PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

NATIONALITY AND BORDERS BILL

Eighth Sitting

Thursday 21 October 2021

(Afternoon)

CONTENTS

Clauses 10 and 11 agreed to.
Adjourned till Tuesday 26 October at twenty-five minutes past Nine o'clock.
Written evidence reported to the House.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Monday 25 October 2021

The Committee consisted of the following Members:

Chairs: †Sir Roger Gale, Siobhain McDonagh

Anderson, Stuart *(Wolverhampton South West)* (Con)
† Baker, Duncan *(North Norfolk)* (Con)
† Blomfield, Paul *(Sheffield Central)* (Lab)
† Charalambous, Bambos *(Enfield, Southgate)* (Lab)
† Coyle, Neil *(Bermondsey and Old Southwark)* (Lab)
† Goodwill, Mr Robert *(Scarborough and Whitby)* (Con)
† Gullis, Jonathan *(Stoke-on-Trent North)* (Con)
† Holmes, Paul *(Eastleigh)* (Con)
† Howell, Paul *(Sedgefield)* (Con)
† Lynch, Holly *(Halifax)* (Lab)
† McLaughlin, Anne *(Glasgow North East)* (SNP)
† McDonald, Stuart C. *(Cumbernauld, Kilsyth and Kirkintilloch East)* (SNP)
† Owatemi, Taiwo *(Coventry North West)* (Lab)
† Pursglove, Tom *(Parliamentary Under-Secretary of State for the Home Department)*
† Richards, Nicola *(West Bromwich East)* (Con)
† Whittaker, Craig *(Lord Commissioner of Her Majesty's Treasury)*
† Wood, Mike *(Dudley South)* (Con)

Rob Page, Sarah Thatcher, *Committee Clerks*

† **attended the Committee**

Public Bill Committee

Thursday 21 October 2021

(Afternoon)

[Sir Roger Gale *in the Chair*]

Nationality and Borders Bill

2 pm

The Chair: Good afternoon, ladies and gentlemen. May I, perhaps not entirely convincingly, remind you that if you want to take your jackets off, you can? More significantly, could you please ensure that your mobile phones and other devices are turned off? I have checked mine to ensure that it is off as well.

Clause 10

Differential treatment of refugees

Amendment proposed (this day): 87, in clause 10, page 13, line 40, at end insert—

"(10) Before this section comes into force, the Secretary of State must lay before Parliament a report on the implications of this section for local authorities, the Scottish Government, the Welsh Government and the Northern Ireland Executive, and the report must be approved by a substantive vote in both Houses.

(11) A report under subsection (10) must include the following information—

(a) an assessment of the financial implications for the bodies listed in subsection (10);

(b) an assessment of the functions and powers of those bodies that will be affected by this section;

(c) details of any consultation and engagement with those bodies, and the outcome of such engagement and consultation;

(d) the Secretary of State's findings, conclusions and proposed actions."—*(Stuart C. McDonald.)*

This amendment would require the Government to report on the implications of clause 10 for local authorities and the devolved administrations, and to obtain Parliamentary approval for such a report, before the clause enters into force.

Question again proposed, That the amendment be made.

The Chair: I remind the Committee that with this we are discussing the following:

Amendment 161, in clause 10, page 13, line 40, at end insert—

"(10) Nothing within the Act or this section authorises any treatment or action which is inconsistent with the UK's obligations under the Refugee Convention."

This amendment seeks to ensure consistency of clause 10 with the UK's obligations under the Refugee Convention.

Clause stand part.

Bambos Charalambous (Enfield, Southgate) (Lab): The Opposition strongly oppose the clause. We believe that it contravenes the 1951 refugee convention, that it sets a dangerous precedent by creating a two-tiered system for refugees and that it is deeply inhumane. The clause seeks to dehumanise refugees in many insidious ways, and I believe that it threatens our very sense of who we are as a civilised nation. I will set out all the ways in which the clause does that, but before I begin, I would again like to thank the many organisations from across the refugee and asylum sector for their invaluable help in our scrutiny of the clause.

I will talk first about the differential treatment of refugees in groups 1 and 2. As all members of this Committee will know, at the heart of clause 10 is the creation of two tiers of refugee under UK law. Only those refugees who meet specific additional "requirements" will be considered group 1 refugees and benefit from the rights currently granted to all refugees by the refugee convention. Under clause 10 of the Bill, the requirements for group 1 refugees are that

"they have come to the United Kingdom directly from a country or territory where their life or freedom was threatened (in the sense of Article 1 of the Refugee Convention), and…they have presented themselves without delay to the authorities."

The clause also states:

"Where a refugee has entered or is present in the United Kingdom unlawfully, the additional requirement is that they can show good cause for their unlawful entry or presence."

Other refugees, who are not deemed to meet the criteria, will be designated as group 2 refugees. The Secretary of State will be empowered to draft rules discriminating against group 2 refugees with regard to the rights to which they are entitled under the refugee convention, as well as the fundamental human right to family unity.

To explain this differentiation between refugee groups further, clause 10 makes provision for different treatment of people recognised as refugees on the basis of how they travelled to the UK and the point at which they presented themselves to authorities. Those who travelled via a third country, do not have documents or did not claim asylum immediately would routinely be designated as group 2 refugees. The clause goes on to set out how the length of limited leave, access to indefinite leave, family reunion and access to public funds are likely to become areas for discriminating against group 2 refugees.

The Opposition strongly argue that such an approach is deeply flawed and fundamentally unfair. Furthermore, the attempt to create two different classes of recognised refugee is inconsistent with the refugee convention and has no basis in international law. The refugee convention contains a single, unitary definition of refugee, which is found in article 1A(2). That defines a refugee solely according to their need for international protection because of feared persecution on the grounds of their race, religion, nationality, membership of a particular social group or political opinion. Anyone who meets that definition and is not excluded is a refugee and entitled to the protection of the refugee convention. We heard in evidence from the United Nations High Commissioner for Refugees representative to the UK that in her opinion this clause and the Bill were inconsistent with the UN convention and international law.

Anne McLaughlin (Glasgow North East) (SNP): The hon. Gentleman mentions the UNHCR, which is the guardian of the refugee convention. Does he agree with me that on that basis, if we are to listen to anybody's opinion about this issue, it would be the UNHCR and that should be therefore the final word on it?

Bambos Charalambous: The hon. Lady makes an excellent point. It is not just the UNHCR. It is the custodian of the UN refugee convention, so we should listen to what it says, but many other commentators across the board have commented on how this clause and the Bill breach international law, and we need to heed what they say. I have yet to see the Government's legal advice that says that they do comply with international law, but hopefully that will be available.

I will set out for the Committee the reasons why the distinction between groups of refugees is so unfair and inhumane. I will start by addressing the issue of distinguishing between refugees on the basis of how they arrived in the UK. By penalising refugees for how they were able to get to the UK, the Bill builds walls against people in need of protection and slams the door shut on many seeking a safe haven. Most refugees have absolutely no choice about how they travel, as people on all sides of the political divide understand.

Do the Government seriously intend to penalise refugees who may have found irregular routes out of Afghanistan? In fact, Government Ministers have been on national news programmes in recent weeks, urging such a course of action for those wishing to flee Afghanistan. Are the Government saying that people are less deserving of our support if they have had to take dangerous journeys? Is an interpreter from Afghanistan who took a dangerous journey to our shores less deserving than a refugee who was lucky enough to make it here on one of the flights out of the country?

Neil Coyle (Bermondsey and Old Southwark) (Lab): Does my hon. Friend share my concern that those who fought alongside or were trained by UK forces, or who guarded our diplomatic personnel in Kabul, were betrayed in being left behind and are being doubly betrayed by the provisions in the Bill?

Bambos Charalambous: My hon. Friend makes an excellent point, and he is absolutely right. People linked to my constituents are Chevening scholars who were told to go to Kabul airport. They got no assistance and are still stuck in Afghanistan, with no way to get out. It is deeply concerning, and they feel let down.

It clearly makes no sense to seek to penalise and, in some cases, even criminalise those who have been forced to take dangerous journeys. In our view, it is an insidious way of dehumanising a group of people who deserve our support—it is victim blaming of the most crass and immoral type. Penalising people for how they have arrived in the UK has particular implications for already vulnerable groups of refugees, such as women and those from LGBT communities. Women are often compelled to take irregular routes to reach safety, as we can see only too clearly in Afghanistan. There are simply no safe and legal routes that exist. Even the Government's much-vaunted resettlement scheme relies on women escaping from a regime in which they are forbidden to walk around freely in the streets.

In many cases, even if the Government created new safe routes from dangerous parts of the world, they would simply not be available to all those in need of protection. Many women would not be able to safely reach an embassy or cross a border to access a resettlement programme, if those routes did indeed exist. Some women would be able to disclose their need for protection only once they reached a country that they considered safe. Under the proposed changes, however, women who arrive irregularly, including through a safe third country, would be penalised. Furthermore, a woman could be prosecuted, criminalised and imprisoned for one to four years. All these obstacles apply to those from LGBT communities as well. We simply ask the Government: how on earth does this draconian and inhumane treatment of vulnerable groups sit alongside British values of fairness?

Another huge flaw in this part of clause 10 is that many of the journeys facilitated by people smugglers are undoubtedly dangerous. Much attention has been directed by the Home Secretary and certain sectors of the press to the minority of people who enter the UK's asylum system via boat crossings of the channel. However, that is far from the only dangerous journey that is made to enter the UK; the Home Secretary emphasised that when referring to the tragedy of the 39 Vietnamese people who lost their lives in a container found by Essex police in 2019.

Again, as the Home Secretary identified in her speech, the dangers are not limited to the journeys but are also a feature of the violent and exploitative treatment by people smugglers, traffickers and other abusers. Moreover, many of the people who make dangerous journeys to reach the UK from the continent will already have made dangerous journeys by land and sea, including across the Mediterranean.

The fallacy of the Government's position in penalising people for making irregular routes to the UK is the same as the fallacy inherent in the stated objective of breaking the business model of people smugglers. Unless the Government can provide safe routes—they plainly have not done so in the case of Afghanistan and elsewhere—penalising people for making unsafe journeys is simply cruel. By not providing safe routes, the Government are also fuelling the business model of people smugglers and then penalising the victims they have a responsibility for creating. Do they not understand or are they simply willing to turn a blind eye? In America in the 1920s, prohibition drove the sale of alcohol underground, and a similar thing will happen here: more people smuggling will take place rather than less. The Government are fuelling the people smuggling business model.

It appears that Ministers and those advising them do not appreciate the compulsion to make these journeys, which is strange because they clearly acknowledge that the journeys are very dangerous and sometimes fatal. They are often highly traumatic, physically and mentally, and generally involve at some point extremely violent and cruelly exploitative people.

To give one example, it has long been documented that there is a practice among the women and girls seeking to cross the Mediterranean from Libya of taking contraceptive medication prior to the journey. That is because those women and girls anticipate that they will be raped. Do Ministers have any idea of the desperation involved in making the decision to take such medication? It is clear that although the women and girls fully understand the danger involved in the journeys, they are still compelled to make them, because the alternative of not doing so is even worse.

[Bambos Charalambous]

If people truly had a reason to believe that they were or would be safe where they are, they would not make the journeys. Simply making the journey more dangerous or the asylum system more unwelcoming will not change that. A salutary lesson ought to be taken from the example in 2014 when pressure from the EU, then including the UK, led to Italy's decision to abandon its organised search and rescue operations in the Mediterranean. The immediate impact over several months before the Government relented was a huge increase in the number of people dead. The need for the journeys had not changed, so the journeys continued. The dangers of the journeys were greatly increased, so hundreds more people lost their lives. Discriminating against refugees obliged to arrive spontaneously will not prevent desperate people from making dangerous journeys. There is strong evidence that a policy focused on closing borders forces migrants and refugees to take more dangerous journeys and leaves them more vulnerable to traffickers.

That brings me to section 2(a) of the clause, which states that group 1 refugees must have

"come to the United Kingdom directly from a country or territory where their life or freedom was threatened".

In other words, the Government are setting an expectation that to be a refugee who is supposedly deserving of the support usually afforded, the UK must be the first safe country in which they have sought asylum. I cannot state strongly enough how requiring refugees to claim asylum in the first safe country they reach would undermine the global, humanitarian and co-operative principles on which the refugee system is founded. The UK played a key role in developing those principles 70 years ago when it helped draft the refugee convention, and, together with the other members of the United Nations General Assembly, it recently reaffirmed them in the global compact on refugees.

The proposed clause designed around the maxim that asylum seekers should claim asylum in the first safe country they reach and can be penalised if they do not, including by being designated as group 2 refugees, will impact not only refugees but fellow host states and the ability to seek global, co-operative solutions to global challenges.

The expectation that refugees should claim asylum in the first safe country they reach is also unworkable in practice. The Government are aware that there are 34.4 million refugees and asylum seekers worldwide, and the vast majority—73%—are already hosted in countries neighbouring their countries of origin. Some 86% are hosted in developing countries. Low-income countries already host 86% of the world's refugees compared with the UK, which hosts just 0.5%. To insist that refugees claim asylum in the first safe country they reach would impose an even more disproportionate responsibility on the first safe countries both in Europe and further afield, and threaten the capacity and willingness of those countries to provide protection and long-term solutions. In turn, that would overwhelm the countries' hosting capacity and encourage onward movement.

It is also worth noting that even within Europe most of the countries that refugees pass through on their way to the UK already host significantly more refugees and asylum seekers per population than the UK does. According to the Home Office's own statistics, the UK is 17th in terms of the numbers it takes, measured per head of population.

Mike Wood (Dudley South) (Con): Does the hon. Gentleman recognise that very few other countries resettle as many refugees as the United Kingdom or take as many through safe channels from United Nations camps in some of the most troubled parts of the world?

2.15 pm

Bambos Charalambous: Since Dublin 3 ended, there are very few resettlement routes available. That is one of the problems. Unless there are safe resettlement routes, we are just fuelling dangerous journeys.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is repeatedly asserted that the UK has an exceptional record in terms of resettlement. It has a decent one; it is about mid-ranking in the European Union, in terms of the number it has taken per head of population over the years. Similarly, it is mid-ranking in terms of the number of asylum cases it assesses. It is good, but it is not exceptional and it is not a justification for the measures in this Bill.

Bambos Charalambous: The hon. Gentleman is absolutely right. Unless safe routes are developed, all that will happen is that there will be an increase in dangerous crossings, because that will be the only way in which people can reach the UK.

Mr Robert Goodwill (Scarborough and Whitby) (Con): As we have already discussed, the majority of the people who come to our shores come from France. There is a safe route from France. Is the hon. Gentleman suggesting we should give these people Eurostar tickets?

Bambos Charalambous: France takes three times more asylum seekers than the UK, as does Germany. As I mentioned, the UK is 17th by population in the number of asylum seekers it takes. The right hon. Gentleman is being slightly disingenuous. There are many other countries—Lebanon, for instance, has taken 1.9 million refugees from Syria. Jordan has taken 1 million over the last 10 years. Turkey has taken 4.3 million refugees. We are talking about a tiny fraction of those numbers. I think we need to stand up and take our share of the refugees. These countries will collapse if they are forced to take refugees because they neighbour countries where there is conflict.

Neil Coyle: Does my hon. Friend agree that there is a bit of a dichotomy here? People talk up the tradition and reputation of the UK at the same time as presenting legislation that undermines that reputation. Does my hon. Friend share my concern that global Britain seems less compassionate, less generous and less Christian than the Great Britain that proudly helped draft the refugee convention?

Bambos Charalambous: My hon. Friend makes an excellent point. The refugee convention was enshrined in UK law in 1954 when Winston Churchill was the Prime Minister. It was one of his beliefs, and that of the

Government of the day, that it was a very important part of the UK's global position in the world. We should not do anything that would trash our reputation, because we will all be diminished by that.

The clause makes no practical or moral sense at all. Global provision for refugees could not function if all refugees claimed asylum in the first safe country they came to. As Members across the political divide know, most refugees are hosted in developing countries and the UK receives fewer asylum applications than most other European countries. Furthermore, it is an important aim of the refugee convention that there should be no penalisation of refugees who arrive irregularly. It is very important to make that point and to repeat the point that the refugee convention does not state that refugees must claim asylum in the first safe country they come to; it permits refugees to cross borders irregularly to claim asylum.

Let me give the Committee an example to illustrate why this part of the refugee convention is so vital. This is a real-life scenario that faced a refugee to the UK, who, in this situation, I am going to call Aaron.

Aaron is a refugee who travelled to the UK via other countries. He was a young teenager when he had to leave Eritrea without his family. His father had been conscripted into the country's brutal military service and came home to see his family. When he left again, he told his family that he was going back to his base, but he never showed up there. The family did not know anything about his whereabouts. The military came to Aaron's house looking for his father and told Aaron's mother that they would take her children, including Aaron, if they could not find his father. Aaron had no choice but to leave. He says:

"People really suffer. They don't want to leave their country but their country forces them because military service in Eritrea is the worst thing. You have to serve the military forever. There is no life, there is nothing."

He left Eritrea and spent two years looking for safety before arriving in the UK. He travelled via Sudan and Libya, both of which were very dangerous. He then went to Italy, where he felt unsafe sleeping outside under bridges, and to France, where he ended up in the Calais jungle. He explained:

"They didn't treat us like human beings",

Aaron came to the UK in the back of a lorry. "I wasn't expecting anything," he remembers,

"I just escaped to keep my life, to be safe. That's the most important thing."

He was initially refused asylum and had to submit a fresh claim. He was in the UK asylum system for seven years before finally being recognised as a refuge—and as having been one all along. He now plans to study IT.

Under international law, the primary responsibility for identifying refugees and affording international protection rests with the state in which an asylum seeker arrives and seeks that protection. The idea of seeking asylum in the first safe country is unfair, unworkable and illegal in international law.

That brings me on to the suggested strictures on group 2 refugees in clause 10(6), which sets out a non-exhaustive list of ways in which refugees who arrive irregularly may be treated differently, with reduced leave to remain, more limited refugee family reunion rights, and limited access to welfare benefits. The explanatory notes for the Bill state:

"The purpose of this is to discourage asylum seekers from travelling to the UK other than via safe and legal routes. It aims to influence the choices that migrants may make when leaving their countries of origin—encouraging individuals to seek asylum in the first safe country they reach after fleeing persecution, avoiding dangerous journeys across Europe."

However, the Government have provided no evidence to show that the stated aim will result from the policy.

Evidence from many refugee organisations suggests that refugees seek asylum in the UK for a range of reasons, such as proficiency in English, family links or a common heritage based on past colonial histories. Many sector organisations have told us that refugees do not cite the level of leave granted or other elements of the asylum system as decisive factors. In fact, it seems likely that those are not even details refugees would tend to be aware of.

However, the proposed strictures will certainly result in a refugee population who are less secure, because they have a shorter amount of leave and are less able to integrate because they have reduced access to refugee family reunion. They will punish those who have been recognised, through the legal system, as needing international protection—girls fleeing the Taliban in Afghanistan, Christian converts fleeing theocracy in Iran or Uyghurs fleeing genocide in China.

These strictures are likely to retraumatise people who have already been subjected to horrific abuse. To take one example in more detail, clause 10(5) gives the Home Secretary broad discretion to set the length of any limited period of leave given to group 2 refugees, such that they may be indefinitely liable for removal. Both the new plan for immigration and the Bill's explanatory notes confirm that group 2 refugees who have a well-founded fear of persecution will be given only temporary protection status—no more than 30 months, according to the new plan—after which they will be reassessed for return or removal. The extreme uncertainty that this will cause, along with the inability for people to move forward with their lives, is tantamount to inflicting mental cruelty.

The explanatory notes also state that 62% of asylum claims in the UK up until September 2019 were from people who entered irregularly. This means the policy intention is to impose strictures on the rights and entitlements of the majority of refugees coming to the UK, even though we take fewer than comparable countries, as has been noted.

Furthermore, these strictures would deny recognised refugees rights guaranteed to them under the refugee convention and international law. They would also create a series of significant civil and criminal penalties that would target the majority of refugees who will seek asylum in the UK. Those penalties would target not just those who had entered the UK irregularly or who had made dangerous journeys, but all those who have not come directly to the UK—regularly or irregularly—from a country or territory where their life or freedom was threatened; those who have delayed claiming asylum or overstayed; and even those who arrive in the UK without entry clearance and who claim asylum immediately.

In short, these strictures can only be seen as cruel and as a way to obstruct integration. Barriers to resettlement in the UK would force refugees to live under the perpetual

[Bambos Charalambous]

threat of expulsion, denied a chance to rebuild their lives. Subjecting refugees to no recourse to public funds conditions would leave refugees vulnerable to destitution and exploitation. Meanwhile, reducing family reunion rights interferes with the right to family life, and is cruel. It constitutes a reduction of safe, managed routes for people seeking sanctuary.

I will now look in more depth at the practical consequences of the strictures of group 2 status that have just been outlined. It is worth stating that this clause envisions that group 2 status will be imposed on recognised refugees—people who are at risk of persecution, who have been forcibly separated from their homes, families and livelihoods, and who in many cases have suffered trauma. The mental health challenges they face are well documented, yet this clause will stigmatise them as unworthy and unwelcome, and if the intentions expressed in the explanatory notes were carried out, it would maintain them in a precarious status for 10 years, deny them access to public funds unless they were destitute, and restrict their access to family reunion. Multiple studies have shown that that precarious status itself is a barrier to integration and employment, yet despite these challenges, the Bill would specifically empower the Secretary of State to attach a no recourse to public funds condition to the grant of leave to group 2 refugees, and according to the explanatory notes their status

"may only allow recourse to public funds in cases of destitution."

The adverse consequences of no recourse to public funds conditions will fall not only on the refugees themselves, but on their families, including children who travel with them, who are able to join them later or who are born in the UK. Those consequences have been documented in numerous studies, as well as in the context of litigation. They include difficulty accessing shelters for victims of domestic violence; denial of free school meals where those are linked to the parents' benefit entitlement; and de facto exclusion from the job market for single parents, largely women, who have limited access to Government-subsidised childcare, as well as significant risks of food poverty, severe debt, substandard accommodation and homelessness. These consequences in turn hinder integration and increase the financial cost to local authorities, which in many cases have statutory obligations towards children and adults. The Home Office's own indicators of integration framework identifies secured immigration status as a key outcome indicator for stability, which is

"necessary for sustainable engagement with employment or education and other services."

It is also worth noting that among the public relief measures defined as public funds in this context are those specifically intended to support children, such as child benefit, and the particularly vulnerable, such as carer's allowance and personal independence payments. Moreover, children born to group 2 refugees in the UK normally have no right to British nationality for 10 years, or until their parents are granted settlement; given that refugees may put their status and perhaps their security at risk were they to approach the embassy of their country of origin to register their children, many would have no effective nationality at all. With the possibility of applying for family reunion foreclosed, more women and children are likely to attempt dangerous journeys, either at the same time as the men who might previously have sponsored them under current laws, or joining them afterwards. That risk has been recognised by the Council of Europe, among others, and has been borne out in Australia, where the abolition of family reunion rights for holders of temporary protection visas was followed by a threefold increase in the percentage of refugees trying to reach Australia who are women and children.

I will now turn in more detail to how clause 10 contravenes the refugee convention. As a party to the convention, the UK has a binding legal obligation towards all refugees under its jurisdiction that must be reflected in domestic law, regardless of the refugee's mode of travel or the timing of their asylum claim. The obligations in the convention are set out in articles 3 to 34. They include, but are not limited to, the following obligations that are directly undermined by clause 10: providing refugees who are lawfully staying in the country with public relief on the same terms as nationals, which is article 23, and facilitating all refugees' integration and naturalisation, which is article 34.

The Bill is inconsistent with those obligations in at least three significant ways. First, it targets group 2 refugees, not only for unlawful entry or presence but for their perceived failure to claim asylum elsewhere or to claim asylum promptly, even if they entered and are present in the UK lawfully. Secondly, it would empower the Secretary of State to impose a type of penalty for belonging to group 2 that is at variance with the refugee convention: namely, the denial of rights specifically and unambiguously guaranteed by the convention to recognise refugees. Thirdly, it would empower the Secretary of State to impose a penalty on group 2 refugees that would be inconsistent with international human rights law: namely, restrictions on their rights to family unity. There are many other ways in which the Bill as a whole contravenes the refugee convention in clauses other than clause 10, as we will discuss in later debates.

2.30 pm

Taking the requirements of the refugee convention to facilitate all refugees' integration and naturalisation with reference to clause 10 in more detail, it is disturbing that the official explanatory notes published alongside the Bill state that the intention is to grant group 2 refugees a precarious temporary protection status, with no possibility of settlement for at least 10 years. That would deliberately impede their integration and naturalisation, rather than facilitating it, as required by article 34 of the refugee convention.

Furthermore, the explanatory notes clarify that the Government intend to use the powers created by the Bill to restrict the rights of family members of group 2 refugees to enter or remain in the UK. That would be at variance with the right to family life and the principle of family unity, and would run counter to decades of international consensus, in which the UK has consistently participated,

"that the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee"

and that refugees should

"benefit from a family reunification procedure that is more favourable than that foreseen for other aliens".

Neil Coyle: Does my hon. Friend share my concern that, once again, the Government will extend the number of people in the UK subject to no recourse to public funds conditions, requiring emergency support from councils and creating a new burden for local authorities of every political colour up and down the country, which will have to provide millions more pounds in support, when people could be supporting themselves and moving on with their lives?

Bambos Charalambous: My hon. Friend is exactly right. The burden will fall on all local authorities looking after asylum seekers and their families; they will have no choice but to provide that service. The Government have stayed silent on what provisions they will make for local authorities. I am not sure how far they have even consulted local authorities as to whether they accept what has been proposed.

Clause 10(6) would give the Secretary of State the same power to discriminate against family members of group 2 refugees. At present, the Secretary of State's powers in that regard are constrained by section 2 of the Asylum and Immigration Appeals Act 1993, which states:

"Nothing in the immigration rules (within the meaning of the 1971 Act) shall lay down any practice which would be contrary to the Convention",

which would appear to preclude the adoption of some of the immigration rules set out in the explanatory notes.

It is worth restating that nothing in the refugee convention defines a refugee or their entitlements under the convention according to their route of travel, choice of country of asylum or the timing of their asylum claim. The Bill is based on the premise that

"people should claim asylum in the first safe country they arrive in".

That principle is not found in the refugee convention, and there is no history of it in the convention.

Mike Wood: The shadow Minister says that there is no history of distinguishing between refugees depending on their route into the country, but that was not the approach taken by the previous Labour Government with the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Baroness Scotland said:

"When a person leaves their country through fear, we consider that, as a general principle, such a person should seek protection in the first safe country where they have the chance to do so. It has been said that nowhere in international law is such a requirement imposed. There may not be such a law, but that does not dilute the argument that a person who is in genuine fear should seek shelter at the earliest opportunity."—[*Official Report, House of Lords,* 5 April 2004; Vol. 659, c. 1683.]

She was right, wasn't she?

Bambos Charalambous: I do not know the context in which Baroness Scotland said that, but I disagree with her. I very much believe that that would have been breaching international law, as I have stated throughout my speech.

Neil Coyle: Perhaps Government Members would have greater standing on the issue if they were not betraying their own manifesto and cutting aid to countries where people might be able to seek support or stay longer if UK support was not retracted.

Bambos Charalambous: My hon. Friend makes an excellent point.

Mr Goodwill: Just for the record, did the hon. Member for Enfield, Southgate just say that the last Labour Government was breaking international law?

Bambos Charalambous: Nice try. No, I did not say that.

The clause represents a fundamental change to the principle of refugee protection in the UK, introducing a two-tier system where any refugee reaching the country who has not benefited from a place on a resettlement programme may have their claim deemed inadmissible and be expelled to another country, or eventually granted temporary status with restricted rights to family reunification and financial support.

It is worth pointing out here that the UNHCR, the guardian of the 1951 refugee convention and the 1967 protocol relating to the status of refugees, tells us that the core principle is non-refoulement, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom. That is now considered a rule of customary international law. Clause 10 therefore represents the shameful undoing of the commitment to the refugee convention and the British values that led to that commitment in the first place.

Anne McLaughlin: It is clear to all on the Opposition Benches that if this goes ahead, we will be breaching our international legal obligations. Does the hon. Gentleman share my concern that in doing so, the damage done both to the UK's reputation as a global legal centre and to its trade strategy will be immense, at a time when we really need to find new trading partners?

Bambos Charalambous: I very much share those concerns. It is clear that some countries wishing to trade with the UK may also insist on certain measures in relation to visas and access, and in some of the new clauses tabled by the Government more recently there is a suggestion that they would be willing to withdraw visas to some countries. I do not know who they have discussed it with, but that seems contrary to the intention of trading with other nations.

There is no doubt, therefore, that the clause stands in clear contravention of the refugee convention—no small thing, given that the convention, sometimes known as the Geneva convention of 1951, anchors the status of refugees in international law. Around the most desperate and terrorised people on earth, the convention throws the shield of international protection. Since the horrors of the second world war, it has been an article of faith for every decent society, as required today as it was 70 years ago by all those fleeing war, torture and persecution of all kinds, and by all those women and girls who undertake their journey in the knowledge that they may well be raped en route to finding safety.

The Opposition are clear that accepting this clause would set a dangerous precedent by creating a two-tier system for refugees that is deeply inhumane. Furthermore, we hold that its consequences, intended or not, would undermine our binding legal obligations to all refugees. We oppose it because we believe the 1951 convention and all that goes with it speaks profoundly to the core values of the British people. Given the multiple, deeply negative consequences of the clause—mental ill

[Bambos Charalambous]

health, poverty, debt, substandard accommodation and homelessness, to say nothing of the financial costs to local and national Government—it should be removed from the Bill.

In short, group 2 status is not only inconsistent with the refugee convention; it is a recipe for mental and physical ill health, social and economic marginalisation and exploitation. The human cost to refugees and their families, including their children, is obvious enough, and it should shame us that this Bill would actively cause harm if clause 10 is adopted. We will oppose clause 10 stand part.

Paul Blomfield (Sheffield Central) (Lab): I congratulate my hon. Friend the Member for Enfield, Southgate on his comprehensive critique of clause 10. I want to add only a few points on what is clearly at the heart of the Government's approach in this Bill: seeking to create a hostile environment for refugees and splitting them into the two groups of which my hon. Friend spoke.

I was interested to hear the Minister talk earlier about the Bill as just one part of a multifaceted approach to tackling the problem, of which international diplomacy was at the core. I would welcome his reflections, when he comes to make his remarks, on how far he thinks our position in international diplomacy is strengthened by a Bill that the UNHCR, the guardian of the 1951 convention, denounces in clear terms as

"The creation of an unlawful two-tier system in which most refugees are denied rights guaranteed by the Refugee Convention and essential to their integration".

I think that our position in terms of how we play our cards in international diplomacy will be weakened by setting ourselves against the international community. This proposal appals all organisations that have worked with those coming to our country to flee war, terror and persecution, and Labour shares their view. However, I appreciate that this Government, in contrast with previous Conservative Administrations, revel in setting themselves against the international consensus and are happy tearing up treaties to which they have been signatories.

We should examine the clause in the context of the Government's own objectives. They say it is part of a deterrent to break the business model of people smugglers by dissuading those seeking asylum from taking what the Government consider to be irregular routes. We are all agreed on the objective of breaking the appalling business model of people smuggling and we all agree that we want to end the situation that leads people to take the most desperate journeys across the channel. As I said earlier, and clearly the Minister struggled to respond to that point, even the Government's own impact assessment says,

"evidence supporting the effectiveness of this approach is limited."

I know that he had a problem with evidence when we were talking about clause 9 under part 1.

The Parliamentary Under-Secretary of State for the Home Department (Tom Pursglove): The hon. Gentleman will get a very nice long letter.

Paul Blomfield: I look forward to the letter, but it would be useful to hear the evidence before the Committee is forced to vote.

As colleagues have pointed out, these plans will punish the victims of the crime rather than the perpetrators. The Government's approach conveniently ignores the reality of seeking asylum—of fleeing persecution, danger, abuse and terror, and taking the extraordinary step of leaving your own country and having to flee because you are not safe in the land where you were born and brought up and where your friends and family live. Irregularity in that context is almost a certainty and with it comes a lot of chaos and unpredictability.

Others have mentioned the countless studies that have demonstrated that the preferred destinations of refugees are not identified solely or even primarily on the basis of migration policies devised by Governments with the explicit aim of reducing arrivals. The Home Office has confirmed that the nationality of those arriving irregularly are overwhelming those for whom the majority of their asylum applications will be upheld either at first instance or on appeal, and that includes those from Afghanistan, Iran and Syria. The clause draws a differentiation between different kinds of asylum seekers. Not only is it inhumane and suggestive of bad faith as regards those taking these desperate journeys from the outset, but it is an approach that will not work and that risks making things worse.

The Conservative-led Foreign Affairs Committee warned in 2019 that

"A policy that focuses exclusively on closing borders will drive migrants to take more dangerous routes, and push them into the hands of criminal groups."

The Government's own impact assessment warns that increased deterrence in this manner

"could encourage these cohorts to attempt riskier means of entering the UK."

The Minister looks frustrated; perhaps he ought to pay attention to his impact assessment.

Central to the Government's arguments for the clause is that they want to encourage the use of safe and legal routes. Where are they? It is worth looking at that in context. The Minister talked about his pride in the UK's generosity to refugees. There was some exchange both ways on that because it does not match up to reality. Anything that this country does to accept those seeking to build a new life in the face of terror, conflict and persecution is welcome, but as the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East suggested, we are middle-ranking in this area. Worldwide, as the shadow Minister said, we know that it is those countries on the frontline of conflicts, which are often least equipped to deal with the influx of significant numbers, who take the largest share of refugees, including Turkey, with around 4 million, Colombia, Pakistan and Uganda.

2.45 pm

That is also reflected nearer to home, as we have acknowledged. According to the most recent data from the United Nations High Commissioner for Refugees from 2019, Germany settled three times as many refugees as the UK. Indeed, according to the World Bank—its work on this is quite interesting—1.5% of Germany's population are refugees, compared with 0.65% in France, 0.45% in the Netherlands and 0.19% in the UK; we are

actually not middle-ranking, but in a European context, alongside comparable nations, we are well behind in our contribution.

If somebody wants to take a safe and legal route to refuge in the UK, what are the options? Aside from family reunion, the UK resettlement scheme is the primary route, about which there is little publicity available. In the first two quarters of this year, the scheme took a total of only 310 people, according to the Government's own statistics. The Government also made big promises to those fleeing the Taliban in Afghanistan, as others have mentioned. I remember the Prime Minister on 27 August emotionally pledging to do "whatever it takes" to get as many people as possible out of Afghanistan after 31 August. That created enormous expectations among my constituents who have family members in Kabul and elsewhere in that country. They contacted me quickly to ask what the opportunities were and how those routes would become available. After a month of no route being available, I wrote to the Foreign Secretary to ask what I should say to my constituents. A month later I had no reply, but yesterday I got a reply saying that, at the moment, there is no route available. That is extraordinary duplicity, raising and dashing expectations.

Neil Coyle: It is not only the duplicity of that statement. My constituent's family member is in Afghanistan and needs their passport to leave the country. Their passport is currently being held by the Home Office in the UK. The Home Office is denying them the opportunity to leave Afghanistan by refusing to be flexible. It could perhaps get that passport, through Qatari friends, to the chargé d'affaires in Doha and out to Afghanistan.

Paul Blomfield: Many of us could tell similar stories of hopes dashed by the mismatch, reflected in some of the Government's language around this legislation, between their ambition and the reality as it affects people's lives. We see safe and legal routes in name only, with the Government talking the talk but failing to walk the walk. On its own objectives, the clause will fail. It is a flawed policy. The Minister looks critical of what I say. I would love him to intervene on me to set out the programme of safe and legal routes that will be unfolded, because they are the principle that underpin the strategy in clause 10. Without that, clause 10 cannot stand part of the Bill.

Jonathan Gullis (Stoke-on-Trent North) (Con): I doubt that what I am about to say on clause 10 will shock Members. It is a fantastic element of the legislation because it will act as a deterrent to one of the many pull factors that the United Kingdom has and why so many people are prepared to make the dangerous journey through mainland Europe—that is not war torn, as some would like to have it seen as—to try to make it here to our United Kingdom.

The hon. Member for Sheffield Central talked about the hostile environment, but I remind him that in May 2007 it was the right hon. Member for Birmingham, Hodge Hill (Liam Byrne), the then immigration Minister in a Labour Government, who referred to a hostile environment in his announcement of a consultation document. He said:

"We are trying to create a much more hostile environment in this country if you are here illegally."

When that comment is added to the remarks of Baroness Scotland—cited by my hon. Friend the Member for Dudley South—that people should claim asylum in the first safe country they arrive in, it does not take much to understand the demise of the Labour party in red wall seats such as Stoke-on-Trent North, Kidsgrove and Talke. People in my constituency want to see tougher immigration control, and 73% voted for Brexit because they wanted us to take back control of our borders. Clause 10 is one method by which we will take back control, because it will say clearly to people that if they make an illegal entry to this country it will count against them. If people take a safe and legal route, the country will open its arms to them and bring them over here, as we have done for people from Syria and Afghanistan.

Anne McLaughlin: The hon. Member keeps talking about people coming here illegally to apply for refugee status. Of the 5,000 people who came last year by boat, 98% were deemed by the Home Office to be eligible to apply for asylum. They were "genuine asylum seekers", to use his words and they were not here illegally. They will only become illegal if the Bill is enacted.

Jonathan Gullis: I am grateful to the hon. Lady for that intervention. What I heard is that 5,000 people made illegal entry into this country, putting money into the hands of people smugglers, which ultimately funds wider criminality here and in mainland Europe. That is obviously negative, because it means that more people will be trapped in misery. Even Opposition parties accept that the system is currently broken and we need to fix it, but they seem to want to make sure that we have even more people come here—I heard the comparison to other European countries—rather than what people voted for this Government to do, which is to deter people from making those journeys so that they use safe and legal routes.

Neil Coyle: Perhaps the hon. Gentleman was not listening when my hon. Friend the Member for Sheffield Central outlined that the explanatory notes explain that the Bill will mean that some people are more likely to be forced to use criminal gangs. I am sure that he would not support that.

Jonathan Gullis: I disagree. The clause will not force people to use criminal gangs. It is one strand of a wider idea of deterring people from using dangerous routes, including pushbacks, offshoring and a second status for those who enter the country illegally. All those factors brought together, as part of a wider policy, will act as a deterrent, as we heard from His Excellency the High Commissioner for Australia. This clause is one of those deterrents and will form part of a wider package, which has my full support.

I applaud the Minister for this fantastic piece of work. We will always accept people in this country who take safe, legal routes. We will do our utmost to make sure that those people who are most in need are protected. This country has a fantastic history of looking after such people. Stoke-on-Trent is the fifth highest contributor to the asylum dispersal scheme—a Conservative-run authority with three Conservative Members of Parliament. We are proud of our city's history, but at the same time

[Jonathan Gullis]

we also acknowledge that illegal crossings of the Channel are putting people's lives in danger unnecessarily and causing huge strain on our systems. Such crossings also enable and make profits for the disgusting criminal gangs. The only way to stop that is to stop people wanting to take those journeys. The clause is one part of a wider strategy to ensure that that happens.

Anne McLaughlin: The hon. Gentleman is being generous in giving way, at least. He seems so determined to stop illegal crossings—not illegal people, illegal crossings—and I agree that no one wants people to take dangerous journeys. What are his thoughts and ideas on how we can expand and develop the safe and legal routes, on which the Bill is apparently based, as an alternative? If we have those routes, people will not have to take dangerous journeys.

Jonathan Gullis: The hon. Lady has just promoted me to the Foreign, Commonwealth and Development Office or the Home Office. I would be delighted if the Minister were looking for someone to join him in the Department, but I am sure my Whip would have something to say about that. It is a complicated situation. In Afghanistan, for example, we had a brief window for a safe and legal route to bring people out via the airport. Obviously, we cannot go into Afghanistan tomorrow; we would have to negotiate such an exit route with an Administration that I believe would be hostile to that—I do not believe they have good intentions—so we need to look to neighbouring countries such as Pakistan to see whether we can develop safe and legal entry routes in those other countries. I have full faith that the Government will come about that, but first we need the Bill in place to empower the Government to go forward and create those routes.

Anne McLaughlin: Does the hon. Gentleman not think it would be more helpful and more humane to have the safe and legal routes before we enact the Bill so that we do not have a gap for however long it takes when people who desperately need our help cannot get it? That could be months or years—it has taken a long time with Afghanistan, which is apparently a priority. Would it not be better to have the routes first before the Government do whatever they want with the Bill?

Jonathan Gullis: The problem is that we are not the only country looking for safe and legal routes from places such as Afghanistan. The world is struggling to come to a solution, and it is a world solution that we need to agree. I hope we will use our position as leader of the G7 for that going forward. However, there are a lot of refugees in mainland European countries such as Greece, Italy and France, which are perfectly safe and nice countries in which to start a new life, and people should absolutely claim asylum in them rather than making the journey to Calais, where they put funds into the hands of criminal gangs to fund criminality and come over here illegally. Remember that 70% are men aged between 18 and 35, which means that women and children—the most vulnerable groups—are being left behind in those countries.

Ultimately, it is more important that we ensure that they are protected and that we get to them, as we did in Afghanistan, rather than the illegal economic migrants who are crossing the Channel to enter the country illegally and putting a huge strain on our local authorities. That is why the clause saying, "If you come to this country illegally, that will count against you in your application" is a fantastic idea. Again, that is one strand of a wider strategy to help combat the shocking scenes we see in those Channel crossings, which are angering the people I represent in Stoke-on-Trent—and, to be quite frank, the nation.

The Bill is therefore long overdue. The Opposition accept that the asylum system is broken. Given that, I do not understand why what we are trying to do is not the right solution. The only thing I hear from the Opposition is, "We should have more people coming over here," but that would create more pull factors to encourage people to make that dangerous journey.

Mr Goodwill: Does my hon. Friend agree that it would be good to follow the model of the Syrian resettlement programme, brought in by David Cameron, in respect of Afghanistan? Indeed, countries such as Canada are considering many more than us, and, because their system is not clogged up with people arriving illegally, they can have much wider scope for the legal settlement schemes.

Jonathan Gullis: My right hon. Friend makes a really good point. I go back to His Excellency the High Commissioner for Australia, who made it clear that Australia would not have been able to take the amount of Syrian refugees it did with public support had it not had control of its borders—and, because it did have that control, public support and empathy was massively increased when it came to helping people in desperate situations. Those people deserve to have some of the biggest and best countries around the world holding them dear and giving them a new life in safety and security.

The public are angry because they see an asylum system that is not working. They want to see control of the borders; then, when we have people from Syria and Afghanistan coming over, there would be much more public empathy.

3 pm

Bambos Charalambous: The hon. Gentleman talked about the broken asylum system, but we actually have more people working in it and processing fewer cases. May Bulman, the journalist from *The Independent*, wrote an article recently in which she identified 399 people who have been waiting 10 years for their asylum claim to be processed. How can it be that the system employs more people but is processing fewer claims? How can it be allowed that people are waiting 10 years for their claims to be processed? That is the broken system. If it were a business, it would be bankrupt.

Jonathan Gullis: The issue is that we inherited a ruinous backlog from the Labour Government, and we have gone through a multitude of challenges recently—covid, for example, which brought the very challenging situation of working from home. I understand—I am a

constituency MP like everyone else. We all do our bit and write to the Home Office. We get frustrated by the time that certain cases can take to process, but ultimately, we are trying to fix the system. That is one strand, and there are other parts of the Bill that we will examine, such as offshoring, which I support. There are other methods to help to deal with the backlog and speed up the processing of asylum claims.

I am more than happy to welcome genuine asylum seekers; what I am unhappy about is the illegal economic migrants continually crossing our channel, coming to our shores and costing millions of pounds to the British taxpayer, and the lawyers obsessed with taking money out of the British purse to stop people being deported. Let us not forget, there are convicted criminals dragged off the plane at the last minute, leaving the UK taxpayer to pick up the tab. They are criminals who should not be here and rightly should be deported. Sadly, I see too many Labour Members celebrating those lawyers' work to prevent those people from being deported from our country. It is a very sad state of affairs to see those letters written to the Home Secretary. I hope clause 10 will stay as is and will be a part of a wider strategy to deter.

Tom Pursglove: First, I will deal with the two amendments that we have debated. Amendment 87 seeks to make implementation of the differentiated asylum system contingent on issuing a report on its impact on local authorities and devolved Administrations. The report must also be passed by both Houses. Clearly, immigration is a reserved matter, so it is for Westminster to set policy in that regard. Local authorities and devolved Administrations have not only taken part in the public consultation, where they have shared substantive views, but have been included in targeted, ongoing engagement with the Home Office to discuss issues and implementation. I am afraid I do not see what further value such a report could offer, other than to delay the implementation of this important policy.

Amendment 161 seeks to ensure that nothing in the Bill or this particular section authorises any treatment or action that is inconsistent with the UK's obligations under the refugee convention. This amendment is unnecessary because we are already under an obligation to meet our international obligations and, as I have continually set out, intend to do so in the Bill. Furthermore, section 2 of the Asylum and Immigration Appeals Act 1993 prevents us, in implementing this policy, from doing anything in the immigration rules that is contrary to the refugee convention. If we were to include such a provision in the Bill, the effect may be to suggest that in any other legislation where it is not included, the intention is not to comply with such obligations. I am certain hon. Members will agree that is neither desirable nor intended.

Neil Coyle: The Minister has rather blithely dismissed our concern about the potential illegality of the measure. What is it that the Minister knows that UNHCR, Amnesty International, British Red Cross, UN Refugee Agency, Salvation Army, Refugee Council, Children's Society, Law Society, RAMP or the Refugee, Asylum and Migration Policy project, We Belong, Families Together Coalition, Refugee Law Initiative, British Overseas Territories Citizenship Campaign, Human Trafficking Foundation, Reprieve, Women for Refugee Women, British Association of Social Workers, Trades Union Congress, Mermaids, Stand with Hong Kong, One Strong Voice, Rights Lab, Public Law Project, Greater Manchester Immigration Aid Unit, Migrant Voice, Every Child Protected Against Trafficking or ECPAT UK, Justice and Peace, Project for the Registration of Children as British Citizens, Statewatch, Say it Loud Club, Logistics UK, Kaldor Centre for International Refugee Law, European Network on Statelessness, National Justice Project, Asylum Seekers Advocacy Group, Helen Bamber Foundation, Modern Slavery Policy Unit, Centre for Social Justice, and Justice do not? They all say it is unlawful—what do they not know? Why does the Minister think they are all wrong?

Tom Pursglove: I thank the hon. Gentleman for intervening again. I will come on to his point substantively when I speak to clause stand part. Meanwhile, I invite the Opposition Members to withdraw the amendments.

I do not intend to give a long stand part speech, because we have had a wide-ranging and substantive debate on the clause. It is fair to say that many views have been expressed. I do not remotely doubt their sincerity, but I hope that that acknowledgement of sincerity is extended to all Members, regardless of their views on the matter. When Members come to this House, at the forefront of their minds is wanting to do what they believe to be right. Members on the Government side have equally strongly and sincerely held views on the matters that we are debating, and we believe that the approach we are advocating is the right one.

Stuart C. McDonald: I am quite happy to say that all Members are doing what we think is right, though of course we might think each other misguided. I am concerned that the Minister is not going to go into detail about the issues—

Tom Pursglove: I am.

Stuart C. McDonald: I thought the Minister was suggesting that the debate would no longer go on.

Tom Pursglove: That is precisely the point that I wanted to focus on before concluding deliberation of the clause. Views have been expressed about differentiation in the way that we are proposing and about its compatibility with our international obligations. I do not agree with the assessment expressed by various Opposition Members: I argue that the differentiation policy is in line with our international obligations, including the refugee convention and the European convention on human rights. Of course, it is for Parliament to determine precisely what is meant by our international obligations, subject only to the principles of treaty interpretation in the Vienna convention. That is precisely what we are doing in the Bill.

I want to say something briefly about people seeking asylum in the first safe country that they reach, the importance of that principle and its relevance in the international context, because there has been a lot of debate on the issue. It is self-evident that those in need of protection should claim in the first safe country that they reach. That is without question the fastest route to

[Tom Pursglove]

safety. The first-safe-country principle is widely recognised internationally, and has been for many years, as my hon. Friend the Member for Dudley South alluded to in his intervention on the shadow Minister, who slightly surprised me by being so willing to condemn the approach taken by the last Labour Government on that principle. It is a long-established principle, which successive Governments have had at the forefront of their minds when looking at and legislating on such matters.

Stuart C. McDonald: Where does the Minister find this principle and what is it derived from? The overwhelming majority of refugees do claim asylum in the first safe country that they come to. Where exactly is he deriving the principle from?

Tom Pursglove: One thing that occurred to me throughout the debate was why any Member of this House would feel that it was necessary for anyone to get into a small boat on the French coastline in order to come to the United Kingdom. France is without doubt a safe country, and I like to think that we could recognise that across the House. Those journeys are completely unnecessary against that backdrop. I am staggered that that point is not recognised more widely. Based on some of the remarks we have heard, one might think that that was not the case. In my mind and those of my colleagues, there is absolutely no need for anyone to get into a small boat to try and cross the English channel or to take irregular journeys.

On the point about what this relates to, the principle is fundamental in the common European asylum system. Without enforcement of it, we simply encourage criminal gangs and smugglers to continue to exploit vulnerable people, and I make no apology for my determination, and that of the Home Secretary and the Government as a whole, to bring these evil criminal gangs to justice and to stop the dangerous channel crossings. We have to stop them, for the reasons that my hon. Friend the Member for Stoke-on-Trent North alluded to. We have a moral obligation to do that, and that is what the measures in the Bill, and the wider package of measures that we talk about very often in the House, are seeking to achieve.

Bambos Charalambous: The clause does no such thing. It actually encourages people to make unsafe journeys and to contact criminal gangs, because there are no safe routes. That is the crux of it. If safe routes were available, fewer people would make the journeys, but nothing that the Government have said creates any safe routes. Since Dublin III ended, there are no safe routes for people to come to the UK to claim asylum.

Tom Pursglove: I am afraid that I just do not accept that characterisation. As I have said on several occasions in Committee, we continue to resettle genuine refugees directly from regions of conflict and instability, which has protected 25,000 people in the last six years—more than any other European country. It is central to our policy that we advocate safe and legal routes and put them at the heart of our policy making. I have talked about several of them. Of course, this is something that we keep under constant review as the international situation evolves and as needs require. I have no doubt that that will continue to be the approach that we take—establishing routes that are appropriate to the circumstances that we find ourselves in.

Anne McLaughlin: Earlier today, I asked about safe and legal routes. The Minister said that by the time the Bill is enacted, a safe and legal route from Afghanistan will be up and running. I asked him about the other ones. Did he mean just the one route to which he referred, or did he mean routes across all countries where they might be needed? He said he could not answer at that time because the Chair would be annoyed, as we were talking only about the amendment on Afghanistan. Will he now take the opportunity to tell me whether those safe and legal routes will be available to anyone who requires them, to prevent them from making dangerous journeys, before the Bill is enacted?

Tom Pursglove: I respectfully say to the hon. Lady that there are routes in place that people can avail themselves of in order to seek sanctuary in this country.

Anne McLaughlin: Will the Minister give way?

Paul Blomfield: Will the Minister give way?

The Chair: Order.

Tom Pursglove: We have now debated that with some regularity and in some detail. I do not intend to recover that ground, but of course we continue to offer family reunion, which has seen a further 29,000 people come to the UK over the past six years. As I say, the context in which we are debating these matters in Committee is that people are risking and losing their lives by making dangerous crossings of the channel. I argue that we need to do everything in our power to stop the criminal gangs and to break their business model.

Where people seek to join family or work in the UK, they should make an application via the appropriate safe and legal route. We are committed to safe and legal routes, which are the cornerstone of our immigration policy. They are one part of, but very central to, what we seek to achieve through the Bill, through our direct engagement with the French, and in our wider diplomatic programmes. With that in mind, I ask the Committee to agree that the clause stand part of the Bill.

3.15 pm

Stuart C. McDonald: I would like to respond briefly to the debate, which has been wide-ranging. I have to express some frustration, because the Minister said he would address in detail the reasons he thought the provision is in compliance with the refugee convention. I do not think he said anything at all about that. I appreciate that he has already undertaken to write several letters. Could he write another that explains how article 23 of the refugee convention, which requires equal treatment with nationals in access to social security, can possibly be consistent with a clause allowing the Secretary of State to treat people unequally? All the points we have made about the lawfulness of the Bill have not been addressed. I would be grateful if the Minister would do so.

During the debate we lost sight a couple of times of what we are talking about, which is people who are refugees. Sometimes people refer to genuine refugees, and we are talking about genuine refugees, who, by definition, have been assessed by the Home Office as such. The clause enables the Secretary of State to essentially treat them like trash—to withdraw access to public funds, to leave them in limbo and keep them separate from their families. While we support all reasonable measures to stop the crossings, we draw the line at treating the victims of these people smugglers like trash.

In actual fact, the British public are with us. Public opinion polling shows that people are sympathetic to refugees, and I think they will be upset when they find out that this is how refugees will be treated. I ask the Minister to engage with the UN High Commissioner for Refugees on the legality of the measures. These are hugely important concerns for a number of reasons, so I hope he will engage with him.

Tom Pursglove: I have a meeting coming up with him in which I fully suspect we will talk about these measures.

Stuart C. McDonald: I have no doubt about it. That is appreciated. On the effectiveness of these measures, reference has been made to how this would disincentivise crossings. Again, there is no Home Office analysis to show that that would be the case. In fact, Home Office analysis is to the contrary. Where is the analysis to show that disincentives will work? We need to see analysis of what the Home Office think the incentives that make people do this are. As we have said, it is things like family, a history with the United Kingdom or speaking the language. None of those will be changed by the Bill. The Secretary of State will not change the incentives that bring people here in the first place.

The numbers are challenging, but in the grand scheme of things the number of asylum seekers in the United Kingdom is tiny. Most folk do not claim asylum here. That is not the issue. Yes, we want to stop them making dangerous journeys, because none of us want to see lives put at risk, but what has been proposed here goes way beyond what is acceptable.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 9.

Division No. 9]

AYES

Blomfield, Paul	McLaughlin, Anne
Charalambous, Bambos	McDonald, Stuart C.
Coyle, Neil	
Lynch, Holly	Owatemi, Taiwo

NOES

Baker, Duncan	Pursglove, Tom
Goodwill, rh Mr Robert	Richards, Nicola
Gullis, Jonathan	Whittaker, Craig
Holmes, Paul	
Howell, Paul	Wood, Mike

Question accordingly negatived.

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

The Committee divided: Ayes 9, Noes 7.

Division No. 10]

AYES

Baker, Duncan	Pursglove, Tom
Goodwill, rh Mr Robert	Richards, Nicola
Gullis, Jonathan	Whittaker, Craig
Holmes, Paul	
Howell, Paul	Wood, Mike

NOES

Blomfield, Paul	McLaughlin, Anne
Charalambous, Bambos	McDonald, Stuart C.
Coyle, Neil	
Lynch, Holly	Owatemi, Taiwo

Question accordingly agreed to.

Clause 10 ordered to stand part of the Bill.

Clause 11

Accommodation For Asylum-Seekers Etc

Stuart C. McDonald: I beg to move amendment 98, in clause 11, page 14, line 26, at end insert—

"(3A) In section 16 of the Nationality, Immigration and Asylum Act 2002 (Establishment of centres), at end insert—

'(4) For the purposes of this Part, references to 'persons' do not include—

(a) children;

(b) women;

(c) individuals with a disability;

(d) individuals who have been referred to the National Referral Mechanism;

(e) survivors of torture;

(f) individuals who identify as LGBTQ+.;

(g) family members of any persons in the groups listed in paragraphs (a) to (f).

(5) For the purposes of subsection (4), 'family members' includes—

(a) dependent children;

(b) partners/spouses;

(c) in relation to children—

(i) their siblings;

(ii) any other individual who is the relevant child's guardian.'"

This amendment would restrict the use of accommodation centres for accommodating people seeking asylum so that the state groups, and their family members, cannot be accommodated in them.

The Chair: With this, it will be convenient to discuss the following: Amendment 99, in clause 11, page 14, line 26, at end insert—

"(3A) In section 16 of the Nationality, Immigration and Asylum Act 2002 (Establishment of centres), at end insert—

'(2A) Accommodation provided under this section must—

(a) have a capacity of no more than 100 residents, and

(b) provide any unrelated residents at the centre with an individual room for sleeping.'"

This amendment would prevent accommodation centres from accommodating more than 100 people, and would ensure that residents were not required to share sleeping quarters with residents to whom they are not related.

Amendment 100, in clause 11, page 14, line 30, at end insert—

[The Chair]

"(4A) After section 17 of that Act, insert—

'17A Right of appeal for support under section 17

(none) If the Secretary of State decides not to provide support to a person under section 17, or not to continue to provide support to him or her under that section, the person may appeal to the First-tier Tribunal.'"

This amendment would ensure there is a right of appeal against a decision by the Secretary of State to refuse or end support provided under section 17 of the Nationality, Immigration and Asylum Act 2002.

Amendment 104, in clause 11, page 14, line 41, at end insert—

"(22B) Accommodation Centres, whether for supported asylum seekers or failed asylum seekers shall not allow for limitations upon a supported person's right—

(a) to enter or to leave at any time;

(b) to receive visitors of their choice at any time; or

(c) to use communications equipment such as telephones, computers or video equipment.

(22C) Accommodation Centres shall provide supported persons with access to a complaints procedure and procedures for appealing any decisions that may restrict a supported person's claim to freedoms not limited by their conditions of bail.

(22D) Persons supported in Accommodation Centres shall be informed of the conditions of their bail in writing, and shall be provided with means of identifying themselves are their place of residence."

This amendment aims to distinguish Accommodation Centres from places of detention by introducing rights to persons supported at these Centres, and to require persons in Accommodation Centres to be informed of their bail conditions and provided with means of identifying themselves.

Amendment 130, in clause 11, page 15, line 1, leave out from "subsection" to end of line 2 and insert—

"(1) for 'six months' substitute '90 days'."

Clause 11(8) currently amends the Nationality, Immigration and Asylum Act 2002 to allow the Secretary of State to increase the maximum length of time someone can be accommodated in an accommodation centre from the existing limit of six months. This amendment would remove that power and instead reduce the maximum stay to ninety days.

Amendment 16, in clause 11, page 15, line 1, leave out subsection (8).

This amendment would prevent asylum seekers from being housed in accommodation centres for longer than nine months.

Amendment 17, in clause 11, page 15, line 2, at end insert—

"(8A) The Secretary of State must lay a report before Parliament each year setting out—

(a) the numbers of asylum seekers in different types of accommodation; and

(b) the steps the Government is taking to maximise the number of asylum seekers in dispersed community accommodation, including provision of financial support to local authorities."

This amendment would require the Secretary of State to produce an annual report on the accommodation provided to asylum seekers.

Amendment 101, in clause 11, page 15, line 2, at end insert—

"(8A) In section 25 of that Act (length of stay in accommodation centre), in subsection (1), for 'six months' substitute '90 days'."

This amendment would reduce the maximum length of time someone can be accommodated in an accommodation centre to 90 days in most cases.

Amendment 102, in clause 11, page 15, line 4, at end insert—

"(10) In section 38 of that Act (Local authority), after subsection (2) insert—

'(2A) The Secretary of State may not make arrangements under section 16 for the provision of premises within the boundary of a local authority unless consent has been given by that local authority.'"

This would amend section 38 of the Nationality, Immigration and Asylum Act 2002 to prevent the Government from opening an accommodation centre within a particular local authority without the prior consent of that local authority.

Amendment 103, in clause 11, page 15, line 4, at end insert—

"(10) Leave out section 36 of that Act (Education: general)."

Section 36 of the Nationality, Immigration and Asylum Act 2002 prevents most children accommodated in accommodation centres from attending state schools. This amendment would remove that restriction.

Amendment 160, in clause 11, page 15, line 4, at end insert—

"(10) Before this section comes into force, the Secretary of State must lay before Parliament a report on the implications of this section for local authorities, the Scottish Government, the Welsh Government and the Northern Ireland Executive, and the report must be approved by a substantive vote in both Houses.

(11) A report under subsection (10) must include the following information—

(a) an assessment of the financial implications for the bodies listed in subsection (10);

(b) an assessment of the functions and powers of those bodies that will be affected by this section;

(c) details of any consultation and engagement with those bodies, and the outcome of such engagement and consultation;

(d) the Secretary of State's findings, conclusions and proposed actions."

This amendment would require the Government to report on the implications of clause 11 for local authorities and the devolved administrations, and to obtain Parliamentary approval for such a report, before the clause enters into force.

Clause stand part.

Stuart C. McDonald: It is good to see you in the Chair again, Sir Roger. I rise to speak in support of amendment 98 and the other amendments in this group, but against the clause standing part of the Bill.

Clause 11 brings us to the question of how we accommodate asylum seekers, including, of course, the Uyghur, the persecuted Christian and the Syrian I keep referring to. Precisely how they are accommodated can have a profound impact on them. When I had the pleasure to be co-opted on to the Public Accounts Committee for a day back in October 2020 for an evidence session with the permanent secretary of the Home Office, I asked him whether there was a commitment at the Home Office to return to a reliance on community dispersal and a target to end hotel use by a certain date, and to end the use of military barracks as detention centres. He responded:

"There is not a target date, but we are obviously keen to do those things as soon as possible. Both those measures—the use of hotels and the use of other assets owned by the Government, including by the Ministry of Defence—are temporary, to take account of the surge in demand."

He went on to outline various measures through which that would happen, including faster decisions and fairer distribution models. When he came before the Home Affairs Committee recently, he maintained that that was still the Department's intention.

It would be reassuring to hear from the Minister today that he and the Secretary of State intend to commit to that model and that goal. Community dispersal is definitely the best system, although I accept that its current operation is far from ideal, as reports from the Home Affairs Committee have made clear. The system gives local authorities immense responsibilities, but few powers and even less by way of resources with which to fulfil those responsibilities. At the same time, significant problems with inappropriate and poor-quality accommodation have been identified.

We need a Bill that addresses those challenges. If this Bill did so, it would undoubtedly expand the capacity in dispersed accommodation. If it did that, the Bill would have our support and I would stop defending councils that did not participate in dispersal. To that end, amendment 17 calls for the Secretary of State to report each year on the types of institution in which asylum seekers are being housed and the steps that are being taken towards realising the goal of maximising the use of dispersal accommodation, including the financial support being offered to councils. Surely the Minister cannot find anything objectionable in that, if maximising the use of dispersal accommodation is genuinely the Government's goal.

The problem is that the Bill tends to suggest, as does a lot of other evidence, that the Government are not pursuing that goal and are more interested in taking a different route. The Minister has to explain why this clause exists if the Government want to opt for dispersal accommodation as their central goal. The available evidence tells us that large-scale institutional accommodation centres are, by a distance, a disastrous alternative. That is putting it far too nicely when it comes to what happened at Napier Barracks, and yet correspondence from the Home Secretary to the chair of the Home Affairs Committee, and the explanatory memorandum to the special development order that extended Napier's use, expressly suggests that Napier is supposed to be treated as a model or a pilot for the accommodation centres that feature in the Bill.

That is a truly terrifying path to go down, as the totally inappropriate nature of Napier Barracks is well documented in numerous reports and the High Court judgment, which was described as finding that

"the arrangements and conditions in which asylum seekers were held, posed significant risks that their physical and mental health would be harmed."

According to the findings, Napier Barracks was overcrowded and felt like a prison. For residents, the environment was reminiscent of previous experiences of detention in places where they were tortured. Dormitory accommodation meant there was no privacy or quiet, and sleep was interrupted repeatedly. Cleaning was poor, and the inadequate shower facilities were frequently broken, unusable, dirty or unsanitary. They were also communal, which was particularly difficult for those with visible scarring from torture.

The all-party parliamentary group on immigration detention has highlighted extensive testimony that backs up the judgment of the High Court. The group has identified problems with poor Home Office identification and safeguarding of vulnerable people, and repeated instances of self-harm and attempted suicide on site —in short,

"profoundly negative impacts…on the mental health of residents, many of whom were already vulnerable."

That all shows precisely why we should not go down this route, and why this clause should not stand part of the Bill.

Most of the remaining amendments in this group challenge the Minister to outline more about what the Home Office has in mind on how these centres will look and operate. Amendment 98 poses a question to the Minister. Can he tell us who will be placed in these accommodation centres? Will it be women and children? Will it be people with physical disabilities? Will it be individuals who are suspected to be survivors of modern slavery or trafficking? Will it be survivors of torture? Will it be LGBT people?

A Home Office policy document suggests that such groups should not be accommodated at Napier, so I hope it will not be difficult for the Government to agree to such an amendment. However, there is a challenge; as I alluded to earlier, there have been multiple examples of where that policy does not appear to have been appropriately adhered to, and we require reassurance that that will be done properly.

Tom Pursglove: I hope I can provide the hon. Gentleman with some clarification at this early juncture. We have no intention to accommodate children in accommodation centres. More broadly, decisions will be made on a case-by-case basis, as set out in policy, in relation to other individuals. I hope that gives him the assurance he seeks.

Stuart C. McDonald: It gives me reassurance that children will not be housed in such accommodation, and I think all hon. Members will welcome that. However, we are again being asked, essentially, to legislate blind. As parliamentarians, we are repeatedly told that all sorts of important information will be set out in guidance and in immigration rules, but before we give the Government the power to go ahead, we must least be told what they intend to put in that guidance and those immigration rules.

All sorts of other questions that I have asked—about people with physical or mental health problems, and survivors of modern slavery and trafficking—have yet to be answered. How soon do the Government want to put these people in such accommodation? I want to hear the answers before the Committee is asked to vote on whether the Bill should contain the protection that we propose.

Amendment 103—it is probably redundant in light of the Minister's welcome reassurance—enables us to ask how, if there were to be children in accommodation centres, those children would be educated. Section 36 of the Nationality, Immigration and Asylum Act 2002 means that most children in such centres cannot attend state schools. This amendment would remove that restriction, but I am pleased to hear that that question will not arise.

Neil Coyle: The Minister said that it was not the Government's intention, which does not necessarily mean it will not happen. It was not the Government's intention to put people in unsafe accommodation, as happened with Napier, or to put people at risk in accommodation

[Neil Coyle]

in my constituency, where there was an inevitable covid outbreak. Perhaps the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East is generous and I am cynical, but I would like something clearer than an intention from the guidance.

Stewart Malcolm McDonald: Perhaps I am not generous so much as realistic; given my form so far, I suspect I will not be able to win any votes in this place, so I will have to settle for what I can get, which is ministerial assurance. The hon. Gentleman makes a fair point. As we know from our debates on nationality law and registration fees, Parliament's intention in 1981 was for fees to be a certain price, but that intention has gone out the window because the Home Office was given the power to do something different, which it did. The intentions of the current Government and Minister are good, but that does not mean that we should not ask for these things to be in the Bill. Who knows what another Minister or Secretary of State might want to do in five, 10 or 20 years' time?

3.30 pm

Amendment 99 is designed to ask the Minister more about how accommodation centres will look. Can the Minister commit to ensuring that none of these institutions will hold more than 100 people? Can he commit to ensuring that there will not be room sharing between unrelated residents—something that has been repeatedly criticised by the cross-party Home Affairs Committee—or will there be more of the dreadful dormitories that we have seen at Napier?

Amendments 16, 101 and 130 represent an over-the-top and mob-handed way to object to the Government's proposal to keep people at such centres for longer than the six months currently permitted by law. We probably did not need three different amendments to make this point, but it is an important one. Amendments 101 and 130 would reduce the maximum stay to 30 days. That is consistent with the idea that any type of institutional accommodation centre should be used only for an initial period, not for an extended period. In correspondence with the Home Affairs Committee, the Home Secretary was very clear that the practice at Napier is that steps are taken to move people to dispersal accommodation once they have been at Napier for 60 days. Given the terrible impact that lengthy stays at Napier and Penally have been shown to have on individuals, we should be looking to reduce, not lengthen, the time for which people are placed in such accommodation.

The statutory history behind amendment 100 is complicated. In a nutshell, earlier legislation provides for the accommodation of destitute asylum seekers with support under section 95 of the Immigration and Asylum Act 1999, or in emergency situations with section 98 support. Another power to accommodate asylum seekers under section 17 of the 2002 Act has never been commenced, but clause 11 amends it, and presumably it is going to be brought into force at some point. When section 17 of the 2002 Act was passed, it was intended that refusals of section 17 support would attract a right of appeal under section 53 of the 2002 Act, similar to the right of appeal in relation to section 95 support under the 1999 Act. The simple question for the Minister is this. If and when section 17 support is brought into force, will there be a right of appeal against refusal of that support?

Tom Pursglove: I would like to confirm that that is not relevant, as we are not proposing to accommodate anyone under section 17.

Stuart C. McDonald: I am grateful, because that clarifies the issue. Amendment 104 is in the name of our Labour colleagues, but it has our full support. It makes the point that it is essential that accommodation centres are not de facto detention centres or prisons, in the way that Napier has been, with basic liberties and freedoms more theoretical than real. It raises a crucial question about how we can ensure that such places have accountability and oversight.

The Government will be using sections of the 2002 Act that are not yet in force to implement many of their policy goals, but there is still dubiety about precisely which ones. Section 33 of the Act would have created advisory groups for each accommodation centre, with powers to hear complaints from residents and report to the Home Office. Is that section to be commenced? If not, what alternatives do the Government propose to ensure that such centres are subject to appropriate oversight? I will leave it to the shadow Minister to flesh out that point.

Amendments 102 and 160 take us back to how the Home Office engages—or, rather, does not engage—with other tiers of Government. The Minister was perhaps asleep at the wheel earlier, because his answer was short on detail about engagement with local authorities, and in particular, the devolved Administrations. I accept that asylum is reserved, but these institutions touch on all sorts of powers and services that are the remit of devolved Governments and Parliaments or local authorities, including planning policy and the provision of health, social or other welfare services and education services. In particular, consistent with our championing of local government autonomy and the idea that local government should be seen as a partner rather than an assistant of the Home Office, amendment 102 demands that these centres not be built in a local authority's territory without consent from that local authority.

The way in which local councils were treated in relation to both Napier and Penally was disgraceful. The Home Office did not even consult Folkestone & Hythe District Council and Kent County Council about the extension of planning permission at Napier because, it said, of urgency, and yet as the House of Lords Delegated Powers and Regulatory Reform Committee notes, it must have known for at least 12 months that planning permission would have expired. It had 12 months in which to carry out consultation, but that was still the excuse.

As I said at the outset, we pose all these questions with a view to ascertaining what precisely the Government intend and why there are not greater constraints in the Bill, but ultimately we believe that this is not the right direction of travel. We support community dispersal—improving that system, making it work better, and involving more councils. We hope that the Government come back to that view and make that system work instead.

Bambos Charalambous: I will speak to the three amendments that are in my name and the names of others, but I will start by speaking to amendment 104.

No one on this Committee can fail to have seen the extremely worrying track record of the Government when it comes to accommodation for asylum seekers. The appalling headlines in connection with Napier Barracks cannot have failed to reach anyone who takes any sort of interest in the news. We are deeply concerned, therefore, that in clause 11 there are provisions for creating asylum accommodation centres. The clause suggests a possible wide-scale replication of the type of accommodation seen at Napier Barracks. That is because clause 11 gives the Government powers to house different groups of asylum seekers in undefined accommodation centres. It seems that these centres will involve congregated living in hostel-type accommodation, which has been shown to be unsuitable to house people in the asylum system for long periods. Such a move away from housing in the community is likely to impede integration prospects and will make access to needed support and services more difficult.

Clause 11 also creates new powers to provide different types of housing—namely, accommodation centres—for those at different stages of their asylum claim, including those with "inadmissible" asylum claims. The rationale given in the explanatory notes to the Bill is that that will

"increase efficiencies within the system and increase compliance",

although again no evidence is given to support that claim.

The term "accommodation centre" is not clearly defined, although the implication is that it will mean that more people seeking asylum will be living in large-scale congregated settings. It is important to state clearly that this represents a wholescale move away from the current dispersal system, whereby people live in homes in the community across the country.

There is therefore a clear indication that the Government are seeking to replicate the kind of inhumane accommodation that we have seen at Napier. As I will set out, this prison-like, isolated and dystopian accommodation provides an extremely poor environment for engaging with asylum claims. There is strong evidence that such accommodation is likely to retraumatise extremely vulnerable people and hinder future integration.

The Government may seek to deny that a punitive approach is part of their agenda, but such a denial would not tally with the actions of the Home Secretary in August, when she visited the notorious reception centre on the Greek island of Samos; campaigners have described it as "prison-like" and "inhumane". It is shocking that, having visited the Greek reception centres in the summer, the Home Secretary appears to wish to emulate the system whereby more than 7,500 refugees, including 1,700 children, are being detained in refugee camps in unsanitary and inhumane conditions.

However, the evidence that that is indeed the intention seems clear, because in August the Home Secretary also published a prior information notice for the procurement of new accommodation centres, with initial submissions invited by the end of September 2021. The details of the tender are subject to commercial confidentiality and therefore the details are known only to potential contractors who have signed non-disclosure agreements. What is public is that the contract is to be delivered in accordance with part 2 of the Nationality, Immigration and Asylum Act 2002, and it is stated that it is for housing up to 8,000 people for periods of up to six months. The tender raises serious concerns about how that approach will interact with provisions set out in clause 11, given that contracts will be awarded before the Bill receives Royal Assent. There are also clear concerns about how accountability and standards can be maintained in asylum accommodation when there is no public access to these contracts.

It is also worth stating for the record that since April 2020, the Home Office has been using two large-scale accommodation centres for asylum-seeking men who have arrived in the UK by boat—Napier barracks in Kent, and the Penally camp in Wales, which is now closed. A report by the all-party parliamentary group on immigration detention noted that, although legally speaking, those are not detention centres, they none the less replicate

"many of the features found in detained settings—including visible security measures, shared living quarters, reduced levels of privacy, and isolation from the wider community".

Our amendment would take away the detention element of those accommodation centres, as we feel that those de facto detention conditions are completely cruel and wholly inappropriate, and will hinder future integration.

Neil Coyle: It is not just the detention centres. The Government seem to have learned nothing from Napier. Most recently, they put 500 men in a 73-bed hostel in my constituency.

Bambos Charalambous: That is deeply concerning and shows that the Government have not learned any lessons from Napier.

Before I come to the specifics of the amendment, I will first set out exactly why the Government's record on Napier barracks, alongside the provisions in clause 11, sets such alarm bells ringing. In doing so, I will demonstrate why the amendment is so necessary.

Organisations from the refugee sector that have worked with people held in Napier have identified and documented the following conditions:

"A pattern of spiralling mental health among people placed at Napier. Many people arrive already struggling with self-harm and/ or suicidal ideation, so this is a profoundly harmful context for them.

Chronic sleep deprivation among residents at Napier.

Conditions that are cold and dirty and afford no opportunity for privacy or social distancing.

An isolated and prison-like setting.

A total lack of mental health support onsite; very minimal healthcare onsite, and problems for residents in accessing healthcare in the community.

A sense among residents, in line with HMIP's observation, of being trapped on site.

Profound vulnerabilities and histories of trauma among residents at Napier are not always obvious on the surface and can be difficult for individuals to disclose in general. Napier is then a very poor context for disclosure, as the prison-like setting is not conducive to building trust. We are therefore concerned that it is not possible to create a screening mechanism for Napier that would pick up all relevant vulnerabilities.

There is very little communication with residents about their asylum case.

Additionally, it is very difficult for individuals to access adequate legal advice, and they frequently go ahead with asylum interviews without having consulted a legal adviser. Virtually no one placed

[Bambos Charalambous]

at Napier is able to access face to face meetings with legal advisers, and this seriously obstructs identification and disclosure of trauma."

Residents of Napier and Penally who have given evidence to the APPG on immigration detention have described the Napier and Penally sites as feeling "prison-like". Prison conditions have a traumatising effect on people who are already vulnerable as a result of previous experiences that have forced them to seek protection. Ministers must surely be aware that there are bound to be serious concerns about the potential use of such draconian accommodation centres for asylum-seeking men.

Tom Pursglove: I might be able to help the hon. Gentleman. The accommodation centres that we are proposing are not detention centres. Individuals can leave the centres at any time—they may have obtained accommodation with friends or family, for example.

Bambos Charalambous: I welcome the Minister's comments, but it would have been helpful if that information had been provided beforehand, because we are still in the dark about what the accommodation centres will be like.

Holly Lynch (Halifax) (Lab): While acknowledging the Minister's point, Napier and Penally barracks may not have been detention centres, but a number of freedoms and rights were impeded at those sites, and that is why we need to press this point.

Bambos Charalambous: My hon. Friend makes an excellent point. She is absolutely right: even if rights are only restricted, that is not acceptable.

Neil Coyle: On a quick point of clarification, I said "500 men in a 73-bed hostel", but that is certainly not what the Home Office has done in my constituency. They are 73-bed rooms.

The Minister has made a claim that is not the lived reality of the people the Home Office has placed in my constituency, including those 500 men. They have stewards, in effect, who have been telling those people not to leave hotel and hostel accommodation. They were not provided with interpreters; they were not provided with any means of accessing the internet; and the Government have prevented inspectors from going in, including Bishop Paul Butler and the Refugee, Asylum and Migration Policy project, who were promised access to Napier barracks and other accommodation by Ministers. The Government have rescinded that commitment. Perhaps the Minister could tell us why bishops and others are being kept out? What are the Government trying to hide?

3.45 pm

Bambos Charalambous: My hon. Friend is right about those conditions not being conducive to being able to make a claim with any confidence or certainty.

I was talking about asylum-seeking women. As we highlighted in the debate on clause 10, many such women are survivors of rape and other forms of gendered violence, and such large-scale accommodation is characterised by a lack of privacy. The APPG on immigration detention further notes that at Napier and Penally,

"The lack of private space was also forcing residents to hold sensitive discussions, for example with lawyers, within earshot of other residents and/or staff."

For many asylum-seeking women who have experienced rape and other gender-based violence, disclosure of their previous experience can be very difficult as a result of the shame and stigma they feel. Accommodation centres lacking privacy is likely to have a specific impact on them, and make it particularly difficult for them to get their claims to protection recognised.

Coupled with that, the punitive detention-type elements of the centres as they are currently run are likely to be retraumatising. We are therefore deeply concerned that clause 11 seeks to expand inappropriate large-scale detention-style accommodation centres. In short, it seems like a way of actively inflicting increased harm on already vulnerable people. Our amendment seeks to ameliorate some of those centres' worst aspects.

Given everything that has been outlined, it is hardly surprising that the High Court made a damning assessment of Napier barracks. Mr Justice Linden ruled on 3 June 2021 that the accommodation at Napier barracks was inadequate, in that it did not meet the minimum standards required by the Immigration and Asylum Act 1999. Both the process for selecting people to be sent to Napier barracks and the process for monitoring its ongoing suitability while those people were there were flawed and unlawful, and from 15 January 2021, the residents were given an order to not leave the site until they were permitted to do so. The claimants were unlawfully detained, both under common law and the European convention on human rights.

Similarly, the independent chief inspector of borders and immigration and Her Majesty's Inspectorate of Prisons' report on Napier and Penally raised a number of serious concerns about Napier, including, inter alia, the following: the screening of potential residents for physical and mental health problems was "wholly inadequate", with all of those interviewed at Napier reporting feeling depressed and a third feeling suicidal, and extremely poor communication with the people accommodated at Napier. Again, we argue that our amendment is necessary to ensure safeguards that will prevent similar future judgments.

Of course, we know why the Government are taking a more draconian approach to asylum accommodation: it is part of the continuing hostile environment ethos that takes a punitive, negative stance on all matters relating to asylum. Their approach is also clearly fuelled by the misguided idea that taking such a punitive stance will act as a deterrent to those seeking asylum. However, as we stated in the debate on clause 10, there is no evidence that that is the case. Desperate people who are determined to make dangerous journeys will not be deterred when their lives are at stake. The idea that the kind of accommodation awaiting them at the other end has any bearing on people seeking refuge is laughable. People escaping for their lives are not weighing up accommodation in the same way that Ministers might weigh up the merits of a Hilton hotel versus a Travelodge. The idea that making accommodation punitive could in

any sense act as a deterrent shows a fundamental misunderstanding of why refugees are prepared to risk their lives to find safety.

However, the kind of accommodation that awaits refugees can do extreme damage if it hinders integration and retraumatises vulnerable people. When the accommodation provided—as in the case of Napier—dehumanises people, puts them in danger of covid-19 and is found to be unlawful, that corrodes the values that make us a civilised society, undermines our reputation as a tolerant and welcoming nation, and gives the nod to some of the most undesirable attitudes that would seek to demonise those in need.

Neil Coyle: Does my hon. Friend share my concern about increased criminality by gangs targeting the accommodation to get people involved in criminal activity? That is a direct result of policy from the Department that is meant to oversee law and order.

Bambos Charalambous: My hon. Friend is absolutely right. These are vulnerable people, and they are subject to being exploited if appropriate measures are not taken to prevent that from happening. Having them all in one place allows criminals to prey on them.

I come on to the specifics of amendment 104. As I have set out, we have the gravest doubts about the clause. I find it disturbing. Our amendment seeks to ameliorate some of the worst aspects. I will set out each of its aims in more detail.

Presently, persons held in barracks and hotel accommodation are sometimes prevented from entering or leaving their place of accommodation at certain times and some places of accommodation prevent visitors from entering. The amendment addresses this inappropriately draconian situation by inserting proposed new section 22B into the Immigration and Asylum Act 1999. It would qualify that the measure—in new section 22A, which relates to accommodation provided under sections 95A and 98A of the 1999 Act—to allow for the provision of accommodation in an accommodation centre, must allow for persons to be supported to enter or leave the accommodation centre at any time.

Although some controls on entry may be required to prevent persons hostile to residents of accommodation centres from entering, we believe that those held in such centres should be allowed to invite their own visitors. They should also not be precluded from communication with the outside world. The amendment would therefore introduce the right for the supported person

"(b) to receive visitors of their choice at any time; or

(c) to use communications equipment such as telephones, computers or video equipment."

People working with persons supported in accommodation centres report that some persons in accommodation centres are unaware of their conditions of bail and may not have been provided with the conditions of their bail in writing. That places them at risk of arrest and detention for unknowingly breaching those conditions, or being unable to evidence their identity. The amendment would therefore introduce the provision that persons supported in accommodation centres must be provided with a written document setting out any conditions of bail.

Where controls or restrictions on freedom of movement of supported persons or their visitors are in place, a process for submissions by way of a complaints procedure needs to be in place, and the amendment would introduce a complaints procedure relating to the conditions of the accommodation and a procedure for appealing any decisions that may restrict the person's freedoms, which will not apply to their bail conditions.

As has been argued, legal action taken against the Government over the suitability of Napier barracks for certain vulnerable groups has shown that the existing system has failed to maintain appropriate safeguards. The possibly widespread expansion of the system that the clause seeks to implement is very alarming and should be deeply concerning to any Member of this House.

The move away from community-based housing is poorly defined. Accommodation centres will unquestionably lower living standards for those seeking asylum. That is not an accident—it is the very design of the Bill and the clause. By the same measure, they will impede integration and advance a more draconian, prison-like setting for asylum seekers, who are, by their very definition, already traumatised individuals. If we do not agree our amendment, asylum seekers will find themselves in cold, dirty, isolated conditions, with all but no support services.

Given the widespread denunciations of the Home Office's decision to house asylum seekers in Napier barracks, not least by the High Court, it is remarkable that the Government now seek to replicate it elsewhere. It should be noted that Mr Justice Linden criticised what he called the "detention-like" setting for the men there. Our amendment seeks to take away the detention element of the accommodation centres. They are de facto detention centres with prison-like conditions, which are cruel, wholly inappropriate and damaging to the individuals concerned. They can do nothing but increase harm and stress on already marginalised and vulnerable people whom we are beholden to protect under our international treaty obligations.

To speak plainly, the Government have got the wrong end of the stick. Clause 11 helps no one. They will find themselves on the wrong side of history with their ever-more draconian and hostile approach to asylum accommodation and, unamended, this clause starkly highlights that point. Amendment 104 should be supported to rectify that situation and ensure safeguards for the future. It would be utterly shameful if the clause, as it stands, enabled a repetition of the appalling situation at Napier barracks.

Without amendment, clause 11 will undermine the UK's duty to support and protect those making asylum claims. We believe that the current dispersal system, whereby people seeking asylum live in regular housing in the community, is much better for supporting future integration and ensuring that people seeking asylum are able to access services that they need. We would rather see safeguards in place than the kind of appalling situation seen at Napier.

Anne McLaughlin: We heard that the devolved Governments were prevented from taking part in the consultation because it took place during purdah in the run-up to their elections. However, Shona Robison MSP, the Cabinet Secretary for Social Justice, Housing and Local Government in the Scottish Government, wrote a comprehensive response last month, in which she stated:

[Anne McLaughlin]

"This Government is clear that people should be supported to integrate within our communities from day one of arrival in line with the key principle of our New Scots refugee integration strategy. We are committed to the principle of community based integration for refugees and people seeking asylum. The New Scots approach is not compatible with use of remote and institutionalised camps. Such asylum accommodation will also not fix the underlying issues causing shortages in the asylum estate, which include the fairness, quality and timeliness of the asylum application and decision process."

The position of the Scottish Government is the complete opposite of that of the UK Government, but their hands are tied. We cannot do what we want to do in Scotland to support our asylum seekers. That cannot be right.

Shona Robison also said:

"The Independent Chief Inspector of Borders and Immigration's report highlighted significant issues",

as we have heard,

"with the management of Napier Barracks and Penally, their suitability, safety and the impact this type of accommodation had on people living there. The report also raised concerns about contingency of healthcare if people are moved around the asylum estate. I would add to this contingency of legal representation, essential services and support networks, which must be considered."

However, we are not talking only about barracks; there are many other types of accommodation that people had to live in. People were taken out of their homes where they were settled and put into Glasgow hostels and hotels last year. The Minister says things like, "This is not our intention." I do not imagine that it was anyone's intention for the men I met in the hostel close to where I live to be living in dirty accommodation, but they were, because they had nothing to clean up after themselves with. What most upset them the day I first met them was that they had nothing to clean their toilets with. They were living in tiny rooms, and if they did their washing in the tiny sink in what we will call the en suite—the toilet was in the room—they had to leave their wet clothes on the bed to dry off. I can tell hon. Members that, in Glasgow, that does not happen quickly; our temperatures are slightly different. They said that they could not keep the toilets clean and that there was no support. They were not looking for people to clean up after them, but because their access to finance had been taken from them, they could not even go and buy a toilet brush and bleach. It was a pretty awful situation.

There is also the so-called mother and baby unit that Mears has set up on behalf of the Home Office in Glasgow. I spoke to women who, without any notice, got a visit and were told, "Pack your bags. You and the baby"—or the bump; some were pregnant, some had just given birth—"are moving". They were settled in communities among friends, they knew where the GP and the shops were and they knew how much things cost, but they were taken out of those communities at almost no notice. Many of them were told that they could take two carrier bags' worth of goods and no more. These people had babies. I do not know anybody with a baby who can leave the house with fewer than two bags, but they were told by agents acting on behalf of the Government that they could take two carrier bags of stuff.

One of them said, "I was living in Pollok", on the south side of Glasgow, "and was surrounded by wonderful neighbours. It was my baby's first Christmas and all the neighbours had come round with Christmas presents." That is why we want community dispersal. We want people to be part of a community. It benefits not just asylum seekers but everybody in the community—and that community certainly supported that woman and her baby. They took round Christmas presents, but then she was told to leave them behind because there was no room for them in the mother and baby unit. She was devastated because those presents were a symbol of acceptance and love from her community.

4 pm

Tom Pursglove: May I repeat the point that I made earlier about the policy approach that we intend to adopt in accommodation centres, which is that children will not be accommodated in them?

Anne McLaughlin: I was really glad to hear the Minister say that, but then my cynical friend the hon. Member for Bermondsey and Old Southwark pointed out that this is not about the intention but about making it crystal clear in the legislation—and perhaps the way to do that is to accept amendment 98. I hear what the Minister says, and yet still we have babies accommodated in a mother and baby unit. I have been fighting since January to get them out and have been told, "Okay, we will take them out of there." There is a fantastic campaign called Freedom to Crawl, which points out that the rooms are so tiny that the development of these tiny babies—some of them becoming toddlers—is stifled because they do not have the freedom or the room to crawl. The Minister can tell me that they are not going to house children in those centres, but that is what is currently happening. If he thinks that is wrong, I would be glad to have his support to put an end to it.

Tom Pursglove: I am talking very specifically about accommodation centres in relation to the clause. If the hon. Lady writes to me with the specifics of the mother and baby unit in her local area, I will take that away and look at it.

Anne McLaughlin: I know that we have said "another letter" a number of times today, but I appreciate that offer. I understand that the Minister might not have heard of the unit because it is in Glasgow—although his predecessor might have known about it—but I would be happy for him to look at it.

Along with Alf Dubs—Lord Dubs—I co-chair the all-party parliamentary group on refugees. We recently held a meeting to look at types of accommodation centres. We had a guest, a former politician from Belarus, who told us a story about why such accommodation does not work. He had to leave Belarus for political reasons in 2017. He had no choice. He was in serious fear of his and his wife's safety. He said, "I am very grateful for the help and support that I have had, and I appreciate Britain taking me in." He was really appreciative and not complaining, but he said now that he is settled he wants to make this point as much as he can so that other people do not go through what he went through when he initially got here.

They arrived in London and were put in shared accommodation in a hostel called Barry House, a big house full of, as he described it, "people like ourselves"

who were seeking asylum. The people who lived in the house were from different backgrounds and cultures with different ideas about lots of issues. He said the staff did their best to make it comfortable, but it was not really possible to be comfortable. During the six months he was there, every day started and ended with some sort of scandal or argument. He described it as a powder keg, and we can understand why, because many of those people had post-traumatic stress disorder, and many of them spoke different languages, so we can imagine how stressful that would be. He said, "We tried to keep ourselves to ourselves—I couldn't always tell what the arguments were about", but he could feel the stress coming off other people. He said it was difficult for the staff to look after so many people; one thing he mentioned was everyone's different dietary requirements, due to a number of things, including culture. He said the staff tried their best to provide a neutral menu, which meant that nobody was happy, but of course they did not feel they could complain, because they were grateful that they were no longer in their previous situation.

We have talked about not housing people with disabilities in that kind of accommodation, as mentioned in amendment 98. This gentleman had diabetes and is also a wheelchair user, and he said his health suffered because of the diabetes and he could not get access to the type of food he needs to maintain his insulin levels. He talked about using the toilets and said there was a limited number he could use, and because there were so many people in there, sometimes he had to wait for hours to use the few toilets he was able to get access to. He said it was like daily torture just trying to use the toilet, and a shower became a luxury for him.

This gentleman needed a specialist bed because of his mobility problems, but of course he could not get one because the rooms were so tiny he could not get one in. He said to me, "I knew I couldn't go home. It wasn't possible to go home. I thought I was safe, but I began to have suicidal thoughts at the centre. My life was at risk in Belarus, but it felt like my life was just disappearing in the UK."

At the time, this gentleman said the stress and pressure was just enormous and that, had it not been for the Refugee Council in England, which provided a psychologist who gave him the belief he could get through it, he would not have survived. He said, "It was really difficult. I was a politician at home. I had what was considered a high standing in society, and I came here and I felt like absolutely nobody." He said he was not underplaying everybody else's problems; everybody else had serious problems, and when they are housed in accommodation together, the problems multiply. As I said, he described it as a powder keg and said that everybody had had negative experiences and everybody was scared of different things. Somebody is scared of noises, somebody is scared of something they see—people are all frightened, and that is the legacy of what they have been through. If they are put all together, it is extremely difficult.

I am strongly opposed to that type of accommodation, and the sooner people can get into community dispersal, the better. I know the Minister said he would ensure that the accommodation was not detention—or he said it would not be detention—but my question is whether it will feel like it. In the so-called mother and baby unit in Glasgow, for a time they were not allowed to leave without asking permission, and when they came back they were not allowed a key to the door. They had to wait, standing outside with their babies, until somebody came to let them in, which could be quite a while.

It is well documented how bad detention is for people seeking asylum who have mental health issues, which must be most asylum seekers after what they have been through. A lot of good work has been done by Professor Cornelius Katona and the Helen Bamber Foundation on mental health and detention. I am sure the Minister will be aware of the reports they have done.

I visited Dungavel detention centre in Scotland when I was a Member of the Scottish Parliament. I went in there and I felt like a criminal. They took my fingerprints and they walked about with big bunches of keys. Obviously, I was only there for a visit and I knew I was getting out again. The problem with detention is the indefinite nature of it.

The Minister said it is not indefinite accommodation, and if they can arrange other accommodation themselves they can get out, but I want to share the story of a mother and son I visited. The son was 10 years old. They were in detention, but I cannot help wondering whether we are going to find children in these accommodation centres feeling the same. At the age of 10, he said to his mum, "Mum, let's not do this anymore. Please can we just find a way to let us die." That is a 10-year-old boy. He is not dead now; things changed and their lives got a whole lot better, although he is very much impacted by his experience there. I am offering anecdotal evidence not to back up my claim, but to illustrate the detailed research that demonstrates that that child is not an isolated case. I know the Minister is saying that the intention is not for children to be placed in such accommodation—and certainly not in detention—but I want a guarantee that no children will be housed in these circumstances. I am sure he will agree with me that nobody wants to put children through what that child went through.

Holly Lynch: It is a pleasure to follow the hon. Member for Glasgow North East. I rise to speak in support of this group of amendments to clause 11, and I agree with a great number of the points that have already been made. I join colleagues in raising grave concerns about the direction in which the provision of asylum accommodation has moved in recent months, and I fear that the measures in clause 11 will only make matters worse.

I will focus my comments on the increased use of so-called contingency accommodation—specifically, Napier and Penally barracks—to outline why the amendments are necessary if we are to avoid the failures of those centres being repeated with the proposed accommodation centres. In my former role, and along with many colleagues, I sought to raise serious concerns about the rising use of dormitory-style accommodation. The justification for their use was the pressures of the pandemic and increased numbers in the asylum system. However, clause 11 allows the Government to extend that style of institutionalised accommodation through the introduction of new accommodation centres.

Following reports of bad practice, I wrote to the Government back in December 2020 to raise concerns about the situation in initial and contingency asylum

[Holly Lynch]

accommodation, and I called on them to commission a review of covid safety in all establishments being used for asylum accommodation. Those concerns became a reality in January this year, when there was a significant outbreak of covid in Napier barracks, with nearly 200 cases. In March, the then independent chief inspector of borders and immigration and Her Majesty's inspectorate of prisons published their key findings from site visits to Penally camp and Napier barracks in mid-February. They confirmed that, given the cramped communal conditions and unworkable cohorting at Napier, a large-scale outbreak was virtually inevitable. Distressingly, inspectors visiting the site were informed by residents that, at the time of inspection, the barracks were at their best.

I submitted a freedom of information request to various authorities, which brought about the release of the Kent and Medway clinical commissioning group's infection prevention report that was carried out at Napier barracks. It confirmed that the site does not facilitate effective social distancing. Every line of the report was devastating. The ICIBI and HMIP also raised serious safeguarding concerns, stating:

"There was inadequate support for people who had self-harmed. People at high risk of self-harm were located in a decrepit...'isolation block'"

that was considered "unfit for habitation." A survey conducted by the inspectors at Napier barracks found that one in three residents had felt suicidal during their time there.

As hon. Members have said, the report's findings were further supported by the High Court judgment in June, which found that the Government's decision to house asylum seekers in such a way was unlawful. It concluded that the condition of the site was inadequate and that it was irrational to house people in dormitory-style accommodation, yet the accommodation remains open and houses over 200 people at any one time. It was deeply concerning that during a recent meeting of the Home Affairs Committee, Home Office officials were unable to confirm how many covid-19 cases there had been since the accommodation reopened in April, yet we know there was another outbreak in August. The Home Office's continued lack of oversight and engagement at ground level gives me no hope that the Government have learned from their failures, yet they wish to extend and continue that type of accommodation with accommodation centres, as outlined in clause 11.

The ICIBI report on Napier and Penally found that the Home Office did not exercise adequate oversight at either site, where staff were rarely present. It said:

"There were fundamental failures of leadership and planning by the Home Office."

That is damning, so can the Minister say what assurances we have that things will be any different or any better in accommodation centres? The ability to deliver safe and appropriate asylum accommodation is a duty of any Government, but that just has not been the case in recent months.

The investigation highlights that the advice of Public Health England and the fire authorities was not acted on and was ignored before the sites were opened. The pressures of the pandemic would have presented challenges to any Government having to find solutions to problems at pace. However, we know that the Home Office is planning to extend the use of Napier barracks until 2026. We will be using the breadth of Parliament to challenge that, but I return to the point that the direction of travel in clause 11 is bad. Amendments 100, 104 and 130 are an attempt to ensure that rights and safety obligations are upheld.

4.15 pm

The Government claim that the use of barracks was primarily due to the unprecedented pressures of the pandemic. Last year, in a letter to Folkestone District Council, the former Immigration Minister, the hon. Member for Croydon South (Chris Philp), wrote:

"The MOD has given us permission to use the site for 12 months, but the use of this facility will be temporary, and we will discontinue it as soon as we are able."

Not only was that not the case but use of such dormitory accommodation is extended by the clause.

In September 2020 the Home Office conducted an equality impact assessment on the use of military barracks as contingency accommodation. It was never published, but we saw a leaked version. The assessment absurdly attempts to suggest that providing nothing but the absolute bare minimum to those seeking asylum is in the interests of fostering community relations. It says:

"Any provision of support over and beyond what it necessary to enable the individuals to meet their housing and subsistence needs could undermine public confidence in the asylum system and hamper wider efforts to tackle prejudice and promote understanding within the general community and amongst other migrant groups."

Where is the humanity and courage in that statement?

As I have said, the expansion of such accommodation, facilitating closer living, also highlights how the Government seek to conflate asylum and detention accommodation. A report by the APPG on immigration detention recognised that while by legal definition Napier barracks was not a detention facility, it replicated many features found in detention settings including visible security measures, shared living quarters, reduced levels of privacy and isolation from the wider community. The report details the experiences of current and former residents, who described the barracks as "unsanitary", "crowded" and "prison-like". That Her Majesty's inspectorate of prisons conducted the investigation alongside the independent chief inspector of borders and immigration also speaks to that point.

The removal of a maximum time limit in which asylum claimants can be housed in an accommodation centre is another area of significant concern, and that is why amendment 130 is necessary. The clause as it stands will mean that people seeking asylum could remain in accommodation centres for the entire time their claim is being considered, which could be months, if not years. Several claimants in a recent High Court judgment had been at Napier barracks for 4½ months. Considering the experiences and descriptions of Napier that we have heard, for anyone to be kept in those conditions for an indefinite period is a breach of human rights. We can and should do better.

There is a great deal to be concerned about in the clause. Amendments 100, 104 and 130, alongside others in the group, seek to impose safeguards. The risks of infection outbreaks, of fire and of people in crisis with their mental health all became a reality at Napier barracks.

The impact assessment and the continued use of barracks alongside the clause make it clear that the use of such accommodation is not borne out of necessity but is a political choice. I am deeply concerned that the measures in the clause will result in yet further disasters. That is why Labour's amendments are so essential.

Tom Pursglove: We have had an extensive and wide-ranging debate covering a host of areas. I thank hon. Members for their contributions. I turn to amendments 16, 17, 98 to 104, 130 and 160.

Amendment 16 seeks to disapply a key part of the clause. As I set out, one of the clause's aims is to enable wider flexibility so that individuals are supported in accommodation centres for as long as that form of housing and other on-site support and arrangements are appropriate for their individual circumstances. We need flexibility to increase the period of residence in a centre—the current maximum allowed by legislation is nine months—if experience shows it to be too short a period to provide consistent streamlined support. The amendment would prevent that. The Government take seriously our responsibilities to asylum seekers, and I reassure hon. Members that those accommodated in the centres will receive the necessary support to meet their essential living needs.

Stuart C. McDonald: Will the Government not at least consider a maximum time limit on the duration of stay?

Tom Pursglove: There have been references during the debate to detention. As I set out in an intervention previously, the accommodation centres are not detention. It is very important to establish that again. I want to make the point clear: anyone in one of those accommodation centres is able to leave at any time. It is important to re-establish that.

Neil Coyle: On the point about transparency and accountability in the centres and all accommodation used by the Home Office, will the Minister tell us whether the Bishop of Durham and other members of RAMP will be able to visit the centres? Perhaps the Minister will encourage them to be more open to visits by parliamentarians. Perhaps he will visit some of the accommodation used in Southwark, where people were told they should be moving and were not provided with interpreters, which has caused problems for them and for the wider community. Furthermore, covid outbreaks at hotel and hostel accommodation have put those people and the wider community at risk and placed the NHS under greater stress.

Tom Pursglove: The hon. Gentleman will appreciate that I have not been in post for long—for just over a month—and the accommodation element of the Government's work on immigration does not fall directly within my brief. However, I want to visit Napier, to see the situation myself and to understand the nature of the accommodation, and my officials are in the process of organising that. I might have done it sooner had we not had the Bill Committee proceedings over the next few weeks. I assure hon. Gentleman that that is something I very much want and intend to do, and I will certainly do it.

On the bishop visiting, I am not aware of any restrictions that would prevent that from happening. I hate to do this to the hon. Gentleman again, but if he furnishes me with the details of issues that have arisen, I will gladly ensure that that is looked at. As far as I can see, there is no good reason why those sorts of external visits cannot take place, but I would appreciate a little more detail.

Paul Blomfield: May I push the Minister a little further on the issue? He has been at pains to say that the Government's plan is not for the centres to be where people are detained. Will he therefore put on the record that people are free to come and go as they wish, and to receive visitors as they wish in the centres?

Tom Pursglove: As I have said repeatedly now, my understanding is that people are under no obligation to remain within the accommodation facilities if they do not wish to do so. Of course, one of the reasons why people may be in an accommodation centre is that they are destitute. In such circumstances, we want to ensure that appropriate accommodation is in place for them to be accommodated and properly cared for in the centres. That is the intention behind the policy.

It is worth saying something about future oversight of accommodation centres, which has been alluded to. We will establish advisory groups for each centre. The group will visit the site, hear complaints and report any findings to the Secretary of State. I value the input that the advisory groups will have. It is important that we are responsive to the issues that arise and that where improvements can be made, they are made.

Neil Coyle: On the point about section 33 of the 2002 Act—the advisory groups—will the Minister tell us why such groups have not been established at other existing centres? It is all very well to make a promise about the future, but that section has not been used for existing examples.

Tom Pursglove: There has been a very clear undertaking in Committee to establish those advisory groups, which is welcome. The hon. Gentleman will be aware that various transparency and accountability measures are in place for accommodation within our immigration system more broadly. That is right and proper but, again, where that can be enhanced and where we can bring greater transparency and improvement, we should do that. That is why I welcome the Government's commitment with regard to oversight over the accommodation centres to ensure that there is regular engagement and that a clear channel is established through which to raise and take account of any issues.

Neil Coyle: Who, specifically, will be responsible for bringing forward the advisory group for each centre? Where do the responsibility and duty lie?

Tom Pursglove: We are getting into very granular detail, as we would expect. I will need to take further advice on that specific point, which I will make clear to the Committee. However, our commitment to establish those advisory groups stands; those groups will play an important role in the oversight of the accommodation that we propose to bring about through the measures in the Bill. I give way to the hon. Gentleman again.

[Tom Pursglove]

Neil Coyle: The Minister may regret that. He is asking us to accept on good will that the advisory groups will exist in the future, but he cannot tell us who will set them up, who will be on them, or why they have not been used in the past, despite being in the 2002 Act.

Tom Pursglove: The hon. Gentleman will be pleased to know that the people who organise my diary have confirmed that I am set to visit Napier in the not-too-distant future. I have been able to be responsive to that point pretty quickly. I will make some progress on his other point, and I hope to be able to visit it very shortly to provide him with the clarification he requires before concluding my remarks. That is my undertaking to him: I will, for the Committee's benefit, establish the mechanism that will enact our commitment.

Contrary to what amendment 17 seems to imply, it is not the Government's intention to maximise the number of supported asylum seekers accommodated in flats and houses in the community. I understand that SNP Members take a different view on the matter, so I appreciate that that will come as a disappointment to them. However, it may be more suitable to house certain cohorts of asylum seekers in accommodation centres, and that is why we are setting them up. Where, for example, their protection claims are likely to be found inadmissible and they can quickly be removed to the appropriate third country, it is likely to be much more efficient to place them in an accommodation centre so that the practical arrangements for facilitating their departure, such as dealing with the necessary travel documentation, can take place at the site. That efficiency benefits the individuals as well as the overall asylum system.

One point that has been overlooked during the debate is that the Government's whole intention around the policy we are seeking to establish is to deal with cases in a much quicker, speedier and—I would argue—more humane way. I think being able to give people certainty sooner is a good thing, and I would like to think that, whatever the outcome of individual cases, spending less time in any form of temporary accommodation can only be a good thing. It is important to recognise that the whole intention of the policy we are trying to develop is to get on with adjudicating on cases sooner.

Stuart C. McDonald: It is not the type of accommodation that has led waiting times to spiral out of control. Only three years ago, there was a regular six-month target time—that was all within the dispersal system as well. Putting folk in the accommodation centres has no real impact on decision times. On the contrary, the Minister will know that since January, when the inadmissibility procedures came into place, virtually nobody has ended up being removed. It has just added six months to the waiting time; it has not accelerated anything. It is just a six-month block—that is it—so I do not understand where he is coming from.

Tom Pursglove: In the context of the Bill and in the course of our debates, we will revisit the various challenges in our asylum system many times. My hon. Friend the Member for Stoke-on-Trent North made the point earlier that the system is broken, and there is a wide acceptance of that. Undoubtedly, that means that people are left in a state of uncertainty around their circumstances for longer than any of us in this House wish to see.

I can provide clarity to the hon. Member for Bermondsey and Old Southwark on his point about the duty to appoint the group. The answer is that section 33 of the 2002 Act requires the Secretary of State to establish advisory groups for accommodation centres. Napier has not been deemed an accommodation centre at the moment. It is contingency accommodation to manage the high demand for housing that we are undoubtably seeing as a result of the pressures in the system that are a direct consequence of the channel crossings. However, he has that certainty on that particular mechanism.

4.30 pm

Holly Lynch: Given the merits of these advisory committees which the Minister has set out, and given that, in relation to Napier and Penally Barracks, the Home Office ignored advice from Public Health England in a pandemic, the weight that the advisory committee would carry really does matter. He said that Napier Barracks is still contingency accommodation rather than an accommodation centre. Would he consider setting up an advisory committee for Napier Barracks?

Tom Pursglove: I will certainly take away the hon. Lady's suggestion and feed that through to the Under-Secretary of State for the Home Department, my hon. Friend the Member for Torbay (Kevin Foster), who shares responsibility for immigration with me at the Home Office.

Neil Coyle *rose—*

Tom Pursglove: He wants to come in again.

Neil Coyle: At what point is a centre of accommodation such as Napier deemed an accommodation centre by the Home Office in order to get an advisory group set up? How long will Napier be used before it is acknowledged that it is an accommodation centre?

Tom Pursglove: I dispute that interpretation of the situation at Napier, because Napier does not have the same wrap-around services that we envisage for accommodation centres. For example, the accommodation centres that we will seek to deliver will have significant caseworking functions built within them. That is a marked difference to Napier. Again, I am visiting Napier in a few weeks' time and I will be interested to hear from the people there and to talk to the officials managing the accommodation to listen to their experiences. As I have said, and I think this is an important point, there is always a need to reflect on the appropriateness of the provisions in place and on whether governance and oversight arrangements remain adequate. That is something that we keep under constant review. I note with interest the suggestions that have been alluded to, and I will happily feed them back more broadly at the Home Office.

I want to make some progress, because I am conscious that time is marching on. The numbers of asylum seekers in different types of accommodation—if that is of interest to parliamentarians—can be obtained through existing channels, such as correspondence or parliamentary

questions, so an annual report setting this information out is unnecessary. Amendment 98 is also unnecessary because there are no plans to place those with children in accommodation centres, and all other cases will only be placed in a centre following an individual assessment that the centre is suitable for them and that they will be safe.

Whether or not groups with the characteristics listed in the amendment are suitable to be supported at a particular accommodation centre will depend on a number of factors. These include their personal circumstances and vulnerabilities, and the facilities available at the particular site or in the particular area. It is not sensible to rule out large cohorts of cases from ever being placed in an accommodated centre in any circumstance, especially if their asylum case is more likely to be resolved quickly in a centre, which of course is in their best interests. I re-emphasise that our intention remains to get to a place where cases are processed quicker than they are at the moment, and that is something that we all should welcome.

Stuart C. McDonald: Where is the evidence that doing this in accommodation centres speeds things up? We have had dispersal systems for years and on some recent occasions the waiting times have been absolutely outrageous, but a few years back they were perfectly acceptable. We can have fast decision making and we all support that, but that does not require these terrible accommodation centres to be set up.

Tom Pursglove: The hon. Member and I fundamentally disagree on this point. I think that there is value in having accommodation centres that provide accommodation but also ensure that caseworking facilities are available alongside. That aids in the processing of cases more quickly. That is a sensible step forward, and something that I endorse. I think it is the right thing to do in these circumstances.

Amendment 99 would also undermine a key objective that we are trying to achieve through setting up accommodation centres, which is to resolve asylum cases more quickly by putting casework and other services on site. This speaks to the point that I have been making; there is therefore no rationale for restricting the number of people who will benefit from these improvements to 100 individuals per site.

Additionally, there is no reason why unrelated asylum seekers cannot share sleeping quarters, provided that they are the same sex. This is already allowed for in the asylum accommodation system. Those in flats or houses, for example, may be required to share bedrooms. Some asylum seekers might require their own room—for example, the current policy provides that those receiving treatment from the Medical Foundation for the Care of Victims of Torture should generally not share sleeping quarters with strangers—but that is because of their individual circumstances. I re-emphasise that appropriate decisions must be made on a case-by-case basis and, where circumstances require, appropriate arrangements should be made.

Amendment 100 seems to be based on a misunderstanding—I intervened on the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East on this point earlier. We are not proposing to accommodate anyone in the centres under the powers in section 17 of the 2002 Act. Asylum seekers will be accommodated in the centres under section 95 of the Immigration and Asylum Act 1999, or section 98 of the 1999 Act, pending consideration of an application for section 95 support. If the application is refused, there will be a right of appeal in the normal way.

Amendments 101 and 130 are both similar in theme to amendment 16. I disagree that the normal period of residence in an accommodation centre should be no more than three months. It may be that a three month period is appropriate in some cases, either because of the individual circumstances of the asylum seeker or the nature of the facilities at the site. However, as I have explained, we need the flexibility to increase the period of residence in a centre if experience shows this period is too short to provide consistent, streamlined support.

Amendment 102 would effectively give local authorities a veto on any proposals to set up accommodation centres in their areas. That is not appropriate. It is right, of course, that local authorities are fully consulted about such proposals and their views about local impacts and other matters given considerable weight.

Anne McLaughlin: I agree that it is right that local authorities are consulted, so the Minister will forgive me for being a little cynical that that will happen. When asylum seekers were put into a hotel in Falkirk a couple of weeks ago, Falkirk Council knew absolutely nothing about it and were not able to support them. He will forgive me for being a bit cynical about that pledge.

Tom Pursglove: I think it is absolutely essential that there is an open dialogue with local authorities about any measures that are proposed in their areas, and that those local views are properly taken into consideration and reflected in the decisions that are reached. That is a commitment that we make, and is already a feature of the current system.

Neil Coyle: On that point, the hon. Member for Glasgow North East says she is a little cynical. I am afraid that I am a lot cynical. In Southwark's example, the local authority was given absolutely no notice of a total of—I think—more than 700 asylum seekers being placed in hotel and hostel accommodation. That was just in my constituency. There were others in other parts of Southwark. When I asked the Home Office what resources were being allocated to local authorities to ensure that they could manage such a significant number, it replied that it had provided some small resource to the clinical commissioning group.

Tom Pursglove: I take on board the point that the hon. Gentleman raises. However, as a general principle, I think it is right and proper—as I think all Members of this House would expect—for local authorities to be properly consulted.

Mr Goodwill: Let me reassure the Minister that when the Afghans came to Scarborough recently, not only was the local authority fully engaged with the process, but the local community was too.

Tom Pursglove: The interesting thing is that my right hon. Friend's experience in Yorkshire accords with the experience that I think the local authorities in Northamptonshire, where I am proud to be a constituency MP, have had.

[Tom Pursglove]

There has been that consultation in relation to the Afghan scheme and the Government's intentions around delivery of that important work. Although not required to do so by legislation, our accommodation providers consult local authorities on any proposals to use accommodation that has not previously been used to house supported asylum seekers. But it is not realistic to assume that that consultation will always result in agreement.

Amendment 103 is unnecessary because asylum seekers with children will not be placed in accommodation centres at any stage of the asylum process and unaccompanied children are supported by local authorities under different arrangements. Both groups of children will therefore be educated under normal arrangements in the same way as a British child. As we are not proposing to use the power in section 36 of the Nationality, Immigration and Asylum Act 2002, there is no need to amend it.

Amendment 104 is unnecessary also. Individuals supported in accommodation centres will be expected to live at the centre as a condition of their support and be subject to a range of other conditions attached to the provision of their support that are set out in writing—for example, that they respect other residents and do not commit antisocial behaviour. This is already part of the normal process and applies whatever accommodation is provided to supported asylum seekers.

Those accommodated in the centres will also be able to receive visitors, to use communications equipment such as telephones or computers and to leave the site for personal reasons or because they have found alternative accommodation. I hope that that gives the hon. Member for Sheffield Central the reassurance that he sought. It builds on the earlier point that I made about the fact that people would be able to leave if that was what they wanted to do.

There is already a complaints procedure administered by Migrant Help, a voluntary sector organisation that also provides advice on individuals' entitlements and how the immigration system works. Asylum seekers and failed asylum seekers are currently issued with written information about their bail conditions. They are also issued with an asylum registration card, which is used for identification purposes.

Amendment 160 is also unnecessary. Sections 40 to 42 of the 2002 Act already prevent the Government from making arrangements for the provision of accommodation centres in Scotland, Northern Ireland and Wales, unless they have consulted Ministers in the devolved Administrations. That consultation would include discussion of any financial or other impacts of introducing accommodation centres.

There are a few points that I have picked up in my main remarks but about which I want to say a few words in response to the questions that were put. In relation to Napier specifically, there have been extensive improvements to Napier since the High Court judgment. For example, all residents are offered a covid vaccination. Free travel is in place for them to get to medical appointments. There is a commitment to the availability of sports and recreation. A programme of works to improve the infrastructure is under way; that is along with weekly meetings to identify and act on any concerns that arise. Again, it is important to be responsive to issues that arise and to ensure that improvements are put in place. What I have referred to demonstrates that some of the issues that were raised previously have been taken very seriously and improvements have been made.

The judgment on Napier was reached on the basis of the conditions on the site prior to the significant improvement works that have taken place. The High Court did not make any findings that accommodation centres were not suitable for providing support.

Generally speaking, in the course of the debate on clause 11, we have talked about the difference that we hope accommodation centres will provide. I just want to restate the policy, which is to increase accommodation capacity, to try to get away from using hotels, which has been very, very challenging—I think everybody would accept that—and to achieve casework efficiency, for the reasons that I have previously set out. We think that co-locating services will be helpful in that regard, to try to process cases more quickly and try to give people the certainty that they are seeking. That is particularly beneficial to genuine refugees. Our policy is grounded in that basis.

A question was also asked about conditions in hotels and full-board centres. Full support is provided to meet essential needs, which includes food, toiletries and the means to communicate. Also, asylum seekers in full-board accommodation have access to legal aid, which pays for reasonable travel costs to see their solicitors.

4.45 pm

I will specifically address the point about consultation with Scotland, because I know that SNP Members were very interested in that point, for obvious and understandable reasons. Sections 40 to 42 of the Nationality, Immigration and Asylum Act 2002 prevent the Government from making arrangements for accommodation centres in Scotland, Northern Ireland or Wales unless they have consulted with Ministers in the devolved Assemblies. I am conscious that I have made that point previously, but it bears repeating in the context of the debate that we have had this afternoon, particularly given the fact that such consultation includes discussions around the financial impact or other impacts of these centres. I certainly welcome that engagement.

I turn to the clause stand part element of the debate. Clause 11 forms part of the Government's plans to house greater numbers of asylum seekers and failed asylum seekers in full-board accommodation centres. These will be the first of their kind in the UK and will allow us to move away from the current accommodation model, which is under considerable strain and relies mainly on procuring flats and houses through the private rental market, and booking temporary hotels.

The use of accommodation centres will provide both additional capacity and flexible opportunities within the asylum estate, for example by enabling asylum interviews to be undertaken on site. The Government are committed to providing suitable accommodation to all those in the asylum system who would otherwise be destitute, but from now on we will give consideration to the stage that an individual's protection claim has reached when we decide on the type of accommodation suitable for them.

Clause 11 also enables consideration to be given, where relevant, to the individual's past compliance with conditions of immigration bail and the conditions attached to any support that they have previously received. Subject to an individual assessment, accommodation centres will be used to house those whose asylum claims are likely to be found inadmissible and who can be returned to a safe third country, as well as those who have been refused asylum and require short-term support until the practical arrangements are in place to return them to their country of origin.

However, I emphasise that there are no plans to use the centres to accommodate those with children. I make that point again, because I know that it is so important and that colleagues on this Committee are very interested in and concerned about it.

Holly Lynch: Could the Minister update Members about how many people have been returned to safe third countries since those legal changes came into effect?

Tom Pursglove: I am afraid that I do not have those figures to hand, but I will take that request away—very gladly—and I will share that information with the Committee when I have it.

Clause 11 amends section 25 of the Nationality, Immigration and Asylum Act 2002, so that these periods of time may be changed, by order, to allow for longer or shorter periods. The clause will also provide the flexibility to ensure that individuals remain in accommodation centres for as long as that form of housing and the other support and arrangements on site are appropriate to their circumstances. I encourage the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East to withdraw his amendment.

Stuart C. McDonald: On this occasion, I certainly cannot complain that I have not had answers; I may absolutely despair about what those answers were, but the Minister has certainly provided the information.

I am genuinely sad that covid and the stress that it has put on the dispersal system means that the Home Office now appears to be abandoning that system altogether when it has not been justified that that is the correct option. I very much fear that in a few years' time this will come back to cause the Government problems; more importantly, it will be devastating for lots of people who will be placed in this accommodation.

However, I have the answers, so I do not need to press the amendment to a vote. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 104, in clause 11, page 14, line 41, at end insert—

"(22B) Accommodation Centres, whether for supported asylum seekers or failed asylum seekers shall not allow for limitations upon a supported person's right—

(a) to enter or to leave at any time;

(b) to receive visitors of their choice at any time; or

(c) to use communications equipment such as telephones, computers or video equipment.

(22C) Accommodation Centres shall provide supported persons with access to a complaints procedure and procedures for appealing any decisions that may restrict a supported person's claim to freedoms not limited by their conditions of bail.

(22D) Persons supported in Accommodation Centres shall be informed of the conditions of their bail in writing, and shall be provided with means of identifying themselves are their place of residence."—*(Bambos Charalambous.)*

This amendment aims to distinguish Accommodation Centres from places of detention by introducing rights to persons supported at these Centres, and to require persons in Accommodation Centres to be informed of their bail conditions and provided with means of identifying themselves.

The Committee divided: Ayes 7, Noes 9.

Division No. 11]

AYES

Blomfield, Paul	McLaughlin, Anne
Charalambous, Bambos	McDonald, Stuart C.
Coyle, Neil	Owatemi, Taiwo
Lynch, Holly	

NOES

Baker, Duncan	Pursglove, Tom
Goodwill, rh Mr Robert	Richards, Nicola
Gullis, Jonathan	Whittaker, Craig
Holmes, Paul	Wood, Mike
Howell, Paul	

Question accordingly negatived.

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

The Committee divided: Ayes 9, Noes 7.

Division No. 12]

AYES

Baker, Duncan	Pursglove, Tom
Goodwill, rh Mr Robert	Richards, Nicola
Gullis, Jonathan	Whittaker, Craig
Holmes, Paul	Wood, Mike
Howell, Paul	

NOES

Blomfield, Paul	McLaughlin, Anne
Charalambous, Bambos	McDonald, Stuart C.
Coyle, Neil	Owatemi, Taiwo
Lynch, Holly	

Question accordingly agreed to.

Clause 11 ordered to stand part of the Bill.

Clauses 12 and 13 ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned. *—(Craig Whittaker.)*

4.53 pm

Adjourned till Tuesday 26 October at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

NBB39 End Violence Against Women (EVAW) coalition