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Public Bill Committee

NATIONALITY AND BORDERS BILL

Sixteenth Sitting

Thursday 4 November 2021

(Afternoon)

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Monday 8 November 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 4 November 2021

(Afternoon)

[Siobhain McDonagh *in the Chair*]

Nationality and Borders Bill

New Clause 5

Former British-Hong Kong service personnel: right of abode

"(1) The Immigration Act 1971 is amended as follows.

(2) At the end of section 2(1) insert—

"(c) that person is a former member of the Hong Kong Military Service Corps or the Hong Kong Royal Naval service, or

(d) that person is the spouse or dependent of a former member of the Hong Kong Military Service Corps or the Hong Kong Royal Naval service.""—*(Stuart C. McDonald.)*

This new clause would mean that all former British-Hong Kong service personnel, plus their spouses and dependents, would have right of abode in the UK.

Brought up, read the First time, and Question proposed (this day), That the clause be read a Second time.

2 pm

Question again proposed.

The Parliamentary Under-Secretary of State for the Home Department (Tom Pursglove): I thank the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East for tabling new clause 5, which provides the Committee with the opportunity to consider granting the right of abode in the United Kingdom to former British-Hong Kong service personnel, their spouses and dependants.

The Government remain extremely grateful to former British-Hong Kong service personnel. Under the British nationality selection scheme, a limited number of personnel who were settled in Hong Kong could apply to register as British citizens. All veterans would have been eligible to acquire British national overseas status between 1986 and 1997. Therefore, many should hold BNO status. Those who hold BNO status may be eligible for the BNO visa that was launched in January this year and which provides a route to settlement in the UK, meaning that many former British-Hong Kong service personnel, their spouses and dependants will already have, or be on the path to having, settlement and subsequently British citizenship, which would confer on them a right of abode in the UK.

We must consider the impact on public services both of increased usage generated by the right of access granted by expanded citizenship, and of the additional costs in granting such rights, such as casework resource and resettlement resulting in lost income that is not budgeted for and is therefore not affordable. Additionally, although I recognise the significant contribution made by this group, it may be difficult to justify why this specific cohort should be granted the right of abode when others from former colonial garrisons are not. For these reasons, I ask the hon. Member to withdraw the new clause.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I am grateful to the Minister for his response. I do think there are very specific reasons why this cohort should indeed be granted what this new clause is looking for, and I suspect we will be looking at this again on Report. In the meantime, however, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 13

Reporting to Parliament in relation to the prevention of death

"(1) The Secretary of State must within 12 months of the commencement of this section, and thereafter within each successive 12 months' period, lay before Parliament a report concerning the deaths of people subject to asylum and immigration powers.

(2) A report required by this section must state the number of people subject to asylum and immigration powers who have died since—

(a) state the number of people subject to asylum and immigration powers who have died since—

(i) the commencement of this section (in the case of the first report laid under this section); or

(ii) the previous report laid under this section (in all other cases); and

(b) set out the support arrangements that the Secretary of State has implemented in that year to assist those directly affected by the deaths, and what changes in these arrangements are planned for the next year.

(3) Subject to subsection (5), the report required by this section must—

(a) in relation to each death to which subsection (2) refers, identify—

(i) whether the deceased was at the time of death detained under immigration powers,

(ii) whether the deceased had an asylum claim outstanding,

(iii) whether the deceased was in receipt of accommodation or support from the Secretary of State,

(iv) whether the deceased was a relevant child or young person,

(v) whether the deceased was under the control of any person acting under the authority of the Secretary of State,

(vi) the age, nationality and gender of the deceased,

(vii) any protected characteristic of the deceased,

(viii) the steps taken by the Secretary of State to support any family member of, or other person directly affected, by the death,

(ix) such further information as the Secretary of State shall consider relevant; and

(b) include a statement by the Secretary of State in relation to each such death concerning the impact, if any, of any relevant function, power, decision or discretion upon the circumstances causally connected to that death; and

(c) set out any changes to legislation, policy or practice that the Secretary of State proposes or has made to prevent the occurrence or continuation of circumstances creating a risk of death or to eliminate or reduce that risk in those circumstances; and

(d) describe the Secretary of State's policy and practice in providing assistance to or receiving assistance from statutory bodies with responsibilities relating to the investigation or prevention of death.

(4) In making any statement to which subsection (3)(b) refers, the Secretary of State shall take into consideration both acts and omissions in relation to the exercise of any function, power or discretion and the making of any decision (including any omission to make a decision).

(5) Where the Secretary of State is unable to fulfil the requirements of subsection (3) in relation to any particular death by reason of there being insufficient time to compile and consider the relevant circumstances relating to the person who has died, the Secretary of State shall state this in the report and shall fulfil those requirements in the next report required by this section.

(6) In this section—

a person is "subject to asylum or immigration powers" if that person—

(a) is detained under immigration powers;

(b) has made an asylum claim that remains outstanding (including where it is being treated as inadmissible but the person remains in the UK);

(c) is in receipt of accommodation or support provided or arranged by the Secretary of State;

(d) is a relevant child or young person; or

(e) is under the control of any person acting under the authority of the Secretary of State in pursuance of asylum or immigration functions;

"relevant function, power, decision or discretion" refers to functions, powers, decisions or discretion in relation to asylum or immigration functions that are exercised or may be exercised by the Secretary of State, an immigration officer or a person to whom the Secretary of State has delegated that exercise;

"protected characteristic" has the same meaning as in the Equality Act 2010;

a "relevant child or young person" means a person who is subject to immigration control and—

(a) is in the care of a local authority; or

(b) is receiving support from a local authority as a result of having been in such care;

a person (P) is "under the control" of another person (A) where—

(a) P is being escorted by A within or from the UK,

(b) P in the custody of A,

(c) P is reporting (including remotely) to a designated place (including remotely) in compliance with a requirement imposed by A, or

(d) P is residing at a designated place in compliance with a requirement imposed by A;

"young person" means a person below the age of 25 years."

—(Stuart C. McDonald.)

This new clause would seek to ensure there was transparency and accountability about the deaths of people subject to certain asylum and immigration powers, and policies designed to prevent them.

Brought up, and read the First time.

Stuart C. McDonald: I beg to move, That the clause be read a Second time.

Everyone in this Committee has expressed concern at the loss of life in the channel when people make dangerous journeys to seek asylum here. This new clause brings us to loss of life among people already in the immigration and asylum systems. It asks: what do we know about such deaths, what do we do in response to prevent other deaths from happening, and what do we do to ensure dignity in death? I am grateful to Amnesty International, Migrant Voice, Bail for Immigration Detainees, the Scottish Refugee Council and Liberty Investigates for all their work on this.

I particularly want to mention the Da'aro Youth Project, which was established in 2018 by members of the Eritrean community in London in response to the suicides of several unaccompanied teenage Eritreans who came to the UK to seek asylum, and supports the wellbeing of young people in the UK asylum system from countries in the horn of Africa. Its research found that at least 12 teenagers who arrived in the UK as unaccompanied children seeking asylum have died by suicide in the past five years, most of them Eritrean, including several in recent months. All had either been children in the care of local authorities or care leavers, while one was subject to an age dispute, one had been denied family reunion, and several had been waiting for significant periods for an asylum decision or had in fact been refused asylum.

More recently, Scottish Refugee Council freedom of information requests initially identified 51 deaths in asylum accommodation between April 2016 and June 2021. A slightly different set of FOIs from Liberty Investigates received a different number from the Home Office: 95 in the period to August 2021. Alarmingly, 69 of those deaths—about three quarters—were in the period from 2020, so there has been a significant increase. By August this year, nearly as many people had died in the asylum system as in the whole of last year.

The first issue is why it is only through the work of Da'aro Youth Project, the Scottish Refugee Council and Liberty Investigates that we know this. Surely the Home Office should be reporting regularly on the deaths of those in its system. Can lessons be learned from these deaths, what could be done to prevent further deaths, and do the deaths have implications for broader policy? For example, there has been a significant increase in deaths over the past couple of years, suggesting that moving to institutional accommodation is a dangerous policy, but are there other reasons? What about new policies, including those in this Bill? What impact might they have on deaths in the asylum and immigration system? We cannot do very much of that analysis because it does not seem that the Home Office gathers information never mind publishes it. Which other Government Department would get away with it if deaths of those in its care and caught up in its processes were not being thoroughly investigated and responded to? It should be absolutely no different here.

The second issue is: what happens in response to every individual death? I am not even sure whether there is in existence a proper Home Office policy on this. Is any effort made to find and contact family members, or even to return the body to the family? What is done to support friends and family here in the UK, particularly those who are in the asylum system or local authority care?

Since Windrush, we have been told repeatedly that the Home Office is undergoing a culture change to see "the face behind the case". I suggest that a vital starting place could be taking much greater interest in those who have lost their life while within the Home Office's own asylum and immigration systems and being transparent and accountable about what has happened. The new

[Stuart C. McDonald]

clause simply asks for what really should have been happening for years. It is a simple matter of human decency and proper accountability.

Tom Pursglove: I thank the hon. Member for tabling the new clause. I note his concerns around transparency and accountability in relation to deaths of people subject to immigration powers. I can assure him that transparency and accountability remain a key priority for the Department. We currently publish data every year on the number of deaths of people under our care in immigration detention. I recognise the importance of transparency in these circumstances to ensure that there is accountability and that we can develop effective policies and processes to prevent such instances from occurring in future. One death of a person in our care in one death too many. We must do everything in our power to ensure that these do not occur. Thankfully, deaths in detention are rare. There were no deaths in detention in 2020 and just one in 2019, where the individual died of natural causes.

We regularly review the statistics that we publish as a Department and, where it is clearly in the public interest to do so, it is our duty to consider the feasibility of publishing new statistics. We must weigh that up against other considerations. While we have a duty of care to all of those in our remit, there are many people in the asylum and immigration system who are either not required to, or choose not to, maintain regular contact with us. Some may even leave the UK without informing us while they have an open immigration claim. That means that there may be instances where we are not informed of the person's death or we do not have all the relevant facts.

Additionally, it can take months and even years for inquests to reach conclusions. It is important that we know the facts before we publish the information. This highlights the kind of practical and deliverability challenges that we face and which affect the scope and accuracy of any information in this space. However, I acknowledge the importance of transparency. We regularly review the information that is published by the Department on the context of transparency, but also in line with the changes that the Bill will bring about. I note the interest of the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East in this particular area and will ensure that it is considered in line with the wider and ongoing review of statistics published by the Department. I trust that that addresses his concerns and I encourage him to withdraw the new clause.

Stuart C. McDonald: I appreciate the Minister's answer and the sentiments that he expresses. I am concerned that what he says does not always necessarily reflect exactly how things are operating on the ground. On the gathering and publishing of information, that is something that we will watch very closely. What he has not done is set out anything in relation to how the Home Office responds and whether there is a policy in relation to individual deaths—for example, those issues around returning the body, trying to approach family and friends, and the duty of care that we have to those individuals as well. That is something I will need to return to and raise with him again. In the meantime, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 14

IMMIGRATION HEALTH SURCHARGE: EXEMPTION FOR INTERNATIONAL VOLUNTEERS

'(1) The Immigration Act 2014 is amended as follows.

(2) After section 38, insert—

"38A Immigration health surcharge: exemption for international volunteers

(1) A charge under section 38 may not be imposed on persons who have leave to enter, or to remain in, the United Kingdom through a visa to work voluntarily for a period of no more than 12 months, or for such period as may be prescribed by regulations, for a registered UK charity advancing the charity's primary purpose.

(2) A statutory instrument containing regulations under this section must not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament".'.

—(Stuart C. McDonald.)

This new clause would ensure that international volunteers, including those working in health and social care, will be exempt from paying the immigration health surcharge.

Brought up, and read the First time.

Stuart C. McDonald: I beg to move that the clause be read a Second time.

The new clause would introduce an immigration health surcharge exemption for international volunteers. On this occasion, I am particularly indebted to Camphill Scotland, which does fantastic work to support around 600 people with learning disabilities and other support needs, ranging from children to older people. It has built a formidable alliance of almost 50 organisations across the UK that support this new clause, including the National Council for Voluntary Organisations, the Scottish Council for Voluntary Organisations, the Northern Ireland Council for Voluntary Action, the Wales Council for Voluntary Action and many, many more which, unfortunately, I do not have time to mention. All members of the Committee will have received briefings and representations directly on this issue, and I urge them to consider it carefully.

My party objects to the immigration health surcharge altogether, but that debate is for another day. What we do welcome, as do the organisations behind this new clause, is the Government's decision to exempt health and social care workers from other countries from paying it. The new clause seeks to ensure that those who want to come to work as volunteers in the charitable sector, including in health and social care, are also exempt. We believe that charging this surcharge to volunteers working in health and social care in charitable settings is unfair, inequitable and counterproductive. Volunteers from the EU and beyond make a significant contribution to the work of charities across the UK; Camphill Scotland currently has about 215 international volunteers, helping it to support people with learning disabilities and other support needs.

These young people have chosen to stay in the UK to provide social care to UK citizens during a national health emergency, displaying considerable dedication to and compassion for the people they support. It would

be an injustice if the immigration health surcharge exemption was not extended to international volunteers working in the charitable sector. It is all the more essential that this change is made post Brexit, with volunteers from the EU and Switzerland now being caught by visa fees and other expenses. If we cannot continue to attract volunteers, the people who will suffer will be those who benefit from their care, including those with learning disabilities and support needs in the care of Camphill Scotland. The logic of the Government's immigration health surcharge is that everyone should contribute but, just like the health and social care workforce, the volunteers are already doing just that, so surely the same logic applies. Given that such volunteers cannot have a salary here and will receive a subsistence allowance at most, there is even more reason to exempt them altogether. They are already facing considerable costs to take up these posts. It cannot be right that we also charge them a surcharge to support the very system that they are currently voluntarily supporting. I therefore ask the Minister to consider the representations made by the almost 50 organisations that have contacted him, to consider meeting them and to look carefully at these proposals.

Tom Pursglove: The Government recognise the important contribution that international volunteers make to our communities, and are committed to attracting people from overseas who wish to gain experience of our voluntary sector. The temporary work-charity worker visa is available to those who wish to undertake unpaid voluntary fieldwork for up to 12 months, where the work contributes directly to the achievement or advancement of the sponsor's charitable purpose. The route offers volunteers the chance to experience life in the UK while making a valuable contribution to the aims of their chosen charity. At the same time, the involvement and contribution of these individuals has benefits for the UK charity sector and the wider community, and the UK Government welcome this involvement.

This is not an economic route and it should not be used to fill gaps in the labour market. Volunteers using the charity worker visa must not receive any payment beyond being reimbursed for expenses incurred during their duties. It is therefore not unreasonable to expect costs to be considered and planned for before they apply for a visa. As this is a temporary work category, the cost of a visa is already significantly less than any other work and study routes, at a rate of £244, and sponsors pay a lower licence fee, which reflects their own charity status. The immigration health charge, which applies to this route, ensures that temporary migrants who come to the UK for more than six months make a direct contribution to the comprehensive range of NHS services available to them during their stay. Income from the charge is shared between the health administrations in England, Scotland, Wales and Northern Ireland, using the formula devised by Lord Barnett. The charge is an essential part of income for the NHS and has raised almost £2 billion in much-needed income since it was introduced in 2015.

Those who make an application to come to the UK for six months or less do not pay the charge, and we know that a sizeable number of volunteers come for less than the 12 months the route allows. If they opt to stay longer than six months, however, it is right that they pay the charge, as is consistent with others who base themselves in the UK for extended periods. I understand that there are concerns about the financial impact of the charge on volunteer workers, alongside visa fees and other payments that a person may make when they choose to come to the UK. However, the Government are clear that the charge is great value, considering the wide range of NHS services, free at the point of use, for charge payers. From the moment they arrive in the UK, charge payers can use the NHS in broadly the same manner as a permanent resident, without having made any prior tax or national insurance contributions. They may access health services as often as they need, including treatment for pre-existing health conditions, and do not need to worry about unexpected health charges or obtaining appropriate health insurance.

2.15 pm

Stuart C. McDonald: The Minister knows that I do not support the idea of an additional surcharge but, even if we accept his logic, the Government have exempted health and social care workers from the surcharge because they contribute to the healthcare system. Should that same logic not apply even more so to volunteers who are working in the health and social care system?

Tom Pursglove: In relation to the approach taken for health and social workers, the view widely felt across the House, which was subsequently reflected in policy, was that, given the enormous contribution made by those working directly in this sector during the pandemic, it was appropriate to try and put in place a form of recognition of that work, as well as other measures we have talked about, for example the pay rises that have quite rightly been afforded to NHS workers. It was seen as one means of recognising the enormous contribution that some of those who had come from overseas to work in our health and social care settings had made and rewarding them for that. There were particular circumstances that meant that it was felt that that was appropriate.

Charge payers pay only those charges a UK resident would pay, such as prescription charges in England. They may, however, be charged for assisted conception services in England, should they wish to use them. We welcome talented individuals to the UK and are immensely grateful to them for the important contributions they make, but if a person chooses to come to the UK as a worker, student, family member or volunteer, it is fair and reasonable to expect them to contribute to the high-quality NHS services available to them.

It is vital, particularly given the challenges posed by the pandemic, for the NHS to continue to be properly funded. The immigration health charge directly benefits the NHS and plays an important role in supporting its long-term sustainability. The Government are confident that the charity worker visa provides an attractive offer to voluntary workers. Individuals on some other routes can also volunteer their time to help others, and, depending on the route, they either pay the immigration health charge or may be charged by the NHS for their healthcare.

The youth mobility scheme, for example, is subject to the charge. Those on this route are free to take up work in any sector, paid or unpaid. The standard visitor visa allows people to volunteer for up to 30 days with a

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registered charity. The visit rules allow visitors to stay for a maximum of six months, which means that they are not subject to the immigration health charge but may instead be charged for NHS care, in line with the rules set by the relevant, devolved health administration.

The Government believe that it is right for the health charge to apply to the charity worker visa. Many nations expect newly arrived individuals to contribute, in some form, to the cost of healthcare. It is right we do the same. For the reasons I have set out, I ask the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East to withdraw the new clause, but I take on board the passion with which he made his case in relation to this issue and the various representations he referred to that have been made to me as Minister with responsibility for this Bill. I will certainly ensure that they are shared with the Minister with responsibility for this area of policy in the Department as part of their consideration of these matters.

Stuart C. McDonald: I am grateful to the Minister for his response and those assurances. He is quite right about the reasons for the recognition that was given to health and social care staff. We are just calling for the same recognition for volunteers as well. I would be interested to know more. I get the impression that this would be a tiny hit for the Treasury, but it could have real benefit for charities. Before we think about that and make the case again before we reach Report stage, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 17

DUTY REGARDING RIGHTS TO BRITISH CITIZENSHIP OR BRITISH OVERSEAS TERRITORIES CITIZENSHIP

"(1) It is the duty of the Secretary of State to encourage, promote and facilitate awareness and exercise of rights to British citizenship or British overseas territories citizenship among persons possessing these rights.

(2) In fulfilment of that duty, the Secretary of State—

(a) must take all reasonable steps to ensure that all persons with rights to British citizenship or British overseas territories citizenship are able to exercise those rights;

(b) must make arrangements, including with local authorities, to ensure that all children in a local authority area are aware of their rights to British citizenship or British overseas territories citizenship and of the means by which to exercise those rights;

(c) must, when considering any application for confirmation or registration of British citizenship or British overseas territories citizenship, have regard to information held by or available to the Secretary of State that would demonstrate the applicant to be a British citizen or British overseas territories citizen or entitled to that citizenship; and

(d) shall have, and where reasonably necessary to ensure that all persons are able to exercise those rights shall exercise, the power to waive any requirement to attend a ceremony or in connection with biometric information.

(3) For the purposes of this section—

"rights to British citizenship" means rights of acquisition of British citizenship by birth, adoption, commencement or registration under the British Nationality Act 1981;

"rights to British overseas territories citizenship" means rights of acquisition of British overseas territories citizenship by birth, adoption, commencement or registration under the British Nationality Act 1981; and

"to exercise those rights" means to be registered as a British citizen or British overseas territories citizen on the making of an application under the British Nationality Act 1981 or to obtain documentation from the Secretary of State confirming British citizenship or British overseas territories citizenship (including by receipt of a passport) on the making of an application to the Secretary of State."—*(Stuart C. McDonald.)*

This new Clause would require the Government to encourage, promote and facilitate awareness and exercise of rights to British citizenship or British overseas territories citizenship.

Brought up, and read the First time.

Stuart C. McDonald: I beg to move, That the clause be read a Second time. The new clause would place on the Government an obligation and a duty to undertake promotion of British citizenship rights and British overseas territories citizenship rights.

If there is one thing that members of the Committee can all agree on, it is that nationality law is complicated, and British nationality law is particularly complicated. As I have said, nationality law is also absolutely fundamental to people's identity, and their ability to fulfil their potential and to exercise so many other rights. That is why it is enshrined in the UN convention itself. It is much superior to any form of immigration leave, which is no form of substitute for holding nationality. The very need for the Bill indicates, however, that lots of people miss out on their entitlements. That is terrible for them as individuals, and it is terrible for the country as a whole—bad for social cohesion—if people are missing out on rights of citizenship that they could have and that are set out in law.

An example is looked-after children. During the registration process for the EU settlement scheme, it was clear that a number of local authorities might have been signing children up for EU settled status when in actual fact they were probably entitled to register as British citizens. The new clause therefore simply calls for the Government to take a more proactive approach and to work with organisations such as local authorities and others to ensure that as many people as possible are aware of and know about their right to register or to access citizenship in other ways, so empowering them to do so.

One welcome thing about the EU settlement scheme was that the Home Office caseworkers did not say, "This or that is missing, so I am going to refuse the application." There was a concerted attempt to work with people to ensure that all the necessary evidence was found. A lot of the time, the Government took it on themselves—by liaising between Departments—to track down the necessary evidence to allow that person to achieve the status to which they were entitled. We call for the same approach on the more fundamental right to nationality.

That is the reasoning behind the new clause. I look forward to the Minister's response.

Tom Pursglove: I thank the hon. Members for Cumbernauld, Kilsyth and Kirkintilloch East and for Glasgow North East for their new clause. I understand

their thinking behind it: people who are entitled to citizenship should be able to find the information that they need and that the process should be simple and straightforward. That is a sentiment I would echo.

The measures the new clause proposes represent best practice, much of which already exists in the nationality and passport processes. For example, both UK Visas and Immigration and Her Majesty's Passport Office publish information and guidance on gov.uk, and use information that is already available on their systems when processing applications. As part of considering Windrush applications in particular, UKVI caseworkers have demonstrated a proactive approach, helping people to locate the information needed and consulting internal sources.

The existing legislation already contains discretion to excuse or exempt a person from attending a citizenship ceremony or to enrol their biometrics. The Home Secretary can disapply the requirement to attend a ceremony in the special circumstances of a case and, if it would be too difficult for an applicant to enrol their biometrics in the form of a facial image and fingerprints, an authorised person such as an official acting on behalf of the Secretary of State can defer or waive the requirement to enrol some or all of the biometrics. I am happy to listen to the thoughts of the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East about the areas where we could do more.

I do not think that we can accept the new clause, however. It would impose a statutory requirement that I am not sure is measurable. For example, while we could take steps to ensure that local authorities have information about citizenship and are encouraged to pass on that information to children in their area, I do not see that we could fulfil a statutory requirement to ensure an awareness for every child—that would be outside our control.

Similarly, the new clause is not specific about the steps that the Home Secretary would be expected to take—the lengths she would be expected to go to, for example, to obtain "available" information when considering an application, without being in breach of such a statutory duty. I take on board the sentiment of what the hon. Gentleman is trying to achieve, but I ask him to withdraw his new clause.

Stuart C. McDonald: I am grateful to the Minister for his reply and for his constructive approach to the issue. Perhaps we may continue the conversation in the weeks and months ahead. In the meantime, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 23

SAFE AND LEGAL ROUTES

"(1) The Secretary of State must, within 30 days of the date of Royal Assent to this Act and annually thereafter, publish a report on—

(a) all current safe and legal asylum routes to the United Kingdom,

(b) the eligibility criteria for legal entry into the United Kingdom, and

(c) details of the application process.

(2) The Secretary of State must publish a report on its resettlement target of refugees per year, and report on this every year."— *(Paul Blomfield.)*

This new clause would require the Secretary of State to publish a summary of safe and legal routes to refuge in the UK each year, alongside their eligibility criteria and application process. It would also commit the UK and Secretary of State to publishing its resettlement targets, and reporting on this annually.

Brought up, and read the First time.

Paul Blomfield (Sheffield Central) (Lab): I beg to move, That the clause be read a Second time.

The new clause raises an issue central to the Bill and tests the Government's commitment. Ministers here and elsewhere have consistently argued that their objective for this legislation is to break the business model for the people smugglers, to stop dangerous journeys across the channel and instead to offer those fleeing war and persecution safe and legal routes to refuge in the UK. As the Opposition side have said many times, we endorse those objectives. What we have been doing over the past few weeks is looking at how the Bill achieves them.

We know that the Government's own assessment of their proposals suggests that they will probably fail; the impact assessment they conducted went so far as to point out that they would probably be counterproductive. Obviously, the Government have brushed that evidence aside, but there is a real concern that there is a fundamental deceit at the core of the Bill, which is that the Government are not serious about offering the safe and legal alternatives.

The new clause is not particularly radical or ambitious; it simply requires the Home Secretary to publish a report on all current safe and legal routes, who is eligible and how people can apply. It would provide transparency and help the Home Office, because it would be able to point to a credible alternative to the dangerous journeys that we all want to discourage. Currently, however, that is not the case: the schemes that the UK has open—the UKRS and the Afghan citizen resettlement scheme—have little detail in the public domain and little guidance on the eligibility criteria or the process for application. I remind the Committee of the point I made earlier: in the first half of this year, only 310 people were resettled under the UK resettlement scheme. The recently published details of the Afghan scheme frankly offer little hope for those to whom the Prime Minister made grand promises about "every effort" and "open arms" back in August.

I remind the Minister that, while the Government promote the generosity of the UK and, as we have touched on previously, we should welcome every effort that has been made to support those fleeing war and persecution, in 2019, Germany resettled more than three times as many refugees as the UK; 1.5% of Germany's population are refugees, in comparison with 0.65% in France, 0.45% in the Netherlands and 0.19% in the UK, according to the World Bank. We are not middle ranking, as I think the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East said at one stage; we have traditionally been middle ranking, but under this Government we have been falling behind.

By accepting the new clause and publishing information about resettlement routes, the Home Office can at least be honest about the resettlement it is prepared to offer, and to whom. We as a Committee have read the evidence shared from Safe Passage International, which included some examples of people such as Jabir and Ahmed. Jabir is an unaccompanied child in northern France who is desperate to rejoin his family in the UK. He is

[Paul Blomfield]

willing to risk the channel to be reunited with his loved ones. His family have already lost a young family member to the treacherous crossing, so they are desperate to find a way for Jabir to be reunited with them, but it does not exist. While he would have had a clear case under Dublin III, there is no clear route for him now.

Meanwhile, 15-year-old Ahmed is stranded alone in France after fleeing Afghanistan. He desperately wants to be reunited with his brother, who was granted asylum in the UK and is now a young business owner. Under the UK's current rules, the brothers would find it extremely difficult to reunite. If Ahmed's parents were in the UK, the process would be straightforward, but tragically his brother is his only remaining family member. Ahmed is in an extremely vulnerable situation; he suffers from trauma and struggles enormously with the loss of his family. Being reunited with his brother is his only option to feel safe and to build a better future. I hope that in responding to these comments, the Minister will outline specifically what options for safe passage are, or are planned to be, available for those two boys.

2.30 pm

We need transparency about how people can seek refuge in the UK, to bolster our global reputation and provide clarity to those seeking asylum, but also for all those in this country involved in welcoming and supporting those who come. Therefore, the new clause would also require the Home Secretary to publish her resettlement targets each year. I do not suggest a number; I simply suggest that the Government should reflect on it and publish one. While we are talking about numbers, it is perhaps worth noting as a reference—we talk about global leadership—that President Biden has committed the United States to an annual resettlement quota of 125,000 refugees. The equivalent in the UK would be around 25,000. The Government talk a lot about global Britain, but—

Jonathan Gullis (Stoke-on-Trent North) (Con): Hear, hear.

Paul Blomfield: The hon. Member endorses my comments, I am pleased to hear.

If the Government are serious about their words, they need to be honest about where our ambition lies in this area and how we will provide sanctuary for those who need it. As I say, that leadership and transparency on resettlement targets would not only allow safe and legal routes to ensure that those in great need can come to the UK for protection; it would also, taken alongside the discussion we had earlier about more equitable arrangements for distribution, inform local councils, our healthcare system, schools and social services how they can plan effectively to receive and welcome and integrate into our country those seeking refuge. I hope that the Government will accept the new clause.

Tom Pursglove: I thank the hon. Member for Sheffield Central for tabling new clause 23, which would require the Government to publish an annual summary of safe and legal routes to refuge in the UK, including eligibility criteria and application process, and to report on their resettlement targets for each year. The UK has a long history of supporting refugees in need of protection and we are a global leader in resettlement.

Paul Blomfield: I am curious to know how the Minister sustains that line about the UK's being a global leader when all the statistics published by the Home Office and others demonstrate that we are not—we are a laggard.

Tom Pursglove: I am afraid that the hon. Gentleman and I simply do not concur on this point. The simple truth is that this country is generous in the opportunities that it provides for people seeking sanctuary, and that will continue to be the case. We have had many debates on that point in this Committee, and I personally believe that that is beyond any doubt whatever.

Our resettlement schemes have provided safe and legal routes for tens of thousands of people to start new lives in the UK. Overall, since 2015, we have resettled more than 25,000 refugees direct from regions of conflict and instability, more than any EU member state. We can be proud as a country of our ambitious commitments and achievements.

On 25 February 2021, we completed our commitment to resettle 20,000 refugees under the vulnerable persons resettlement scheme. That achievement was made possible because of the outstanding commitment of local authorities, the devolved Administrations, non-governmental organisations, our international partners, community and faith groups, and individual members of the public.

The UK continues to welcome refugees through the global UK resettlement scheme, as well as through the community sponsorship and mandate resettlement schemes. That commitment, alongside a fair and firm asylum system, will ensure that we continue to offer safe and legal routes to the UK for vulnerable refugees in need of protection.

Through the new plan for immigration, we have been clear that this Government will continue to provide safe refuge to those in need, ensuring that our resettlement schemes are accessible, fair and responsive to international crises. This has been evident with the Home Office being at the heart of the UK's response to the Afghanistan crisis, including supporting, under intense pressure, the biggest humanitarian airlift in the history of this country.

On 18 August, the Prime Minister announced a new and bespoke resettlement scheme to relocate 5,000 people at risk in its first year, rising to up to 20,000 over the long term—one of the most generous schemes in our history. Ultimately, the number of refugees that we resettle every year depends on a variety of factors, including local authorities' capacity for supporting refugees, the extent to which the community sponsorship approach continues to thrive, and funding. We work closely with our partners to assess the capacity for resettlement and will continue to welcome those in need of protection in the years to come. Committing to an annual public target would remove the flexibility that this approach provides.

Additionally, we have announced plans for a pilot to support access to work visas for highly-skilled displaced people that will run in addition to existing safe and legal routes. Furthermore, the Government also provide a safe and legal route to bring families together through the family reunion policy, which allows a partner and

children aged under 18 of those granted protection in the UK to join them here, if they formed part of the family unit before the sponsor fled their country, and can demonstrate a genuine and subsisting relationship.

Mr Robert Goodwill (Scarborough and Whitby) (Con): Does the Minister agree that in many cases under the Dublin regulation, children were placed with quite distant relatives here in the UK who they had never met, when their families and parents were in the country from whence they had fled because it was they who had paid the people traffickers to get the children to the UK?

Tom Pursglove: As I have said, it is very important that those established relationships exist. As we have debated on many occasions in the course of this Committee, we do not want anybody to place themselves in the hands of evil people smugglers and criminal gangs. We should all be very concerned about that particular issue, as I know colleagues on the Government Benches are.

Paul Blomfield: It is welcome for the Minister to reference the importance of family reunion visas, as they are clearly a vital safe route. He will be aware that more than 90% of visas are given to women and children. Will he, then, explain why in clause 10 the Government are taking away reunion rights from the majority of refugees?

Tom Pursglove: On the issue of safe routes for children, unaccompanied asylum-seeking children in Europe with family members in the UK are able to apply to join eligible sponsors, such as those with refugee leave or British settled status. The immigration rules make provision for children to be reunited with their parents. Paragraphs 319 and 297 of the immigration rules are extremely flexible and allow for children to apply to join adult family members if requirements are met, and if there are serious or compelling reasons that make the exclusion of a child undesirable and suitable arrangements are needed for a child's care. Again, these matters are considered on a case-by-case basis, taking proper account of all the circumstances at play.

Let me finish the point that I was making before I took the interventions. Under the family reunion policy, we have granted reunion to over 37,000 partners and children of those granted protection in the UK since 2015; that is more than 5,000 a year. Our policy makes it clear that there is discretion to grant visas outside the immigration rules that caters for extended family members in exceptional and compassionate circumstances—for example, young adult sons or daughters who are dependent on family here and who are living in dangerous situations. Refugees can also sponsor adult dependent relatives living overseas to join them, when, due to age, illness or disability, that person requires long-term personal care that can only be provided by relatives in the UK.

Stuart C. McDonald: I suggest the Minister goes away and does some investigations into just how frequently these types of application are granted. My recollection is that some of the thresholds are so high—exceptional and compassionate circumstances, and so on—that in reality, it is almost impossible for some of these applications to be successful. I do not think it is an answer at all to what the hon. Member for Sheffield Central is advocating.

Tom Pursglove: I hear the hon Member's point, which again I will take away and reflect on with colleagues in the Department.

In the light of the Government's track record and commitment to safe and legal routes, I hope that the hon. Member for Sheffield Central agrees that the new clause is unnecessary. In particular, I highlight that information on our safe and legal routes is readily available on gov.uk including, where relevant, details about eligibility and the referral or application process.

The Home Office is committed to publishing data on arrivals in an orderly and transparent way as part of the regular quarterly immigration statistics, in line with the code of practice for official statistics. We already publish statistics on the numbers arriving through safe and legal routes. A statutory requirement to publish targets would therefore be unnecessary and unhelpfully limit the flexibility of future Governments in responding to emerging situations.

For all those reasons, I invite the hon. Member not to move the new clause. Given what has been said on family reunion, it might be helpful if I write to the Committee with more information to address some of those points, having reflected on *Hansard.*

Paul Blomfield: I would certainly welcome a letter on family reunion. However, I must disappoint the Minister, because he has failed to convince me about the balance in the Bill, which is central, on the Government's commitment to develop safe and legal routes as an alternative to dangerous channel crossings. I must therefore press the new clause.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 69]

AYES

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

NOES

Anderson, Stuart	Holmes, Paul
Baker, Duncan	Pursglove, Tom
Goodwill, rh Mr Robert	Richards, Nicola
Gullis, Jonathan	Whittaker, Craig

Question accordingly negatived.

New Clause 24

PRESCRIBED PERIOD UNDER SECTION 94(3) OF THE IMMIGRATION AND ASYLUM ACT 1999

'(1) The Asylum Support Regulations 2000 (S.I. 2000/704) are amended as follows.

(2) In regulation 2(2) (interpretation) for "28" substitute "56".

(3) Subject to subsection (4), this section does not prevent the Secretary of State from exercising the powers conferred by the Immigration and Asylum Act 1999 to prescribe by regulations a different period for the purposes of section 94(3) (day on which a claim for asylum is determined) of that Act.

(4) The Secretary of State may not prescribe a period less than 56 days where regulation 2(2A) of the Asylum Support Regulations 2000 (S.I. 2000/704) applies.'—*(Neil Coyle.)*

When an individual is granted refugee status, their eligibility to Home Office financial support and accommodation currently ends after a further 28 days. This new clause would extend that period to 56 days or allow the Secretary of State to set a longer period.

Brought up, and read the First time.

Neil Coyle (Bermondsey and Old Southwark) (Lab): I beg to move, That the clause be read a Second time.

The new clause would extend the current 28-day "move on" period for newly recognised refugees to 56 days. According to the British Red Cross, the London School of Economics and others, that could benefit the public purse by more than £7 million annually and address the profound human costs of poverty and homelessness. I thank the British Red Cross for its help with the new clause and its broader research and work in the area. I refer hon. Members to my entry in the Register of Members' Financial Interests as I receive support from the Refugee, Asylum and Migration Policy project in this policy area.

Currently, someone who has claimed asylum and been given refugee status will see their asylum support and section 4 support stop 28 days after that decision, which is out of sync with Government welfare and housing policy and insufficient time to move on with affairs. At that point, refugees stop getting their cash allowance and have to move house. While they get permission to work, they need both a bank account and a national insurance number for that. There are potential pitfalls to opening a bank account. Zikee, an ambassador for the Voices Network said:

"The biggest problem I faced when I received my refugee status was that I was asked to move out of my Home Office accommodation within 28 days…this affected me so much as I did not have my…biometric resident card due to a Home Office error. I had to wait weeks for this…and this meant I couldn't open a bank account."

It can be problematic to open a bank account within 28 days and, as the Under-Secretary of State for Work and Pensions, the hon. Member for Hexham (Guy Opperman), confirmed in June, it can take weeks to access a national insurance number. The average wait for a new national insurance number is 10 to 12 weeks, not the 28 days found in measures for refugees. The current 28-day "move on" period is incompatible with the Homelessness Reduction Act 2017, which gives local authorities a 56-day period to work with households at risk of homelessness and to provide alternative accommodation.

2.45 pm

For example, Southwark Day Centre for Asylum Seekers has been supporting a young Afghan with post-traumatic stress disorder who, sadly, has attempted suicide on two occasions. Despite notifying the council within the 28 days, he was left homeless because Newham refused to accept he had a local connection. There are massive problems accessing housing. The current 28-day limit is incompatible with social security legislation and policy. Universal credit has an automatic 35-day wait for support—that is if applicants are lucky enough to get processed in that time. There are still thousands who do not get seen within that time. It is welcome that the delay has come down, but it is still severe.

The current system is out of sync with Government policy in different areas, but there are also cost benefits, for those who care about value for money. The British Red Cross report "The costs of destitution" cites figures that suggest that extending the "move on" period to 56 days would better reflect housing and social security policy and have an overall financial benefit of between £4 million and £7 million, including £2 million to local authorities for decreased use of temporary accommodation and £3 million for reducing rough sleeping. It would save the taxpayer money to adopt this new clause, as outlined by the Centre for Analysis of Social Exclusion at the London School of Economics.

If the Minister wants to help the public purse, reducing homelessness as a result of extending the limit to 56 days would potentially save between £2 million and £3 million. That figure is based on the Government's figures on rough sleeping—in January last year, they told us there were only 5,000 rough sleepers in the country, but the Government is rightly proud of their Everyone In initiative, which provided accommodation to 38,000 people. The actual figure for rough sleeping seems to be a bit of an anomaly, and I hope the Government will provide a more robust one. But the potential is there for much greater public saving given the higher numbers involved. If councils are better able to provide permanent housing longer term, they are less reliant on temporary accommodation, which has higher costs attached.

The LSE analysis shows there is an estimated saving to local authorities of more than £2 million a year, through the reduction in use of temporary accommodation. This should be an area of concern for the Government. In February 2020, Inside Housing found that English councils had doubled the amount they were spending.

The 2013-14 expenditure on temporary accommodation was £490 million; by 2019-20, that figure had jumped to £1.19 billion. That is an extortionate figure. The Government should commit to reduce it. This new clause would help in that regard. Allowing those households to continue living in asylum support accommodation while the local authority completes its duties, in line with the 56 days prescribed by the Homelessness Reduction Act, could result in less use of temporary accommodation by councils.

There is also evidence, although I will not go through all the figures, that if the extension to 56 days was passed, it would support people into work. That would mean national insurance and tax contributions to Her Majesty's Revenue and Customs and less benefit expenditure over time. The estimated reduction in benefit expenditure is up to £2.5 million. There are other savings from cutting the destitution that people face and the knock-on cost for the mental health services and local authority services.

I have been as quick as I can. This is a common-sense new clause that would save the Government money and take the pressure off individuals, housing associations, councils and charities. It would combat destitution by giving refugees more time to find a home and collect the documents they need, while being in line with the Homelessness Reduction Act, social security legislation, and offering considerable savings for those who care about value for money.

Tom Pursglove: I am grateful to the hon. Member for Bermondsey and Old Southwark for tabling his new clause. In simple terms, the longer successful asylum-seekers remain in asylum accommodation, the fewer the beds available for those newly entering the asylum support system, including those temporarily accommodated in hotels at great expense to the taxpayer. We are aware of reports that some refugees do not access universal credit or other benefits, or adequate housing, within 28 days. The reasons for that are complex, but the available evidence to date does not show that the problem can be solved by increasing the 28-day "move on" period.

I also reassure the hon. Member that we have implemented several initiatives with the aim of securing better outcomes for refugees in the 28 day "move on" period. These include ensuring that the 28-day period does not start until refugees have been issued with a biometric residence permit—the document that they need to prove that they can take employment and apply for universal credit—and that the national insurance number is printed on the permit, which speeds up the process of deciding a universal credit application.

We also fund Migrant Help, a voluntary sector organisation, to contact the refugees at the start of the 28-day period and offer practical "move on" assistance, including advice on how to claim universal credit; advice on the importance of an early asylum claim and the other types of support that might be available; booking an early appointment at their nearest Department for Work and Pensions jobcentre, if needed; and advice on how to contact their local authority for assistance in finding alternative housing.

We evaluated the success of the scheme that books an early appointment with the local jobcentre for those who want one. That showed that all applicants for universal credit in the survey received their first payment on time—that is, 35 days from the date of their application—and that those who asked for an earlier advance payment received one.

Asylum accommodation providers are also under a contractual duty to notify the local authority of the potential need to provide housing where a person in their accommodation is granted refugee status. Refugees can also apply for integration loans, which can be used, for example, to pay a rent deposit or for essential domestic items, work equipment or training.

The UK has a proud history of providing protection to those who need it, and I reassure the hon. Member that the Government are committed to ensuring that all refugees can take positive steps towards integration and realising their potential. Although we keep the "move on" period under review, we must also consider the strong countervailing factors that make increasing that period difficult. I therefore invite him not to press his new clause.

Neil Coyle: I am almost sorry, but the Minister's answer ignores the reality and the situation in which people find themselves. He does not have an answer about the anomaly in housing or social security policy, and he has not even tried to explain why the Government are ignoring the potential savings to the public purse. I will press the new clause to a Division.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 70]

AYES

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

NOES

Anderson, Stuart	Holmes, Paul
Baker, Duncan	Pursglove, Tom
Goodwill, rh Mr Robert	Richards, Nicola
Gullis, Jonathan	Whittaker, Craig

Question accordingly negatived.

New Clause 25

ASYLUM VISA FOR PERSONS IN FRANCE

'(1) On an application by a person ("P") to the appropriate decision-maker for entry clearance, the appropriate decision-maker must grant P entry clearance if he is satisfied that P is a relevant person.

(2) For the purposes of paragraph (1), P is a relevant person if—

(a) P is in France on the date of application;

(b) P is not a national of a member State of the European Union or a national of Liechtenstein, Iceland, Norway or Switzerland;

(c) P intends to make a protection claim in the United Kingdom;

(d) P's protection claim, if made in the United Kingdom, would have a realistic prospect of success; and

(e) there are good reasons why P's protection claim should be considered in the United Kingdom.

(3) For the purposes of paragraph (2)(e), in deciding whether there are good reasons why P's protection claim should be considered in the United Kingdom, the appropriate decision-maker shall take into account—

(a) the relative strength of P's family and other ties to the United Kingdom;

(b) the relative strength of P's family and other ties to France;

(c) P's mental and physical health and any particular vulnerabilities that P has; and

(d) any other matter that the appropriate decision-maker thinks relevant.

(4) For the purposes of an application under paragraph (1), the appropriate decision-maker must waive any of the requirements in paragraph (5) if satisfied that P cannot reasonably be expected to comply with them.

(5) The requirements in this paragraph are—

(a) any requirement prescribed (whether by immigration rules or otherwise) under section 50 of the Immigration, Asylum and Nationality Act 2006; and

(b) any requirement prescribed by regulations made under sections 5, 6, 7 or 8 of the UK Borders Act 2007 (biometric registration).

(6) No fee may be charged for the making of an application under paragraph (1).

(7) An entry clearance granted pursuant to paragraph (1) shall have effect as leave to enter for such period, being not less than six months, and on such conditions as the Secretary of State may prescribe by order.

(8) Upon a person entering the United Kingdom (within the meaning of section 11 of the Immigration Act 1971) pursuant to leave to enter given under paragraph (7), that person shall be deemed to have made a protection claim in the United Kingdom.

(9) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.

(10) After paragraph 30(1)(b) of Part 1 of Schedule 1 insert—

"; or

(c) are conferred by or under sections [Asylum visa for persons in France] and [Right of appeal against France asylum visa refusal] of the Nationality and Borders Act 2022."

(11) In this section and in section [Right of appeal against France asylum visa refusal]—

"appropriate decision-maker" means a person authorised by the Secretary of State by rules made under section 3 of the Immigration Act 1971 to grant an entry clearance under paragraph (1);

"entry clearance" has the same meaning as in section 33(1) of the Immigration Act 1971;

"protection claim", in relation to a person, means a claim that to remove him from or require him to leave the United Kingdom would be inconsistent with the United Kingdom's obligations—

(a) under the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention;

(b) in relation to persons entitled to a grant of humanitarian protection; or

(c) under Articles 2 or 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950.' —*(Neil Coyle.)*

This new clause would provide for a person in France to be granted entry clearance to allow them to claim asylum in the UK in certain circumstances.

Brought up, and read the First time.

Neil Coyle: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 26— *Right of appeal against France asylum visa refusal—*

'(1) If an application by a person ("P") for entry clearance under clause [Asylum visa for persons in France] is refused by the appropriate decision-maker, P may appeal to the First-tier Tribunal against the refusal.

(2) The following provisions of, or made under, the Nationality, Immigration and Asylum Act 2002 have effect in relation to an appeal under these Regulations to the First-tier Tribunal as if it were an appeal against a decision of the Secretary of State under section 82(1) of that Act (right of appeal to the Tribunal)—

(a) section 84 (grounds of appeal), as though the sole permitted ground of appeal was that the appropriate decision-maker was wrong to conclude that P was not a relevant person;

(b) section 85(1) to (4) (matters to be considered);

(c) section 86 (determination of appeal);

(d) section 105 and any regulations made under that section; and

(e) section 106 and any rules made pursuant to that section.

(3) In an appeal under this section, the First-tier Tribunal—

(a) shall allow the appeal if it is satisfied that P is a relevant person; and

(b) shall otherwise dismiss the appeal.

(4) In an appeal under this section, in deciding whether there are good reasons why P's protection claim should be considered in the United Kingdom, the First-tier Tribunal shall apply section [Asylum visa for persons in France] (3) as though for the words "appropriate decision-maker" there were substituted the words "First-tier Tribunal".'

This new clause would allow a person whose application for entry clearance under clause [Asylum visa for persons in France] has been rejected to appeal to the First-tier Tribunal.

Neil Coyle: New clause 25 proposes a humanitarian visa route, and new clause 26 grants a right of appeal—something that made Tory MPs very excitable yesterday. I do not intend to push the new clauses to a vote; they are aimed at opening dialogue, and they link back to the points made by my hon. Friend the Member for Sheffield Central.

If the Government are serious about finding solutions to people smuggling and trafficking, they should consider providing practical routes for people seeking sanctuary, in the way that they do for Syria and Afghanistan, and undertake to review humanitarian routes and how they could work. I thank Bella Sankey of Detention Action for her work on these clauses. There are some fantastic people working on these issues.

The purpose of the new clauses is to offer the Government a constructive solution for safe routes. They would have the benefit of cutting smuggling and potentially saving money in the long term. If they are serious about safe and regular routes, the humanitarian visa option would create them. The new clauses also make use of the border anomaly in Calais.

The Government should commit to exploring safe routes if they are serious about preventing dangerous options. The example from Detention Action is of Dylan Footohi, an Iranian refugee who says,

"I came to the UK seeking asylum. I came irregularly simply because there was no legal way for me to do so. My journey to the UK took two years; two years of exploitation and abuse and life-threatening experiences."

He felt that that way was the only option. If there had been an alternative, he would have taken it. These new clauses offer that alternative.

The new clauses provide for certain persons in France to be granted entry clearance to allow them to claim asylum in the UK. The new clauses set out who qualifies: they have to be in France; they cannot be an EU national or a national of Liechtenstein, Iceland, Norway or Switzerland; they have to intend to make a protection claim in the UK; their protection claim, if made in the UK, must have a realistic prospect of success; and there must be good reasons why their protection claim should be considered in the UK.

The first three criteria are self-explanatory. The fourth criterion—the realistic prospect of success—is a well-established test in UK immigration law. It is used in paragraph 353 of the immigration rules, which deals with a person who has been refused asylum and has later made further submissions on asylum grounds and says that they have a fresh right of appeal against the refusal of their further submissions. Home Office officials, courts and tribunals are well used to applying that test. The leading case on the realistic prospect of success is WM (DRC) [2006] EWCA Civ 1495.

To give an example of how the criterion could work in practice, applicant X applies for a France asylum visa. She is from country A and claims that she is wanted by the authorities of country A for a political offence. The applicable country guidance accepts that if a person is detained for political offence in country A, they are likely to be subjected to serious ill-treatment, so if applicant X's claim is found to be credible she would be entitled to asylum. The appropriate decision maker believes that applicant X is credible. Applicant X's claim is likely to have realistic prospect of success, so the criterion is likely to be satisfied. I will keep examples brief in the interest of time.

The fifth criterion is about good reasons and is intentionally open-ended. It allows the appropriate decision maker to make a fact-sensitive evaluation of the merits of the case. In considering whether there are good reasons, the decision maker will take into account the relative strength of their family or other ties to the UK and France; their mental and physical health and any particular vulnerabilities; and any other matter the decision maker thinks is relevant.

To give a brief example, applicant X applies for a France asylum visa. She is street homeless in France due to a shortage of available accommodation. She has PTSD and depression as a result of being tortured and has not been able to seek treatment due to her insecure living situation. She has no family and friends in France but has a brother in the UK with whom she has a close relationship and who could support her if she were here. She speaks good English but does not speak French. There are likely to be good reasons for her claim to be dealt with in the UK, so the criterion is likely to be satisfied. That is an illustrative example, but decision makers would make up their minds on the facts of each individual case, having regard to all relevant factors.

The procedure for making the application would be to the appropriate decision maker—an entry clearance officer authorised by the Secretary of State—and they would be required to waive biometric and other procedural requirements if satisfied that the applicant could not be reasonably expected to comply. There would be no fee for the application.

The successful applicant would be given leave to enter for a period of not less than six months, prescribed by the Secretary of State, who would also prescribe the conditions of such leave. On arrival, they would be deemed to have made a protection claim in the UK and go through the normal asylum process. They would have access to legal aid and there would be a right of appeal in the first-tier tribunal against the refusal of a France asylum visa application. That would be a full merits appeal and would not be limited to a review of the original decision-maker's decision. The tribunal will decide for itself whether the criteria are met.

That appeal process utilises the existing machinery of immigration appeals under the Nationality, Immigration and Asylum Act 2002. There would be onward rights of appeal to the upper tribunal and Court of Appeal under sections 11 and 13 of the Tribunals, Courts and Enforcement Act 2007, as with other types of immigration appeal.

I ask that the Government consider those practical solutions that could take the power away from people smugglers and traffickers, who the Minister routinely calls evil, with which I agree, while honouring our commitment to the refugee convention. I commend the new clauses to the Committee.

Tom Pursglove: I am grateful to the hon. Gentleman for tabling the new clauses; it is fair to say that during the course of the Committee we have had many debates around many aspects of what they refer to. The Government's position is clear: we are trying to stop dangerous journeys wholesale—in relation not just to the channel, but to the Mediterranean. We believe in upholding the long-standing principle that people should claim asylum in the first safe country that they reach. Of course, people should also avail themselves of our safe and legal routes. With that, I urge the hon. Gentleman to withdraw the new clause.

3 pm

Neil Coyle: I do not think that even the Home Office impact assessment of the Bill accepts what the Minister has just said, because it says that Bill compels some people to take dangerous routes. As I said at the start, however, this is just a probing set of new clauses. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 27

ASYLUM DISPERSAL STRATEGY

'(1) The Secretary of State must, within 2 months of this Act gaining Royal Assent, publish a strategy on the accommodation of asylum seekers under a relevant provision.

(2) The strategy must cover, but need not be limited to, the following—

(a) ensuring an equitable distribution of accommodation across the regions of England, Scotland and Wales;

(b) the suitability of financial provision provided to local authorities relating to costs supporting accommodated asylum seekers;

(c) the suitability of financial provision provided to local authorities relating to costs incurred supporting individuals after they receive a decision on their asylum application;

(d) the provision of legal advice to accommodated asylum seekers; and

(e) the provision of support from non-governmental bodies.

(3) For the purposes of this section, "relevant provision" means—

(a) section 4 of the Immigration and Asylum Act 1999

(b) Part VI of the Immigration and Asylum Act 1999

(c) Schedule 10 of the Immigration Act 2016.'—*(Neil Coyle.)*

This new clause would require the Home Secretary to publish a strategy within two months of the bill gaining Royal Assent on the accommodation of people seeking asylum who are accommodated by the Home Office.

Brought up, and read the First time.

Neil Coyle: I beg to move, That the clause be read a Second time.

I thank the British Red Cross for its help with the new clause, which is very simple and is line with what the Government have said they are committed to elsewhere. It would simply entail publishing a strategy to cover Home Office accommodation, and it aims to ensure an equitable distribution of people across England, Scotland and Wales, that financial support is provided to local authorities in areas where people are seeking asylum in Home Office accommodation, and other elements.

Although the Committee has heard that the Government's intention is to move towards the use of reception centres, it is fundamentally unclear where accommodation is aimed to be and what the Government consider accommodation to be. I intend to table an amendment on the specific issue of what is and is not an accommodation centre on Report, especially with some of the sites being used as contingency accommodation, including a hostel in my constituency that Public Health England suggested should not be used for accommodation for the Everyone In scheme. The Home Office chose to override that advice and use it for refugee and asylum seeker accommodation. The Government now seem to think that dispersal is broken, and they want to open a parallel system of accommodation, but they want to use what they refer to as "reception centres". I hope the Minister can provide some clarity on that and on whether the Government feel that they need to use the 2002 Act. Perhaps the Minister can clear up this messy situation.

[Neil Coyle]

Napier barracks has become synonymous with this issue. Its use has just been extended for five years, with the Home Office using a special development order to do so. In his letter to the Committee on 21 October, the Minister said Napier is not classified as an accommodation centre. I think that is a mistake, and I hope the Minister can explain why the Home Office is using a special development order, when the High Court has ruled that the standards and operational systems at Napier barracks are unlawful.

As things stand, we do not know what is and is not accommodation according to the Home Office. We have reports and court rulings on unlawful and unfit accommodation. We do not know where reception centres will be or the types of accommodation that the Government intend to provide while seeking to move away from dispersal in communities where service providers have argued that it is better for integration. That is why a strategy is required, and I hope the Government accept that they need to move towards a more co-ordinated approach.

On dispersal, the British Red Cross has said there is currently nothing in legislation that says people supported under sections 95, 98 and 4 of the Immigration and Asylum Act 1999 have to be accommodated in any particular way. Dispersal is not underpinned in the current legislation, so a strategy would help clarify the situation for the Home Office and the rest of us.

Like hotels, Napier and Penally barracks were seen as contingency accommodation—temporary measures because of a lack of suitable dispersal. The Government need to get the dispersal system in place. We do not know what the Government reception centres would look like or where they would be located, nor have the Government said whether people would be accommodated for the entirety of their asylum process. It is proposed that the centres would "provide basic accommodation" and

"allow for decisions and any appeals following substantive rejection of an asylum claim to be processed",

but we are conscious of the delays in the asylum system, and it is possible that people could be living in the centres for several months, potentially in remote locations. I hope that the Minister will outline whether children are intended to be placed in those centres.

Tom Pursglove: I refer the hon. Gentleman to my comments on earlier clauses, when I confirmed that children would not be placed in those accommodation centres.

Neil Coyle: That is helpful, but it has been brought to my attention this week that a 16-year-old is in a Home Office accommodation hotel in my constituency. I do not know whether that is an age-disputed case for the Home Office, but there is clearly a mismatch between the Government's intent and what is actually happening.

Rewan has been living with his two sons, aged 11 and 18, in a hotel room for 10 months. His sons cannot study, and although he is desperate to get work, their living circumstances do not allow for that. Umar was told in October 2020 when he moved into a hostel with his wife and four children—aged 7, 9, 13, and 14—that they would be there for a matter of weeks. They are still there. That is what is happening on the ground and why a strategy on dispersal is required. Dispersal is better in the local community: through work with the local community, and by using dispersal accommodation, people are better able to make connections and start feeling part of a city. As Asylum Matters states:

"Providing support for people seeking asylum, including finding suitable accommodation, should be carried out in partnership with local government and local community groups."

That is not what we are seeing.

For the almost 700 recent arrivals in Southwark, there was absolutely no in-advance co-ordination with the council; the Home Office alerted the council only after opening accommodation. Bearing in mind that accommodation would have been commissioned and procured in advance, there was ample opportunity for discussions to ensure that support was in place, but the Home Office failed to engage. In fact, when I asked the Home Office what resources the council would receive to support the hundreds of new people, it wrote back saying, "We have given some money to the clinical commissioning group." That is not part of the council.

I had a really useful discussion with the Local Government Association, which said that it would welcome a dispersal strategy and that it wants people to be able to work. There are workplaces that are desperate to take people on, but they cannot get them in. A proper dispersal strategy should look at employment levels in certain areas. Moving people into areas with high levels of employment, rather than into the cheapest accommodation across the country, would actually benefit the workforce and the economy. That strategy would be adopted by any sensible Government, so I do not hold high hopes.

I will give some background stats: in December 2020, around one in five people in Home Office accommodation were living in a hostel, B&B or hotel—triple the December 2019 figures. In Southwark, there were 1,022 people in dispersal accommodation in June, but, as I have just said, hundreds have arrived since then. The Red Cross suggested:

"The Home Office should, as a matter of urgency, address the supply of suitable asylum accommodation, and work with local authorities, devolved governments",

and it pointed out an increase in the demand for asylum accommodation and a rise in the number of people living in inappropriate places. The increase in decision-making delays since 2018—prior to the pandemic—has resulted in people staying in asylum accommodation for far longer, which is something the Minister has just said he is determined to tackle, so a strategy should be welcome. The situation is unsustainable and only a strategy to build out of it will address the problem.

In April, we had a Backbench Business debate on accommodation, focusing on the National Audit Office and Public Accounts Committee reports into asylum accommodation. The NAO reported last July that the system the Government have adopted caused costs to escalate by 28%, and saw a 96% increase in short-term and more expensive accommodation. In November 2020, the Public Accounts Committee warned of a system in crisis, and it recommended:

"The Home Office should, within three months, set out a clear plan for how it will quickly and safely reduce the use of hotels and ensure that asylum seekers' accommodation meets their individual needs."

It would be great to hear from the Minister on how that clear plan is being developed. The new clause would help to address the problem that the Government have created.

The time involved comes with escalating costs to the Home Office and the taxpayer. Will the Minister update us on average times and what he is doing to tackle them? I have two examples from Bermondsey and Old Southwark. I have raised the cases of an Eritrean woman and a Mongolian man who have both been seeking asylum since 2017. Not only do they not have decisions four years later, but the Home Office cannot even give a timeframe for when their cases will be concluded. Perhaps the Minister can tell us today when and how the Home Office will cut the horrific backlog that his Government have created.

At the end of September 2020, there were 3,621 Sudanese, Syrian and Eritrean nationals who had been waiting longer than six months for a decision on their application. The grant rate across those countries was 94% in the most recent stats. That is an incredibly expensive waste. A strategy, as outlined in the new clause, would help address the underlying costs and focus Ministers' and civil servants' minds on cutting delays and lowering the cost to the public purse.

Earlier this year the hon. Member for Westmorland and Lonsdale (Tim Farron) asked the Home Office what the Government were doing to engage with local authorities to understand why offers for dispersal were not matching demand, and to ensure that there was true collaboration. He received a letter in response from the Home Office that stated:

"We remain fully committed to working towards the agreed change plan once we have been able to move people out of hotels and into more appropriate Dispersal Accommodation."

I hope the new clause helps the Minister with that aim. I commend it to the Committee.

Tom Pursglove: I am grateful to the hon. Gentleman. I want to pick up on a few of the points that he raised. In relation to Napier, as I have said previously, we have seen several improvements recently: offering all residents covid vaccinations and personal cleaning kits, the introduction of NGOs on the site to provide assistance and advice, free travel to medical appointments and dentistry services or for meetings, sports and recreation. Those significant improvements have been made since the court judgment was handed down.

Hotels are provided as a contingency because of the lack of availability of other accommodation, but it is important to make the point that those are not accommodation centres. On the unaccompanied asylum-seeking children situation, it is difficult to comment on individual cases and a hotel in the hon. Gentleman's constituency—I do not have the specifics to hand—but I can say that, broadly, the UASC, but not other children, would be accommodated in a hotel. That is my understanding of the situation.

On a broader point, we had a significant debate on new clause 2 and dispersal accommodation, where I set out the steps that the Government are taking to try to address that. That is being considered, and I refer Members to what I said before.

Neil Coyle: The Minister says that things have improved since the court judgment and that, for example, NGOs now have more routine access. The hostel accommodation in Bermondsey and Old Southwark was open for three months before the first visit of Migrant Help on site. I am just not convinced that the Minister has given an accurate portrayal of the current picture and the real situation in a real building affecting hundreds of people in my own constituency.

Holly Lynch (Halifax) (Lab): My hon. Friend is making excellent points. The Minister says there have been changes at Napier barracks since the High Court judgment, but those changes happened because of the High Court judgment, and they perhaps would not have happened had the Government not been taken to court over the use of Napier barracks and the conditions there. That is why we do not trust the Government to make the right judgment calls on the quality of accommodation, and why my hon. Friend's new clause is important.

Neil Coyle: I agree with my hon. Friend. The Government routinely dodge using the term "accommodation centre" because they do not want to set up an advisory group. If they went through the formal process of designating something as an accommodation centre, an advisory group would help to resolve some of the problems that we have seen at Napier and in the hostel accommodation in my constituency, where they had an almost inevitable covid outbreak.

The Minister has not committed to a strategy. We are seeing a longer process, with routine delays for applications and appeals. We are seeing damage to people's lives. We are seeing damage to the economy because people cannot get a job and make more of a contribution as quickly as would be possible if there were a strategy and a plan. We are leaving the taxpayer with a massive bill for the Government's failure. Therefore, we will press new clause 27 to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 71]

AYES

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

NOES

Anderson, Stuart	Holmes, Paul
Baker, Duncan	Pursglove, Tom
Goodwill, rh Mr Robert	Richards, Nicola
Gullis, Jonathan	Whittaker, Craig

Question accordingly negatived.

New Clause 43

INDEPENDENT CHILD TRAFFICKING GUARDIANS

'(1) The Modern Slavery Act 2015 is amended as follows.

(2) For section 48 substitute—

"48 Independent Child Trafficking Guardians

(1) The Secretary of State must make arrangements to enable persons ("independent guardians") to be available to represent and support children to whom this section applies.

(2) This section applies to a child if—

(a) a reference relating to that child has been, or is about to be, made to a competent authority for a determination for the purposes of Article 10 of the Trafficking Convention as to whether there are reasonable grounds to believe that the child is a victim of modern slavery or human trafficking; and

(b) there has not been a conclusive determination that the child is not such a victim; and for the purposes of this subsection a determination which has been challenged by way of proceedings for judicial review shall not be treated as conclusive until those proceedings are finally determined.

(3) This section also applies to a child who appears to the Secretary of State to be a separated child.

(4) The independent guardians' appointment shall continue to be provided to a child as determined in this section until the age of 25 to the extent their welfare and best interests require such an appointment.

(5) In making arrangements under subsection (1) the Secretary of State must have regard to the principle that a child should be represented and supported by someone who is independent of any of any public authority (as defined in section 6 the Human Rights Act 1998) other than a court or tribunal.

(6) The arrangements may include provision for payments to be made to, or in relation to, persons carrying out functions in accordance with the arrangements.

(7) A person appointed as an independent guardian for a child must promote the child's well-being and act in the child's best interests."

(3) After section 48 insert—

"48A Independent Child Trafficking Guardians: functions

(1) This section defines the functions and duties of person appointed as an independent guardian under section 48.

(2) The functions of an independent guardian shall be to—

(a) ascertain and communicate the views of the child in relation to matters affecting the child;

(b) consult regularly with the child and keeping the child informed of legal and other proceedings affecting the child and any other matters affecting the child;

(c) contribute to a plan to safeguard and promote the future welfare of the child based on an individual assessment of that child's best interests.

(3) In the discharge of their functions, the independent guardian must at all times act in the best interests of the child.

(4) The advocate will assist the child to obtain legal or other advice, assistance and representation, including by appointing and instructing legal representatives to act on the child's behalf.

(5) The Secretary of State must make regulations about independent child trafficking advocates, and the regulations must in particular make provision—

(a) about the circumstances in which, and any conditions subject to which, a person may act as an independent guardian;

(b) for the appointment of a person as an independent guardian to be subject to approval in accordance with the regulations;

(c) requiring an independent guardian to be appointed for a child as soon as reasonably practicable;

(d) about the functions of independent guardians;

(e) requiring public authorities which provide services or take decisions in relation to a child for whom an independent guardian has been appointed to—

(i) recognise, and pay due regard to, the guardian's functions, and

(ii) provide the guardian with access to such information relating to the child as will enable the advocate to carry out those functions effectively (so far as the authority may do so without contravening a restriction on disclosure of the information).

(6) Before issuing regulations under this section, the Secretary of State must lay a draft of the regulations before Parliament.

(7) The Secretary of State shall not launch the regulations unless the draft has been approved by a resolution of each House.

(8) Whenever any other provision of the regulations is altered, the Secretary of State shall lay a statement of the altered provision before Parliament.

(9) If any statement laid before either House of Parliament under subsection (8) is disapproved by a resolution of that House passed before the end of the period of 40 days beginning with the date on which the statement was laid, the Secretary of State shall—

(a) make such alterations in the regulations as appear to be required in the circumstances; and

(b) before the end of the period of 40 days beginning with the date on which the resolution was made, lay a statement of those alterations before Parliament.

(10) For the purposes of this Act—

"separated child" means a child who—

(a) is not ordinarily resident in England and Wales; and

(b) is separated from all persons who—

(i) have parental responsibility for the child; or

(ii) before the child's arrival in England and Wales, were responsible for the child whether by law or custom."'—*(Holly Lynch.)*

This new clause seeks to incorporate an entitlement to independent guardians for separated and trafficked children and set out their functions.

Brought up, and read the First time.

3.15 pm

Holly Lynch: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 44—*Independent Child Trafficking Guardians: inspection—*

'(1) The Education and Inspections Act 2006 is amended as follows.

(2) After Clause 145 insert—

"145A Inspection of independent guardians' performance

(1) The Chief Inspector must inspect the performance of independent guardians.

(2) On completing an inspection under this section, the Chief Inspector must make a written report on it.

(3) The Chief Inspector must send copies of the report to—

(a) the Secretary of State, and

(b) Independent Guardians.

(4) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.

(5) In this section, "independent guardians" means those appointed under section 48 of the Modern Slavery Act 2015."'

This new clause sets out the duty for OFSTED to inspect the performance of independent guardians.

Holly Lynch: Before I start, I draw hon. Members' attention to the Red Box article written by the Independent Anti-Slavery Commissioner, Dame Sara Thornton, and published in *The Times* today. Entitled "Rushed borders bill will fail victims of modern slavery", it is damning. Against that backdrop, I will have another go at mitigating the worst elements of part 4 with new clause 43. I start by paying tribute to ECPAT UK and the Children's Society, which have shared their insight and invaluable expertise in helping us to shape these new clauses.

New clause 43 would amend section 48 of the Modern Slavery Act 2015, to ensure that an independent guardian was provided for all child victims of trafficking and separated children. For clarity, I point out that when I refer to "separated children", I am referring to migrant children who are unaccompanied. The independent guardian would be a central part of a child's life, acting as a connection to all the support services that they required, having the ability to instruct solicitors on their behalf and representing their best interests throughout. These guardians would be experts on trafficking and modern slavery, whose purpose was to safeguard and improve the wellbeing of trafficked children, as well as ensuring that statutory services could function more effectively, securing a route both to recovery and to prosecution of those ultimately responsible for their abuse. As specified in the functions laid out in the new clause, an independent guardian would ensure that the child was informed of any relevant legal proceedings, clearly communicate the views of the child and promote the future welfare of the child based on what was in the child's best interest.

I have cited the numbers previously, but I will remind the Committee. In 2020, 47% of referrals to the national referral mechanism were children, and of the referrals for UK-based exploitation only, 57% were children. It was the case that 51% of the referrals of children were for child criminal exploitation. According to the National Crime Agency, the increase in referrals to the NRM of British children has been driven largely by so-called county lines criminality.

A great deal of the provision in new clause 43 should already be happening and be provided for between international laws, including the UN convention on the rights of the child, the EU trafficking directive of 2011 and the Council of Europe convention on action against trafficking in human beings, as well as domestic provisions. However, the measure has been only partially adopted across the UK. The Children's Society has supported calls for it to be enshrined in statute, stating that a guardian's role should be independent from the state, have legal authority and have adequate legal powers to represent the child's best interests, as well as being respected by an existing regulatory body.

As the Independent Anti-Slavery Commissioner highlighted in her annual report for 2020-21, despite clear evidence of good practice she remains extremely disappointed that six years on from the Modern Slavery Act 2015 the independent child trafficking guardian service is not yet a national provision.

There has been very much a staggered approach to roll-out, with the service still not in operation across around a third of all local authorities, several years after it was adopted in three early adopter areas in Greater Manchester, Hampshire and the Isle of Wight. That shows a real lack of urgency on the Government's part and we echo the statement by the anti-slavery commissioner that

"access to this specialist support for children should not be a postcode lottery".

In the year ending June 2021, the UK received 2,756 applications for asylum from unaccompanied children. The majority of unaccompanied children are cared for on a voluntary agreement under section 20 of the Children's Act 1989, rather than under a section 31 care order, whereby the local authority has full parental responsibility for the child.

Although I pay tribute to the dedicated social workers up and down the country, in reality many social workers will not have received training on the asylum and immigration system, and may lack the skills to aid children with their immigration applications. Therefore, the new clause will provide much needed consistency and security for children who have had some of the worst possible starts in life, supporting them towards recovery and through their relationship with the relevant agencies, in the hope that we can secure child victims a degree of restorative justice, which would be a service for both migrants to the UK and UK nationals.

The report conducted by the Home Office evaluating independent child trafficking guardians supported the argument that they provide a sense of stability and continuity:

"Investing time in trafficked children's lives by a single trusted, well-informed, reliable adult became a distinct early feature of the ways child trafficking guardians stood out from other professions."

This is demonstrated by one young person who responded to the evaluation. Speaking about their guardian, they said:

"She is so amazing... I don't know if they're all like that, but for me it was different, because I told her things that I haven't told my social worker and that was beneficial. I think that's because of her personality...she seems really open, I can talk to her about anything."

Police offers working to combat exploitation and help young people told me recently that they were becoming aware that the drive to keep young people out of police cells for all the right reasons had led to instances where children were arrested in possession of, say, drugs and cash. Rightly, the police would have taken those items from the children before they were released, pending further inquiries, but before proper consideration of their circumstances could be made.

Officers identified that children and young people were having to go back to serious criminals to inform them that they no longer had their drugs or cash, without any of the risks to them having been identified and without safeguarding support having been wrapped around them. Thankfully, those officers were working through the best practice alternatives, but those are the types of scenarios where guardians would be able to play an invaluable role.

It is notable that the devolved nations have been far more proactive in this area, with Scotland having made greater progress and Northern Ireland introducing a comprehensive independent guardians model, which provides an individualised service for all separated children. If we are to consider the UK a world-leader in combating modern slavery, I ask the Minister to put into primary legislation what should already be happening, as a means of addressing the gaps in provision, which will help us to do what is right for these children as well as assisting the authorities in identifying and apprehending perpetrators of some of the most heinous crimes.

New clause 44 would ensure that the provision of independent child trafficking advocates is subject to an inspectorate regime. As colleagues may be aware, the measure is currently not subject to an inspection framework, which is applied to other services for children under the Education and Inspections Act 2006. We believe than

[Holly Lynch]

an inspection framework is necessary to ensure that Ofsted can inspect the quality and effectiveness of the service.

In conclusion, I find it hard to believe that any colleagues do not support the aims and objectives of the new clause, which builds upon the commitments in the Modern Slavery Act 2015. As the campaign group Every Child Protected Against Trafficking UK has highlighted, those who are eligible under new clause 43 may have had to flee their country due to conflict and may have faced exploited en route to the UK. Others may be British children in the care system, who have been let down by the adults around them. There is a breadth of vulnerability here and we believe that the new clauses better acknowledge and cater to all child victims' physical and psychological needs. I hope that the Minister shares the ambition behind the new clauses and understands the need for all trafficked and separated children to be recognised and supported within primary legislation.

Tom Pursglove: I thank hon. Members for tabling their new clauses. They have raised important issues about the support available for child victims who have faced the most heinous crimes. Independent child trafficking guardians are an independent source of advice and support for potentially trafficked children, irrespective of nationality, and somebody who can advocate on a child's behalf. Provision for the independent child trafficking guardian already exists in section 48 of the Modern Slavery Act 2015, as does the requirement to make regulations.

The Government have developed detailed policy for the provision of this service, which is set out in the interim independent child trafficking guardians guidance, published under section 49 of the Modern Slavery Act 2015. This guidance is kept under review through consultation with stakeholders. The correct place for the detail regarding the function of the service is in guidance, rather than, as new clause 43 suggests, the legislation itself. That enables the Government to respond flexibly to best practice and victims' needs. The guidance is clear that acting in the child's best interests must always be a primary consideration for the service.

New clause 43 would also ensure that an independent child trafficking guardian can continue to provide support to a child until the age of 25, to the extent that their welfare and best interests require such an appointment. Following a recommendation from the independent review of the Modern Slavery Act, the Government are currently trialling the provision of support, when appropriate, to individuals beyond the age of 18 in London, West Yorkshire and Warwickshire. An independent evaluation will look at the added value of implementing that change and consider appropriate next steps. The new clause would expand the scope of the independent child trafficking guardian service to all separated children when there are already existing provisions for separated children to receive support and assistance through other means.

I assure the Committee that the Government take their responsibility for the welfare of unaccompanied children extremely seriously. We have comprehensive statutory and policy safeguards in place for caring for and safeguarding unaccompanied asylum-seeking children in the UK, including those who are victims of trafficking. When an unaccompanied asylum-seeking child becomes looked after by a local authority, they are entitled to the same level of support and care from their local authority as all looked-after children. Under these arrangements, a looked-after child must be provided with access to education, healthcare, legal support and accommodation. They will be allocated a social worker who will assess their individual needs and draw up a care plan that sets out how the local authority intends to respond to the full range of those needs. Our record demonstrates the Government's determination to ensure that unaccompanied children and child victims of modern slavery are appropriately safeguarded and have the support they need.

Holly Lynch: Will the Minister give way?

Tom Pursglove: I am conscious that we need to make progress, but I will take a quick intervention.

Holly Lynch: I am grateful. I do not dispute that the provision already exists in legislation for independent child trafficking guardians; my dispute is that, as we have heard, they are not available in reality for a third of the country. If the Minister is saying that we do not need a requirement in legislation to do this, how does he plan to ensure that those guardians are available right across the country?

Tom Pursglove: If I may, I will write to the Committee. I have undertaken to write to the Committee with more information in relation to another matter we discussed earlier, and I am very happy to provide more information to the Committee in answer to that question.

Turning to new clause 44, I appreciate that appropriate methods of assessing the effectiveness of independent child trafficking guardians are required. The current independent child trafficking guardian service model is informed by the findings of the evaluation of early adopter sites, published in July 2019, and the evaluation of the regional practice co-ordinator role, published in October 2020. The provision of independent child trafficking guardians in section 48 of the Modern Slavery Act 2015 provides the Secretary of State with a duty to make such arrangements considered reasonable to ensure that specialist independent child trafficking advocates are

"available to represent and support children who there are reasonable grounds to believe may be victims of human trafficking."

Section 48(6) places a duty on the Secretary of State to make regulations about independent child trafficking advocates, which must include the circumstances and conditions under which a person may act as an independent child trafficking advocate, arrangements for the approval of the appointment of such advocates, the timing of appointment and the advocates' functions. As mentioned earlier, the roll-out of the independent child trafficking guardian service is being informed by the findings of the evaluation of early adopter sites. As such, regulations will be brought forward in due course.

Independent child trafficking guardians are now operating in two thirds of all local authorities in England and Wales, as the hon. Lady said. It is important that

the provision is able to support those vulnerable children appropriately, and it is precisely for this reason that a staggered approach has been adopted, with built-in evaluations along the way. We will continue to monitor closely the independent child trafficking guardian service to ensure practitioners are acting in the child's best interests and that resource is being allocated appropriately. We will adjust guidance as needed to ensure that these vulnerable victims are protected and supported to recover from their exploitation. For the reasons I have outlined, I invite the hon. Lady not to press her new clauses.

3.30 pm

Holly Lynch: I live in hope that anyone who can run a marathon for Justice and Care would understand the value of the independent child trafficking guardians and the victim navigators, and with that in mind, I very much look forward to the Minister's further commitments in writing. If we are not satisfied, we will come back to this issue on Report, but I trust that he will do everything he can on those two fronts. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 46

PERMISSION TO WORK FOR PEOPLE SEEKING ASYLUM

"(1) The Immigration Act 1971 is amended as follows.

(2) After section 3(2) (general provisions for regulation and control) insert—

'(2A) In making rules under subsection (2), the Secretary of State must make provision for persons seeking asylum, within the meaning of the rules, and their adult dependants to have the right to apply to the Secretary of State for permission to take up employment, including self-employment and voluntary work.

(2B) Permission to work for persons seeking asylum and their adult dependants must be granted if—

(a) a decision has not been taken on the person's asylum application within six months of the date of that application, or

(b) a person makes a further application which raises asylum grounds and a decision on that new application, or a decision on whether to treat such further asylum grounds as a new application, has not been taken within six months of the date on which the further application was made.

(2C) Permission for a person seeking asylum and their adult dependants to take up employment shall be on terms no less favourable than the terms granted to a person recognised as a refugee.'"—*(Bambos Charalambous.)*

This new clause amends the Immigration Act 1971 to allow people seeking asylum to be granted permission to work after 6 months.

Brought up, and read the First time.

Bambos Charalambous (Enfield, Southgate) (Lab): I beg to move, That the clause be read a Second time.

I will try to be brief in the interests of time. I thank the Lift the Ban campaign for its sterling work on why this new clause is so necessary and why it would be so beneficial. Current immigration rules dictate that asylum seekers can apply for permission to work only if they have been waiting for a decision for over 12 months and only for jobs that are on the Government's highly restrictive shortage occupation list, which includes professions such as classical ballet dancer and geophysicist. That has not always been the case. Until 2002, people were able to apply for permission to work if they had been waiting for a decision for more than six months. Only in 2010 was the right to work restricted to jobs on the shortage occupation list.

Today, 76% of people waiting for a decision on their asylum claim have been waiting for more than six months, according to the Government's latest immigration statistics. During the long waits for claims to be processed, people seeking asylum are unable safely to protect themselves and provide for their families. They are forced to depend on the pitifully low asylum support payments of £5.66 a day, and people must often choose between essential items of food, medicine and cleaning products while being prohibited from using their skills and experience.

Work provides a route out of poverty, and there would be a big economic benefit from lifting the ban. The Lift the Ban coalition has calculated that, if 50% of those currently waiting more than six months for a decision on their claim found work, the net economic benefit from increased tax and national insurance contributions and from lower asylum support payments would be £178 million per year. Lifting the ban also has widespread business backing. In 2019, the Lift the Ban coalition polled 1,000 businesses for their views on whether people seeking asylum should have the right to work, and 67% of the businesses polled agreed.

In addition, lifting the ban would bring the UK into line with policy in all other comparable countries. Lifting the ban also makes sense in the covid-19 pandemic or post-pandemic context in which we find ourselves. The skills and desire to work possessed by many stuck in the asylum system could have been invaluable during the recent covid-19 crisis. Very importantly, lifting the ban would support integration. It stands to reason that early access to employment increases the chances of smooth economic and social integration by allowing people to improve their English, acquire new skills, and make new friends and social contacts in the wider community. Crucially, it enables them to be self-sufficient. The policy is also popular with the public. According to Lift the Ban coalition's research conducted in 2018, 71% of the public support lifting the ban.

Holly Lynch: My hon. Friend is making a powerful speech. I intended to speak in full in favour of new clause 46, but I will just make an intervention. On that 71% figure, he will be aware that Lift the Ban conducted research in every constituency across the country. Bearing in mind that 73% of the people of Eastleigh, 72% of the people of Calder Valley and 66% of the people in the constituency of the hon. Member for Stoke-on-Trent North support ending the ban on the right to work, does my hon. Friend share my hope that the hon. Members for those areas will reflect on the public's support for new clause 46?

Bambos Charalambous: My hon. Friend makes an excellent point and I hope beyond hope that hon. Members will support our new clause.

In December 2018, the then Home Secretary stated that a Home Office review of the policy would be taking place. Subsequent contributions in 2019 from the Prime Minister and Home Office Ministers confirmed that the review would continue under the new Government, but

[Bambos Charalambous]

to date no detail has been provided regarding the content or methodology of that review. The Government have appeared divided in their own ranks on the issue. In recent months, senior Cabinet Ministers have expressed disquiet about the Government's position. Surely, it is therefore time that the Government listen to voices from across the political spectrum on this issue and do the right thing by adopting our clause on lifting the ban on work for people seeking asylum.

Tom Pursglove: I should start by noting that, as hon. Members know, the Government's current policy does allow asylum seekers to work in the UK if their claim has been outstanding for 12 months, where the delay was caused through no fault of their own. Those permitted to work are restricted to jobs on the shortage occupation list, which is based on expert advice from the independent Migration Advisory Committee.

I should like to set out the rationale for that policy position. The policy is designed to protect the resident labour market by prioritising access to employment for British citizens and others who are lawfully resident, including those granted refugee status, who are given full access to the labour market. That is in line with wider changes we have made through the points-based immigration system. We consider it crucial to distinguish between those who need protection and those seeking to come here to work, who can apply for a work visa under the immigration rules. Our wider immigration policy would be undermined if individuals could bypass the work visa rules by lodging unfounded asylum claims in the UK.

Neil Coyle: Will the Minister give way?

Tom Pursglove: I have been very generous throughout the duration of the Committee, but I am afraid I need to make some progress at this point.

It is also the case that unrestricted access to employment opportunities may act as an incentive for more migrants to choose to come here illegally, rather than claim asylum in the first safe country they reach. While pull factors are complex, we cannot ignore that access to the UK labour market is among the reasons that an unprecedented number of people are taking extremely dangerous journeys by small boat to the UK. I trust that hon. Members would agree with me that the UK cannot have a policy that raises those risks, and that we must do everything in our power to put a stop to those journeys.

Relaxing our asylum seeker right-to-work policy is not the right approach in this respect. Indeed, in an article earlier this month, the French newspaper *Le Figaro* noted the perspective in France that the "economic attractiveness" of the UK is a reason migrants attempt to cross the channel in small boats. In addition, removing restrictions on work for asylum seekers could increase the number of unfounded claims for asylum, reducing our capacity to take decisions quickly and support genuine refugees.

I would like to take this opportunity to make it clear that I do acknowledge the concerns of hon. Members. The Government are committed to ensuring that asylum claims are considered without unnecessary delay to ensure that individuals who need protection are granted asylum as soon as possible and can start to integrate and rebuild their lives. It is important to note that those granted asylum are given immediate and unrestricted access to the labour market.

I absolutely agree with hon. Members that asylum seekers should be allowed to volunteer. That is why we strongly encourage all asylum seekers to consider volunteering, so long as it does not amount to unpaid work. Volunteering provides a valuable contribution to their local community and may help them to integrate into society if they ultimately qualify for protection.

We have been clear that asylum seekers who wish to come to the UK must do so through safe and legal routes. Where reasons for coming to the UK include family or economic considerations, applications should be made via the relevant route: either the new points-based immigration system or the refugee family reunion rules. We absolutely must discourage those risking their lives and coming here illegally.

The Nationality and Borders Bill will deliver the most comprehensive reform in decades to fix the broken asylum and illegal migration system, and our asylum seeker right-to-work policy must uphold that wider approach. There is, of course, a review of the 2018 report currently under way and I reassure hon. Members that the findings of the updated recent report will be built into this. For all those reasons, I invite the hon. Members for Enfield, Southgate and for Halifax to withdraw the new clause.

Bambos Charalambous: I am not convinced by the Minister's response, so I will be pushing this to a vote. Hopefully, we will be joined by other Members across the Committee.

Question put,

That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 72]

AYES

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

NOES

Anderson, Stuart	Holmes, Paul
Baker, Duncan	Pursglove, Tom
Goodwill, rh Mr Robert	Richards, Nicola
Gullis, Jonathan	Whittaker, Craig

Question accordingly negatived.

New Clause 47

IMMIGRATION RULES: ENTRY TO SEEK ASYLUM AND JOIN FAMILY

'(1) Within 6 months of this Act being passed, under the power in section 3(2) of the Immigration Act 1971, the Secretary of State shall lay before Parliament rules making provision for the admission of persons coming for the purpose of seeking asylum.

(2) These rules shall include provision for admitting persons who have a family member in the United Kingdom who—

(a) is ordinarily and lawfully resident in the United Kingdom; or

(b) has an outstanding claim for asylum in the United Kingdom.

(3) For the purposes of this section, a "family member" means a grandchild, child, parent, grandparent, sibling, uncle or aunt.'—*(Stuart C. McDonald.)*

This new clause would require the Government to make provision within the Immigration Rules for people to be admitted to the UK for the purposes of seeking asylum where they have a family member in the UK.

Brought up, and read the First time.

Stuart C. McDonald: I beg to move, That the clause be read a Second time.

I appreciate that the issue of safe routes has been explored fairly extensively already today, but I just want to make a couple more points. I think pretty much everyone on the Committee has agreed that we want to stop people from making dangerous journeys. Members would agree that part of that work involves tackling gangs through police work and so on. Fundamentally, where we have different points of view is over the role that disincentives have.

The Bill is all about disincentivising people from making journeys by putting them in the criminal justice system—breaching their human rights, breaching the refugee convention and using all manner of methods that would be regarded as completely and utterly inappropriate. Indeed, in the last debate we heard about the right to work, which exemplified that approach. The answer from the Minister, with all due respect, was totally devoid of any sort of evidence and reasoning. It is hugely frustrating. The so-called review is still ongoing three years on.

The final way to tackle these journeys is through safe alternatives. Again, I think that across the Committee there is a degree of agreement that safe routes do have a role to play. It is important that we have safe legal routes. In a sense, there is an element of justice about it, which is that we have to play our part in supporting those who suffer persecution; we cannot just leave it all to neighbouring countries, notwithstanding the fact that 80% or 90% of refugees are often in neighbouring countries—developing countries and so on.

I still do not get whether the Government totally appreciate the important role that such safe routes have in reducing unsafe journeys. To me, it is obviously significant. That is why EU countries, previously including the UK, have in place the Dublin rules. Those are far from perfect, but they recognise that if a person seeking asylum has family members or links in another member state, that is an appropriate place for the asylum case to be heard. Almost certainly, if there is no official route for an individual to use to come to the UK, whatever their ties are, an unofficial journey on an unofficial route will follow. That is why we find that many people in France who do consider, and do make, these dangerous journeys actually have relatives here in the UK. The immigration rules as they stand—I raised this in my intervention on the Minister earlier—are not fit for purpose. They include hugely demanding tests. Grants outside the rules are few and far between. I welcome the fact that the Government have indicated that they will take a look at that.

The end of the Dublin rules has almost certainly—definitely, in my view—exacerbated what is going on across the channel. Of course, the fact that there are no safe legal routes across the channel does not mean that there are not people attempting these dangerous journeys: other reasons and other ties exist that motivate people to do that. There is no doubt that providing some form of visa for those who require it would result in some reduction in those dangerous crossings.

As the situation stands, the Government are trying to secure agreements with other countries, but so far as we can see those are entirely one-sided and one-way agreements seeking only to secure the right to remove people from here. To secure deals, to encourage countries to get on board and to ensure a reduction in unsafe journeys, we also need to negotiate safe routes to here. That is why the Dubs scheme was so successful and important. It is important that we put in place something similar for the future, which is what the new clause is all about.

3.45 pm

Tom Pursglove: I agree with the hon. Gentleman that it is imperative that we think carefully about the issue. Expanding our family reunion policy as proposed by the new clause would significantly increase the number of people who would qualify to come here and to seek protection. Indeed, the new clause is global in scope, meaning that any asylum seeker in the world with extended family in the UK could qualify to claim asylum. That could easily run to the hundreds of thousands.

To give just one example of how that could have challenging consequences, foreign nationals already illegally present in the UK could potentially be incentivised to claim asylum to circumvent immigration rules in order to bring their family over. We need to ensure that our limited resources are focused on helping refugees who are in the UK to reunite and integrate with immediate pre-flight family. We have a proud record of helping those facing persecution, oppression and tyranny, and we stand by our moral and legal obligations to help innocent civilians fleeing cruelty from around the world, but we cannot help all the people displaced worldwide and who want to come to the UK.

Allowing extended family members to come to the UK for the purpose of claiming protection under new clause 47 might simply create further incentives for more adults and children to be encouraged—even forced—to leave their family and risk hazardous journeys to the UK in order to later sponsor qualifying extended family. That plays into the hands of criminal gangs who exploit vulnerable people and goes against the main intention of the Bill. We must do everything in our power to stop that dangerous trend. The new clause would also result in chain migration, where granting entry to each family member has the potential to bring in even greater numbers of their family members to claim protection under the rules. That is simply not sustainable.

We recognise, however, that families can become fragmented because of the nature of conflict and persecution, as well as the speed and manner in which those seeking protection are often forced to flee their own country. That is why the Government strongly support the principle of family unity. We already have a comprehensive framework for families to be reunited here safely. I will add, because this will be of interest to both Government and Opposition Members, that we are committed to reviewing the family refugee reunion

[Tom Pursglove]

rules, as we set out in the new plan for immigration. At all times, as the Committee would expect, we will be fully compliant with our international obligations.

Given that and the issues raised in Committee, everything will be taken into account when looking at the policy.

Stuart C. McDonald: First, that was not a fair interpretation of the new clause: it was certainly not advocating for an unlimited number of people to have access to that route. Nevertheless, it is surprising that we are expected to be encouraged about family reunion at a time when this very Bill is proposing to strip the overwhelming majority of asylum seekers and refugees of those family reunion rights. At the end of the day, the issue is one we will have to revisit on Report. In the meantime, I beg to ask leave to withdraw the motion.

Motion, by leave, withdrawn.

New Clause 48

SIX MONTH TIME LIMIT FOR DETERMINING ASYLUM APPLICATIONS

"(1) The Secretary of State must make regulations providing for—

(a) a six month time limit for determining applications for asylum; and

(b) an officer of Director level or above to be required to write to the Home Secretary a letter of explanation on a quarterly basis in the event of any failure to meet the six month time limit.

(2) The Secretary of State must report to Parliament any failure to meet the six month time limit."—*(Bambos Charalambous.)*

Brought up, and read the First time.

Bambos Charalambous: I beg to move, That the clause be read a Second time.

This new clause could be a silver bullet to solve a lot of the ills in the immigration and asylum system. We believe that, were it to be adopted, it would have many beneficial social and financial effects. It would obviate the need for some of the other clauses we have proposed, such as lifting the ban on working. The new clause would undo a host of negative consequences that arise because of the current endemic delays in the asylum system, which are creating huge social and financial costs.

During the course of this Committee, we have heard testimony from people trapped inside the system for years. We have heard about the toll on mental health and the re-traumatising of people who have fled abuse and torture. We have heard about the way in which being trapped in limbo prevents integration and how being banned from working enforces poverty. None of these negative effects would exist if our six-month time limit for processing cases were adopted. Furthermore, costs to the taxpayer, such as those currently spent on long-term accommodation and subsistence benefits, would all be hugely reduced.

Let us not be under any illusion: the current asylum system is broken. According to the House of Commons Library, as of June 2021 the total "work in progress" asylum case load consisted of 125,000 cases—57,000 of those were awaiting an initial decision at the end of 2020.

Jonathan Gullis: I was in Dover yesterday, where I spoke to people from Border Force about the situation. Does the hon. Gentleman agree with them, and with me, that one big issue putting pressure on the system is that tens of thousands of illegal economic migrants are crossing the English channel right now? That is leading to our having to speed up and process people as quickly as possible, while not having the facilities available in detention centres. We are therefore having to use hotels, which is taking up a huge amount of taxpayers' money. That is where the real strain is. This Bill, which Border Force backs, will go a long way towards helping, as we are going to a six-month process with a one-time appeal, rather than multiple appeals, which are currently being exploited by certain lawyers.

Bambos Charalambous: There is so much to respond to in that. I question the hon. Gentleman's facts first of all, but clearly we are talking about the situation as it is now, which has been built up over the past decade, and not as he would like it to be. In any event, I disagree about what this Bill does. It does not solve the problem; it keeps people here for longer.

As I was saying, what is masked by these numbers are the hundreds of people who have waited nearly 10 years or more for a decision on their asylum claims, left in limbo while they wait for an answer. In August, a freedom of information request from *The Independent* newspaper revealed that there were more than 1,200 asylum seekers in the system who had been waiting more than five years for a decision, with 399 people who had been waiting more than a decade. Separate figures obtained by the Refugee Council through an FOI request earlier this year revealed that the number of applicants waiting for more than a year for an initial decision, not including appeals, increased almost tenfold between 2010 and 2020, from 3,588 to 33,016. More than 250 people had been waiting for five years or more for an initial decision on their case, with dozens of children among them. As of December 2020, 36,725 asylum seekers had been waiting more than a year for a decision.

Those kinds of figures just smack of a broken system. Having tens of thousands of people waiting for more than a year for an initial decision is just totally unacceptable. I am sure that most MPs can think of asylum cases they have been dealing with that have stretched on and on, sometimes for years. I can cite the case of a constituent—I shall call them F—who came to the UK from Afghanistan as a child and applied for asylum in August 2013. It took seven and a half years, and my involvement as his MP, for the matter to be resolved in February this year. It really should not take an MP's involvement to reach such a conclusion.

The human cost to people's mental health and the cost to the taxpayer of these endemic delays in the system is high. We know that people in the asylum system become increasingly mentally unwell as the years of uncertainty, trauma and demonisation erode their mental and physical health. The Refugee Council reported earlier this year that this has led to an increase in the numbers of individuals self-harming and reporting suicidal thoughts. The Children's Society report "Distress Signals"

also outlined serious concerns about the damage done to children's mental health in those conditions— this is damage done at a formative age that will last a lifetime.

Beyond the human cost of these delays is the financial cost. The backlog adds considerably to the overall cost of the asylum process. The Refugee Council has calculated that for every month of delay the additional cost to the Home Office per person is at least £730.41, equating to £8,765 per year. The delays make absolutely no financial sense. Not only that, but on the Home Office's own figures more people are being employed but they are processing fewer cases. Paying more for less productivity is not acceptable. If this was a business, it would go bust.

A commitment to a six-month target as set out in the new clause would therefore save a huge amount of money to the Treasury and taxpayers, improve the mental health of those caught in the system, and help with integration.

Tom Pursglove: I have been clear throughout Committee proceedings that the Government are committed to overhauling the current asylum system, which is obviously broken and in critical need of reform. The number of non-straightforward cases awaiting a decision has grown rapidly, meaning that in October 2018 it became clear to us that the service standard of six months from the date of claim no longer best served those who used our services. For those reasons, former Ministers agreed that we should move away from the service standard.

Although I cannot accept the new clause, as we consider it too restrictive, Members will have detected from what I have said throughout the proceedings that we want to see the faster processing of cases. I entirely recognise the shadow Minister's point on the financial costs of delay, and the impact on individuals of delay. That is why I and my ministerial colleagues want cases to be dealt with more speedily. That is, of course, the right objective to be working towards. We are working to reintroduce a service standard that will align with changes brought about by the new plan for immigration. I encourage the shadow Minister to withdraw the new clause.

Bambos Charalambous: I will push the clause to a vote; we are not convinced by the Minister's response.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 73]

AYES

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

NOES

Anderson, Stuart	Holmes, Paul
Baker, Duncan	Pursglove, Tom
Goodwill, rh Mr Robert	Richards, Nicola
Gullis, Jonathan	Whittaker, Craig

Question accordingly negatived.

New Clause 49

DISCLOSURE OF INTERNATIONAL AGREEMENTS FOR PREVENTION OF UNLAWFUL BORDER CROSSINGS

"(1) The Secretary of State must make regulations requiring–

(a) the Secretary of State to disclose the contents of any agreements with any international governments or agencies entered into in order to prevent unlawful border crossings; and

(b) the information in paragraph (a) to be laid before Parliament within 3 months of any such agreement being entered into."—*(Bambos Charalambous.)*

Brought up, and read the First time.

Bambos Charalambous: I beg to move, That the clause be read a Second time.

Through new clause 49, we hope to shed light on some of the murkiness that has existed in the Home Office in relation to agreements reached with agencies and other Governments to prevent unlawful border crossings and dangerous journeys. The new clause would require the Secretary of State to disclose the contents of any agreements with any international Governments or agencies reached in order to prevent unlawful border crossings, and for this information to be laid before Parliament within three months of any such agreement being entered into. This would mean that, for example, information pertaining to the UK-French agreement to tackle dangerous crossings in the English channel in July could be properly understood and scrutinised, including the use of £54 million of taxpayers' money.

Information about that agreement and its impact has been limited, and although information has been limited, the confusion has been clear for all to see. There have been conflicting briefings between the British and French authorities regarding the use of £54 million of British taxpayers' money. There have been reports, for example, that the UK is threatening to withhold the money. The Home Secretary appeared before the Lords Justice and Home Affairs Committee last week and this question was asked. The Home Secretary stated that the agreement is "based on results", and includes preventing people getting to beaches, intelligence sharing, policing operations around the Belgian-French border, and technology.

For more than two years, the Home Secretary has repeatedly committed to stopping channel crossings in small boats by making the route unviable, yet unprecedented numbers of people have made the journey in this period, including a staggering 20,000 this year alone. Clearly, if we are working with the French authorities to disrupt people smuggling gangs and prevent dangerous crossings, it does not seem to be working very well, and parliamentary scrutiny of how taxpayers' money is being spent is important if we are to learn more about the Home Secretary's plans and why they have once again failed to deliver. For example, has anything been paid to France? Is the agreement for payment by results? If so, what are the metrics? How can we scrutinise whether this is value for money, or whether that money could be better spent elsewhere? It seems astonishing that the Home Secretary can just be given £54 million of public money to spend, but we do not know what on. There must be some accountability for that to Parliament.

4 pm

I am sure all members of the Committee would agree that we need a strategy that includes tackling criminal gangs operating away from the coast of France, which are facilitating these dangerous crossings. Targeting those groups requires international co-operation, but the Bill does not lend itself to international co-operation. As we know, it effectively washes the UK's hands of our international obligations under international human rights and maritime law. We have also heard at length from the Opposition about the importance of safe and legal routes to prevent people from undertaking these crossings in the first place, something the Government continue to neglect, with tragic consequences.

In summary, the Opposition's new clause 49 hopes to probe unanswered questions about the Home Office's operations and use of taxpayers' funds. If accepted, it would require the Secretary of State to disclose the contents of any agreements with international Governments or agencies entered into to prevent unlawful border crossings, and to present that information to Parliament.

Jonathan Gullis: I reiterate that, having gone down to Dover to meet the Kent intake unit in Dover docks, having met in the joint control room with deputy director Dave Butler of the clandestine threat command, and having been to Tug Haven and western Jetfoil on a cross-party parliamentary visit, it was fantastic to learn and understand. I share concerns expressed by the hon. Member for Enfield, Southgate about the use of this money by the French, and I have been quite open in my view that the French are simply not doing enough, but it was great to hear from Dave and others in the control room that what the French are doing inland is quite substantive. Dave was very happy to share the details.

I can only implore the hon. Gentleman, rather than pressing this new clause, to go on down and visit, and have a chat with Dave and the gang down there to hear what is going on in France. They were trying to say to us that the French are operating inland and trying to stop people from coming over to France and travelling through. The local Parisian community, for example, were getting very angry about being a path route towards Calais. That was a fascinating conversation.

That is why the new clause is unnecessary; we saw, after the threat of no payment was made, that suddenly we could not stop being inundated with video footage and photography of what was being done. I thought it was absolutely brilliant. The one thing the French are not doing is their job at sea. They need to step up and support the British Border Force and other British services in stopping boats once they have already launched into the English channel—not just by tracking them, as they currently do, but by tugging them back to France. They are simply not doing their job.

While I absolutely share the hon. Gentleman's concerns about money, ultimately I believe the Home Secretary has a firm grip of this, and as we are seeing, the results are starting to pay dividends. However, I agree that more can be done, and the Bill goes a long way to achieving that.

Tom Pursglove: I am grateful to the shadow Minister for his proposed new clause. He will appreciate that there is always a balance to be struck in these matters, and I should add that we have published joint statements that set out the nature of our work with France following arrangements made in July 2021 and November 2020. The content of the Sandhurst treaty, which underpins our illegal migration relationship with France, is also published.

Those arrangements are underpinned by additional administrative and operational documentation. However, it is not possible to publish that material where it includes sensitive details relating to the UK and our international partners. To disclose that information would hinder our operational response and our ability to target criminals driving illegal migration and ultimately protect the public. We must do nothing that aids their evil work—we simply must not entertain that, and that is something I am exceptionally mindful of in responding to the proposed new clause.

Paul Blomfield: Will the Minister give way?

Tom Pursglove: I will, but I am conscious of the need to make progress.

Paul Blomfield: If the Minister is concerned to see that we do nothing to aid the evil work of people smugglers, what consideration has he given to the impact assessment by his own Department, which said:

"There is a risk that increased security and deterrence could encourage these cohorts to attempt riskier means of entering the UK."?

According to his own Department, these proposals are counterproductive.

Tom Pursglove: What is being sought is further detail on the relationship that we have with France in particular to tackle these dangerous channel crossings. As I say, we must put nothing in the public domain that risks undermining that constructive collaboration through the arrangement that we have with the French, which is vital to stopping these dangerous crossings and protecting lives at sea. To do so would also result in a betrayal of trust with our international partners, who own some of this information, and could prevent us from reaching future agreements with international partners, impacting our ability to prevent illegal migration and small boat crossings. That is why the Government feel unable to support the new clause and I encourage the hon. Member for Enfield, Southgate to withdraw it.

Bambos Charalambous: There is not enough scrutiny, so we wish to press the new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 74]

AYES

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

NOES

Anderson, Stuart	Holmes, Paul
Baker, Duncan	Pursglove, Tom
Goodwill, rh Mr Robert	Richards, Nicola
Gullis, Jonathan	Whittaker, Craig

Question accordingly negatived.

New Clause 50

ROUTE TO SETTLEMENT FOR CHILDREN AND YOUNG PEOPLE WHO ARRIVED IN THE UK AS MINORS

"(1) Within two months of this Act being passed, the Secretary of State must amend the Immigration Rules so that – for persons to whom this section applies – the requirements to be met for the grant of indefinite leave to remain on the grounds of private life in the UK are that—

(a) the applicant has been in the UK with continuous leave on the grounds of private life for a period of at least 60 months.

(b) the applicant meets the requirements of paragraph 276ADE(1) of the Immigration Rules or, in respect of the requirements in paragraph 276ADE(1)(iv) and (v) of those Rules, the applicant met the requirements in a previous application which led to a grant of limited leave to remain under paragraph 276BE(1) of those Rules.

(2) This section applies to—

(a) persons who have been granted limited leave to remain on the grounds of private life in the UK because at the time of their application—

(i) they were under the age of 18 years and had lived continuously in the UK for at least 7 years (discounting any period of imprisonment) and it would not have been reasonable to expect them to leave the UK; or

(ii) they were aged 18 years of above and under 25 years and had spent over half their life living continuously in the UK (discounting any period of imprisonment).

(b) persons—

(i) who were granted leave to remain outside the rules on the basis of Article 8 of the European Convention on Human Rights; and

(ii) who arrived in the UK as a minor.

(c) any dependants of a person to whom paragraph (a) or (b) applies."—*(Bambos Charalambous.)*

Under this new clause, persons to whom subsection (2) applies would be able to apply for indefinite leave to remain after five years in the UK (as opposed to ten at present).

Brought up, and read the First time.

Bambos Charalambous: I beg to move, That the clause be read a Second time.

The new clause would shorten the route to settlement from 10 years to five years for children and young people who have grown up in the UK and know no other home. This issue has a big impact on a relatively small number of people. These are bright young people who want to contribute to society but face a long, uncertain and financially demanding journey before their futures in the country they call home are secure.

I pay tribute to the brilliant charity We Belong, which is led by young people who themselves have been impacted by the unforgiving immigration rules. The Greater London Authority estimates that more than 330,000 children and young people who came to the UK as children have precarious immigration status. The young people who face this predicament are mainly Commonwealth citizens who are bright and want to contribute, but they have to wait 10 years before they reach settlement, at a cost of £12,771, through applications for leave to remain every 30 months.

Costs for leave to remain applications have risen astronomically in recent years, increasing by 331% since 2014. Often, more than one family member will be going through the process at the same time, so there are multiple fees to pay. That means that in many families, for at least a decade, earnings that could otherwise go towards securing a decent home or be invested in a child's education instead have to be funnelled out of the family and paid to the Home Office. Before we even start to consider legal fees, we are asking families and young people to save more than £1,200 per year per person just to remain in the UK, when 30% of people in the UK have less than £1,000 in total savings and the average low-income family has just £95 in savings.

Each time they have to apply for leave, we raise the bar for these young people, asking far more of them than we ever would of those fortunate enough to be born with a British passport. Each time, they meet these almost impossible hurdles, often working several jobs to keep themselves and their families on this long and narrow 10-year path to security. These are clearly exceptional individuals, but it is not fair that we keep asking this of them.

For Arkam, who came to the UK aged 10, the 10-year route has meant being stuck in unsuitable accommodation. His family has lived in a one-bedroom house for 10 years because, he says

"the rent is so low and it has to be low because the Home Office fees are so high and our quality of life was non-existent."

For Andrew, it has been the trigger for a string of evictions. His family were left without enough money to pay their rent and lost their home several times.

My own constituent, Tashi, arrived in the UK when she was seven and has since lawfully resided in the UK for almost two decades. When Tashi was just 10 years old, she was held unlawfully in immigration detention, and that experience has traumatised her ever since. Each limited leave renewal ignites the uncertainty and precarious nature of her status. If she makes a mistake on an application form, she could be back in detention and face deportation, even though she knows no other home. Living with limited leave to remain means decades of living with unrelenting uncertainty.

The more times that young people go through the LLR application process, the more they have to lose. If applicants are unable to afford the fee or fail to renew on time, they will have to begin the 10-year process from the very beginning.

That happened to Natasha, who came to the UK from Nigeria at the age of seven. Natasha was granted limited leave to remain when she was 18. When it came to renewing her visa, her family could not afford to renew due to the high fees and Natasha fell out of legal status. Unable to work, Natasha became homeless. Living in the shadows of society, it was only when she was 26 that she was able to raise enough money from family and friends to apply for LLR again and restart the 10-year route. She must renew this status every 30 months over a 10-year period. She will be 36 before she can apply for settlement and 37 years old when she can finally apply for citizenship.

How is this fair? For all this Government's rhetoric about the importance of social integration, they continue to preside over an immigration system that isolates and stigmatises young migrants who have no other home but the UK. As highlighted by We Belong, many young people will undoubtedly be driven into poverty or lose their lawful status as a result of these high costs.

Speaking in July 2019, during his campaign to become leader of the Conservative Party, the Prime Minister said:

"I want everybody who comes here and makes their lives here to be, and to feel, British—that's the most important thing".

[Bambos Charalambous]

Across this Committee, I think we all agree with that sentiment. We should be proud of our country and encourage our residents to seek British citizenship, so why are we putting every hurdle in the way of ambitious young people who are already integrated into the fabric of our society? We Belong's experience with young people on the 10-year route reveals how the demands of this process can reverse years, even decades, of integration.

The unforgiving 10-year route sows division and fear among young people, damages mental health, limits life chances and condemns even the hardest-working families to at least a decade of intense financial strain. The instability and onerous demands created by the limited leave to remain route serve nobody, and certainly not employers, educators or communities.

The financial and other constraints imposed by the 10-year process mean that many young migrants reaching early adulthood are denied the opportunity to realise their ambitions, causing prolonged financial and emotional stress. Ten years of multiple applications and multiple fees only increase the likelihood that young people will inadvertently fall out of status and have their lives ruined as a result. A five-year LLR path to settlement would be fairer and give them parity with other migrant groups, which is what this new clause aims to do.

We welcome the Home Office's recent published guidance to case officers, which opens up a narrow discretionary five-year route for some young people. It shows that the Home Office acknowledges that there is a problem here. However the guidance is limited to those between 18 and 25, among other limitations. Many of the people in the case studies I mentioned, and many others who came to the UK as young children, are now over the age limit and will not be able to benefit from this scheme. Can the Minister tell me when the Home Office plans to rectify this anomaly?

Tom Pursglove: I hope I might be able to satisfy the Committee by saying that both this proposed new clause and the related proposed new clause 45 are commendable, but we are already doing what they seek. We will consolidate our actions in the immigration rules as part of the simplification of the rules in the next 12 months. Home Office officials have discussed the proposed changes with the We Belong group of young migrants, who have indicated that they are supportive of the way the changes will be implemented. With that, I hope the hon. Gentleman will feel able to withdraw this proposed new clause.

Bambos Charalambous: I very much welcome the Minister's comments, and I look forward to having more information. Based on what he has told me, I am willing to withdraw the new clause, and I look forward to progress being made in this area. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 51

SAFETY PLAN FOR CHILD VICTIMS OF HUMAN TRAFFICKING

"(1) The Children Act 1989 is amended as follows.

(2) In section 22, after subsection (3C) insert—

"(3D) In respect of a suspected child victim of trafficking who is looked after by the local authority, the duty of a local authority under subsection (3)(a) to safeguard and promote the welfare of the child shall include in particular a duty to consider and take all reasonable steps to ensure that arrangements of accommodation and support to meet the child's needs and takes account of and addresses the child's safety with a view to preventing the risk of re-trafficking."

(3) In section 22, after subsection (4)(d) insert—

"(e) independent guardians (within the meaning of Section 48 of the Modern Slavery Act 2015) as a relevant person who the local authority shall, so far as is reasonably practicable, consult with before making any decision with respect of a child who they are looking after and who is entitled to an independent guardian."

(4) In section 22C, after subsection (7)(c) insert—

"(d) where accommodation is arranged for a suspected or identified child victim of trafficking, due regard shall be paid to the potential risks of harm and re-trafficking and the child's safety shall be a primary consideration.""—*(Holly Lynch.)*

This new clause seeks to provide child victims with a safety plan to prevent retrafficking.

Brought up, and read the First time.

4.15 pm

Holly Lynch: I beg to move, That the clause be read a Second time.

In the same spirit as new clauses 43 and 44, new clause 51 sets out the duty for local authorities to make arrangements for child victims of modern slavery, with a view to prevent their retrafficking, by amending section 22 of the Children Act 1989. As things stand, an unaccompanied child will become looked after by the local authority if they have been accommodated by the local authority for 24 hours under section 20 of the Children Act 1989. This will mean that they will be entitled to the same local authority provision as any other looked-after child. The Care Leavers (England) Regulations 2010 set out duties regarding care leavers and require that those duties are fulfilled with regards to the child's circumstances and needs as an unaccompanied or trafficked child. The regulations apply to all children, regardless of their immigration status, nationality or documentation.

As we have heard previously, child victims of modern slavery are at increased risk of going missing and being retrafficked. In 2017, as many as one in four identified trafficked children were reported as having gone missing. The average missing incidents for each trafficked child have increased from an average of 2.4 times to 7.4 times between 2014-15 and 2017. The new clause therefore seeks to bring clarity to the duty on local authorities to protect victims, particularly those at risk of retrafficking. Subsection (2) highlights that there is a need to ensure that accommodation is a serious consideration for child victims. We know that concerns have been raised about the lack of agreed safety standards for accommodating child victims of trafficking, which can include the use of residential homes, shared flats and houses, bed-and-breakfast emergency housing and foster care.

In 2017, the Home Office and the Department for Education commissioned a report that found that there was

"limited availability of specialist provision"

and

"a lack of resources and specialist knowledge within local authorities and partner services."

The report identified the placement of non-EEA migrant children in "semi-independent accommodation", such as

"supported accommodation and/or shared housing",

as being a cause for concern. Since the report was published, the Government have outlawed the provision of accommodation without care and supervision for under-16s, but they have continued to allow such provision for 16 and 17-year-olds.

A recent serious case review has further highlighted the problems of local authorities arranging inappropriate placements for children, and the impact of failing to conduct full risk assessments for both the needs of the child and the accommodation itself. Sarah was a looked-after child in the care of Worcestershire social services, and she died in independent accommodation away from her home borough in June 2019, at the age of 17. From an early age, Sarah had suffered from epilepsy, which had been managed by medication. In 2017, Sarah became a looked-after child under a voluntary agreement between the local authority and her parents, which meant that both Sarah's parents maintained parental responsibility. Sarah became looked after and was accommodated with foster carers, but when these placements broke down, she resided in residential accommodation and then had semi-independent living arrangements.

Over a period of time, there were numerous occasions where Sarah was reported as missing from the placements. There were concerns regarding Sarah's vulnerability and the effect of her medical condition. There were also concerns regarding Sarah's relationships with older men, particularly her relationship with one man. Sarah was considered to be at risk of being criminally and sexually exploited. Sarah tragically died, having suffered a seizure at the home address of the older male in question in 2019, aged just 17. It is an incredibly sad case study and serves as an example of what can happen if the needs of vulnerable victims are not thoroughly assessed.

Currently, there is statutory guidance that outlines a local authority's duties, such as the Department for Education's guidance for local authorities, which was updated in 2017, entitled "Care of unaccompanied migrant children and child victims of modern slavery." It states that:

"Local authorities have a duty to protect and support these highly vulnerable children. Because of the circumstances they have faced, unaccompanied migrant children and child victims of modern slavery, including trafficking, often have complex needs in addition to those faced by looked after children more generally. The support required to address these needs must begin as soon as the child is referred to the local authority or is found in the local authority area. It will be most effective where this support is provided through a stable, continuous relationship with the child."

We unequivocally support the sentiments and measures incorporated in the guidance, but it should be strengthened through the adoption of the new clause, which would create a duty for local authorities to consider the risk of retrafficking and safeguard against children going missing. I have already made the case for the need, highlighted in subsection (3), for local authorities to work closely and consult independent guardians before making decisions on behalf of the child.

There is a clear, urgent need for the new clause, given the vulnerability of such children. There is also a practical requirement, given that, for multiple local authorities, missing, trafficked or unaccompanied children account for a significant proportion of the children they look after—in the case of one local authority it was as high as 15%. The new clause seeks not only to raise awareness of the needs of child victims but to provide greater definition on the role of local authorities in meeting such needs.

As this is likely to be the last time that I will be on my feet in the Committee, with your permission, Ms McDonagh, may I put on record my sincere thanks to the Children's Society, ECPAT UK, the British Red Cross, the Immigration Law Practitioners Association, the Anti Trafficking and Labour Exploitation Unit, the Independent Anti-Slavery Commissioner, Dame Sara Thornton, and all the hard-working, dedicated frontline police officers disrupting modern slavery? I am eternally grateful for all their expertise. Finally, I thank Isabelle Bull from my team, who has worked like a trojan in preparation for the Bill, as well as the incredible Clerks of the House.

Tom Pursglove: I, too, am grateful to the hon. Lady for the constructive way in which she has gone about her work on the Committee. I know how passionate she is about these issues.

Support for potential victims, including children, is a fundamental pillar of our approach to assisting those impacted by the horrendous crime of trafficking and modern slavery and reducing the risk of such victims being retrafficked. As the Committee may be aware, independent child trafficking guardians are an independent source of advice and support for potentially trafficked children, irrespective of nationality, and they can advocate on a child's behalf. So far, the Government have rolled out the service to two thirds of local authorities across England and Wales. We have developed detailed policy for the provision of the service, which is set out in the interim independent child trafficking guardians guidance published under section 49 of the Modern Slavery Act 2015. The guidance is kept under review through consultation with stakeholders.

Within the guidance, the Government are already clear that acting in the child's best interests must always be a primary consideration for the independent child trafficking guardian service. We are also clear that independent child trafficking guardians must be invited and provided with the opportunity to take part in all agency meetings and discussions that relate to and impact on the children that they are supporting. That is the correct place for detail on the function of the independent child trafficking guardian service. By keeping that detail in guidance—rather than putting it in legislation, as the new clause would—the Government can respond flexibly to best practice and victims' needs.

Local authorities are responsible for safeguarding and promoting the welfare of all children in their area, including child victims of modern slavery. The "Working Together to Safeguard Children" statutory guidance is clear that the individual needs of children, including the risk of re-trafficking, should be taken into account when determining their recovery needs. That is to ensure that safeguarding processes and multi-agency support can be put in place to protect and prevent harm to children at risk of a range of exploitation harms and abuse. The approach enables us to focus on a range of exploitation harms, whereas the new clause would stipulate

[Tom Pursglove]

that we focus specifically on the risk of retrafficking. Although I am sure that that was not the new clause's intention, prioritising safeguarding against the risk of retrafficking could consequentially lead to the prioritisation of action against specifically the risk of retrafficking in place of other risks, which would inherently pose a risk to individuals whose risk of retrafficking may not be the primary consideration. With that, I encourage the hon. Lady not to press her new clause.

Holly Lynch: I think I followed what the Minister said and that he heard my concerns about some of the gaps in the provision. I will look to that statutory guidance for further detail. I will not press the new clause, so I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 52

EFFECT OF BRITISH NATIONAL (OVERSEAS) VISAS

'(1) Within six months of this Act being passed, the Secretary of State must commission and lay before Parliament an independent assessment of the effect of British National (Overseas) visas and the Government's implementation.

(2) The Secretary of State must appoint an Independent Chair to conduct the assessment.

(3) The assessment must consider such matters as are deemed appropriate by the said Independent Chair.'—*(Bambos Charalambous.)*

This new clause would require the Government to publish an independent assessment of the effect of the British National (Overseas) visa scheme.

Brought up, and read the First time.

Bambos Charalambous: I beg to move, That the clause be read a Second time.

We believe that the new clause is needed because there is clear evidence that the British national overseas scheme may not end up working as it was intended. That is particularly the case for young Hong Kong nationals. As everyone on the Committee knows, the BNO scheme has, in theory, been designed to offer a path to citizenship for Hongkongers. This was particularly designed in the wake of Beijing's national security law being imposed last year, which has led to Hongkongers facing police brutality and severe repression. Although we in the Opposition therefore very much welcome attempts to support all those facing repression in Hong Kong, we believe that there is a need to examine how the BNO visa scheme is operating in practice and whether it is having the desired effect.

As the Home Affairs Committee pointed out in July, there are reasons for concern about individuals and groups who may be missing out on offers of support. There remain worrying gaps in the offer of support, and loopholes in the way that the BNO scheme may be implemented. That is particularly the case for younger pro-democracy activists in Hong Kong. It is evident that people under the age of 24 cannot benefit from the BNO visa scheme because of how it has been defined. That is because younger people do not hold BNO passports, which were issued in 1997. The BNO scheme requires that applicants hold a BNO passport. Those documents were issued to citizens following the handover of Hong Kong from the UK to China in 1997. Obviously, that means that a lot of people will be excluded from the scheme even if their parents or older siblings would qualify for it.

As a result of that, some people who have fled police brutality are now battling with the sclerotic and inefficient UK asylum system. That is simply because they are arbitrarily excluded from the Home Office settlement route due to their age. It has nothing to do with the validity of their claims, the severity of the oppression that they have experienced or the danger that they face in Hong Kong. All of those would have qualified them for a BNO visa had they been lucky enough to have been born a little earlier.

As we know, there are huge problems with the UK asylum system. We know that the average waiting time for an initial decision on an asylum case in the UK is between one and three years. Last week, some young Hongkongers told *The Independent* newspaper that they have been waiting for a year or more for a decision. Of course, the current inhumane rules of the Government's hostile environment also mean that these same young people are banned from working, and often prevented from studying, while waiting for a decision. As Johnny Patterson, policy director of Hong Kong Watch, said, these Hongkongers in the asylum system are subjected to an "agonising wait". Furthermore, the ban on them being able to work is undermining their chances of integrating in the UK.

The problem is only going to get worse unless it is tackled head on. Home Office figures show that there were 124 asylum claims from Hong Kong nationals in the year to June 2021, compared with 21 the year before and just nine in the 12 months to June 2019. It is even more concerning that 14 of those claims in the past year were unaccompanied minors, marking the first time on record that the UK has received asylum claims from children from Hong Kong.

We believe that the BNO visa scheme should be independently assessed to take account of the realities on the ground in Hong Kong. The truth is that it tends to be young people who were at the forefront of demonstrations to defend democracy and who are therefore likely to face the most repression. As well as that, people who are here under the BNO visa scheme have raised a number of concerns, such as their qualifications not being recognised, access to work, formal access to English language classes, and access to housing and banking services because they do not have a credit or renting history. There are also concerns about the lack of co-ordination between Government and local authority services. There are lots of reasons, therefore, why a review is needed.

It may well be the case that older parents wish to remain in Hong Kong while their children need to flee because they are in greater danger. Although the scheme allows applicants to bring relatives, including adult children, with them to the UK, the reality is that many young people will need to flee alone. They cannot rely on the parents coming to the UK who would have made their claim valid under the BNO scheme. We think it would be worth the Government exploring a revision of the scheme so that a child of a BNO Hong Kong citizen could make an application independently of their parents.

If such anomalies remain unaddressed, it will be deeply unfair on young Hongkongers. It is those young people who have often been on the frontline of the pro-democracy protests opposing the Chinese Government's unlawful power grab. If they remain excluded from the BNO route for reasons entirely beyond their control, they will face an agonising wait in the UK asylum system, which we all know is beset with huge delays.

Given the UK's deep connection to Hong Kong, should we not be offering a life raft to all Hongkongers who need one? The Opposition believe that the Government should accept independent scrutiny of the BNO scheme, with a view to exploring such steps as allowing children of BNO visa-eligible parents to make independent applications, provided there were evidence of their parents' status, of course.

4.30 pm

There are other reasons why we believe that an independent assessment of the BNO scheme will be necessary. The Select Committee on Home Affairs has raised concerns in connection with the operation of the BNO scheme in practice. For instance, it remains a possibility that visas could be refused to those who do not satisfy the suitability criteria in the immigration rules because of a criminal conviction, without the context of the conviction being taken into account. A conviction might relate to free speech or peaceful protest in Hong Kong, for example—actions that would not be considered offences under UK law. Although the Government have said that discretion will be given in respect of such applicants, we believe that an independent assessment of the effect of the BNO visa scheme would ensure that.

Possible mitigations for the current loopholes in the BNO visa scheme are evidently not sufficient on their own. For instance, the youth mobility visa for Hongkongers aged 18 to 30 does not provide any sort of substitute for the BNO scheme, because it is capped—it provides only for a two-year stay for work in the UK—and does not contribute to the residency requirement for settlement in the UK. Although it is a welcome scheme on its own terms, it does not address the issue that I have highlighted. That shows the need for an independent assessment.

In conclusion, we believe that the Government's decision to offer the Hong Kong BNO scheme is a welcome expression of the UK's historic relationship with the citizens of Hong Kong. We believe that individuals and families arriving from Hong Kong will enrich the cultural life of the UK and contribute to our economy, but unless the Government look at the existing loopholes in the BNO scheme and how it is being implemented, the scheme is in danger of being mainly warm words, rather than actually helping the people we have promised to help. An independent assessment of the scheme would allow the Government to improve it and offer help to those vulnerable young people most likely to be politically targeted by Beijing. In that way, the scheme could provide the genuine protection that we all believe people from Hong Kong deserve.

Tom Pursglove: The Hong Kong British national overseas route was launched on 31 January 2021, and the route has already been a success. As of 30 June, approximately 64,900 applications to the route have been made by BNO status holders and their family members who have chosen to make the UK their home. An impact assessment was published on 22 October 2020, setting out the projected impacts of the BNO route on the UK. As well as the direct impacts for the Government of operating the route, the impact assessment sets out the expected net benefit to the UK of between £2.4 billion and £2.9 billion over five years.

We believe that a review is not necessary. The policy is generous and barriers have been minimised. As the shadow Minister said, the Home Affairs Committee recently published a report on the route, and we have responded in full. I encourage him to withdraw the new clause.

Bambos Charalambous: I will not press new clause 52 to a vote, but I do hope that the Government will keep monitoring the system and provide the protection for young Hongkongers that I outlined. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 53

ELECTRONIC MONITORING: CONDITIONS AND USE OF DATA

"(1) Schedule 10 to the Immigration Act 2016 is amended as follows.

(2) In paragraph 2, in sub-paragraph (3)(a), leave out 'must' and insert 'may'.

(3) In paragraph 2, in sub-paragraph (3)(b), leave out 'by virtue of sub-paragraph (5) or (7)'.

(4) In paragraph 2, after sub-paragraph (3) insert—

'(3A) If immigration bail is granted to a person subject to an electronic monitoring condition, the electronic monitoring condition shall cease to apply on the day six months after the day on which immigration bail was granted to the person, unless sub-paragraph (3B) applies.

(3B) This sub-paragraph applies if the Secretary of State or the First-tier Tribunal (as the case may be), when granting immigration bail to the person, has directed that the electronic monitoring condition shall not cease to apply in accordance with sub-paragraph (3A).

(3C) But the Secretary of State or the First-tier Tribunal (as the case may be) shall not make a direction under sub-paragraph (3B) unless the Secretary of State or the First-tier Tribunal (as the case may be) is satisfied that there are very exceptional circumstances which make the continued application of the electronic monitoring condition necessary in the interests of—

(a) public protection; or

(b) national security.'

(5) In paragraph 2, after sub-paragraph (7) insert—

'(7A) Sub-paragraph (3)(a) does not apply to a person who is granted immigration bail by the First-tier Tribunal if the Tribunal considers that to impose an electronic monitoring condition on the person would be—

(a) impractical, or

(b) contrary to the person's Convention rights.

(7B) Where sub-paragraph (7) or (7A) applies, the First-tier Tribunal must not grant immigration bail to the person subject to an electronic monitoring condition.'

(6) In paragraph 4, after sub-paragraph (2) insert—

'(2A) The Secretary of State must not process any data collected by a device within the meaning of sub-paragraph (2) which relates to the matters in sub-paragraph (1)(a) to (c) except for the purpose of, and to the minimum extent reasonably necessary for, determining whether P has breached a condition of his bail.

(2B) In sub-paragraph (2A), "processing" has the same meaning as in section 3(4) of the Data Protection Act 2018.'".—*(Stuart C. McDonald.)*

This new clause would place certain safeguards and restrictions on use of electronic monitoring.

Brought up, and read the First time.

Stuart C. McDonald: I beg to move, That the clause be read a Second time.

New clause 53 is really just to probe the Government on a new issue that has started to arise this year: the significant increase in the use of the GPS monitoring of certain people on bail for immigration purposes, largely foreign national offenders awaiting deportation. I am not for a moment suggesting that such monitoring does not have its role. It absolutely does; indeed, there would be occasions on which I would be upset with the Home Office if it did not use it. There is a genuine concern, however, about the lack of safeguards and limits on its use, and on how data from GPS tracking is being used. Indeed, even compared to the criminal justice system, it seems that the safeguards and limits are somewhat light touch. Cases have arisen where it seems that use was totally inappropriate.

New clause 53 suggests putting in place some appropriate safeguards and restrictions. It is designed to prompt the Minister, if not today then in due course, to answer certain questions. First and foremost, how will data be used in practice and in what circumstances will it be used in relation to somebody's article 8 claim? That is an area of controversy, in that the use of tracking goes way beyond the original intention in previous relevant legislation, which was to prevent people from absconding.

Secondly, the criminal justice system imposes strict limits and safeguards on how long electronic monitoring is used for and in what circumstances, with limits on collection, processing, storage and use of data. Why, therefore, are those electronic monitoring safeguards absent in the immigration system?

Thirdly, why have the Government not made the data protection and equality impact assessment for such an intrusive scheme available to the public? Fourthly, what guarantee can the Government give that they will not expand their use of this technology and use it on people who have come to the United Kingdom to seek asylum? Can the Minister give us assurances on that today?

Finally, the Government's own data suggests that absconding rates are exceptionally low. A recent FOI response found that of people granted bail between February 2020 and March 2021, there were 43 cases of absconding out of 7,000, so what evidence does the Home Office have that this intrusive measure is really necessary on anything other than a very limited scale?

Tom Pursglove: Our immigration system must encourage compliance with immigration rules and protect the public. Electronic monitoring of foreign national offenders using satellite tracking devices was a Government manifesto commitment, which the public voted for, and the measure which enacts it was passed into primary legislation under the Immigration Act 2016. It has already been subject to parliamentary scrutiny and debate during the passage of the 2016 Act.

Electronic monitoring is a condition of immigration bail. During the debate on the Immigration Act 2016, it was open to Parliament to set a limit on how long a person can be made subject to electronic monitoring, but it chose not to do so. However, I want to be clear that a person's electronic monitoring conditions are already automatically reviewed on a quarterly basis as a minimum. Compliance with bail conditions, including electronic monitoring, will be a major factor in deciding whether it will remain a condition of that person's bail. Any representations regarding the person's electronic monitoring conditions or a breach of those conditions will also generate a review.

Prior to being placed on electronic monitoring when released, a person is given an opportunity to advise the Department as to why electronic monitoring may not be appropriate for them. That includes where there is strong evidence to suggest that an electronic monitoring condition would cause serious harm to the person's health. A person can also make representations at any point while wearing a tag and those representations will be considered promptly.

Currently, there is a duty on the Secretary of State to consider electronic monitoring for those who are subject to a deportation order or deportation proceedings, known as "the duty". The proposed clause makes the consideration of imposing an electronic monitoring condition discretionary. However, there is already a caveat within current legislation that electronic monitoring will not be applied to a person who is subject to the duty where its imposition would be impractical or contrary to the person's convention rights. The proposal to remove the compulsory consideration of electronic monitoring for all those subject to the duty could lead to a scenario where serious offenders who should be electronically monitored are not considered for electronic monitoring and are granted bail without that condition.

I turn to the new clause's reference to the use of data. Any data that is gathered from the devices will be processed automatically and will not be routinely monitored by the Department. We have undertaken a data protection impact assessment in relation to the introduction of GPS tagging, which sets out the specific permitted circumstances where data can be accessed, and any access outside those circumstances is considered a data breach. Those who are subject to electronic monitoring are made aware of the circumstances as to when their data can be accessed during the induction process.

Restricting the data in the way the new clause sets out will impact on the ability to use data to try to locate a person after it has been identified that they have breached their immigration bail conditions and are viewed as an absconder. The inability to share data with other law enforcement agencies where a lawful request had been made would be out of alignment with the agreement on sharing data for the purposes of preventing or solving crime. In the broadest terms, only knowing that a person had breached their bail conditions and not being able to use the data for any other purpose would greatly limit the efficacy of electronic monitoring.

I do not consider that the new clause would have the effect that hon. Members intend. Rather, it would impair our ability to monitor and deport those who had committed crimes and were not entitled to remain in the UK. Foreign criminals should be in no doubt of our determination to deport them. We make no apology for keeping the public safe and clamping down on those who have no right to be in the UK.

In summary, the restriction of the use of electronic monitoring as proposed in new clause 53 would significantly impair our ability efficiently to remove foreign national offenders who have no right to be here. I am conscious that the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East raised a number of questions at the outset. I have covered quite a lot of ground, but if there are any matters that he feels I have not addressed and he would like to follow up, I of course invite him to please do so.

Stuart C. McDonald: I am grateful to the Minister for that response. I will have a look through everything that has been said and consider whether any follow-up is necessary. In the meantime, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 54

Instructions to the Migration Advisory Committee

"Within two months of this Act coming into force, the Secretary of State must instruct the Migration Advisory Committee to undertake the following work—

(a) a review of the minimum income requirements for leave to enter and remain as a family member of persons who are British citizens or settled in the United Kingdom;

(b) a report making detailed recommendations on the design of a work visa for remote areas."—*(Stuart C. McDonald.)*

This new clause would require the Secretary of State to seek further advice in order to take forward certain recommendations made by the Migration Advisory Committee in recent reports.

Brought up, and read the First time.

Stuart C. McDonald: I beg to move, That the clause be read a Second time.

This is the final new clause. On that note, I should start by thanking all the organisations that have been incredibly helpful in providing briefings, draft amendments and so on; thanking the staff of the House for their incredible patience in dealing with millions of amendments and new clauses; and thanking you, Ms McDonagh, and Sir Roger for the way you have chaired the Committee.

This new clause asks the Government to commission from the Migration Advisory Committee two incredibly important pieces of work. One relates to family visas, and the other to a possible remote areas pilot scheme. The first issue, which we touched on earlier in relation to the Chagos islanders and the family visa rules, gives me the opportunity to reiterate our passionate view that currently the UK family visa rules are absolutely atrocious and indefensible. In the grand scheme of things, the UK is an absolute outlier in this regard and has been for about a decade. The rules are incredibly restrictive on families. When the then Children's Commissioner for England did a report on the matter back in, I think, 2015, she wrote in considerable detail about the dreadful impact that this has on children in particular, but also on spouses—British citizens and British settled people—who end up separated from their other halves or from their kids, and all for absolutely unevidenced policy reasons on the part of the Government.

Research shows that in large parts of the country—Northern Ireland in particular, but elsewhere as well—close to and above 50% of the population would not be able to meet the requirements to allow their spouse to come and join them in this country. That is absolutely extraordinary. Even on the Government's own terms—the Minister spoke earlier about the policy goal being to make sure that folk can stand on their own two feet without having to rely on public funds—all of this is contested.

There is academic research that suggests that, in fact, the way the rules operate means that some families have to place more reliance on public funds. For example, a person who is here with a child and is not able to bring their spouse in ends up having to work fewer hours or not at all, because of childcare. Some institutions have calculated that this actually costs the taxpayer money rather than saving the taxpayer money. In any event, it is totally unjustified and a deeply horrible intrusion into people's family lives.

In its last annual report, the Migration Advisory Committee said:

"We also think now would be an opportune time to reconsider the minimum income requirements associated with this route. The MAC are concerned that previous analysis may have given too much weight to the fiscal contribution of such migrants and insufficient attention to the benefits that accrue, to both the family and society, from the route. In addition, it is a considerable time since the current income requirements were introduced, so more evidence should now be available to review the impact of these requirements."

I absolutely endorse that. We must now revisit these anti-family rules. Even if the Minister is not prepared to look again at the financial thresholds, he should look at the rule that means that the Home Office almost never takes into account the earning capacity of the spouse applying for a visa to come in. It seems absolutely absurd that we could have somebody who could earn £20,000, £30,000 or £40,000, yet that is not taken into account in the application process. I just gently ask the Home Office to look again at this.

The second bit of work that this final new clause would ask of the MAC is to look in a little more detail at the possibilities of a remote areas pilot scheme. When the MAC prepared its report to the Government on salary thresholds for the new points-based system, it expressed a sympathetic view about the problems faced by more remote parts of the UK, and recommended that the Government consider a remote areas pilot scheme. In the Government's response to the review, they noted that the pilot was an idea that they were intending to pursue. Indeed, the words of the current Secretary of State for Health and Social Care, who was then Home Secretary, were that this was "an idea worth pursuing". The MAC is quite clear that it hopes that the Government will still carry through with the pilot, and that it should involve all devolved Administrations. Part of the scheme could involve a lower salary threshold for those areas.

4.45 pm

The MAC itself was not utterly convinced that the scheme would deliver success—I appreciate that the Home Office may also have those concerns—but it was quite clear that it is an idea worth pursuing, because the small numbers that are likely to be involved could make a huge difference to our remote communities. Even if it does not work out, the problems for the rest of the UK if the scheme turns out not to be successful are next to non-existent, so the potential benefits are huge for these communities. The downsides are not even worth worrying about.

The recommendations were made two or three years ago, but the current situation—with, as we all know, labour market issues and worker shortages in all sorts of areas—makes the idea all the more imperative for remote areas. I have been to some remote areas recently, where restaurants are having to close at ridiculous hours and for half the week, because they just cannot get the staff. It is time for us to look at this suggestion again. The then Home Secretary was absolutely right to say that the Government would look at it, and I wish that the Home Office would revisit it and get on with doing what the MAC recommended.

Tom Pursglove: I thank the hon. Gentleman for the way in which he has gone about his work during the course of proceedings, and for pursuing a number of angles with great tenacity and vigour.

The Migration Advisory Committee is an independent, non-statutory, non-time limited, non-departmental public body that advises the Government on migration issues. The minimum income requirement was implemented in July 2012, following advice from the MAC and has not changed since its introduction. We will consider whether to commission the MAC to review the minimum income requirement within the next three months.

In addition, the MAC considered the issue of work visas for remote areas in is January 2020 report, "A Points-Based System and Salary Thresholds for Immigration". The MAC recommended a pilot for remote visas, but the Government did not accept this. The UK has a single, flexible immigration system that works for the entirety of the UK. Applying different immigration rules to different parts of the UK would overly complicate the immigration system and would cause significant difficulties for employers who need the flexibility to deploy their staff across the UK. As the MAC itself has said, when considering sustaining remote communities we need to consider why people leave these areas. This is more important than bolstering local communities with migration. I therefore do not consider re-reviewing this issue to be a good use of the MAC's time or public money.

It is not appropriate to put an amendment such as new clause 54 into primary legislation, as the commissioning of the MAC is done on a priority basis. The Secretary of State retains the power to change the topics, which the MAC reviews at short notice, if a more pressing matter becomes a priority. The Secretary of State should be able to respond flexibly to any new priorities. For those reasons, I encourage the hon. Member to withdraw his new clause.

Stuart C. McDonald: I am grateful to the Minister for his answers. He is certainly candid, as he has been throughout Committee proceedings. I am bitterly disappointed about the answer in relation to the remote areas pilot scheme. Those areas are really suffering, not just in terms of labour shortages and the accompanying economic challenges, but even with depopulation.

I will hang on and finish on an optimistic note in that there is a possibility that the Government will commission a review of the salary threshold for family visas. I very much hope that that does happen and they look at how that route operates all together. I cling to that little bit of silver lining. With that, I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Schedule 1

Prisoners returning to the UK: Modifications of Criminal Justice Act 2003

'This is the Schedule to be inserted after Schedule 19A to the Criminal Justice Act 2003—

"Schedule 19B

Prisoners returning to the UK: Modifications of Chapter 6 of Part 12

Modification of dates for referral to the Board

1 Paragraph 2 applies where section 244ZC(2), 244A(2) or 246A(4) (when read with section 260(4A)) would require the Secretary of State to refer a person's case to the Board on a day falling before the end of the period of 28 days beginning with the day on which the person is returned to custody.

2 The applicable provision is to be read as requiring the Secretary of State to refer the person's case to the Board at any time up to the end of the period of 28 days beginning with the day on which the person is returned to custody.

3 For the purposes of paragraphs 1 and 2, a person returns to custody when the person, having returned to the United Kingdom, is detained (whether or not in prison) in pursuance of their sentence.

Person removed after Board had directed release but before being released

4 Paragraphs 5 and 6 apply where, before a person's removal from the United Kingdom—

(a) the Board had directed their release under section 244ZC, 244A or 246A, but

(b) they had not been released on licence.

5 The direction of the Board is to be treated as having no effect.

6 The person is to be treated as if—

(a) they had been recalled under section 254 on the day on which they returned to the United Kingdom, and

(b) they were not suitable for automatic release (see section 255A).

Person removed after referral to the Board but before disposal of the reference

7 Paragraph 8 applies where—

(a) before a person's removal from prison their case had been referred to the Board under section 244ZB(3), 244ZC(2), 244A(2) or 246A(4), and

(b) the reference lapsed under section 260(4B) because the person was removed from the United Kingdom before the Board had disposed of the reference.

8 Section 244ZC(2), 244A(2) or 246A(4) (as applicable) is to be read as requiring the Secretary of State to refer the person's case to the Board before the end of the period of 28 days beginning with the day on which the person is returned to custody.

9 For the purposes of paragraph 8, a person returns to custody when the person, having returned to the United Kingdom, is detained (whether or not in prison) in pursuance of their sentence.

Person removed after having been recalled to prison

10 Paragraphs 11 and 12 apply where, at the time of a person's removal from prison under section 260, the person was in prison following recall under section 254.

11 Any direction of the Board made in relation to the person under section 255C or 256A before their return to the United Kingdom is to be treated as having no effect.

12 The person is to be treated as if—

(a) they had been recalled under section 254 on the day on which they returned to the United Kingdom, and

(b) they were not suitable for automatic release (see section 255A).'"—*(Tom Pursglove.)*

This new schedule inserts a new Schedule 19B into the Criminal Justice Act 2003 to make modifications of that Act in relation to prisoners who have returned to the UK after their removal from prison. It is introduced by section 261 of that Act, which is amended by NC12.

Brought up, read the First and Second time, and added to the Bill.

New Schedule 3

Working in United Kingdom waters: consequential and related amendments

'*Immigration Act 1971*

1 The Immigration Act 1971 is amended as follows.

2 In section 8 (exceptions for seamen etc), after subsection (1) insert—

"(1A) Subsection (1) does not apply in relation to a member of the crew of a ship who is an offshore worker within the meaning of section 11A."

3 In section 11 (references to entry etc), after subsection (1) insert—

"(1ZA) See also section 11A (additional means by which persons arriving in United Kingdom waters for work can enter the UK)."

4 In section 28 (proceedings for offences)—

(a) before subsection (1) insert—

"(A1) Proceedings for an offence under this Part that is committed in the territorial sea adjacent to the United Kingdom may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.";

(b) in subsection (2A), for "section 25 or 25A" substitute "this Part".

5 In section 28L (interpretation of Part 3) —

(a) in subsection (1), at the beginning insert "Subject to subsection (1A)";

(b) after subsection (1) insert—

"(1A) In this Part 'premises' also includes any artificial island, installation or structure (including one in the territorial sea adjacent to the United Kingdom)."

6 In section 28M (enforcement powers in relation to ships: England and Wales), in subsection (2)(a)—

(a) for "section" substitute—

"(i) section 24B,";

(b) for ", and" substitute ", or

(ii) section 21 of the Immigration, Asylum and Nationality Act 2006, and".

7 In section 28N (enforcement powers in relation to ships: Scotland), in subsection (2)(a)—

(a) for "section" substitute—

"(i) section 24B,";

(b) for ", and" substitute ", or

(ii) section 21 of the Immigration, Asylum and Nationality Act 2006, and".

8 In section 28O (enforcement powers in relation to ships: Northern Ireland), in subsection (2)(a)—

(a) for "section" substitute—

"(i) section 24B,";

(b) for ", and" substitute ", or

(ii) section 21 of the Immigration, Asylum and Nationality Act 2006, and".

9 (1) Schedule 2 (administrative provision as to control on entry etc) is amended as follows.

(2) In paragraph 2—

(a) in sub-paragraph (1), for the words from "who have" to "United Kingdom)" substitute "within sub-paragraph (1A)";

(b) after sub-paragraph (1) insert—

"(1A) The persons are—

(a) any person who has arrived in the United Kingdom by ship or aircraft (including transit passengers, members of the crew and others not seeking to enter the United Kingdom);

(b) any person who has arrived in United Kingdom waters by ship or aircraft who the immigration officer has reason to believe is an offshore worker.

(1B) In sub-paragraph (1A), 'offshore worker' and 'United Kingdom waters' have the same meaning as in section 11A."

(3) In paragraph 27—

(a) after sub-paragraph (1) insert—

"(1A) Sub-paragraph (1) also applies to the captain of a ship or aircraft arriving in United Kingdom waters if—

(a) there are offshore workers on board, or

(b) an immigration officer has informed the captain that they wish to examine any person on board in the exercise of the power under paragraph 2.

(1B) In sub-paragraph (1A), 'offshore worker' and 'United Kingdom waters' have the same meaning as in section 11A."

(4) In paragraph 27B—

(a) after sub-paragraph (1) insert—

"(1A) This paragraph also applies to ships or aircraft—

(a) which have offshore workers on board, and

(b) which—

(i) have arrived, or are expected to arrive, in United Kingdom waters, or

(ii) have left, or are expected to leave, United Kingdom waters.";

(b) after sub-paragraph (9A) insert—

"(9B) 'Offshore worker' and 'United Kingdom waters' have the same meaning in this paragraph as in section 11A."

(5) In paragraph 27BA—

(a) after sub-paragraph (1) insert—

"(1A) The Secretary of State may also make regulations requiring responsible persons in respect of ships or aircraft—

(a) which have offshore workers on board, and

(b) which—

(i) have arrived, or are expected to arrive, in United Kingdom waters, or

(ii) have left, or are expected to leave, United Kingdom waters,

to supply information to the Secretary of State or an immigration officer.";

(b) in sub-paragraph (2), after (1) insert "or (1A)";

(c) after sub-paragraph (5) insert—

"(5A) For the purposes of this paragraph, 'offshore workers' and 'United Kingdom waters' have the same meaning as in section 11A."

10 (1) Schedule 4A (maritime enforcement powers) is amended as follows.

(2) In paragraph 1(2), after the opening words insert—

"'the 2006 Act' means the Immigration, Asylum and Nationality Act 2006;".

(3) In paragraph (2)(1)(a), for "25 or 25A" substitute "24B, 25 or 25A of this Act or section 21 of the 2006 Act".

(4) In paragraph (3)(1)(a), for "25, 25A and 25B" substitute "24B, 25, 25A or 25B of this Act or section 21 of the 2006 Act".

(5) In paragraph 4(1), for "25, 25A or 25B" substitute "24B, 25, 25A or 25B of this Act or section 21 of the 2006 Act".

(6) In paragraph 12(2), after the opening words insert—

"'the 2006 Act' means the Immigration, Asylum and Nationality Act 2006;".

(7) In paragraph 13(1)(a), for "25 or 25A" substitute "24B, 25 or 25A of this Act or section 21 of the 2006 Act".

(8) In paragraph 14(1)(a), for "25 or 25A" substitute "24B, 25 or 25A of this Act or section 21 of the 2006 Act".

(9) In paragraph 15(1), for "25 or 25A" substitute "24B, 25 or 25A of this Act or section 21 of the 2006 Act".

(10) In paragraph 23(2), after the opening words insert—

"'the 2006 Act' means the Immigration, Asylum and Nationality Act 2006;".

(11) In paragraph 24(1)(a), for "25 or 25A" substitute "24B, 25 or 25A of this Act or section 21 of the 2006 Act".

(12) In paragraph 25(1)(a), for "25 or 25A" substitute "24B, 25 or 25A of this Act or section 21 of the 2006 Act".

(13) In paragraph 26(1), for "25 or 25A" substitute "24B, 25 or 25A of this Act or section 21 of the 2006 Act".

Immigration, Asylum and Nationality Act 2006

11 In section 21 of the Immigration, Asylum and Nationality Act 2006 (offence of employing a person who is disqualified from employment by their immigration status), after subsection (3) insert—

"(3A) Proceedings for an offence under this section that is committed in the territorial sea adjacent to the United Kingdom may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

(3B) Section 3 of the Territorial Waters Jurisdiction Act 1878 (consent of Secretary of State for certain prosecutions) does not apply to proceedings for an offence under this section."'—*(Tom Pursglove.)*

This new schedule makes consequential and related amendments in NC20.

Brought up, read the First and Second time, and added to the Bill.

Question proposed, That the Chair do report the Bill, as amended, to the House.

Bambos Charalambous: I want to put on the record my thanks to the Clerks, in particular Sarah Thatcher and Rob Page, for their amazing work in getting our new clauses and amendments into some form of legible parliamentary-type wording. I also thank the other staff, those in the room in particular, the Doorkeepers and those keeping a record of our sometimes very long speeches. I also thank you, Ms McDonagh, and Sir Roger, for the excellent way in which you chaired proceedings of the Committee.

I thank the members of the Committee—the Minister and all members, but in particular my friends and colleagues in the Opposition for their support and for helping us get to where we are today. I put on the record my thanks to my fellow shadow Minister, my hon. Friend the Member for Halifax, and my hon. Friends the Members for Bermondsey and Old Southwark, for Sheffield Central and for Coventry North West, and to the hon. Members for Glasgow North East and for—I will attempt to say the name—Cumbernauld, Kilsyth and Kirkintilloch East.

Finally, I thank my staff, Katherine Chibah, Giulia Monasterio, Cian Fox, Charlotte Butterick and Tashi Tahir, for all their hard work on the research and the speeches, and for their general support. It has been a challenging Bill Committee and I am pleased that we have got to the end of it in one piece.

Tom Pursglove: Before you adjourn the Committee for the final time, Ms McDonagh, I also take the opportunity to thank everyone who has been involved, in particular the Opposition spokesmen of both parties, who have put an awful lot of work into their preparations. I know that it is not just them involved in their work, but their teams, who go to extraordinary lengths and really look at the detail of the measures that the Government are proposing to draw up suggested new clauses. It is a herculean effort, so I thank the spokesmen and those working with them.

I thank you, Ms McDonagh, and Sir Roger, for your firm but fair chairing of the proceedings. That is always much appreciated, and you have done a brilliant job at keeping us all in order in—I think it is fair to say—a controversial Bill, which Members come at with very strong opinions on all sides.

I also thank my colleagues and in particular our departmental Whip, who as ever has done a fantastic job and stood in at very short notice for my absence on Tuesday. It was extraordinary.

Bambos Charalambous: We were gentle with him.

Tom Pursglove: He did very well. I was concerned that I would not be wanted back. I also thank our standing departmental Parliamentary Private Secretary.

I also thank my officials, without whom it simply would not be possible to do this, for all the work they put in behind the scenes. I thank the Clerks of the House, too, who do a fantastic job in structuring the proceedings and ensuring that everything runs in an orderly fashion.

To finish, Sir Roger's comments as he departed the Chair this morning put it rather well. These are controversial matters that people feel strongly about. Passions run high, but it is fair to say that the Committee has considered the matters in great detail and, I would argue, has done consideration of the Bill great justice.

Mr Goodwill: I thank the Minister, because everyone else has been thanked. He had not been long in his position when the Committee started, and he has shown tremendous skill and adeptness. I am pleased indeed that he recovered from the dodgy prawn he had the other week, which caused the Whip to have to stand in. The Minister started his career as my PPS, and I like to say that I taught him everything he knows, but not everything I know.

Question put and agreed to.

Bill, as amended, accordingly to be reported.

4.55 pm

Committee rose.

Written evidence reported to the House

NBB47 Apna Haq

NBB48 Rights of Women

NBB49 AVA (Against Violence and Abuse)

NBB50 Safety4Sisters

NBB51 Anti-Slavery International

NBB52 SafeLives

NBB53 Doughty Street Chambers Anti-Trafficking Team

NBB54 Somerset and Avon Rape and Sexual Abuse Support

NBB55 Latin American Women's Rights Service

NBB56 The Children's Society

NBB57 The Rights Lab, University of Nottingham

NBB58 Safe Passage International

NBB59 Women's Aid Federation of England

NBB60 Drive Partnership

NBB61 Welsh Women's Aid

NBB62 Refuge

NBB63 Modern Slavery Survivor Collective

NBB64 Surviving Economic Abuse (SEA)