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OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

BORDER SECURITY, ASYLUM AND IMMIGRATION BILL

Tenth Sitting

Thursday 13 March 2025

(Afternoon)

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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

(Afternoon)

[Dame Siobhain McDonagh *in the Chair*]

Border Security, Asylum and Immigration Bill

2 pm

The Chair: I congratulate everybody on arriving so promptly; I hope there is not too much indigestion about.

New Clause 5

British citizenship

"(1) The Secretary of State must, within three months of the passing of this Act—

(a) ensure that illegal entry to the UK is disregarded as a factor for the purposes of assessing whether a person applying for British citizenship meets the good character requirement; and

(b) ensure that all asylum seekers with—

(i) indefinite leave to remain in the United Kingdom;

(ii) settled status; or

(iii) indefinite leave to enter the United Kingdom;

have a right to naturalisation after five years of residency in the United Kingdom, regardless of their country of origin or method of arrival."—*(Pete Wishart.)*

This new clause would require the Secretary of State to change current Home Office guidance stating that people who enter the UK illegally, regardless of how long ago, will "normally be refused" citizenship (if they applied after 10 February 2025).

Brought up, and read the First time.

Pete Wishart (Perth and Kinross-shire) (SNP): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss

New clause 13—*Good character requirement: illegal entry—*

"The Secretary of State must, within three months of the passing of this Act, ensure that illegal entry to the UK is disregarded as a factor for the purposes of assessing whether a person applying for British citizenship meets the good character requirement."

This new clause would require the Secretary of State to change current Home Office guidance stating that individuals who enter the UK illegally, regardless of how long ago, will "normally be refused" citizenship (if they applied after 10 February 2025).

Pete Wishart: I trust everybody enjoyed the five-course banquet we had in the 20 minutes available to us. I apologise if I seemed to be unnecessarily detaining the Committee and depriving them of a good and solid lunch; we will make sure that that does not happen again, Dame Siobhain.

It was with a gasp of astonishment that we learned of this Government's intention to change the nationality good character requirement guidance—it came totally out of the blue. I think we are all still reeling a little bit, thinking about what this involves and what is at stake. It establishes a new standard that individuals who previously entered the UK illegally or without valid entry clearance, particularly in what is described as a "dangerous journey", will now be refused citizenship. That is a huge departure from previous practice, where illegal entry was typically considered a barrier to citizenship only if it had occurred in the past 10 years. Regardless of how long a person has lived in the UK, their mode of entry could now be used to deny them the right to naturalise.

This policy has been implemented without prior consultation or parliamentary scrutiny—it is going to get a little bit this afternoon, but that is only because we have brought the issue to this Committee—and that raises serious concerns about its fairness and legality. The majority of refugees arrive in the UK through irregular routes; safe and legal pathways remain extremely limited, as we learned in the previous debate. By effectively banning these individuals from citizenship, this policy risks permanently disenfranchising those who have sought protection in the UK and who have built their lives here.

We already heard from the United Nations High Commissioner for Refugees, which wrote to the Committee to say that the decision to deny citizenship based on mode of entry contradicts the UK's commitment under international law, particularly article 31 of the 1951 refugee convention. This article's non-penalisation clause states:

"The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence."

The denial of citizenship based on how someone arrived in the UK is a clear penalty, which goes contrary to the convention. The UNHCR notes that it previously highlighted in its legal observation on the Illegal Migration Bill 2023 that restricting access to citizenship under section 31 to 35 of that Act would constitute a

"penalty under Article 31 of the Refugee Convention and be in breach of that provision. It further stated that the provisions ran counter to Article 34 of the Refugee Convention and Article 32 of the 1954 Convention on Statelessness which requires States to 'as far as possible facilitate the assimilation and naturalization of' refugees and stateless people".

Despite the proposed repeal of these provisions, updates to the nationality good character requirement guidance issued in February 2025 appear to reintroduce similar barriers, further restricting pathways to citizenship for those affected. In addition, the policy change is likely to deter many from applying for citizenship altogether, given the high costs involved and the lack of an appeal process in case of refusal. Even if the guidance states that an exception may be made, which I am pretty certain is what the Minister will tell me, those who would be likely to obtain citizenship due to their personal circumstances will be deterred from applying.

Currently, a naturalisation application costs £1,605, with an expected increase of £1,685. That financial burden, combined with the uncertainty surrounding the application process, creates significant barriers for refugees and stateless persons who would otherwise seek to integrate fully into British society.

The application of the policy will go beyond individual applicants. Citizenship is a key factor in social integration, providing security, stability and full participation in civic life, including the right to vote in general elections.

Without access to naturalisation, many individuals who have lived and worked in, and contributed to, the UK for years—if not decades—will remain in a precarious status. Although the Home Office guidance allows for some discretion in decision making, it provides no real criteria on how that discretion will be applied. The lack of transparency makes the process unpredictable and risks creating a system where citizenship decisions are inconsistent or arbitrary.

The changes also highlight the broader issue of immigration law being shaped through administrative guidance rather than through democratic scrutiny, which is our role as parliamentarians in this House. By changing the interpretation of the statutory good character requirement without parliamentary oversight, the Home Office has effectively reinstated elements of the Illegal Migration Act 2023 that were meant to be scrapped through this Bill. The lack of accountability is deeply concerning.

Granting citizenship is a key step in ending an individual's status as a refugee or stateless person. It also benefits the host country by fostering economic, social and cultural integration while promoting social cohesion. Restricting access to citizenship undermines those objectives, and that is why I tabled this new clause.

Matt Vickers (Stockton West) (Con): The new clause would require the Secretary of State to change current Home Office guidance stating that people who entered the UK illegally, regardless of how long ago, will normally be refused citizenship. The new clause states that illegal entry—in other words, breaking into this country—should be disregarded as a factor for the purposes of assessing whether a person applying for British citizenship meets the good character requirement. Effectively, both the Liberal Democrats and the SNP want to ensure that entering this country illegally is not a bar to gaining citizenship.

British citizenship is a huge honour and privilege, and the benefits that come with it have attached costs. Can hon. Members see what a pull factor this measure would create for making dangerous channel crossings in small boats? There is nothing compassionate about allowing small boat crossings to continue, and this new clause would do nothing but encourage more. The Labour Government are already repealing provisions in our Illegal Migration Act that prevented illegal migrants from getting citizenship. It seems that the SNP, the Liberal Democrats and the Labour Government are all in agreement that illegal migrants should get British citizenship. Do the SNP and the Liberal Democrats agree with the Prime Minister that British citizenship is not a pull factor for illegal immigrants?

If people believe that crossing in a small boat will ensure that they can not only stay, but stay for evermore with all the attached benefits of British citizenship, they will continue to come in ever-increasing numbers. Even the Government's own Border Security Commander has said that we cannot smash the gangs without a deterrent. British citizenship and all its associated benefits would provide an incentive for making that small boat crossing, inducing people to feed the model of the evil people-smuggling gangs. The Conservative party believes that British citizenship is a privilege, not a right, and certainly not a reward for illegally crossing the channel. We do not support the measure.

Sarah Bool (South Northamptonshire) (Con): I want to put on record again the importance of the rule of law. This new clause would essentially allow someone rights when they have entered the country illegally. The rule of law and compliance with the law are fundamental within our system, so I cannot accept the premise that acting illegally should be waived or permitted. We are a country of fairness and there has to be fairness and equality under the law. This provision flies in the face of that. If we make an exception here, no matter how desperate the situation, we set a dangerous precedent.

As my hon. Friend the Member for Stockton West said, it is a privilege to have British citizenship, and so many people abide by the law. The system proposed by the new clause for those trying to enter the country via illegal routes fundamentally undermines that. We have to be incredibly careful in how we proceed with these things; if something is illegal, the clue is really in the name.

Mr Will Forster (Woking) (LD): I am happy to support the new clause tabled by my friend the hon. Member for Perth and Kinross-shire. I will also speak to new clause 13, which does essentially the same thing. This issue is about fairness and reasonableness. Ensuring that effectively no refugee or asylum seeker can get citizenship is not reasonable. Refugees will forever become second-class citizens if we allow that to go ahead. I am concerned that that would deepen divisions within society by disenfranchising our newest constituents and residents. The refugees I have spoken to in my constituency of Woking are so proud when they get citizenship, and it encourages integration. Banning them from citizenship, which is what current guidance amounts to, is wrong. I am happy to support both new clauses.

Katie Lam (Weald of Kent) (Con): To quote my right hon. Friend the Member for North West Essex (Mrs Badenoch), British citizenship is—or at least should be—

"a privilege to be earned not an automatic right."

Citizenship should be available only to those who have made both a commitment and a contribution to the United Kingdom. For example, it should be a fundamental principle of our system that people who come to this country do not cost the public purse more than they contribute to it. It should also be a fundamental principle of our system that those who seek to harm this country, to break its laws and to undermine what we hold to be fair and right should never be able to become British citizens. To state something so obvious that it sounds almost silly, those who have come to this country illegally have broken the law. The Liberal Democrats and the Scottish National party are proposing that we ignore that fact.

As my hon. Friend the Member for South Northamptonshire just said, how can we possibly say that lawbreaking should not be considered when assessing whether someone is of good character? It seems to me outrageous, unfair and completely against what we understand to be the wishes of the public to turn a blind eye to the fact that someone has broken the law when it comes to determining their character and thus whether they should become a fellow citizen of this great country.

Separately, the Conservatives feel that the timeframe the hon. Member for Perth and Kinross-shire suggests in new clause 5 is far too short. In line with our party's wider policy, we feel that five years is not enough time

[Katie Lam]

to qualify a person for indefinite leave to remain. Immigration, as we are all well aware, was at well over 1 million people a year in 2022, 2023 and 2024, and net migration was at, or is expected to be, at least 850,000 people for each of those years. If we accept that the immigration policy of the past few years was a mistake, we should make every effort to reverse the long-term consequences. That is why the Conservative party is advocating that the qualifying period for ILR should be extended to 10 years, rather than the five years in the new clause.

Finally, I return to my earlier point about Scotland, the Scottish National party and the proof of its compassion as compared with its words. The hon. Member for Perth and Kinross-shire shook his head when I was speaking about the number of asylum seekers and where they are located. The latest data released on that is for December 2024. As I read it, in Scotland, there are 1,421 asylum seekers in hotels, compared with 36,658 in the rest of the country, and 4,262 asylum seekers in dispersed accommodation, compared with 61,445 across the rest of Britain.

I appreciate that that is challenging mental maths, so I will tell hon. Members that that means that Scotland houses only 5% of the asylum seekers currently accommodated by the state in this country. Scotland is underweight relative to population and dramatically underweight relative to size. Given everything that the hon. Gentleman has said that he and his party stand for, would we not expect the opposite to be true—that Scotland would be pulling its weight more, rather than less?

The Parliamentary Under-Secretary of State for the Home Department (Seema Malhotra): I am grateful for the opportunity to speak in response to the debate on new clauses 5 and 13. I want to clarify a few points. There are already rules that can prevent those arriving illegally from gaining citizenship. In February, the Home Secretary further strengthened measures to make it clear that anyone who enters the UK illegally, including small boat arrivals, faces having a British citizenship application refused. This change applies to anyone who entered the UK illegally, or those who arrived without a required, valid entry clearance or valid electronic authorisation, having made a dangerous journey, regardless of the time that has passed since they entered the UK.

2.15 pm

Citizenship applications will continue to be considered on a case-by-case basis, which I will say a little bit more on shortly. It is also the case that the previous Government's Illegal Migration Act was never operationalised or enacted. We have always kept citizenship policy under close review, and we continue to do so. The guidance builds on statutory requirements to be eligible for naturalisation as a British citizen, such as requiring the person to have become settled, alongside criminality checks.

New clause 5 seeks to create a right to naturalisation for refugees who are settled and have lived in the UK for five years. It is important to note that no one has the right to naturalise—citizenship is a privilege—and an applicant must meet the statutory requirements, including being of good character. Many people applying for naturalisation cannot meet the statutory requirements until they have lived in the UK for a minimum of six years. New clause 5 would see a faster and more generous approach to citizenship for refugees than for others applying for citizenship. It

That would lead to people who would not meet the good character requirement, because of their criminality or other behaviour, being granted British citizenship. We believe that rules must be respected and enforced for the asylum and immigration system to work. That is part of the reason for making this change to the good character guidance, strengthening measures to ensure that anyone who enters the UK illegally faces having a British citizenship application refused. However, that will continue to be on a case-by-case basis—this is in the guidance—considering factors such as where, for example, someone has been trafficked here through modern slavery. That is important for a robust and fair approach.

We continue to assess citizenship applications on a case-by-case basis, in line with the UK's obligations under domestic and international law. When it comes to a good character assessment, it is important that consideration is given to all aspects of a person's character—both negative factors such as criminality, immigration law breaches and deception, and positive factors such as the contributions that a person is making to our society. I hope that, for the reasons I have outlined, the hon. Member for Perth and Kinross-shire will consider withdrawing his new clause and that we can continue the conversation about citizenship, which I am sure this House will return to.

Pete Wishart: I remember saying on Second Reading that this Government were carrying on in the vein of the Conservatives. Doing something so all-encompassing and denying as this is probably worse than what the Conservatives would ever produce. They did not conceive anything like this. They are capable of having the warped imagination that produced the Rwanda Bill, but they did not even come close to something like this.

As well as being a privilege, surely British citizenship should be available. What the Government are doing with the change to the good character reference is denying all asylum seekers and refugees the slightest opportunity to become a British citizen, except in narrowly defined circumstances, as the Minister pointed out. What about all the things about cohesion, and giving people opportunities? I thought that was the British spirit.

I am a British citizen. It is not a particular definition that I want to hold on to for much longer, but I am a British citizen. To me, it strikes me as just not British to deny a whole swathe of people in this country the right to achieve that status.

Mike Tapp (Dover and Deal) (Lab): Does the hon. Member realise how ironic it is for him to be lecturing us on British citizenship when he does not particularly want his?

Pete Wishart: I am sure the hon. Gentleman and I will have the opportunity to discuss these issues in the future of this Parliament and I very much look forward to that.

I did not hear anything at all from the Minister about anything to do with the quite stern rebuke to this Government from the United Nations High Commissioner for Refugees in its written evidence. It is concerned that this measure drives a coach and horses through the UK Government's commitments to certain sections of the various conventions. Is the Minister even slightly embarrassed about what has been presented to them?

This is a nasty, pernicious move by this Government, and it is not particularly in the spirit of what they are trying to achieve with the Bill. It is a continuation of the ethos of the previous Conservative Government. It even introduces through the back door certain aspects of the Illegal Migration Act that we are very keen to move on from. I hope that the Government reconsider this measure, and I will certainly be testing the Committee with a vote on the new clause.

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

The Committee divided: Ayes 2, Noes 14.

Division No. 13]

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 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."—*(Mr Forster.)*

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.

Brought up, and read the First time.

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

The Committee divided: Ayes 2, Noes 14.

Division No. 14]

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 7

DUTY TO MEET THE DIRECTOR OF EUROPOL

"The Border Commander must meet the director of Europol, or their delegate, no less than once every three months."—*(Mr Forster.)*

This new clause would require the Border Commander to meet with the Executive Director of Europol every three months.

Brought up, and read the First time.

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

Question negatived.

New Clause 8

DUTY TO ESTABLISH A JOINT TASKFORCE WITH EUROPOL

"(1) The Secretary of State must seek to establish a joint taskforce with Europol for the purposes of cooperation on the matters set out under subsection (3).

(2) The Secretary of State must, within six months of the passage of this Act, make a report to Parliament on progress made to date on establishing a joint taskforce under subsection (1).

(3) Any joint taskforce established pursuant to the Secretary of State's activities under subsection (1) has a duty to promote cooperation on—

(a) the disruption of trafficking operations;

(b) the enhancement of law enforcement capabilities;

(c) the provision of specialised training for officials involved in border security and immigration enforcement; and

(d) any other matters which the Secretary of State or Director of Europol deem appropriate."—*(Mr Forster.)*

This new clause would require the Secretary of State to seek a joint taskforce with Europol for the purposes of disrupting trafficking operations, enhancing law enforcement capabilities, and providing specialised training to officials involved in border security and immigration enforcement.

Brought up, and read the First time.

Mr Forster: I beg to move, That the clause be read a Second time.

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

New clause 9—*Participation in Europol's anti-trafficking operations*—

"(1) The Secretary of State must provide adequate resources to law enforcement agencies for the purpose of enhancing their participation in Europol's anti-trafficking operations.

(2) The resources provided under subsection (1) must include technology for conducting improved surveillance on, and detection of, smuggling networks.

(3) For the purposes of subsection (1), 'law enforcement agencies' include—

(a) the National Crime Agency

(b) police forces in England and Wales; and

(c) the British Transport Police."

This new clause would require the Government to allocate adequate resources to law enforcement agencies to enhance their participation in Europol's anti-trafficking operations, including through technological tools for better surveillance and detection of smuggling networks.

New clause 10—*Requirement to produce an annual report on cooperation with Europol*—

"(1) The Secretary of State must, within one year of the passage of this Act, lay before Parliament an annual report on cooperation between UK law enforcement agencies and Europol.

(2) A further report must be published and laid before Parliament at least once per year.

(3) An annual report under this section must include—

(a) actions taken during the previous year to cooperate with Europol;

(b) progress in reducing people smuggling and human trafficking; and

(c) planned activities for improving future cooperation with Europol."

This new clause would require the Government to provide an annual report to Parliament detailing the UK's efforts to cooperate with Europol, its progress in reducing levels of people smuggling and human trafficking, and its plans to improve future cooperation.

Mr Forster: I will be relatively brief. The three new clauses concern Europol, and the Liberal Democrats and I think that they are vital to ensuring that the Bill goes further and is more effective. Cross-border co-operation is key to reducing small boat crossings—something that the former Government made it harder for our country to do. However, the Bill misses the opportunity to better tackle them. We believe that this Government should strive for greater cross-border co-operation, including by working with Europol. Including that as part of the Bill seems a sensible step.

Matt Vickers: Liberal Democrat new clauses 8, 9 and 10 attempt to establish a joint taskforce with Europol and provide annual reports to Parliament to reduce levels of people smuggling and human trafficking.

Most Governments accept that international partnerships and cross-border co-operation have a role to play in solving the problem, but the new clauses could restrict the Government's ability to negotiate in this regard while creating a cost by way of the need to provide further adequate resources to enhance that partnership and participation. They would also impose a responsibility to create yet another report. The National Crime Agency has said that no country has ever stopped people trafficking upstream in foreign countries. The Australians have done it, but that was with a deportation scheme. Why do hon. Members not think that a strong deterrent—that people who arrive in this country illegally will not be able to stay—would not be more effective in stopping people smuggling?

I realise that the Lib Dems seem to think that Europe has the answer to all the world's problems, but surely even they must appreciate the need for a deterrent, rather than an incentive. In fact, as Europe reconsiders its approach to immigration by looking at what it can do to deter illegal entries, it is even more important that we do the same, rather than becoming the soft touch of Europe.

Katie Lam: In the light of the comments that Government Members have made on other provisions in the Bill, these new clauses seem to us completely unnecessary. Exactly as my hon. Friend just said, they do not seem to us appropriate for primary legislation and seem more likely to constrain rather than empower the Home Secretary and Ministers in their difficult job of securing the border.

Becky Gittins (Clwyd East) (Lab): It is a pleasure to serve under your chairship, Dame Siobhain. I will keep my comments brief.

I read the new clauses from the hon. Member for Woking with interest. I understand the important point that has been raised—I think by hon. Members on both sides—about the importance of working internationally on this issue. I suppose my question to him would be: does he not think that an international outlook in tackling the issues that we have here, which is the sole purpose of the Bill, has already been exercised? In December last year, we agreed the Calais Group priority plan with our near neighbours and the joint action plan on migration with Germany. In November last year, we had the landmark security agreement with Iraq, and we also have a well-established relationship with our counterparts in France to work closely to prevent the dangerous crossings and reduce the risk to life at sea.

We have talked a lot about cause and effect, and I can really see the intention behind the new clauses. However, I question their necessity, as well as some of the suggestions made about the intention of the Government, who have really shown a pragmatic outlook about how we deter those crossings.

2.30 pm

Tom Hayes (Bournemouth East) (Lab): I wonder whether the SNP and the Liberal Democrats are experiencing post-traumatic stress disorder, and I mean that in two senses. First, they query whether this Government are committed to international human rights, when they have shown time and again that they are, although I understand that concern, given what has gone before. With this situation—where they are trying to prescribe, in primary legislation, the foreign affairs of this Government and the regularity with which they meet international organisations—I wonder too whether they are experiencing some post-traumatic stress disorder, because they know that the previous Conservative Government resorted to sticking two fingers up at our international partners and international agencies. I hope they will withdraw the new clause because they should feel reassured that this Government have a respect for human rights, international law and working with our international partners and agencies.

The Minister for Border Security and Asylum (Dame Angela Eagle): I hope you, too, enjoyed a long and languid lunch, Dame Siobhain, after the way in which we overshot this morning's sitting. This group of new clauses introduces requirements, in primary legislation, for the Secretary of State to put in place arrangements for closer co-operation with Europol, which includes seeking the establishment of a joint task force, providing adequate resources for participation in Europol's anti-trafficking operations and the publication of an annual report.

Very few of us would quibble with what I suspect is the intended output of such clauses, but I would quibble with the means by which the hon. Member for Woking has decided to try to bring it about. He is putting things into a piece of primary legislation, which cannot be easily changed, moved or shifted about, and that creates more issues and less flexibility than what I am sure he is seeking to achieve.

I suspect that, with these clauses, the hon. Gentleman is using the Bill as a hook on which to hang requirements on the Secretary of State, so as to have a debate about

how the Government will co-operate with international law enforcement agencies. I do not think he is really saying that we should be doing that in the quite rigid way that his new clauses suggest. I reassure him that we are doing what I think he wants us to do according to the new clauses, but in a much more flexible way that can be changed very quickly because it is not stuck in a piece of primary legislation. I think we also discussed it on day one in Committee.

The UK has a strong relationship with Europol, including significant permanent presence in the agency's headquarters in The Hague. UK law enforcement agencies already collaborate with international partners through Europol-supported operations. The allocation of resources to that participation is an operational decision for law enforcement agencies, and certainly not one that should be included in primary legislation. There is regular interaction on both operational and strategic matters between Europol, this Government and the Home Office, including at the most senior levels.

As well as working with Europol, the Home Office will continue to work with a range of international bodies—including Frontex and operational work with many of the law enforcement agencies in European countries and beyond, for example—to deliver the Government's border security objectives. That is because we recognise that border security is not just about one's own border: quite often weaknesses in others' borders along the traveller and migratory routes cause weaknesses for us. Indeed, sometimes visa regimes in other countries can cause problems in the UK. For example, the sudden appearance on small boats last year of large numbers of Vietnamese, who clearly had not walked from Vietnam, was caused by changes that had happened to visa requirements in other countries. Those things are interrelated. Fighting organised immigration crime is an interrelated operational, diplomatic and political matter, on which this Government are doing a great deal of work to try to strengthen it and make it more effective.

The UK regularly participates in operational taskforces with EU partners, and it is inappropriate to place on the face of a piece of legislation a statutory requirement to seek to establish a joint taskforce. That would force us to have a joint taskforce, whether or not we wanted one and whether or not it would do any good, thereby, in that case, diverting precious resources where they are not operationally needed.

I hope the hon. Member for Woking understands the points that I am making. The Border Security Commander will provide an annual report to Parliament, setting out their views on the performance of the border security system as it develops. Europol is an individual agency, among many with which UK law enforcement collaborates to achieve the Border Security Commander's objective. I hope that the hon. Gentleman will accept my comments on his three new clauses in the spirit in which they are intended: we know what he means, but we think that we have a better way of bringing it about in a far more flexible way than through his new clauses. If he accepts that argument, I certainly hope he will withdraw the amendment.

Mr Forster: I do not quite get the reasoning that says that we do not need the amendment in order to work with Europol because we already work with Europol. The amendment is about empowering Parliament and making the Executive act, which is what we are keen to do. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 11

REMOVAL OF RESTRICTIONS ON ASYLUM SEEKERS ENGAGING IN EMPLOYMENT

"(1) The Secretary of State must, within six months of the date on which this Act is passed, lay before Parliament a statement of changes in the rules (the 'immigration rules') under section 3(2) of the Immigration Act 1971 (general provisions for regulation and control) to make provision for asylum applicants to take up employment whilst their application is being determined, if it has been over three months since the application was made, with no decision made.

(2) Employment undertaken pursuant to subsection (1) is subject to the following restrictions—

(a) employment may only be taken up in a post which is, at the time an offer of employment is accepted, included in Appendix Immigration Salary List;

(b) there must be no work in a self-employed capacity; and

(c) there must be no engagement in setting up a business."—*(Mr Forster.)*

This new clause would remove the restriction on working for asylum seekers, if it has been over three months since they applied.

Brought up, and read the First time.

Mr Forster: I beg to move, That the clause be read a Second time.

The new clause is about allowing asylum seekers to work. It is commonly raised, by a lot of people, that this country discourages asylum seekers from working. It seems that it is viewed as being tough on them, but what it does is encourage an unacceptable welfare bill. We have a lot of research on it from the Lift the Ban coalition. Several years ago, it said that, actually, the fiscal gains from such a change would be significant. Originally it said that the gains would be £97.8 million a year, but that figure was later revised up to £108.8 million. I think the new clause would encourage work, lower the benefits bill for the taxpayer and ensure better integration.

Chris Murray (Edinburgh East and Musselburgh) (Lab): Does the hon. Gentleman agree that what is causing that huge bill is not the fact that people cannot work, but that they are waiting for a decision? They are stuck in backlog, but if they got a decision that would obviate this discussion completely.

Mr Forster: I do agree with that. The system was broken by the previous Government; that is one of the very few things that the hon. Member and I completely agree on. We know that the system is broken, but we leave people stuck in limbo. Until the system has been fixed, let us enable them to work and use their skills to benefit our constituencies. If there were a quick decision in a matter of weeks, there would be no need for the new clause. But we know that is not going to happen. That has consistently failed to be implemented. In the meantime, we should let and encourage asylum seekers to work, for their benefit, the benefit of their families and the benefit of our constituents.

Matt Vickers: Liberal Democrat new clause 11 attempts to remove the restrictions on asylum seekers engaging in employment. It is yet another inducement for making that perilous journey, and another selling point for the people smuggling gangs as they make their pitch with the aim of profiting from the peril of others. New clause 11, coupled with new clause 10, seems to mark out a marketing plan for those evil and immoral people smuggling gangs.

Successive Governments have maintained that easing work restrictions could draw asylum seekers to the UK because they would believe that the reception conditions were more favourable. It creates a huge potential for an increase in applications from economic migrants whose primary motivation for coming to the UK is to benefit from work opportunities rather than to seek safety.

Do the Liberal Democrats not agree that lifting the ban will act as pull factor for migrants all over the world to come to the UK? Do the Liberal Democrats understand the impact that such a policy would have on other Departments, such as the Department for Work and Pensions and His Majesty's Revenue and Customs? If the Liberal Democrats are worried about skills shortages, what plans do they have to get the 9 million economically inactive people already in the UK into those roles? What thoughts have the Liberal Democrats put into the measure, the legal issues it may introduce with employee rights, and the further challenges it will give the Home Office in swiftly removing those here illegally to their country of origin?

Katie Lam: In evidence for the Bill, Professor Brian Bell, who chairs the Migration Advisory Committee, spoke about what he sees as the incentives for people to come over here from France, which is of course a safe country. He spoke of the strong economic incentives to come to the UK and the challenge that poses for any Government because it would not necessarily benefit us to remove those incentives. He said:

"the unemployment rate is 7.8% in France and 4.4% in the UK. The gap is slightly larger for young people than for the population as a whole. I am sure the Government would not want to change that incentive, although the French probably would. If you have a buoyant economy relative to your neighbour, at least in the labour market, that is an incentive." —[*Official Report, Border Security, Asylum and Immigration Public Bill Committee,* 27 February 2025; c. 58, Q89.]

He went on to say that there are some things that we could do that might help, such as better enforcement of our labour laws, making it more difficult for people to work illegally.

What the hon. Member for Woking and the Liberal Democrat party are proposing is exactly the opposite of what Professor Bell was saying that we should do. Allowing asylum seekers to work before their claims are approved would make it easier for people to come here illegally and make money, and so it would increase the economic incentive for people to come, which we have heard is a pull—perhaps the primary pull—for people making those life-threatening journeys across the channel in the hands of organised criminal gangs. We consider it to be deeply wrong and counter to the aim of everything we are trying to achieve in securing the border against illegal migration. It is unfair and immoral.

Mike Tapp: This is another rare moment of general agreement with the hon. Members for Stockton West and for Weald of Kent. We will savour this moment. I will make some quick points on the new clause. It does create an additional pull factor for those seeking to travel. We do not know who is a genuine asylum seeker until their claims have been processed. The new clause would put a lot of people who are not genuine asylum seekers into our workforce to then be pulled away when the deportation takes place. Having asylum seekers in work may also create funding for others looking to travel over on small boats, as they may send money back to others in order to come over.

The answer to this question is in what we are doing already. The Home Secretary and immigration Ministers are working hard day to day at getting the Home Office back doing their day jobs again and speeding up the processing so that those who should be in work can be and those who should not be here are deported.

2.45 pm

Sarah Bool: I have a few points about some of the legal issues around what it would mean if we allowed asylum seekers to work at this point. The Opposition already have concerns about the Employment Rights Bill and the day-one rights that will be accrued, so I wonder in this context how this would actually work. On another level, I wonder about how we would deal with tax that they pay and their national insurance numbers before they have had their asylum claims examined.

I see that subsection (2)(a) of the new clause talks about asylum seekers being able to take up a post that is included in the appendix immigration salary list. I wondered whether the hon. Member for Woking had more detail about what that means or entails—forgive me, I am not an expert in that area. I also note that they cannot do any self-employed work or set up a business. Although I can see the principle of what hon. Members were trying to achieve with the new clause, in reality I am not sure that, given how it is drafted, it would get them anywhere near that. I have quite a few concerns about it.

Pete Wishart: I wholeheartedly back the hon. Member for Woking's new clause; I thought about tabling it myself, but he beat me to it. It is sensible and should be supported by the Committee—mainly because it is an utter waste that people with huge skills are languishing in hotels doing practically nothing all day. We host a number of asylum seekers and refugees in hotels in Perth, and I go and visit them. Can I just say to the hon. Member for Weald of Kent that Scotland more than has its share of the general number of asylum seekers across the United Kingdom? I do not know where she has got her figure from.

Katie Lam: Will the hon. Member give way?

Pete Wishart: No, I will correct her and then she can come back on that. Scotland hosted 5,086 refugees receiving support from local authorities. That represents 8.3% of total asylum seekers. The population of Scotland accounts for something like 8.8% of the total population of the United Kingdom, so we are hosting almost the same number as our population share—that is quite remarkable given the distance Scotland is from where most of the asylum seekers come in. We have a proud record of supporting asylum seekers. Not only do we

have our fair share when it comes to hotels, but we give free travel to asylum seekers in Scotland—something we are very proud of. I am happy to give way to the hon. Lady if she wants to come back on that, but I do not know where she is getting her figures from.

Katie Lam: My figures are from the Government release of the data for December 2024. I do not know whether the hon. Gentleman has those figures or can break them down, but they state very clearly: 1,421 asylum seekers in hotels in Scotland; 4,262 asylum seekers in dispersed accommodation in Scotland; and then 36,658 and 61,445 in the rest of the country.

Pete Wishart: I think the hon. Lady and I will have to trade these statistics privately, because the figure I have is 5,086 receiving support, and that is from the Office for National Statistics. That is where I got my figures.

Katie Lam: Will the hon. Member give way?

Pete Wishart: No, I am not going into this. I know that we are testing Dame Siobhain's patience, so we will discuss this privately and might come back to it at another date.

As well as it being the right thing to do, this new clause would also let us use the skills available to us by giving people the opportunity for employment. The people I have met in some of the hotels in Perth have brought a whole range of skills that would be easily utilised by the community in which they are placed. It makes sense to take this change forward.

In the new clause, the Liberal Democrats suggest that work should be available three months after an application is made. That might be a little bit generous. If I was drafting the amendment, I would go for the six months that has been generally agreed with the all-party groups. I think that what we have done is introduce this issue as a debate item, and I congratulate the hon. Member for Woking for that. It is something that should be seriously considered.

There have been a number of questions at the Home Office about this and from a number of Members—not just from the Liberal Democrats and the Scottish National party but from Labour. I know that we have quite a compliant set of Labour MPs on this Committee, but a number of them have raised this in debates and in questions.

Kenneth Stevenson (Airdrie and Shotts) (Lab) *rose—*

Pete Wishart: And there's one of them!

Kenneth Stevenson: I thank the hon. Gentleman for that. Can he tell me how many people in Scotland actually work, and how many are employed by the state? Where are these jobs that he is talking about, in which people are going to be employed? His Government cannot really get people employed just now. They have not been able to do that. They have not provided it. I do not see where the jobs are, but I am happy to listen to where they are coming from.

Pete Wishart: Of course, the hon. Gentleman would not expect me to have those statistics at my fingertips, so, as Ministers say, I will write to him to let him know how many people are in work in Scotland. But I say to him that we have the fastest-growing employment rates in the whole United Kingdom—something that he and I should be very proud about, given what has been created in our nation. He only needs to go and speak to some of the people in the care sectors in his constituency; they will tell him that they are crying out for available staff to come and fill the holes within their own sectors, as is the case in the health sector and in a number of others.

Kenneth Stevenson: The hon. Gentleman is talking about the care sectors, and I take it that that includes palliative care as well. St Andrew's Hospice is in my area; it costs £10 million to run it, and £3 million comes from his Government. That is an incredible shortfall. The hospice is talking about cutting numbers and not having as many staff as it would normally have, so where does the hon. Gentleman see all of these wonderful vacancy figures in care?

Pete Wishart: I am not entirely sure what point the hon. Gentleman is trying to make. I think jobs being available for ordinary Scots is the general thrust of his argument and debate, but I would just challenge him to go and speak to people who are actually working and serving in the care sector—people in the NHS. If he is really interested, he could come to my constituency and speak to those in rural sectors, and in hospitality and catering, who cannot get the people to staff their businesses, which is forcing them to close, or to open part time.

That is the reality of the situation, and here we have, sitting in these hotels, people who could do these tasks and functions. Not only that, but some of them are accountants, doctors and economists. The range of skills available in each of these hotels is quite outstanding. They speak perfectly good English. All of them could do these tasks. I think it is just such a waste that they are doing absolutely nothing other than waiting the months and months—possibly even years—for their applications to be processed by this Government.

I know this Government have improved on what was happening under the Conservatives, but there is still a long way to go before we are anywhere close to an efficient system in which people are having their applications processed readily and quickly. Therefore, I support the new clause; I think it is a good one to bring forward, and I really hope that the Government listen.

Dame Angela Eagle: New clause 11, tabled by the hon. Member for Woking, is about giving asylum seekers permission to work in the UK. The hon. Gentleman said that that would cut welfare bills, but he should be clear that those who are awaiting asylum decisions do not have direct recourse to social security, although we do have to spend money ensuring that they are not destitute while their asylum claims are processed.

Clearly, as hon. Friends on the Committee have pointed out, the answer to some of these issues is to recreate a fast, fair and efficient system of dealing with people's asylum claims, rather than to have backlogs, particularly regarding appeals, which leave people languishing for months—and sometimes well over a year—awaiting asylum decisions.

To that end, it did not help that the Illegal Migration Act was so dysfunctional that it actually banned us from dealing with people's asylum claims, and meant that this

[Dame Angela Eagle]

Government inherited a huge backlog of people—a perma-backlog, as I think we have heard during our debates on this Bill.

Clearing through that backlog and dealing with the resultant appeals for those who fail is the Government's task at the moment, but, looking past the immediate task, my view is that the way to deal with this issue is to recreate a fast, fair and efficient asylum system. That is the first point that I want to make in answer to the hon. Gentleman's new clause 11.

As the hon. Gentleman probably knows, our current policy allows asylum seekers to work in the UK if their claim has been outstanding for 12 months and the delay was no fault of their own, so there is already capacity to work for those who have been particularly delayed. Those permitted to work in that context are restricted to jobs on the immigration salary list, which is based on expert advice from the independent Migration Advisory Committee—it is usually to do with shortages and the need in the economy at the time.

The policy is designed to protect the resident labour market by prioritising access to employment for British citizens and others who are lawfully resident. Lawful residence is a very important part of the system. That includes, of course, those who have been granted refugee status, who are given full access to the UK labour market. That is in line with those seeking to work in the UK under the points-based system. We consider it crucial to distinguish between those who need protection and those seeking to come here to work, who can apply for a work visa under the immigration rules and come here legally. The UK's wider immigration policy would be totally undermined if individuals could bypass the work visa rules by lodging asylum claims in the UK. The hon. Gentleman has to understand that context, because it is very important.

Unrestricted access to employment opportunities could act as an incentive for more migrants to come here irregularly on small boats or by whatever means, clandestinely—illegally, without permission to be here—rather than claim asylum in the first safe country they reach. Although I would be the first to admit that pull factors are complex, we cannot ignore that the perception of access to the UK labour market is among the reasons why people take dangerous journeys to the UK. Therefore, opening up the UK labour market to anyone who happens to arrive on the shores, no matter how they arrived, would not help us deal with that issue, and would create incentives for more and more people to chance their arm and come here in dangerous ways.

In addition, removing restrictions to work for asylum seekers could increase the number of unfounded claims for asylum, reducing our capacity to take decision quickly and support genuine refugees. I acknowledge the concerns that the hon. Gentleman raised, but the chaos we inherited from the Conservative party has led to the backlogs that we are trying to deal with at the moment.

We have been clear that individuals who wish to come to the UK must go through safe and legal routes by applying for the visas that are available. Where the reasons for coming to the UK include family or economic considerations, applications should be made via the relevant route so they can be checked and agreed in the usual lawful way—either the points-based system, or reuniting under refugee family or reunion rules. Allowing those who have come here in an irregular fashion to work, as if there were no difference between applying for a legal visa and getting proper permission to come before arriving, would undermine the entire basis of the rules and would create many incentives that no one on this Committee would like to see.

Given that explanation and the fact that we do allow asylum seekers to work when there is a delay of 12 months or more, I hope the hon. Gentleman will withdraw his new clause.

Mr Forster: I will start with some examples of best practice from elsewhere. In Australia, most asylum seekers have the right to work straight away, even though it is temporary. In Canada, they can apply for a work permit while their asylum application is being processed. The US allows asylum seekers to work after around six months. From June next year, the EU will require member states to let asylum seekers work after nine months. Some go further—Sweden allow them to work straight away. With a one-year restriction, we are out of kilter with the rest of the western world. That is why the new clause has been tabled. I would appreciate the Minister taking away the question about the last time we reviewed the one-year limit and the restrictions on it. How often is it reviewed? An answer to that would be useful.

3 pm

Tom Hayes: I was listening carefully and had a lightbulb moment. Perhaps the Conservatives figured out what a deterrent was—it was crashing the economy and putting our country into such difficulty that it obliterated the pull factor. That might be a cruel thing to say. Does the hon. Member agree that we heard in evidence that there are pull factors in the UK in terms of our language, our diaspora and quality of life, and other countries may not have those same factors? If we agree to the new clause and make it easier for people who cross the channel illegally to work here, people may be even more incentivised to come here compared with other countries.

Mr Forster: I am happy to have given the hon. Member the chance to mention Liz Truss and attack the Conservative economic record. I take the point. If Government Members like the spirit of the new clause but do not like the detail, why have they not suggested that it should apply only to existing asylum seekers caught up in the backlog rather than new asylum seekers? I have not made that distinction. You are implying that there should be that distinction; you are not implying that, Dame Siobhain, obviously—the Government are implying that. I have not used "yous" for a while; I am afraid I did that time.

We will talk about this in a debate on a new clause that is still to come. The Government have identified that they need to improve the system. I completely agree. They have inherited a completely broken system. A further new clause tabled by the Liberal Democrats would put a legislative framework around the system, to try to improve it. If the Government are so concerned about allowing asylum seekers to work, I hope they will support that new clause.

I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 14

REPORT ON IMPACT OF CARERS' MINIMUM WAGE ON NET MIGRATION

"The Secretary of State must, within 12 months of the passing of this Act, lay before Parliament a report on the impact of introducing a minimum wage for carers on levels of net migration."—*(Mr Forster.)*

This new clause would require the Government to publish a report on the impact of implementing a carers' minimum wage on levels of net migration.

Brought up, and read the First time.

Mr Forster: I beg to move, That the clause be read a Second time.

This is a minor new clause that would require the publication of a report on the impact of implementing the carers minimum wage on the level of net migration. As MPs, we want to understand the data and facts to enable us to scrutinise the Government. Without the data, we cannot do our job properly—it is as simple as that.

Matt Vickers: The Liberal Democrats' new clause 14 would require the Government to publish a report on the impact of implementing a carers minimum wage on levels of net migration. It requires such publication within 12 months of the passing of the Act.

What outcome are hon. Members seeking to achieve with the new clause? What is the proposed minimum wage for carers that the Liberal Democrats would impose? Our care workers deserve fair pay. We are seeing the impact of the national insurance rise on the care sector and the organisations operating therein, who are now struggling to sustain themselves and deliver good jobs and good pay to the care workers they employ. What assessment has been done of the costs of such a minimum wage and how would the Liberal Democrats seek to ensure that this was fully funded?

Seema Malhotra: I am pleased to speak on new clause 14. It is unclear whether its intention is to commission a review of the impact of setting a minimum wage for new entrants or for settled workers in the care sector. I interpreted that its effect would be the Government commissioning a review into implementing a national minimum wage for workers in the social care sector. It is unclear whether it would apply to international workers or the whole labour market.

It is also unclear—I think this was the shadow Minister's point—what the minimum wage for carers being referred to is; there are no sector-based minimum wage standards. The national living wage is currently £11.44 for people aged 21 or over. It is rising to £12.21 in April. International workers on a health and care visa are currently required to be paid £11.90.

I do not believe that it is necessary to lay a report before Parliament given that the Government publish details on migration on a quarterly basis, which will show the impact of changes in inwards migration. It will not be possible for that data to show the effect of this issue on net migration, as the figures will depend on other factors such as the number of people who choose to leave the UK, which might not be a result of care worker minimum wage requirements. It is also not clear whether the report would have to look at settled workers and other workers in the labour market as well as those who are on health and care visas.

We have already seen a significant reduction in the number of international care workers recruited for just over a year, and that is because employers have been unable to demonstrate that they have genuine vacancies that would guarantee sufficient hours to meet salary requirements. The most recently published data and statistics show that in the year ending December 2024, the number of international care workers reduced by 91%. The work that the Home Office is doing with the Department of Health and Social Care is increasing the role of regional hubs, with £16 million going into them. Regional hubs play an important role in supporting workers who may have left an employer or lost a licence to find other employment. That reduces the dependency on recruiting from abroad because we are already using those who are here on those visas and wish to work, alongside continuing to recruit home-grown talent.

Perhaps the Liberal Democrats are not fully aware that we are introducing the first fair pay agreement to the adult social care sector, so that care professionals are recognised and rewarded for the important work that they do. The Government will engage all those who draw upon care, as well as those who provide care. We will also consult local authorities, unions and others from across the sector. Fair pay agreements will empower worker representatives, employers and others to negotiate pay, and terms and conditions, in a responsible manner. Crucially, they will help to address the long-standing issues with sustainability of resource, recruitment and retention that we all know exist in the care sector. That will address the workforce crisis in that extremely important sector and so support the delivery of high-quality care. Fair pay agreements are an important first step towards a national care service.

I hope that clarifies the Government's position and why it will not be necessary to lay a report before Parliament—and that certainly should not be required under this legislation, which is about stopping criminal gangs in their awful trade. I hope that the hon. Member will withdraw his proposed new clause and engage in this debate in other ways.

Mr Forster: I am happy to take the Minister up on that suggestion. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 15

A THREE-MONTH SERVICE STANDARD FOR ASYLUM CASEWORK

"(1) The Secretary of State must, within six months of the passing of this Act, implement a three-month service standard for asylum casework.

(2) The service standard must specify that 98% of initial decisions on all asylum claims should be made before the end of three months after the date of claim."—*(Mr Forster.)*

This new clause would require UK Visas and Immigration to reintroduce a three-month service standard for decisions on asylum cases.

Brought up, and read the First time.

Mr Forster: I beg to move, That the cause be read a Second time.

I highlighted this proposed new clause in a previous speech. The clause would ensure a three-month service standard for asylum casework, so that the Government can tackle the backlogs that they inherited. It would require UK Visas and Immigration to introduce that three-month service standard for decisions on asylum claims, to benefit both asylum seekers and the British taxpayer. The service standard

"must specify that 98% of initial decisions on all asylum claims should be made before the end of three months after the date of claim."

That would help the Government as they rectify the mess they inherited. If the Government suggest that the period I have chosen—three months—should be six months, I am happy to talk about that. I think that setting a stretch target—the Government are setting several, such as the 1.5 million homes target—is appropriate.

Matt Vickers: The Liberal Democrats' new clause 15 would require UK Visas and Immigration to reintroduce a three-month service standard for decisions on asylum cases, meaning that

"98% of initial decisions on all asylum claims should be made before the end of three months after the date of claim."

We agree with the principle that asylum applications should be determined as swiftly as possible, but the raft of new clauses proposed by the Liberal Democrats, including the unfunded proposals to create additional "safe and legal routes", would surely only increase the queue, and the time required to make initial decisions on claims. The Liberal Democrats do not appear to have any desire to remove those who have entered this country illegally. We can reduce decision times by deterring people, rather than inducing them to enter the country illegally. Is the proposed new clause an attempt to speed up the granting of citizenship, as per Liberal Democrat proposed new clause 13, rather than speeding up decisions so that we can deport those who have entered this country illegally?

Mike Tapp: It is worth noting that, prior to February 2019, there was a six-month standard time. That was abandoned by the previous Government around the same time that they decided to open the borders. Home Office Ministers have been looking to speed up processing as much as possible. The new clause would be unhelpful because the Home Office is often waiting on outside checks to be completed. The Home Office is, of course, seeking to speed up decisions, but its control is limited because it is trying to get through such huge backlogs. The second important point is that, if we legislate for this and an international event like the Ukraine situation occurs, we would not be able to speed up processing by putting some of the people already being processed to the back of the queue.

3.15 pm

Dame Angela Eagle: The new clause—the hon. Member for Woking spoke about it, although I am not sure whether he tabled it—would introduce a new service standard to ensure that the majority of initial decisions on asylum claims are made within three months of a claim being lodged. It is good to make initial decisions, but if we are looking at asylum claims overall, and getting people through them in a fast, fair and efficient way, we also have to think about appeals, and think about such claims from the very start to the very end, rather than just the Home Office part. That is an important thing to consider. The new clause deals with only the first part of that. If one is looking at a system-wide approach, one has to look from the beginning to the end, rather than just at the initial decision in the Home Office.

I thank the hon. Member for the new clause and stress that we are in absolute agreement that it is important that our asylum process is fair, efficient, as fast as possible, consistent with fairness, and robust. We are committed to ensuring that asylum claims are considered without unnecessary delay. Delays are not always our fault, but they sometimes have been in the past. We are committed to ensuring that those who need protection are granted asylum as soon as possible so that they can start to integrate, rebuild their lives and contribute to our society in the way we all want to see happen. As such, I assure him that we are already taking important steps to achieve that.

The Government restarted processing thousands of asylum claims that were stuck in the perma-backlog that we inherited when we came into office, and we are clearing those at pace, making initial asylum decisions. We are also delivering a major uplift in removals when people fail and have no right to be in the UK; there were 19,000 removals between when we came into office on 4 July last year and the end of January.

The Government continue to restore order to the immigration system so that every part—border security, case processing, appeals and returns—operates fairly and swiftly. By transforming the asylum system, we will clear the backlog of claims and appeals, and that work is ongoing. We have taken action to speed up asylum processing while maintaining the integrity of the system, including simplifying guidance, streamlining processes, developing existing and new technology to build on improvements such as digital interviewing, and moving away from a paper-based system.

We have also changed the law to remove the retrospective application of the Illegal Migration Act 2023, which created the perma-backlog that we had to deal with when we came into Government. That allows decision makers to decide asylum claims from individuals who have arrived in the UK from 7 March 2023, with claims to be considered against the existing legislative regime under the Nationality and Borders Act 2022, which caused much of the previous delay.

I hope that the hon. Member for Woking agrees that the work that we have put in place is starting to have a real impact. I have considerable sympathy with what he is saying in the new clause, but I hope that we will be able to get to a fast, fair and efficient system with the reforms that we are making now, rather than with the new clause.

Mr Forster: An Opposition Member and a Minister are not normally meant to agree this much, but I think we do. We probably will not vote the same way, but we generally agree. Last year, there was an asylum seeker who had waited 16 years for a decision on their claim. At the same time, there were 19 people waiting 10 years

or more for a decision. That is how broken the system is, and I do not envy the Minister her job. The new clause would support the Government's work, and I hope that Members will support it.

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

The Committee divided: Ayes 2, Noes 12.

Division No. 15]

AYES

Forster, Mr Will	Wishart, Pete

NOES

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

Question accordingly negatived.

New Clause 16

EXEMPTION OF NHS WORKERS FROM IMMIGRATION SKILLS CHARGE

"The Secretary of State must, within six months of the passing of this Act, implement an exemption for National Health Service workers from the immigration skills charge for sponsoring a Skilled Worker or a Senior or Specialist worker." *—(Will Forster.)*

This new clause would require the Secretary of State to apply an exception to the NHS as an employer from having to pay the immigration skills charge when sponsoring skilled employees.

Brought up, and read the First time.

Mr Forster: I beg to move, That the clause be read a Second time.

I am happy to introduce new clause 16, which involves an exemption for NHS workers from the immigration skills charge. This new clause would require the Secretary of State to exempt the NHS as an employer from having to pay the immigration skills charge when sponsoring skilled employees.

Matt Vickers: Liberal Democrat new clause 16 would require the Secretary of State to apply an exception to the NHS as an employer from having to pay the immigration skills charge when sponsoring skilled employees. Do the Liberal Democrats not believe that we should be recruiting British workers to work in the NHS before we look to recruit overseas workers? Do the Liberal Democrats understand that this new clause could result in the NHS recruiting more people from overseas, rather than from our domestic population, further driving up those numbers? What assessment has been done of the costs of such a scheme, and how would the Liberal Democrats seek to ensure that it was fully funded?

Katie Lam: The hon. Member for Woking has tabled the new clause with a view to the role that migrant health and care workers play in UK health services. We are all deeply grateful to our doctors, nurses and care workers. They do rewarding jobs, but their roles can be difficult and gruelling, too. It is true that many people in the workforce are not British but have come to this country to do that work. We must thank them for helping to keep us and our families healthy and cared for, but it is our role in Westminster to look at the whole picture and be informed but not led by individual cases.

When we look at that picture, we see that the volumes for the health and social care visa are eye watering. Since 2021, more people have come to this country under the health and social care route than live in the city of Manchester—well over half a million, of whom many are dependents. Yes, that is because these jobs are tough, but it is fundamentally because they are underpaid. To quote the independent Migration Advisory Committee,

"the underlying cause of these workforce difficulties is due to the underfunding of the social care sector."

Immigration alone cannot solve these workforce issues. Underpaying health and social care professionals is financially self-defeating, because the money the Government save in the short term is dwarfed in the medium and long term by the costs to the state. As we have discussed this afternoon, and as the Minister has heard me say in several different settings, after five years a person who has come to this country on a health and social care visa can apply for indefinite leave to remain. If they get it, and 95% of ILR applicants are successful, they will qualify for welfare, social housing, surcharge-free NHS care—everything. That must all be paid for, and the cost is far greater than those on such salaries will ever pay in tax and far more than they save the state with their artificially low wages. Those individual workers are also at risk of exploitation as a result of the poor pay and conditions that have been allowed to endure across the sector because we have brought in workers from abroad who are willing to accept them as the price of coming to Britain.

The next, related issue with the visa is the degree to which it is abused. The MAC describes its misuse as

"a significant problem and greater than in other immigration routes".

That raises massive concerns about the safety of the patients and vulnerable people whom the system is charged with caring for.

The rules around the health and care visa need to be further tightened, not loosened through an exemption from the immigration skills charge, and they need to be enforced. That is for the good of healthcare workers and, as should be the Committee's primary concern, for the good of their patients and the country. Exempting NHS workers from the immigration skills charge, or indeed doing anything that makes it relatively cheaper still to hire migrant workers, will make the fundamental problem in the health sector's labour market even worse.

Pete Wishart: This afternoon seems to be a bit of a Lib Dem fest because of the new clauses tabled by the hon. Member for Woking. There is nothing wrong with that; in fact, I very much approve of this new clause.

To the hon. Member for Weald of Kent—I do not like to rebuke her, because that is not the sort of Member of Parliament I am, as you will know, Dame Siobhain—I say that so many people come through the health and care route because there is real need in the whole system. We need people to come and make sure that someone has those jobs. I challenge her to visit the NHS establishments in her constituency and find out

[Pete Wishart]

the real difficulties that many health professional managers have in securing the staff they require. This new clause is a practical suggestion to deal with a real issue in our immigration system. It is unfair that those who come to do some of the most demanding and low-paid jobs in the UK are forced to pay that charge.

Katie Lam: I do not disagree with the hon. Member at all about the problems in the sector. My point was that the fundamental reason for those problems is that the roles are underpaid.

Pete Wishart: We know those jobs are underpaid, and that is why so few people in the general community whom the hon. Lady would class as British-born are prepared to do them. We are dependent on people coming to our shores to do those jobs, and our health service would fall apart if they all decided to leave. We depend on them, and it is unfair that they have to pay that extra and excessive charge. I hope that the Government will look at this new clause, because I think it is reasonably good and one of the few that would make a significant and practical improvement to the situation.

Seema Malhotra: I thank the hon. Member for Woking for tabling new clause 16, which would exempt the NHS from paying the immigration skills charge when recruiting skilled workers. I recognise that the intention is to protect the NHS and reduce the cost of recruiting those vital health and care professionals. As we all know, they do a fantastic and important job for all our constituents and families in looking after the wellbeing of people across the UK. It is worth recognising, however, that the new clause would run contrary to the Government's position that we should reduce our reliance on international workers in all sectors of the UK economy, including the NHS.

The clue to what the immigration skills charge is for and why we have it is in the word "skills", so removing it would send the wrong message. We would be removing an important tool to encourage employers to look first at the domestic labour market and at what more could be done to train and improve the skills of people already in the UK, rather than looking outside it and continuing our reliance on overseas trained workers to support our public services. In the light of what the immigration skills charge is for—to help and support the development of skills and, therefore, to support the growth of our skills and talent in the UK—I hope that the hon. Gentleman will reconsider and withdraw the new clause.

3.30 pm

Mr Forster: I will start with what I describe as the brass neck of the Conservatives for breaking the NHS, the immigration system and the social care system, and then criticising my proposal for tackling those problems. I find that extraordinary. We should reduce our reliance on foreign labour to support the workforce in the UK, including the NHS, but until we have done that, I do not believe we should make the NHS pay the immigration surcharge. That is the purpose of the new clause, and I hope some Members will support me.

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

The Committee divided: Ayes 2, Noes 12.

Division No. 16]

AYES

Forster, Mr Will	Wishart, Pete

NOES

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

Question accordingly negatived.

New Clause 18

COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS

"The Secretary of State must—

(a) within six months of the passing of this Act, introduce legislation to ensure the United Kingdom's full compliance with the 2009 Council of Europe Convention on Action against Trafficking in Human Beings; and

(b) within eighteen months of the passing of this Act, lay before Parliament a report on how the Government is ensuring full compliance with the Convention under this section." *—(Mr Forster.)*

This new clause would require the Secretary of State to introduce legislation which incorporates the Council of Europe Convention on Action against Trafficking in Human Beings into UK law and report on compliance with the Convention.

Brought up, and read the First time.

Mr Forster: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 19—*Victims of slavery or human trafficking: protection from immigration offences—*

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

(2) In section 52 (Duty to notify Secretary of State about suspected victims of slavery or human trafficking), after subsection (2), insert—

'(2A) The Secretary of State must make such arrangements as the Secretary of State considers reasonable to ensure that notification under this section does not include the supply of information to relevant persons or authorities that might indicate that—

(a) the victim has committed an offence under sections 24 to 26 of the Immigration Act, or

(b) the victim might otherwise meet the requirements for removal from the United Kingdom or for investigation pending removal.

(2B) For the purposes of subsection (2A), "relevant persons or authorities" include—

(a) a Minister of the Crown or a government department;

(b) an immigration officer;

(c) a customs official;

(d) a law enforcement officer;

(e) the Director of Border Revenue;

(f) the Border Security Commander;

(g) a UK authorised person; and

(h) the government of a country or territory outside the United Kingdom.'"

This new clause would prevent a public authority, when determining whether a person is a victim of slavery or human trafficking, from sharing information with immigration authorities and other public authorities that might result in deportation or prosecution for an immigration offence.

Mr Forster: We need to understand the impact of our immigration laws on victims of human trafficking and modern slavery. New clause 18 would require the Secretary of State to introduce legislation that incorporates into UK law the Council of Europe convention on action against trafficking in human beings, and to report compliance with the convention. New clause 19 would prevent a public authority, in determining whether a person is a victim of slavery or human trafficking, from sharing information with immigration authorities or other public authorities that might result in deportation or prosecution for an immigration offence.

I hope that the new clauses are taken in the spirit they are intended. If they fail—based on my experience in the last hour, I think they might—I hope that Ministers and their officials will work with their teams on our immigration laws to make sure that no vulnerable person who has been a victim of human trafficking or modern slavery falls through the cracks.

Matt Vickers: Liberal Democrat new clause 18 would require the Secretary of State to introduce legislation that incorporates the Council of Europe convention on action against trafficking in human beings into UK law, and to report on compliance with the convention. New clause 19 would prevent a public authority, when determining whether a person is a victim of slavery or human trafficking, from sharing information with immigration authorities and other public authorities that might result in deportation or prosecution for an immigration offence.

We have seen the abuse of human rights legislation by criminals who want to remain in the UK, such as an Albanian criminal who was allowed to stay in Britain partly because his son will not eat foreign chicken nuggets. The judge in the case allowed the father's appeal against deportation as a breach of his right to family life under the European convention on human rights. Foreign criminals pose a danger to British citizens and must be removed, but so often that is frustrated by spurious legal claims. The human right of our own citizens to be protected from the criminals is routinely ignored. How do the Liberal Democrats plan to stop the abuse of the clauses by people who know that their asylum claim is likely to be rejected, for example?

Pete Wishart: I rise in support of the new clauses, particularly new clause 18. There have been a number of references to ECAT throughout our proceedings. New clause 18 would give clarity and ensure that we are properly engaged in all the provisions of ECAT. It is designed to ensure that those caught up in human trafficking are protected, and that Governments do everything they possibly can to ensure that people are cared for and looked after. I fully support this important new clause.

Dame Angela Eagle: I think everybody in this Committee—I am being very generous—thinks that it is important to protect the victims of modern slavery, and we have legislation in our country to try to ensure that that happens. We also signed the Council of Europe convention on action against trafficking in human beings, and this country complies with the obligations under it.

The intention behind new clause 18 is to incorporate the convention into UK law, but UK compliance is already achieved by a combination of measures in domestic legislation, such as the Modern Slavery Act 2015 and the Nationality and Borders Act, the criminal justice system and the processes set out in the modern slavery statutory guidance for identifying and supporting victims of slavery and trafficking. Implementation and compliance with those obligations does not require full incorporation into UK law, and therefore the amendment is not required. It will not really add a lot.

On new clause 19, the Modern Slavery Act provides certain named public bodies in England and Wales with a statutory duty to notify the Secretary of State when that body has reasonable grounds to believe that a person may be a victim of slavery or human trafficking. The information provided for that notification enables the UK to fulfil its obligations to identify and support victims of slavery and trafficking. The duty to notify is discharged for adults by making a referral into the national referral mechanism where the adult consents to enter the mechanism, or by completing an anonymous entry to that mechanism on the digital system where the adult does not consent. The information provided via the digital system is used to build a better picture of modern slavery in England and Wales and helps to improve the law enforcement response, so it is important that that information is collected.

The information does not include that which identifies the person, either by itself or in combination with other information, unless the person consents to the inclusion of the information. So that information can be put in there anonymously. Child victims do not need to consent to enter the national referral mechanism. As such, the national referral mechanism discharges the duty to notify.

If a person is identified in the national referral mechanism as a potential victim of modern slavery or trafficking, they are eligible for a recovery period during which they are protected from removal from the UK if they are a foreign national and are eligible for support, unless they are disqualified on the grounds of public order or bad faith. Bad faith refers to lying about one's circumstances, and public order refers to an individual who could be a danger to society. We have had some discussion about that with respect to section 29 of the Illegal Migration Act, which the Government have decided to retain but have not yet commenced. I think we also discussed section 63 of the Nationality and Borders Act.

When we came into government, the national referral mechanism decision-making process was in disarray, with a huge backlog. We ensured that 200 more caseworkers were allocated to deal with the backlog, and there has been a great deal of very good progress in getting that backlog down. The Minister for Safeguarding, my hon. Friend for Birmingham Yardley (Jess Phillips), is particularly concentrating on getting the national referral mechanism back on track as part of the battle against modern slavery.

With those responses, I hope that the hon. Member for Woking will withdraw the new clause.

Mr Forster: I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 20

HUMANITARIAN TRAVEL PERMIT

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

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

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

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

(c) there are serious and compelling reasons why P's protection claim should be considered in the United Kingdom.

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

(a) the extent of the risk that P will suffer persecution or serious harm if entry clearance is not granted;

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

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

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

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

(5) The requirements are—

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

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

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

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

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

(9) For the purposes of this section—

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

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

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

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

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

(iii) under Article 2 or 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950 ('the European Convention on Human Rights');

(d) 'persecution' is defined in accordance the Refugee Convention; and

(e) 'serious harm' means treatment that, if it occurred within the jurisdiction of the United Kingdom, would be contrary to the United Kingdom's obligations under Article 2 or 3 of the European Convention on Human Rights (irrespective of where it will actually occur)."—*(Mr Forster.)*

This new clause would create a new "humanitarian travel permit".

Brought up, and read the First time.

Mr Forster: I beg to move, That the clause be read a Second time.

This is a comprehensive new clause, and I am tempted to be brief in my introduction to it. My Liberal Democrat colleagues would like to suggest the creation of a humanitarian travel permit to counter the gangs that the Government are seeking to attack and undermine through the Bill. We need to support those who genuinely need to travel here safely, and this new clause is an appropriate way forward. As I say, it is long and comprehensive. Hon. Members might want to ask questions about it, or they might want to take it apart, but it is a genuine suggestion about how we undermine the gangs and encourage people to come here safely.

Matt Vickers: The Liberal Democrats have tabled new clause 20, which would introduce a so-called humanitarian travel permit. The Conservatives have previously drawn up schemes such as Homes for Ukraine and the Ukraine family scheme for families seeking refuge from the war. We do not need a specific permit for people across the world to use to come to the UK, so we do not support the measure.

Seema Malhotra: I will keep my remarks brief, because there is some overlap between this new clause and the debate we had on safe and legal routes. New clause 20 proposes a new humanitarian travel permit. As we have mentioned, the UK has a strong history of protecting those fleeing war and persecution around the world.

I talked about the UK resettlement scheme that we run in partnership with the UNHCR. When people are assessed independently by the UNHCR and accepted as refugees, they may then be allocated to the UK under that scheme; it is then for the UK to provide visas to them in advance of their travelling to the UK, so that they can come here safely.

We previously discussed why there is no provision in the immigration rules for someone to be allowed to travel to the UK to seek asylum, as I think the new clause seeks to provide. There are risks: we may be sympathetic to the international system that I just mentioned, which supports people fleeing very difficult and dangerous situations, but it would be difficult to consider protection claims from large numbers of individuals overseas who might like to come to the UK. It is the case that, as part of how the system works internationally, those who need international protection should claim asylum in the first safe country that they reach. That is the fastest route to safety.

3.45 pm

It is also important to be clear that the routes by which people come to the country are always kept under review, including safe and legal routes, humanitarian routes and other routes, such as work, family or study. The upcoming immigration White Paper will set out

proposals on how we bring our immigration system back under some control, and how we ensure that it is fair, well managed and controlled, particularly after the utter chaos, in all respects, that we saw with regular and irregular routes under the previous Administration.

That is why we are taking a whole-system approach to the immigration system as part of this important debate, which will be led by evidence and will contribute data as further evidence in the future. It is also why, in relation to some of the underlying drivers of the new clause, we are determined to restore order to the asylum system, so that it operates swiftly, firmly and fairly, and to ensure that rules are properly enforced.

Mr Forster: The hon. Member for Stockton West highlighted that the scheme proposed by the new clause is not dissimilar to ones that the previous Government introduced for Ukrainians and people from Afghanistan, which I found an interesting comparison. If it is appropriate for some specific countries, why would it not be appropriate to have such a scheme on the legal shelf in case we were to need it, especially as the world is more dangerous than ever before?

Mike Tapp: To go back to what the Minister said, does the hon. Gentleman acknowledge that the UNHCR schemes do precisely that?

Mr Forster: I acknowledge that those schemes try to do that, but I do not think they are working—the exhibit for that is the number of small boats that we see and the number of people fleeing conflict. Those rules do not meet the framework that is currently required in the UK and in the world, hence this new clause. I am mindful of time, so I will be brief: I hope that hon. Members will support this new clause, which would be a good legal tool for attacking the gangs and protecting vulnerable people as they flee their homes in conflict.

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

The Committee divided: Ayes 2, Noes 12.

Division No. 17]

AYES

Forster, Mr Will	Wishart, Pete

NOES

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

Question accordingly negatived.

New Clause 21

FUNCTIONS OF THE COMMANDER IN RELATION TO SEA CROSSINGS TO UNITED KINGDOM

"(1) In exercising the Commander's functions in relation to sea crossings to the United Kingdom, the Commander must have regard to the objectives of—

(a) preventing the boarding of vessels, with the aim of entering the United Kingdom, by persons who require leave to enter the United Kingdom but are seeking to enter the United Kingdom—

(i) without leave to enter, or

(ii) with leave to enter that was obtained by means which included deception by any person;

(b) ensuring that a decision is taken on a claim by a person under subsection (1)(a) within six months of the person's arrival in the United Kingdom; and

(c) making arrangements with a safe third country for the removal of a person who enters the United Kingdom without leave, or with leave that was obtained by deception.

(2) The Commander must include, in the strategic priority document issued under section 3(2), an assessment of—

(a) the most effective methods for deterring illegal entry into the United Kingdom;

(b) the most effective methods for reducing the number of sea crossings made by individuals without leave to enter the United Kingdom; and

(c) the most effective methods for arranging the removal, to the person's own country or a safe third country, of a person who enters the United Kingdom illegally.

(3) For the purposes of this section—

(a) 'sea crossings' are journeys from dry land in France, Belgium or the Netherlands for the purpose of reaching dry land in the United Kingdom; and

(b) illegal entry to the United Kingdom is defined in accordance with section 24 of the Immigration Act 1971 (illegal entry and similar offences)."—*(Matt Vickers.)*

This new clause sets out objectives and strategic priorities for the Border Security Commander in relation to sea crossings and arrangements with a safe third country for the removal of people who enter the UK illegally.

Brought up, and read the First time.

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

The Committee divided: Ayes 3, Noes 9.

Division No. 18]

AYES

Bool, Sarah	Vickers, Matt
Lam, Katie	

NOES

Botterill, Jade	Malhotra, Seema
Eagle, Dame Angela	Stevenson, Kenneth
Gittins, Becky	Tapp, Mike
Hayes, Tom	White, Jo
McCluskey, Martin	

Question accordingly negatived.

New Clause 22

ACCESS TO MOBILE PHONE LOCATION DATA

"(1) The Investigatory Powers Act 2016 is amended as follows.

(2) In section 86 (Part 3: interpretation), after subsection (2A)(b), insert

'(c) illegal immigration.'

(3) The Immigration Act 2016 is amended as follows.

(4) In paragraph 4 of Schedule 10, (electronic monitoring condition), after subsection (2)(d) insert

'(e) involve the tracking of P using P's mobile phone location data.'"—*(Matt Vickers.)*

This new clause would allow law enforcement to access mobile phone location data of people who enter the UK illegally.

Brought up, and read the First time.

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

The Committee divided: Ayes 3, Noes 11.

Division No. 19]

AYES

Bool, Sarah
Lam, Katie
Vickers, Matt

NOES

Botterill, Jade
Eagle, Dame Angela
Forster, Mr Will
Gittins, Becky
Hayes, Tom
McCluskey, Martin
Malhotra, Seema
Stevenson, Kenneth
Tapp, Mike
White, Jo
Wishart, Pete

Question accordingly negatived.

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

3.54 pm

Adjourned till Tuesday 18 March at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

BSAIB34 Open Rights Group

BSAIB35 Justice and Care

BSAIB36 International Organisation for Migration, Country Office for the United Kingdom of Great Britain and Northern Ireland (IOM UK)

BSAIB37 Home Office (letter to the Committee providing an update on Government amendments at Public Bill Committee)