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OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

BORDER SECURITY, ASYLUM AND IMMIGRATION BILL

Eleventh Sitting

Tuesday 18 March 2025

(Morning)

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not later than

Saturday 22 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

Tuesday 18 March 2025

(Morning)

[Dr Andrew Murrison *in the Chair*]

Border Security, Asylum and Immigration Bill

9.25 am

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

New Clause 24

Immigration Tribunal: hearings in public

"(1) The Nationality, Immigration and Asylum Act 2002 is amended as follows.

(2) In Schedule 5, after subsection 5, insert—

'(5A) All hearings of the Tribunal must be heard in public, and all decisions delivered in public,'".—*(Matt Vickers.)*

This new clause would require all rulings in the Lower Tier immigration tribunal to be heard in public.

Brought up, and read the First time.

Matt Vickers (Stockton West) (Con): I beg to move, That the clause be read a Second time.

It is a pleasure to serve under your chairmanship, Dr Murrison. The Conservative party has tabled the new clause to ensure that proceedings of the lower-tier immigration tribunal will be heard in public. We have seen absurd outcomes in some of the cases heard in the upper tribunal in recent months, and we feel it is important to make sure that the system is transparent and that the public have full access to the tribunal records at both levels.

Examples of recent cases reported by the *Telegraph* include that of an Albanian criminal who avoided deportation after claiming that his son had an aversion to foreign chicken nuggets, and that of a Pakistani paedophile who was jailed for child sex offences but escaped removal from the UK as it would be unduly harsh on his own children. More recently, it was reported that a Pakistani man was convicted of sexually assaulting a woman but was allowed to stay in Britain after he claimed he was gay. An Albanian criminal also avoided deportation after a judge ruled that long-distance Zoom calls would be too harsh on his stepson.

The absurdity is further emphasised by the case heard recently in which a Ghanaian woman won the right to remain in Britain as the wife of an EU national, even though neither she nor her husband was present at the wedding held in Ghana. The lower-tier tribunal stated that the marriage was not legal, but that was overturned in the upper tribunal, which ruled that the proxy marriage was recognised in law and that registration at the same time as the marriage ceremony was not mandatory.

The continued abuse of our legal system, and the use of human rights as a defence, has gone on for too long. In another case, a tribunal ruled that a convicted Ghanaian pastor who was deported from Britain for using fake documents should be free to return to the country. Despite being jailed for using illegal documentation, the individual in question appealed under article 8 of the European convention on human rights, leading a judge to revoke the deportation order, claiming that it was an "unjustifiable interference" in his human rights.

The number of decisions may be used as an argument against the new clause, but these decisions are important. The first-tier tribunal's asylum appeal backlog increased from 34,234 outstanding cases at the end of September 2024 to 41,987 by the end of December. That contrasts with 58,000 in the first quarter of this year. That is significantly more than the upper tribunal, but it underlines the importance of us knowing what has happened in these cases. Public trust is pivotal, as it—

The Minister for Border Security and Asylum (Dame Angela Eagle): It is a pleasure to see you in the Chair, Dr Murrison—I suspect that you will be bookending our proceedings, if we make reasonable progress today. Does the shadow Minister acknowledge that increases in appeal backlogs are a result of the legacy process that his Government undertook, because people whose claims were not granted in that process have appealed and added to the backlog?

Matt Vickers: We know that significantly more people are arriving in the country. In fact, since the election, the number arriving illegally is up 29%, as is the number of people staying in hotels. The Government are actually removing fewer people than arrive by small boat now. The more people arrive, the more the backlogs will become an issue. Transparency in these tribunals is essential.

Jo White (Bassetlaw) (Lab): I am really trying to get my head around the new clause. Why would decision making in public be different from decision making in private?

Matt Vickers: Public trust in these decisions is completely and utterly broken. The answer to that is not to allow a good chunk of them to go unseen by the public. The public deserve to see and the people making the decisions deserve to be held to account. We need to ensure that the law is fit for purpose. We need to see the impact of the Human Rights Act 1998 and the ECHR. That needs to be there for all to see. Public accountability and transparency are a good thing. The taxpayers out there, who fund all this, have a right to know what is going on, at any level, in the tribunals.

Tom Hayes (Bournemouth East) (Lab): It is a pleasure to serve under your chairpersonship, Dr Murrison. I agree that there is a lack of trust in our immigration and asylum system, but does the hon. Member agree that the cause of that is not the conduct of courts in public or private, but the backlogs that have been created and

the inability of the Conservatives to tackle the problems in our immigration and asylum system? Will he also reflect on the fact that the Conservatives in government had the opportunity to introduce this change but chose not to? Is he perhaps playing a bit of politics?

Matt Vickers: We have seen what has happened since the election. We will not go into the fact that numbers are up significantly, and whether the number of people arriving by small boat is down significantly, but actually, regardless of when it is changed, here is an opportunity, with a piece of legislation, to change this. The trust that the public have in the system is completely battered by these decisions, so it is right to have that transparency. The answer to the need to build public trust is not to hide a good chunk of what is going on, but to let more people see it. The light of day would be very good at getting rid of some of this toxicity, holding people to account and ensuring that the legislation that we have tomorrow is fit for purpose. As parliamentarians, we should be held to account for the legislation that we are putting forward. We should be held to account for its consequences, including in the tribunals that are making so many decisions on these cases.

Public trust is pivotal when advocating for Opposition new clause 24. It transforms the subject of the debate from a dry procedural tweak into a fundamental issue of democratic accountability. The British public's faith in the immigration system has been battered by the bizarre tribunal rulings highlighted earlier—decisions hidden behind closed doors that defy common sense and insult victims. By mandating public hearings at the first-tier tribunal, we can signal that justice is not just for claimants but for taxpayers, who fund it.

Mike Tapp (Dover and Deal) (Lab): The hon. Member has a lot to say in Opposition, but the big question is: why did he not do this when the current Opposition were in government?

Matt Vickers: We were doing lots of things. I am sure we will come on to some of the progress that was being made, including the Albania agreement, which has taken thousands and thousands of people back to Albania and reduced the number of people coming. That deterrent stopped people setting off in the first place. It was real progress.

The Bill—this is the reason why we are sitting here today—is the opportunity to shape what comes next, what impact that will have on the number of people coming across the channel and what impact that will have on public confidence in our courts system. That is what we are here for. It is why we have bothered sitting here for so many hours—to ensure that the legislation that goes forward tomorrow is fit for purpose.

Dame Angela Eagle: Not that many!

Matt Vickers: Well, we will see how much longer we get to sit. Time will tell, but I will move on.

Tom Hayes: The hon. Member is making a very powerful point about the importance of restoring trust and, to be fair to him, he has been making that point for many years. On 20 July 2021, he said in debate on the Nationality and Borders Bill:

> "Our asylum and immigration system is not fit for purpose. It lines the pockets of criminal gangs and people smugglers, and it is not fair on genuinely vulnerable people who need protection. It is also not fair on the British public, who pick up the tab."—[*Official Report*, 20 July 2021; Vol. 699, c. 902.]

I agree entirely with the hon. Gentleman about what happened in 2021, 2022, 2023, 2024 and, in fact, the years before that. Does he agree with the 2021 hon. Member for Stockton South, as he then was, that in fact the cause of the mistrust in our asylum system is the management of it, not what he is trying to address here?

Matt Vickers: I am glad the hon. Gentleman is a fan; I made an effort today with the tie. I think I was speaking as much common sense then as I am today. I agree that the system does not work. That is why we are here. It is why I hope these proposals will make a difference. It is why we are trying to improve the system. And that is why I think we should have transparency in these tribunal outcomes.

As I said, we are talking about decisions hidden behind closed doors that defy common sense and insult victims. By mandating public hearings at the first-tier tribunal, we can signal that justice is not just for claimants, but for taxpayers who fund it and citizens who live with its consequences. Transparency exposes these absurdities, has the potential to curtail judicial overreach, and could reassure a sceptical public that the system prioritises their safety and fairness over secretive leniency, because trust, once lost, is hard to rebuild.

It is only right that the general public, who foot the bill for these cases time and again, are allowed to fully understand what their money is being used for. It is only right that the public can see these sessions so that there is a place for scrutiny and accountability. It is only right that such a shameful abuse of the UK's legal system be exposed to the taxpayers of this country.

Mike Tapp: It is a pleasure to serve under your chairmanship, Dr Murrison. The hon. Member for Stockton West has made a creative argument, and I will try to bring some sense to it. First, we have to look at what the new clause would actually do for the country and our judicial system. Public hearings could expose vulnerable individuals, including victims of persecution or trafficking, to undue public scrutiny, which could deter genuine applicants from seeking justice. There are also security risks. Sensitive information about applicants' backgrounds, including details that could endanger their families in their home countries, could be exposed.

There is also the risk of the legal system being overloaded further, given what we have inherited. Increased public interest in the hearings could lead to more appeals and challenges, which would cause more delays and inefficiencies in the system. Finally, the new clause is simply unnecessary as courts already have the discretion to allow public access when appropriate. It would remove vital judicial flexibility.

Katie Lam (Weald of Kent) (Con): It is a pleasure to serve with you in the Chair, Dr Murrison. After years of broken promises, it should come as no surprise that the public do not trust politicians in Westminster on immigration. The distrust is compounded by regular reports of individual cases in the immigration system, the most shocking and nonsensical of which are often those of foreign criminals allowed to remain in this country due to human rights laws.

[Katie Lam]

The system is broken. It has been broken for many decades, and that is now plain to see. Our basic decency—our desire to do the right thing—is exploited by paedophiles, rapists, terrorists and hardened criminals, who threaten not just individual members of the public, which is terrifying enough, but the broader social fabric of our country. The news reports that we read are possible only because upper tribunal judgments on asylum and immigration are published at regular intervals. The publication of those judgments allows everyone in the country to see what tribunal judges have decided in asylum, immigration and deportation cases. Crucially, it allows us to scrutinise both their decisions and their reasoning. We can see why the judgments were made and what that says about our laws, and decide for ourselves whether we think that is right. Judges are not accountable to the public, but transparency allows everyone to see our laws in action and to form a view about whether they are the right ones.

However, upper tribunal judgments do not tell the full story. All immigration and asylum cases are first heard by a lower-tier tribunal, the judgments of which are not made available to the public. Unless the initial decision of the lower-tier tribunal is appealed, the public do not ever get access to the details of any given case. Given the absurdity of the cases that we do hear about, many members of the public will rightly be wondering what is happening in the cases that we do not see.

If we want to restore public trust in the immigration system, we must restore transparency. Publishing the decisions of lower-tier tribunals is not the biggest or most consequential change in the grand scheme of our broken immigration system, but it is a meaningful one. The public have a right to know about the way our tribunal system works, to know about the rules judges use to make fundamental decisions about immigration and asylum—about who can be in this country and why—and to see how those rules are applied in practice so they can decide for themselves whether that is right or wrong and whether it serves Britain's interests. That is why we tabled this new clause, and we sincerely hope that the Government will consider making it part of the Bill.

Margaret Mullane (Dagenham and Rainham) (Lab): It is an honour to serve on your Committee, Dr Murrison. I do not see how turning border security into public discourse on a case-by-case basis is beneficial to the process, either for those administering or presiding over the hearings, or for those subject to the tribunal process. I accept that there is an argument for greater transparency, but given the circumstances of people's arrival at our borders—they are fleeing trauma, in a vulnerable state—I feel it is inappropriate to parade the lives of asylum seekers in the public domain.

I have every faith that the Bill will create a robust system that is effective and accountable. The new clause would add nothing to its overall strength. The hon. Member for Stockton West says that trust has been lost in the asylum system. I think it will take this Bill and this Government to bring that trust back.

Dame Angela Eagle: I have to compliment the hon. Member for Stockton West on his tie, since he raised it, and the hon. Member for Weald of Kent seems to have good taste in the colour of her jackets. I promise that that is the last fashion statement that I will make in our proceedings today.

On new clause 24, we agree that accountability and transparency are absolutely vital for building trust and credibility in the immigration system. Under rule 27 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014—note the date—the presumption already is that hearings at the first-tier tribunal must be public unless the first-tier tribunal gives a direction that it or part of it is to be held in private. Indeed, the majority of hearings at the first-tier tribunal are public. However, there are sometimes appropriate reasons for a hearing not to be public. For example, hearings may be held in private to preserve confidentiality in respect of sensitive medical details or to protect the privacy of a victim of a serious crime—for example, of a sexual nature. It may also be done to protect a party or witness from duress.

That is precisely why the Tribunal Procedure Committee has broad discretion to determine what practice and procedure in the first-tier tribunal will best support the overall interests of justice, and why the judiciary has a range of case management powers under the tribunal procedure rules to decide how individual cases should proceed. Those tribunal powers were published and written when the party of the hon. Member for Stockton West was in government, in 2014. It is expected that judges will have a wide discretion in dealing with these sensitive issues.

On making rulings of the first-tier tribunal available to the public, currently judgments of the immigration and asylum chamber of the first-tier tribunal are not routinely published. The decision about whether to publish a judgment is a judicial one. However, members of the public and the media can apply to the tribunal for a copy of the judgment in a specific case. I know that the Lord Chancellor will continue discussions with the judiciary about how we can bolster accountability and transparency to build public confidence, but I cannot help feeling that perhaps certain people who might work for a certain newspaper are getting to the end of their search engines for absurd cases that they can publish, and want a whole new database to search. If they want to bring these issues out into the open at the first-tier tribunal, perhaps they should send some reporters to listen to the case or apply on an individual basis for the judgment to be published. Perhaps that might assuage their ongoing interest in these issues.

Matt Vickers: I thank the Minister for her opinion, but we stand by this new clause. We want greater transparency, and we think this is an opportunity to do just that and allow the public to see what is and is not going on, so we will press it to a Division.

9.45 am

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

The Committee divided: Ayes 2, Noes 12.

Division No. 20]

AYES

Botterill, Jade	McCluskey, Martin
Eagle, Dame Angela	Malhotra, Seema
Hayes, Tom	Mullane, Margaret

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

NOES

Lam, Katie	Vickers, Matt

Question accordingly negatived.

New Clause 25

QUALIFICATION PERIOD FOR INDEFINITE LEAVE TO REMAIN IN THE UNITED KINGDOM

"(1) The minimum qualification period for applications for indefinite leave to remain in the United Kingdom is a period of ten years.

(2) The qualification period in subsection (1) applies to a person who has—

(a) a tier 2, T2, International Sportsperson or Skilled Worker visa,

(b) a Scale-up Worker visa,

(c) a Global Talent, Tier 1 Entrepreneur or Investor visa,

(d) an Innovator Founder visa,

(e) a UK Ancestry visa, or

(f) a partner holding UK citizenship.

(3) A person who has lived in the United Kingdom for ten years or more but does not meet the criteria in subsection (2) cannot apply for indefinite leave to remain in the United Kingdom."
—(Matt Vickers.)

This new clause would extend the qualification period for applying for Indefinite Leave to Remain in the UK to ten years and abolish the long-stay route, through which a person can apply for Indefinite Leave to Remain based solely on having lived in the UK for ten years or more.

Brought up, and read the First time.

Matt Vickers: I beg to move, That the clause be read a Second time.

The Conservative party is clear that the ability of immigrants to remain indefinitely in the United Kingdom and to acquire British citizenship should be not an automatic right, but an earned privilege, reserved for those who have made a real commitment to the UK. New clause 25 would increase from five to 10 years the period before a person can claim indefinite leave to remain, and add conditions to ensure that those applying for indefinite leave to remain have not claimed benefits or relied on social housing while here on work visas. Those claiming indefinite leave to remain must also be able to demonstrate that their household would be a net contributor and that they do not have a criminal record.

It is only right that individuals prove they have made a positive contribution to the United Kingdom and that their place in society is justified. For too long, the United Kingdom has been seen to have an open door policy, and this has been abused. Enough is enough. The 10-year rule would prove commitment—five years lets you settle; 10 years lets you prove you belong. It is enough time for people to learn our language, adopt our values and pay their dues.

Tom Hayes: This proposal has emerged before the Leader of the Opposition sets in train her new policy commissions, including one on immigration, so it is good to get a teaser today. Under this proposal, will a person who would seek to apply for indefinite leave to remain after 10 years be required to apply for limited leave to remain every 30 months?

Matt Vickers: The hon. Gentleman has got me. I was hoping he was going to spout some more of the common sense that I have contributed to *Hansard*.

Pete Wishart (Perth and Kinross-shire) (SNP): He doesn't know!

Matt Vickers: We have said 10 years. That is a principle actually—

Tom Hayes: I might be able to help the hon. Gentleman. The IPPR, which listens to the voices of migrants, asylum seekers and refugees navigating that 10-year process—people who look to settle here legally—and which looks at the data, published a report, "A Punishing Process", which talks about some of the administrative costs and difficulties of the process. As part of the Leader of the Opposition's new commission on immigration, will the hon. Gentleman be able to provide an assessment of the true cost to the Home Office of an individual applying for LLR every 30 months? Will he would maintain the requirement that people have to pay £2,608 as an adult and £2,223 for a child in visa fees? One of the concerns of the IPPR report is that poorer people often get pushed into greater poverty by having to apply every 30 months.

Matt Vickers: We have processes in place that determine this, and they do come with a cost. However, the cost to the British taxpayer of allowing this to go on unabated is that much greater. There are processes in place and there are costs attached to them, but there are huge costs attached to allowing people indefinite leave to remain on shorter terms than we are suggesting.

Tom Hayes: Can the hon. Gentleman tell me which evidence base supports that assertion?

Matt Vickers: There is huge cost. I will come to what the cost will be in the next few years of the number of people who are about to gain indefinite leave to remain.

Tom Hayes: Can he give me the name of the report?

Matt Vickers: No, I will not give him the name of the report.

Applying the 10-year rule, rather than the five-year rule as now, would prove commitment. As the shadow Home Secretary, my right hon. Friend the Member for Croydon South (Chris Philp) said:

"A British passport is a privilege, one that has been debased by benefit tourism for too long. Our plan gets it right, making sure that those who pay their way get to stay."

The Prime Minister, bizarrely, does appears to think that British citizenship is not a pull factor, so much so that the Government are seeking to repeal swathes of the Illegal Migration Act 2023 passed under the previous Conservative Government. In doing so, this Government will scrap rules that meant that almost all those who entered the United Kingdom illegally would not be entitled to British citizenship, and that asylum seekers who failed to take age tests would be treated as adults. Those were common-sense policies. We are calling on all parties, and especially the Government, to support

[Matt Vickers]

this new clause. We need to ensure that everyone who comes to this country is willing to contribute and to integrate into our society.

Chris Murray (Edinburgh East and Musselburgh) (Lab): It is a pleasure to serve under your chairship, Dr Murrison. Madeleine Albright, the former US Secretary of State, was first a refugee in the UK, and she said that, in Britain, people would say to refugees, "You're welcome here…and when are you going home?" whereas, in America, they said, "You're welcome here…and when will you become a citizen?" Does the hon. Member not think that the problem the last Government created was that they moved to a high-churn model of migration, with huge numbers of people coming in, working in low-paid jobs, not integrating and then leaving, and more people coming in? We want to incentivise people to learn the language, engage with our institutions and follow our rules, which means that pathways such as this are really important, not the model that we have seen for the past 14 years.

Matt Vickers: The principle here is that we are saying, "You will get indefinite leave to remain, not after five years but after 10 years." We have already had the debate about British citizenship and what that means—all the benefits that come with it and all the costs to the taxpayer that are attached to it. I therefore I think that this principle is right: if someone is going to stay here, they have to have been here longer, earned their keep, contributed and integrated properly. I think that 10 years allows that. I think that this is the way forward, and I stand by it.

Tom Hayes: I thank the hon. Member for his patience in allowing me to intervene again. Is it not fair of the Government to accept only those amendments whose details are actually known and worked up; and is it not, therefore, unfair of the hon. Member to press a new clause when he has not worked out the details of what its implementation would look like?

Matt Vickers: The details and the need for people to engage with the authorities are already in place. This new clause is literally about saying "10 years" instead of "five years". No part of it amends existing provisions regarding migrants' responsibility to account for themselves during that period. There is no suggestion of any change to that; it is beyond what we are amending through the new clause. If we wanted to change that, there would certainly be a debate to be had, and there would probably be opportunities to bring forward amendments, but that is not what we are proposing here. We are proposing to increase the period from five to 10 years.

Our country is our home; it is not a hotel. We can guess what the Government's response to this will be—more deflection and criticism—but they must remember that they are in government now and have a duty to protect the British taxpayer from unnecessary costs. If they do not act, every UK household is forecast to pay £8,200 as a result of between 742,000 and 1,224,000 migrants getting indefinite leave to remain in the next couple of years. The Government must act to ensure that everyone who stays in the country is a net contributor.

It may interest the Government to know that changes to indefinite leave to remain have happened before—and can and should happen again now. In 2006, under the then Labour Government, the Home Secretary extended the time required to obtain indefinite leave to remain from four years to five years, an extension that applied retroactively to those already actively pursuing indefinite leave to remain. It is hoped that this Government will make a similarly bold move and support new clause 25.

Before the accusations start to be thrown around, let me make it crystal clear that new clause 25 is not some cold-hearted exercise in exclusion; it is a robust, principled stand for expectations—a line in the sand that says that if someone wants to live here, stay here, and call Britain their home, that comes with a reasonable cost. That cost is not measured just in pounds and pence, but in commitment, in responsibility, and in proving that they are here to lift us up, not weigh us down.

A recent study undertaken by the Adam Smith Institute found that, according to figures produced by the Office for Budget Responsibility, the average low-wage migrant worker will cost the British taxpayer £465,000 by the time they reach 81 years of age. It is clear that opening the ILR door to millions of new migrants will impose a considerable and unwanted financial burden on the British taxpayer for decades to come.

The OBR report explores the opportunity to reform indefinite leave to remain rules, which new clause 25 seeks to do, to help mitigate the long-term fiscal burden of low-skilled migrants, who are unlikely to be net contributors to the public purse. A refusal to back new clause 25 is not just inaction, but a choice to prioritise the untested over taxpayers—to keep the welcome mat out while the costs pile up. The Opposition say no, this is our home, and we expect those arriving to treat it as such.

Pete Wishart: It is a pleasure to once again to serve under you as Chair, Dr Murrison. When I look at the Tory amendments in their totality, they are quite frankly an absolute and utter disgrace. It is as if the Tories have learnt absolutely nothing from the Rwanda debacle and the Illegal Migration Act 2023. Some of the amendments that we will be debating are simply heinous, lacking in any reasonable standard of compassion and empathy. What a country they would create: one devoid of human rights and international protections, where people are simply othered and deprived of any rights whatsoever. Some of the most desperate and wretched people in the world would be denied and booted out.

I used to say that the Tories would never beat Reform in the race to the bottom, but looking at the collection of amendments that we are debating today, they are going to give it their best shot. It is just possible that they will out-Reform Reform colleagues in the House of Commons. The amendments are not only terrifying but ludicrously unworkable—blatant political grandstanding, designed to appeal to the basest of instincts. We have the grim task of having to debate them one by one; I just hope that the Committee will reject them totally out of hand.

New clause 25 was raised in a blaze of publicity at the end of the self-denying ordinance from the Leader of the Opposition when she announced her new immigration policy, which I understand has been changed and finessed over the course of the past few weeks, but is still as

grotesque underneath as it started. The Conservatives do not believe that British citizenship should be a privilege; they believe that British citizenship should be virtually unobtainable, and that the strongest possible tests must be applied before anybody is ever going to get the opportunity to call themselves a British citizen. That is totally and utterly self-defeating.

The provision will apply to work-based visa holders, skilled workers and global talent, who can currently apply for ILR after five years. Extending that period to 10 years could deter highly-skilled workers and investors from coming to stay in the UK. It may lead to workforce instability, particularly in sectors reliant on international talent. It would also disadvantage certain migrants and people who have lived legally in the UK for 10 years but do not hold one of the listed visas. This is an unworkable, crazy proposal that can only be self-defeating and have a massive impact on our economy. It would create a massive disincentive to the very people we need to come into the UK to fill some of our skills gaps. I hope the provision is roundly rejected.

Jo White: It is a pleasure to serve under your chairship, Dr Murrison. We should never be surprised by the audacity of the Conservative party, which now exists in a state of amnesia following the previous 14 years of failure, collapse and chaos. Let me take a moment to remind Opposition Members of their failed promises.

A good place to start is the general election campaign of 2010, when David Cameron said that his Government would reduce net migration to the tens of thousands. At that point, net migration stood at 252,000. In 2011, he went further, saying that his target would be achieved by the 2015 general election—"No ifs. No buts." But when the ballot boxes were opened in that election, numbers had risen to 379,000. Then along came Theresa May. At the snap 2017 general election, net migration stood at 270,000, and she had an election pledge to get net migration down to the tens of thousands, but by 2019 the number had risen to 275,000.

10 am

Next, Boris Johnson promised yet again to bring down net migration, saying he would reduce the number of unskilled workers coming into the country. In 2020, net migration rose again, to 374,000. With the labour shortages following covid, more visa routes had to be urgently opened for lorry drivers, bus drivers, the hospitality sector and for high-skilled roles, after the Conservative Government failed to invest in British workers.

Then the small boats crisis began, with the Conservative Government failing to do anything to stop its source, its methods or the routes. Under Rishi Sunak, they came up with a wizard idea that sending a group of arrivals to Rwanda would stop the boats. Well, we all know the outcome of that failure: 80,000 people arrived on small boats during that period. By June 2024, net migration stood at 728,000. Now we have the leader of the Opposition wanting to act tough on migration, but with her party's recent history, how can anyone believe a word she says? All the Conservatives' credibility is gone. This Government are focused on sorting out their mess. In my view, new clause 25 is yet another wheeze—speak big, but do little.

Katie Lam: How can I begin my remarks without repaying the Minister's kind words about my clothing? This is one of my favourite jackets and I am delighted to see that it might also be one of hers.

It is no secret, as the hon. Member for Bassetlaw has just set out, that previous Governments of different parties have failed the British public on immigration. The level of immigration to this country has been too high for decades and remains so. Every election-winning manifesto since 1974 has promised to reduce migration. As my right hon. Friend the Member for North West Essex (Mrs Badenoch) has said, the last Government, like the Governments before them, promised to do exactly that, but again like the Governments before them, they did not deliver. Because of that failure to deliver, the British public may face a bill of more than £200 billion in the years ahead, unless we change the rules on settlement.

Under current rules, after just five years in the UK, migrants on work or family visas will become eligible for indefinite leave to remain. If they are successful, and 95% of ILR applicants are, they are entitled to welfare, social housing, surcharge-free access to the NHS and more. According to the Centre for Policy Studies, some 800,000 migrants could claim ILR over the course of this Parliament. Given the profile of those who are likely to qualify, that could come at a lifetime cost of £234 billion.

Tom Hayes: Will the hon. Member give way?

Katie Lam: I will gladly.

Tom Hayes: Sorry, I coughed and laughed at the same time, partly because I think the hon. Member anticipated the point I was about to make. I will put this on the record again, as I have consistently. She may have more information to come back to me with and I will come back to her. The Centre for Policy Studies report is flawed. It has skewed information; it uses assumptions that are unreasonable and the financial modelling that ensues is therefore unreasonable. As a consequence, it feels like the Centre for Policy Studies and the hon. Member are reaching for a very large number to create the impression that there will be a very significant financial burden.

I make two additional points. First, even if that report relied on reasonable assumptions and therefore the modelling was correct, the Boris wave was caused by her party's Government. She is nodding her head; she affirms that. I welcome that, in her speech, she has so far acknowledged the failings of that Government. Secondly, the report makes some very big assumptions about the future behaviour of the people currently in the migration system in our country. That is not a wise move, particularly when she is extrapolating £235 billion to £240 billion across a very long timeline. In fact, if we were to break it down on an annualised basis, even using the report's flawed assumptions and flawed modelling, the figure would be far smaller. We need to have some integrity in the data that we use. Does she agree?

Katie Lam: As Professor Brian Bell said in evidence to this Committee—in a session to which the hon. Member for Bournemouth East has referred a couple of times—

"It is actually extremely difficult to work out the fiscal impact of migration."—[*Official Report, Border Security, Asylum and Immigration Public Bill Committee,* 27 February 2025; c. 59, Q92.]

That is clearly true: forecasting the lives of millions of people over decades will obviously have a substantial margin for error.

[Katie Lam]

The only way to avoid that error would be not to try to forecast in the first place. I have repeatedly asked the Home Office, over several months, whether anyone in that Department or any other—indeed, anyone in Government—is attempting to forecast the cost to the public purse of the ILR grants that will come in this Parliament. I am yet to receive an answer. To me, that clearly says that nobody in Government is thinking about the impact the issue will have and how much it will cost. When they do, I will happily use those numbers. Until and unless that happens, the modelling from the CPS is the best we have—in fact, it is all that we have.

Tom Hayes: This is my last intervention on this matter. I take the hon. Lady's point entirely, but will she not acknowledge that the modelling has deep, fundamental flaws? Although it may be the only modelling and therefore the best, on the strength of what is in that report it is still not worth considering or using in parliamentary debate.

Katie Lam: I have already acknowledged that the margin for error is massive—that is clearly true. If everything that the hon. Member is saying is correct, I would like to see Government figures to replace the CPS figures. I think that is a reasonable request.

The £234 billion cost is equivalent to £8,200 per household, or around six times our annual defence budget, and this about not just money but capacity. Our public services are clearly already overstretched and this could push them to breaking point. If we accept, as we should, that previous Governments have failed on migration, then we should do everything in our power to limit the long-term impacts of that failure. That is why the Conservatives propose to extend the qualifying period for ILR and reform settlement rules to ensure that only those genuinely likely to contribute will be eligible for long-term settlement. That would give us an opportunity to review visas issued over the last few years. Those who have come to this country legally on time-limited visas and have subsequently not contributed enough, or have damaged our society by committing crime, should be expected to leave.

The Prime Minister has repeatedly said that the levels of immigration under the last Government were wrong and that it was a mistake to allow so many people to come to the UK. This amendment would allow the Government to limit the long-term consequences of that mistake, so why would they oppose it? It is not too late to change our rules around settlement. By refusing to extend the eligibility period for indefinite leave to remain, the Government are actively choosing to saddle the British taxpayer with a likely bill of hundreds of billions of pounds. We must make difficult decisions on this reform and the many others required in our migration system. Those decisions may be painful, especially in the short term, for individual people, families or businesses but they are the only way for any Government's actions to match their words. The public have had enough and rightly so.

The hon. Member for Bournemouth East talked about LLR, which must be applied for every two and a half years on the existing 10-year route. That is the case only because, as it stands, the 10-year route, by design, is for those not on eligible visas. The five-year route that we here propose to change is exclusively for those on eligible visas. I therefore cannot see why, within the existing rules, there would be any requirement for LLR applications. I hope that reassures the hon. Member.

Margaret Mullane: The new clause is not in keeping with the provisions outlined in the Bill, which primarily focus on border security through new and strengthened law enforcement powers, providing intelligence to address organised immigration crime.

I fundamentally disagree with the context of the new clause. Subsection (2) relates to existing legislation whereby the qualification of indefinite leave to remain applies to people on skilled work visas, scale-up worker visas, entrepreneurial or investor visas, innovation founder visas, or UK ancestry visas, and people with a partner who holds citizenship. Those people are, for the most part, contributing to our society through work. If somebody has been living and working here in a skilled role, or innovating in our country—and possibly even supporting job creation—for five years, that is long enough for them to identify Britain as their home. They will have friends and community networks. In most instances, they are boosting our economic productivity. The increased qualification period set out in the proposed new clause would move the goalposts for skilled workers after years of contribution.

I will bring the conversation back to the purpose of the Bill: the Committee's focus should be on those entering the UK illegally and those engaged in organised immigration crime, not the construction workers, nurses, doctors, investors and business owners in Britain on work visas.

Tom Hayes: I will speak briefly. I welcome the hon. Member for Weald of Kent's clarification of the Conservative party's position on the amendment, but that clarification also raises further questions; I wonder whether the hon. Lady could respond on the spot. If there is no requirement every 30 months in the 10-year period for an individual to pay fees of £2,608—or, for a child, £2,223—to the Home Office, how will the Home Office fund much of its work? The fees paid by adults and children contribute significantly to the Home Office's budget. The point is particularly important because the Home Office has had to borrow from the official development assistance budget in order to fund asylum hotels. I worry that there is going to be a significant financial gap here, and I wonder if the hon. Lady could clarify what her costings are?

Katie Lam: I think the hon. Gentleman is eliding two different routes. At the moment there is a five-year route, which is for people on eligible visas, and a 10-year route. The 10-year route has LLR requirements that have to be applied for every two and a half years, and is the route that generates the fees that he is talking about. Under the amendment, that would not change; we are proposing changes only to the five-year route. The five-year route at the moment does not have LLR requirements because it is for people on eligible visas. The income for the Home Office from the same people should be no different under the amendment that we are proposing. I hope that that is clear.

Tom Hayes: I am happy to accept that clarification. If that is correct, I look forward to seeing more information about the particular policy, what financial costs would be involved and what the financial benefits would be.

Finally, I echo the point made by my hon. Friend the Member for Edinburgh East and Musselburgh about the importance of settling. We talk here about the financial costs: it is going to be more costly to our country and public services if somebody is having to go through many years of unsettled status. It is going to be harder for them to have all the infrastructure and anchors that they need within society. As a consequence, I would love to know whether the Conservatives have done any modelling of the impact of increasing the period of limbo, including—as mentioned in the IPPR report that I referenced earlier—the cost to public services when people find themselves homeless, with difficult mental health conditions or unable to take their child to the school that they want and have to travel significant mileage.

The hon. Lady and I share a desire for the integrity of data and its greater availability. In proposing the amendment, does she have access to any of that information?

Katie Lam: I will come back briefly. If I have properly understood the hon. Member's question, he is asking what we think the impact will be on the number of people who would still apply for ILR after 10 years.

Tom Hayes *indicated assent.*

Katie Lam: He is nodding.

Part of what we are trying to say by extending the time is that we feel that a person's commitment to the UK before they apply for settlement should be longer than five years. If application numbers go down because people feel that they do not want to commit for 10 years before getting settlement, that is something that we are happy to accept as part of the amendment.

It seems from the numbers that we have at the moment that the number of people who would apply over an extended period would go down because fewer people would qualify under the rules that we are stipulating. The reason why they would not qualify is that they would not be making a sufficiently significant contribution to the public purse over that period. Our calculations are that all of those lost applications would be net fiscally positive.

Tom Hayes: In which case, I will close by saying that the Home Office data shows there is not that drop-off of people—people do not leave the country because they have to wait longer for their status. In fact, those people try to get that status by serving within our country and economy. The Home Office data, which is publicly available on gov.uk, records what the stay and departure rates are each year. I am not sure that the amendment and the policy within it are going to achieve the goal that the hon. Lady is seeking.

Katie Lam: I totally take the hon. Gentleman's point, but I think he is answering a slightly different point. What we are saying is that the combination of the extension of time and the change in criteria would lead to lower applications. It is not so much about a choice on the part of the individual migrant, but a structural change within the system.

Tom Hayes: The very last point I will make is that I understand what the hon. Lady is saying, but that is not what my point was about. This would not be a deterrent or an incentive for people to leave the country. People would still remain in the country. The health impacts and the limbo that people would experience through their inability to settle would still create a fiscal drag.

10.15 am

The Parliamentary Under-Secretary of State for the Home Department (Seema Malhotra): It is a pleasure to serve under your chairship, Dr Murrison, and to make a few remarks at the end of this interesting debate. I will make a few general comments first and then make more detailed comments on new clause 25.

It is worth re-stating some of the shadow Minister's points. He said that, for too long, we have had an open-door policy that is open to abuse. He also said that we should remember that we are in government. He is absolutely right that the Tories lost control over our immigration system. We do not need reminding of that—nor do we need reminding that we are in government clearing up their mess.

The context for a lot of the debate today has been the massive backlogs that have built up in every part of the system, the failure to have controls over our system, the levels of abuse and the fall in returns for those who have no right to be here. It is worth mentioning that the steady increase in settlement grants in 2017 reflects high levels of migration in previous years. It is almost as if the Tories are attempting to close the gates to the field from which the horses have long bolted, and everyone else is now picking up the pieces.

It is worth correcting the impression that the shadow Minister gives about our policy. We agree that settlement in the UK is a privilege; it is not an automatic entitlement. However, we understand that the immigration system needs to account for people in a range of circumstances beyond those specified in new clause 25. We also recognise and value the contribution that legal migration makes to our country and believe that the immigration system needs to be much better controlled and managed.

Provisions for settlement are set out in the immigration rules, so the Bill is not the correct legislation for debate about requirements for settlement. What we are doing with this Bill is strengthening our borders, going after the criminal smuggling gangs that have caused so much damage to the lives of migrants already and put lives at risk daily, and securing our borders against systemic abuse.

New clause 25 would restrict settlement in the UK to a handful of economic routes and partners of British citizens. Other routes to settlement in the current immigration system would therefore be excluded from settlement should the new clause be accepted, including settlement for refugees. The shadow Minister may have a view about, for example, a situation facing an Afghan interpreter for the British armed forces who put their life at risk, was evacuated to the UK after the chaos in Kabul in 2020 and was then put up in taxpayer-funded accommodation after arrival in the UK. Correct me if I am wrong, but under clause 25 they would be banned from ever settling in the UK.

[Seema Malhotra]

It is important that we understand that settlement in the UK is privilege, the argument for which was rightly made. It is right because settlement conveys significant benefits, including the right to live here permanently and to access work, study and public funds, as well as a pathway to citizenship. We also have rules and processes to recognise the expectation that people should serve a period with temporary permission before being eligible to apply for settlement.

There is a range of periods of time that people need to spend in the UK before they can qualify for settlement. Many are five years, but there are shorter periods for exceptional routes. The hon. Member for Stockton West did not lay out his view on some of those specialised routes that may offer a shorter path to settlement, such as the global talent route or the innovator founder route. They allow settlement within three years to help the UK to attract the best talent from around the world, and they reward those working in business who are making some of the greatest economic contributions.

While I want to quote from the Centre for Policy Studies and the Adam Smith Institute, as they are the most important references in these debates, the new clause does not really think through the immigration system as a whole. We must think about it being fairer, more controlled and managed, and we must ensure that it recovers from the chaos that the last Government left it in. Indeed, as the hon. Member for Stockton West will know, the Government will also set out our approach to immigration, including how we bring net migration down and how we link skills policy with visa policy, so that we reduce our dependence on recruiting from overseas. We will be setting out that coherent approach to a future immigration system in a White Paper that is coming out later this spring.

Matt Vickers: I am stunned—shocked. In fact, I cannot believe that the SNP is less than enthusiastic about our new clause. The Minister and the hon. Member for Bassetlaw were keen to talk about records, but at the risk of repeating myself, immigration is too high. Previous Governments have failed to solve it. I would love for the Government to succeed in doing so, but I am not convinced that they will, particularly without a robust deterrent. I say it again: since this Government were elected, the number of people arriving here illegally is up 28%, and the number of people in hotels is up 29%. There are 8,500 more people in hotels in communities across the country, and fewer of those people who arrive by small boat are being returned.

Seema Malhotra: Does the shadow Minister also agree that, since we came into government to the end of January, returns were almost 19,000, which is up around a fifth on what they were 12 years before, including an increase of about a quarter on enforced returns? He may want to talk more about that.

Matt Vickers: I am sure the Minister will agree that a large part of those are voluntary returns. I am sure a large part of them may also benefit from some of the agreements made by the previous Government. Actually, when we talk about the people arriving here illegally on small boats, the number is up significantly in the last two quarters, since this Government came into office. That is a fact.

Tom Hayes: I am reading from the Home Office website, which says:

"Comparisons of arrivals between the same months in different years may also be affected by differences in conditions. As a result, we do not make comparisons between shorter periods where arrival numbers…may fluctuate considerably."

The Home Office also comments:

"Financial, social, physical and geographical factors may influence the method of entry individuals use and the types of individuals detected arriving… These factors may also change over time."

Therefore, is it not the case that looking at just two quarters, and trying to make a comparison, is not really the most robust way of doing this? Is it not better to reflect on the Bill and the changes it is seeking to introduce, and to realise that it will make a significant difference in the medium to long term?

Matt Vickers: Two quarters is a significant amount of time. This is a record. The hon. Gentleman might not be comfortable with it, but the number of people who have arrived here illegally being returned is going down significantly. It is a fact, and this new clause matters. More than 742,000 people will qualify for indefinite leave to remain in the next couple of years. As we have said, that could cost our constituents £8,200 per household. That is a significant cost to people in my part of the world. Because of that cost to my constituents, I would like to press the new clause to a Division.

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

The Committee divided: Ayes 2, Noes 13.

Division No. 21]

AYES

Lam, Katie	Vickers, Matt

NOES

Botterill, Jade	Murray, Chris
Eagle, Dame Angela	Murray, Susan
Gittins, Becky	Stevenson, Kenneth
Hayes, Tom	Tapp, Mike
McCluskey, Martin	White, Jo
Malhotra, Seema	Wishart, Pete
Mullane, Margaret	

Question accordingly negatived.

New Clause 26

AGE ASSESSMENTS: USE OF SCIENTIFIC METHODS

"The Secretary of State must, within six months of the passing of this Act, lay before Parliament—

(a) a statutory instrument containing regulations under section 52 of the Nationality and Borders Act 2022 specifying scientific methods that may be used for the purposes of age assessments, and

(b) a statutory instrument containing regulations under section 58 of the Illegal Migration Act 2023 making provision about refusal to consent to scientific methods for age assessments."—*(Matt Vickers.)*

This new clause would require the Secretary of State to make regulations to specify scientific methods for assessing a person's age and to disapply the requirement for consent for scientific methods to be used.

Brought up, and read the First time.

Matt Vickers: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss

New clause 43—*Age determination by the Home Office*—

"(1) A person who claims to be a child must not be treated as an adult by the Home Office for the purpose of immigration control.

(2) Subsection (1) does not apply where—

(a) the Secretary of State has determined that the circumstances are exceptional, or

(b) a local authority has determined that the person is an adult following a Merton-compliant age assessment.

(3) An age assessment must be undertaken by a social worker who has undertaken training on the conduct of age assessments.

(4) The Home Office must retain a record of the methodology and outcome for each age assessment undertaken for the purpose of immigration control.

(5) The Secretary of State must, through regulations made by statutory instrument, establish a framework for independent oversight of the conduct of age assessments.

(6) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(7) Where a person claiming to be a child is determined by the Home Office to be an adult and is placed in adult accommodation or detention, the Home Office must notify the relevant local authority as soon as possible."

This new clause would ensure individuals claiming to be children are not treated as adults, except in exceptional circumstances or following a Merton-compliant age assessment. It would provide independent oversight of the age assessment process, and notification to local authorities when a person is placed in adult accommodation or detention.

Matt Vickers: The Bill repeals sections 57 and 58 of the Illegal Migration Act, which concern scientific age assessment methods. The Conservative party completely disagree with that decision. Every European country apart from ours uses scientific age assessment techniques such as an x-ray of the wrist, although there are other methods. More than 50% of those claiming to be children were found to be adults after an age assessment in the quarter before the election. Without a scientific age assessment method, it is very hard to determine their age. There have been cases of men in their mid-20s ending up in schools with teenage girls, and that carries obvious safeguarding risks. We have tabled the new clause to ensure that scientific methods for assessing a person's age are used, and to disapply the requirement for consent for these methods to be used.

Tom Hayes: With regard to migrants' diet before they come to the UK, can the hon. Member tell us whether he expects them to have or to lack normal calcium?

Matt Vickers: We have said that there are several methods. If we are unhappy with one, we can use alternatives. This is something that British taxpayers want to see. They want to ensure that our classrooms and social care settings are safe.

Mike Tapp: What are the other methods, and how accurate are they?

Matt Vickers: There are a raft of methods. I am happy to be directed, but every country in the EU uses the method I have mentioned. It is tried and tested. It is easy to criticise, question and find holes in a plethora of methods, but I think this is the right thing to do.

Mike Tapp: What are the other methods, and how accurate are they?

Matt Vickers: We can debate the methods at length, I am sure, but I think we have a responsibility to have a method. The fact that the rest of Europe is doing it means it is something we should be doing.

Tom Hayes: The rest of Europe is doing free trade, but the shadow Minister does not want to do that. We should reflect on Europe and what we want to import into our country.

On the bone age assessment, can the hon. Gentleman tell us with confidence grounded in science that it would be able to determine the range of relevant ages? Can he tell me what the margin of error would be for someone aged 18 or 19, and what an assessment of bone density and bone age would tell us if they posed as 15 or 16?

Matt Vickers: I can tell the hon. Gentleman that these age assessments could go some way to ensuring that a 20 or 30-year-old does not end up in a classroom beside a teenage girl. There is an opportunity to provide a power that can be used, along with all the knowledge that the agencies have, to make an assessment. The science can be determined, and the agencies can look at it in the round. We know that people have turned up without any form of identification. This is an opportunity to draw a line in the sand. Where agencies think this is the right thing to do, they can use the power. Of course, they will use it in moderation and in the context of the question marks around any method that they would use to assess age.

10.30 am

Mike Tapp: How safe would be the procedures that the hon. Gentleman is not telling us the names of to detect whether somebody is a child or an adult? How safe would they be, particularly if the person turned out to be a child?

Matt Vickers: I would trust our agencies to use them in context and apply all the other things that they might apply in any given context. This would be another tool that agencies could use, on top of all the knowledge that they might have of people coming in and what their ages might be. This is an opportunity to give our agencies another tool, and it is the right thing to do.

That is why we tabled new clause 26, which would ensure that scientific methods for assessing a person's age are used, while disapplying the requirement for consent for these methods to be used. That would ensure that adults could not claim to be children. It also gives the Government an opportunity to undo the mistake of repealing the relevant sections of the Illegal Migration Act and allow age assessments for those claiming to be children.

Becky Gittins (Clwyd East) (Lab): It is a privilege to serve under your chairpersonship, Dr Murrison. Given that the hon. Gentleman's concern is about children, we should recall the evidence session in which we heard the Children's Commissioner's concern that spending extended periods of time in asylum hotels leaves unaccompanied asylum-seeking children vulnerable to organised crime, notwithstanding the mix of ages in those hotels. Why does he still stand by the Illegal Migration Act and the Safety of Rwanda (Asylum and Immigration) Act 2024, when they are part of the reason why those children were in asylum hotels for so long?

Matt Vickers: I will stick to the new clause and the age assessments. This is a tool. It would not be used unabated. It is another tool that our agencies could use alongside whatever other assessments they might make. We would be giving them the opportunity to require people to undergo an assessment, and that is a good thing. That is why the rest of Europe is doing it. The agencies and experts—the professionals on the frontline dealing with these very troubling, difficult cases—should have all the tools they could possibly require to handle them. I see no reason why we would prevent them from doing so.

Tom Hayes: I appreciate the hon. Gentleman's desire for our frontline staff to have all the tools they need. The Bill will expand the number of tools, but those are the tools that frontline staff are requesting. We could have scientific age assessments, and the Government are certainly not ruling them out entirely; there is work going on in the Home Office to consider their efficacy. Does he agree that we need tools that will help our frontline staff achieve the goals that we set them? The Royal College of Paediatrics and Child Health says that age determination is an inexact science, and that the margin of error can sometimes be as much as five years either side. I myself am not a scientist or a member of the royal college—I assume that the same is true of the hon. Member—so is it not better that we listen to such expert bodies, and develop policy in line with them, rather than just saying, "Because Europe is doing it, we ought to do it"?

Matt Vickers: That is a safe assessment of my scientific qualifications.

We are not saying that this is the only thing that agencies and experts on the frontline, who deal with these cases day in and day out, will be able to use; it is something that they can use. If we have ended up with adults in classrooms alongside children, that is wrong. We need to give the agencies every tool in the armoury to make the situation work. This is one thing that they can use—with their knowledge and with every other assessment they would make—and it is the right thing to do.

We have talked about kicking this down the road. I think we have a commitment that the Government will do something on this issue some day, or some time. But here is an opportunity to keep the power in the legislation for agencies to use here and now, rather than in six months or a year. I am sure that the Minister will give me a timeframe on whether the Government will come back with such a power.

The SNP's new clause 43 is almost the polar opposite of our new clause. It states:

"A person who claims to be a child must not be treated as an adult by the Home Office for the purpose of immigration control."

We know that there are adults coming to this country who claim to be children. Believing them without question would make it harder to control our borders and create significant safeguarding concerns. Why does the SNP think it should be made harder for the Government to determine the true age of those entering this country illegally? How does this best serve the interests of the British people? Given the SNP's blind adoration for the European Union, we must question why they are happy for the United Kingdom, of which Scotland is a key part, to be the only European nation that does not use medical tests to determine the age of those coming to the country.

Why does this matter? The issue has not decreased in significance. The number of asylum age disputes remains high, particularly in the latest available figures. Of those about whom a dispute was raised and resolved, more than half were found to be over the age of 18. The fact that a record number of asylum seekers pretend to be children should be the wake-up call that we need to ensure that we have the checks in place to verify age and stop those who seek to deceive from entering the UK. As the available figures show, this tactic is becoming commonplace, and action must be taken to stop this abhorrent abuse.

If the figures were not evidence of the need to support new clause 26, perhaps the facts of the cases will be. A 22-year-old Afghan who had murdered two people in Serbia claimed asylum in the UK by pretending to be a 14-year-old orphan, when in fact he was 18. There is the utterly horrific case of the Parsons Green terrorist, Ahmed Hassan, who posed as a 16-year-old before setting off a bomb on a tube train in west London, injuring 23 people. Although the Iraqi's real age remains unknown, the judge who jailed him for 34 years in 2018 said he was satisfied that the bomber was between 18 and 21. The clock is ticking. The crisis is not slowing; it is surging.

In quarter 2 of 2024 alone, 2,088 age disputes landed on the desk of the Home Office. That is 2,088 claims where someone said, "Trust me, I'm a child." By the end, 757 were unmasked as adults, and the deception rate was a staggering 52%. That is not a blip, but a blazing red flag. That is more than 750 grown men, and potentially dozens more uncaught, slipping through a system that Labour has crippled by repealing the scientific age checks in the Illegal Migration Act, leaving us guessing in the dark while the numbers climb.

Dame Angela Eagle: I will deal with some of the broader points in my response, but we do age assessments. We do not simply accept—just as his Government did not—asylum seekers' claims about their age as if they were the truth. I would not like the shadow Minister to give the Committee the impression that that is happening—that we are accepting claimed ages without any kind of check. I will go into much more detail in my response to the debate about precisely what we do, but he must not give the impression that we are not checking; we are.

Matt Vickers: I hope the Minister agrees that we should be doing more, rather than less. We need to give agencies all the opportunities and powers to do so, with or without the consent of people who aim to deceive. That is the right thing to do.

If we rewind to 2022, 490 disputes in quarter 1 ballooned to 1,782 by quarter 4. Now we are at 2,088 and counting. This is not a fading headache; it is an escalating emergency. It is a conveyor belt of fraud clogging our borders and spilling into our schools. Failure to conduct these vital checks would mean that we are not just blind, but complicit in handing traffickers a playbook that says, "Send adults, call them kids and watch us flounder." The public sees it and parents feel it, and every day we delay, the risk festers. We need science, not sentiment, and we need it now.

Pete Wishart: I rise to speak to new clause 43 on age determination by the Home Office. The one thing we can agree on with the Conservative Front Benchers is that my new clause could not be more different in objective and tone than what we have heard from the shadow Minister. My new clause aims to uphold a simple yet vital principle that no child should be wrongly treated as an adult, subjected to detention or placed in inappropriate accommodation, as happens right now. The new clause would ensure that the Home Office treats as an adult an individual who claims to be a child only in exceptional circumstances or following a Merton-compliant age assessment conducted by local authority social workers. Furthermore, any decision to treat a young person as an adult would have to be made by an appropriately trained official, with reasons recorded and subject to independent oversight. Where such a decision results in the person being placed in adult accommodation or detention, the relevant local authority would have to be notified immediately.

Labour Members are right to have a go at the shadow Minister, but it is imperative that we get this right. This is life-determining and life-shaping for the individuals at the sharp end of these age assessments. The consequences of flawed age assessments at our borders are severe.

Recent data reveals that between January and June 2024 alone, at least 262 children were wrongly assessed as adults and placed in adult accommodation or detention, exposing them to significant safeguarding risks including exploitation, violence and even criminal prosecution. It is worth noting that in many cases, those children endure months of uncertainty before being correctly identified and moved into appropriate care settings. Such errors not only violate child protection principles but undermine the credibility of our asylum system.

The current process of visual assessment, often conducted at the border by immigration officers, is wholly inadequate. Assessments based solely on appearance and demeanour are inherently flawed and have led to serious misjudgments. International and domestic guidance is clear that age assessments should be undertaken only when necessary and should be conducted using holistic, multidisciplinary approaches, yet that is far from the reality.

Concerns about visual assessments have been raised not just by non-governmental organisations, but by the independent chief inspector of borders and immigration, the Children's Commissioner, parliamentary Committees and the UN Committee on the Rights of the Child. In response to those great concerns, the Government have argued that they are improving the age assessment process through the national age assessment board, and by introducing scientific methods of assessing age—we are back to that debate again. It is important to note that neither of those initiatives has any impact on visual assessments made by officials at the border. Biological methods such as dental X-rays and bone age assessment remain highly unreliable, as medical and scientific bodies repeatedly state. I listened to the hon. Member for Stockton West make great play of saying that that is what all of Europe does, but there are countless cases that the EU and other European nations have got wrong. I can send them to him; he can spend most of the day looking at them. They get cases wrong, just as we do with visual assessments.

It is right that in this Bill the Government seek to repeal clause 58 of the Illegal Migration Act, which would have meant that children who refuse to undergo these invasive and questionable procedures are presumed to be adults by default—an approach that runs contrary to any safeguarding principles. The previous Government attempted to justify that policy by highlighting the risk of adults falsely claiming to be children to access benefits and services designed for minors. However, the reality is that the greater danger lies in the wrongful treatment of children as adults, which places them in unsafe environments, denies them their rights and can have devastating long-term consequences. The number of children found to have been misclassified as adults outweighs the number of cases where an adult has falsely claimed to be a child, so we have the balance totally wrong.

Crucially, there are greater risks and consequences to placing a child among adults, where there are no safeguards in place, than to placing a young adult in local authority care. It is essential that we restore local authority-led age assessments as a primary mechanism for resolving age disputes. As child protection professionals, local authority social workers are best placed to conduct those assessments in a manner that is thorough, fair and in the child's best interests. The new clause would ensure that young people who assert that they are children are treated as such unless and until a proper assessment proves otherwise. It also guarantees transparency, independent oversight and accountability in decision making, thereby restoring trust in the system.

10.45 am

This is not an immigration issue—it is nothing to do with immigration. It is a safeguarding issue, and it is about making sure that we have the best interests of children at heart. It is an opportunity to uphold our commitment to child welfare and to ensure that the UK meets its obligations under domestic and international child protection frameworks. I urge hon. Members to support the new clause and ensure that no child seeking refuge in this country is wrongly treated as an adult and then placed in harm's way.

Katie Lam: On 23 January 2023, Lawangeen Abdulrahimzai was sentenced to life imprisonment at Salisbury Crown court. Nearly a year earlier, Abdulrahimzai had murdered 21-year-old Thomas Roberts in Bournemouth town centre by stabbing him to death in the street following a dispute over an e-scooter.

Abdulrahimzai was an Afghan asylum seeker who came to this country in December 2019. He entered the UK illegally, claiming to be an unaccompanied 14-year-old. He was placed in school and in foster care, but he was in fact already an adult when he came here. Not only was he an adult, but he was also a murderer, having killed

[Katie Lam]

two men in Serbia before coming to the UK. He should never have been allowed to come to this country and he should certainly not have been allowed to masquerade as a child.

Assessing a person's age is surprisingly difficult, but we have a range of tools to do so—the Home Office is just not using them. If we had acted sooner, using the full suite of tools at our disposal to assess Abdulrahimzai's age, Thomas Roberts might still be alive today. The case of Lawangeen Abdulrahimzai is particularly shocking, but it is unfortunately far from unique.

Chris Murray: I wonder whether there have been any new scientific discoveries in the last seven months for identifying someone's age that the Home Office would not have been aware of over the last 14 years. Is it not the case that the methodologies used are very imprecise and do not often actually lead us, in the liminal cases, to draw the distinction that the hon. Lady is advocating for?

Katie Lam: I will come on to precision and the ways of determining age slightly later in my remarks.

Ahmed Hassan, an Iraqi asylum seeker, claimed to be a 16-year-old when he arrived in the UK. In 2017, he set off a bomb at Parsons Green tube station, injuring 23 people. His real age is still not a matter of public record. In 2018, a Home Office probe found that Siavash Shah, an Iranian asylum seeker, spent six weeks as a year 11 pupil in Ipswich despite being 25—the list goes on. In fact, between 2020 and 2023, the Home Office identified almost 4,000 cases of adult migrants claiming to be children—45% of those who originally claimed to be children when they arrived here—and every other person of that cohort was in fact an adult. Some were at least 30 years old. That puts British children at risk, puts genuine child asylum seekers at risk and takes valuable school and care places away from the young people who genuinely need them.

I feel this particularly keenly as a Member of Parliament for Kent, the county into which all small boats arrive. Our laws mandate that the people who come to this country illegally and claim to be under 18 must be prioritised for care equally with Kentish children. That puts enormous pressure on the system and makes it harder for our children to be cared for. That is madness when we know that half of those arrivals are in fact adults, and we must put a stop to it.

It is completely rational, albeit morally wrong, for adult migrants to claim to be children. Under-18s who come here have a greater entitlement to care and support, do not have to live in accommodation with adults, and are not subject to the same rules as adults—or the rules are applied less strictly. Of course, there are people who cross the channel without their parents who are under 18; most, though not all, are male 17 and 16-year-olds, and some are younger children. No one disputes that, and children should be treated as children, but we must be realistic about the scandalous degree to which our system is exploited by the cynical and the sinister.

We have to protect actual children, and we should use every tool in the box to do so, including scientific testing. Where people refuse such tests, the Government should be able to override that refusal. We are acting in the interests of public safety and to protect the security of our children. Labour Members have asked for exact details of the scientific methods. As my hon. Friend the Member for Stockton West set out, there are many methods and several different ways of doing it. The ones that can be implemented in short order are the dental and skeletal tests.

Other methods are currently at an earlier stage of development, such as facial age estimation and DNA methylation, which is a process by which people much cleverer than me can assess how a person's genes are read by their body, which changes with age. In 2022, the interim Age Estimation Science Advisory Committee stated that the

> "teeth, clavicle, and hand/wrist or knee… have been shown to have a significant research and publication credibility and provide a consistent age range over which changes occur."

Later, the same report states:

> "The committee has relied on areas and methods that have been repeatedly tried and tested and shown to have consistency."

As the report makes clear, and as Government Members have said, scientific age assessment is not perfectly precise and is not magic, but as my hon. Friend the Member for Stockton West also correctly says, our proposal is that scientific age assessments should be used not to replace other methods and judgments, but to supplement them.

The situations that my hon. Friend and I have set out are horrifying. We can see no reason why the Government would not want to have the widest possible set of tools available to them to stop such things happening, including the option in future to bring in scientific methods that are currently at a nascent stage.

Tom Hayes: I thank the hon. Member for Weald of Kent for raising the absolutely horrific and awful circumstances involving Thomas Roberts, who would have been my constituent and whose mother, Dolores, is my constituent. She is racked by grief and unable to sleep at night. Her health has worsened because, as she said to the Minister and me last night in the Minister's office, with her son being murdered, she feels that half of her whole life has completely disappeared.

I do not want to name the murderer in this debate; I name Thomas Roberts, the victim. I want to talk briefly, with your permission, Dr Murrison, about Thomas Roberts, because it is important for the Committee to know who he was. It is important for Dolores, so racked with grief, to know that her MP and the Committee are focused on what happened.

Thomas was 21 years of age when he died on 12 March 2022 in Bournemouth town centre, the victim of a stabbing by an asylum seeker. His mum has told me several times, and she told me again with the Minister last night, that Thomas was known by everyone and, when his mother wanted to go into town, to Littledown or to other parts of the constituency, he would say no, because he was so well known and he did not want to be seen by his friends out with his mum.

Thomas was an aspiring Royal Marine and, in order to become one, he was in the Sea Scouts. He was physically fit—so fit, in fact, that he would actually bench press his mum and his brother. Dolores told me that the passing of his driving test on the first go was

one of her proudest moments. It is one of the things that she remembers so fondly and so closely now, as she comes to terms with her grief.

Thomas was also an aspiring drum and bass DJ, and by all accounts a very good one, who was up and coming on the south coast. If he had not made it as a Royal Marine—there was every certainty that he would—he could easily have taken up a drum and bass DJ career. He was a member of the Christchurch boxing club. He was active in his community, and deeply loving and caring about his family.

Thomas lost his life—or rather, his life was taken from him—because an asylum seeker was in our country. That begs the question: why was that person in our country? Why were they able to wield the knife that cut short Thomas Roberts's life, and that took away all the hopes and ambitions that his mother had for him? It is because we did not have access to the necessary database to track criminality and find out more about who the asylum seeker actually was. I am deeply sad that Thomas is not with his mum, in his community, or with his friends who loved him so much, because the last Government broke our asylum and immigration system, and created the conditions for that tragic killing and other tragic killings that have happened in our country.

Scientific age assessment, as the hon. Member for Weald of Kent said, is not a magic wand; it is imprecise, as we heard from the Royal College of Paediatrics and Child Health. We know what works, and that having a functioning asylum and immigration system will make all the difference. I just wish we had had that on 12 March 2022 when Thomas was denied his life opportunities because of the breakages in that system.

I thank the Minister for meeting Dolores yesterday—I know that that provided her with much-needed comfort and clarity. I am absolutely confident that the Bill and its measures will make the difference that is so needed to protect our society. I also note the contribution of Councillor Joe Salmon of Bournemouth, Christchurch and Poole council, who has been such a support to Dolores and her wider community, because she will be grieving for a very long time. It is incumbent on all of us in public service to speak the truth, look at the facts and bring forward the measures that will make the biggest difference.

If I may, I will return to the question of scientific age assessments. I referred to the concerns of the Royal College of Paediatrics and Child Health and of experts, but I now refer to the House of Lords debate on 27 November 2023, which is worth a read if Opposition Members have not had a chance. It goes into significant detail and depth about the concerns that I had about that as a possible policy at that stage of its development.

The Minister has been clear that scientific age assessments are not off the table; there just needs to be certainty that they are an effective tool. To avoid any further deaths and injustices, we need to have the right tools to protect the people of this country, secure and protect our borders, and make sure that we are truly able to restore confidence and trust in this system and in our ability to manage who comes into our country and who stays here.

Becky Gittins: I thank my hon. Friend the Member for Bournemouth East and the hon. Member for Weald of Kent for playing a respectful part in quite a heated discussion, which has done honour to Dolores and her family at an incredibly difficult time. It is really poignant that such case studies are discussed in these debates; they show what can happen on the limited and rare occasions that things go incredibly wrong with such systems. It is worthwhile that we have these discussions.

I must say that I was disappointed by Opposition Members' contributions in support of the new clause, however, because although they successfully focused on occasions where things have gone wrong, they were limited on detail. I was also disappointed by their inability to answer the question of my hon. Friend the Member for Edinburgh East and Musselburgh. We need that detail, and we need to understand how that would be different from the tools in the Home Office's arsenal during the 14 years of their Government.

11 am

When we are discussing new clauses that could be added to the Bill, that level of indecision is also concerning. The new clause's inclusion would render the Bill unachievable and potentially undeliverable. If we want to see an example of putting unworkable things into Bills, we need just to look to the Illegal Migration Act 2023 and how that ended up being defunct. I do not propose to make big political points about that, because I do not need to: the previous Conservative Government made those themselves in their failure to commence or implement much of the Act. The House agreed to 34 major clauses that were never commenced because Ministers knew that they would not work. A further 16 clauses were commenced but never operationalised because they were simply unworkable.

We should be considering what the Bill is about. I remind the Committee that the Bill is about action, and we need to ensure that what comes out of Committee is a workable and operable Bill that will do the hard work to tackle the criminal gangs that are fuelling illegal immigration, and to fix our broken asylum system.

Katie Lam: It was a privilege to hear about Thomas Roberts's life. The hon. Member for Bournemouth East did himself great credit in telling us about him so movingly. Thomas's mother, Dolores, whose pain is impossible for us to imagine, has also done his memory great credit by finding a way in her grief to talk about her son to her Member of Parliament and to the Minister.

Securing the border is a genuinely difficult job, and the Opposition are genuine in our desire to support the Government in doing that. We really believe that the new clause would help the Government to expand their ability to do that job. We deeply hope that they will consider it. I also thank the hon. Member for Clwyd East for her generous words.

Dame Angela Eagle: I start by endorsing what my hon. Friend the Member for Bournemouth East said about Dolores, Thomas Roberts's mum, whom I met last night. She has gone through a searingly awful life experience. It is difficult even to think about that, let alone to offer any comfort. Unfortunately, I do not think that her experience would have changed much had scientific age assessment been in place, although the person in question had been assessed by his local

[Dame Angela Eagle]

authority as a child and was therefore in a separate environment from that which he would have been in had he not been assessed.

I am determined to see whether we can connect up our information about people coming from Europe, following Brexit and the disintegration of our access to Eurodac and various other pieces of information collected in Europe on asylum seekers and those arriving illegally—not all of them are asylum seekers. Reconnecting, if possible, to those databases would give us more comfort than we have at the moment. However, I emphasise that when people come to this country, we do check them against all our biometric records and the terrorism lists and watch lists that we have. It may be possible for us to do more in future.

We have had a debate about new clause 26 from the Opposition and new clause 43 from the hon. Member for Perth and Kinross-shire on behalf of the Scottish National party. That has again demonstrated the wide range of opinion that there is at both ends of the argument whenever we consider such issues. I will deal with both arguments in my response, and I hope to find a middle way.

First, repealing section 58 of the Illegal Migration Act, which the Bill seeks to do, does not stop our capacity to do age assessments. Listening to some of the contributions from members of the official Opposition, one would have thought that repealing section 58 will take off the table—completely and utterly—all age assessment. That is simply not true. The age assessments in section 58 were about the duty to remove somebody to Rwanda; they were not connected to anything else. As I understand it, the issue with that legislation was that the then Government's intention was not to remove children to Rwanda, so it became more important to have a way of assessing whether somebody was a child. The Safety of Rwanda Act and the IMA—the previous Government's approach to this issue—would have created even bigger incentives for people to claim that that they were children, because they would have avoided being sent to Rwanda, not that anyone ever actually ended up there. The previous Government's approach of deportation permanently to Rwanda actually created even more incentives for people to lie about their age.

The fact is that there are people who are genuine asylum seekers who are children, people who are not genuine asylum seekers who are adults who claim to be children, and children who sometimes claim that they are adults. When that happens, one has to look at modern slavery issues and coercive control. There are safeguarding issues on both sides of the age assessment argument. Children pretend to be adults for reasons that we can imagine, but we will not go into those, because they are not very pleasant. There are also incentives created by the way in which the Children Act 1989 deals with unaccompanied asylum-seeking children. As a Kent MP, the hon. Member for Weald of Kent knows exactly what happens with the Kent intake unit and the pressure that her own local authority has been put under. However, she also knows about the Government support that her local authority has been given to disperse unaccompanied asylum-seeking children around the rest of the country so that some of the burden can be shared.

We are dealing with people who arrive without papers. Some of them wish to lie about their age, and some have been told to lie because the people-smuggling gangs perceive it as a way for people to access more resources than they could if they were seen as adults. As the hon. Member for Perth and Kinross-shire pointed out, the system can get it wrong on both sides. People who are children have been judged to be adults and put in inappropriate places, and people who are adults have been judged to be children and put in appropriate places. There is no guaranteed scientific way of making a judgment. We can make judgments about people who are much older, but we are dealing with that uncertain four to five-year range on either side, which is the difference between 18 and 24 or 17 and 23; you will know about that, Dr Murrison, from your work as a medical doctor.

On new clause 26, I want to reassure Opposition Members that there is already provision in law for the use of age assessment, and our repealing of section 58 of the Illegal Migration Act does not remove that provision. That is because the Immigration (Age Assessments) Regulations 2024, which followed scientific advice from the Age Estimation Science Advisory Committee in the Home Office, specify for the purposes of section 52 of the Nationality and Borders Act 2022 the scientific methods currently recommended for age assessment. We have retained those bits of legislation; neither the 2024 regulations nor section 52 of the Nationality and Borders Act have been repealed by the Bill, so the capacity to use scientific age assessments remains on the statute book.

The hon. Member for Stockton West did not seem to know which age assessment methods we were talking about. The 2024 regulations specify the power to use X-rays and MRIs, and that it is possible to take a negative view of the credibility of a person who refuses to consent, where there are no reasonable grounds for refusing that consent.

With those measures on the statute book, the Government continue to explore methods to improve the robustness of age assessment processes by increasing the reliability of the scientific methods being used. At the moment, we do not have enough certainty about the gap that exists in the current assessments, which are still being assessed. The hon. Member for Stockton West and the Conservative party put these things on to the statute book but then did not operationalise them. At the moment, we are doing as much work as we can to see how reliable they are, with a view to operationalising them. But as I wrote in a response to shadow Home Secretary, the right hon. Member for Croydon South, when he wrote to me about this issue, we are in the middle of that process. I hope that we will soon be in a situation to make announcements one way or the other, and those announcements will be made in the usual way.

Matt Vickers: New clause 26 does not specify the method to be used; it commits the Government to coming back within six months with a statutory instrument. How long does the Minister think it will be before the Government are in a position to do that? Is it six months' worth of people coming here without our having the ability to assess them without their consent

using these methods? Is it a year? Is it 18 months? How long does she think it will be before we are in a position to make these decisions?

Dame Angela Eagle: We are making a scientific assessment of how accurate and effective the methods are that could be used to make age assessments, and I hope to have some results from that work soon. What I do not want is to have a clause in primary legislation telling me that I have to do that by a set time.

I am trying to reassure the hon. Gentleman that despite the repeal of section 58 of the Illegal Migration Act, which this Bill brings about, the capacity to do age assessments and apply them scientifically is still on the statute book. We are looking closely into how we can operationalise these methods if we feel they will give us a more trustworthy result, but we will not do that if we do not. We are in the middle of getting to the stage where we can make that judgment.

I will also address new clause 43, which says that we should not use age assessments at all, other than in exceptional circumstances. Given what the hon. Member for Perth and Kinross-shire said when he moved it, I think it accepts that we should continue with Merton assessments, which are the other way of dealing with age assessments currently. Those usually involve two social workers and various other experts interviewing the person concerned to try to get a handle on their real age.

11.15 am

However, new clause 43 would remove Home Office immigration officers' ability to conduct initial decisions on age at the border. Those important powers enable us to try to get the system working as well as possible at Western Jet Foil and Manston if people arrive undocumented on small boats. The initial decision on age is used as an important first step to prevent individuals who are clearly an adult or a child from being subjected unnecessarily to a more substantive age assessment and to ensure that individuals are routed to the correct adult or child immigration process—and they do differ, as we have discussed this morning. If there is doubt following the initial decision on age, individuals are referred for further consideration of their age.

The new clause would mean that even those who were very obviously adults would need to be referred into local authority care for an age assessment, placing burdens on already stretched local authorities and causing significant safeguarding risks as a result of adults having access, alongside genuine children, to children's services, including accommodation and education.

Merton assessments do not happen overnight. They take time to organise, and in some ways have been so slow that the previous Government created the national age assessment board, which is a decision-making body of Home Office social workers who can conduct Merton-compliant assessments centrally. The national age assessment board, which launched in March 2023 and has now been made available nationally, continues to offer significant improvements to our processes for assessing age. It currently employs over 50 social workers, with recruitment ongoing to increase capacity and expertise in the system. I can assure all hon. Members that national age assessment board social workers are required to engage in a comprehensive training programme, regardless of their previous experience. Successful completion allows them to become designated and to conduct Merton-compliant age assessments on behalf of the national board.

Subsection (5) of new clause 43 would require the Home Office to establish through regulations a new independent review framework to oversee age assessments. Although there is no review body that inspects local authority decisions on age, I cannot see the merits of setting up a new review framework for the Home Office when age assessment already falls within the remit of the independent chief inspector of borders and immigration. The ICIBI has recently conducted an investigation on age assessment, and I look forward to seeing the report and its findings, which will be published in due course. The capacity to oversee age assessments and how they are conducted therefore already exists.

Lastly, the new clause would require the Home Office automatically to notify local authorities where an individual is claiming to be a child and in adult accommodation, even where they have already been assessed to be an adult by the Home Office, and that would include individuals who have been assessed to be significantly over 18. I can assure the Committee that where Home Office or accommodation provider staff have concerns that an individual might be a child, it is standard practice for a local authority referral to be raised. Even where a referral is not made by the Home Office service providers to the local authority, that does not prevent them from approaching a local authority for further consideration of the person's age. So a lot of the issues are covered, and the new clause would make it harder, paradoxically, for us to try to get this right.

Matt Vickers: I welcome the fact that the Government will come back with scientific age assessments that also do not require consent. But if six months is too long, at what point would the Minister expect to be concerned? If we have not been applying these assessments and we have ended up with the wrong people in the wrong classrooms for years, at what point should we be concerned? If six months is too soon, is it 18 months?

Dame Angela Eagle: The hon. Gentleman is being a bit mischievous. We are in the middle of an assessment of whether scientific age assessments work and at what level of capacity and detail we can trust them. I expect reports fairly soon, and once I have them I can make a decision on how we go ahead with them. I will let Parliament know in the usual way when that has happened, but it is not useful or effective to have the hon. Gentleman's new clause setting a deadline for that in the Bill. I hope he will accept that in the helpful way in which I intend it. We are not in disagreement on principles, but if we are going to use scientific age assessment, we need to ensure that it is as effective and useful as possible, so that it can be taken seriously and play an effective part in the battle that all of us want to be involved in: ensuring that children do not end up in adult settings and adults do not end up in children's settings.

Matt Vickers: People who arrive here deceptively claiming to be children cannot be allowed to succeed. We should make use of the best scientific age assessment methods available to us, with or without consent. Those

[Matt Vickers]

will not be used in isolation, but alongside all the other possible assessment methods available to us. We can debate the science all day. The new clause would require the Secretary of State to define those methods within six months through a statutory instrument, using expert advice to do so. One deceptive adult migrant in a classroom or care setting alongside children or vulnerable youngsters is one too many. Giving our agencies the ability to use the best scientific methods available to them to assess age without consent can further their ability to protect children. I would therefore like to press new clause 26 to a Division.

Pete Wishart: I am grateful to the Minister for her response to my new clause 43, but a lot of what she claims is in it is not actually there—I hope she accepts that. Those of us who visit asylum seekers in our constituencies will recognise that the determination is probably the most contentious issue that asylum seekers bring to us; it is the thing that perplexes and concerns them the most. They are very sensitive to it being done wrong, and it gets done wrong in both directions, as the Minister said.

The number of children found to have been misclassified as adults outweighs quite significantly the number of cases where an asylum seeker has falsely claimed to be a child. Everybody is right that there is no scientific or other method to determine age that is 100% effective—visual assessments certainly are not. Surely, however, the people who are best qualified to make these assessments are people who work with children—whose main business is to make these sorts of judgments about children. That is why we have asked for Merton-compliant age assessments, so that an holistic view is taken of the individual and they are assessed properly by social workers trained to work with children. Surely that is the most effective means to determine these things.

I am not saying that we should not use other things, but where the issue is in dispute—perhaps I should have included that in my new clause; clearly, the people sitting in this Committee could not be classified as children—we must get it right. That is so important as we go forward. It is life-changing, dangerous and damaging to be misclassified. As I said in my initial contribution, this is not an immigration issue, but a safeguarding issue. We must get it right. That is why I will press my new clause to a vote as well.

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

The Committee divided: Ayes 2, Noes 12.

Division No. 22]

AYES

Lam, Katie	Vickers, Matt

NOES

Botterill, Jade	Mullane, Margaret
Eagle, Dame Angela	Murray, Chris
Gittins, Becky	Murray, Susan
Hayes, Tom	Stevenson, Kenneth
McCluskey, Martin	White, Jo
Malhotra, Seema	Wishart, Pete

Question accordingly negatived.

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

11.25 am

Adjourned till this day at Two o'clock.