual reviews of the effectiveness of Home Office policies and procedures with regard to adults in the immigration detention estate. The right reverend Prelate asked whether they would be resumed, and I wonder whether the Minister can inform the Committee whether that will be the case.

Lord Stewart of Dirleton (Con): First, I present my apologies to the right reverend Prelate for not specifically answering that question; I am grateful to the noble Lord for reminding me of it. I had noted that I do not have the information directly to hand in any event.

The Lord Bishop of Durham: I did actually close by saying, "If you don't have it, would you please write?"

Lord Stewart of Dirleton (Con): Indeed, the right reverend Prelate did, and I confirm that I will happily correspond with him and copy in the noble Lord.

Baroness Hamwee (LD): My Lords, I moved Amendment 139A. The right reverend Prelate and I have often had our names paired on amendments on these issues. The story from the noble Lord, Lord Ponsonby, about Home Office officials sitting in court to see what they can pick up was truly shocking, whatever other conclusions one might draw about it.

I am unclear why it is necessary to apply the restrictions about sharing data, automatically or otherwise, when the subject is already detained, but I come back to my principal point—sadly, it is not the first time we have made it from these Benches—that we thought that the effective immigration control exemption in the Data Protection Act, and so much now comes within that, was far too wide and had dangers inherent in it. The examples given by the right reverend Prelate in the field of domestic abuse bear this out.

We have heard a lot about the Government wanting co-operation from victims with regard to the investigation and prosecution of traffickers and smugglers. It does not seem to me that not agreeing to a firewall is the best way to go about getting that co-operation.

The Deputy Chairman of Committees (Lord Beith) (LD): Is the noble Baroness withdrawing her amendment?

Baroness Hamwee (LD): I was just about to. I beg leave to withdraw the amendment.

Amendment 139A withdrawn.

Amendment 139B not moved.

Amendment 139C

Moved by ***The Archbishop of Canterbury***

139C: After Clause 60, insert the following new Clause—

"Ten-year strategy on human trafficking

(1) The Secretary of State must prepare a ten-year strategy for tackling human trafficking to the UK through collaboration with signatories to the European Convention against Trafficking or any other international agreement on human trafficking.

(2) The Secretary of State must make and lay before Parliament a statement of policies for implementing the strategy.

(3) The first statement must be made within twelve months of the passing of this Act; and a subsequent statement must be made within twelve months of the making of the previous statement.

(4) A Minister of the Crown must, within 28 sitting days of the statement being laid before Parliament, table a motion for resolution in each House of Parliament in relation to the statement.

(5) "Ten-year strategy" means a strategy for the period of ten years beginning with the day on which preparation of the strategy is completed.

(6) "The European Convention against Trafficking" means the Council of Europe Convention on Action against Trafficking in Human Beings done at Warsaw on 16th May 2005.

(7) A "sitting day", in relation to each House of Parliament, means a day on which that House begins to sit."

Member's explanatory statement

This amendment would require the Secretary of State to have a ten-year strategy for collaborating internationally to tackle human trafficking into the UK.

The Archbishop of Canterbury: My Lords, I introduce Amendment 139C, tabled in my name, and Amendment 144A, which is consequential to it. I thank the noble Lords, Lord Blunkett, Lord Kirkhope of Harrogate and Lord Hunt of Kings Heath, for co-signing it.

The amendment requires the Secretary of State to prepare a 10-year strategy for tackling human trafficking, in collaboration with international partners on this issue. A statement of policies for implementing the strategy must be presented to Parliament within a year of the Bill becoming law and every following year. Each time that a statement is made, an opportunity must be given for both Houses to debate and vote on it via a Motion for resolution.

The amendment, and my second amendment, relating to a 10-year strategy for an international refugee policy, are far from wrecking or negative amendments but

[The Archbishop of Canterbury]
seek to improve the Bill, as is our duty and right in this House. As I said at Second Reading, we need a Bill to reform migration and we need to stop the boats, but this Bill does not contain within it a sense of the long-term and global nature of the challenges that we face. To deal with global challenges, we need to engage in international collaboration towards global solutions.

The trade in people is one such global challenge. In 2022, in the UK, there were 16,938 potential victims of modern slavery referred to the Home Office via the NRM—a 33% increase compared to the preceding year and the highest annual number since the NRM began in 2009. The real number of victims in the UK may be much higher. Walk Free's global slavery index believes that there could be more than 100,000 victims living in slavery in the UK. However, that same index found that, globally, 50 million people were living in modern slavery in the world on any given day in 2021—a 10 million increase since the 2018 index.

Not all forms of slavery counted in this number will involve people trafficking, but a significant number will have been trafficked at some point in their story of exploitation. In the UK, we are often dealing with the very end of what is a global supply chain. If we want truly to have an impact on the root of the problem, we need to follow the supply chain of trafficking back to its source and target the traffickers there and at every step along the way to people eventually arriving here. A cross-border trade requires cross-border solutions. We have long agreed that when it comes to drugs.

The Anglican Communion has a helpful perspective here, as it is present in 165 countries around the world. There are Anglicans and other people of faith present in both source and destination countries for migration and trafficking. Since 2014, the Anglican Alliance has been working on these issues in partnership with the Salvation Army, Caritas Internationalis and the Clewer Initiative, among others, convening global and regional consultations, developing toolkits to equip churches, and establishing regional and interregional communities of practice. The global reach and connectedness of the Anglican Communion allows us to connect up work that is going on upstream and downstream in the supply chain, to help to ensure that migration happens safely and to prevent trafficking and other forms of exploitation.

The Clewer Initiative, the Church of England's national work to combat modern slavery, has also been working since 2020 with the World Council of Churches to challenge issues of modern slavery. One part of the focus is to facilitate networking between churches and partners in countries of origin and those in countries of arrival to enable collaboration and broader strategy. Ending human trafficking was mentioned explicitly in the targets of the UN sustainable development goals 5, 8 and 16, to be achieved by 2030. However, progress has been slow, and as the UN Office on Drugs and Crime has highlighted, national responses, particularly in developing states, appear to be deteriorating. Detection rates fell by 11% in 2020 and convictions fell by 27%, which it says illustrates

"a worldwide slowdown in the criminal justice response to trafficking".

I am sure that all in this Committee agree that our target should be the total eradication of this evil, and that part of the 10-year strategy being proposed here should be plans for collaboration with international partners to set up an international anti-trafficking force, funded by Governments and mandated with the authority to target and arrest human traffickers wherever they might be found. That would be taking action upstream, focusing on the traffickers rather than their victims—an incidental effect of this Bill—and getting us closer to addressing the root of the issue. We did something similar with 17th-century piracy and 19th-century slave-trading, where we led the world. This is an equally serious crime, and we must go after perpetrators with speed and accuracy and the full force of international law.

9 pm

As the examples I gave of the Anglican Communion show, this cannot be done in one country alone. It requires collaboration in a series of practical areas, such as security and intelligence-sharing, between international partners. Developing global solutions and approaches inevitably takes time, and a longer-term strategy than the short-term election cycles of UK politics is often required. That is why this amendment calls for a strategy that would continue, regardless of specific Home Secretaries or Governments. The Minister may say the Government already have longer-term strategies—he was kind enough to make time for a meeting with him a few weeks back to discuss this—and that this Bill is not the place for long-term strategies. If that is so, I ask him to tell us clearly what the place is and where there is a commitment in law that these strategies will be maintained and worked upon. We have sadly learned that a promise from a Minister on the Floor of this House has not always been sufficient for us to be sure that something will happen—Governments and Ministers change, and there are changes of policy. Support for this amendment might go some way to assuaging doubts that the UK is reneging on its promises and abandoning existing commitments to work internationally under the ECAT and other international treaties.

Human trafficking is an evil practice, and one which violates the dignity and value of its victims. This amendment seeks to encourage development of a longer-term strategy, within which this Bill would be a part, that will go after the perpetrators of the crime, not the victims, and give the United Kingdom the opportunity to lead in seeing decisive and effective international action. We led the way remarkably under a recent Conservative Prime Minister with the Modern Slavery Act 2015. Now we should do the same in an international crackdown on perpetrators. I beg to move.

Lord Kirkhope of Harrogate (Con): My Lords, it is a great honour for me to support this amendment in the name of the most reverend Primate. In opening my remarks I want to say that here we have a Bill called the Illegal Migration Bill. I say that the illegality which we should always address first is the illegality of the people who traffic those who are brought to our country—the criminals that we ought to be searching for, internationally and domestically. That is where the illegality lies, not with these poor people who are suffering and trying to escape from oppression and aggression.

Human trafficking needs immediate attention. It is a grave violation of human rights, and it requires a comprehensive, co-ordinated, well-thought-through and

long-term response. That is why I agree so much with this amendment. It is imperative that we recognise the urgency of the matter, and that we take decisive action to protect the vulnerable and to hold those perpetrators fully to account. I hope that this amendment will be reacted to in a positive way by the Government.

I emphasise the critical significance of implementing a long-term strategy, as is proposed. Dealing with heinous crime requires planning, and this amendment, which would require the Secretary of State to develop a 10-year plan, would ensure a sustained and focused approach to tackle it. It is essential that we recognise the urgency and complexity of the issue, and the need for that long-term commitment.

The 10-year strategy also provides us with a framework that extends beyond simple short-term solutions. It will allow us to get involved with thorough planning, resource allocation and evaluation of effort. By adopting such a strategy, we send a powerful message: our commitment to eradicating human trafficking must be unwavering. It demonstrates our recognition that this pervasive crime requires a sustained and co-ordinated response—as I said, both domestically and internationally. Collaboration lies at the heart of the strategy. This amendment emphasises the need for the Secretary of State to work closely with partners elsewhere, particularly —as noble Lords might expect me to say—with our European partners, who are signatories to the European convention against trafficking.

Human trafficking knows no borders. By joining forces with other nations, we enhance our collective capacity to identify trafficking patterns, share intelligence and dismantle criminal networks wherever they may be. Through this collaborative approach, we can strengthen prevention measures and ensure that those involved in trafficking are brought to full justice. It is only through co-ordinated action and shared responsibility that we can provide protection to the victims, disrupt the networks, bring those responsible to justice and eradicate human trafficking from our shores to create a safer, more compassionate society for all. Stop the boats—of course we agree with it, but how do we do it? In my view, this amendment helps us to achieve it.

Lord Hunt of Kings Heath (Lab): My Lords, it is a great pleasure to follow the noble Lord, Lord Kirkhope, and to add my name to the most reverend Primate's amendment calling for a 10-year strategy on combating human trafficking with our international partners. As he said, the intention of the amendment is to encourage the Government to focus on the long-term, global nature of the challenges we face in relation to migration and to work collaboratively with international partners. The most reverend Primate is right to emphasise the statutory nature of what is being proposed. One hesitates to go through the list of Home Secretaries any Government may have. The need for stability in policy-making in this area and agreement with our international partners is very clear indeed.

Going back to Second Reading, a number of noble Lords, including the noble Lord, Lord Forsyth, were critical of those who were critical of the Bill. They said that we had not produced any coherent answer to the problem that the Bill is meant to address. But in some of the debates over the last few days, the lack of coherence in the Bill, the real unwillingness of the Government to be explicit about their intentions and the lack of an impact assessment, despite Cabinet Office guidance to the contrary, lend themselves to criticism of what seems to be a very short-term, dog-whistle approach. We really need to see an improvement.

The JCHR's magisterial critique is, of course, outstandingly clear that the Bill will deny the vast majority of refugees access to the UK's asylum system, despite the fact that there will be many cases for them to enter the UK by safe and legal routes. I thought that the debate earlier today around the definition of safe and legal—or, indeed, the Government's unwillingness as yet to say what exactly they plan to do, and how they plan for people to receive assessment and, where appropriate, get protection—said it all.

We even have to await regulations, which in the end Parliament will have to accept, for a definition of "safe and legal". As the noble Lord, Lord Carlile, said earlier, the Government could have come forward today with deliverable measures on this, but they have made no attempt to place concrete proposals for safe and legal routes. As the most reverend Primate has said, we could play a leading role. Instead, we are condemning ourselves to isolation in the international community. This is an international problem, and we have to find an international solution.

That is why the most reverend Primate's call for a long-term approach is so important. His remarks about dealing with the supply chain at source were very telling, focusing on the traffickers rather than the victims. I hope that the Government listen on this occasion and agree to consider this. In all the unhappiness that this debate has caused because of the provisions in the Bill, surely we must at least hope that we can find a consensual way forward to deal with the real issues instead of coming down hard on these poor, innocent victims.

Lord Deben (Con): My Lords, the most reverend Primate has offered the Government a very helpful amendment. It enables them to show that their present Bill, much of which I deeply resent, is not just a one-off, convenient electoral activity but part of a properly thought-out programme for dealing with the issues with which they are concerned. We have to think about it in these terms. Otherwise, we cannot think about it at all.

I commend the most reverend Primate's use of the concept of the supply chain. I spend a lot of my time advising people on supply chains in my business life, and I cannot imagine anybody who deals with a supply chain merely dealing with the last person in the supply chain. They go right back to where it starts to discover how it hangs together and then correct it if that is what they seek to do. The most reverend Primate's use of that phrase is extreme valuable, particularly for a Government so committed to private sector and private enterprise, where the supply chain is so vital.

It is also true that unless we think about this internationally, we are not facing the longer-term situation we will find. I remind the Committee of my chairmanship of the Climate Change Committee. The problems with which we are faced at the moment are tiny compared with the ones we are going to be faced with as climate

[LORD DEBEN]
change drives more and more people from the countries in which they live. Who will try to benefit from that? The very people who run the present scandalous, wicked systems dealing with pathetic people seeking somewhere to live. We talk about people moving to have a better life. Climate change will mean that many people will move to have a life at all, because hotter weather in a country such as Niger will make it impossible for people to live, work and farm. In those circumstances, who will try to benefit? It will be the very people who are running these rackets. We have to deal with those rackets.

9.15 pm

I have to say to my noble friend that, if he is not able to accept this, he puts into very grave question the Government's seriousness about the issue. Either we deal with this on an international basis, recognising that it is going to get worse and internationally we have to solve it, or we do not really intend to deal with at all. So I shall listen with great care to what my noble friend says in answer.

But there is a third concern, which I do believe the Government have to face. They rather tend to talk as if the only country in the world that has the problem of immigration and trafficking is Britain. I know that this isolationist view is fashionable with a Government who have done so much damage to us internationally, but the truth is that we are less affected than many other countries in Europe. If you look at those long coastlines of Italy, if you think of Spain, if you think of Greece—the problems with which Greece has to deal are appalling, much worse and more difficult than those that we have at, as the most reverend Primate says, the end of the supply chain.

Unless the Government are prepared to face that and say that, with our neighbours and friends, we will seek to find an answer, I do believe they are going to say that they do not really look for the long-term answer and just want to focus on what is particular and immediate to their own interests. I do not want to feel that that is what the Government are like; I do not want that at all. So I want the Government to help me and others to be more happy about this Bill by putting it in the context of a longer-term programme to deal with the traffickers. I hope that my noble friend will recognise that, if he is unable to do that, it casts real doubt upon the integrity of the whole Bill.

I think the most reverend Primate of all England has actually helped the Government hugely, and I would love it if the Government recognised that. On this Bill, I take the Church's whip because, actually, it is right about the morality. Therefore, in order to help me, at least in some sense, also take the government whip, will this Minister listen to the most reverend Primate?

Lord Hannay of Chiswick (CB): My Lords, I support these amendments that the most reverend Primate has put down and thank him, again, for initiating a whole day's debate here last December on Britain's immigration policy and the need to take an overall approach, a general approach, not just dealing with it like the little Dutch boy, running around sticking his finger in one hole in the dyke and another hole comes—that is what we are faced with with this Bill. The most reverend Primate is helping us to avoid the mistake of a patchwork approach, so I welcome these amendments. I think it is a shame, myself, that we should be debating this at this hour in the evening in a rather scantily attended House, just in order to save one extra day in Committee; it would have been much better to have had that.

The point that the most reverend Primate is making about the need for an overall approach—this long-term approach which Governments of both parties no doubt would stick to—must be the right one. The other point he has made very forcefully in this context is the need for international co-operation. That is also absolutely vital.

Unfortunately, as innumerable speeches in Committee have shown, there is a very strong view, supported by many outside this House and many international bodies, that the action in the Bill is contrary to our international obligations. That in itself is bad enough, but what is worse is that it is totally inimical to getting the wider international co-operation we will need if we are to handle these problems. If we insist on going ahead and breaking our international obligations, we will get zero co-operation from other countries which are also bound by them and which believe that they are being broken by the Bill.

I wish the Minister would listen to what I was saying rather than having a conversation. That would be very helpful. I will wait until he stops having his conversation. He has stopped; I thank him very much.

I think the Government need to address this point—oh dear, he is talking again.

If what we are planning to do in the Bill breaks our international obligations in the view of many of our closest partners—the ones in the rest of Europe, for example, without whose co-operation we will get absolutely nowhere with the measures being proposed—we are not going to get that co-operation. That would be extremely serious, with its knock-on effects on the trade and co-operation agreement and so on.

I hope the Government will listen carefully to this debate, on both the amendments in the name of the most reverend Primate, and see that there is a great need to go down that road.

Lord German (LD): My Lords, I am pleased to offer our support from these Benches. The most reverend Primate has delivered what I would call a swerve ball: he has gone around the side of what is being proposed by the Bill and tried to find a route for what will follow it. He raised the issue of the Modern Slavery Act at the beginning, which we have debated in Committee as being something this Parliament has been very proud of indeed. All of that has been put to one side in order for the Government to make these short-term decisions.

It is interesting that, on many occasions, Ministers on the Government Front Bench have referred to the Bill as dealing with an emergency, whereas they have not yet recognised the context that what is happening is a global problem. The interesting figures at the beginning of the Joint Committee on Human Rights report on the Bill enlighten us:

"In mid-2022, the UN Refugee Agency … estimated that there were 103 million forcibly displaced people worldwide. Of those, 32.5 million are refugees and 4.9 million are seeking asylum —

the highest number since the UNHCR was created in 1950. This number is likely to increase given the deadly conflict that has erupted in Sudan".

Over the page, it says that we will not solve this on our own. Treating this as an emergency will never satisfy the issue that the Government are trying to address of trying to deal with the problem at source.

The Government say that they will stop criminal gangs with the Bill, but many in the Committee believe that this simply will not happen. Many of your Lordships believe that the Bill, as it stands, is as a gift to traffickers, who know that their victims will be too frightened of the threat of removal to approach authorities.

The logic behind the most reverend Primate's amendment is quite clear to us, in relation to trafficking. It focuses on efforts to tackle the traffickers rather than penalise the victims. What most of us find most abhorrent about the Bill is that it tackles the victims to try to deal with a problem that is well beyond its reach. I absolutely support the view of the noble Lord, Lord Deben, on the supply chain process: it is just silly—not sensible—to think that it will work.

That is why we need a global and collaborative approach with international partners. That is what is needed when traffickers operate across national boundaries and borders. This amendment therefore addresses the question: what next? It puts co-operation front and centre of its approach and it seeks a role for the UK in which it is a leader, rather than a follower and a country trying to pull up a drawbridge. Trafficking is an abhorrent crime and we need to play our part in tackling the crime at source. It needs a global perspective and collaboration, rather than headlines with an election in mind.

Lord Paddick (LD): My Lords, as other noble Lords have said, a 10-year strategy, implementation plan and associated measures are needed to tackle human trafficking, particularly, as the most reverend Primate's amendment suggests, through international collaboration to deal with issues upstream and downstream—as the former oilman said. His experience of supply chains is similar to that of the noble Lord, Lord Deben.

However, the noble Lord, Lord Hannay, raised a justified concern about the reluctance of other partners, who would be central to the success of such a strategy, if they believed that the United Kingdom were breaking its international commitments, whether regarding the European Convention on Human Rights or the European convention on trafficking. The most reverend Primate highlights the worrying slowdown in prosecutions for human trafficking, which must be reversed.

I have one concern about the most reverend Primate's plan. I understand the need to establish a long-term strategy, but an incoming Home Secretary could thwart a 10-year strategy by asking Parliament to repeal any law that contains the provisions in this amendment. Sadly, enshrining a 10-year strategy in law does not guarantee its longevity, but it would make it more difficult to dislodge. That is why we support these amendments.

Lord Coaker (Lab): My Lords, it is a great privilege to address the Chamber briefly in support of the amendment before us from the most reverend Primate the Archbishop of Canterbury. My points will build on the excellent speeches and comments that have been made.

As others have said, this amendment presents the Government with a phenomenal opportunity. All our debate has been very contentious and will remain so when the Bill is on Report, but here is an opportunity, in one amendment, for the Government to take a different approach in line with the 10-year strategy that has been laid before us.

Let me say this as well: the noble Lord, Lord Hannay, is right that this discussion deserves a wider audience. We ought to think about how we could generate that in the context of the Bill and perhaps in other ways to ensure that this issue gets the audience that it deserves. Why do I say that? I do so not only because I agree with it. Yesterday, we debated the purpose of this Chamber in a different context. We had a debate among ourselves and disagreement on the constitutional role of the Lords and what it should be with regard to legislation. As a relatively new Member here, I think that that is a really important role for this House to play.

9.30 pm

One of the things I have noticed since I have been here concerns something that I think has to some extent been lost in the other place; this certainly applies to one or two people here who have experience of the other place too. The abilities to make speeches on issues that challenge us all, trying to generate ideas and visions of the future on a cross-party basis, and to discuss, debate and put forward that vision to any Government, to a country or beyond a country have been lost. The most reverend Primate the Archbishop of Canterbury has given us a huge opportunity through his excellent speech today; we have heard excellent speeches from him before. It spoke to all of us in a way that said—I do not want to get spiritual—"Lift up your heads". Sorry; I hope that he knows the biblical quotation better than me but noble Lords understand the point that I am making. You look beyond the immediate.

What the Government are doing in this Bill is looking at the immediate and the challenge that they face. We disagree on this but that is what the Government are doing. The opportunity that we have been presented with in terms of this amendment and the next group of amendments, on refugees, is to ask, "How do we as a country, along with our international partners and allies, want to work together to deal with a problem that we all disagree with and think is abhorrent?" This is a global challenge. We cannot sort it on our own. We are going to have to work with other partners to do it. Of course there are problems around that, such as the attitude on where we are at the moment, which many of us abhor, but, at the end of the day, that is the place where you have to go. Whether it is the Council of Europe, some sort of discussion with the EU, the United Nations, the African Union or whoever else, those international bodies are essential.

However, discussing and debating these issues is crucial. I cannot remember which philosopher it was but I remember this quote:

"There is nothing so practical as a good theory".

[Lord Coaker]
That is absolutely right. If you have a vision and view on what it is that you want to achieve, those things are really important. The battle of ideas is important. The ability to move people emotionally and spiritually towards doing the right thing is important. It can be done. As I say, what the most reverend Primate the Archbishop of Canterbury has done for us is give us an opportunity for the Government to look beyond the Bill and, in a long-term strategy, to look at how we as a country, working with other countries and partners across Europe and beyond, can tackle this very real problem.

With that, I want to end by adding just one practical point to the debate and the strategy; whether it is appropriate, I do not know, but I am going to make this point as these things sometimes get lost. Many of the trafficking victims that the national referral mechanism and the police in our country deal with are internal victims of trafficking. They are people who are being trafficked within our own country. British children—British citizens—are being trafficked. In the context of all this, we should never forget that.

Lord Murray of Blidworth (Con): My Lords, I too am grateful to the most reverend Primate for setting out the case for these amendments, which would require the Home Secretary to produce a 10-year strategy for tackling human trafficking.

I can confirm, of course, that the Government are absolutely committed to taking a long-term approach to this issue. In answer to the noble Lord, Lord German, we certainly appreciate that this is a massive global problem. Work on modern slavery and human trafficking is based on three strategic pillars: prevention, enforcement, and identification and support. I can assure the most reverend Primate that this Government are working tirelessly with our international and domestic partners to tackle human trafficking. If I may, I will take just a moment to share some of that work with noble Lords.

The UK's international efforts to fight modern slavery and human trafficking are supported by our overseas programmes, including through the Home Office's Modern Slavery Fund—over £37 million has been committed to the fund between 2016 and March 2023. Projects across Europe, Africa and Asia seek to identify and protect victims from re-trafficking, strengthen national responses and criminal investigations and reduce vulnerability to exploitation. A snapshot of previous successes includes direct support to over 2,500 victims of trafficking and targeted outreach work to prevent modern slavery with over 180,000 vulnerable people.

Further, the Government have continued to strengthen our international co-operation. For example, we have issued a joint communiqué with Albania and signed a joint action plan with Romania, both of which reinforce our commitment to working collaboratively to tackle modern slavery and human trafficking, in both the short and long term. We continue to engage with the international community on a global scale by working with multilateral fora such as the G7, the G20, the Commonwealth and the UN. Article 32 of ECAT requires parties to co-operate in tackling human trafficking and we take that obligation very seriously.

The Government collaborate with law enforcement and criminal justice agencies, including the police, the National Crime Agency, the Gangmasters and Labour Abuse Authority, the Crown Prosecution Service and His Majesty's Revenue and Customs to ensure that policy and legislation are incorporated into operational policy and practice, to target and disrupt crimes and bring perpetrators to justice. In addition, the Home Office has continued to invest in policing to improve the national response to modern slavery and human trafficking by providing £17.8 million since 2016 to support the work of the Modern Slavery and Organised Immigration Crime unit, about which we heard in the previous group.

I also add that the United Kingdom is the first country in the world to require businesses to report on the steps that they have taken to tackle modern slavery in their operations and supply chains. This has driven a change in business culture, spotlighting modern slavery risks on boardroom agendas and in the international human rights community.

Strategies have their place; I do not want to downplay the impact that they can have in the right circumstances to help focus attention on a particular issue and drive change. But they are not a silver bullet. A strategy in and of itself will not enhance the collective response to a particular challenge. It is a moot point whether a 10-year strategy is too long a horizon in this area. The most reverend Primate pointed out that policies can change with changes of government—and, indeed, one Government cannot bind their successor. There is also always a risk that resources are consumed preparing strategies and monitoring their implementation rather than getting on with the vital core task at hand.

The Government remain committed to strengthening our response, both domestically and internationally, to combat modern slavery and human trafficking, and we are considering the next steps on our strategic approach. The immediate focus of this Bill, however, is stopping the boats. If we do not tackle and substantially reduce the current scale of illegal entry into the UK, our resources will continue to be sapped by the sheer numbers crossing the channel, necessarily impacting on our capacity to address the strategic challenges that the most reverend Primate has clearly articulated.

Lord Deben (Con): My noble friend has very helpfully gone through a whole series of things that the Government are doing and will do. Why is he opposed to that forming a strategy? Any business would do it that way. No one would have merely a series of things which one can put out in that way. Why can he not accept that a strategy that you are implementing would be much better than a series of individual things which defend where you are?

Lord Murray of Blidworth (Con): I am afraid that I have already—in the last few moments—outlined why it would be inappropriate for it to be in the Bill. The reasons are that, clearly, one can have strategies without them being in primary legislation and, secondly, it would not be right to fix a strategy for 10 years in length for the reasons I have given, not least because one Government cannot bind their successor. Indeed, as my noble friend Lord Deben made some wider and

insightful points in his earlier address about the drivers of refugee crises, such as the impact of climate change, those topics take us into the next group. I am sure there will be other remarks we can address at that point. I noted that my noble friend said that he takes the Church's Whip; that might explain a lot.

Lord Deben (Con): As my noble friend has mentioned that, I said I would take the Church's Whip because I happen to believe that moral issues overcome any other issues. The Churches are united in saying that we have to be more sensible about this Bill. I am a Catholic; I take the Church's Whip on this because it is a moral issue and we should stand up for moral duties.

Lord Murray of Blidworth (Con): With respect to my noble friend, I would say that the Government's position is the moral position, but that is possibly an argument for a different type of debate, so I will revert to the topic of the proposed amendment from the most reverend Primate.

Baroness Lister of Burtersett (Lab): The most reverend Primate's amendment does not say what the strategy should be; it says just that there should be a strategy. Is the Minister really suggesting that another Government would say, "We're not bothered about slavery; we don't want a strategy on slavery"? The whole point is to get Governments to think strategically.

Lord Murray of Blidworth (Con): I assure the noble Baroness that this Government certainly do think strategically, but there is no reason for such a strategy to be required by reason of a statutory amendment. I appreciate that the most reverend Primate has laid this amendment, and I do not think that he realistically expects such an amendment to be accepted by the Government. What is clear is that—

Lord Deben (Con): Why?

Lord Murray of Blidworth (Con): For the reasons I have already given; shouting "why" from a sedentary position does not assist.

I am very grateful to the most reverend Primate for raising this issue. It is very important that the Committee has had a chance to step back and discuss these strategic issues in the way that it has. I am very grateful to him for affording us this opportunity to debate this issue but, having done so, I hope he will be content to withdraw his amendment. Of course, we will shortly consider the wider context of the refugee question.

Lord Paddick (LD): Just before the most reverend Primate responds, what I heard the Minister say from the Dispatch Box was that the Government do not believe in strategy, not that the Government oppose strategy being in primary legislation. Perhaps I misheard him.

Lord Murray of Blidworth (Con): No, I certainly did not say that the Government do not believe in strategy.

The Archbishop of Canterbury: My Lords, it is as likely that the Government did not believe in strategy as to find that a bishop did not believe in God.

Lord Murray of Blidworth (Con): It is an optional extra.

The Archbishop of Canterbury: Without wishing to channel "Yes, Prime Minister".

I am very grateful, in addition to those who so kindly co-signed the amendment, to noble Lords who contributed to this debate: the noble Lords, Lord Hannay, Lord German, Lord Paddick and Lord Coaker. The noble Lord, Lord Deben, really worried me, because every time he said something, I found it was in my speech on the next group. That is going to make the speech shorter, which is a great advantage, but it does slightly worry me as to whether he has a hitherto unsuspected hacking habit.

9.45 pm

To turn seriously to the point, I am not surprised but am deeply disappointed by the Minister's response. I do not doubt the efforts of the Government—he gave us a very long list. As has been said by others—I will not develop it—what we are looking for in this amendment is one place, one plan, which seems very straightforward. The leadership of the UK around this issue has not been in doubt—but I use the past tense. This Bill puts it in very grave doubt.

Finally, on some of the comments that the Minister brought up, the creation of straw men was proliferating across this Committee. As the noble Lord, Lord Hannay, said, there was in fact a great crowd of arguments put forward but unfortunately they were all straw men which bear no relation to what we are actually proposing. Of course it is inappropriate to bind future Governments, but I notice that the Government have produced a strategic plan until 2030 for defence, intelligence and security, covering issues around climate change. They even refreshed it when it turned out, a year later, to be completely inappropriate. That is how strategy works. In the oil industry we produced 30 or 40-year strategies, because that was the length of time you had to think forward, but it did not mean that it was cast in stone—it is not the law of the Medes and Persians. We do need to put this Bill in a longer-term context for all the reasons that noble Lords gave so eloquently, for which I am so grateful. However, that being said, we will think about this and come back on Report, and in the meantime I beg leave to withdraw.

Amendment 139C withdrawn.

Amendment 139D

Moved by ***The Archbishop of Canterbury***

139D: After Clause 60, insert the following new Clause—

"Ten-year strategy on refugees

(1) The Secretary of State must prepare a ten-year strategy for tackling refugee crises driving people to enter the UK as refugees through collaboration with signatories to the Refugee Convention or any other international agreement on the rights of refugees.

(2) The Secretary of State must make and lay before Parliament a statement of policies for implementing the strategy.

(3) The first statement must be made within twelve months of the passing of this Act; and a subsequent statement for the strategy must be made within twelve months of the making of the previous statement.

(4) A Minister of the Crown must, within 28 sitting days of the statement being laid before Parliament, table a motion for resolution in each House of Parliament in relation to the statement.

(5) "Ten-year strategy" means a strategy for the period of ten years beginning with the day on which preparation of the strategy is completed.

(6) "The Refugee Convention" means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol.

(7) A "sitting day", in relation to each House of Parliament, means a day on which that House begins to sit."

Member's explanatory statement

This amendment would require the Secretary of State to have a ten-year strategy for collaborating internationally to tackle refugee crises driving people to enter the UK as refugees.

The Archbishop of Canterbury: My Lords, I hope this section may be a bit shorter. As the noble Lord, Lord Deben, already knows, because he just said it, I am rising to introduce Amendment 139D tabled in my name and Amendment 144B, which is consequential to it. I thank the noble Baroness, Lady Kennedy of The Shaws, and the noble Lords, Lord Bourne of Aberystwyth and Lord Blunkett, for co-signing it. I have had letters of apology from the noble Baroness, Lady Kennedy, and the noble Lord, Lord Blunkett, who are not able to be here for very good and sufficient reasons.

I particularly appreciate when we come to this that the Government are taking action—I am not suggesting for a moment that they are not. The Chişinău statement made in Moldova recently by the Prime Minister was striking, as were the recent raids by the National Crime Agency in tackling criminals involved in this area.

This amendment mandates the Secretary of State to produce a 10-year strategy for tackling the global refugee crisis—I do say "crisis"—working in collaboration with signatories to the 1951 refugee convention and others. As with human trafficking, a statement of policies for implementing the strategy must be presented to Parliament within a year of the Bill becoming law and every following year. Of course, a subsequent Government can change that. Each time a statement is made, an opportunity must be given for both Houses to debate and vote on it via a Motion for resolution.

As with my previous amendment, Amendment 139C, this amendment is intended to require the Government to consider the long-term global nature of the refugee crisis, only a very small part of which—a minute, almost unmeasurably small part of which—are we seeing on our shores in Dover, in the Canterbury diocese which I serve and where we work extremely hard with those who are arriving. This Bill currently focuses solely on our domestic situation; the noble Lord, Lord Hannay, spoke very eloquently on that in the last group. It proposes action that not only is unlikely to achieve its aim domestically but also undermines the principles of the global refugee system, which the UK was influential in setting up in the first place. The call for a 10-year strategy for international collaboration on the refugee crisis is an attempt to address this by requiring the Government to look beyond our shores and into the longer term, and to lead internationally, as this country should and as it did in 1951.

On the global crisis, some figures have come but they were for the middle of 2022: I happen to have the ones for the end of 2022 and they are worse. At the end of 2022, there were 108.4 million people displaced; 35.3 million were refugees; 62.5 million were internally displaced; and 5.4 million were seeking asylum. As I said at Second Reading, conflict and climate change mean that these numbers are predicted widely to increase as much as tenfold in the next 25 years. The number arriving in small boats in the UK—45,755 in 2022—is tiny when set in such a horrifying context. Other countries, as the noble Lord, Lord Deben, said, are taking far more refugees. Turkey alone was hosting nearly 3.6 million at the end of 2022. It is greatly to be admired, as are Rwanda, Uganda, the DRC and South Sudan, itself after 10 years of civil war having received almost three-quarters of a million people since the war broke out in Khartoum a few weeks ago.

Many other European countries also are taking more, including France and Germany. It is not a competition, but the UK ranked 18th in Europe for our intake of asylum applications per head of the population in the year ending September 2021. Most crucially, 76% of refugees are being hosted in low and middle-income countries—countries infinitely poorer than our own—and 70% in countries neighbouring their home countries. It is neither morally right nor strategically sensible to fail to engage with the global context or to leave other countries to deal with the crisis alone. Doing so damages our reputation as a nation, but it also risks unbearable pressures being placed on other countries and the possibility of state collapse and an ever-growing avalanche of further numbers of refugees across the world, adding to the problems we face.

The 1951 convention is a fundamental bedrock for the care and protection of refugees. To be very clear, this amendment is not proposing that the convention be scrapped or rewritten, where there might be a risk of it being watered down and protections removed. Instead, I am suggesting that the convention should be built upon and added to for the very different context we face today from 1951.

One area where work is needed is clarity on protection for certain types of refugee, such as those fleeing due to climate change or gender-based violence, who are not currently covered, or consistently covered, by the convention and would find themselves in great trouble under this Bill. Another is clarity on the allocation of state responsibility for refugees, including the safe third country principle, and the support for countries dealing with far greater numbers of refugees. Professor Alexander Betts, Enver Solomon and others have proposed a possible approach for this in the form of a state-led solidarity pact, an intergovernmental coalition of donor and host countries which clarifies respective state responsibilities and is supported by what they call the global refugee fund, administered to support host countries affected by large refugee movements.

Although the European Union's agreement on migration, announced just in the last day or two, is a major step forward, it does not go as far as this. It does however give an example of numerous countries working out how to share their burden, and when the burden is so huge, that must be the way we go.

There have been many suggested policies and alternatives presented in this area and I am not going to waste your Lordships' time by going into detail on them. This amendment does not specify exactly what should be pursued; it simply mandates the Government to engage seriously with other countries about the options through existing groups such as the Global Refugee Forum—whose meetings I understand the Foreign Office attends but not the Home Office, though I am happy to be corrected by the Minister. Given that refugees under this Bill come under the Home Office, that would seem to be something that might be changed. The amendment further mandates the Government to report back to Parliament annually on action and progress.

Again, if the Minister replies, as I anticipate, by saying that the Government already have longer-term strategies and that this Bill and amendment are not the place for them, I ask him to explain clearly the one place and one plan where we can find them. What guarantees are there that the Government are working and will continue to work with international partners? The amendment seeks to ensure that this Government and future Governments have to consider this rather than focus solely on the domestic context.

I regret that to date there has been little agreement in this Committee between Ministers and those on these Benches or, in fact, any other Benches—and, of course, the previous amendment was supported by every Bench, including the Conservative Benches. I wish to make it entirely clear that we are always willing to work in close partnership, as we have done with the Government on community sponsorship, on receiving Ukrainian citizens fleeing that terrible war and many other projects, including interfaith projects.

If the Government as part of their strategy wish to work in partnership with faith groups and NGOs to identify and support refugees anywhere in the world where we have a presence, we would be delighted to work with them—we normally have excellent sources of information on such things. We want the UK again to be a moral leader on the world stage. We are more than capable of it. A global crisis requires global solutions, and we need to develop them now. If all other counties adopted the approach the UK Government are taking with this Bill, the whole international refugee system would collapse. That is not in our interests—regardless of morality, purely pragmatically—nor any other country's, never mind those in need of protection.

I urge the Government to take an opportunity for the UK to lead again in the care for and protection of refugees as we have in the past, to set their sights on effective, equitable long-term solutions to this crisis, working with international partners. In this amendment we seek, as were quite rightly challenged to do by the noble Lord, Lord Forsyth, to put forward a practical solution with practical ways of dealing with this and practical outcomes. If the Government have other ways of achieving the same ends which give security for the plans, I am very happy, as are my colleagues, to meet the Minister and discuss how that can be done. In the meantime, I beg to move.

10 pm

Lord Bourne of Aberystwyth (Con): My Lords, I will speak to Amendment 139D in the name of the most revered Primate the Archbishop of Canterbury; the noble Lord, Lord Blunkett, and the noble Baroness, Lady Kennedy of The Shaws, are also signatories.

In passing, I note that it is highly undesirable that Peers have been forced to withdraw from speaking to amendments and giving their views because of the way that things have been organised. I do not lay blame anywhere for that, as I know that the usual channels have tried to accommodate it, but I hope that, when we reach Report, we can have a more reasoned way of dealing with the hours that Members are sitting and the way that we are approaching these things. That would be highly desirable.

I declare my interests as set out in the register. I am strongly of the view that a 10-year strategy is appropriate. I do not quite understand the Minister's stance of not wanting a long-term strategy. As the most revered Primate set out, we have strategies that are long-term on all sorts of things. We also currently have a strategy for the refugee convention; it has been there for 70 years, and successive Governments have supported it. It seems to me that, rather than have individual approaches by countries around the world on such a global and international issue, it is clearly of interest that we all come together to work on a global and international solution. This problem is not going to go away; it will get much more serious as time goes on, as is clearly the case, with climate change refugees and issues of food security, gender-based violence and so on.

I accept that the Government are doing individual things, but I do not understand why they cannot be developed into a strategy in relation to both trafficking, which we looked at in the last group of amendments, and to the refugee convention, which we are looking at in this group. I anticipate that the Minister will not be any warmer towards this amendment than he was to the last one, but I hope that I stand to be corrected; perhaps I am wrong on that.

It seems to me that on something such as this there is truly an international scenario after 30 years of the refugee convention. Admittedly, the convention has a protocol, but, in essence, it was introduced to deal with the aftermath of World War II and issues related to the Holocaust and so on. We are living in a very different world, and we need a different solution; we need a different strategy to be developed to deal with this issue. I hope that the Minister will see that point, but it seems to me that he has set his face against dealing with something so obvious, and I do not understand why. As I said, I hope I am proved wrong.

We need that international effort. The noble Lord, Lord Coaker, talked about regional solutions as well, which is part of it, but, clearly, the UN would be the most appropriate way of bringing this towards some sort of international order and of dealing with what will be a much more serious problem than we have seen hitherto. It is absolutely right that it has affected the UK—I accept totally that we need to do something about it—but it has not affected us nearly as much as our European neighbours, and certainly not as much as many countries around the world.

[Lord Bourne of Aberystwyth]

The idea that we can deal with this in a piecemeal way, with every single country doing something differently, is for the birds. In fact, where we have had success at all—I accept that we have had some—is in talking to partners, including France. I do not understand why the Government set themselves against dealing with this on a broader front. The Minister shakes his head; if he wants to intervene on me, I am very happy to take an intervention. I hope that he can accept the case for international action being necessary.

We have had differences of opinion during the debates on the Bill—understandably, passions have been running high; it has very often been fractious—but here we have a chance to unite as a House and to say that this is something that can be done in a very constructive way to meet the challenges of the future—and, I hope, to deal with some of the issues that have been dividing the House as we have moved through the debates. Frankly, what we have at the moment is something that appears to be an ad hoc approach to dealing with the issue, of coming up with a conglomeration of different ideas, of throwing paint at a wall Jackson Pollock-like and hoping for the best, rather than developing something with a bit more vision of Michelangelo about it.

I hope that the Minister will respond in a positive way, particularly given the ecumenical way that we have been developing, with two new bishops nominating themselves and my noble friend Lord Deben and the noble Lord, Lord Coaker, wanting to join the Spiritual Benches—which shows the fluid nature of the House. As I say, I hope we will be able to come back on Report with something a bit more constructive than the Minister has given us sight of so far. I know that the Minister's intentions are good. I am sure that he will be going back to the department to seek to convince the Home Secretary, who I know will be listening carefully, how we can move on these issues.

Baroness Lister of Burtersett (Lab): My Lords, I very much welcome this amendment. I should say that this is not a bid to join the Bishops' Benches and I thank the most reverend Primate for introducing it. I want to make just three points.

The first has been implicit in quite a lot of what has been said by the most reverend Primate and by other noble Lords on the previous amendment. It is that, if we are to have a global, collaborative strategy, it has to be from a different mindset from the one that underpins the Bill, because that mindset would prevent such a global strategy. We have to stop acting as if we are somehow uniquely burdened by this global refugee crisis. The figures have been given showing how other countries are pulling their weight much more than we are. Countries with far fewer resources than we have are doing so, yet with the Bill we act as if somehow the poor UK is under siege from this global crisis. To think globally means thinking differently, and we have to think and act with compassion. Compassion has certainly been lacking in this Bill and in the approach being taken.

My second point, which links with this, is that we have to start using a different language. The point has been made a number of times during our debates: people are not illegal and journeys are not illegal, but they are being turned illegal when they arrive here. Please let us not talk about "illegal routes" or "illegal migrants". They are coming by irregular routes but they are not illegal. This goes right back to the beginning, when we talked about the language that is often used by some politicians and by the media: the language of invasion, cannibalisation and so forth.

It reminds me that I spoke in an even later debate—I think it was at about 2 am—on Albania. I met a group of young Albanians and have just discovered the notes I made from that meeting. I could not find them anywhere, and now I have. They talked about how disturbing they found the way that they were talked about in the media. In one newspaper—I leave the Committee to guess which—they were called "vermin". I wrote down what they said: they felt violated, unsafe, scared, despised and unwanted. It is dreadful that young people feel that because of the way that we talk about them, so we have to change our language when we talk about the future migration strategy. The research of HOPE not hate suggests that every time politicians or the media talk negatively, it leads to a spike in far-right activity against migrants. Again, that is no basis for building a strategy.

Thirdly and perhaps more positively—this goes back to something that the right reverend Prelate the Bishop of Durham said earlier—if we are going to develop a strategy, and I hope that we will, we will have to involve refugees themselves in its development. We need the expertise of their experience of what it is like to flee countries and start a new life elsewhere. We have to base our strategy on that understanding, and it involves what the right reverend Prelate referred to earlier as "co-production". It is not good enough for politicians to sit in their offices and come up with a strategy, then talk to politicians in another country and say, "Right, here's our strategy". We need to work from the very start with those people who are experiencing this. That is simply all I want to say.

I wish we could have had this debate at a better time. I am very sorry I was not able to be part of the debate that the most reverend Primate instigated in December, but I have read it and know that there were some inspiring speeches and lots of ideas that could go into the strategy. As I said in my earlier intervention, this is not requiring the Government to do X, Y and Z so that the next Government have to do X, Y and Z; it is simply saying that there has to be a strategic framework, and then Governments work within that. It does not matter what the complexion of the Government is. I certainly hope that my party in government would want to develop a strategic approach towards refugees and, as I say, one that works with refugees in building that.

Lord German (LD): My Lords, it is a privilege to be able to follow the words we have just heard from the noble Baroness, Lady Lister, and my erstwhile colleague the noble Lord, Lord Bourne of Aberystwyth. There are just a few things I want to add to what I said on the previous amendment. I think that, as a principle—the principle that the noble Baroness, Lady Lister, espoused just now—we need to look beyond ourselves. It is only by looking beyond ourselves that we will find a sustainable and effective solution for the problems we have in front of us.

I was thinking about the models for the sort of process that the most reverend Primate is suggesting. One is the Global Campaign for Education. It is known for its Let me Learn campaign, and it works across the globe to bring together people. I have been in meetings in this House with children from around the globe, from the poorest countries to the richest, using modern technology. The Global Campaign for Education basically wants to ensure that every child in this world has the right and the privilege to be educated by being sent to school. That level of collaboration brings together the United Nations, the rich countries and the donor countries, who then meet the poorer countries—there is a whole structure that sits around it. Unless we start thinking about this as being outward looking, and unless we look beyond ourselves, we are never going to find a sustainable solution.

We support this amendment, as it is seeking to recognise that our UK response to refugees has to be considered by how it interconnects with the global community. We cannot pretend that we can pull up the drawbridge and be isolated from the global issues around us. What we do impacts on other countries.

There are some countries which would follow the lead that the UK takes, but that is a race to the bottom. If we seek to discharge responsibilities for refugees to other countries, there is every chance that other countries will follow the UK's lead. As countries do this, refugees will be pushed back to the border countries and further to the regions from which they fled. A smaller number of countries will end up shouldering the world's refugee resources, which will be stretched, and regions will be destabilised. That is a real possibility around the globe.

The UK will be impacted in one way or another, and we cannot separate ourselves from this. The whole global refugee protection system would be at risk of collapse. Forced displacement is a global issue which requires a global response. We need to work towards these ends as described in this amendment, and we need to be seen as a country which is able to take a lead.

The Lord Bishop of Durham: My Lords, the most reverend Primate might be nervous—he did not know I was going to stand up and he has no clue about what I will say. But I will start by saying I fully support his amendment. I will ask the Minister about the Global Compact on Refugees. The UN has been seeking to develop a global strategy on refugees for a number of years, and it was my privilege to join the Home Office team dealing with the Syrian refugee crisis in Geneva in 2018, at its request. It asked me to make an address. I say this partly in answer to my colleague: actually, the Home Office as well as the FCDO has been engaged in some of those discussions. But it seems to me that we have almost lost sight of the fact that we signed up to the global compact. I accept that the Minister may need to write on this, but I ask him: where are we now with our commitment to the global compact on refugees and our commitment to engage in that ongoing development of a UN strategy that responds to refugees? Are Home Office people still involved in those discussions, or has it all moved to the FCDO?

10.15 pm

Lord Paddick (LD): My Lords, I will not repeat the comments I made on the last group, some of which equally apply here, but, as this is the end of Committee, I feel at liberty to repeat one of the remarks I made at Second Reading. I studied moral philosophy at university—Oxford, I am afraid—and one of the acid tests for whether something was morally right was: what would happen if everyone did the same thing? As the most reverend Primate said, if everyone followed the path that the Government propose to take with the Bill, the whole established global system for dealing with refugees would collapse. International collaboration to tackle refugee crises is essential, as are these amendments, which we support.

Lord Coaker (Lab): My Lords, it is a privilege to make a short contribution on an amendment that we very much support. Before I make general remarks, I ask the Minister to reflect again on the importance of a strategy and why strategies can move between Governments, as I know from having seen Governments change. That does not mean that they stay exactly the same, and a strategic framework may not bind another Government, but that does not stop Governments producing strategies for themselves. I ask the Minister to reflect on that—I am sure that others who have had experience in government would bear that out.

I was reflecting more generally about the references to the 1951 refugee convention. I mention that because the world faced a global crisis in 1951, and what did it do? Visionary people came together to sort the problem out as best they could and to deal with the challenges that they faced. As the noble Lord, Lord Bourne, said, it was more than regional; it was global, affecting the global institutions and world powers, which had major conflicting differences—poverty and goodness only knows what else was going on, with countless millions of people displaced.

I am not saying that the world is currently in a post-World War II situation, but I agree with the most reverend Primate that we face a global crisis that cannot be solved by one country on its own—it just cannot. The world will be driven by a common interest, in some ways, to sort this out. Whatever we think of other countries, their own self-interest will drive them to sort it out. Countries will try to sort it out on their own, but they will not be able to.

Without being a prophet of doom about this, I say that things are going to get more difficult. I do not mean that we are at the edge of the end of the world, or anything like that, but you can see the impacts of regional and ethnic conflict as well as overpopulation, failing crops, the changing climate, water and energy competition and the food crisis, as well as millions of people moving—in fact, countless millions. I know that figures have been arrived at. Many noble Lords have been to parts of the world where it is unbelievable to see some of the poorest countries in the world dealing with millions of people. If those people came into some of the richest countries, I am not sure how they would deal with it. I went to Angola 20 years ago, after the civil war, and you just could not believe it. I went to one refugee camp and there were 1 million people in it—and that was internationally supported,

[Lord Coaker]
so it was fantastic. I went to Jordan and the number of people who had flooded across the border from Syria into temporary camps there was unbelievable. There were huge numbers of people—and you can replicate that. I do not think that it is going to stop any time soon, and we need to understand how we are going to deal with that and cope with it. The noble Lord, Lord Deben, was quite right to point out the various impacts.

The most reverend Primate is not trying to say that therefore that means that the UK should just allow in anybody who wants to come—that is just trivialising the argument. Of course you have to have control and manage the situation. The point that the amendment seeks to make is that, if this is going to be sorted out—over and above the problem of the boats, which we accept needs to be dealt with—the UK is still a significant power. It is challenged at the moment through some of its attitudes to international conferences, conventions and treaties, but we are still a member of the United Nations Security Council, NATO and the Commonwealth, which we have not mentioned. When you travel, you recognise, understand and see the influence that the UK still has.

In backing the amendment proposed by the most reverend Primate, though the initiatives that the right reverend Prelate the Bishop of Durham has mentioned—with the Clewer Initiative and the Anglican community across the world—I say that in the end people are going to have to come together to sort this out. Somewhere along the line, it will need big, visionary people to stand up and say, "We're going to do that".

I am going to make this point—and I am going to take a minute on this issue. The argument in this country, which those of us who stood for election know is difficult, and the conflation between immigration, migration, refugees and asylum makes things actually really difficult, because it is all lumped together as one problem. Somewhere along the line, part of what a strategy does is to get people to step back and reflect. The British public, along with all the publics in the world, can do that. If people are presented even with difficult choices that they may not wish to confront, they are not stupid—they know that sometimes things have to be dealt with.

This is a really important point: people are decent. I know that sometimes they will rant and rave about how this is happening and they cannot believe that everybody is coming here, but I have seen myself, and I am sure that everyone has seen it in their own communities, that if you try to deport one family that has lived in community for a considerable period of time, there will be a campaign in that community to stop them being removed. That is because people are decent. If you look at it as individual children and grandparents, individual men and women, we all know from our own personal experiences that people look at it in a different way. All that the amendment proposed by the most reverend Primate is doing is to say that we should harness that and bring it together into a way of addressing a problem that we have as a country but which we have globally as well. If we do not try to sort it out globally, we will have a problem, because the problem will not go away—but it is a challenge that we can meet. This gives us an opportunity to develop a strategy that has at its heart using the privileged position that our country has as a world leader to be an agent for change in a way that would bring about a better world and offer hope to millions of the poorest people in the world.

Lord Murray of Blidworth (Con): As before, I am grateful to the most reverend Primate the Archbishop of Canterbury for explaining so clearly the case for a 10-year strategy for tackling refugee crises. I agree with him that an assessment of the root causes of refugee migration to the UK, and indeed any country, is a worthwhile endeavour. However, I agree with the noble Lord, Lord Coaker, by extension from his remarks, in questioning whether the British Government, or indeed any one national Government, are the appropriate body to develop such a strategy.

Indeed, the most reverend Primate also acknowledged in his speech on Amendment 139C that developing global solutions to such issues cannot be done by one country alone. None the less, I assure my noble friend Lord Bourne that this Government are strongly committed to international action and collaboration in this area. Indeed, as many have noted, we have a strong track record of international collaboration with both state and non-state actors, such as the UN High Commissioner for Refugees, the World Bank, non-governmental organisations and other donors, and through our direct engagement with major refugee-hosting countries.

The UNHCR has a global mandate to protect and safeguard the rights of refugees and to support internally displaced populations and people who are stateless or whose nationality is disputed. We will of course continue to work with the UNHCR, as we have done many times before, to respond to displacement crises globally and offer safe routes to protection in the UK.

I understand the most reverend Primate's reasoning for introducing his amendment; after all, the UNHCR estimated that, as of mid-2022, the number of forcibly displaced persons exceeded 100 million. We heard earlier today that the figure is now said to be in excess of 110 million. That figure results from armed conflict, violence, persecution, climate change, economic uncertainty and food insecurity—all of which are on the rise.

As the most reverend Primate and my noble friend Lord Bourne indicated, the international community can address displacement on this scale only collectively, through a holistic approach, utilising, where appropriate, developmental, diplomatic, military and humanitarian interventions. I also acknowledge our work with faith groups, not least the Anglican community, in furthering our policy objectives in this area. That is the approach that the UK has taken. Recognising the need for a holistic approach in our own strategy, rather than creating a siloed refugee strategy, the UK Government have already embedded actions to tackle refugee crises throughout existing cross-government strategies, including the *Integrated Review Refresh*, as well as the international development strategy and the humanitarian framework.

We already take a long-term approach to tackling refugee crises. The UK has been one of the largest donors to the agencies working on the front line over

many years. We have also played a key role in intergovernmental processes that have shaped the way in which the international community responds to displacement crises, such as through the development of the Global Compact on Refugees—mentioned earlier by the right reverend Prelate—which was adopted by the international community in 2018, and, before that, through the World Humanitarian Summit, as well as through our engagement with major development actors such as the World Bank. In particular, the Global Compact on Refugees provides the international community with a shared strategy for tackling refugee crises, and a shared vision and strategy for how to operationalise the principles of predictable and equitable burden and responsibility sharing—principles that underpin refugee protection.

In response to the point raised by the right reverend Prelate the Bishop of Durham, the Home Office continues to work closely with the FCDO in preparation for the next Global Refugee Forum in December.

The Government are constantly considering the longer-term drivers, impacts and policy implications of migration, alongside delivering more immediate improvements to the system. Our approach is cross-government: we work with a wide range of departments on diplomacy and development, and with law enforcement agencies, in developing this. I believe that this is the most appropriate means by which to do so.

10.30 pm

The most reverend Primate is again correct that different departments have different responsibilities with regard to supporting refugees. It is indeed right that Ministers of the Foreign, Commonwealth and Development Office would participate in the Global Refugee Forum, which is led by the UNHCR and aimed at bringing the international community together collectively to address the needs of refugees and support refugee-hosting countries.

In terms of providing a safe haven, the UK will continue to play its part. As I have said, since 2015 we have offered a safe and legal route to the UK to over half a million men, women and children seeking safety. As we debated earlier today, stopping illegal migration will allow additional capacity in the system. The Prime Minister has been clear that, once we have brought illegal crossings under control, we can introduce more safe and legal routes.

I agree with many of the points raised by the most reverend Primate and other noble Lords during this short debate. We need a longer-term approach to migration and its drivers, but I submit that this is already reflected in all our work. I always value my meetings with the right reverend Prelate and the most reverend Primate, and others on his Benches, whoever they may be, as does the Home Office, and I welcome the opportunity to continue to do so.

While I have sympathy for the underlying issues that this amendment seeks to explore, I am again not persuaded that it would be appropriate to legislate for a 10-year strategy as proposed here. Of course, we need to take a long-term view of these, but we need also to tackle the here and now, and the challenges we face this year, not in years to come. Combating the tens of thousands seeking to enter the country through the dangerous and illegal channel crossings is properly the focus of the Bill. Having had the opportunity to air these issues, I invite the most reverend Primate to withdraw his amendment.

The Archbishop of Canterbury: My Lords, I am very grateful to those who have contributed, as well as the co-signatories to the amendment, particularly the noble Baroness, Lady Lister, and the noble Lord, Lord German, in encouraging us to look beyond ourselves. I accept willingly—well, reluctantly—the apology from the noble Lord, Lord Paddick, for going to Oxford.

I was very worried about what the right reverend Prelate the Bishop of Durham was about to say; if you had sat with him over the last 10 years in the House of Bishops, you would be worried too. But it is well known that, on these Benches, we do not use whips—I leave the imagination of noble Lords to run riot. In fact, over the past 10 years, I have noticed that, when it comes to Report, as often as not these Benches cancel themselves out by voting in different directions. So when the Minister is doing his calculations, he may find that encouraging.

Turning to what the Minister said, I am again disappointed but not surprised. But I genuinely think that it is unwise—I am not saying that it is bad, just unwise. Surely the role of Parliament is to contribute to the Government's thinking and to call them to account, and to do that not by having to burrow into the highways and byways of policy and commitment but to be able, as we do on defence and other areas where strategies are published, to have the opportunity to look at the whole at once and take a global view. Not being able to do that is, I think, not of advantage to the way this country is governed or to what the Government do or, particularly, to the way that this House operates.

I am happy to be corrected but I think the Minister slightly misunderstood the noble Lord, Lord Coaker, in suggesting that he said that Britain could not take a lead and it had to be the UN. I think it was more or less the opposite. One of the great privileges of the last few years has been to have a growing relationship with the Secretary-General of the United Nations, with whom we work extensively in Mozambique, the DRC and other places, through our local bishops and clergy. One of the things he would say again and again is that for the UN to work it needs leadership, not from within but from members of the P5. Their leadership makes an enormous difference. This country provided the first Secretary-General as one of the key founders of the United Nations. Of course we should do it through the United Nations—no one could doubt that—but what is there in us that we should lose confidence in our ability to lead the world? We have done it for hundreds of years, morally and brilliantly at times. Let us regain our confidence and not hide back and hope that someone else creeps forward on to the front line to deal with this issue. I appeal to the Minister: let there be less fear and more faith in this country. It deserves it.

Finally, there is one other way of dealing with this—the boats must be stopped—which is by increasing the speed of returns and getting the current system working effectively and efficiently. We can make an enormous difference, and not be putting people on

[The Archbishop of Canterbury]
barges. I was in Weymouth, in Salisbury diocese, over the weekend, meeting 130 community leaders. There is going to be a barge in Weymouth Harbour; it is being fitted out at the moment and will be there in the next few days, I believe. The mayors and the MPs were there—everyone was there—and I asked how much consultation there had been from the Government. The answer was none whatever—none, zero, zilch. That is an example of the consequences of lack of strategy. Strategy sends a group of people down from the Home Office, a task force, to work with local people. As the noble Lord, Lord Coaker, said, we are a kind, hospitable and gentle nation who would receive people happily.

I am aware of the time—it is almost 10.40 pm. I feel that there are probably two minutes more of words that I need to say.

Lord Coaker (Lab): I thought the most reverend Primate the Archbishop would welcome my support for what he said about our country regaining its confidence. To reassure the Minister, I was talking about the international bodies, and the United Nations in particular, but with Britain playing a leadership role in those organisations to bring about the change that we would all want to see across the world. I am grateful to the most reverend Primate for allowing me to reinforce the point he made on my behalf; it is an exceedingly important one.

The Archbishop of Canterbury: I am grateful to the noble Lord. This is an international problem, and it requires an international strategy. Britain has the capacity to deliver it and lead on it. We must stop the boats. We require an international approach to do that.

We must control our borders. That cannot be done simply by cutting off people who arrive; it must be done by cutting them off far further back. To cut them off simply when they arrive is like what happens in the parts of the Diocese of Canterbury which are prone to flooding: thinking that by putting up sandbags at the front door, you can stop the water coming in round the back.

Baroness Lister of Burtersett (Lab): The point was made earlier in relation to the previous amendment about our international obligations: we cannot expect international collaboration and to provide the kind of leadership that is being talked about if we do not meet our international obligations. One criticism of the Bill is that it does not do so, and that it undermines our international obligations.

The Archbishop of Canterbury: The noble Lord, Lord Hannay, and the noble Baroness have made the same point with great eloquence. It is obviously essential.

I have a final quote. I am going to quote the Bible—I am sorry about that but it is sort of my job. It comes from the Old Testament, where one of the prophets asks: "What are we called to do?" We are called to love mercy, to act justly and to walk humbly with our God. I beg leave to withdraw the amendment.

Amendment 139D withdrawn.

Amendments 139E to 139FD not moved.

Clause 61 agreed.

Clause 62: Consequential and minor provision

Amendments 139FE not moved.

Clause 62 agreed.

Clause 63: Regulations

Amendment 139G

Moved by ***Lord Murray of Blidworth***

139G: Clause 63, page 63, line 19, leave out "66" and insert "66(1)"

Member's explanatory statement

This amendment has the effect that the power for regulations under the Bill to make consequential etc provision and to make different provision for different purposes applies to the power to make transitional and saving provision in connection with the coming into force of the Bill.

Amendment 139G agreed.

Amendment 140 not moved.

Clause 63, as amended, agreed.

Clause 64: Defined expressions

Amendment 141

Moved by ***Lord Murray of Blidworth***

141: Clause 64, page 64, line 20, at end insert—

"national	section 3(11)"

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Murray of Blidworth at page 5, line 38.

Amendment 141 agreed.

Clause 64, as amended, agreed.

Clause 65 agreed

Clause 66: Commencement

Amendments 142 to 150 not moved.

Clause 66 agreed.

Clause 67 agreed.

House resumed.

Bill reported with amendments.

Procurement Bill

Message from the Commons

The Bill was returned from the Commons agreed to with amendments.

House adjourned at 10.44 pm.