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OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

BORDER SECURITY, ASYLUM AND IMMIGRATION BILL

Ninth Sitting

Thursday 13 March 2025

(Morning)

CONTENTS

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not later than

Monday 17 March 2025

The Committee consisted of the following Members:

Chairs: Dawn Butler, † Dame Siobhain McDonagh, Dr Andrew Murrison, Graham Stuart

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

Robert Cope, Harriet Deane, Claire Cozens, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 13 March 2025

(Morning)

[Dame Siobhain McDonagh *in the Chair*]

Border Security, Asylum and Immigration Bill

11.30 am

The Chair: Would everyone please ensure that all electronic devices are turned off, or switched to silent mode? We now continue line-by-line consideration of the Bill. The grouping and selection list for today's sitting is available in the Committee Room and on the parliamentary website. I remind Members about the rules on the declaration of interests, as set out in the code of conduct. I also remind Opposition Members that, if one of your new clauses has already been debated and you wish to press it to a Division when it is reached on the amendment paper, you should please let me know in advance.

Clause 51

Validation of fees charged in relation to qualifications

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

The Parliamentary Under-Secretary of State for the Home Department (Seema Malhotra): It is a pleasure to serve under your chairship today, Dame Siobhain, and to contribute to Bill Committee proceedings on this important piece of legislation.

I will briefly state the purpose and effect of the clause before I make some more detailed remarks. The purpose of the clause is to ensure retrospective power for the charging of fees currently provided on behalf of the Home Office and the Department for Education in relation to the comparability, recognition or assessment of qualifications obtained in and outside of the UK from any time to the point at which the Bill comes into force. The effect of the clause is that fees charged by, or under, arrangements with the Secretary of State in relation to the comparability, recognition or assessment of qualifications obtained in and outside of the UK will have been charged lawfully.

I will now lay out how this situation came about. In spring 2024, under the previous Administration, an issue was identified with the legal arrangements to charge fees for three services provided by a third-party supplier on behalf of the Home Office and the DFE. Those are the Home Office's visas and nationality service, the Department for Education's UK European network of information centres services, and the Department for Education's non-UK early years qualifications recognition service. A statutory basis for those fees has not been in place for a part, or the whole, of the period of their being charged. Although we do not have an exact date from which that may have run, the estimate is from around 2008 to the present day.

Regulations have been made for the charging of services recently for the Home Office's visas and nationality service, and are being made for the Department for Education's UK ENIC services. The fee for the non-UK early years qualifications recognition service was removed. We are bringing forward the clause to ensure that fees charged before the Bill comes into force are lawful.

We recognise that retrospective legislation should be used with caution, however, we consider that there are important reasons for it in this case, and indeed, that it was assumed that there was a legal basis for those fees in the past. In considering whether retrospective legislation is the right approach, it is important to be clear that customers who paid a fee received a service that they were able to use as part of, for example, a visa or nationality application, or to understand the comparability of qualifications to support access to education or work.

Other options, such as repaying fees, would require placing a considerable and unfair financial burden on UK taxpayers, who have not, on the whole, directly benefited financially from income generated by these services. That is why we believe that this measure is the right course of action to ensure that there is no doubt about the charges being lawful while protecting taxpayer money and Government resource. I repeat the fundamental point that a service was received for the fee that was paid.

It is important to make sure that we learn lessons and ensure that that situation does not happen again. Both Departments now have robust guidance and processes in place to support policy leads where legislative powers are needed to support the charging of fees in relation to the provision of public services.

Matt Vickers (Stockton West) (Con): Clause 51 details the validation of fees charged in relation to qualifications. We support this measure.

The Chair: Great—we are off to a flying start.

Question put and agreed to.

Clause 51 accordingly ordered to stand part of the Bill.

Clause 52

Financial provisions

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

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

Amendment 20, in clause 53, page 55, line 23, at end insert—

"(3) The Secretary of State may only make regulations under subsection (1) which amend, repeal or revoke an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament following consultation with Scottish Ministers.".

This amendment requires the Secretary of State to consult Scottish Ministers when making regulations under Clause 53 (1) which amend, repeal or revoke an enactment in or under an Act of the Scottish Parliament.

Clauses 53 and 54 stand part.

The Minister for Border Security and Asylum (Dame Angela Eagle): Clause 52 enables money to be provided by Parliament for expenditure incurred under or by virtue of the Bill and for any increase in expenditure attributable to the Bill. Clause 53 allows the Secretary

of State to make consequential or minor amendments to the Bill by regulation. Clause 54 confirms that regulations under the Bill must be made by statutory instrument.

Regulations under the provisions of the Bill listed in clause 54(3) will be subject to the affirmative process and will therefore require a draft statutory instrument to be laid and approved by a resolution of each House of Parliament before they can be made. I commend the clauses to the Committee, but I will answer any questions or queries the hon. Member for Perth and Kinross-shire has in his speech on amendment 20.

Pete Wishart (Perth and Kinross-shire) (SNP): Dame Siobhain, we have to stop meeting like this. Amendment 20 is a rather simple amendment, and one that I hope the Minister takes seriously. Clause 53 has a massive and dramatic impact on Scottish legislation that has been passed under devolved powers by the Scottish Parliament. It says that the Secretary of State has the power to make regulations that are consequential on the Bill. Those regulations could,

"in particular, amend, repeal or revoke any enactment passed or made before, or in the same Session as"

the Bill.

The power granted to the Secretary of State is overly broad, affecting all legislation passed by the Scottish Parliament and Scottish statutory instruments over the past 25 years. Importantly, that includes enactments in or made under an Act of the Scottish Parliament as well as similar legislation passed by the Senedd Cymru and the Northern Ireland Assembly. It is unreasonable that the Home Secretary could amend, repeal or revoke that body of law through regulations that bypass proper parliamentary scrutiny.

Requiring consultations with Scottish Ministers before making those regulations is the bare minimum and could help to identify potential issues and prevent unintended consequences. The use of Henry VIII powers —or James VI powers, as we would prefer to call them in Scotland—is unconstrained and could have significant implications for the law in Scotland. For that reason, it is crucial that the Secretary of State consults with Scottish Ministers and with other devolved Administrations before moving forward with those regulations.

Dame Angela Eagle: Amendment 20 seeks to add a requirement to the Bill that Scottish Ministers are consulted before any regulations are made under clause 53(1). I recognise the sentiment behind the amendment tabled by the hon. Member for Perth and Kinross-shire and fully expect it. I support his general point about the importance of collaboration between the UK Government and the devolved Governments. The Prime Minister was clear when this Government were elected that it is our intention to ensure close collaboration between the UK Government and the devolved Governments. I hope that my counterparts in those Governments have felt that that rings true in the case of this Bill; I was pleased to discuss it with them in February.

I can assure the hon. Member that—he will be surprised to hear—this amendment is unnecessary. The standard power in clause 53(1) simply enables regulations to make any further necessary consequential amendments. Where such regulations amend, repeal or revoke primary legislation, clause 54(3) provides that the regulations would follow the draft affirmative procedure, requiring the approval of each House.

In line with normal practice, the Home Office and other UK Government Departments work with officials in the devolved Governments when legislation is being developed that would have an impact on the devolved nations, including where there is an interaction with legislation passed by the Scottish Parliament, the Senedd or the Northern Ireland Assembly. For this Bill, I and officials in the Home Office have had regular engagement with the devolved Governments. I put on record my thanks to the officials and my ministerial counterparts in the devolved Governments their constructive engagement and contributions to the development of this legislation. They are considering the Bill, and I have asked them to seek legislative consent in their respective legislatures where appropriate for certain measures.

I also note that since the relevant regulations cover only those provisions consequential on the content of the Bill, and since that content has involved continued engagement with devolved Governments over many months, what the amendment seeks is already accounted for. That said, I reiterate that normal practice would be for the devolved Governments to be engaged where legislation, including secondary legislation, is expected to have an impact on their nation. This legislation largely concerns matters that are reserved to this Parliament. For the areas where it does not, legislative consent motions are in the process of being considered in the devolved Administrations.

Given those reassurances and the general good will that has come out of the meetings we have had with all the devolved Administrations, I hope that the hon. Member will consider his concerns to be unjustified in this instance and will not push the amendment to a vote.

Pete Wishart: I will not push the amendment to a vote.

Matt Vickers: Clause 52 details the financial provisions. Clauses 53 and 54 set out the regulations. Clause 55 extends the Act to England and Wales, Scotland and Northern Ireland. Clause 56 details when the sections of the Act come into force. We welcome the clarity provided by the Minister on collaboration. We will not oppose these measures.

Question put and agreed to.

Clause 52 accordingly ordered to stand part of the Bill.

Clauses 53 and 54 ordered to stand part of the Bill.

11.45 am

Clause 55

EXTENT

Dame Angela Eagle: I beg to move amendment 21, in clause 55, page 56, line 28, after "12," insert "24, ".

This amendment removes clause 24 (which amends the Criminal Justice and Police Act 2001) from the power to extend provisions of the Bill to the Isle of Man by Order in Council.

The Chair: With this it will be convenient to discuss Government amendments 23 and 24.

Dame Angela Eagle: Government amendments 23 and 24 add to the existing provision at clause 55(4):

"His Majesty may by Order in Council provide for any of the provisions…to extend…to the Isle of Man."

[Dame Angela Eagle]

Certain provisions are, as appropriate, excluded from extension. The amendments make the same provision to extend provisions by Order in Council to the Bailiwick of Guernsey and the Bailiwick of Jersey. That follows the Government receiving confirmation from the Bailiwick of Guernsey and the Bailiwick of Jersey that they wish for a permissive extent clause to be included in the Bill. I am grateful for the engagement of officials and the consideration by respective legislative assemblies on these matters. Confirmation from the Isle of Man has been received before the introduction of the Bill, hence provision already being made at introduction.

Government amendment 21 amends the list of provisions excluded from extension by Order in Council with the effect that clause 24, which amends the Criminal Justice and Police Act 2001, may not be extended. That is on the basis that that Act does not have an equivalent permissive extent clause, and any extension would therefore not be required or appropriate. That is a little tweak to the Bill.

Mr Will Forster (Woking) (LD): I am surprised to be raising this issue and that I do not immediately know the answer. The Minister has raised issues with Jersey, Guernsey and the Isle of Man, but that poses the question: what about our other overseas territories and areas such as the Falklands? The Government clearly considered the impact of our complicated relations with some places when drafting the Bill, but what about the others? Have the Government considered all those issues?

Dame Angela Eagle: I assure the hon. Gentleman that we certainly have considered those issues. The tweak with the Isle of Man relates to a technicality that was discovered after the Bill was drafted. The two other amendments, which extend certain provisions to the Bailiwicks of Guernsey and Jersey respectively, were added after work was done between our Parliament and those legislatures to ensure that they were happy for that extension and wanted a permissive extension clause to be added. That is what the amendments do.

Amendment 21 agreed to.

Seema Malhotra: I beg to move amendment 22, in clause 55, page 56, line 28, after "39" insert " and (*EU Settlement Scheme: rights of entry and residence etc*)".

This amendment to the extent clause is consequential on NC31.

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

Government amendment 25.

New clause 31—*EU Settlement Scheme: rights of entry and residence etc*—

"(1) For the purposes of this section 'relevant citizens' rights' means the rights, powers, liabilities, obligations, restrictions, remedies and procedures which—

(a) are recognised and available in domestic law by virtue of section 7A or 7B of the European Union (Withdrawal) Act 2018, and

(b) are derived from—

(i) Title 2 of Part 2 of the withdrawal agreement or Title 1 or 4 of Part 2 of that agreement so far as relating to Title 2 of that Part,

(ii) Title 2 of Part 2 of the EEA EFTA separation agreement or Title 1 or 4 of Part 2 of that agreement so far as relating to Title 2 of that Part, or

(iii) Article 4(2), 7 or 8 or Chapter 1 of Title 2 of Part 2 of the Swiss citizens' rights agreement or Title 1 of Part 2 of that agreement so far as relating to Chapter 1 of Title 2 of that Part.

(2) Subsection (5) applies to a person ('P') where—

(a) P has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules,

(b) the leave was granted to P on the basis of requirements which included that P is a relevant national or is (or was) a family member of a person who is (or was) a relevant national,

(c) each of the requirements on the basis of which P's leave was granted was in fact met,

(d) either—

(i) in a case where P's leave was not granted on the basis that P is (or was) a joining family member of a relevant sponsor, P was resident in the United Kingdom or the Islands immediately before the end of the implementation period, or

(ii) in a case where P's leave was granted on the basis that P is (or was) a joining family member of a relevant sponsor, the relevant sponsor was resident in the United Kingdom or the Islands immediately before the end of the implementation period, and

(e) the residency mentioned in paragraph (d) was not relevant residency.

(3) For the purposes of subsection (2)—

(a) a person is to be treated as a family member of another person if they are treated as the family member of that person by residence scheme immigration rules;

(b) 'joining family member' and 'relevant sponsor' have the same meaning as in residence scheme immigration rules;

(c) a person is to be treated as resident in the United Kingdom or the Islands immediately before the end of the implementation period even if they were temporarily absent from the United Kingdom or the Islands at that time if their absence was permitted for the purposes of establishing or maintaining eligibility for leave under residence scheme immigration rules;

(d) 'relevant national' means a national of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland.

(4) In this section 'relevant residency' means—

(a) residency in accordance with Union law (within the meaning of the withdrawal agreement),

(b) residency in accordance with the EEA Agreement (within the meaning of the EEA EFTA separation agreement), or

(c) residency in accordance with the FMOPA (within the meaning of the Swiss citizens' rights agreement).

(5) Relevant citizens' rights—

(a) are capable of accruing and applying to a person to whom this subsection applies notwithstanding that the residency mentioned in subsection (2)(d) was not relevant residency, and

(b) are to be enforced, allowed and followed accordingly.

(6) Every enactment (including an enactment contained in this Act) is to be read and has effect subject to subsection (5).

(7) In this section—

'EEA EFTA separation agreement' has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

'enactment' has the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) of that Act);

'the implementation period' has the same meaning as in the European Union (Withdrawal) Act 2018 (see section 1A(6) of that Act);

'the Islands' means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;

'residence scheme immigration rules' has the same meaning as in Part 3 of the European Union (Withdrawal Agreement) Act 2020 (see section 17 of that Act);

'Swiss citizens' rights agreement' has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

'withdrawal agreement' has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) and (6) of that Act)."

This new clause ensures that an EEA or Swiss national or their family member who has immigration leave granted under the EU Settlement Scheme can enforce residency and other rights directly under the withdrawal (or other separation) agreement even if the person, or their family member, was not resident in the UK or the Islands in accordance with Union (or other equivalent) law at the end of the implementation period.

Clause stand part.

Clauses 56 and 57 stand part.

Seema Malhotra: I turn first to new clause 31, which is on EU citizens' rights. It will confirm in law what the UK has in practice sought to do since the EU settlement scheme was established: to ensure that all EU citizens and their family members with status under the scheme have equal rights in the UK.

Part of this is quite complicated, so it may be useful to try to simplify it. In order to meet free movement rules, those who were here as residents from the European Union before the end of the transition period, which was the end of December 2020, needed to have been financially self-sufficient, studying or working for the previous five years. That meant that they had the rights of permanent residence in the UK. If their family members, who may have been partners or children under the age of 21, were also here before the end of December 2020, then at that point—it was a bit like census day—it did not matter whether they were outside the UK; under permitted absence rules, they could have been abroad for whatever reason but coming back. The point is about the definition of meeting free movement rules. They were resident here and effectively living under EU law, so they would be eligible for rights under the EU withdrawal agreement.

The issue is a technical one. There is a cohort described as the extra cohort, rather than the true cohort. The true cohort is those who were self-sufficient, studying or working, and therefore ticked all the boxes of meeting free movement rules. But those who, for example, were not in work on 31 December—they might have lost their job, or there was some other reason why they were not technically meeting the rules—are described as the extra cohort. While they were not technically meeting those free movement rules at that moment, we moved forward with citizens' rights after we left the European Union at the end of the transition period by treating those two cohorts as the same, as if it had been census day.

Those technicalities have meant that the withdrawal agreement rights apply completely to the true cohort, but arguably, given case law, have sometimes become a bit more complicated when applied to the extra cohort—who, as far as the UK is concerned, should be treated the same. It is important that we clarify in law that we treat the cohorts the same. At the end of December 2020 they might technically not have met all the definitions under the free movement rules, and therefore technically not have been complying with EU law, but for all intents and purposes they should still have their citizens' rights. The source of those rights is the withdrawal agreement. New clause 31 clarifies that so that we do not have case law challenging it or defining it differently.

It was always the UK's intention to treat those cohorts the same, but as case law has evolved it has become more difficult in practice. I thank other parliamentarians, including those in the other place, and stakeholders who have raised this issue. We want to ensure that there is clarity in law and that what we intend is actually the case. It is better all round to make the position clear. New clause 31 will mean that all EU citizens and their family members with status under the EUSS who were resident in the UK before the end of the transition period on 31 December 2020—I remind the Committee that we left the EU at the end of January 2020, but had the transition period until December 2020—will be considered beneficiaries of the withdrawal agreement and accordingly have rights in UK law. That is regardless of whether they belong to what I have described as the true cohort—the vast majority, who were compliant with all aspects of the free movement rules—or whether they technically did not and fell within what we have called the extra cohort. The new clause means that they all be able to rely directly on the rights in the withdrawal agreement for as long as they hold EUSS status. I am sure that, like all of us, Dame Siobhain, you consider it important for your constituents to have clarity about their rights in law.

The Government take citizens' rights very seriously, and we continue to work constructively with the EU to ensure that citizens' rights provisions in the withdrawal agreement are properly implemented in the UK and the EU. The EUSS opened on 30 March 2019, when the withdrawal agreement was still in draft; some of us still remember those slightly heady days and late nights. From the start, the UK's approach has been that, as the withdrawal agreement requires, all EU citizens resident in the UK before the cut-off date, which proved in the end to be the end of the transition period on 31 December 2020, are eligible for the EUSS, irrespective of whether they resided in the UK in accordance with EU law at the end of 2020. The EUSS, our scheme in the UK, does not therefore assess whether, at the end of the transition period, the EU citizen was exercising treaty rights in the UK by being a worker, self-employed, a student or self-sufficient, or whether they had an EU law right of permanent residence here, possibly on the basis of having spent five years working here.

The approach we took was fair and ensured a smooth transition. It was a priority for the whole of Parliament during that time that EU citizens with a right to be in the UK and British citizens in the EU did not have their lives disrupted by the consequences of Brexit. That approach has greatly simplified the operation of the EUSS, under which 5.7 million people now have status.

[Seema Malhotra]

It also simplified it for applicants and caseworkers. That is important, because we want consistency and accuracy in the processing of cases.

Just by virtue of these technicalities, two cohorts of EU citizens and their family members have status under the EUSS: the true cohort, who derived their rights from the withdrawal agreement, and the extra cohort, who were not within scope of the withdrawal agreement for technical reasons and derived their rights from domestic legislation. The UK has sought as a matter of practice to treat those cohorts the same in how we have interpreted and treated those cases in relation to their status in the UK, but as case law has evolved, very small technical points have had consequences where rights have been derived technically from the withdrawal agreement or domestic legislation.

The new clause will make the position clear in law. It removes the distinction in UK law between true and extra cohorts, making it clear that both are to be treated as if they were in scope of the withdrawal agreement at the end of the transition period in December 2020, meaning that they benefit from the rights contained in part 2 of the agreement.

12 noon

The new clause will also apply to the equivalent parts of the separation agreement with Iceland, Liechtenstein and Norway, and to the Swiss citizens' rights agreement. For example, an EU citizen resident in the UK before the end of the transition period—that is, December 2020—together with their family members with EUSS status, will be treated as being within the scope of the withdrawal agreement despite the fact that a significant gap in their employment in the UK before the end of the transition period means that, technically, they fell outside it. They will now be able to rely on the withdrawal agreement as the source of their rights in the UK. The new clause will confirm the equal treatment of the true and extra cohorts in UK law, removing any differences in treatment between them. It will reinforce the policy approach that has in fact been in place since the end of the transition period.

I turn briefly to other amendments in the group. Government amendment 22 is consequential on Government new clause 31, which, as I have said, will confirm as a matter of UK law what we have sought to do in practice since the EUSS was established—ensure that all EU citizens and their family members with status under the scheme have equal rights in the UK. Government amendment 25 is also consequential on Government new clause 31, and will ensure that it commences two months after Royal Assent.

Finally and briefly, clause 55 confirms that the extent of the Act will apply to England and Wales, Scotland and Northern Ireland. The appropriate elements listed under clause 55(3) also apply to the Channel Islands, the Isle of Man and the British overseas territories. Other measures within the Act, aside from those listed in clause 55(4), can be extended to the Isle of Man. Clause 56 confirms the Secretary of State's ability to specify, through regulations, when the Bill will come into force; that the measures listed under clause 56(3) will come into force on the day on which the Bill receives Royal Assent; and that those listed in clause 56(4) will come into force two months after Royal Assent. Clause 57 confirms that the Act may be cited in short form as the Border Security, Asylum and Immigration Act 2025.

Katie Lam (Weald of Kent) (Con): I do not think I missed it in the Minister's speech, although I apologise if I did. Can she advise on how many people have applied for and been granted settled status under the EU settlement scheme?

Sarah Bool (South Northamptonshire) (Con): I have another question for the Minister. I believe that she said that the true cohort had about 5.7 million applicants, but I wanted to understand more about the numbers of those who would fall under the extra cohort, given that they will be benefiting from rights. Can she give a little more of an explanation as to why the issue has come to light at this point, and was not in the original drafting?

Pete Wishart: I want to ask one simple question: does the Minister remember the good old days, when we had freedom of movement across the continent?

Seema Malhotra: I thank hon. Members for those comments. I can clarify the numbers that I have; if there is anything that we have not covered, I can make sure that Members are written to. I mentioned that 5.7 million people now have status, but 4.1 million have settled status and have met the requirements for that. On why the change has happened now, the main point is that the issue has been ongoing and we had to work out the best time to bring it forward. We have now been able to bring it forward as a new clause in the Bill.

Chris Murray (Edinburgh East and Musselburgh) (Lab): On the timing of this measure, does our experience not show us that it is better to do these things in advance rather than later, when migrants come out of the woodwork having been let down? That happened with the Windrush experience.

Seema Malhotra: I thank my hon. Friend for his question. I would probably put it slightly differently. This is an example of where we are being fair and generous—going beyond what was technically within the withdrawal agreement—because that is right for EU citizens who were here. In line with the approach that we took across the whole of Government, we should make sure that there is a smooth transition and security for EU residents here in the UK and also for British citizens in the EU.

I spent four years on the Committee on the Future Relationship with the European Union—I was a veteran, from the first meeting to the last. Early on, citizens' rights were important and central. Policy has sometimes become a bit more difficult because of case law—we cannot always predict where that ends up—so it is right that we look at where we can make the position clear in law, which is what we are doing today.

Katie Lam: Just to follow up on the numbers and check that I have understood this correctly, the Minister said that 5.7 million people have a grant of status, of whom 4.1 million people have settled status; presumably

the remainder have pre-settled status. Are those numbers entirely the true cohort? Are the numbers of people that we are talking about today extra to that?

Seema Malhotra: The hon. Lady asks a good question. The extra cohort is a minority in that. There are estimates. I am not sure whether I have here the estimate of the specific number of the extra cohort, which it is quite difficult to have an exact number on. But I will make sure that she is written to about the best estimate or the best way in which we can consider it. The extra cohort is a minority, but it is important that we clarify that their rights, too, are derived from the withdrawal agreement.

Katie Lam: I thank the Minister; that is very helpful. As I understand it, settled status under the EU settlement scheme entitles individuals to welfare payments, social housing, surcharge-free NHS care and more. Of those people who have been granted settled status, is the Minister or anyone in the Home Office—or indeed anyone anywhere in Government—making an assessment of how many of those individuals are net contributors to the public purse, and how many are a net cost to Britain's taxpayers?

Seema Malhotra: I will just make this point first. In a sense, the new clause will have a very limited impact on access to benefits for those with pre-settled status, or limited leave, under the EUSS. To access income-related benefits such as universal credit, they would be required to evidence relevant qualifying activity, such as current or recent employment or self-employment. Those with settled status, or indefinite leave, under the EUSS already have full access to benefits where eligible.

On the question asked by the hon. Member for Weald of Kent, I know there is broader research, and there is some data but not other data, and there are different estimates, but I am sure that she will know and appreciate that the vast majority will be working. Her question is also relevant to a more general question about those who are here and have settled status: how many are working? We know that there is different research, but the vast majority are self-sufficient.

Tom Hayes (Bournemouth East) (Lab): I refer the Committee back to the oral evidence that we heard at the very start of our work. Experts were asked whether they felt that the available immigration data, which could have been improved over 14 years, was robust enough for making strong assertions. Time and again, we heard from experts that it is very hard to make assessments about the net benefit or net cost of immigration flows into our country. Do the Government intend to work alongside the Migration Advisory Committee to improve the quality of immigration data so that we can make such assessments on a more robust footing?

Seema Malhotra: Indeed, it is important to have data that can inform policymaking and public debate. This is a separate matter to the one of those who come to work, settle and contribute to our economy and society, which I know we all want to see—that is indeed what we see in our constituencies—but it is also important that those who come through humanitarian routes are supported to access employability skills and employment, so that they can support themselves and their families. It is important that we look at how joined-up we are and to what extent that support is in place.

Amendment 22 agreed to.

Amendments made: 23, in clause 55, page 56, line 29, after "to" insert

"any of the Channel Islands or".

This amendment enables certain provisions of the Bill to be extended by Order in Council to any of the Channel Islands.

Amendment 24, in clause 55, page 56, line 31, after second "to" insert

"any of the Channel Islands or".—*(Dame Angela Eagle.)*

This amendment enables certain amendments and repeals by the Bill to be extended by Order in Council to any of the Channel Islands.

Clause 55, as amended, ordered to stand part of the Bill.

Clause 56

COMMENCEMENT

Amendment made: 25, in clause 56, page 57, line 15, after "35" insert

", (EU Settlement Scheme: rights of entry and residence etc)".—*(Dame Angela Eagle.)*

This amendment to the commencement clause has the effect of bringing NC31 into force 2 months after Royal Assent.

Clause 56, as amended, ordered to stand part of the Bill.

Clause 57 ordered to stand part of the Bill.

New Clause 30

CONDITIONS ON LIMITED LEAVE TO ENTER OR REMAIN AND IMMIGRATION BAIL

"(1) The Immigration Act 1971 is amended in accordance with subsections (2) and (3).

(2) In section 3(1)(c) (conditions which may be applied to limited leave to enter or remain in the United Kingdom)—

(a) omit the 'and' at the end of sub-paragraph (iv), and

(b) at the end of sub-paragraph (v) insert—

'(vi) an electronic monitoring condition (see Schedule 1A);

(vii) a condition requiring the person to be at a particular place between particular times, either on particular days or on any day;

(viii) a condition requiring the person to remain within a particular area;

(ix) a condition prohibiting the person from being in a particular area;

(x) such other conditions as the Secretary of State thinks fit.'

(3) Before Schedule 2 insert—

'Schedule 1A

Electronic monitoring conditions

1 For the purposes of section 3(1)(c)(vi), an "electronic monitoring condition" means a condition requiring the person on whom it is imposed ("P") to co-operate with such arrangements as the Secretary of State may specify for detecting and recording by electronic means one or more of the following—

(a) P's location at specified times, during specified periods of time or while the arrangements are in place;

(b) P's presence in a location at specified times, during specified periods of time or while the arrangements are in place;

(c) P's absence from a location at specified times, during specified periods of time or while the arrangements are in place.

2 The arrangements may in particular—

(a) require P to wear a device;

(b) require P to make specified use of a device;

(c) require P to communicate in a specified manner and at specified times or during specified periods;

(d) involve the exercise of functions by persons other than the Secretary of State.

3 If the arrangements require P to wear, or make specified use of, a device they must—

(a) prohibit P from causing or permitting damage to, or interference with, the device, and

(b) prohibit P from taking or permitting action that would or might prevent the effective operation of the device.

4 An electronic monitoring condition may not be imposed on a person unless the person is at least 18 years old.

5 In this Schedule "specified" means specified in the arrangements.'

(4) In Schedule 10 to the Immigration Act 2016 (immigration bail), in paragraph 2(1) (conditions of bail), after paragraph (e) insert—

'(ea) a condition requiring the person to be at a particular place between particular times, either on particular days or on any day;

(eb) a condition requiring the person to remain within a particular area;

(ec) a condition prohibiting the person from being in a particular area;'".—*(Dame Angela Eagle.)*

This new clause makes provision about the conditions which can be imposed on a grant of leave to enter or remain in the United Kingdom or a grant of immigration bail.

Brought up, and read the First time.

12.15 pm

Dame Angela Eagle: I beg to move, That the clause be read a Second time.

The new clause encompasses the conditions that can be attached to permission to enter or stay and immigration bail. Where a person is liable to be detained, for example because they are in the UK without the required permission or are subject to deportation proceedings, they may be placed on immigration bail. Where appropriate and in accordance with our European convention on human rights obligations, those on immigration bail can be subject to measures such as electronic monitoring and curfews.

Where a person does not qualify for asylum or protection under the refugee convention but cannot be removed from the UK because of our obligations under domestic and international law, they are granted permission to stay. Irrespective of the threat posed by the person, our legislation prevents us from imposing the same conditions that they may have been subjected to while on immigration bail.

The new clause will end that disparity in the powers available to protect the public from the particular migrant who poses a threat. It also makes crystal clear the conditions that may be imposed when a person is subject to immigration bail.

Matt Vickers: The new clause makes provision about the conditions that can be imposed on a grant of leave to enter or remain in the United Kingdom or a grant of immigration bail. The new conditions focus primarily on electronic monitoring, and we are supportive of those. However, given that the Government are repealing the provision passed by the last Conservative Government to mandate scientific age assessment, I am interested to know how they intend to ensure that the requirement that an electronic monitoring condition

"may not be imposed on a person unless the person is at least 18 years old"

can be delivered. As the Minister may have noticed, I am deeply concerned about the repealing of mandatory scientific age assessment provisions, and this is another reason why. Can she give us any timetable for when the Government might return to the issue?

Pete Wishart: I am a little disconcerted by this new clause. It is disappointing that it was introduced so late in proceedings; it should have been included in the Bill as presented on First Reading. Regardless of that, the new clause seems to fit a trend that I have detected with this Bill: there seems to be a cavalier attitude, approach and relationship with international obligations and some of our human rights commitments. Whereas I think everybody would accept that we want to target high-risk criminals and offenders, and the Government require the necessary powers to do that, they do admit that there are issues to do with the ECHR. I want to hear the Minister explain clearly what she means by high harm and risk. I think she has to give the Committee examples of the type of person who would fall foul of the new clause.

Human rights protections are in place for really good reasons. They have been designed and concocted to ensure that people get the protections regardless of what they may have committed in the past. We muck about with them at our peril. All that this cavalier approach to human rights will do is encourage those who want to get rid of our international obligations and our human rights entirely. I am looking at my Conservative friends; this does nothing other than encourage them and push this Government to go further.

We need to hear from the Government what they actually mean by the new clause. Given this watering-down of our commitments, we need to hear a real commitment from the Government that they stand by our international obligations and everything that is included in human rights for everybody we have a responsibility and obligation for.

Margaret Mullane (Dagenham and Rainham) (Lab): It is an honour to serve under your chairmanship, Dame Siobhain.

I disagree with the hon. Member for Perth and Kinross-shire. Given what we have seen play out in the last few weeks, I welcome the measures outlined in the new clause, which answers some of the issues highlighted by new clause 44, which was tabled by the Opposition.

I draw attention to the amendment of section 3(1)(c) of the Immigration Act 1971, which would put in a place a robust suite of measures to monitor and manage those coming into our country. Let us not forget that the new clause focuses on those who are coming here illegally and who are known to have been involved in criminality. The use of curfews, as well as inclusion and exclusion zones, with the possibility of extending conditions where the Secretary of State sees fit, will be a marked improvement on the incoherent approach currently in use. As we have debated in previous sittings, the provisions

in the Illegal Migration Act 2023 and the Safety of Rwanda (Asylum and Immigration) Act 2024 are not fit for purpose.

I believe that new clause 30, with greater intelligence and the duties of co-operation outlined in clause 5 relating to the role of the Border Security Commander, will create a foundation for better communication and data sharing between our intelligence agencies and their international counterparts. I feel that it will greatly improve on the current situation, in which, in the past few weeks, criminals and those with links to terrorist organisations have entered the country with limited restriction under the flawed legislation of the previous Government.

Jo White (Bassetlaw) (Lab): It is a pleasure to serve under your chairmanship, Dame Siobhain.

I agree with my hon. Friend the Member for Dagenham and Rainham and I welcome the new clause. British citizens must be safe, and they need a Government who act to protect them. I believe that the new clause will give them reassurance that we have the ability to impose tight controls and monitoring of an individual if it is deemed necessary by the authorities. We must have legislation that puts the security of our country at the top of the agenda, and the new clause gives the police the powers to impose electronic monitoring, curfews and movement bans on people who are perceived to be a threat when ECHR obligations are protecting them.

Tom Hayes: I want to comment briefly on the speech by the hon. Member for Perth and Kinross-shire. I understand the importance of being sensitive to possible infringements and abuses of international law; indeed, in recent years, we have seen states around the world traducing it. However, I gently say to him—I hope it has not missed his attention—that the Prime Minister is a lawyer and, as a consequence of that background, he is deeply wedded to the law. In most of his speeches and statements, he refers consistently to the importance of the UK being a leader on the world stage by respecting international law.

I say that because the Committee has just repealed the Safety of Rwanda Act, which was deemed unlawful by the courts. We have a Prime Minister who deeply respects international law; around the world, we have states and actors who traduce it. Having a Prime Minister and a country that are so committed to it at this point in history is really important. I gently say to the hon. Member that it is important that we are sensitive to possible infringements of international law, but we ought not to overplay the possibility of it happening here in our country, when all the evidence from the last eight months should give us confidence and hope.

Matt Vickers: I would be interested in the Minister's assessment of the operational utility of the new clause. What impact do the Government expect it to have on lowering the rate of abscondence from immigration bail?

Dame Angela Eagle: We have had a small but perfectly formed debate on the new clause. I seek to reassure the hon. Member for Perth and Kinross-shire and explain to those who have made contributions the effect of the provisions.

I say gently to the hon. Member that the Bill is in compliance with international human rights laws. The powers in the new clause are necessary to protect the public from a very small cohort of migrants who pose a threat to them, but who cannot be removed because of our obligations under domestic and international law. In other words, they exist only because we are observing our obligations under international law. If we were simply to ignore international law and seek to deport people against the standards of international law to which we have signed up, we would not need to have these extra powers. We are debating new clause 30 only because we are adhering to international law. The hon. Member says that we are being cavalier about our commitment to adhering to international law. I gently say that he has got it pretty wrong.

In these cases, we will continue to frequently assess each person's circumstances to ensure that they are removed at the earliest opportunity from measures such as a requirement to report, a curfew or electronic tagging, if it is safe to do so from the point of view of protecting the public. The powers will be used only in cases involving conduct such as war crimes, crimes against humanity, extremism or serious crime, or where the person poses a threat to national security or public safety. That is a pretty high bar.

The idea is that if somebody is on immigration bail and we are trying to detain them to deport them, but it transpires that we cannot deport them because of the threat to their safety and they have to be looked after here, it is wholly proportionate, if they present a real threat to the public, that the powers to electronically tag them or subject them to exclusion or inclusion zones can be attached to them. We are talking about people who come off immigration bail because we cannot deport them and, without the new clause, would suddenly find themselves much freer to cause the damage that we fear they may cause if they are left unwatched. That is the very narrow purpose of the new clause in the circumstances that I have talked about. To impose these tough restrictions there has to be a proportionality test, and of course all that is testable in law.

We are seeking to make certain that we can satisfy ourselves, more than we can at present, that that small category of people who, on a case-by-case basis, will be assessed to present this kind of risk can be properly managed and watched. In those circumstances, I hope that the Committee will agree to add the new clause to the Bill.

Question put and agreed to.

New clause 30 accordingly read a Second time, and added to the Bill.

New Clause 31

EU Settlement Scheme: rights of entry and residence etc

"(1) For the purposes of this section 'relevant citizens' rights' means the rights, powers, liabilities, obligations, restrictions, remedies and procedures which—

(a) are recognised and available in domestic law by virtue of

section 7A or 7B of the European Union (Withdrawal) Act 2018, and

(b) are derived from—

(i) Title 2 of Part 2 of the withdrawal agreement or Title 1 or 4 of Part 2 of that agreement so far as relating to Title 2 of that Part,

(ii) Title 2 of Part 2 of the EEA EFTA separation agreement or Title 1 or 4 of Part 2 of that agreement so far as relating to Title 2 of that Part, or

(iii) Article 4(2), 7 or 8 or Chapter 1 of Title 2 of Part 2 of the Swiss citizens' rights agreement or Title 1 of Part 2 of that agreement so far as relating to Chapter 1 of Title 2 of that Part.

(2) Subsection (5) applies to a person ('P') where—

(a) P has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules,

(b) the leave was granted to P on the basis of requirements which included that P is a relevant national or is (or was) a family member of a person who is (or was) a relevant national,

(c) each of the requirements on the basis of which P's leave was granted was in fact met,

(d) either—

(i) in a case where P's leave was not granted on the basis that P is (or was) a joining family member of a relevant sponsor, P was resident in the United Kingdom or the Islands immediately before the end of the implementation period, or

(ii) in a case where P's leave was granted on the basis that P is (or was) a joining family member of a relevant sponsor, the relevant sponsor was resident in the United Kingdom or the Islands immediately before the end of the implementation period, and

(e) the residency mentioned in paragraph (d) was not relevant residency.

(3) For the purposes of subsection (2)—

(a) a person is to be treated as a family member of another person if they are treated as the family member of that person by residence scheme immigration rules;

(b) 'joining family member' and 'relevant sponsor' have the same meaning as in residence scheme immigration rules;

(c) a person is to be treated as resident in the United Kingdom or the Islands immediately before the end of the implementation period even if they were temporarily absent from the United Kingdom or the Islands at that time if their absence was permitted for the purposes of establishing or maintaining eligibility for leave under residence scheme immigration rules;

(d) 'relevant national' means a national of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland.

(4) In this section 'relevant residency' means—

(a) residency in accordance with Union law (within the meaning of the withdrawal agreement),

(b) residency in accordance with the EEA Agreement (within the meaning of the EEA EFTA separation agreement), or

(c) residency in accordance with the FMOPA (within the meaning of the Swiss citizens' rights agreement).

(5) Relevant citizens' rights—

(a) are capable of accruing and applying to a person to whom this subsection applies notwithstanding that the residency mentioned in subsection (2)(d) was not relevant residency, and

(b) are to be enforced, allowed and followed accordingly.

(6) Every enactment (including an enactment contained in this Act) is to be read and has effect subject to subsection (5).

(7) In this section—

'EEA EFTA separation agreement' has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

'enactment' has the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) of that Act);

'the implementation period' has the same meaning as in the European Union (Withdrawal) Act 2018 (see section 1A(6) of that Act);

'the Islands' means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;

'residence scheme immigration rules' has the same meaning as in Part 3 of the European Union (Withdrawal Agreement) Act 2020 (see section 17 of that Act);

'Swiss citizens' rights agreement' has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

'withdrawal agreement' has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) and (6) of that Act)."—*(Seema Malhotra.)*

This new clause ensures that an EEA or Swiss national or their family member who has immigration leave granted under the EU Settlement Scheme can enforce residency and other rights directly under the withdrawal (or other separation) agreement even if the person, or their family member, was not resident in the UK or the Islands in accordance with Union (or other equivalent) law at the end of the implementation period.

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

New Clause 1

Duty to publish a strategy on safe and managed routes

"(1) The Secretary of State must, within six months of the passing of this Act, publish a strategy on the Government's efforts to establish additional safe and legal routes for persons to seek asylum in the United Kingdom.

(2) A report under subsection (1) must be laid before Parliament."—*(Pete Wishart.)*

This new clause would require the Secretary of State to publish and lay before Parliament a strategy on the development of safe and managed routes for people to seek asylum in the UK.

Brought up, and read the First time.

Pete Wishart: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 6—*Additional safe and legal routes*—

"The Secretary of State must, within six months of the passage of this Act, make regulations specifying safe and legal routes through which refugees and other individuals requiring international protection can enter the UK lawfully."

This new clause would require the Secretary of State to make regulations specifying additional safe and legal routes, under which refugees and others in need of international protection can come to the UK lawfully from abroad.

Pete Wishart: The Government's intention with the Bill is, as we have heard on numerous occasions—practically ad nauseam—to smash the gangs and disrupt their business model. In their attempt to do that, they have focused the Bill exclusively on what Ministers and various other Labour Members have called "deterrence measures". That seems to include the further criminalisation of a number of new offences, and the extreme and exclusive

focus on asylum seekers. Throughout the Committee's proceedings, we have been encouraged to believe that all this is necessary for the Government to secure their objectives. We will see in time whether they are successful, but I have my doubts; the Bill is pretty much the same as others I have seen over the past 20 years.

The reason it is likely to fail is that what is entirely missing is the stark reality of those making the journey themselves. There is not even the remotest bit of curiosity as to why people are making such dangerous crossings or why they are prepared to put themselves and their families at such huge risk. Asylum seekers do not want to be at the mercy of these gangs and this vile trade—of course they don't—but other than a few distinct and narrowly defined legal routes, asylum seekers are completely and utterly dependent on, and at the mercy of, the gangs.

12.30 pm

The Government have designed a series of further criminalisation clauses that they hope will disrupt and smash the supply side of the small boat equation, but they have done utterly nothing to tackle the demand side of the equation. The demand side is the increasing number of asylum seekers and refugees who get on these small boats in the first place. Does it not interest the Government that so many people are using these small boats to come to the UK in the first place? What are the conditions that compel people to make a dangerous journey of thousands of miles to then get on a flimsy and probably unseaworthy boat to cross a frozen channel? Surely that is worth just a little bit of attention. Something in this Bill should take into account that situation and those conditions.

There is no way of someone claiming asylum in the United Kingdom unless they are in the United Kingdom, and the only way to get to the UK for nearly all asylum seekers is to board one of those small boats, organised in most cases by an illegal gang. These gangs have a monopoly on this business. They have exclusive rights to the irregular migration trade and, for them, business is booming. I will tell you something, Dame Siobhain: it is only going to get more lucrative for them, as international aid is cut by this Government and other Governments across the rest of the world, putting even more pressure on these particular regions.

Increasingly in this Committee, we are trying to anticipate what the Ministers are going to say, and usually I have been pretty good at that. *[Interruption.]* The Minister for Border Security and Asylum is pointing to the Under-Secretary of State for the Home Department—I know what she is going to say, because she replied directly to a question I asked about this. They always point to the fact that we have a safe route from Afghanistan but Afghanis still made up the largest group of people who came across the channel the last year. That is a fair point, but one group we never hear about when it comes to this is Ukrainians. We know of only five Ukrainians who have crossed the channel irregularly. That suggests to me that the Ukraine safe route scheme works.

Tom Hayes: Will the hon. Gentleman reflect on the statistics that show that around 90% of people crossing the channel are men, and on the fact that men in Ukraine are typically committed to fighting the Russian invasion?

Pete Wishart: That may well be the case, but I suggest to the hon. Member that Ukrainians are not getting on small boats across the channel because they have an effective and efficient safe route to get to this country that is not available to most other nations. There is no safe route, for example, for Eritreans or Sudanese people. There is just nothing available. The only means they have to get to the UK are small boats.

There is also the Hong Kong scheme. We do not see very many people from Hong Kong getting on board small boats to come across because, again, they have an efficient, effective scheme that is inclusive and deals with most of the problems. The Ministers also say that safe routes will do nothing to stop people getting on small boats and nothing to stop these journeys. No one is claiming that the establishment of safe routes would end all unsafe journeys. I do not believe that that is the appropriate test. It would not end small boat crossings, just as Ministers do not make ending all people smuggling and human trafficking the test of this new Bill, and their policy of smashing gangs and stopping the boats.

Safe routes cannot be expected to end all dangerous journeys or exploitation by smuggling gangs, and their capacity to reduce them depends on their accessibility. We also support safe routes because they are morally right—it is the right thing to do—and because safe routes save lives. The more available and accessible safe routes are, the more lives will be saved. Safe routes undercut smuggling gangs. The more available and accessible they are, the more they will do for the effort to smash the gangs and the people involved in this vile trade.

We have discussed the whole Bill in the last two weeks and it focuses primarily on increasing offences. Although tackling organised crime is necessary, it addresses only one side of the problem. Without safe routes, desperate people will continue to attempt dangerous crossings. We have a choice in front of us. We can continue with a range of policies that ignore the root causes of these journeys, or we can take meaningful action: expand safe routes, uphold our humanitarian commitments and make migration safer and more manageable. A truly modern and compassionate asylum system must include safe routes as a central pillar as well as all the other things this Government want and intend to do. Surely we should be looking to save as many lives as we can, and we know that safe routes save lives.

Chris Murray: It is a pleasure to serve under your chairship, Dame Siobhain. I have listened with interest to the points made by the hon. Member for Perth and Kinross-shire. We need to go back to the evidence we heard from the researcher from the Migration Observatory who I keep quoting. He said that demand for channel crossings is essentially "inelastic". The hon. Gentleman is predicating his argument on tackling the demand side of the equation. We have been told by the experts that policy will have only a limited impact on the demand, and that is particularly salient when we think about safe routes.

The hon. Gentleman is quite correct; we already have safe routes in this country. We have the Afghan scheme, but because that is not available to everyone from Afghanistan, some of those who are not eligible come across on unsafe routes. Although the Ukrainian and Hong Kong schemes are not specifically refugee schemes —they are analogous, I accept that point—they are

[Chris Murray]

open to a much broader cohort of people. There are some 254,000 Ukrainians and 120,000 Hong Kongers in the UK right now. Those figures are off the top of my head; I am ready to be corrected. It is because of the comprehensiveness of that safe route that we see such high numbers in the declines in the channel.

If we followed the hon. Gentleman's advice, we would fall into the same logical trap as the Conservatives did with the Rwanda scheme. With Rwanda, the so-called message to the migrants was, "Don't get on a boat—there's a 1% chance that you'll be sent to Rwanda." First, it was not credible. Secondly, it clearly had no impact on people's decision making. The hon. Gentleman is proposing that we say, "Don't get on a boat—there's a 1% chance that you can come in on a safe route." I would argue that that would have the same impact on people crossing the channel.

The only way we could have a safe routes phenomenon would be to open them to a select group of people from a select few countries. That would basically be deciding who we thought was the most deserving and who was not, which is not how the refugee system should work. People's cases should be judged on their merits and on individual circumstances. People can come from ostensibly safe countries but face things such as LGBT discrimination. People could be from a country at war but ineligible because they are one of the perpetrators of that war. We need to judge people on their cases.

Finally, the hon. Member for Perth and Kinross-shire said that safe routes are the only way to stop people getting on boats and freezing in the channel. Let us be really clear: that is the whole purpose of the Bill. However, the channel crossings are a new phenomenon. They were not happening five or 10 years ago, when we did not have safe routes either. The way to tackle people getting on those boats is by tackling the supply of boats and ways to cross the channel by tackling the gangs. Safe routes may have other values, but not for the purposes of stopping channel crossings.

Mr Forster: I am happy to support new clause 1—in fact, I enthusiastically support it. The challenge of speaking after the hon. Member for Perth and Kinross-shire is that most of the things worth saying have already been said. In the evidence session I highlighted that safe and legal routes are a key part of us tackling the problem. The Ukrainian scheme is a clear example of success, as is the Hong Kong scheme, yet this Government, like the last one, seem reluctant to go down that route.

Tom Hayes: Does the hon. Gentleman agree that it is important, as my hon. Friend the Member for Edinburgh East and Musselburgh was just saying, that we listen to the refugee voice and think more broadly about what asylum seekers and refugees actually want?

In a previous life, I worked for an international development charity where I led UK campaigning on safe and legal routes. In so doing I took away a major learning, which is that the UK cannot be overwhelmingly the country that receives refugees and asylum seekers via safe and legal routes. That is in part because the UK alone cannot be asked to shoulder such a large responsibility, but also because many asylum seekers and refugees wish to return home and therefore want to be located in a safe country that is nearer to their home country. Is it not right that we think about this in a broader and international sense, rather than assuming that the UK has to always be the country that shoulders the responsibility, when there are other ways that we can support?

Mr Forster: I have some sympathy for what the hon. Member says. We talked about listening to the refugee charities. One of the notes that I made of our evidence session is that they criticised the Bill as only being half the story—saying that it tackles the supply but not the demand. They said that we needed an integrated approach, and to them this Bill was not that; it was a blunt instrument. They were sympathetic to some of the Bill, but they said that it will not fully solve the things that we want to solve.

I have sympathy with the hon. Gentleman's point that it might not be a full solution if the UK is the only country to agree safe and legal routes; but we made an agreement with Europe agreed about the Ukrainians. The hon. Member could have tried to amend the new clauses to say that the Government should be working with international partners to introduce safe and legal routes, but it seems that the Government want to dismiss any discussion of safe and legal routes whatsoever, even if working with partners.

Tom Hayes: Is it not the case that the Government do not think that primary legislation is the way to secure international negotiation about safe and legal routes? Actually, those conversations will be happening with the Government and partners. In fact, one of the highlights of having a new Government is a reset of our relationship with the European Union, which—in time, once it matures and restores—can help in negotiations for better routes for humanitarian assistance and support. Primary legislation is not needed for everything.

Mr Forster: I would really like to hear the Minister confirm that the Government are going to work with international partners to encourage a co-ordinated programme on safe and legal routes. One option, I would hope, is to agree to the new clause, but if the Government will not agree with this version, will they agree to consult on how to introduce safe and legal routes with partners? I am trying to be as moderate and practical as possible. A lot of requests from MPs do not require immediate action, but they do require the Government to consult. Is that something that the Minister would consider?

Mike Tapp: I thank my hon. Friend the Member for Bournemouth East for making a compelling argument around the balance between our decency and humanity and not creating a pull factor that will cause more risk. I draw the Committee's attention to our work as a Government with the United Nations High Commissioner for Refugees, which has resettled individuals from Ethiopia, Iraq, Sudan, Syria, Afghanistan, Eritrea, Somalia, South Sudan and Yemen. Combined with the other resettlement routes that we have in place, such as family reunion, the Afghan relocations and assistance policy, and the Hong Kong and Ukraine schemes, we have resettled over half a million individuals since 2015—I do not know the exact stats. There are ways to come here safely for people who need it.

When it comes to illegal migration, it is important that we take out the smuggling gangs. The Bill will help us do that with disruptive measures so we can get there first. This counter-terror approach is the right way.

Matt Vickers: SNP new clause 1 and Liberal Democrat new clause 6 seek to establish, within six months of the passage of this legislation, safe and legal routes through which refugees and other individuals can enter the UK. As the hon. Member for Perth and Kinross-shire said, it was very good that the previous Conservative Government set up the Afghan resettlement programme, which was a route that Afghans could use to come to the UK. However, in that same year, 2022, over 8,000 Afghans arrived on small boats—the second-highest number of people by nationality. The trend has continued, as Afghans were the top nationality arriving by small boats in 2023 and 2024. This shows that safe and legal routes do not necessarily lead to an end to crossings in small boats. The point is especially important now, as the EU has begun to take action to tackle illegal migration, such as looking again at the 1951 refugee convention.

12.45 pm

I ask hon. Members what criteria they would seek to apply to the establishment of additional safe and legal routes. What safe and legal routes do they believe should be in place that are not already? Have they made any assessment of the increase in numbers of people coming to the UK that might result from their new clauses? The SNP and Liberal Democrat plans risk the UK becoming a magnet for people across the world at a time when our allies in Europe are looking at curbing asylum policies. How do the SNP and the Liberal Democrats plan to stop us becoming the soft touch of Europe? Do they believe that British taxpayers should be paying more than their European counterparts if asylum seekers start coming to the UK in large numbers amidst the crackdown in the EU?

Katie Lam: The fundamental question of safe and legal routes seems to be that of how many people the hon. Member for Perth and Kinross-shire thinks Britain might need to let in to achieve the aims he sets out. There are over 120 million people in the world who have been displaced from their homes, of whom nearly 50 million are refugees. That is nearly three quarters of the population of this country. On top of that, the 1951 refugee convention now confers the notional right to move to another country upon at least 780 million people, for—as well as internationally displaced refugees and modern slaves—there are all those who could potentially face a well-founded fear of being persecuted for reasons of race, religion, nationality, or membership of a particular social group or political opinion, who may flee their home country. Some of those people—many of them, perhaps—are living lives that might seem to us in the UK unspeakably and unthinkably hard and sad. It is also true, though, that there is a limit to what this country is able to do to help through migration. The answer to global suffering cannot be that all those people come here.

New clause 1 calls for a strategy on safe and managed routes, but that does not reflect the challenge of these routes and the way that they are created. By their very nature, specific asylum routes are often opened up in response to specific circumstances: usually, emergencies that could not be foreseen and anticipated in a neat strategy. The hon. Member for Dover and Deal is right to highlight the work this country does with the UN to identify those in the world in the greatest need of our help and where that help, in the form of resettlement, would be most appropriate. It seems to me that it would be impossible to publish in advance a strategy for something that is mostly centred around emergencies that cannot be foreseen.

Pete Wishart: This has been a very good debate and we have got to the heart of some of the issues. I will push the new clause to a vote because, of all the things that those involved with the welfare of and looking after refugees and asylum seekers tell us, their main ask of this Government is to look at a strategy for safe routes. I think we are getting to the equation at the heart of all the issues that we are considering today: the demand side and the supply side.

We are supporting Government measures to ensure that they tackle the demand side—they might have useful armoury, like this Bill, to achieve that—but surely we should give even scant attention to the supply side: the reasons that so many people are coming here. The fact is that they have no other option but to get on an unseaworthy boat to sail across the channel to get to the UK, as they can only make a claim for asylum when they are based in the UK.

I am not asking the Government to open the country up to 247 million refugees. That would be absurd and ridiculous. I do not think anybody is suggesting that at all. All we are asking is for the Government to see if they could do something more to ensure that there are routes available for some of the most wretched people in the world who are looking to come to the United Kingdom, and that we do not leave them exclusively at the mercy of the people that I know the Government are sincere in wanting to tackle.

Katie Lam: Might the hon. Gentleman tell us how many people would be satisfactory for him and what he is trying to achieve?

Pete Wishart: That is a very difficult thing to say. We have some rough ideas when it comes to the Ukraine and Afghan schemes. These schemes are really worth while. We have seen them work, because there are no Ukrainians crossing the channel—we have had five individuals. It is absurd and ridiculous to suggest that every single refugee in the world is going to come, but the Government—we passed this in a clause earlier—are putting a cap and a quota on people using these safe routes. They are not interested in opening up and developing these safe routes; they want to stop and put a quota on people using them.

Tom Hayes: Does the hon. Gentleman acknowledge that there is not a binary choice between, on the one hand, safe and legal routes to the UK, and on the other, getting into a death machine boat to reach the UK? Actually, we could have refugees and asylum seekers who travelled through safe and legal routes to other countries.

Pete Wishart: Absolutely. I think we are starting to get into territory where there is general agreement. With these amendments, we are asking the Government to

[Pete Wishart]

look at what more they could do to achieve their clear objective of smashing the gangs. The gangs are successful and will adapt to whatever is put in their way by the Bill. These people know how to work this business. People have said it has only been going five years, but this business is developing at pace. They will amend their business model and practice to adapt to whatever the Government throw at them in the new criminalisation clauses. Their trade will probably get more lucrative as a response, so let us beat them. Let us take them on. Let us really spike their business model by offering an alternative way and means to secure entry to the UK so asylum can be claimed. All we are looking for is an opportunity to develop this and have a conversation.

Chris Murray: Does the hon. Gentleman accept that it is the same dynamic as the Rwanda programme? If we are offering only 1% of people safe routes, it is the same as saying to 1% of people that they will be sent back. The impact on those people's decision making is exactly the same.

Pete Wishart: I have been listening very carefully to the hon. Gentleman, and I have been impressed by his contributions thus far in public, but it is utterly absurd and ridiculous to suggest that offering safe routes is somehow on a par with the Rwanda scheme. It disrespects the hon. Gentleman's case to suggest there is any similarity about this. We are trying to ensure that the business model of the gangs will be smashed and tackled.

Matt Vickers: Who and where does the hon. Gentleman see the scheme applying to? It is very easy to go along with the case for compassion, but who and where? The hon. Gentleman says that he cannot give an indication of numbers or costs, but who are the priorities, and who exactly will benefit from such a scheme?

Pete Wishart: If we look at the international situation, we know the hotspots and the areas and issues that have difficulty, because there are people queuing up in France to come to the United Kingdom. Safe routes should not be the only solution; they are part of a solution. We also have to look at what we are doing on the ground in these countries about particular difficulties and issues. We seem to be making the situation 10 times worse by withdrawing international aid from a number of these countries, which will only put more pressure on these areas. The scheme is part of a package. It looks at the criminalisation clauses and uses safe routes as a means to assist that process, getting involved in countries where there are difficulties and issues and trying to help resolve the tensions and difficulties there. For every single organisation that works with refugees and asylum seekers and is concerned about their care, this is their main ask. We should listen to them.

Sarah Bool: The hon. Gentleman speaks passionately and with a great deal of compassion, which I respect, and I understand his point. However, I return to the point from this side of the Committee, which is that there is a limit to how many people we can look after and help. We also owe a duty to those who have already come into the country, and a duty to our own population, to offer them services. There is currently a real stretch, and I think that, without knowing the details about how many, and where they will come from, we will really struggle.

Pete Wishart: *rose—*

The Chair: Before I take an intervention from the hon. Member for Perth and Kinross-shire, does the Minister want to contribute?

Seema Malhotra: Thank you, Dame Siobhain. It is a pleasure to speak to these new clauses, and to acknowledge the genuine questions and important aspects that have been raised in the debate so far. In particular, I thank the hon. Members for Perth and Kinross-shire and for Woking for tabling the amendments. Contributions also came from my hon. Friends the Members for Edinburgh East and Musselburgh and for Dover and Deal and from the Opposition.

The point I want to make on this subject is in response to both new clauses, although I recognise the slight differences. New clause 1 seeks to require a strategy, laid before Parliament, for the development of safe and managed routes for people to seek asylum in the UK, and new clause 6 seeks to require the Secretary of State to

"make regulations specifying additional safe and legal routes".

The hon. Member for Perth and Kinross-shire said that he was pretty good at predicting the responses from colleagues. I gently suggest that I might say some things that he may not expect about certain aspects of the subject. That is because some parts of what we currently do have not been raised at all in the debate. They are in relation to safe and legal routes, and how they are working, outside the Afghan, Ukrainian and Hong Kong schemes. I want to go through those points because they are important.

I also make a broad point in relation to, in particular, the comments and the question from the hon. Member for Woking about consideration and having a conversation. The Government will, as he knows, shortly set out our approach to immigration as part of considering how we bring down net migration, tackle abuse and put more controls in the system. The system has lost public confidence. I think we all know—the Conservatives themselves have acknowledged it—that we lost control of immigration. The system was and is chaotic. It is not just a problem in relation to how people feel about an immigration system that is not fair, controlled or managed; it is about the consequences for individuals, such as asylum seekers caught up in backlogs. Their lives are on hold until their claim is considered.

It is important to return to the subject of the utter chaos that the whole system has been in, and why the Bill is important to what we are looking to do to strengthen our borders and go after the smuggling gangs, which hon. Members have mentioned. Those gangs do so much damage to the lives of migrants. They also undermine our border security and make money—millions—from putting lives at risk. It is important that we look at how we are tackling the demand. Several hon. Members made that important point. I was surprised that the hon. Member for Perth and Kinross-shire did not talk about going even further with what he is suggesting.

1 pm

It is absolutely right that the international community should look at how we stem the demand. Some of that is about looking in a more integrated way—with the Government as a whole, with the work of the Foreign Office, and the work that we do with nations around the world—at the increasing challenge of global displacement and seeking to address those root causes. How do we continue to offer resettlement in line with the UK's capacity to welcome and integrate refugees?

The work that needs to happen on how we perceive our role in the world is important, because with climate and conflict there is increasing risk of displacement in the future. We must work to tackle what those risks and where those locations could be. UNHCR data analysis tracks where a conflict begins, what displacement may happen, and who might be on the boats in the next year or two. That is why it is important to think about how we deal with those who may feel forced to leave where they are for safety or environmental reasons, such as flooding or other climate issues. Those topics featured at the United Nations Commission on the Status of Women this week. It is important because it affects whole families, children, education, where people are settled, their homes, their work and so on. In tackling the demand side, I encourage the hon. Member for Perth and Kinross-shire to participate in the broader strategic debates that look at what could be coming in the future.

The UK has a strong history of protecting those who flee war and persecution around the world. We operate several global safe and legal routes for refugees, in partnership with the UNHCR. It is through the UK's resettlement scheme that we can respond to developing crises anywhere in the world. The UNHCR refers individuals for resettlement in accordance with their standard resettlement submission criteria, which are based on an assessment of protection needs and vulnerabilities. The UK does not seek to influence the cases that the UNHCR refers to us, and our resettlement schemes are not application based. It is important to note that the UK partners with the UNHCR to resettle the most vulnerable refugees through our existing routes. It is the UNHCR, independently of us, which identifies refugees registered with them and assesses their protection needs in accordance with resettlement criteria. Those who are determined by the UNHCR to be in need of resettlement may be referred to the UK for consideration. A number of refugees have already been identified and accepted by the UK; they have not yet been able to travel, which is partly in line with our capacity to welcome, house and support those refugees when they arrive.

Between 2015 and December 2024, the UK resettled more than 33,000 individuals under refugee resettlement schemes. That includes the UKRS, community sponsorship—we have around 200 community sponsorship individuals and organisations around the UK who support the work to settle people and families when they arrive—and also the mandate resettlement scheme. The figure does not include those resettled or relocated under the Afghan schemes. I encourage the hon. Member for Perth and Kinross-shire to look perhaps more closely at what other routes there are; I would welcome a conversation about that. There have been routes through the displaced talent programme for those who may apply to come and work here, supporting our economy and contributing to our growth and to our society.

Alongside working with UNHCR—particularly where there are large populations of refugees, such as those bordering countries with conflicts, where resettlement may be the only durable solution for them—we also want to look at where we can support safe places, working in areas of conflict, as I know the FCDO will be doing in line with international partners, so that people do not feel that they need to leave the place where they live, where they may have lived for generations, because of conflict, and to find a way for them to live there safely again. We also have the bespoke routes for sanctuary, as the hon. Gentleman has already said, for Ukraine, Afghanistan and Hong Kong, and information on those routes is available on the gov.uk website.

However, there is no provision in our immigration rules, as the hon. Gentleman intimated, for someone to be allowed to travel to the UK to seek asylum or temporary refuge. I think we can all sympathise with and want to see support for people in difficult situations around the world and, as has been discussed, it is extremely difficult to think how we can do that on our own. We cannot do these things on our own; they are international problems and they require international solutions.

We have systems by which people who are in need of international protection can be supported, but there is an important principle that those who need international protection should claim asylum in the first safe country they reach. That is the fastest route to safety, which is why there is no provision in our immigration rules for someone to be allowed to travel to the UK in order to seek asylum or temporary refuge.

I hope that that addresses the reasons why our response to the hon. Gentleman's question about tackling demand—it is an important question—is to look not only at what works, to work internationally and to look upstream, but at how that works together as part of a future immigration system that is fair, controlled and managed. That will be an important part of the considerations in the White Paper and the debates that follow.

Pete Wishart: I realise and understand that it is me standing between everybody else around here and lunch, so I will be brief. I am grateful to the Minister, and there is very little I disagree with her on: we have to tackle the upstream situations and do all we can to ensure that we alleviate some of them. I agree with all that. All I am seeking to do with the new clause is to add to the armoury for taking on the gangs. That is the intention of this Government, but without this new clause, the whole system is not complete; we are just leaving all those asylum seekers at the mercy of these illegal gangs and their vile trade. All I am asking is whether we can devise a strategy that would help the Government in their mission. I will press the new clause to a vote.

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

The Committee divided: Ayes 2, Noes 14.

Division No. 12]

AYES

Forster, Mr Will Wishart, Pete

NOES

Bool, Sarah	Malhotra, Seema
Botterill, Jade	Mullane, Margaret
Eagle, Dame Angela	Murray, Chris
Gittins, Becky	Stevenson, Kenneth
Hayes, Tom	Tapp, Mike
Lam, Katie	Vickers, Matt
McCluskey, Martin	White, Jo

Question accordingly negatived.

New Clause 3

SCOTTISH VISA SCHEME: SCOTLAND ACT

"In Schedule 5 of the Scotland Act 1998, in section B6 of Head B (Home Affairs), at end insert—

'Exception 1

The granting of visas to enable certain workers to work in Scotland only.'".—*(Pete Wishart.)*

This new clause would remove the granting of visas for certain workers in Scotland from reserved matters.

Brought up, and read the First time.

Pete Wishart: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 4—*Scottish visa scheme: immigration rules*—

"(1) Within six months of the passing of this Act, the Secretary of State must by immigration rules provide for the establishment of a Scottish visa scheme.

(2) A scheme established under subsection (1) must be administered under the executive competence of Scottish Ministers.

(3) No scheme may be established under subsection (1) until consent has been given by Scottish Ministers with respect of the criteria, extent and duration of the scheme."

In conjunction with NC3, this new clause would require the Secretary of State to provide for a Scottish visa scheme administered under the executive competence of Scottish Ministers.

Pete Wishart: I thought we were ready for lunch! I am ill prepared. This Committee has a strong work ethic—I am desperately trying to find my notes.

The new clauses are practically the exact opposite of everything about this Bill. I am delighted, if quite surprised, that they have been selected for debate. As you would expect, Dame Siobhain, I am going to use the opportunity to promote this cause. Unlike everything about the Bill, the new clauses have at their heart the recognition of the value of immigration, how it is a benefit and why it is necessary to keep our communities and workforce healthy and sustainable.

Scotland has an emerging demography and population crisis, and that is only going to get worse unless we do something about it. With our falling birth rate, we are reaching the stage where we have too few working-age people available to look after an ever-increasing older population. We are already experiencing issues and difficulties in the health service; the care service in Scotland is heading for a workforce crisis; and hospitality outlets and businesses are closing in rural constituencies like mine because they have not got the staff. The simple fact is that Scotland needs more working-age people to refresh our population. If we fail to secure the people we require, we will be in serious trouble.

Scotland is not alone in this—we are just a little bit further along than some other nations. All over the world, advanced democracies are facing the same range of problems and are now positively addressing their own issues with a range of interventions that they hope might spare them the worst of the consequences. Ironically, the global population is still growing and it is uncertain when population growth will peak, but most predict it will come as early as the 2060s.

When I heard that we had a demography professor as a witness in our evidence session, I was quite excited, given my interest in population and demography, but he seemed to be more interested in eugenics than global trends. I think we almost got him to confirm that almost all predictions show that we will soon be heading to population decline. Given his particular and weird worldview, I do not think he accepted even that.

All reputable sources agree that the world population will soon peak and then fall rapidly. As population growth slows down, we are starting to see the difficulties occur. They will start to be felt in nations that experienced rapid growth in the 20th century, like the United Kingdom and most other European democracies. Already we see countries in Europe, such as Italy and Spain, starting to see the real difficulties of population stagnation. Even China is beginning to experience the wider impacts of population slowdown. Japan stands out as a stark example: it is not just at population stagnation, but population decline, which might see it fall from third in the GDP ranks to eighth, because of the impact on the economy.

Far from being a burden, by the end of the century we might be in a situation where immigrants could be at a premium—a highly sought commodity. I am sure that is a prospect that would make our Reform colleagues' heads explode, as well as those of some Conservatives.

The conventional Westminster consensus view from both Labour and the Conservatives is that immigration is a burden—it is out of control and something that must be tackled and controlled. They might look at the general UK population trends and believe they validate the point. The UK population is currently 68.3 million. It is apparently going to grow by another 5 million to 72.5 million by the mid-2030s, then it is going to fall. But it is going to grow by that scale only because the Tories made such a hash of their mission to cut immigration that they inadvertently quadrupled it.

1.15 pm

The Tories did not even understand the post-Brexit visa system they were building, believing that just halting freedom of movement and focusing on Rwanda would solve all their immigration woes. That Tory blunder will actually assist the UK as it starts to deal with its population and demography stagnation issues, but this bit of good news could not make the Tories more miserable. All it has done is spur them into further action against immigration.

Unfortunately, in Scotland we do not share the good fortunate. Our population is currently around 5.43 million, and has grown modestly over the past few years because of the UK's immigration debacle, but we are set to be one of the first parts of the UK to decline, and that could come as early as 2030. With 22% of our population over 65, compared with 19% in England, and a very low

birth rate of one child for every three women, we are in just about the worst possible position when it comes to addressing our demographic challenges.

That is why we have been so persistent, resolute and committed in calling for a distinct Scottish visa. We need Scottish solutions for our own Scottish predicament, and we need the same range of tools to address these issues as other countries. There is no disagreement in Scotland about that. Every single business organisation now agrees that we must act, and there is even consensus among all the political parties that we have real demography and population challenges and need the tools to address them. Everybody knows the difficulties we are in, and every sector is starting to feel the consequences.

The UK Government are not in the least bit interested. Every time I have raised the issue in Parliament, I have been totally rebuffed. Every time Scottish Government colleagues have tried to engage the UK Government, they have been told where to go. I am fully expecting—my great prediction of what the Minister will say—that I will get told where to go again, because they are not in the least bit interested in our distinct, specific population and demographic challenges. But the Scottish people are. The Scottish people are beginning to see the impact on their health service, care services and businesses in rural areas. They are beginning to know that we need the tools to do it.

If the UK Government are not going to provide us with the assistance, support and help we need, we are going to have to do it ourselves. I am pretty certain that when the independence debate begins to develop once again, this will be a big feature of it, because we need to ensure that we have the tools and resources to challenge all the difficult issues we will face in the future. I know Ministers will tell me that I do not need this change, and there is one UK immigration system. They will say, "Don't you worry, Scotland; we will think of some little thing you might get," but it will be insufficient. We need these tools, so I am never going to stop insisting that we get this change to help our nation with our difficulties.

Chris Murray: I admire the hon. Gentleman's forthrightness in putting forward his argument. I have thought about this issue for a long time. Two cantankerous Scotsmen talking about their hobby-horse while everyone else waits for lunch is an exquisite torture to subject the rest of the Committee to.

I was surprised even to see the new clause on the amendment paper—

Pete Wishart: So was I.

Chris Murray: Because the Bill is about border policy and asylum policy, which have very little to do with visas, migration and the running of the immigration system. I do not think this Committee is the place for it, but I am learning that people sneak amendments in wherever they can in this place.

The new clause refers to the granting of visas

"to enable certain workers to work in Scotland only."

First, let us be clear: that is absolutely a part of our immigration system. An international student who wants to study at the University of Edinburgh, or Queen Margaret University in my constituency, gets a visa to that university. I suppose they could commute from Worthing or Dagenham, but in reality they live locally. Equally, when people get a job, they get it on the basis of a specific role, so it is tied to that location. The immigrants we currently have in Scotland are obviously allowed to move around the country, as we have free movement within the UK, but we already have the component of their job location, so the new clause is completely irrelevant.

Secondly, we have had some international examples of a federated country or state introducing a specific visa system, such as Canada and Australia, and 20-odd years ago we had the Fresh Talent scheme in Scotland. The evidence is that specific systems are not very effective at either achieving the aims they set out or tackling any of the deep-rooted challenges that the hon. Member for Perth and Kinross-shire alluded to. All the evidence shows that such schemes are not the right tool to address those challenges.

To come to some of the points the hon. Gentleman made, we have to be honest about the challenges we face in Scotland. Even in this era of record-high net migration to the UK, the figure for which is 900,000—way higher than the goal the Conservatives set—parts of Scotland still struggle to attract migrants. When we had access to European free movement, or 300 million potential people to come and fill vacancies in our labour market, we did not attract them. We have been talking about demand and supply and migration, but the problem is not the supply of immigrants coming to Scotland. It is that we are not generating the demand for them to come to our part of the UK. That is what we need to work on.

The reason for that is the Scottish labour market: it is not dynamic or attractive enough to solve the challenges we have. I would argue that after 20 years of the SNP Scottish Government running our economy and leaking our taxes, that is the cause of our challenges.

Pete Wishart: I cannot let the hon. Gentleman get away with this, because it is utter and total bunkum. I ever so gently encourage him to look at the migration figures within the United Kingdom and at how many people are leaving Scotland and how many are coming from the rest of the UK to settle in Scotland. It is at a record high, and it is growing. We have never seen figures quite like this before. They are attracted to Scotland because we have a better health service, we have a better taxation system and there are more opportunities.

The Chair: I have given the hon. Gentleman a great deal of latitude in the Committee, and I suggest that what he is doing is not an intervention.

Chris Murray: I do not think it is the state of the Scottish health service that is attracting people to Scotland. Other Members are seeing what it is like dealing with the Scottish nationalist party. To a man with a hammer, every problem is a nail. To the SNP, the solution to every question is Scottish independence, or some specific Scottish legislation. Where there are specificities in Scotland, such as our health service and some of our labour market, there absolutely should be action from the Scottish Government to deal with it. However, this problem is not that. The issue is not that Scotland needs

[Chris Murray]

to become independent to attract people. We need to reform our labour market so that we can deal with the demographic issues.

The hon. Member for Perth and Kinross-shire makes the point that people are coming to Scotland now, but once again the SNP is making the mistake of seeing all of Scotland as some monolithic whole, rather than trying to think about what is happening in Scotland. My constituency of Edinburgh East and Musselburgh is seeing record population growth, at 15%, and it is 20% in the East Lothian part of the constituency. We are struggling to put in houses because we are so attractive and wonderful.

But other parts of Scotland are not finding that. The hon. Member for Inverclyde and Renfrewshire West is present, and there are serious challenges in Inverclyde as population is declining. We are seeing a move in Scotland from the west coast to the east coast, as Scottish people move about, and we are also seeing international migrants focusing on certain parts. Some areas have vacancies, especially the highlands and the north of Scotland, because moving there is not attractive to people within Scotland. A Scottish visa could end up with everyone moving to Edinburgh, which would not at all solve the problems that other Members in the room face.

I made the point at the beginning that if we want to use migration to solve our demographic challenges, we are falling into the same mistake as the far right: we are forgetting that migrants are people. They are not just cogs that we put in a machine to be placed in and taken out at will. They are people who grow old, get sick, fall in love, move around and do stuff. We do not suddenly put people in and find that we have solved our demographic challenge. There are whole sets of things that we have to do. Most of all, the main point is that this is a debate that the hon. Member for Perth and Kinross-shire and I need to have at length over the course of this Parliament, not as part of the Bill.

Matt Vickers: SNP new clauses 3 and 4 seek to set up a separate visa scheme and immigration rules for Scotland. Can the hon. Member for Perth and Kinross-shire explain a little more about how this would work in practice? Who does he expect or anticipate those "certain workers" to be? How does he expect that to work in isolation from the wider UK economy? What would prevent someone from applying for a visa to Scotland and moving to other parts of the UK? Is the SNP advocating that there should be checks on people moving between Scotland and the rest of the UK? Why is the SNP not spending more time getting those who are economically inactive into work, rather than reaching for the immigration lever?

Sarah Bool: I think that the hon. Member for Perth and Kinross-shire implied Professor David Coleman was talking about eugenics in the session. I want to put on record that he was not talking about eugenics and that he is an emeritus professor of demography; I know that was a line of questioning raised by the Minister. I want to put on record that that was not what he was there for. He was there to talk about his work with Migration Watch.

Dame Angela Eagle: He is a eugenicist.

Sarah Bool: The Minister says that the professor is a eugenicist, but he actually explained a different relationship. It is important that that is put on record, because it is taking away from his role as emeritus professor for demography.

Katie Lam: I am a little surprised to see the suggestion from the hon. Member for Perth and Kinross-shire because my sense, from the rest of what he said in the debates we have had over preceding sessions, is that he would like to see less of a distinction between British people and those who come to this country as migrants. Indeed, his new clause 5, which we will debate after this, will explicitly set this out, particularly on the question of British citizenship. A scheme like the one he proposes in new clauses 3 and 4 would have the opposite effect, since any citizen of the United Kingdom can freely move between England, Scotland, Northern Ireland and Wales, living and working wherever they choose, and can change the location of their home or employment without permission or notice from any authority. We can pass from one area to another without being stopped or questioned, without having to evidence who we are, where we are from and going, and if and when we might return.

A specifically Scottish visa programme would presumably only work if none of those things were the case. Whatever the details, it would surely involve people coming to Britain but promising only to live and/or work in Scotland, over and above the situations where such things are already implied by the specific conditions of their visa—like the university at which they are studying or the company employing them, as the hon. Member for Edinburgh East and Musselburgh already laid out.

How would this be evidenced, tracked or enforced? Would individuals moving from a few metres into Scotland to a few metres into England be deported? Why would this be a specialist visa programme? If our friends north of the English-Scottish border are especially keen to attract people of working age, be they migrants or not, why would this be the right solution? What steps are already being taken to attract such people, or to make it easier for them to move to or work in Scotland?

Finally, I am interested in the view of the hon. Member for Perth and Kinross-shire on why Scotland currently has within its borders so few asylum seekers within the system. Given what he has previously said, it would be interesting to understand why he thinks that the number of asylum seekers—either in hotels or in dispersed accommodation in Scotland—is less than half of what it should be, proportionate to population of the rest of the United Kingdom.

Seema Malhotra: It is a pleasure to serve under your chairship for this important debate, Dame Siobhain. It is probably the fourth time we have discussed this matter. I want to acknowledge the persistence of the hon. Member for Perth and Kinross-shire. He will be aware—perhaps this is one point I can acknowledge that he would have predicted my response—that we will not be introducing a Scottish visa scheme or devolving control of immigration policy. This has also been a discussion that we have had, and a point that we have made to the Scottish Government. In my remarks, I will perhaps make a few points that will be useful for his

ongoing deliberations on this issue, and suggest how he may direct them towards working with the Scottish Government on some matters that it may be useful for him to be aware of.

The key point is that we must work together to address the underlying causes of skills shortages and overseas recruitment in different parts of the UK, and that is what we are seeking to do. The hon. Gentleman also knows that we believe net migration must come down—under the last Government, it more than trebled and reached a record high of over 900,000 in the year to June 2023. Immigration is a reserved matter, on which we work in the interest of the whole of the UK. The previous schemes that we have talked about have succeeded only in restricting movement and rights, and creating internal UK borders. Adding different rules for different locations will also increase complexity and create friction when workers move locations.

1.30 pm

The hon. Member may see want to see migration as a solution to some of the depopulation challenges in rural areas faced not just in Scotland but in other parts of the UK. We recognise those challenges and have debated them—it was an important debate—but visa holders may not want to stay in particular areas for much the same reasons that UK nationals do not want to stay in them, and we cannot compel them to do so indefinitely. The reasons for workers or residents leaving must also be addressed, with investment in jobs, infrastructure and public services. Many of the levers to address depopulation are powers that the Scottish Government already have at their disposal. I think it would be of value if the hon. Gentleman were to bring to the House examples of where he has been working with the Scottish Government, how they have been using their powers, the investment that is taking place, and their strategy to address depopulation in Scotland. That would enrich the debate, taking it beyond discussions and into a solution space.

I will make some final remarks, including about the situation in some of the fishing communities. I have visited Scotland recently, and I will comment on workplace shortages in line with what the Home Secretary outlined in the inter-ministerial group that she chaired in January. She set out the UK Government's approach to linking migration with labour markets, including the quad, which we have discussed: bringing together skills; the Migration Advisory Committee—on which Scotland is represented by a member from Scotland with expertise in the Scottish economy; labour market access; and our approach to employment. The Home Secretary acknowledged that a lot of that work is devolved in Scotland, Wales and Northern Ireland. It is therefore important for the UK Government to work with the devolved Governments to identify how to work together on these agendas. Indeed, the Scottish Government's Minister for Equalities noted the common themes with other devolved Governments, and welcomed the joined-up and evidence-based approach. She also highlighted—as the hon. Gentleman has—the Scottish Government's request for a Scottish graduate visa.

It is important to acknowledge that although the Home Secretary confirmed, as I have, that we will not develop devolved visas or visa administration—I will make some remarks to explain why we will not support the hon. Gentleman's new clauses—she recognised that labour market challenges are different across different nations and regions, and asked officials to work across the four Governments to develop structures for UK-wide analysis and bring that work back to the next inter-ministerial group. That will also involve discussion of the immigration White Paper, in which we want to make sure we have inputs from across the whole of the UK.

Finally, I turn to the new clauses—not least in the light of the comments I have made, which addressed the issues in a different and more strategic way than he is calling for. The technicalities of the new clauses would complicate the visa system: they would potentially work against wider immigration policy; the scope is unclear; and there is no definition of the "certain workers" mentioned in new clause 3. New clause 4 would put the Home Secretary in the unacceptable position of having to act unlawfully in the event that a scheme was not ready to go within the proposed six months. These are not straightforward measures, but it is important that we tackle the issues that the hon. Member has raised. I look forward to continuing debates with him on how we do that.

Pete Wishart: I will be brief, but a lot of the questions that were asked were relevant and deserve a response. First, it is not me that the hon. Member for Edinburgh East and Musselburgh needs to debate and speak to about this; it is Scottish businesses, business organisations and the political consensus in Scotland. The hon. Member should sit down with Jackie Baillie, who raised visas as a live issue during the general election campaign. I do not know what happened to that ambition from Scottish Labour. It seems to me that it was totally slapped down by the bosses down here in the Home Office, who wanted absolutely nothing to do with it. We do not hear about it as much anymore, but it was a real ambition from Jackie Baillie and the Labour party to secure this provision for Scotland. We only need to look back at the last Labour Government to see what imagination can do and what effective Government can deliver. We had the Fresh Talent scheme—a fantastic scheme that gave us a competitive advantage when it came to university students.

Seema Malhotra: The hon. Gentleman mentions the Fresh Talent scheme, which allowed graduates of Scottish universities to remain and work for two years after graduation without needing a sponsoring employer. In practice, many Fresh Talent participants did not remain in Scotland and took up employment elsewhere in the UK. That is precisely the challenge we are talking about.

The Chair: I remind the Minister that we have a hard return at 2 o'clock, so the longer we go on, the less likely it is that anybody is going to get an opportunity for lunch.

Pete Wishart: I will try to be as brief as possible, because I understand that we have got a time constraint.

Fresh Talent possibly did do that, but it would be different this time round because we have a distinct tax code in Scotland. We have Revenue Scotland as a result of further devolved powers from a few years ago. To address the questions from Conservative Members as to how a scheme would work, because of that tax code anybody who came in through a distinct Scottish visa

[Pete Wishart]

scheme would be bound by that, and the obligations and qualifications would be to work in a list of occupations that is designed in Scotland.

Members are talking about this as if it has never been done anywhere else in the world. When I chaired the Scottish Affairs Committee, I took it to Quebec, and we sat down and examined exactly what happened there. We saw a fantastic scheme that has given Quebec, and particularly the Montreal metropolitan area, huge advantages over the rest of Canada. It works there and it works in Australia. Through imagination and making sure they are done in the right way, these schemes work and bring real benefits. International examples show that distinct tax codes that would allow people to stay within a distinct area in Scotland could be easily delivered.

We are going to continue to debate this issue as this Bill goes forward. The whole Scottish business community and the care sector are saying to us, "This is a priority." It is not going to go away, but again it is rebuffed. Is a place on the Migration Advisory Committee really the best that the Government can with this range of difficult circumstances? I will be back to the issue and we will make sure that we take things forward. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

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

1.39 pm

Adjourned till this day at Two o'clock.