

PARLIAMENTARY DEBATES

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OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

BORDER SECURITY, ASYLUM AND IMMIGRATION BILL

Fifth Sitting

Thursday 6 March 2025

(Morning)

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CLAUSE 18 agreed to.
Adjourned till this day at Two o'clock.

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

not later than

Monday 10 March 2025

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The Committee consisted of the following Members:

Chairs: DAWN BUTLER, DAME SIOBHAIN McDONAGH, DR ANDREW MURRISON, † GRAHAM STUART

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|---|---|
| † Bool, Sarah (<i>South Northamptonshire</i>) (Con) | † Murray, Chris (<i>Edinburgh East and Musselburgh</i>) (Lab) |
| † Botterill, Jade (<i>Ossett and Denby Dale</i>) (Lab) | † Murray, Susan (<i>Mid Dunbartonshire</i>) (LD) |
| † Eagle, Dame Angela (<i>Minister for Border Security and Asylum</i>) | † Stevenson, Kenneth (<i>Airdrie and Shotts</i>) (Lab) |
| † Forster, Mr Will (<i>Woking</i>) (LD) | † Tapp, Mike (<i>Dover and Deal</i>) (Lab) |
| † Gittins, Becky (<i>Chwyd East</i>) (Lab) | † Vickers, Matt (<i>Stockton West</i>) (Con) |
| † Hayes, Tom (<i>Bournemouth East</i>) (Lab) | † White, Jo (<i>Bassetlaw</i>) (Lab) |
| † Lam, Katie (<i>Weald of Kent</i>) (Con) | † Wishart, Pete (<i>Perth and Kinross-shire</i>) (SNP) |
| † McCluskey, Martin (<i>Inverclyde and Renfrewshire West</i>) (Lab) | Robert Cope, Harriet Deane, Claire Cozens,
<i>Committee Clerks</i> |
| Malhotra, Seema (<i>Parliamentary Under-Secretary of State for the Home Department</i>) | † attended the Committee |
| † Mullane, Margaret (<i>Dagenham and Rainham</i>) (Lab) | |

Public Bill Committee

Thursday 6 March 2025

(Morning)

[GRAHAM STUART *in the Chair*]

Border Security, Asylum and Immigration Bill

11.30 am

The Chair: Would all Members ensure that electronic devices are turned off or switched to silent? We now continue line-by-line consideration of the Bill. The grouping and selection list for today's sitting is available in the room, as well as on the parliamentary website. I remind Members about the rules on the declaration of interests, as set out in the code of conduct.

Clause 18

ENDANGERING ANOTHER DURING SEA CROSSING TO
UNITED KINGDOM

Matt Vickers (Stockton West) (Con): I beg to move amendment 17, in clause 18, page 11, leave out lines 24 to 26 and insert—

“(c) the vessel in which the person travelled could not reasonably have been thought to be safe for the purposes of reaching the United Kingdom.”

This amendment would apply the new offence of endangering another during a sea crossing to the UK to any individual who tries to enter the UK illegally and makes their journey in an un-seaworthy vessel, removing the requirement for the individual to have done an act to cause or create a risk of death or serious injury.

The Chair: With this it will be convenient to discuss the following:

Amendment 5, in clause 18, page 11, line 36, at end insert—

“(E1C) (a) For the purposes of subsections (E1A) and (E1B), a person cannot commit an offence if the person is an asylum seeker.

(b) For the purposes of this subsection, ‘asylum seeker’ means a person who intends to claim that to remove them from or require them to leave the United Kingdom would be contrary to the United Kingdom’s obligations under—

- (i) the Refugee Convention (within the meaning given by section 167(1) of the Immigration and Asylum Act 1999), or
- (ii) the Human Rights Convention (within the meaning given by that 35 section).”

This amendment would specify that the offence created by clause 18 (“Endangering another during sea crossing to United Kingdom”) cannot apply to asylum seekers.

Amendment 15, in clause 18, page 12, line 5, leave out “six” and insert “fourteen”.

This amendment would increase the maximum penalty for the offence of endangering lives at sea to fourteen years.

Amendment 16, in clause 18, page 12, line 9, leave out “five” and insert “fourteen”.

This amendment would increase the maximum penalty for the offence of endangering lives at sea to fourteen years.

Clause stand part.

Matt Vickers: It is a pleasure to serve under your chairmanship, Mr Stuart. Clause 18 creates a new offence of endangering others’ lives during a sea crossing from France, Belgium or the Netherlands to the United Kingdom, which results in the commission of an existing offence under section 24 subsection (A1), (B1), (D1) or (E1) of the Immigration Act 1971. Proposed new subsection (6) to section 24 of the 1971 Act states that this offence “applies to acts carried out inside or outside the United Kingdom.”

The provision is necessary for this offence. Can the Minister explain whether partner countries have comparable offences to this one that can be used to apprehend people in France, Belgium and the Netherlands?

The former director general of Border Force, in his evidence to the Committee, was clear that clause 18 would be more effective if operated by French enforcement agencies, rather than in the UK, as most of the offences occur in French territory. Can the Minister reassure the Committee that, in order to successfully prosecute these offences in the UK, UK Border Force will be able to gather evidence collected outside the UK? Can the Minister guarantee that French support in providing that evidence will be forthcoming? What guarantees has the Home Office been given?

In order to be prosecuted under clause 18 for offences committed in French territorial waters, people would need to be transported to this country if they are not already here, which would have the rather perverse outcome of more people coming and being able to claim asylum. As I have not been able to find any reference to that in the impact assessment, I would like the Minister to share with the Committee what the justice impact tests showed for this new offence. How many new prison places are going to be required at steady state? In other words, how effective does the Minister think the new offence will be?

The Opposition tabled amendment 17 as we suspect that the new offence is not going to be greatly used. Amendment 17 would apply the new offence of endangering another during a sea crossing to the UK to any individual who tries to enter the UK illegally and makes their journey in an unseaworthy vessel, removing the requirement for the individual to have done an act to cause or create a risk of death or serious injury. If a person has crossed to the UK in a small boat, they have by definition endangered both their lives and the lives of others at sea. Those boats are unseaworthy, overcrowded and everyone who gets on board is responsible for that position. It is not just the lives of people on those dangerous vessels that are placed in danger, but potentially the lives of those who rescue them.

We have tabled amendments 15 and 16 to increase the sentence for the offence to 14 years. Before the Nationality and Borders Act 2022 was passed, section 25 offences attracted a prison sentence of up to 14 years. The 2022 Act increased the penalty to life imprisonment in order to discourage unlawful facilitation of migrants to the UK, so why are the offences in this Bill for endangering lives at sea so much lower?

Since the Government have scrapped the Rwanda deterrent, we would like to help them to make this damp squib of a Bill a bit more of an effective deterrent to those considering making such a dangerous crossing from a safe third country. That is why we have tabled amendments 17, 15 and 16: to demonstrate that if an

individual gets on an unsafe boat to cross the channel, thereby committing an immigration offence, they will be found guilty of endangering lives at sea. Then, as a foreign criminal, their deportation should be easier for the Home Office.

If the Minister is not going to accept our amendment, which would ensure that everyone arriving on a small boat should be found guilty of endangering lives at sea, I would like her to explain how people who cram themselves into overcrowded and unseaworthy vessels have not endangered themselves, others on that vessel and those who have to come to their rescue.

Tom Hayes (Bournemouth East) (Lab): It is an honour to serve under your chairpersonship today, Mr Stuart.

Does the hon. Gentleman agree that on average we are seeing the number of people per boat increasing each year? He alluded to that earlier, and it means that more and more people are crowding into each small boat—he is nodding, so he seems to agree. Does he also agree that, because we are seeing more and more people crowded into these small boats, it is accounting for a rise in the number of people who are crossing the channel in small boats?

Matt Vickers: Yes—it is the case that more people are coming on fewer boats. Equally, however, there is also a rise in the number of boats that are coming across. I think that both those things are problematic. One thing that we know about these boats being filled with yet more people is that they become ever more dangerous, and we have seen some of the horrible consequences and fatalities as a result of that.

Amendment 5, tabled by the Scottish National party, specifies that the offence created by clause 18—endangering another during sea crossing to the United Kingdom—cannot apply to asylum seekers. Surely, that would render the new offence even more ineffective, as it will not be possible to charge people until their asylum claim has been determined. Someone is perfectly capable of endangering lives at sea, whether they are an asylum seeker or not.

Mike Tapp (Dover and Deal) (Lab): I will respond to some of the points that the hon. Member for Stockton West has just made, starting with the point about the French. Under the last Government, we saw what amounted to Twitter diplomacy, continuous bashing of the French online and in the papers, and a breakdown of that relationship. Since we came into Government, we have seen that Keir and Yvette, who was out there in France recently, have looked to reset that relationship and rebuild it. I believe that recent visits that Yvette has made to France, including one that involved a meeting with the French Minister of the Interior, have been very productive. The French are looking at their laws and considering how they can improve things on their side—*[Interruption.]* I apologise, Mr Stuart. I mean the Home Secretary, not Yvette. The smaller Committee Rooms sometimes result in some informality.

As I was saying, the French are looking to readdress their laws, including things such as intercepting boats in shallow water, which to date has been neglected. That adult approach to politics and working with the French will help us to reduce the number of these boat crossings.

Chris Murray (Edinburgh East and Musselburgh) (Lab): It is a pleasure to serve under your chairmanship, Mr Stuart.

My hon. Friend is making a really important point: these cross-channel operations and strategies are more diplomatic than they are legislative. Does he agree that, because the UK is unusual in that our Border Force is not a police force, whereas the French police aux frontières, the Belgian police and all other European border agencies are police forces, we have very different kinds of operations and structures, and this work needs to be done gently, through diplomacy and not through amendments to legislation?

Mike Tapp: I thank my hon. Friend for his intervention. He makes the powerful point that the French need to be engaged with diplomatically rather than being bashed on social media, which damages our relationship with them. The way forward here is to continue with that gentle diplomacy to bring about the changes in their laws that may well benefit the United Kingdom. We have already seen results on that front in Germany. The Germans have changed laws around the facilitation of the kit to be used for these crossings, so diplomacy is already yielding positive results, and I expect we will see more of that.

My second point is that this amendment is fantasy land from the Opposition. We inherited a justice system that was completely broken and on its knees, with just 2% of prison places still available. Do the Opposition propose sticking all these people in prison? If so, where are those prison places going to come from, given what we have inherited?

Pete Wishart (Perth and Kinross-shire) (SNP): It is a real pleasure to serve under your chairmanship for a second day, Mr Stuart. I rise to speak to amendment 5 in my name.

Of all the new criminalising clauses in the Bill, this is the one that concerns me most. It is the most invidious and cruel. As we have heard, the clause proposes a new criminal offence of endangering another during a sea crossing, with a proposed maximum sentence of six years' imprisonment. The offence is defined as committing an act that creates a risk of death or serious physical or psychological injury to another person during a sea journey from France, Belgium or the Netherlands to the UK—in effect, all the sea journeys across the channel by, mainly, asylum seekers who are seeking refuge in the UK.

How that is supposed to be assessed is anyone's guess. Any potential transgression of the clause could happen only in the most chaotic of circumstances—on a small boat where people will probably be struggling for their lives to try to get here. The only witnesses to any transgressions of this clause will be other traumatised souls who had the great misfortune to be there at that time. The new offence is concerningly broad, and explicitly aimed at people on the move; it exclusively and directly targets those on the boats.

Which people may get caught up in this offence? The first category that comes to mind is those people who may have been offered rescue by the French but refused the opportunity of rescue. But why would they take that opportunity? These are people who have travelled thousands

[Pete Wishart]

of miles to try to seek asylum in the United Kingdom. I am supposing that they make up the first category that the Minister has in mind with this offence.

However, it is also possible to prosecute individuals who, in moments of panic or self-preservation, inadvertently put others at risk. That means that someone who makes a sea crossing out of desperation could face a prison sentence simply because of the circumstances of their arrival, rather than any deliberate intent to cause harm. This law makes no attempt to take account of the high risk and chaotic nature of these journeys, where panic, misjudgment or even attempts to help others could inadvertently lead to criminal liability.

What makes the clause particularly invidious, and why we should think about it very carefully, is that it does not do even one thing to tackle what the Government say they are tackling: the gangs—the people who organise this foul trade and are responsible for putting people on the boats. It does nothing to target them. The only people who will be in the sights of this invidious, cruel clause will be ordinary asylum seekers.

The refugee convention is clear that refugees should not be penalised for how they enter a country to claim asylum. The clause runs a coach and horses through that obligation. It also breaches the Palermo protocol, which enables asylum seekers to claim asylum freely and honestly. The European convention on human rights memorandum states that

“parents who bring their children on the type of journeys that the Endangerment Offence captures will be excluded from prosecution in almost all circumstances”.

The key words are “almost all”: there could still be prosecutions, and the memorandum notes that that could lead to families breaking up.

There is another main target of the offence. It is designed to entrap and ensnare those who pilot the boats. Let us look at how far we have come with this new distinction and new category of people that the Government are now going after. It was in 2019 that the Government started bringing criminal charges against people identified as steering dinghies across the channel. Prior to this clause, those identified as piloting boats have usually been arrested and charged with the offence of facilitating a breach of immigration law under section 25 of the Immigration Act 1971.

The Nationality and Borders Act 2022 increased the maximum sentence for that offence to life imprisonment. In most cases, the second charge is dropped due to a lack of evidence—as I explained, the deeply chaotic circumstances where evidence could be acquired lead to a lack of evidence being presented in court proceedings. However, there have been some successful section 25 prosecutions. For example, they can happen when a person pleads guilty to an offence at the first opportunity before it is dropped.

11.45 am

Here is the thing: every dinghy must have at least one person steering it in order to facilitate safe travel. Where there is demand to cross irregularly, particularly in the absence of other safe routes, someone will always be tasked with steering that small boat. If there was no one to steer it, it would set out into the channel, go round and round in circles for a certain amount of time, and

then it would sink. I do not think that is what the Minister wants, so somebody will have to take the responsibility for steering that small boat. That is usually left to the people without resources, who cannot afford to give the smugglers in the gangs the money they require to get on that boat at source. They are usually the ones left with this particular, invidious task, in order to get the boat across the channel.

I will give the Minister a couple of examples. I listened carefully to the examples she gave us in the Committee the other day, and they were pretty good examples, but I want her to respond to some of my examples of the type of people who will be caught up in this offence, and ask her whether she thinks that they are fair and just. The first is a well-known case; I am certain that practically everybody in the Committee will be familiar with the case of Ibrahima Bah, who was convicted of gross negligence manslaughter in 2024 despite the court recognising that he was not a trafficker. He was seeking asylum and was coerced into piloting a boat by smugglers. As everybody knows, in that tragic circumstance four people died as a result of being on an overcrowded and unsafe boat.

Despite Mr Bah’s protest at the point of departure that the vessel was unsafe, he was forced to pilot it. He solely has borne the brunt of the legal consequences, rather than the criminals who orchestrated and designed that dangerous journey. Because it was a tragic case that received so much attention, someone had to be found culpable and guilty—step forward Mr Bah. Ibrahima Bah is 20 years old and is now starting his nine-year sentence in a young offenders institution—I stress, a young offenders institution.

I will give another example, just to see what the Minister thinks. Fouad Kakaei—I hope I am pronouncing the name correctly—was convicted of illegal entry and facilitating the illegal entry of others in the dinghy he steered for a time and a period in December 2019. He, like all the other migrants onboard that unfortunate vessel, had paid agents to allow them passage on the vessel, and at some point during that crossing they all took turns steering the boat. Of course they took turns steering the boat; if they had not, a disaster would almost certainly have happened. Mr Kakaei denied any financial motive, a fact accepted by the prosecution. He said he was trying to reach safety and to help others in the same situation. He was doing this in order to help others in the same situation. He was sentenced to 26 months’ imprisonment.

I have many more examples, Mr Stuart, but I know that they would tire you and you would insist that I move on. I am happy to send on to the Minister the other examples of people like Mr Bah and Mr Kakaei, who have been caught up in all of this through no fault of their own and are now spending time in prison. These cases demonstrate the sheer cruelty and unjust nature of the clause, and the fact that we already have the powers. They were convicted under existing legislation, so what is this all about? Why are the Government using this clause to entrap even more people—to go for even more specific types of asylum seekers?

We have heard again and again—I am pretty certain we will hear it yet again—that the Government’s intention is to use this offence as a deterrent to stop people from piloting boats and from coming to the UK through irregular means in the first place. The Government could not be more naive if they tried.

I listened to the Conservative spokesperson, the hon. Member for Stockton West—he thinks that all we have to do is criminalise everybody who gets on a boat, arrest them and jail them. Does he seriously think that that is going to have any impact? Does he really think that somebody sitting in South Sudan is thinking about what some Tory immigration spokesperson thinks should happen to them when they arrive? They could not care less about that. We know that the deterrent argument is bunkum—it is rubbish; no one actually believes that anything that we design in these ever-hardening pieces of legislation is going to have the slightest impact on people deciding whether to set out to try to claim asylum in the United Kingdom.

In 2023, 244 people were charged with illegal arrival having arrived on a small boat, 88 of whom were identified as steering. Over the first six months of 2024, 64 people were charged with illegal arrival, including 38 who were identified as the person steering the boat. The latest data shows that in the first six months of the Labour Government—I do not know whether it is better or worse under them—86 people on small boats were arrested for illegal arrival, including 48 people identified as piloting the dinghy. The Government have the powers, and they have the legislation. They could use them, and they have used them, so I do not know what the clause is about.

There are already enough asylum seekers being prosecuted without this clause. There is an over-representation of people who have come from countries such as Sudan and South Sudan, who find themselves getting caught up in this legislation—they cannot afford to pay for their trip and they are therefore coerced or forced into piloting in order to secure a place on the small boat.

The introduction of this new, broader offence raises the question of whether the Government's intention is to punish smugglers or simply to further criminalise people seeking asylum. That is why my amendment 5 asks that ordinary asylum seekers who are seeking refuge in the United Kingdom are excluded from the provisions of the clause.

Many individuals and organisations that also provide support to asylum seekers, whether through humanitarian aid, legal advice or practical assistance, could also find themselves in legal jeopardy because of some of the issues around the Bill and this clause. They include charities offering food and shelter to those in transit, lawyers advising on asylum claims, and even friends and family members who offer guidance on when to cross the channel safely.

Under the new provisions, such actions could be interpreted as aiding and supporting irregular migration, despite well-intentioned humanitarian motivations. I do not know about you, Mr Stuart, but I am appalled at the prospect that the people who have looked at this issue, studied it and who have sent us all this evidence and information—those who support some of the most wretched people to ever to reach our shores—could be caught up in the Bill.

The clause represents a further entrenchment of an enforcement-led approach to migration that prioritises deterrence over protection. The human cost of this Bill is far too high, and its provisions risk punishing the very people who we should be supporting. Surely we need to prioritise an approach rooted in humanity,

justice and practical solutions over one driven by punitive deterrence, which tries to criminalise even more of these poor souls who end up on the shores of our country.

Margaret Mullane (Dagenham and Rainham) (Lab): It is an honour to serve on your Committee, Mr Stuart. I thank the hon. Members for Perth and Kinross-shire and for Stockton West for their contributions. There are a few points I want to make. Clause 18 already outlines provision within the lines that amendment 17 seeks to remove. Naming the act of supplying an unseaworthy vessel, while removing the broader terminology of an act from the Bill, sets a precedent where we would have to outline all possible acts within the Bill. That is wholly unnecessary and not in keeping with the structure of the Bill. Although providing an unseaworthy vessel is the initial act that causes risk to life, amendment 17 would serve to de-prioritise further acts of criminality that could endanger life in a sea crossing. The wording already in the Bill provides sufficient scope to address what the amendment seeks.

Following on from this, I think everybody in this room agrees with the sentiment of amendment 5—that genuine asylum seekers are vulnerable—but it is also important to recognise that someone with the right to asylum could be involved in criminality. The Bill already establishes, through clauses 16 to 18, the provision of a reasonable excuse as a defence, creating a clearer distinction between humanitarian activity and genuine asylum seekers, journalistic or academic works, and those involved in immigration crime as well. I believe that the hon. Member for Perth and Kinross-shire has already conceded that point, having withdrawn amendments of a similar nature.

Tom Hayes: It is an honour to follow my hon. Friend the Member for Dagenham and Rainham, who made a very persuasive case. She has stolen much of what I was going to say, which is actually quite helpful. I want to start by reflecting on the international situation, following up on the equally persuasive points made by my hon. Friend the Member for Dover and Deal about the relationship between the UK and France. It is worth reflecting on where we are. The current Home Secretary was the first to visit northern France in almost five years. Using a parallel Conservative political time continuum, that was six Home Secretaries ago.

In December, we had the meeting of the Calais Group in London, which was able to agree a plan to tackle people smuggling gangs. We have seen the Home Secretary and Interior Ministers from G7 countries, Germany included, meeting in Italy to agree a new joint action plan. We have seen the French Government appoint a new special representative on migration, Patrick Stefanini. He will work closely with our new role of Border Security Commander so that we have the closest, strongest, deepest engagement and interaction.

It is worth reflecting on that, because we are not going to solve the problem of small boat crossings on our own. We have to repair the damage done by the previous Conservative Government to our relationships with our major EU allies and partners. One of the consequences of the botched Conservative Brexit deal is that the UK no longer participates in the EU's Dublin system, which determines which countries should take responsibility for processing an asylum claim where a person has links with more than one country, and

[Tom Hayes]

provides a mechanism to return the person to the responsible country. That is underpinned by a shared database of asylum seekers' fingerprints. It is chaotic that we had a deal that robbed us of the opportunity to take part in that system.

Katie Lam (Weald of Kent) (Con): Will the hon. Gentleman give way?

Tom Hayes: Let me just finish my point. We heard in oral testimony last Thursday how the extraction of the UK from the Dublin system, under those chaotic circumstances, has created a pull factor for asylum seekers seeking to come to this country.

The Chair: Mr Hayes, I am sure that, from now on, you will want to focus closely on the subject of endangering people while at sea.

Tom Hayes: I will take only one intervention.

Katie Lam: I wonder whether the hon. Gentleman would like to share with the Committee whether under the Dublin agreement we were net recipients of migrants or removed more than we received?

Tom Hayes: I thank the hon. Lady for her question, but I have another compelling statistic for her. Implicit in much of what the Conservatives say is the idea that the UK alone is carrying the burden of asylum seeker hosting, but the UK is actually fifth, behind Germany, France, Italy and Spain, in our receipt of the number of asylum seekers in the year ending September. The point I am making is that actually, contrary to much of the rhetoric that we hear in the Chamber and may be hearing in this debate that the United Kingdom is somehow on its own, shouldering all the responsibility for providing a safe place to asylum seekers, we are not. That is worth mentioning, because as a country we are trying to repair our relationships—

The Chair: Order. That has been mentioned, so clause 18 would now sensibly be the focus of your words.

12 noon

Tom Hayes: Thank you for your patience, Mr Stuart. I will progress to my more substantive points.

I welcome the introduction of the new offence of endangering another life during perilous sea crossings to the UK, because we know that life is being endangered. At least 78 people died in the channel last year, and a total of 327 have died on the channel route since 2014. With your patience, Mr Stuart, I will talk about a particular case study.

We know that some of the lives that were cut short were incredibly young. A year and three days ago, a seven-year-old girl boarded a small boat in northern France with her three siblings, father and pregnant mother. The family joined six other children on that small boat, all of them seeking to cross the channel to reach the UK. Four other adults completed the complement on the boat. To describe that boat as small is a joke. It was later described as very small, no bigger than the kind a fisherman might use. It was too small for the number on board, which reinforces the point that I

made to the hon. Member for Stockton West: that we are seeing the average number of people per boat rising, which accounts in part for the larger number of people trying to cross the channel to the UK.

The little girl I just talked about was pulled out of the water by rescuers. There were efforts to save her, but they failed. She could not be resuscitated. Aged seven, that child suffered a heart attack and she stopped breathing. Her family died. The six other children on the boat died. The four other adults on the boat died.

Later that day—3 March 2024—another boat crossing got into trouble. Thankfully, the 47 lives on that boat were saved. The night before, on 2 March 2024, another boat got into trouble when it deflated because it was not seaworthy. Again, thankfully, 20 lives were saved. But 327 lives have been lost on the channel route.

We know the facts of life in these flimsy boats. We know that every small boat is crowded with more and more people. We know that gangs are set on making as much money as possible, no matter the risk to life. We know that women and children are forced into the middle of ever smaller boats, so that when those boats fold and sink, as they do, it is they who are the first to be drowned or crushed. We know that the fuel is in containers that are so flimsy that they leak, and we know that when it mixes with seawater, saltwater, it inflicts the most horrific burns on the most vulnerable people.

We know another fact of life on these boats: the engines are among the weakest and the lifejackets are fake, do nothing and keep nobody afloat. And so I have to ask: why would we oppose the introduction of this new offence? It will ensure that anyone involved in physical aggression, intimidation or coercive behaviour will face prosecution and a sentence of up to five years.

My right hon. Friend the Home Secretary has been clear that this offence sends

“a clear message that we will take action against those who are complicit in loss of life or risk to life at sea.”—[*Official Report*, 10 February 2025; Vol. 762, c. 63.]

To hear that from a Home Secretary is really important for those criminal gangs that are contemplating criminality. This is about going after those who further jeopardise the safety and lives of others during crossings and who are actively preventing offers of rescue. It is not about, as some have said, criminalising vulnerable people and dangerous crossings. Indeed, the Home Office has already said publicly that the Crown Prosecution Service always considers whether it is in the public interest to prosecute individuals. This is about protecting children like the seven-year-old whose life was ended a year and three days ago.

I want to dwell on the point about child protection, because it is so relevant to the question of sea crossings and whether we have this offence to try to limit the loss of life. We heard in oral testimony from the Children's Commissioner for England about the horrifying crossings that are taking place, but we also heard that the Conservatives had forced vulnerable children into horrifying situations when they arrived here in Britain. The commissioner stated:

“Children were languishing without proper safeguarding in inappropriate places.”—[*Official Report, Border Security, Asylum and Immigration Public Bill Committee*, 27 February 2025; c. 21, Q21.]

The Children's Commissioner had to persistently pursue, from a Home Office that hindered her from doing her job, data on

“children who had been victims of attempted organ harvesting, rape and various other things”.—[*Official Report, Border Security, Asylum and Immigration Public Bill Committee, 27 February 2025; c. 25, Q26.*]

As she says on children who are missing:

“We still do not know where many of those children are...that is not good enough.”—[*Official Report, Border Security, Asylum and Immigration Public Bill Committee, 27 February 2025; c. 25, Q26.*]

I say that because we have a massive child protection issue on our sea. We have a massive child protection issue in the United Kingdom. We need the Bill to make sure that children are safe.

Kenneth Stevenson (Airdrie and Shotts) (Lab): It is a pleasure to serve under your chairmanship, Mr Stuart. These steps have been taken following discussions with law enforcement to be as thorough as possible in our attempts to smash the criminal gangs and disrupt an organised activity at the very source, particularly in relation to endangering another during a sea crossing, but also when it comes to supplying and handling articles for immigration crime. We must allow enforcement every opportunity to identify the causes of such crime and use the findings of any investigation to deter further crossings. If he allows me a little bit of leeway, I will refer to the hon. Member for Perth and Kinross-shire, who spoke about piloting boats.

The Chair: Order. Mr Stevenson, interventions must be short.

Tom Hayes: I thank my hon. Friend for his point; I agree with him.

I want to continue to dwell on the question of children’s social care. It is this Government who have been backing children’s social care to look after unaccompanied children—something so important in the eyes of the Children’s Commissioner. It is we who are seeking to protect children when they make their desperate crossings and when they are here in the UK. It is no surprise that this Government is doing the same in other areas, such as the Children’s Wellbeing and Schools Bill in this parliamentary Session, which establishes child registers to track children not at school, strengthens multi-agency safeguarding arrangements and assigns a unique identifier for each child. I say that because children’s protection is absolutely critical.

If the Conservative party, in tabling its amendment, were serious about protecting endangered life and tackling the criminal gangs that threaten children’s safety and undermine our border security, why did it do so little during its time in office and why did it not vote for the Bill? It proposed an amendment with the express intention of killing the Bill—as we saw in the Chamber, its Whips were begging Reform MPs to back the amendment that would have killed it off. I saw that with my own eyes.

This Government have increased deportations, returns and removals, which are at the highest rate for six years. We are cutting the cost of the asylum system. I beg the Conservative party and its allies in Reform to get serious about protecting our borders and protecting children and to stop blocking progress.

Becky Gittins (Clwyd East) (Lab): I have some comments on the amendments. I will start with amendment 5, tabled by the hon. Member for Perth and Kinross-shire.

I have watched the first episode of “The Chief”, which I enjoyed and gave me some insights into the outlook—perhaps even the ambitions—of the hon. Gentleman, which were very much to my liking. Although I have enjoyed lots of the contributions you have made with such huge passion, and indeed compassion for the people you refer to, my concern is about the unintended consequences of your amendment.

The Chair: Order. Please use “he”.

Becky Gittins: Sorry, Mr Stuart. I am concerned that the hon. Gentleman’s proposal to exclude asylum seekers from prosecution opens up a situation in which someone who has come here as an asylum seeker, and then seeks to engage in illegal activity to assist more illegal channel crossings, would be exempt from prosecution. That would undermine a lot of what many of us are trying to do. My concern is not with the intention of the amendment, which is incredibly clear, but its application, which would go against a lot of the things we are aiming to achieve.

When he moved his amendment 17, the hon. Member for Stockton West did not give a definition of an unseaworthy vessel. This is potentially another area where, despite the rhetoric—which I understand to be about appearing tougher on gangs and people who attempt to make and to assist illegal crossings—the Opposition may actually have introduced an amendment to dilute the Bill.

The amendment ties criminality to the seaworthiness of a vessel. Members on both sides of the Committee have talked about the ability of these gangs: they are fast-paced and cunning, and they move with the times. The Committee heard from witnesses that the gangs regularly change tack to keep up with and get around legislation. That is why the measures we are taking are needed. There is no legal definition of a seaworthy vessel, only that, “A seaworthy vessel is a type of boat or ship that is strong enough to handle the normal stresses of being on the water, such as waves and wind. It is also capable of carrying cargo or passengers safely.” It is about not only the use of the ship, but the conditions.

Amendment 17 proposes a reasonableness test for a vessel to be deemed unseaworthy. That could include things such as having safety equipment onboard, or having qualified crew—although we have perceptions about who the people smugglers are, it is reasonable to think that some of them could have a background on the sea, as fishermen or as people who have transported cargo, so their boats could potentially have safety equipment and a qualified crew onboard. Some of the things that could be used to deem a ship seaworthy include how many crew members there are on board, which—as we have discussed in this sitting—varies, as do the provisions on the boat, such as food, water and safety equipment, and the weather and sea conditions on the day of travel.

I would welcome clarification from the hon. Member on his particular definition of seaworthiness. I understand the narrative of trying to appear tough on this issue, my grave concern and opposition to the amendment comes from the fact that it would dilute the opportunity to be tough on those criminal gangs.

Chris Murray: It is a pleasure to serve under your chairmanship, Mr Stuart. I will make a couple of points about the amendments to the clause, and the clause overall.

I have always been frustrated that people from both left and right make the same mistake on immigration policy—we forget that immigrants and asylum seekers are people. That means that, just like any group of people, they vary: some are entirely innocent and exploited, and some seek to exploit others and are criminals. We need to make the distinction between those groups.

Amendment 5, tabled by the hon. Member for Perth and Kinross-shire, makes some important points, and my hon. Friend the Member for Clwyd East is right about the passion and compassion that drive the amendment. I absolutely recognise, support and understand that passion and compassion, but we must be clear-eyed about the reality of what is happening in the channel.

Yes, people are in great danger, and they are the most exploited, most vulnerable people, but they are not there by accident. They are not panicking because they have stumbled by accident into the boat. There is a large, extremely organised, extremely well-financed criminal enterprise putting them in that position and it does not care one bit whether they live or die. We need to be able to draw a distinction between the vulnerable people who are in that situation and the people who are putting them there.

Pete Wishart: The hon. Gentleman is absolutely right that we have to make that distinction between those who have organised, orchestrated and profited from such activities and those at the sharp end of it: the asylum seekers and immigrants themselves. We need to be laser-focused on the gangs, the people who put together and design this vile trade, not on the ordinary asylum seekers, whom these criminalisation clauses exclusively focus on.

Chris Murray: I thank the hon. Gentleman for his intervention, but I am afraid I completely disagree with him on what this Bill is doing. Being an asylum seeker is a self-declaration. It is anticipatory. Someone just declares themselves as one; the system later ascertains whether that is correct and whether they are a refugee. He mentioned earlier that the refugee convention does not penalise people for the mechanism by which they enter; he is quite correct, but that is not a blanket immunity from any criminal act committed in the process.

12.15 pm

The hon. Gentleman talked about making a distinction. The Bill does not say, “Everybody, regardless of any other extenuating factor, will be found guilty of this offence.” We heard from the Crown Prosecution Service that guidance will be given about the evidential test and the public interest threshold. There will then be court proceedings, which can make that distinction. This clause is not a blanket catch-all, nor is it about criminalising everybody—but, equally, it cannot be about criminalising nobody, which would be the effect of this amendment. People are doing these things.

It is important to have this legislation on the statute book, because we should not be prosecuting the people who do this to the most vulnerable people and put them in this danger with immigration offences, grandfathering an offence into legislation from the 1970s. This is a new phenomenon that has picked up in the last couple of years.

In my work before Parliament, I worked with the victims of child trafficking and heard the testimonies of those who entered the UK in the back of lorries or, worse, on those kinds of boats. It takes years for those children to overcome their trauma and even to express how dangerous the situation was that they were in. It damages them forever. We have to target the people who do that to them with no compunction at all.

I return to my original point: we need to be able to draw a distinction between the exploited and the exploiters. The amendment tabled by the hon. Member for Stockton West and the Conservatives does not draw that distinction. It would categorise everyone as guilty, an exploiter and someone who should go to prison for 14 years. The amendment from the SNP does the opposite. It would exonerate everyone. If they declared themselves an asylum seeker, none of the legislation would apply to them, regardless of any other crimes that they had committed on the way. I do not think that is right. We can and we must draw that distinction.

I have two final points. If someone in any other walk of life—a building contractor, a lawyer, an event organiser—did something negligent that led to the death of another person, I would expect them to be held fully responsible for their culpability in that. That should also apply here. We must ensure that that also applies in these boats. The people who put the people in these boats must be held responsible.

The hon. Member for Weald of Kent referred to the Dublin system. It is quite correct that we heard that the Dublin system was encouraging people to come here. It is quite correct that the UK was a net recipient of asylum seekers under the Dublin convention. However, if I were a Conservative, I would be very wary of making that argument, because it points to the fact that, even when the last Government had the ability to return people to safe countries that they had gone through, they failed to do that or to use the system in the way that they now claim we should be able to.

The amendments from both sides wreck this clause, which is really important for prosecuting those people who put people’s lives in danger.

Sarah Bool (South Northamptonshire) (Con): It is a pleasure to serve under your chairmanship, Mr Stuart. If, as I imagine, the wording of clause 18 will not be changed further, I just wanted to draw attention to the concerns that we will be criminalising those making the crossings and not those who organise the passage. I point to written evidence from the Law Society, which raised particular concerns that are important to consider:

“The Law Society is concerned that parents or guardians could be prosecuted for taking their children on these journeys. The human rights assessment produced by the Government for this Bill states that parents who bring their children on these types of journeys will be excluded from prosecution under this offence in almost all circumstances, but the phrasing”—

this is the most important point—

“does not rule out prosecution in all circumstances. There is a concern that this could result in families being split up.”

The Law Society asks that the Government should either

“clarify if this provision is intended to apply to asylum seekers in some circumstances, or amend it to ensure it does not in practice.”

I ask the Minister to address that point.

Jo White (Bassetlaw) (Lab): It is a pleasure to serve under your chairmanship, Mr Stuart. I want to reinforce the points made by my hon. Friends the Members for Dagenham and Rainham and for Clwyd East regarding amendment 17, tabled by the hon. Member for Stockton West. I firmly believe that the amendment actually serves to dilute the legislation.

The hon. Member does not consider the fact that many people are coerced into boats in the belief that they will be safe, because there will be lifejackets provided. However, many times those lifejackets do not meet EU or British standards, or children's lifejackets are provided for every person on the boat—or, when people get on the boat, there are not enough lifejackets. The gangs who are using that to coerce people on to the boats should be prosecuted for that simple act.

The Minister for Border Security and Asylum (Dame Angela Eagle): It has been a while since the sitting began, and it is easy to overlook that I have not been up on my feet so far. We have had an interesting debate. The amendments before us range from, at one end, the Opposition, whose amendments seek to criminalise everyone who gets in a small boat and presumably cart them directly to prison, through to the other end of the argument, represented with his usual passion by the hon. Member for Perth and Kinross-shire, who feels that, if someone is an asylum seeker, they should be exempt from being judged at all on the behaviour that happens on the boat.

I will deal with some of those points in turn, but I also want to compliment my colleagues who have made their own comments and some very important points in this debate. It is important, as my hon. Friend the Member for Edinburgh East and Musselburgh said, that we are clear-eyed about what is happening in the channel. We can be romantic about it in many ways, as the hon. Member for Perth and Kinross-shire often appear to be, or we can regard all those who come over as criminals and a threat, but the truth is somewhere in between.

My hon. Friend the Member for Bournemouth East made a moving speech about the realities of what can happen in these circumstances; it is easy to forget, when we are sat in a nice warm Committee Room—although it is not always warm, facing as it does on to the river. Imagine ending up in the water in the channel, Mr Stuart; you can last only so long. You could easily have a heart attack in that cold water and not be resuscitated. Clearly, if you are a child, or vulnerable in any other way, then that is likely to happen—and it will happen to you first.

My hon. Friends the Members for Bassetlaw, for Clwyd East and for Dover and Deal made important points about the realities too. I will come on to what the Government are trying to do with this offence and why it is in the Bill, but I will deal with the amendments first. I hope I will be able to answer some of the questions that have been asked during this important debate—*[Interruption.]* I also hope that my voice is going to last out.

Amendment 15 focuses on the length of the sentence attached to clause 18 and seeks to increase the sentence from six to 14 years where an irregular entrant arrival has caused or created a risk of serious personal injury

or death to others during a sea crossing to the UK. Clause 18 introduces a new criminal offence that is to be inserted into section 24 of the Immigration Act 1971. The current sentence for the offence of arriving in breach of a deportation order under section 24(A1) of the Immigration Act is five years.

Because clause 18 will be inserted into section 24 of the Act, the intention of the clause is to ensure that, given the egregious and serious natures of the acts committed under the new offence, the maximum sentencing is increased, albeit remaining in line with the existing sentencing framework in section 24 of the Act. The issues about the length of sentence are all about keeping sentencing in that section of the Immigration Act coherent. Grabbing extra, lengthier sentences out of the air to insert them into the Act can create inconsistency and mess up the structures of sentencing involved in the Act, making it less coherent than it should be. The sentence of five years was reached after discussions with partners about all the sentences and offences in this particular area, and it rightly reflects that coherence.

An increased sentence of six years is considered to be appropriate for the endangerment offence. It furthers the deterrence aim of the policy, but is not so severe as to deter prosecutors from bringing a prosecution in the first instance. That is another area in which the rhetoric of even longer sentences deters prosecutors from bringing charges at all. We have seen that with the facilitation offences, where the introduction of a life sentence has led to fewer prosecutions being pursued; prosecutors think that for a sentence of that length, more obvious evidence has to be accrued, so they charge fewer people. An increased sentence can sometimes have a perverse effect on the system. We think that the sentence in the Bill is in keeping with the Immigration Act and is about right.

Mr Will Forster (Woking) (LD): I am pleased that the Minister talked about the length of the sentence, which we have not talked about very much in the debate so far. Fourteen years is the maximum sentence for placing explosives with intent to cause bodily injury, and for such other offences as causing death by dangerous driving. To me, 14 years is more applicable in those cases. Does she agree? I do not understand the rationale for 14 years.

Dame Angela Eagle: Yes, and it is not for me to get into the head of the hon. Member for Stockton West. Perhaps he will talk to us about why he picked that particular number. I agree with the hon. Member for—*is it Worthing?* *[Interruption.]* The hon. Member for Woking—I knew it began with a W, and my own constituency begins with a W, so we are there or thereabouts in the dictionary.

Similarly, amendment 16 seeks to increase the sentence from five years to 14 years where an irregular migrant or arrival has caused or created a risk of serious personal injury or death to others during a sea crossing to the UK and is entering without the requisite leave to enter, entry clearance or electronic travel authorisation. As with the approach taken to those who arrive in breach of a deportation order, and as discussed in relation to amendment 15, clause 18 will provide an increased sentence compared with the offences under section 24(B1), (D1) and (E1) of the Immigration Act.

12.30 pm

Under section 24, the maximum sentence for knowingly entering without requisite leave to enter, entry clearance or electronic travel authorisation is four years. Under clause 18, the maximum sentence for journeys involving an endangering act in relation to the same section 24 offences is five years. We think that is a proportionate increase compared with the other section 24 offences. The comparison here is not section 25 of the 1971 Act, under which there was originally a maximum sentence of 14 years that the last Government increased to life imprisonment. Five years is considered appropriate for acts that endanger others during a sea crossing, so I call on the shadow Minister not to press amendment 16.

Amendment 17 would fundamentally alter the focus of clause 18. Where clause 18 focuses on acts that have caused or created a risk of serious injury or death to others during a journey by water to the UK, the amendment would criminalise any person for their decision to board an unseaworthy vessel. That would be a very wide-ranging offence. Everyone wants these crossings to stop—my goodness, anyone listening to what we have heard today and who knows what happens in the channel wants these journeys to stop—but the amendment would criminalise everybody onboard a vessel by virtue of its condition.

I have seen some of these vessels, none of which could reasonably be seen to be seaworthy. If the Opposition Members had seen some of them, perhaps they would not think clause 18 is muddying the waters. None of these vessels is seaworthy. I would not want to cross a puddle in them, let alone the channel, which is one of the world's busiest shipping lanes.

With all due respect to the hon. Member for Stockton West, it is nonsense to suggest that the answer to stopping these crossings, an objective we all share, is as simple as criminalising everyone who arrives in the UK in this way. Imagine the real-world implications. Despite the Rwanda scheme, 84,000 people crossed the channel in small boats. Over 150,000 crossed the channel when the Conservative party was in office. Are we meant to put all those people in jail? Is the hon. Member seriously saying that would deal with this difficult and complex issue? It sounds even more absurd than thinking the Rwanda scheme would actually work. His amendment is unworkable, and I hope he will withdraw it.

Amendment 5 would exclude asylum seekers from the scope of these offences. Again, I understand why the hon. Member for Perth and Kinross-shire tabled the amendment. In his own analysis, everybody aboard these boats is an innocent asylum seeker. My hon. Friend the Member for Edinburgh East and Musselburgh put it best: some of the people who come across on these boats are innocent asylum seekers, but others are certainly not. We do not have trained people in Dover looking for coercive control because we do not think that some of those coming across are wholly innocent asylum seekers.

Pete Wishart: I am sorry to see that the Minister is still bravely struggling with a cold—the Committee has noticed. A variety of offences are available to the courts to make sure that anybody who endangers people at sea can be prosecuted. There is illegal arrival, there is facilitating the illegal entry of others, and there is what

Ibrahima Bah was convicted of—gross negligence manslaughter. These offences are all currently available to the prosecutorial authorities. I do not know why the Minister feels she needs this new offence. It can only be because she has a particular target in mind against whom she wants to apply these rules. Can she confirm that?

Dame Angela Eagle: I will try to give the hon. Gentleman some insight. I was going to come on to this when addressing the clause itself, but it is in the Bill because we have perceived a change in behaviour in some areas.

There has been an increase in physical aggression towards other people, including migrants and third parties. There is a lot more violence on the beaches against French police. There is intimidating and controlling behaviour on the boats. People are preventing others from disembarking or calling for help when the boat gets into difficulty. There are physical acts that result in harm being caused to another person either while boarding a boat or while on a boat. People are being pushed off boats, including in shallow French territorial waters. The pilots sometimes decide to continue on to the UK even when there have been fatalities or serious harm on the boat. We are now seeing a range of behaviours that clause 18 will allow us to address.

I will address amendment 5, but the view of the hon. Member for Perth and Kinross-shire is that no asylum seeker should be charged with this new criminal offence, which would render clause 18 unworkable and pointless, as 95% of people who come across on small boats claim asylum. How one behaved on the boat across will be in the purview of clause 18, whether it is dangling children over the side or forcing women and children to sit in the middle—often the middle of the boats come free and collapse, so the women and children are the first to die. Where women and children are forced to sit in the middle, they sometimes arrive in the UK with horrific burns because of the combination of fuel and seawater, as my hon. Friend the Member for Bournemouth East said.

I simply do not agree with the hon. Member for Perth and Kinross-shire that, just because someone will claim asylum when they get to the UK, none of their behaviour on the way over should have any bearing on what happens when they get here. Clause 18, which creates a new criminal offence under section 24 of the Immigration Act, will not criminalise everyone who makes these crossings. It would be pointless and completely unworkable if we sought to do that, as the Opposition amendments do. It is about addressing, discouraging and deterring the acts that cause or create a risk of serious injury or death to others, which we are now seeing from individuals travelling to the UK by small boats.

There have to be consequences for anyone who further jeopardises the safety and lives of others during these dangerous crossings. There are those who insist on continuing their journey when assistance is at hand, who refuse assistance, and often, when there have been fatalities, try to prevent others from being rescued. Clause 18 addresses specific acts that create or cause a risk of serious injury or death to others during a journey. We heard in oral evidence how these journeys are being made more dangerous by such acts, and clause 18 is a response to the increasing propensity of this kind of behaviour.

There have been shocking and tragic cases of women and children being forced and intimidated into life-threatening positions during journeys that are already dangerous enough, which is exactly the type of offending that clause 18 aims to target. The approach cannot simply be to say that whatever happens on the boat, stays on the boat. The new offence is another tool designed to curb the endangerment of life. It sits alongside other activity against gangs that intentionally place people in danger by selling these crossings as a viable route to the UK. This Government take fatalities and injuries at sea extremely seriously, and we are going further than ever to try to bring an end to them.

Pete Wishart: I thank the Minister for her full response to the amendments before the Committee. I totally agree with her on amendment 17, and I hope the Committee rejects it. It is a ridiculous and unworkable proposition that everybody who comes to our shores should be criminalised almost immediately upon arrival.

A couple of things have been said in this debate that I want to challenge and take head on, including the idea that everything is black and white, that people are either the exploited or the exploiters. Everybody accepts that there is a grey area. I think every member of this Committee believes that those who behave in a reprehensible, appalling and awful way, whether on the small boats or in getting people on to the small boats, should rightly face the full force of the law.

The Minister is right to highlight all those examples of the dangerous behaviour that happens during some of these journeys. None of us would want people to get away with that behaviour, but the Bill does not refer to such activity, and there is nothing in the guidance or the explanatory notes. Nothing in the Bill specifies this type of behaviour. As the Bill progresses, the Minister will have to make sure it mentions such behaviour.

The other challenge with the type of activity the Minister describes is how to get the evidence. This activity is happening in the most chaotic circumstances, on small boats coming across the channel. We know these things are reported, and we know that people are arrested and face the full force of the law, but the Minister still has to convince the Committee that a new offence is needed, and that certain categories of migrant will not be caught up.

Chris Murray: Does the hon. Gentleman accept that, if his amendment 5 were accepted, someone could orchestrate a boat crossing the channel, throw a child off—which this measure is trying to prevent—and then, when they arrive on the shores of the UK, just say, “I am an asylum seeker”? That would be an obstacle to any prosecution.

The only way we could get over that obstacle—even if the person were French—would be for them to go through the entire asylum process. They would be placed in a hotel in one of our constituencies and, given the huge backlog we have, it would be almost two years before we are able to prosecute them.

Pete Wishart: It must be how I am presenting this but, again, I am not being understood. I am sorry that I have not explained the intention clearly enough, but I have no intention of that scenario happening. *[Interruption.]*

Can I say to the hon. Gentleman—and to the Whip, the hon. Member for Inverclyde and Renfrewshire West, who is trying to intervene from a sedentary position—that existing offences are in place to deal with the activity being described. I have cited the example of Ibrahima Bah, who was done for gross negligence manslaughter. Where that happens, of course people should face the full force of the law. And that happens, because we have existing laws in place.

I listened very carefully to the Minister’s description of the new types of activity that she feels clause 18 is necessary to address, but those activities have to be specified and defined. If she moved new clauses to address such activity, I am sure she would get a fair hearing—she would get a fair hearing from me—but, because clause 18 is so broad, other behaviour and activity will inadvertently be drawn into these offences. People who are possibly acting in self-protection, or who are trying to save people but inadvertently put others at risk, will be caught by this clause.

We need to apply common sense to what the Minister is trying to do, and we need to make sure common sense is reflected in the Bill because, at this stage, it is not.

Becky Gittins: I just want to tease out what the hon. Gentleman has said. Does he accept that, if this amendment passed, gang members facilitating crossings on small boats would escape prosecution?

Pete Wishart: Absolutely not. Again, I must be having great difficulty getting through, and I accept that that is my responsibility, but that is not what is intended in the least. A variety of laws deal with the activity that the Minister mentioned. We know that because 244 people were charged in the course of 2023, and since the Labour Government came to power, something like 86 people have been charged with offences. People are being charged and prosecuted for serious offences.

The Minister has identified new dangerous activity, and she is right to do so, but if we want legislation to deal with it, bring that legislation before the House. Do not bring in this broad-sweep legislation, under which natural, normal activity that may be designed to help and protect people could be caught up. The difficulty with this legislation is that it inadvertently draws in people who do not deserve to be. I know it is about targeting the pilots in the boats, but there has to be some recognition of what forces and coerces people into piloting the boats. There needs to be an understanding of their situation and why they are doing that, but the clause fails to take account of any of that.

12.45 pm

I will not press my amendment to a vote, but I will say one more thing. I am making this point as Pete Wishart of the Scottish National party. Nearly all the evidence I have presented to the Committee on this and previous amendments has been supplied by the organisations that the hon. Member for Stockton West refers to, all of which work with asylum seekers in the UK, promoting their best interests and serving them. They have given me that material because they are so concerned about the broad nature of so many of these criminalising clauses, and they want us to look at them. I tabled

amendment 5 just to raise the issue, and I hope that as we go through the Bill, we will have an opportunity for debate.

Chris Murray: I take on board the hon. Gentleman's point, and I can assure him that no one has higher respect than I do for the organisations that have supplied such evidence. I have been in conversations with them myself. The issue at hand here, however—I know this from having worked in the sector—is that they are not set up to stop the gangs or take through criminal prosecutions. That is not their objective. Their job is purely, and properly, to protect migrants. They will lean towards a broad definition, and that is why I think he has inadvertently fallen into a trap. In excluding everyone from the provisions, we avoid the traffickers, but it is not the job of those organisations to target them.

Pete Wishart: The hon. Gentleman is spot on. The job of those organisations is to be concerned for the welfare and conditions of people who come to our shores, and to ensure that they are supported on their journey through the asylum process. The organisations have identified that the Bill does little to target the gangs that the hon. Gentleman is referring to; in fact, they do little at all. They are all about ordinary asylum seekers. The new criminalisation clauses that we have debated over the past couple of days are all exclusively devoted to the activity of asylum seekers coming here, and none more so than this clause.

I hope that, as the Bill proceeds through its remaining stages—particularly when it goes through the other place, although that greatly concerns me for a number of reasons—we will be able to improve it, and get to a place where it reflects what the Minister said in her fine contribution.

Sarah Bool: I did not hear from the Minister a response on the Law Society's concern about parents and guardians being criminalised, and I wonder whether I could hear some thoughts on that.

Dame Angela Eagle: In general, it is not expected that parents will be criminalised, but there is not a total ban on that. It will depend on what has happened and what the circumstances were. That will be looked at on a case-by-case basis. It is difficult to be more explicit about that, given that the nature of the offence represents a stricter law that is meant to deter people from making small boat crossings. It is a signal to smugglers and passengers that fatalities and injuries at sea are taken extremely seriously, so there may well be consequences for particular unacceptable behaviour of the sort that I have talked about. I would not want there to be an absolute exclusion, but I would not expect a large cohort of people to fall within the purview of the new offences.

Matt Vickers: I thank Members for their considered contributions. Effective international partnerships can be useful, but I would not want to deny anyone the right to scrutinise a partner on Twitter, particularly one to whom we pay so much money. The previous Government were right to toughen up on sentences for the worst offences. They were right to restrict prisoner release during the pandemic. That put pressure on the prison system, and that that is why the previous Government

were also right to undertake the biggest prison building programme since the Victorian era. I realise that the Labour party did not agree, but it was right that the previous Government used the Nationality and Borders Act to increase the penalty for people smugglers to a life sentence.

Tom Hayes: I was going to allow that statement to go by, because lunch is near and I am quite hungry, but I am hungrier still for the truth. Does the hon. Gentleman not accept the validity of independent assessments of our prison system—the system that this Labour Government inherited—as near to collapse? For him to claim otherwise is farcical, and I hope he will withdraw that.

Matt Vickers: I repeat exactly what I said: the previous Government were right to toughen up those sentences and make those who are guilty of some of the worst offences stay longer in prison. They were right not to release people during the pandemic, and therefore they were right to have the biggest prison-building programme since the Victorian era; that is a fact. It was also right that the previous Government used the Nationality and Borders Act to create life sentences for people smugglers. The vile criminals who profit from the peril of others deserve nothing less. That is why it is right to increase the sentence for this offence, as set out in amendments 15 and 16, to deter people from engaging in this awful, vile and inhumane trade. I will press amendments 17, 15 and 16 to a vote—

Tom Hayes: Just before the hon. Gentleman does so, there was a question about why the proposed sentence length of 14 years was hit on. I wonder whether he might wish to illuminate us.

Matt Vickers: As I said in my opening remarks, that has to be a deterrent. This is a damp squib Bill. If people come to this country illegally—if they break in—there should be real consequences. If they put other people's lives at risk, there should be real consequences. I think we have proposed the right sentence, and Committee Members can now have their say on it.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 13.

Division No. 5]

AYES

Bool, Sarah
Lam, Katie

Vickers, Matt

NOES

Botterill, Jade
Eagle, Dame Angela
Forster, Mr Will
Gittins, Becky
Hayes, Tom
McCluskey, Martin
Mullane, Margaret

Murray, Chris
Murray, Susan
Stevenson, Kenneth
Tapp, Mike
White, Jo
Wishart, Pete

Question accordingly negatived.

Amendment proposed: 15, in clause 18, page 12, line 5, leave out “six” and insert “fourteen”.—(Matt Vickers.)

This amendment would increase the maximum penalty for the offence of endangering lives at sea to fourteen years.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 13.

Division No. 6]

AYES

Bool, Sarah
Lam, Katie

Vickers, Matt

NOES

Botterill, Jade
Eagle, Dame Angela
Forster, Mr Will
Gittins, Becky
Hayes, Tom
McCluskey, Martin
Mullane, Margaret

Murray, Chris
Murray, Susan
Stevenson, Kenneth
Tapp, Mike
White, Jo
Wishart, Pete

Question accordingly negated.

Amendment proposed: 16, in clause 18, page 12, line 9, leave out “five” and insert “fourteen”.—(Matt Vickers.)

This amendment would increase the maximum penalty for the offence of endangering lives at sea to fourteen years.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 13.

Division No. 7]

AYES

Bool, Sarah
Lam, Katie

Vickers, Matt

NOES

Botterill, Jade
Eagle, Dame Angela
Forster, Mr Will
Gittins, Becky
Hayes, Tom
McCluskey, Martin
Mullane, Margaret

Murray, Chris
Murray, Susan
Stevenson, Kenneth
Tapp, Mike
White, Jo
Wishart, Pete

Question accordingly negated.

Clause 18 ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned.—(Martin McCluskey.)

12.56 pm

Adjourned till this day at Two o'clock.

