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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

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The following abbreviations are used to show a Member's party affiliation:

Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
Non-afl	Non-affiliated
PC	Plaid Cymru
UUP	Ulster Unionist Party

No party affiliation is given for Members serving the House in a formal capacity or for the Lords spiritual.

House of Lords

Thursday 10 July 2025

11 am

Prayers—read by the Lord Bishop of Oxford.

Housing: National Tenant Body

Question

11.06 am

Asked by ***Baroness Thornhill***

To ask His Majesty's Government what assessment they have made of the case for establishing a national tenant body, as recommended by the Housing Ombudsman.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government (Baroness Taylor of Stevenage) (Lab): My Lords, with strong landlord bodies in both the private and social rented sector, we agree that tenants should also have a strong voice in influencing and scrutinising social housing policy. The Government are committed to listening to tenants and acting on what we hear. The social housing resident panel was established in 2022 to give social housing tenants direct access to Ministers and officials during policy development. We expanded its scope in 2024 beyond its initial focus on quality reforms to all social housing policy. However, our engagement with tenants has shown that they want a national body that is tenant-led and independent of government and landlords. We will continue to work with tenant groups as they explore how best to establish a national tenant voice.

Baroness Thornhill (LD): I thank the Minister for that Answer and am pleased at the positive response. We could be forgiven for thinking that everything in the garden is rosy and it is all going well—hurrah!—so why did the ombudsman, the National Housing Federation, the Commons Select Committee and other prominent voices feel the need to advocate publicly, loudly and recently for such a body? Why do Ministers refuse to meet two nationally significant tenant groups, G15 and Stop Social Housing Stigma, claiming the "no diary availability" excuse? I would like to think that this is simply a communications failure. Does the Minister see a role for government in creating the independent national body that we all seem to want to see, yet nobody knows about it or how it is going to happen?

Baroness Taylor of Stevenage (Lab): I am grateful to the noble Baroness for her question and for championing this issue on behalf of tenants. I have met with G15; I went to its parliamentary session and had a look at its very good report on social housing stigma. I agree that we need to make sure that the tenant voice is heard. I have also met with the regulator of social housing twice, I think, since I took over the regulators. The social housing regulator is looking very carefully at how to increase the emphasis on the tenant voice. It is very important that this national body, whatever it is going to be, is tenant-led. I am happy to meet any tenant groups to move this forward. We all want to see tenants having a powerful voice in designing social housing policy.

Baroness Warwick of Undercliffe (Lab): My Lords, I wonder whether I can support the Minister and the noble Baroness, Lady Thornhill. A lot of work is being done already in the social housing sector by the NHS, and in the private-rented sector by Shelter, Generation Rent, Acorn and the NUS. It is very important that all types of tenants are represented in this national body. There are a lot of organisations involved here. Is my noble friend prepared to go a little further and suggest that the Government have a role—maintaining distance, obviously, because that is clearly needed—in setting this organisation up, perhaps with a little seed corn to supplement the rather meagre resources that many of these organisations have?

Baroness Taylor of Stevenage (Lab): I thank my noble friend for her question. The important thing is that we get the balance right between ensuring that tenants feel this body is genuinely tenant-led and doing what we can to help convene the right people around the table to bring this forward. I will continue discussions with all the relevant housing organisations and bodies to make sure that we are doing all we can to help move this forward. It is time we had some real action in this area.

Lord Keen of Elie (Con): My Lords, many housing associations and local councils already have tenant panels and dispute resolution mechanisms. Can the Minister explain how a new national body would avoid unnecessary duplication while genuinely improving outcomes for renters? If such a body were established, can the noble Lord the Minister—the noble Baroness the Minister; I do apologise, but we are gender neutral—explain whether the Government would envisage it as a mandatory authority or a voluntary advisory service, and how would it interact with private landlords and housing associations that already have tenant engagement schemes?

Baroness Taylor of Stevenage (Lab): The noble and learned Lord puts his finger on one of the issues. It is very important that at local level, at a specific housing association level and for local councils that have their own housing, tenants are able to have a voice in what is going on with that organisation. The movement towards a national body is more to help work with Ministers and officials on national housing policy where it relates to social housing. As the Government have committed £39 billion of spending on this revolution in social and affordable housing, it will be particularly important that we have a proper body to advise on national policy on social housing. I look forward to working with all those who want to move this forward, but that does not mean that the local voice will not retain its importance.

Baroness Jones of Moulsecoomb (GP): It is very good news from the Minister that she is aware of this, but it is obvious since Grenfell and other failures, and since the Renters' Rights Bill, that this is absolutely necessary. Where is the sense of urgency to get this up and running? Is it simply a case of tenants' organisations not having the money to convene a proper conference to make proper decisions about the way forward?

Baroness Taylor of Stevenage (Lab): I agree with the noble Baroness. Following the findings of the Grenfell inquiry, it is clear that the social housing system was not fit for purpose and that tenants were ignored. It is quite right that apologies were made, and those failings definitely contributed to the Grenfell tragedy. As the noble Baroness will be aware, we are delivering an extensive programme of reform to drive up standards in social housing through regulation and enforcement. We are about to bring Awaab's law before the House, strengthening the tenant voice and improving access to redress. Those new standards put the tenant voice at their heart. My understanding is that the tenants themselves were very keen that this be both funded and driven by the sector itself. The Government are very keen to do whatever we can to assist with that.

Baroness Fox of Buckley (Non-Afl): I am not usually very keen on quangos, but at the heart of this is the issue of trust. Tenants feel as though they are getting mixed messages: when the Housing Ombudsman suggests something, the Government say it is a good idea but then dilly-dally, and trust is undermined. The Government should be clearer on this. Also, there are issues involving tenants that need a national voice. Could the national body, for example, deal with the challenges of rental properties being turned into houses in multiple occupancy—an issue that I know worries tenants—and with the rumours that Serco is repurposing HMOs for asylum seekers, to replace hotels? I am not saying that is happening, but there is a lack of clarity. Can the Minister clarify this, and does she see the need for a national body that will help reassure tenants, rather than simply being a dead quango?

Baroness Taylor of Stevenage (Lab): I can only repeat what I have said: if tenants want this body, we will work with them and do our best to make it happen. I do not think that anyone is dilly-dallying, but it is very important that the tenant voice be made clear in how this is set up, what it will do and how it will move forward. I am very pleased to work on that and to do what I can to move it forward, as I know my fellow Ministers in the department will be. It is particularly important now, given the massive investment the Government are bringing forward in social housing. The Secretary of State has already said that she wants 60% of the housing from that £39 billion to be social housing. We need to move this forward as quickly as possible, so I will do everything I can to move that on.

Baroness Pinnock (LD): My Lords, the Minister said in some of her answers that the tenant's voice is heard, but it is often heard and then ignored, as was so cruelly exposed by the Grenfell Tower tragedy and other social housing-related deaths, where complaints were made about the need for repairs but nothing was done. It is all right being heard, but tenants need to have their voice respected and acted on. How on earth can the Government make those changes?

Baroness Taylor of Stevenage (Lab): I hope I can be clear in responding to the noble Baroness that, for too long, landlords in all tenure types have not always taken tenants' complaints as seriously as they should. Bringing forward Awaab's law is part of the response to that. Many noble Lords will have heard social landlords say that damp and mould were caused by lifestyle issues. I fundamentally disagree with that, and I am very pleased that Awaab's law is coming forward to deal with it. We have also put in place a number of other steps, including the £1 million tenant experience innovation fund, supporting social landlords and tenants in working together to test and scale up innovative projects to engage social housing tenants; and our Four Million Homes training programme, which supports tenants with the skills to form organisations that can challenge their landlords at local level. So there is a lot going on, but there is a lot more to do.

Primary Stock Exchange Listings

Question

11.17 am

Asked by ***Baroness Neville-Rolfe***

To ask His Majesty's Government what assessment they have made of the implications of the decision by a number of companies, such as Wise, to shift primary stock exchange listings from London to New York.

The Financial Secretary to the Treasury (Lord Livermore) (Lab): My Lords, the Government want to see high-growth companies start, scale, list and stay in the UK. Current market sentiment is challenging, but the UK remains the top destination for equity capital raising in Europe. The Government are focused on further boosting the competitiveness of UK capital markets. In her Mansion House speech, the Chancellor will set out a 10-year vision for financial services.

Baroness Neville-Rolfe (Con): Since tabling this Question, AstraZeneca, the biggest company on the London Stock Exchange, has discussed shifting its stock market listing to the US. This would be a real blow to our stock market of £160 billion. It is also increasingly feared that AstraZeneca could be redomiciled to the US, risking losses for London as a hub, hundreds of jobs and tax losses for the Chancellor. What changes will the Minister make to the UK's investment environment to stop the troubling and damaging exodus of high-value firms from our market? We would love some detail.

Lord Livermore (Lab): I am grateful to the noble Baroness for her question. The Government recognise, as she did, that the UK's equity markets have faced challenges in recent years, but that is not a new phenomenon; there has been a net decline in investment in UK funds for nine consecutive years. That is a

matter for concern, of course, though it reflects global trends and the outflow in 2024 was £2.3 billion less than in 2023.

Firms may choose to list in other countries for a variety of reasons. The noble Baroness mentioned some specific companies. It would not be appropriate for me to comment on individual companies or on speculation, but, of course, the Government should do everything that they can, as she said, to improve the competitiveness of our market and the attractiveness of the UK as a place to list. We are taking forward reforms to boost competitiveness, including overhauling the prospectus regime and legislating for PISCES. This will complement the FCA's rewrite of the UK's listing rules, providing more flexibility to raise capital on UK markets. As I have said, next week at Mansion House, the Chancellor will publish our 10-year strategy for financial services, which will include capital markets.

Lord Blunkett (Lab): My noble friend raises an important issue, and I am grateful for his reply. The noble Baroness raised the large companies, but surely the real problem is the rebalancing over several years of the London Stock Exchange away from the funding of small start-ups which are proving their worth and need to be able to scale up. Might it not be time to have an investigation into the direction, strategy and governance of the LSE?

Lord Livermore (Lab): My noble friend is absolutely right on the importance of capital for start-ups and how we can enable them to scale up. It is why in the industrial strategy and the spending review we significantly increased the funding available to the British Business Bank to help innovative small companies to do exactly that. They now have record amounts of capital. We have increased the capital available to our funding streams in that way by 40% since the election, and I think that is exactly what my right honourable friend is seeking to do.

Baroness Bowles of Berkhamsted (LD): My Lords, I declare my interest as a director of the London Stock Exchange. In addition to the pull of US investors, does the Minister recognise that there are push factors making the UK a hostile environment for innovative, high-tech growth companies? There are neither public nor private sector customers, as the chair of GSK told our Science and Technology Committee recently. Excessive government retention of IP exploitation rights in procurement and grant contracts undermines companies' growth prospects.

We are 45 years behind the US, which ended such emasculating IP contract terms in the Bayh–Dole Act, leading to the boom in revenue-producing high-tech companies and university spinoffs. Will HMT put its weight behind the economic benefit and long-term value for money that growth-friendly licensing contracts would have? Will the Minister meet to discuss these and how the UK can get its own Bayh–Dole effect?

Lord Livermore (Lab): I am grateful to the noble Baroness for her question. I do not necessarily share the overall pessimism that she started her question with. Of course, reform is necessary and that is why next week at Mansion House the Chancellor will publish the 10-year strategy for financial services, which I hope will cover some of the things the noble Baroness is talking about. We need to rebalance our system towards growth in the way she described.

Lord Lamont of Lerwick (Con): My Lords, the loss of AstraZeneca, were it to happen, would be a devastating blow to the London Stock Exchange. Is it not therefore very important, if we are to retain the listings, that the Government have a supportive policy for life sciences in particular? Is it not regrettable, first, that the life sciences review has not yet appeared and, secondly, that the Government refused to back the vaccine plant at Speke near Liverpool? The Government also increased the rebate payable by pharma companies from drug sales from 15% to 22%—a stealth increase if ever there was one. Is it not important that, if we want to retain the listings, which will mean retaining the research, development and employment, we have a proper strategy with these companies and do not just regard them as cash cows but valuable investments to be encouraged?

Lord Livermore (Lab): I fundamentally agree with the underlying point the noble Lord made about the importance of investing in and having the right environment for life sciences companies in this country; they are incredibly important to us. It is why they are fundamental to our industrial strategy.

In terms of specifics, I am not going to comment on speculation. We want to see high-growth companies start, scale, list and stay in the UK. He is absolutely right; the life sciences sector plan is forthcoming. If he is just a little bit more patient, he will see it very soon. Through that, we will seek to harness the life sciences sector to drive long-term economic growth and build a stronger, prevention-focused NHS.

Lord Tyrie (Non-Afl): I think that most people would agree that there is a depressing lack of detail from the Minister in response to the important question about the lack of support given, compared with the United States, to high-growth businesses. Perhaps the Minister is not fully briefed on it. Could he come back to the House, if necessary in writing, and give us much greater detail rather than just saying we have to wait for a speech at the Mansion House for an answer?

Lord Livermore (Lab): I cannot say what the Chancellor is going to say at her Mansion House speech now, otherwise there would not be much point in her giving her Mansion House speech then. She will publish a 10-year strategy for financial services at that point, and I am sure the noble Lord will enjoy reading it.

Viscount Stansgate (Lab): My Lords, reference has been made to the Science and Technology Committee of your Lordships' House, of which I am a member. It is investigating the crucial question of how we can scale up companies in Britain. I ask my noble friend the Minister what he hopes the effect of the Mansion House accords and reforms will be on trying to, for example, get more of our pension funds in this country

[Viscount Stansgate]
to invest in British-based science and technology companies, because that will be crucial for the future of growth.

Lord Livermore (Lab): I thank my noble friend for his question, and I pay tribute to his expertise in this area; I know it is something he is deeply passionate about. He speaks about the importance of scale-up in this country. For many years, we have been very good at start-up, but much less good at scale-up. That is something we are seeking to do. As I have already mentioned, the reforms and increased capital for the British Business Bank will be crucial to that. Throughout our work to develop the industrial strategies, we have seen that access to finance has been a central challenge for many companies. He talks about our pension reforms and the Mansion House compact. Those reforms aim to generate up to £50 billion of additional capital to help companies to start to scale up and for crucial funding at that stage of their life.

Lord Leigh of Hurley (Con): My Lords, I declare an interest as a senior partner of Cavendish plc, the largest nominated adviser to listed companies on the stock exchange. We asked our clients why they are going to America. They give us two reasons: the multiples are higher in America—so be it—and the net remuneration package. Both founders of Wise and many directors of AstraZeneca were born abroad. The non-dom rules are driving away entrepreneurs in droves. This is why many companies are choosing to list abroad. We know that Labour is going to change its policy on non-dom tax—it is not a question of if; it is a question of when. Can I implore the Minister to speak to Treasury to make it as soon as possible?

Lord Livermore (Lab): I commend the noble Lord for knowing more about government policy than I do. He talks about those companies listing abroad. It is interesting, just to look at some evidence, that IPOs on US exchanges show that non-US companies tend to perform much less well than US ones, suggesting that from a valuation perspective it is better for firms to list on their home market. In the last 10 years, of the 20 British companies that listed in the US, nine have already delisted, only four are trading above their IPO price and the rest are trading down on average by 80%.

Falkland Islands: Fisheries Exports Tariffs

Question

11.28 am

Asked by ***Lord Hunt of Wirral***

To ask His Majesty's Government what steps they are taking, as part of the UK–EU relationship reset, to secure the removal of tariffs on fisheries exports from the Falkland Islands.

Baroness in Waiting/Government Whip (Baroness Anderson of Stoke-on-Trent) (Lab): My Lords, we fully recognise the challenges that these tariffs pose for the Falkland Islands. These tariffs stem from the fact that the Brexit deal reached under the previous Government does not cover the overseas territories, and the EU has been clear that it is not willing to reopen the fundamental terms of that deal. The UK and Falkland Island Governments have been working together on seafood exports, including securing US Government agreement to consider reducing US tariffs on Falklands exports.

Lord Hunt of Wirral (Con): I am very grateful to the Minister because she recognises how important the income from the fishing industry is for the Falkland Islands, given that 63% of its income comes from fishing. Will she ensure that their next meeting under the UK -EU reset will include this item, demonstrating the UK's credibility and consistency in promoting free and fair trade across the globe?

Baroness Anderson of Stoke-on-Trent (Lab): I thank the noble Lord for his question. He is right on the importance to the Falkland Islands economy; it is key. Over 90% of their fishing exports are sold to the European Union, and €15 million-worth of tariffs is having a genuine effect on their economy. One of the reasons we are in this place is because the previous deal on Brexit, negotiated by the Conservative Party, explicitly ignored the British Overseas Territories. That means that we are having to do this through soft power and ongoing relationships, which is why the EU-UK reset is so important and we are seeing some of the fruition of it with Macron's visit here today. We are doing what we can. We will continue to work closely with the Falkland Islands Government to do what we can to help and protect their economy.

The Earl of Kinnoull (CB): The European Union Committee looked at this issue in 2020-21. What was interesting about it then—and I am sure that it is fairly similar now—is that the fishing grounds for the Falkland Islands were fished by ships that were largely 50% owned by Spanish interests and 50% owned by Falkland Islands interests. The catch was then landed in Spain, chiefly at the port of Vigo, and 6,000 Spanish jobs were then involved in the processing of the fish, which were sold throughout the European Union. It would seem that one of the steps towards looking at this would be to make common cause with the Spanish Government. Does the Minister agree?

Baroness Anderson of Stoke-on-Trent (Lab): The noble Earl raises an important point. Obviously, as part of the EU reset, our bilateral relationships with European Union members are key. The noble Earl is right about the ownership structures of the fishing companies, although for the record it is 51% that is owned by the Falklands and 49% that is owned by the Spanish. The Falklands always have a controlling share.

Lord Purvis of Tweed (LD): My Lords, regarding credibility and consistency, because the previous Government forgot about the Falklands at the start of the Brexit negotiations, I asked the then Foreign Secretary, the noble Lord, Lord Cameron of Chipping Norton, with all of his great authority and prestige, if he would resolve the issue with regard to the,

"£15 million a year to be Spanish-flagged vessels as a result of the lack of access to the EU market".

I asked him that

"British fishermen on British vessels fishing in British waters will not to have to do so under a Spanish flag".

His reply to me:

"I will certainly take the noble Lord's point away".—[*Official Report*, 5/12/23; col. 1387.]

He did, and he kept it away; I never heard back. I commend this Government for seeking additions to the TCA—for example, the SPS negotiations now under way—but what is preventing our Government now commencing discussions for an additional agreement to the TCA with regards to resolving the issue that the party to the right created?

Baroness Anderson of Stoke-on-Trent (Lab): The noble Lord is right: we are trying to fix a problem that, yet again, we were left by the previous Government. The European Union is clear that the TCA cannot be reopened in terms of its geographical consequences. On additional agreements, we are working very hard to make sure that the EU reset has a positive impact on all aspects of British interests, and that includes on the Falkland Islands. I cannot promise to come back to him—

Lord Purvis of Tweed (LD): Do not take it away!

Baroness Anderson of Stoke-on-Trent (Lab): I will take it away, but I promise I will also come back.

Lord Bellingham (Con): Obviously, the overseas territories and the Crown dependencies are an integral part of the British family; they are part of Britain. Surely the lesson here is that, when it comes to future UK free trade deals, they should always be included.

Baroness Anderson of Stoke-on-Trent (Lab): I wish the noble Lord had had that conversation with the previous Government, but he is right. I have been to the Falkland Islands—I went in 2018—and it is an incredibly important part of the British family in terms of its sovereignty. As regards what happens next, a key point in our conversations with the American Administration has been on the impact of tariffs, which is why I am so pleased that only today they have paused the tariff that would have had an impact on the Falkland Islands economy. We are working with the Falkland Islands Government at every opportunity, as we are with all of our overseas territories.

Lord Watts (Lab): My Lords, is this not another case of where it has been a disadvantage to Britain to leave Europe? We were promised lots of benefits. When are those benefits going to arrive?

Baroness Anderson of Stoke-on-Trent (Lab): My Lords, I live in Stoke-on-Trent, and I campaigned for remain in a 72% leave constituency. There are some elections I was definitely never destined to win. My noble friend will be aware that this Government are committed to making Brexit work. There is no point in looking back at this point; now we have to fix some of the problems that we have inherited.

Baroness Finn (Con): My Lords, on the subject of tariffs, when the Prime Minister agreed his deal with the USA, he sold out the UK's bioethanol sector, apparently without proper consideration of the impacts it will have on farmers across the country who sell their produce for bioethanol. Can the Minister reassure us that no future trade deals that disadvantage UK farmers will be accepted?

Baroness Anderson of Stoke-on-Trent (Lab): My Lords, it is a stretch to go from fishing to agriculture, but I am more than up for the challenge. A thriving agriculture sector underpins our food security and supports the prosperity of regional communities across the UK. We will continue to seek fair and balanced deals, which include new export opportunities to grow the UK's world-class agri-food and drink sector, which is the world's largest manufacturing sector. In no small part we have already seen some of those arrangements with regard to the SPS deal, which will make trade better, including for fishing, and will help contribute an additional £9 billion a year in exports and growth to the UK economy.

Lord Ahmad of Wimbledon (Con): My Lords, one of the points raised consistently by the Minister is about Brexit and the legacy left. I am sure she would acknowledge, as she did in her original Answer, that all of the trade deals which are now being made are provided by the flexibility of the Brexit dividend. I, like her, campaigned for remain, but I recognise the flexibility we now have. My question is focused on the reset. I am sure the noble Baroness will acknowledge, as the President of France did, the importance of the Windsor Framework and, indeed, the Blenheim Palace summit. Let it not be forgotten that the principle of that summit was made by the previous Government, as was acknowledged by the President of France and the Minister can acknowledge today. My question is specifically on the sovereignty of the Falkland Islands. One of my last acts as a Minister was in Paraguay with the OAS, restating the unstinted sovereignty of Britain over the Falkland Islands, the Sandwich Islands and all the related maritime areas. Can the Minister restate the importance of that sovereignty and that it is not up for negotiation?

Baroness Anderson of Stoke-on-Trent (Lab): Yes, there is no room for questioning British sovereignty with regard to the Falkland Islands.

Lord Grayling (Con): My Lords, the European Union appears to be interested in joining CPTPP, which is something the United Kingdom has already done. Will the Government ensure that we use any leverage in that negotiation to ensure that the kind of problem we are discussing today is resolved?

Baroness Anderson of Stoke-on-Trent (Lab): The noble Lord raises an interesting point, and I will make sure that the negotiators are aware of it.

Lord Berkeley (Lab): My Lords, there has been lots of recent discussion about Diego Garcia and the change in ownership there. Who has the fishing rights around there? Is it us or Mauritius or the Americans? Or is it not a Crown dependency anymore, so maybe it does not matter?

Baroness Anderson of Stoke-on-Trent (Lab): I thought that I had done so well with regards to agriculture, and now I have Chagos and fishing. I genuinely am not aware of the fishing rights around the Chagos Islands, but I will write to the noble Lord.

Tax Increases

Question

11.38 am

Asked by ***Lord Harper***

To ask His Majesty's Government, following the decision not to proceed with changes to Personal Independence Payments, whether they have plans to increase taxes as a consequence.

The Financial Secretary to the Treasury (Lord Livermore) (Lab): My Lords, the OBR will produce a new forecast in the autumn before the annual Budget, and the Chancellor will take decisions based on that forecast. We will set out our fiscal plans at the Budget in the usual way.

Lord Harper (Con): I am grateful to the Minister for that Answer. It is very clear, following recent events, that this Government are not going to make any meaningful reform of the welfare system and save any money, despite saying that the system is broken. They have said they are not going to touch their existing spending plans, so that means tax rises are coming, as we predicted. In her Budget speech, the Chancellor said that it was the Government's policy not to freeze tax thresholds any longer from 2028-29 because that would hurt working people, and that from 2028-29 thresholds will continue to be uprated. To be clear, I am not asking the Minister to write future Budgets today. I am simply asking him to repeat from the Dispatch Box that those words of the Chancellor's remain the Government's policy.

Lord Livermore (Lab): The noble Lord is absolutely correct that there are financial consequences to the decisions that have been taken, but he will not be surprised to know that I will not speculate on the next Budget now. We will do things in the usual way. The Chancellor will ask the OBR to produce a new forecast in the autumn before the annual Budget and will take decisions based on that forecast. We will set out our fiscal plans at the Budget in the usual way.

Baroness Kramer (LD): My Lords, in all our discussions of tax and spend, we very rarely address the third pillar—the state of the gilts market. Was the Minister as taken aback as I was to read in the OBR report that, at the end of June, the UK tenure bond yield had the third-highest borrowing cost of any advanced economy except for New Zealand and Iceland? With the withdrawal of pension funds from demanding treasuries as we come to the end of defined benefit plans, there seems to be no plan in place to expand the investor base. The United States is using stablecoin to increase the appetite to take up US treasuries. This is essential, so are the UK Government pursuing any such strategies?

Lord Livermore (Lab): The noble Baroness knows that I will not comment on specific financial market movements, but I will write to her on stablecoin if that is okay with her.

Lord Watts (Lab): My Lords, we have just heard that the benefits system is broken. Can the Minister remind us who broke it? Is this not a case of having to clear up the mess that they left?

Lord Livermore (Lab): My noble friend is absolutely right to point out the mess that we inherited and why so many difficult decisions had to be taken. He is right to point to the mess they left us in the welfare system; I think we had the highest proportion of people not working and were the only country in the G7 where worklessness had not returned to where it was pre pandemic. We also had to clear up a mess in the public finances, which is why, as he rightly says, we have had to take so many difficult decisions.

Baroness Laing of Elderslie (Con): My Lords, in answering his noble friend, the Minister seems to have forgotten that the cost of servicing debt is higher now than it was at the worst time under the last Conservative Government. Surely he must take responsibility for that. His Government have been in power for a year.

Lord Livermore (Lab): Why does the noble Baroness think the UK has such a high stock of debt? Is it because her Government doubled the national debt? Yes, it is.

Lord Wallace of Saltaire (LD): My Lords, I was very struck by the article in the *Times* the other day by Paul Johnson, former leader of the Institute for Fiscal Studies, in which he said that we have an entirely illusory debate about tax and spend. There are calls from a substantial number of newspapers and at least one political party for tax cuts, but nobody ever says where they will fall or what our spending parameters are. This Government have made a commitment to raise our defence spending by over 1% of GDP, which I assume that all the major parties support. That means that tax rises are likelier than tax cuts, unless there are severe cuts elsewhere—for example, in pensions. Could the Government not make some attempt to reach an agreement among the parties such that, when discussing taxes rising and falling, we also discuss what the spending priorities are and what cuts may necessarily be possible?

Lord Livermore (Lab): In the spending review, the Government set out our spending plans and a fully funded path to spending 2.6% of GDP on defence. We have an ambition to increase it to 3% in the next Parliament, as the noble Lord knows. I will not speculate on the next Budget now. As I have said, there will be an OBR forecast in the autumn before the annual Budget and we will make decisions based on it, in the usual way.

Lord Stirrup (CB): My Lords, just for clarification, the Minister said that the Government have an ambition to raise defence spending to 3% of GDP in the next Parliament. My understanding is that the Prime Minister has committed the UK to increasing it to 3.5% by 2035. Could the Minister please clarify?

Lord Livermore (Lab): It is 3% in the next Parliament. I think those commitments are for the Parliament after next.

Lord Altrincham (Con): My Lords, with rather delicate timing, the OBR published its *Fiscal Risks and Sustainability* report on Tuesday. It used the word "daunting" for our fiscal sustainability outlook. It expects health-related outflows to fall a little, not overall but towards the levels of a few years ago. How will the Government explain to the OBR the positioning of the outlook for personal independence payments?

Lord Livermore (Lab): The OBR is aware of the Government's policy. It is for it to certify the costings of that policy in its next forecast. As I have said, we will ask it for that forecast in time for the annual Budget and make decisions based on that.

Lord Vaizey of Didcot (Con): My Lords, as this seems to be a free-for-all on putting forward our economic theories, could we ban discussions of tax cuts and rises and instead look at tax simplification? There is an excellent article in this week's *New Statesman*—a magazine that I read assiduously every week—that regurgitates the excellent work by Paul Johnson, who has been mentioned. It points out that we have one of the longest tax codes in the world. George Osborne was undone by a pasty tax. Surely this Minister can see to it that we can tax an ice cream cone properly and really simplify taxes, which would have a huge impact on business confidence.

Lord Livermore (Lab): I am grateful to the noble Lord for his question. It is not for me to ban conversations about tax rises or cuts, but I understand what he says about tax simplification and will take his thoughts about ice cream cones back to my colleagues in the Treasury.

Lord Liddle (Lab): My Lords, is it not the case that we have a serious long-term question here, beyond what the Chancellor will do in the next year? We have underlying pressures on defence and demography, on top of which we have the reforms on disabilities and SEND in schools that the previous Government introduced, which have led to rocketing bills that something has to be done about at some stage. Will the Government therefore engage in a long-term debate about how we finance the welfare state, which most of the British population strongly adhere to?

Lord Livermore (Lab): My noble friend is right to point out the long-standing and long-term challenges that we face in fiscal policy. As the noble Lord opposite said, the OBR set out some long-standing economic realities in its fiscal risks report this week. That is why it is so important that we are committed to ensuring stability in the economy through our fiscal rules. My noble friend mentioned special educational needs. He is absolutely right that, right now, the system is not working; less than half of education, health and care plans are issued within the 20-week deadline and only 22% of children with special educational needs are reaching the expected levels in maths and English. We absolutely need to deliver better support for vulnerable children and their parents, which is why we will set out wider plans for SEND reform later this year as part of the upcoming schools White Paper. On the longer-term debate that my noble friend talks about, I am always more than happy to discuss those issues with him.

Lord Hannan of Kingsclere (Con): My Lords, does the Minister accept that there is a point when higher tax rates lead to lower government revenues? We heard an example from my noble friend Lord Leigh in the last Question that the Minister dealt with about non-doms provoking some companies to change their domicile or listing. There will come a point when it causes people to retire early, emigrate or work differently. If he accepts that there is such a point, how close does he think we have got to it?

Lord Livermore (Lab): The noble Lord is just talking about the revenue maximisation point. We are past that, for example, on tobacco taxes, as a deliberate government policy. Of course it exists; I do not think it is particularly novel.

General Cemetery Bill [HL]

Third Reading

11.50 am

Bill passed and sent to the Commons.

Financial Services and Markets Act 2000 (Regulated Activities etc.) (Amendment) Order 2025

Motion to Approve

11.50 am

Moved by ***Lord Livermore***

That the draft Order laid before the House on 19 May be approved.

Relevant document: 28th Report from the Secondary Legislation Scrutiny Committee (special attention drawn to the instrument). Considered in Grand Committee on 7 July.

Motion agreed.

Supply and Appropriation (Main Estimates) (No. 2) Bill

Second Reading (and remaining stages)

11.51 am

Bill read a second time. Committee negatived. Standing Order 44 having been dispensed with, the Bill was read a third time and passed.

Government Resilience Action Plan

Statement

The following Statement was made in the House of Commons on Tuesday 8 July.

"With permission, Mr Speaker, I will update the House on the Government's resilience action plan.

We are living through a period of profound change: upheaval in the international order, conflicts raging in the Middle East, a war being waged on the continent

of Europe and old norms overturned on what feels like a daily basis. Against that backdrop, the Government's first duty of keeping the public safe becomes all the more important. Resilience is a measure of deep strength and, at the same time, a measure of insurance.

By deep strength, I mean fundamentals such as a good NHS, a strong spirit of community, a secure energy system and good flood defences. All those things increase our national resilience. We saw the vulnerabilities exposed by the Covid pandemic in the NHS and in the different impact it had on different workers, ethnic minorities and members of the community. Resilience has to be for all, not just for some.

By insurance, I mean the emergency systems, scientific capability, scale-up capability and other measures we would need in a crisis. Everyone knows they need insurance, but we also know that no one spends their whole income on it. That is true for a country, too. By definition, preparation for the worst has to sit alongside the week-to-week provision of the essential services that government runs. There is no perfectly correct answer to the balance between those two things. What is certain is that the Government have to think through the scenarios and try to ensure that the country is as well prepared as possible.

Today we set out how we will do that with the publication of our resilience action plan, a chronic risk analysis and an update on the UK biological security strategy. No Government can stop every risk from materialising. Every Member of this House understands that we live in a world where we are susceptible to a much wider range of risks than we were even a decade ago: cyberattacks on household names, trade measures that can trigger fluctuations in the prices of food or household goods, power outages, the possibility of another pandemic—these risks are real and are all different.

The answer to those shared challenges lies in making all parts of society better prepared: our economy, our defences, our health systems, our infrastructure, our borders, our industrial base and our energy security. Much of it comes down to the unglamorous work of delivering improved public services. That is what we might call 'deep resilience'—an NHS that is strong enough to cope, an energy system that does not leave us as exposed to the spikes in the price of oil seen in the aftermath of Russia's invasion of Ukraine, and a science base that can be called into action quickly. It depends on the whole of society—business; the public sector; local, national and devolved governments; civil society; local resilience forums; and every Member of this House—all sharing in the burden and pulling in the same direction.

The action plan sets us up to do that with a focus on three areas: first, assessing on a continuous basis how resilient the UK is, so that we can effectively target interventions and resources when and where they are needed; secondly, enabling the whole of society to take action to increase its resilience, which will rely on us changing the culture around resilience by making it part of our everyday lives in practical and simple ways—be it the owner of a business introducing new cyber-defences, or a more informed public who know what to do in order to prepare for different emergencies—and thirdly, improving core public sector resilience. We have thousands of front-line public sector workers who are integral to our resilience at a local and national level, from the employees who keep the energy grid running to local emergency responders. I pay tribute to them all.

The action plan brings together a range of policies. We have already set out our proposals to increase defence spending. We are earmarking £4.2 billion of funding for new flood defences and £370 million to secure the UK's telecoms networks, and opening a new resilience academy in North Yorkshire that will train 4,000 people every year from the private and public sectors. Later this year, we will have the largest ever national pandemic exercise that will test the UK's readiness for future pandemics. We are also developing a risk vulnerability map for public servants, applying one of the principal lessons of previous tragedies, which is that all too often it is the most vulnerable in our society who are hardest hit in the event of an emergency.

On top of each of those steps, the action plan and our update on the biological security strategy set out new additional measures, including a nationwide test of the UK's emergency alert. That will take place at around 3 pm on Sunday 7 September 2025, and it will involve a notification going out to 87 million mobile phones at once. It will be the second time we have used the test on a nationwide basis. It will last for around 10 seconds. The mobile phone alert system will play a critical role in making sure that we are ready for all kinds of future emergencies. In the run-up to the test, we will work with stakeholders, including domestic violence charities, to ensure that the public have as much warning as possible. As well as the alert, we will be pushing ahead with activity to promote the Government's 'Prepare' website to help individuals, households and communities understand how they can be ready for a range of different emergencies. We continue to support local resilience forums in England because they are essential in planning for, and responding to, incidents whenever they occur.

Our biological security strategy includes £15 million from the integrated security fund to help address capability gaps across government and beyond. That is in addition to the £1 billion of investment that we unveiled a fortnight ago for a new network of national biosecurity centres to strengthen our defences against biological incidents, accidents and attacks. The Defence and Security Accelerator also includes £1 million for projects with universities such as Queen's University Belfast and Cardiff University. My colleague the Health Secretary will publish a pandemic preparedness framework explaining how the Government are bringing together the vital scientific research needed to prepare for any future pandemic. I am also able to announce that soon the National Situation Centre and the devolved Governments will sign a memorandum of understanding to ensure that every part of the UK has the best data to prepare and respond to crises.

Those practical steps will help the UK to meet the moment when an emergency comes. Resilience is not a button to press; it comes from the realisation that we need deep strength and the ability to scale up quickly when the situation requires it. That is why the

Government's investment plans, announced in the recent spending review, and the actions outlined in this plan are so important. We will not be resilient unless we invest for the future—a stronger NHS, more and better housing, better energy security, utilising our deep research and development base—and, on top of that, have the capabilities to get going fast in an emergency. That is what this plan sets out. I commend it to the House".

11.52 am

Baroness Finn (Con): My Lords, I thank the Minister for giving us the opportunity to scrutinise the Government's resilience action plan. There is much to be welcomed in this plan. In an increasingly unstable period, both domestically and abroad, it is vital that we invest in our defence and security as well as our national resilience.

The looming background to this plan is of course our national experience of the Covid pandemic, which we know the UK was ill prepared for. The pandemic preparations we had made were for influenza and we did not have the structures in place to respond to a coronavirus. Access to the right data was also a particular challenge for decision-makers. Professor Sir Ian Diamond confirmed to the Covid inquiry that

"no formal structures existed for the ONS to … contribute to civil emergency preparedness",

beyond "ad hoc commissions".

The Covid inquiry highlighted the difficulties that arose from different datasets being used in England, Scotland, Wales and Northern Ireland. Even within government there are problems, as government departments do not share consistent data freely. Can the Minister confirm that the Government are actively looking at these issues to standardise data across the United Kingdom?

During the pandemic, we also learned where the weaknesses were in our civil contingencies regime. The disparate responsibilities across government were one of the key challenges. We wasted no time learning the lessons from Covid so that they could be applied to pandemic preparedness, as well as in other areas. We established the national Covid inquiry and founded the UK Health Security Agency, and the Government are right to build on this work.

In addition to the weaknesses exposed during Covid, the pandemic demonstrated national strengths. At what was a very difficult time, the British people stepped up as volunteers up and down the country to do their bit, supporting neighbours with emergency supplies, volunteering at vaccine rollout centres, supporting one of the fastest vaccine rollouts in the world and enabling us to come out of lockdown sooner as we kick-started the pandemic recovery in our schools, businesses and hospitals.

The Government are right to include the role of the British people in resilience. We learned from Covid what a force of nature the British people are, and our national resilience is all the stronger if we can harness the voluntary will of our fellow countrymen. In the other place, my honourable friend Alex Burghart asked about proper communication—this will be vital. Can the Minister confirm what practical steps the Government will take in this regard?

We also welcome the focus on flood defence. In recent years we have seen serious weather events that have threatened homes, livelihoods and our food security. We must have the right measures in place to support communities affected by flooding and protect them from future flooding events. Can the Minister confirm what consideration is being given to the risk of flooding in our planning system to protect the homes of the future?

At the most local level, our flood response often relies on our rural communities stepping up to help their neighbours; this often means our farmers. Can the Minister please explain what steps Ministers are taking to rebuild trust with the British farmers after their trust in government was shattered by the cruel family farm tax?

There are a number of issues missing from the resilience plan. One of the major challenges to domestic stability is economic instability. The Government's fiscal policies have left us with the third-highest borrowing cost of any advanced economy after New Zealand and Iceland, falling employment and higher costs of doing business. Meanwhile, the Government are empowering unions, reversing the constructive reforms of the Trade Union Act 2016 and making it easier for them to take destructive strike action through the Employment Rights Bill.

The Chancellor of the Duchy of Lancaster was unable to say whether the Government are preparing contingency plans for a general strike, or strikes in general, as part of the resilience action plan. Can the Minister now confirm whether preparations for a general strike will form part of the resilience action plan?

The Government have been clear in the resilience action plan that they will continue with the lead government department system for preparedness and that the Cabinet Office will retain a central but supporting role in our resilience planning. There are inherent problems with this approach. We talked about the proliferation of responsibilities, leading to an uneven response and nobody taking charge in times of crisis. This is obviously compounded by the problems of sharing consistent data across government.

I think there is a gap between the Government's approach and the recommendations of the noble and learned Baroness, Lady Hallett, in module 1. She said:

"The UK government should … abolish the lead government department model for whole-system civil emergency preparedness and resilience",

yet the Government's plan implies that they will continue with this lead government department model. Will the Minister confirm that this plan does not abolish the lead government department model for whole-system emergencies? Have the Government therefore rejected the recommendation by the noble and learned Baroness, Lady Hallett, and how can the Minister explain the gap? Finally, can she confirm that somebody will be responsible and accountable to ensure that the lead government department plans are up to date and reflect the latest threats? What opportunity will there be for Parliament to scrutinise the work of both the Cabinet Office and the government departments' work on preparedness?

[Baroness Finn]

I have a few further questions for the Minister. Which types of pandemic will Exercise Pegasus prepare for? We know that pandemic preparedness before Covid was focused on the wrong kind of pandemic. How will Ministers ensure that Exercise Pegasus covers all the scenarios it should, and will a list of the types of the pandemics we have prepared for be made available to Parliament? Finally, what steps are the Government taking to horizon-scan for biosecurity threats that may be developed by hostile foreign state actors? I appreciate that there are a lot of questions there and look forward to the response from the Minister.

Earl Russell (LD): My Lords, on these Benches we very much welcome the publication of the Government's resilience action plan. Of course, we recognise that we live in a period marked by heightened instability and insecurity. From the war in Ukraine to issues in the Middle East, climate-related issues and cyberattacks, the world is changing at an ever-greater speed. Obviously, these issues are not party political.

We acknowledge the steps outlined in the plan but call on the Government to go further in several critical areas to make the UK truly resilient. A national awareness campaign is essential to involve and empower our communities in helping to build our national resilience. The current approach of relying primarily on the GOV.UK Prepare website, while useful, may not reach all segments of society. We call for a broader public information campaign, drawing on the lessons from countries such as Sweden and Japan, where these issues are embedded in the education system and throughout the whole of society.

We also welcome the Government's proposals to test a national alert system on Sunday 7 September, notifying 87 million people by text message. Text messages obviously have their limitations, so we call on the Government to look at a broader approach in this area. I know that everyone in the House will join me in sending our condolences to those in Texas and New Mexico for the terrible loss of life that they have suffered. In that instance, text messages were sent, but it was the middle of the night and people did not hear them. Can the Government consider installing sirens in areas where we know there are specific climate risks, such as floods and wildfires?

The Government have acknowledged the importance of dialogue on public resilience; in many other countries, that is a normal part of life. We welcome the commitment to expand the Prepare website and specific guidance for disproportionately affected individuals and sections of society. The plan must go further by comprehensively addressing the ever-growing impacts of climate change. We are seeing record-breaking wildfires and droughts, and I call on the Government to make better use of our weather-forecasting system to predict, and to inform us about, the risk of wildfires.

We welcome the commitment to flood defences, with £4.2 billion of funding, but we need to go further to make sure that we are climate resilient. We have not built a new reservoir in a long time, and last week Defra estimated that we will be 5 billion litres short of water by 2050. These are therefore urgent actions.

I turn to our critical national infrastructure. We have had recent, highlighted cyberattacks on many of our commercial businesses, but what if cyber attackers turn off the taps on our national water supply? Increased national threats require robust measures. We have discussed Heathrow this week, and we know that there were issues with identifying key CNI interrelationships and communications. The Government must commit to developing a cyber resilience index—we welcome that and the CNI Knowledge Base—to map these vulnerabilities. However, current CNI cyber resilience is not keeping pace with this rapidly evolving threat. We need to accelerate this work and to plug the gaps, to make sure that we are adequately prepared.

We welcome the legislation on countering ransomware and the Government's proposed ban on the payment of that. That will help make sure that we are not a target.

Finally, the next pandemic obviously remains the number one threat and, again, is accelerated by the impacts of climate change. We welcome that the Government are preparing another exercise. We would like to see the full lessons learned from previous exercises and to make sure that more are learned from this one. We seek assurances that that exercise will test a full range of pandemic scenarios. We welcome the £1 billion investment in the new network of national biosecurity centres and the £15 million for the integrated security fund. Plugging these gaps in our biosecurity is obviously very welcome. We must also continue to support our universities, to make sure that we are preparing for the next pandemic.

The resilience action plan is a positive step. We need to be more proactive, more transparent and fully inclusive in our approach, to make sure that it is fully embedded in our society.

Baroness in Waiting/Government Whip (Baroness Anderson of Stoke-on-Trent) (Lab): My Lords, I thank the noble Baroness, Lady Finn, and noble Earl, Lord Russell, for their comments and broad support for the Government's actions.

Before I continue, I want to pay tribute to the work of many other noble Lords across the House. Specifically, I thank my noble friend Lord Harris of Haringey for his engagement throughout the Government's review of resilience, as a critical friend and my personal mentor—not that I intend to blame him for anything I get wrong today, but I might give that a go. I also thank the noble Baroness, Lady Falkner, and my noble friends Lord Boateng and Lord Browne, who have acted as critical friends throughout this process.

The resilience action plan highlights the fact that we are living through a period of profound change, and our national resilience is being tested in ways that it has not before. In the last decade, we have had to manage the domestic impacts of the Covid-19 pandemic, the illegal invasion of Ukraine, the Grenfell Tower disaster, heatwaves, increasingly serious flooding and, this year alone, the impact of cybergangs targeting UK businesses. It is more important than ever that we have a clear plan to increase the resilience of the UK. The resilience action plan is this Government's strategic approach to achieving this goal.

Our action plan has three objectives: to evaluate continuously the UK's resilience, using data mapping to identify vulnerabilities and target interventions effectively; to enable society-wide action by embedding resilience in daily life in practical ways, such as those touched on by the noble Earl; and to strengthen public sector resilience, by ensuring that front-line workers and public services are well co-ordinated and empowered across all levels, from Government Ministers to first responders. The Government cannot stop every risk from materialising, but it is our first responsibility to keep the public safe. The resilience action plan takes an all-hazards approach, which seeks to improve the general resilience of the nation, similar to the approach adopted in the strategic defence review.

On how the action plan will bring together the range of policies that contribute to realising these objectives, £4.2 billion of funding has been earmarked for new flood defences to keep communities safe across the UK. We are investing £370 million to better secure the UK's telecommunications networks, through research and investment in technology and infrastructure. We have launched a dedicated UK Resilience Academy, which will train up to 4,000 resilience experts every year across the whole of society. We are co-ordinating the largest ever national pandemic exercise later this year, which will test the UK's readiness for future pandemics.

We learned from previous tragedies, including Grenfell and Covid, that, while emergencies have an impact on everyone, they all too often hit the most vulnerable in our society the most. Therefore, we have also launched a risk vulnerability tool, which maps the particular challenges that different crises may create for vulnerable people, to enhance the Government's response both before and during a crisis. We are embracing the data.

I turn to some of the specific questions raised by the Front Benches opposite. We are going even further than just the action plan. Our update to the biological security strategy set out concrete measures, including, as noble Lords have referenced, the second nationwide test of the UK emergency alert system. It will take place on the honourable Alex Burghart's birthday—it is his birthday present—on Sunday 7 September at 3 pm, with a notification going out to 87 million mobile phones at once. We will work with all stakeholders, including domestic violence charities, in the run-up to the national alert to ensure that the public have as much warning as possible.

It will also give us an opportunity to engage directly with the general public in communicating the importance of resilience. It is one of the tools that we will use to provide broader communications around resilience. Many of us have spent too many hours writing political campaign material, knowing that it typically goes from the front door to the bin in the kitchen, so we have to make sure that we have a variety of tools available when we communicate. While paper is always my back-up, especially where I live, we also need to have the right materials available online—as well as by using radio and television—to make sure that people have access to the right comms. The national alert gives us a wider opportunity to do that, and we will also be able to alert schools. As 87 million people will receive the alert, it is an opportunity to make sure that this approach is working.

Alongside this, we are pushing ahead with activity to promote the Government's Prepare website to help individuals, households and communities understand how they can be ready for a range of different emergencies. All these actions are about making sure that the foundations are fixed.

Noble Lords have touched on a variety of issues, so I will respond directly to them. I am very aware that the noble Baroness, Lady Finn, asked me a series of questions, so I may have to read *Hansard*, in case I did not quite catch them all. She raised an important point about how we are actively seeking to standardise data. The National Situation Centre is now a co-ordination point and ensures best practice for data use. I was there only this week; it is an extraordinary tool and is utilising data. We are about to sign an MoU with the devolved Governments, to make sure that data is used between the National Situation Centre and the devolved Governments in this area, which will help us to standardise data.

The noble Baroness did something that I should have started with, which is to praise the role of people in the delivery of our resilience. We all saw extraordinary actions during Covid, as people came together to look after communities. In my own area, it meant that hundreds of thousands of meals were delivered to children who qualified for free school meals. It is extraordinary what we can do when we come together.

I have already talked about proper communication and practical steps. With regard to flooding—I do have a piece of paper somewhere about flooding: there you go, it is like magic—the Government inherited flood defences in their worst state on record since June 2009-10. We are investing record levels in flood prevention and protection. Over the next 10 years, we are committed to £7.9 billion of capital investment for flood defences. The Department for Environment, Food and Rural Affairs' floods resilience task force is a new approach, preparing for flooding by bringing together representations from national, regional and local government, devolved Governments, the emergency services, businesses and environmental interest groups. This should help the planning system.

The noble Baroness is definitely focused on agriculture today, and I give her points for it. Obviously, we have a multifaceted relationship with those in the agricultural community and will continue to work with them in this area, as we always have. She also touches on the issue of economic security; the noble Baroness is very aware that this Government's driving mission is to increase economic growth in a way that the last Government simply failed to do. We will do so, so we have enough money to fulfil the commitments we are making.

I declare that I am a former trade union official. In my experience, I do not believe that the unions need empowering; they are doing all right by themselves. What we are doing is making sure that the general public and workers have appropriate rights in the workforce, and I look forward to discussing that with noble Lords next week, when we have the Employment Rights Bill before your Lordships' House.

[Baroness Anderson of Stoke-on-Trent]

There are many other points, but I am aware of the time. I do want to touch on cyber, because it is so incredibly important. Obviously, we will be bringing forward the cyber resilience Bill in due course, when legislative time allows. We need to make sure we are ahead of the threats that are coming. Everything about the resilience action plan is to strengthen our foundations because, candidly, as noble Lords will be aware, the sheer range of threats we currently face means we do not know what will happen next. I wish we did, but it is about making sure we are prepared for whatever comes.

I will look at all the questions that have been raised and, if I have missed any, I will write.

12.12 pm

Lord Harris of Haringey (Lab): My Lords, I am grateful to my noble friend for the answers she has given. I join in the general welcome that has been given by the Benches opposite for this action plan. As chair of the National Preparedness Commission, I will say that that my noble friend will not be surprised that there are all sorts of extra things that, in an ideal world, I would like to have seen in this action plan or, indeed, I would like to have seen it as a strategy rather than simply a list of actions that will be taken over the next four years.

My specific point is that reference has been made repeatedly to the next test of the emergency alert system. I hope that, on this occasion, and I hope my noble friend can clarify this, the publicity around this will not be done in an apologetic way—"We are so sorry for disturbing your Sunday afternoon"—but much more as "This is a positive measure to try and protect the public in different ways". This should be part of a much wider national conversation, which was promised by the Prime Minister as part of the strategic defence review and which will raise the awareness of the public in every single, possible way about the range of dangers and threats we face and the fact that these are getting worse. As a nation, we have to have a whole of society and indeed a whole of government response to deal with these issues.

Baroness Anderson of Stoke-on-Trent (Lab): I thank my noble friend for both the work he has done for decades in this area and his expertise, and also for raising an incredibly important point. Our general security environment has changed, and the national security strategy was clear. The resilience action plan and strategy we believe to be one and the same. The action plan is part of enabling a holistic all-society approach. The reality is that we need cultural change. I, like my noble friend, would expect to see that we use the 7 September alert system as an opportunity to facilitate that conversation, to make people very aware that they have responsibilities too, that they are not impotent in what might be coming, and they can make appropriate preparations. This is part of that conversation. I will seek to explore the comms programme and I will come back to the noble Lord if there are any concerns.

Lord Lancaster of Kimbolton (Con): My Lords, the military aid to civil authorities is the established process by which the military is used at times of national crisis or, indeed, prolonged strikes. The challenge is that it is the same Private Jones who is the stand-in tanker driver, the stand-in passport control officer or the stand-in prison officer. It detracts from core military outputs. In theory, departments of state should default to using the private sector in their resilience plans, but it has become the norm simply to use the military. So I ask the Minister: as part of this resilience plan, will there be a comprehensive audit of the departments of state's resilience plans to ensure that the military are used only as a last resort?

Baroness Anderson of Stoke-on-Trent (Lab): At this point I have to declare my status as honorary captain in the Royal Navy—I am very proud of it. The noble Lord is absolutely right that we have, all too often, looked to our military to fix holes in civilian—

Lord Lancaster of Kimbolton (Con): I should have declared an interest.

Baroness Anderson of Stoke-on-Trent (Lab): I am very aware of the noble Lord's interest. He is absolutely right that we have, too often, relied on our military to fix holes. One of the things I should have said in response to the noble Baroness, Lady Finn, is about module 1 of the Covid recommendations—I think either recommendation 2 or 10—about the Cabinet Office versus a lead department dealing with resilience issues. This pertains system-wide and relates to the question raised by the noble Lord. The Cabinet Office is strengthening its core to make sure that we can have cross-government oversight, but we will retain the lead department model. As part of ensuring the strengthening of our core, we would obviously seek to undertake a clear audit, to make sure that everyone has appropriate provision in place for any crisis. In fact, one of the things the action plan seeks to do is to ensure a baseline of resilience, which will require such data-gathering exercises.

Baroness Winterton of Doncaster (Lab): My Lords, noble Lords have referred to intelligence sharing and co-operation between government departments, but many aspects of the resilience plan will rely on international co-operation. Certainly, for example, on cyber intelligence sharing. At the annual meeting of the OSCE last week, there was wide discussion on how to make democratic elections resilient to misinformation and foreign interference. This is becoming an increasing problem and I am not sure we are taking it seriously enough at the moment; we certainly need to turn our attention to it. Will my noble friend the Minister agree that deepening our ties with organisations such as the OSCE and the Council of Europe, and looking at that particular aspect of intelligence sharing, would strengthen our international resilience as well as our national resilience.

Baroness Anderson of Stoke-on-Trent (Lab): My noble friend makes a very important point. Sometimes it is easy to separate our online and our offline worlds. With the issue of misinformation and the cyber threats we currently face, there is a clear crossover between online and offline and the impact that can have. This is clearly a space where we need to operate internationally, and we do so. Only recently, my honourable friend the

Chancellor of the Duchy of Lancaster met with the Japanese cyber Minister, to make sure we were having cross-country communications. Deepening our intelligence ties through both existing networks, and also through our responsibilities under Article 3 of NATO, as well as ensuring we are one step ahead of both cyber and misinformation threats, will be key, given the current threats we face as a country.

Baroness Wheatcroft (CB): My Lords, the Minister has been very helpful in her answers so far, but, to go back to the question of the noble Lord, Lord Harris, there seems to be a bit of a gap between the defence strategy, the conversations that we have here and the amount of money that is going into defence, and the message that we are getting out to the public. Certainly, the prepare strategy at the moment is quite squeamish in itemising the threats. Will the Government be clearer, as other countries are with their people, in telling them what we want them really to be prepared for as well as cyber and floods, which will not affect everybody.

Baroness Anderson of Stoke-on-Trent (Lab): The noble Baroness makes an important point. The only issue that I would challenge her on is that cyber could affect everybody; we just saw what happened with Marks & Spencer, for example. There is potentially an impact on everybody.

The noble Baroness makes an important point about itemising the threats. We are trying to make sure that the foundations are solid, and, candidly, there are gaps. On where we sit and how we seek to move forward, it is about making sure that people understand what responsibilities they have. Even if 10% of people put in extra support at home, that means 10% of people who, in an emergency, we will not have to look after in the immediate 24 hours, and so we can focus our efforts on the more vulnerable. It is about how we make sure that our resources are more effective, and that people understand what they should have at home.

After Covid, we had many conversations about toilet roll and flour. Making sure that people have what they need at home for a week's worth of supplies is a conversation we should all be having anyway—although, like most people, I want to put a lot of those memories in a box and not have to think about them again.

The noble Baroness is absolutely right that there has to be a real conversation with the general public. I truly believe my right honourable friend the Prime Minister has started such a conversation with the country in discussing the scale of threat, how our world is changing very quickly around us, what responsibilities we must have and what impact that might have on our day-to-day lives. Some of it is about money and some of it is about actions and personal responsibility.

Baroness Browning (Con): I am sorry to take the Minister back to it, but before Covid was officially declared a pandemic in this country, there were several weeks of mixed messaging emanating from the World Health Organization. In preparing for another pandemic, what assessment have the Government made of the role of the WHO and the reliability of its global reach?

Baroness Anderson of Stoke-on-Trent (Lab): I think we can all appreciate that, especially in the early stages of the pandemic, it was very difficult to get genuine information about what was coming. It was unprecedented in living memory, and many eminent experts across the field were trying to establish what was happening next. We are members of the World Health Organization and we continue to actively participate and engage with it, and will seek to have an ongoing relationship with it. It is not our only source of information; we continue to work across the piece with all partners to assess threats as they emerge.

Lord Cryer (Lab): My Lords, there is a pretty strong chance that any future terrorist attacks in Britain will be linked directly or indirectly to the regime in Tehran. I welcome recently introduced provisions which mean that British citizens who have undeclared links to Tehran can face criminal prosecution. Would it not be a good idea to look at extending the provisions to those who have links to the proxies of the Tehran regime—I am thinking of Hezbollah and Hamas, but also more home-grown proxies?

Baroness Anderson of Stoke-on-Trent (Lab): My noble friend, who I am very fond of, has not asked me an easy question. He will be very aware of current concerns; in fact, only this morning, the Joint Intelligence Committee published a report about the threats posed by Iran. The Government keep an ongoing review of what those threats are and will always act to protect people in the United Kingdom.

Baroness McIntosh of Pickering (Con): My Lords, can I bring the Minister back to the flood defence issue? She will be aware that, during the last Labour Government, Flood Re was created specifically to protect flood plains and to prevent developers building on functional flood plains—flood insurance was not deemed to be appropriate to prevent such building taking place. Will the noble Baroness use her good offices to ensure that her Government will not build on the most functional flood plains, identified by the Environment Agency as those areas most at risk of flooding, in particular zone 3b areas? Will she ensure that local authorities and the Environment Agency have the means and resources to identify zone 3b areas for this purpose?

Baroness Anderson of Stoke-on-Trent (Lab): The noble Baroness raises a very important point. I will make sure that the relevant departments have heard her and will communicate directly with her.

Lord Hogan-Howe (CB): My Lords, special constables, who are part of the police force, are part of the resilience network in this country. They are volunteers, who turn up every day, every week, and take all the risks of a police officer, with no payment—the risk of getting stabbed and shot, and all the other things that happen to cops from time to time. Their numbers have deteriorated significantly over the last 10 years. There were around 6,000, but, at present, the number stands at 2,000. I have an amendment to the employment Bill—the noble Lord, Lord Katz, is sat next to the Minister—which is seeking to give them the right to have a reasonable request accepted for time off should

[Lord Hogan-Howe]
they request it, as I believe reservists do. Working across government, does the Minister consider that an aspect of resilience, as well as, as I would say, of good employment practice?

Baroness Anderson of Stoke-on-Trent (Lab): The noble Lord makes an important point about the role of special constables and all volunteers in our community and the work that they do to keep us safe on a regular basis. Noble Lords will have heard me talk many times from this Dispatch Box about our security and police forces, who run towards danger to protect the rest of us. We owe them always a huge debt of gratitude. With regard to the specific point the noble Lord raises, I beg his indulgence. I will talk to the department about his suggestion and will revert to him.

Baroness Berridge (Con): My Lords, having been in the Education Department during the pandemic, I know that the measures we took there unfortunately engendered a lot of anxiety and additional fear among a young population. Can the Minister outline how we will embed this with young people without causing them fear? She mentions having provisions at home, but how do we make it a norm for young people to have something called a "go bag", whether they are at university or at home? Will the Government monitor the effect on young people of the message that will go out in September, as I presume that the mobile phone coverage includes young people now?

Baroness Anderson of Stoke-on-Trent (Lab): I thank the noble Baroness for her question. She will be aware that we are currently undertaking a national curriculum review. Some of what we have discussed today, including the education point raised by the noble Earl, will be touched on as part of that review. We are very clear that teaching about emergencies in an age-appropriate way extends to not overstating risks and helping pupils contextualise what they learn without causing harm. We think that schools should decide how best to plan for emergencies and talk to their pupils appropriately. The Department for Education provides guidance to support schools in doing this.

Border Security, Asylum and Immigration Bill

Committee (3rd Day)

Scottish and Northern Ireland legislative consent granted, Welsh legislative consent sought.

12.29 pm

Clause 28: Use and disclosure of information supplied under section 27

Amendment 95

Moved by ***Baroness Hamwee***

95: Clause 28, page 21, line 14, leave out from "them" to end of line 15 and insert "only for those purposes"

Member's explanatory statement

This amendment is to probe under what further circumstances a person listed under section 27(3)(a) to (f) could use the information supplied to them by HMRC.

Baroness Hamwee (LD): My Lords, Amendment 95 is about the use of information supplied by HMRC. I acknowledge that many—possibly most—people believe that if information is given to a government official in one part of government, the Government as a whole have it. That is not the case, and we do need to take care with protecting data. Clause 28(1) allows for the use of any of an organisation's functions, and the amendment would limit it to the functions for which the information is supplied, it being for the purpose of any other functions of the persons in in subsection (3).

I have explained that extraordinarily badly. This comes of thinking that you can write brief notes instead of a complete speech, which I try and avoid for Committee. I refer noble Lords to the authority of the Bill. Basically, I want to limit the use of information provided under the Bill and to ask the Minister how this will work, how it will be policed and what sanctions, what remedies, there are if information is misused.

Amendment 190—in his absence, I thank the noble Lord, Lord Watson—raises again the issue of a firewall to protect vulnerable people. I am afraid that the noble Lord, Lord Katz, is going to hear a repetition of points that I made on the Employment Rights Bill, because they are relevant here too. The objective is to protect workers who are in particular need of protection because of the abuse, the exploitation, they are experiencing. The amendment would restrict the use of information disclosed for enforcement purposes—enforcement against abuse or exploitation—regarding a subject of abuse who is seeking support, and of information regarding a witness to that exploitation. I shall return to witnesses in a moment.

I became aware during the passage of the Modern Slavery Act 2015 of the conditions to which some overseas domestic workers were subject. Slavery was the right term for them, and a change in the rules was made. It was minor and, frankly, quite inadequate. Our law did not and does not protect migrant workers—not just domestic workers but those in agriculture, care, health and so on—as it should. They are particularly vulnerable to abuse, not just because of the consequences if their existence comes to the attention of immigration authorities, but because of their fear of the consequences. People who do not know their way around the system, who are in fear of any authority figure, are very open to unscrupulous employers who can make threats—the threats may have no foundation at all—that the person may be detained or deported, or that the person's children will be taken away, so they cannot take the risk of reporting abuse and exploitation. I am told by the sector that this fear is not ill-founded. There is evidence that data is often shared between labour market enforcement agencies, the police and Immigration Enforcement.

The current situation has a widespread effect: mistrust by migrant communities prevents police and labour inspectors doing their job properly, which drives down conditions for all workers. It is not impossible to deal with this. Secure reporting has been implemented in the Netherlands and Spain. I understand that Surrey Police has implemented a firewall, and the Greater

London Authority is undertaking a pilot. During Committee on the Employment Rights Bill, the noble Baroness, Lady O'Grady, mentioned that the Independent Chief Inspector of Borders and Immigration found that allegations raised during inspections were not investigated by the Home Office. As she said, the rights of all workers are only ever as strong as those of the most vulnerable.

One comment made during that debate was that nobody should fear. Another comment—with which, of course, I agree, and which came from the Conservative Benches—was that one of the gravest human rights abuses is modern slavery and human trafficking, and that vulnerable individuals risk slipping through the gaps. The Minister on that Bill argued that blocking information-sharing

"could have unintended consequences and make it harder for the vulnerable individuals concerned to get the help they need and deserve",

and that the right balance was

"between protecting vulnerable workers and maintaining the integrity of our immigration system." "—[*Official Report*, 18/6/25; col. 2078.]

I would argue that the system actually deters those vulnerable workers from seeking protection, and the clear view of those working in the sector is that the current position is to their very considerable detriment.

The immigration White Paper states:

"We recognise the challenges migrant victims of domestic abuse can face"—

"domestic" is quite a wide term in this context—

"and we will strengthen the protections in place to support them to take action against their abusers, without fear of repercussion on their immigration status."

This is an opportunity to make an adjustment that would make a very considerable difference to people who do not always get the help they deserve from those who are in a position to make that difference.

The Conservative Front Bench has tabled Amendment 188. I am really intrigued as to why it wants to amend the Data Protection Act, given paragraph 4 of Schedule 2, which we on these Benches have often opposed. We will see. I beg to move.

Lord Alton of Liverpool (CB): My Lords, I will be brief, because I agree wholeheartedly with the noble Baroness, Lady Hamwee, particularly about the position of domestic migrant workers. This is something we will come back to at later stages of the Bill, but as the noble Baroness has raised it now, I just put on record how much I agree with her. The noble Lord, Lord German, and I recently met with Kalayaan, which does so much extraordinary, wonderful work in this field. We were reviewing with it how things have changed—and what else needs to be changed—in the years that have passed since 2015. I have with me a publication it issued called *12 Years of Modern Slavery, the Smoke Screen Used to Deflect State Accountability for Migrant Domestic Workers.*

I know that the Minister agrees with Kalayaan's 2015 findings, because there is a photograph of the Minister and me, both of us looking considerably younger, alongside our redoubtable friend, now retired from this place, Lord Hylton. We were celebrating the passage of the 2015 legislation but recognising that more still needed to be done. I will not quote at length from the report. If the Minister has not seen it, I will be more than happy to share my copy with him, so that he can study the photographs and see the effects of too much engagement with Bills such as this.

The report says:

"Government data tells us that from 2005 to 2022, the number of visas issued to migrant domestic workers has remained consistent at around 20,000 per year",

so this does affect a significant number of people doing significant work. Kalayaan urged the Government to take immediate steps to amend the Immigration Rules and reinstate the rights provided for under the pre-2012 visa regime. Among those is the right to renew a domestic worker visa annually, subject to ongoing employment. That is a reasonable demand. I hope that at some stage during the proceedings on the Bill, the Minister will see whether there is a way to address that issue. So I strongly support what the noble Baroness, Lady Hamwee, has said.

Lord Harper (Con): My Lords, I will speak briefly on a couple of the amendments in this group.

I was listening very carefully to what the noble Baroness, Lady Hamwee, said on the information-sharing provisions in Clauses 27 and 28, which her amendment refers to. It would be helpful, certainly for me, if the Minister when he responds could be clear about the scope of those two clauses. My reading of Clauses 27 and 28 is that the HMRC data that is allowed to be shared under those provisions is that gained purely through its customs functions, not through its other activities. I am unclear about how that would help—or not—in the very important issues that the noble Baroness raised about the protection of workers and, rightly, the need to crack down on those who abuse people's immigration status and employ them when they have no right to work in this country.

I very much support strengthening the law in this area and sharing information to support that, but I am unclear on the customs function. The customs data helps strengthen the case about combating organised criminal groups and their transporting of funds and the supplies they use to do this trafficking. That seems to be the purpose of the clause, so it would be helpful if the Minister could flesh that out.

I strongly support my noble friend's Amendment 188. Whether we support them or not, we should go back to the purposes of the GDPR and the human rights legislation, particularly the GDPR data. The intention of that legislation is absolutely right—that we protect the information of people who are legitimately in the country. However, we should not use that legislation to protect those who are here illegally or who are criminals trafficking in human beings and abusing our laws. It would be much more helpful if that legislation was not used to protect them. Therefore, I very much support my noble friend's amendment. I know he will set it out in more detail; I just wanted to add my support and to raise the question that arose from the noble Baroness's contribution.

Lord Cameron of Lochiel (Con): My Lords, I shall begin by speaking to my Amendment 188. I appreciate the support of the noble Baroness, Lady Fox of Buckley, and my noble friend Lord Harper. This amendment inserts a new clause to exclude illegal migrants and foreign criminals from GDPR provisions in relation to personal data processing by authorities carrying out immigration enforcement functions.

We need to be clear about the principles at stake here: security, accuracy and the rule of law. If we are serious about defending the integrity of our borders and our domestic security, we must ensure that those on the front line, our law enforcement agencies, have the full set of legal tools they need to do their jobs effectively. That is a thread that has run through many of our remarks from these Benches in Committee, for the important reason that we expect these organisations to protect us and to uphold the rule of law. We must do all we can to help them do that.

12.45 pm

Amendment 188 is designed to enable targeted, lawful and proportionate access to information, so that decisions about an individual's status can be made based on facts, not guesswork. That is in the interests of everyone: the public, the authorities and, indeed, the individuals concerned. Indeed, far from being a threat to their rights, this amendment would strengthen our ability to protect the most vulnerable. It is only by accessing the necessary data, whether digital records, communications or location information, that we can determine whether someone is, for instance, a victim of modern slavery or trafficking, as we have heard from my noble friend Lady May of Maidenhead. If we shackle our agencies with red tape, we risk missing that, and in so doing we deny people the very protections the system was designed to provide.

Of course, UK GDPR plays a vital role in safeguarding the data and privacy of law-abiding individuals, but we must also be honest. Those who break the law by entering this country illegally or who are convicted foreign criminals cannot expect the full suite of privacy rights to remain intact when they come under investigation—a point made very eloquently just now by my noble friend Lord Harper. Rights are not absolute, and privacy must give way where it conflicts with the greater public interest, the prevention of crime, the protection of our borders and the administration of justice, and this amendment reflects that principle. It would ensure that exemptions apply only in the context of specific immigration and border security functions, empowering our authorities as well as protecting our borders. In conclusion, it would enhance, not diminish, the fairness and credibility of our immigration system and I urge the Committee to support it.

Amendment 95 in the name of the noble Baroness, Lady Hamwee, is, as the explanatory statement sets out, a probing amendment which asks when information provided under this clause should be used by the parties set out in the preceding clause, and I look forward to the Minister setting out the Government's reasoning for and vision of how these processes should work and in what circumstances. Our reading of these clauses is that they are necessary, particularly if we are to tackle this problem alongside partners who we simply must have on board as part of a unified approach.

The third parties set out in Clause 27 include, among others,

"an immigration officer … a designated customs official … the Director of Border Revenue … the Border Security Commander … the government of a country or territory outside the United Kingdom".

Plainly, we need to have an arrangement in which information can be shared between these parties, and that is vital to tackling the issue of illegal immigration. It is particularly important that we have a system which pulls together agencies and organisations not only in this country but in other relevant third countries. I hope the Government will take this opportunity to set out how the system will work and how information will be shared both quickly and effectively.

Government Amendment 96 does not require much commentary from us, other than to say that we recognise this as an important part of the enforcement process. It now mandates consultation with the devolved Administrations. That is an important point. The Front Bench of my party has a certain Celtic flavour to it, as does the Government Bench. That is not a flippant point; it is a reminder that we have a UK-wide immigration system. It is often easy to focus simply on events in the south-east, but we have a UK-wide immigration system and involving the devolved Governments is intrinsic to that system.

Finally, I come to Amendment 190 in the name of the noble Baroness, Lady Hamwee. Unfortunately, this amendment may have serious and counterproductive consequences. It would place a blanket restriction on the use of vital information disclosed for the purposes of investigating or reporting labour abuse for immigration or nationality purposes under Section 40 of the 2007 Act. In doing so, it would create a legal firewall that would undermine the integrity of our enforcement agencies. It also raises a deeper question: how are we supposed to protect people from such abuse if we are prevented from identifying them in the first place?

There are practical implications to this. If an individual presents as a victim or witness of labour abuse but is in this country unlawfully, surely the state has an interest in understanding their immigration status, both for their own protection and for the broader integrity of our immigration system. It is vital for the well-being, safety and security of everyone involved that we understand who is here, on what basis, and whether they are at risk of further harm or criminal exploitation. This amendment would prevent that link being made. It would ask our agencies to act with one hand tied behind their back, able to hear a report of labour abuse but not allowed to use that information to cross-reference immigration records, not even for the purpose of assessing vulnerability risk or appropriate support routes. Paradoxically, this may make it harder, not easier, to protect those most at risk. Of course, there must be safeguards; of course we must build trust with those reporting exploitation, but trust cannot come at the cost of operational paralysis or the inability to detect abuse in the first place. I urge noble Lords to think carefully about supporting this amendment, which

may feel principled but in practice may undermine our ability to enforce the law, support victims and secure our borders.

Lord German (LD): My Lords, I need to declare my regular interest in the RAMP organisation, which provides support for me and for other Members of this House across all parties. I want to start by reflecting on Amendment 190, which is about protecting trafficked people and those coerced, in many cases, into coming into this country. The noble Lord, Lord Alton, just referred to the session a few weeks ago here in the Palace of Westminster where we heard testimonies from people and how they managed to get out of the modern slavery circumstance in which they found themselves. It is important that those migrant workers are able to report their abuse without fear of the other part of the system coming in and saying, "Well, you're here illegally and we won't deal with your case of being coerced to come here in the first place first".

It is a matter of which part of the system you put first. The amendment tries to make sure that we can protect those being coerced and not subject them immediately to questions about their immigration status rather than about the coercion they have received. It would be good if these things could be worked together, but the harsh reality is that they are not. Migrant workers have heightened vulnerability to abuse and exploitation and are less likely to report it. In many of the cases that we heard of here in this Palace, people were literally running away with nothing, but they could not run away until they had someone they could run to. They feared that the authorities would prioritise their insecure immigration status over the harm that they had received. That is the balance this amendment is trying to correct.

This concern is well founded. Evidence indicates that individuals' personal data is frequently shared between labour market enforcement agencies, the police and immigration enforcement. This occurs despite the absence of any legal obligation for labour market enforcement agencies or local authorities to verify workers' immigration status or report those with insecure status to the Home Office. Unscrupulous employers are able to capitalise on this fear with impunity, and it pushes down wages and conditions right across the board. That is the purpose of this amendment, and I commend it to the Minister. In explanation at the end, perhaps he could say how we can deal with the issues of people trying to escape from coerced, abusive and exploitative labour and how that can be dealt with effectively when the other part of the system is working against it.

I want to refer to the amendment on which I pressed the Minister on Tuesday. I am grateful for him pointing out where it is, because the only point that I wanted to make on it was that the requirement now is for the Minister to consult the devolved Governments rather than simply to take note of them, which I thought perhaps was the indication we were getting from his earlier letter. I am pleased that the amendment requires that he should do so.

On GDPR, I understand why the Conservatives have come to this position, because they simply say that everybody coming to this country by irregular means is illegal. Of course, they do not want their cases to be heard; they just want to get rid of them again. Thankfully, in further amendments we are going to deal with today, we are going to remove that universality of approach, assuming that this House passes the Bill in the way that the Government have laid it before us. It is important that GDPR applies to everyone in the UK, including those in the criminal justice system undergoing investigations. Universality in that sense has been a principle of our law, and we should stick to it and not create illegality when it does not necessarily exist.

The Minister of State, Home Office (Lord Hanson of Flint) (Lab): I am grateful to noble Lords for commencing this afternoon's consideration and for the amendments proposed by the noble Baroness, Lady Hamwee. Before addressing the points made by noble Lords on their own amendments, I just want to point out government Amendment 96 to Clause 33 in this group, which I will come back to in a moment.

I will begin by addressing the comments made by the noble Lord, Lord Alton, which have been reflected elsewhere. He may know that during the passage of what is now the Modern Slavery Act, we as the Official Opposition and I as the then shadow Immigration Minister moved amendments. I do not need to see—with due respect now—a 10-year-old photograph of us to reflect on that, but if he wishes to pass it to me, I may have to. In the immigration White Paper, we have made specific reference to Kalayaan and domestic workers, and I will reflect on those points as we go through. We want to look at the visa rules to ensure that they are operating fairly and properly. It is not related directly to the amendments before us today, but I just wanted to place that on the record again for the noble Lord.

Government Amendment 96 in my name does indeed, as the noble Lord, Lord German, said, amend the consultation requirements in relation to the Secretary of State's powers to make regulations about the purposes related to policing in connection with the trailer registration data that may be used by the police and onwards shared by the police and the Home Office in accordance with the provisions of Clauses 30 and 31 of the Bill. Clause 33(8) creates a power to make police regulations to specify the purposes related to policing and, as currently drafted, the clause creates a duty to

"consult such of the following persons as the Secretary of State considers appropriate",

and lists Scottish Ministers, the Department of Justice in Northern Ireland and police representatives.

1 pm

Throughout the development of those clauses, we have worked closely with the Department for Transport, the DVLA, the police, the National Crime Agency and HMRC, along with the devolved Governments in Scotland and Northern Ireland. As a result of that engagement, it was clear that there was, however remote in practice, the opportunity that regulations could be made by the Secretary of State without first consulting the devolved Governments due to the discretion given her in the current draft. In order to change that, we have tabled the amendment about which I wrote to the noble Lord at the time and about which we had a bit

[Lord Hanson of Flint]
of confusion on Tuesday, which I hope is now resolved. It was always the Government's intention to consult devolved Administrations in Scotland and in Northern Ireland, and the government amendment makes sure that we enable just such an outcome by clarifying that the Secretary of State must consult with the Department of Justice in Northern Ireland and Scottish Ministers before making the regulations. I also make it clear that we are going to consult and keep in touch because we wanted to do that on a range of matters, and we will continue to do that with not just the devolved Administrations but police representatives too.

Several amendments have been tabled, about which comments have been made by noble Lords elsewhere. First—and this goes to the point made by the noble Lord, Lord Harper—the purpose of Clauses 27 to 31 in this Bill is to empower HMRC to share the information that it holds in connection with its customs functions, and the DVLA to share the information it holds in connection with the registration of trailers, including entire datasets where appropriate, across government and with law enforcement bodies. Those clauses are there for a purpose. The purpose is to enable the Home Office and other partners to benefit from the use of modern big data tools and analytics to meet the key government objective for law enforcement, national security, customs and immigration issues.

The legislation permits the supply of data for legitimate purposes such as immigration, customs and law enforcement in order to tackle what the Bill is about. I say again to noble Lords, as we discussed on Tuesday, that the Bill is about tackling organised immigration crime and other offences while, I hope, giving the public the reassurance that such use will be subject—again, for the noble Baroness, Lady Hamwee—to proportionate safeguards.

The noble Baroness and the noble Lord, Lord German, spoke in support of Amendment 95 and Amendment 190, which probe the onward use of data and would bar information from being used for immigration purposes if that information was provided by victims or witnesses of labour abuse and in connection with substance abuse. I understand those provisions, but the HMRC customs data and the DVLA trailer registration datasets, as covered by Clauses 27 to 31, referenced in the amendments, are, by their very nature, collected for specific purposes, as the noble Lord, Lord Harper, mentioned. These do not include information provided by victims or witnesses of labour abuse or in connection to such abuse. While lawful data and intelligence are already a key part of operational practice through the clauses of the Bill, we are seeking to expand the use of data and enhance, using modern data analytics and big data tools, so that the Government's ability to identify risks and threats is there. Doing so will improve the efficiency and effectiveness of our response to that very unlawful activity regarding the movement of people and the movement of goods across the border that the Bill seeks to address.

The HMRC data—again, I hope this is a reassurance to all noble Lords who have mentioned it—is solely used and held in connection with the HMRC's customs function. This relates to the processes by which goods and cash cross the UK border—for example, information collected directly by HMRC when people and companies are importing or exporting goods. The DVLA trailer registration data is broadly limited to some basic details about UK registered trailers and the keepers of those trailers, so that sharing both datasets with the Home Office enables better identification and detection of broader criminality. I hope that is an objective that the Committee today will share. We do not want to lose that data and we do not want it to be analysed in isolation, and data sharing is key to that objective.

However, I hope to affirm for the Committee that serious labour abuse and exploitation are issues that this Government also take extremely seriously. That is why my noble friend Lord Katz has spent many a pleasant hour dealing with the Employment Rights Bill currently before this House, including significant provisions that strengthen employment rights and protect vulnerable workers, and which is committed to tackling exploitation wherever it occurs.

That feeds into the points mentioned by the noble Lord, Lord Alton, because the employment Bill is about employment rights. Overseas workers will still have those basic employment rights, and so should they. Nothing in the Bill will contravene the Employment Rights Bill or any other existing legal safeguards.

I know we discussed this on Tuesday with the noble Baroness, Lady May of Maidenhead, but the mechanisms are already there to support those with insecure immigration status who may be victims of abuse. The national referral mechanism is in place under the Modern Slavery Act to ensure that individuals can be properly identified and supported. That is a structured, compassionate route for potential victims of modern slavery to receive help without fear of intimidation and immediate immigration consequences. I hope that reassures the noble Baroness and the noble Lord. We will see in due course, but I hope it does.

I turn to Amendment 188. I hope, again in the spirit of friendship and co-operation, that I can also reassure the noble Lords, Lord Davies and Lord Cameron, regarding their amendments, that using personal data for legitimate purposes such as immigration control is already permitted under data protection law. Disapplying data protection rules in a blanket fashion for certain groups is therefore unnecessary. It could also disadvantage individuals who are the most vulnerable people in society, such as the victims of trafficking.

I take the issues in this grouping extremely seriously. I hope that, with the operation of the national referral mechanism, as well as the improvements in the Employment Rights Bill that was before the House recently—I think it is awaiting its Third Reading next week—we have sought to strike a balance between protecting the most vulnerable and ensuring that good interagency co-operation is maintained.

I come back to the basic principle of the Bill, which is the gangs. We are trying to secure action against criminal gangs that exploit vulnerable people in the first place, and the provisions of Clauses 27 to 31 in the Bill are designed to do just that in a data-sharing way.

Lord Harper (Con): Can I probe the Minister on the point he made in response to my noble friend's amendment on data sharing and the GDPR? The Minister said—and

I understand why he said it—that he felt my noble friend's amendment was unnecessary. Is he able, either today, in writing or on a future day, to reassure the House that there are not cases where we are dealing with foreign criminals or those who have entered the country illegally where either his department or relevant officials are stopped from dealing with them because of that? Is he basically saying that it is not a problem—that there are no cases of dealing with criminality or these gangs where there is an information-sharing problem? If he is happy to reassure us that there really is not a problem and the existing GDPR framework works effectively, then clearly that is very reassuring. Is he able to say that?

Lord Hanson of Flint (Lab): I will look in detail at the *Hansard* report of the contributions that have been made today and reflect on them, but my assessment is that I can give the noble Lord that assurance. If there is any difference in the detail that he has mentioned, I will double-check with officials to make sure that we are clear on that.

The noble Lord should know, and I think he does know, that one of the Government's objectives is to turbocharge the removal of foreign national criminals with no right to stay in the United Kingdom after their sentence, and indeed during it, and to ensure that those with offences that are a bar to their entry to the United Kingdom are monitored and acted on accordingly. That is an important principle. Without rehearsing the arguments around that with him now, I can say that the past year has shown that we have had an increase in the number of foreign nationals who have been removed, and it is our objective to try to do that.

To give the noble Lord reassurance, I will ensure that my officials and I examine the *Hansard* report, and, if the reassurances I have given are not sufficient for him, he has the opportunity to revisit this issue on Report, as does the noble Lord, Lord Cameron. In the light of that, I ask the noble Baroness to withdraw her amendment, and that she and the noble Lord, Lord Cameron, do not press their other amendments.

Baroness Hamwee (LD): My Lords, it might help the noble Lord, Lord Harper, to know that, in the paragraph in the Data Protection Act that sets out an exemption to data sharing, the wide phrase,

"for the purposes of immigration enforcement",

is one that these Benches have opposed. Given our relative positions, that might be a pretty good reassurance for him.

I am grateful to the noble Lord, Lord Alton, for extending the debate a little. The pre-2012 visa regime was more realistic—if I can put it like that—as to the position of domestic workers. Restricting the period that they could remain in this country after an incident to six months is frankly insufficient to help them recover. You would not employ somebody for six months as, for example, a nanny, if you can find somebody who is able to do the job for longer. I am of course disappointed, but not surprised, by the Minister's response to Amendment 190.

With regard to the amendment from the noble Lord, Lord Cameron, while I was listening to him, I was struck that we should recognise the agency of people who are affected or abused. The Employment Rights Bill has a clause that raises a very interesting situation: the state can take enforcement action on behalf, and without the consent, of an affected individual. That raises some very interesting and frankly rather troubling issues. However, I beg leave to withdraw Amendment 95.

Amendment 95 withdrawn.

Clause 28 agreed.

Clauses 29 to 32 agreed.

Clause 33: Sections 27 to 31: interpretation

Amendment 96

Moved by ***Lord Hanson of Flint***

96: Clause 33, page 28, line 37, leave out from "consult" to end of line 1 on page 29 and insert "—

(a) the Scottish Ministers,

(b) the Department of Justice in Northern Ireland, and

(c) such persons appearing to the Secretary of State to represent the views of a body of constables in the United Kingdom as the Secretary of State considers appropriate."

Member's explanatory statement

This amendment changes the consultation requirements in relation to the Secretary of State's power to make regulations about the purposes related to policing in connection with which trailer registration data may be disclosed.

Amendment 96 agreed.

Clause 33, as amended, agreed.

Clause 34: Provision of biometric information by evacuees etc

Amendment 97

Moved by ***Baroness Hamwee***

97: Clause 34, page 29, line 12, at end insert—

"(c) the person is applying for refugee family reunion."

Member's explanatory statement

This amendment, together with Baroness Hamwee's amendment to page 29, line 27 aims to reduce the risks families encounter to reach a visa centre during the family reunion process.

Baroness Hamwee (LD): My Lords, I beg to move Amendment 97 and will also speak to Amendment 98. I am grateful to the right reverend Prelate for signing these amendments. They would add to the applicability of Clause 34 by increasing the flexibility of arrangements for taking biometric information—I think the Minister needs to send around the photos mentioned earlier so that we can all share the fun. Given my criticism of quite a lot of this Bill, I want to acknowledge that Clause 34 is welcome, but there is always a "but".

The clause is limited to situations where the Government are facilitating the departure of what the clause's title refers to as "evacuees etc". People who, under the UK's own rules, are entitled to a family reunion—and whom these amendments would extend the clause to include—are often unable to exercise that right because they are not able to get to where they can

[Baroness Hamwee]
provide biometric information which is required for a visa. The Government, by definition, recognise that, because that is what the clause is about. I have not heard any news emanating from Downing Street this morning, and I think that these could be issues that we will be discussing fairly soon. I look forward to the Minister explaining how they might work, because a lot of issues have been raised as to the operation as well as policy.

1.15 pm

Some people manage to get to a centre; others do not. I have heard quite hair-raising descriptions of the risks undertaken, quite often by a woman by herself without the protection of the male accompaniment that is necessary in some of the regions concerned and sometimes with children—more than half of the visas granted for family reunion are for children. People using the "services" of smugglers to cross borders to get to a visa centre often have to go more than once. They go once to provide the biometrics, and then again to collect a visa. I recall meeting a mother and daughter who had to make a second trip because the first time they went there was an error collecting the information at the visa centre, so they had to go again and then again. The physical and mental toll that this takes is considerable. The Red Cross has provided a couple of examples. It found that almost 60% of families displaced during the application process were affected and has long called for a change in the process so that biometrics can be collected when a positive decision on a visa has been made. This should be made easier for those encountering appallingly difficult situations.

These amendments would not solve everything, but they would be something. I give the example of a husband who was accepted as a refugee from Afghanistan but found that the only way he could help his wife achieve a visa was for him to go to Iran, so that he could take his wife to a visa centre. Another example is that of a two year-old child living with his grandmother who was displaced from Sudan to Chad. With the nearest visa centre being in Cameroon, he and his grandmother could not get there. Happily, he was helped by the UNHCR, which took his passport backwards and forwards, taking over 11 months to do it. It is very sad to think that that is a positive position. The amendments would give some practical meaning to the right to family reunion. I beg to move.

Lord Kerr of Kinlochard (CB): My Lords, I support these two amendments in the name of the noble Baroness, Lady Hamwee, for the very reasons she gives. Clause 34 is very welcome and I am very glad that the Government have put it in, but it is very narrow. There is a considerable overlap between family reunion cases and evacuees, and this is about evacuees. I would like to bring the two together, as the noble Baroness said. The top five countries from which family reunion cases come are Syria, Sudan, Iran, Eritrea and Afghanistan, so we are in exactly the same territory of facilitating evacuation. It does not work very well at the moment, for the reasons that the noble Baroness spelled out.

The double journeys point is really worrying. To collect the visa, you have to go to a visa centre. In the top five countries I have listed, there are no visa centres, for obvious reasons—in most of them, there is no embassy—so you have to cross a frontier. When we are talking family reunions, more than 50% of those involved are children. Are we asking them to cross a frontier and go somewhere that could be a very long way away to get their visa? No, we are not; it is worse than that. We are asking them to go twice: once to give their biometric details and, secondly, to collect the visa—they cannot get it the first time. Could they not have the biometric details taken when they pick up the visa, when the family reunion case has been established and they are going to be let in? They would then need to make only one journey. It seems to me that this simple improvement to the process would save a lot of heartache and probably a lot of lives, in cases where it has been decided by the system that family reunion is appropriate and should be facilitated.

I support the two amendments ably moved by the noble Baroness, Lady Hamwee, but I hope that the Government will go a little further and think hard about changing the procedure for the collection of the visa so that the biometric details could be given at the time the visa is picked up and thus the double journeys could be avoided.

Baroness Lister of Burtersett (Lab): My Lords, I will speak briefly in support. I, too, am supported by RAMP, and that is in the register—that is done for Committee now. I warmly welcome Clause 34 as well, but the amendment being proposed is a very modest one, which would not be difficult for the Government to accept. The case has already been well made and I will not reiterate it, but I will give an example from the British Red Cross, which I think has made a very persuasive case to Members of the Committee. It gives the current example of Iran:

> "The visa centre in Tehran has been temporarily closed since 15 July 2025. This visa centre was the base for many Afghans and Iranians to submit their family reunion applications. Now families are unable to access the centre and will need to take a dangerous journey to a neighbouring country just to submit their biometrics and have their application processed … This amendment would allow biometrics to be taken at different locations within Iran where people could travel to safely rather than crossing borders".

Safety must be one of the criteria that we use in thinking about displaced people. It is a very modest amendment and I hope that my noble friend will be able to look kindly on it.

Baroness Ludford (LD): My Lords, I will say a couple of words in support of these amendments from my noble friend. As the noble Baroness, Lady Lister, just remarked, it is not as if these changes would be difficult to make: the noble Lord, Lord Kerr, referred to them as simple improvements to the process. My noble friend referred to the current summit: to be honest, I have not seen the results, as I was in meetings all morning. Are there any yet? It has obviously been widely trailed that President Macron will talk about improving the reception by this country of applicants for family reunion. It would be perhaps a little ironic—well, there would be a nice coincidence of efforts—if, from this side, we are proposing simple improvements in process and we also have an ally in President Macron,

who is saying, "Please simplify and streamline your family reunion efforts". That would be a nice entente amicale.

I will make a point that I am not sure any of the other speakers have, which is made in our briefings. Families often become separated, so not only does a family together have to make possible multiple journeys but dispersed members of a family, including children, might have to make multiple trips from different locations. So you are multiplying the risks and the possibility of violence and distress. I think my noble friend referred to one in five families saying they had to resort to using smugglers to reach the visa centre. Well, surely one of the major purposes of the Bill, which we all support, is to try to put the smugglers and people traffickers out of business. Here is a government policy that is helping to give people smugglers more business—we regret it, but it is the reality—which you could avoid by the simple shortcut of making biometrics collectable other than at visa centres and not requiring at least two journeys. The thought of a lone woman or a family with children having to expose themselves to all the threats to safety that we can imagine and are told about is really unconscionable, when it really would not take a great deal of effort by the Home Office to keep people safer, streamline the process and satisfy President Macron, as well as us, all at the same time.

Lord Alton of Liverpool (CB): My Lords, whether or not President Macron is tuned into our debate today and supportive of what noble Baroness, Lady Ludford, has just said, she will be glad to know, as I was, that the British Red Cross says:

"Extending the relevant clause to include refugee family reunion would ensure families, including children, were able to provide biometrics outside a visa centre and significantly reduce the risks encountered to reach visa centres".

That was the point that my noble friend Lord Kerr was making during his very good speech—his remarks were eminently sensible, as always—and the invitation to try to extend that provision is long overdue.

The Red Cross interviewed 215 people—100 families. I will summarise just three things that it found:

"Just under half of the people found the journey difficult … 1 in 5 families said they had to resort to using smugglers to reach the visa centre … Just under 60 percent of families were displaced before or during the application process."

The noble Baroness, Lady Lister, gave an example from Iran. I will give an example, if I may, from the Red Cross, from Sudan. Between 2003 and 2005, I travelled to Darfur. During that genocide, 300,000 people were killed there and 2 million people were displaced. Here we are in 2025 with the war in Sudan, which is often overlooked because events in the Middle East and in Ukraine are so high on our agendas. It has been appalling to see the horrific number of deaths and displacements again in Sudan. It is not surprising, therefore, that Sudan is probably top of the list of those who end up in the small boats trying to cross the English Channel.

1.30 pm

This comes back to what I said on Tuesday, and what I say too regularly: we have to tackle root causes and, until we do, this problem will not go away. The Red Cross gives this example from Sudan. A two year-old Sudanese child, Ahmed, who was displaced in Chad due to the conflict in Sudan, was living with his grandmother and seven other younger children under her care. As Ahmed was under five, he was required to provide a facial photograph and passport check at the visa centre before his application could be processed. There was no visa centre in Chad, of course, and—to reinforce what my noble friend was saying—the nearest one was in Cameroon. The grandmother and child were unable to travel to Cameroon due to the dangers of travelling across borders and their inability to meet entry requirements. So the Red Cross made representations to the Home Office to consider Ahmed's application without attendance at the visa centre. It agreed, as UNHCR was able to check the identity of the child and his passport. UNHCR also agreed to securely transport Ahmed's passport back and forth to Cameroon to affix the visa into it. It took 11 months for the child to be reunited with his parents because of all the challenges outlined. The Red Cross argues that an amendment to this clause to include family reunion would have reduced the waiting time and would ensure that all families could get access to this application process without requiring interventions and legal support from its services. I hope we will take the opportunity, perhaps between now and Report, to see whether we can do that.

I was pleased to hear what the noble Lord said about biometrics on the previous group of amendments. He specifically said that we have no intention of disapplying any of the protections in the GDPR guidelines of 2021—the ones issued post Brexit. I simply draw the noble Lord's attention to two things in that regard. The Open Rights Group notes that collecting biometric data from children over 16 without consent could violate child protection standards. It says:

"According to the guidance of the Information Commissioner's Office (ICO) on processing sensitive personal data under the UK GDPR, biometric data is categorised as special category data and requires explicit consent. The guidance stresses that when dealing with minors' data, additional safeguards must be implemented to protect their rights. Therefore, collecting biometric data from children over 16 without proper consent could breach child protection standards, as it fails to meet the stringent consent requirements and the enhanced safeguards necessary for processing such sensitive information".

I hope the noble Lord will say something about the protections we will give to children—to minors—as part of that process.

Clauses 34 and 35 pertain to the provision of biometrics, and Amendment 98—which the noble Baroness, Lady Hamwee, tabled and which I support—backs up observations made by the Joint Committee on Human Rights in paragraphs 82 to 89 of its report. I say in parentheses to the Minister that I reported back to the committee, in its proceedings yesterday, the commitment that he gave to us on Tuesday that there will be a response to the committee's report between now and Report, and it was delighted to hear that. The Minister may be less delighted that we approved another 100-page report yesterday—but on the police and crime Bill. It will be winging its way to him soon, and he will be able to read it during the Recess.

[Lord Alton of Liverpool]

As the Committee knows, under the Bill's provisions an authorised person may extract biometric information from anyone, including a child—although, as I have just said, a responsible adult should be present in the case of an under 16 year-old—if the Government are facilitating their exit to a third country and that person would need leave to enter the UK. That might include facial scans and fingerprints, which can be kept for five years. I note that national security, as well as immigration, nationality and law enforcement, is cited as the justification for this. It may well be that in some cases that is legitimate—I have a completely open mind about that. But the Government must bear in mind their convention duties to collect and retain such information in a proportionate and foreseeable manner. What safeguards are being put in place to ensure that it will not be misused? Are the Government truly confident that, with the use of automatic processing, the safeguards are actually adequate? Our obligations are clear: blanket and indiscriminate retention is not acceptable under the international commitments to which we have committed ourselves, and we have obligations under Article 49 of the UK GDPR.

Clause 35(7) gives power to transfer personal data to a third country or international organisation without a court or the Secretary of State needing to consider whether such transfers are

"necessary for important reasons of public interest".

The Joint Committee on Human Rights has recommended that the normal safeguards should apply and should not be disapplied or relaxed.

I conclude by reminding the Committee of the conclusion of the Immigration Law Practitioners' Association, ILPA, that our obligations mean we must act

"if there a real risk that, as a result of such a transfer, the data subject might be subjected to torture, inhuman and degrading treatment or punishment or any other violation of his or her fundamental rights".

Does the Minister concur with and endorse that view? If so, will he give some further consideration to whether any disapplication might occur that would not be in accordance with the commitments that we have entered into?

Lord Hogan-Howe (CB): My Lords, my Amendment 99 is not directly related to the previous amendments other than by the connection of biometric data. My question is about which database the biometric data is being checked against. The question comes from the briefing that was helpfully provided by the Minister and his advisers prior to the Bill being laid. At that briefing, I asked whether the databases were being checked for particular purposes, and the advice we received was that they could not be used by the police. I found that confusing when I re-read the Bill and saw that there is a law enforcement clause. The questions today are about whether the databases are being checked for these particular reasons.

If the people you are checking are entering for the first time, they should never have their data in these databases because they have never been to the UK. But, of course, many of the people who arrive, sometimes illegally, have been here before, have left and now are returning—so it is important to establish their identity first, obviously.

The databases that I am interested in are, first, the unsolved crime scene database. Crimes happen every day, samples are taken—DNA, fingerprints and sometimes photographs now—and, of course, not all crimes are solved. A database is kept of those crimes that are not solved, so is the biometric data of the people who are entering being checked against that?

The second group I am interested in is people who are wanted. They might be wanted in this country or in other countries. It may be that we choose not to let the third country know that this person has arrived, but at least we should know whether we are at risk of importing someone who is wanted somewhere else. This is probably quite important, given the group of countries that many of the people who are coming to our country are linked to. When many of our soldiers in Afghanistan were murdered and badly maimed by IEDs, we collected an awful lot of forensic material, which is now stored in this country in case we ever discover the people who carried out those crimes. It would certainly be ironic if somebody claimed to want to come to this country legally and had previously killed or maimed one of our soldiers—we should at least be aware of that. Are we checking this against that database?

This is quite a specific set of questions, but it relies on the data being checked. The advice we received at the briefing was that it was not. The purpose of this amendment is to get on record exactly what it is being checked against.

Baroness Chakrabarti (Lab): My Lords, I support the amendments from the noble Baroness, Lady Hamwee, which have been so ably supported across the Committee—pretty much every voice so far has been in support of them. They are a very useful humanitarian mirror to arguments that have been made on the previous group about the importance of data sharing for law enforcement purposes.

Amendments 97 and 98, tabled by the noble Baroness, Lady Hamwee, very much endorse the views of the noble Lords, Lord Kerr and Lord Alton, on the need for even more breadth and possibly a government amendment. These amendments are very sympathetic to the Government's stated policy of smashing the gangs et cetera. It is a perverse outcome to hear that people who were trying to satisfy the Government's legal and practical requirements for family reunion are having to resort to people smugglers. So, with respect, I hope that the Minister will see that this is a no brainer in terms of the practical facilitation of government policy.

Finally, I talked about these amendments being very much the humanitarian mirror of the need sometimes to share data—in this case, biometric information—for the purpose of giving effect to lawful family reunion. Please do not shoot the messenger, but I want to reassure the noble Lord, Lord Harper, that the Data Protection Act and the UK GDPR contain very broad law enforcement exemptions, but broad is not blanket. I hope I can say to Conservative noble Lords that it is one thing to have a broad law enforcement exemption, but another to have blanket immunity from data

protection. I am sure that noble Lords opposite would not want, for example, data controllers to be negligent or not to maintain a secure system so that sensitive information, even about potential criminals, was dumped on the internet, easily hacked or simply negligently maintained. Data controllers, particularly public authority data controllers, and especially of sensitive information, should at least have to maintain a proper, secure system. Yes, data should be shared for law enforcement purposes where that is necessary and proportionate, but they should not be totally negligent with this information.

I hope that provides some reassurance on that issue. In any event, if it does not, the Minister has already said that he can write.

Lord German (LD): My Lords, I thank all those who have spoken. The amendments in my noble friend's name, which I have signed, are, I think, well received across the Committee as a whole. On top of that, I must repeat the welcome for Clauses 34 and 35, which seek to increase flexibility when taking biometric information. I do not want to repeat the cases that have been talked about during this debate but shall simply speak about the practicalities of how this change might take place.

I have had experience of bringing people here for a short time and requiring their biometric information, which was sent from one country to another. Very helpfully, British Foreign Office officials in one country put the machine in the boot of their car and drove it to the other country—I am not going to give the details because otherwise they might get into trouble. Regularly, they have taken the biometric information of people who have visited the noble Lord's part of Wales, among others; that that might give him a clue. I read today in the newspapers that the Government are to provide Home Office officials with portable biometric equipment. In my day, these things were small enough to go in the boot, but they are obviously going to be even smaller. So, in practical terms, taking biometric information is no longer a matter of using a large machine. Similarly, when you go to hospital for a scan, it is no longer done by big machines. This machinery is getting smaller, and we are now talking about portable methods. Clearly, that can be done, and it makes it more straightforward to take the machinery closer to people who are fulfilling the legal route that the Government have set in front of them. Of course, we should remember that, in 2024, 10,000 of those who came on family reunion were children.

The second thing is whether the Government are interested in using other bodies to take the biometric information. I do not know what the Government have already done on this matter—I saw the Minister checking his phone—but, clearly, if we are to have family reunion, and if President Macron has decided that biometrics can be taken in France, at least that might give some of the information we will need to know anyway about these matters.

1.45 pm

It strikes me that, often, where we have no embassies, we rely on the embassies of other, friendly countries. We also rely a lot on United Nations personnel to do the tasks for us in a joint way with the Government, as I observed in Cairo, when literally hundreds of thousands of people escaped from Sudan and turned up at the doors of the United Nations. This seems a very practical option now. My question is whether the Government are mindful that there are people who can deliver this on their behalf. When you take biometric information, it is transmitted electronically anyway, so it can be checked anywhere in the world. The biometric information is being brought closer, which means that people will no longer have to cross borders not just once but twice—from one country to another, or perhaps from a nearby country—without their documentation, or without being able to fulfil all the requirements that make matters so difficult for them. It is not about increasing the number of people who come into this country; it is about making it safer. I hope the Minister will see that and will give us some indication as to whether the Government are prepared to take this matter forward or even to accept my noble friend's amendment.

Lord Harper (Con): My Lords, I just have a few points to make on the amendments and the contributions that have been made, which I hope means that the Minister can make sure he covers them when he responds.

On the first two amendments, on family reunion, I support the concept and did a lot to support it when I was Immigration Minister. Just to give a balanced argument, though, it is important that we collect biometric information to make sure that the people who are applying are who they say they are. That is of course the reason why—the Minister will confirm this—it is important to get the biometric information before the application is submitted, so that you know that the person making the application is indeed entitled to do so. Clearly, it would be helpful to make it easier to collect that biometric information.

Of course, one challenge with the list of countries read out earlier by noble Lords is that we often do not have our own personnel in those countries, for very sensible reasons. In making it safer for those applying for family reunion, we must obviously be mindful of the risks that might be run by British officials in collecting the biometric information. There are some countries where it would be problematic to do so, because we simply do not have people. I am therefore not sure that it is quite as straightforward as some noble Lords have suggested, but I suspect that, given the progress of technology and the point made by the noble Lord, Lord German—that a lot of this equipment is now much more advanced, portable and transportable—we can make some improvements. I will therefore listen carefully to what the Minister has to say about how we can make things easier for people with a legitimate family reunion claim, while also maintaining our border security.

I want to pick up on one point that the noble Lord, Lord Alton, made—I understand why he made it—about data protection and protecting the rights of children. I think there is a bit of a danger here of focusing on the process and forgetting what the point is. If a child, someone over 16 but under 18, is coming to the United Kingdom in order to get to a safer location, we obviously need to be satisfied that they do not present

[Lord Harper]
a risk and are not a criminal or a terrorist from abroad—we know, of course, that in many countries, you can be those things while still being a child. If we are not careful and we overdo the GDPR aspect, for example, the danger is that we will not take the biometric data from the child, or that the circumstances will be such that doing so is problematic. In not doing so, we would not then be able sensibly to give that child safe protection in the United Kingdom—we would be cutting off our nose to spite our face.

There is a balance to strike here. If the point of the exercise is that that child is able to get a successful asylum claim and come to the United Kingdom and be safe, we should not let what are otherwise sensible information protections get in the way. There is a risk of missing the point, and there needs to be a bit of proportionality and balance here.

Lord Alton of Liverpool (CB): I agree with the general thrust of the argument the noble Lord, Lord Harper, is putting to the Committee. He talked about getting the balance right, and that is really what I was arguing. However, we must not lose sight of the fact that these are children or young people, and we owe them a duty of care. We should get the balance right and not categorise them all as potential criminals or as having been involved in acts of terror or criminality. However, I recognise that there is that potential, and therefore, as he says, we have to get the balance right. We do not want a general disapplication of protections. We want to know that they are going to be used in a measured and sane way.

Baroness Chakrabarti (Lab): As a supplement to that, I add that the balance is already there in the international standards, in things such as making sure there is an appropriate adult present. That does not harm any of the ambitions of the noble Lord. It is just what we would normally expect for minors.

Lord Harper (Con): I am grateful for both of those interventions. In the clause as set out there are provisions to make sure there is an appropriate person who is not a representative of the government present. All I was saying is that it is important we do not lose sight of the purpose of this exercise, which is to enable people to come to Britain, where they are legally qualified to do so and do not present a risk to us. That is an important balance to strike.

I strongly support the thrust of the questions from the noble Lord, Lord Hogan-Howe, about the use to which this information should be put. In the modern world, with the way we can process data, my experience of how we use it is that it is done in a proportionate way. Checking information against databases protects people. Our security agencies are not interested in, and do not have the resources to spend their time worrying about, people who do not present a threat to the country. The big challenge is dealing with those who do. The noble Lord set out some very important questions, which I hope the Minister can deal with when he closes. I wanted to put that in context, so that the Minister covers it when he responds.

Lord Cameron of Lochiel (Con): My Lords, I am very grateful to all noble Lords who have spoken. At present, we are not minded to support Amendments 97 and 98. I entirely understand the rationale behind them and many noble Lords have spoken powerfully in support of them. The concern we have is simply an operational one, which was hinted at by my noble friend Lord Harper.

The operational implications of these amendments may be very broad and far reaching. It seems to me that they would create a practical obligation for the UK Government to deploy biometric collection facilities or personnel across multiple jurisdictions, regardless of cost or feasibility.

Clause 34 applies specifically to authorised persons, who are, in the definition of the clause,

"a person authorised by the Secretary of State".

That could come at an unknown and potentially significant cost. Are we to set up biometric processing hubs in every conflict-adjacent state? The noble Lord, Lord German, stated that that could easily be done, but I remain to be convinced. My noble friend Lord Harper was very pertinent about this. If the Government are to support this, I look forward to hearing from the Minister what the logistical burden on government would be?

Amendment 99, in the name of the noble Lord, Lord Hogan-Howe, is a probing amendment designed to understand which organisations will have access to biometric information for the purposes of exercising a function relating to law enforcement. It brings with it the noble Lord's customary focus and expertise in this area. It is very welcome, and I hope the Minister will take the opportunity to set out which agencies will have access to this information to fulfil the demands set out in Clause 35.

I once again reiterate that we need to make sure that, in the technical solutions we are discussing on this fundamental issue, we are firm and robust in taking steps to mitigate and ultimately end the crisis of illegal migration, not exacerbate it.

Lord Hanson of Flint (Lab): I am grateful to noble Lords for their contributions and echo the point that the noble Lord, Lord Cameron of Lochiel, has just made. There is a common interest between His Majesty's Opposition and us on that issue.

The important point about Clause 34 is that biometrics are required as part of an immigration or nationality application to conduct checks on the person's identity and suitability before they come to the UK. That is a perfectly legitimate government objective and the purpose of the clause is to establish it in relation to the powers in the Bill, which aim to strengthen the Government's ability to respond flexibly in crisis situations in particular, as noble Lords across the Committee have mentioned. The Bill provides the power to take biometrics—fingerprints or facial images of the applicant—without the need for an application to be submitted. That has had a generally positive welcome from a number of noble Lords, including the noble Lord, Lord Kerr, my noble friend Lady Chakrabarti, the noble Baroness, Lady Ludford, and the signatories of the amendments, the noble Baroness, Lady Hamwee, and the noble Lord, Lord German. It is important to recognise that.

The proposals in the Bill will enable the Secretary of State to determine whether the person poses a security threat—this goes to the point from the noble Lord, Lord Hogan-Howe, which I will come back to in a moment—before facilitating their exit from another country. The Bill will ensure that the power to collect biometrics outside of a visa application process will take place only in tightly defined circumstances where individuals are seeking to leave a particular country due to a crisis or any other situation where this Government facilitate their exit.

Before I move on to the amendments from the noble Baroness, Lady Hamwee, and the noble Lord, Lord German, I hope I can reassure the noble Lord, Lord Hogan-Howe, on the matter that he raised. Where biometrics are collected in connection with immigration or nationality applications, the police will be able to conduct their own checks against the biometrics captured under the clauses in this Bill. For example, the police currently have access to this data when the biometrics are enrolled into the immigration and asylum biometric system. They can then be washed against a series of police fingerprint databases, which include unified collection captured at police stations and other sets of images, including from scenes of crime and special collections, used to identify high-risk individuals. The noble Lord made this very point. This could be particularly important with individuals who have been involved in terrorism activity and appear on counterterrorism databases. The police make checks against the Home Office fingerprint database to help identify a person they have arrested and assess whether they might also be a foreign national offender. I hope the fact that those checks are undertaken will enable him to withdraw his amendment, based on that assurance. I look forward to hearing what he has to say in due course.

The noble Baroness, Lady Hamwee, supported by the noble Baroness, Lady Ludford, the noble Lord, Lord Kerr of Kinlochard, and my noble friend Lady Chakrabarti, raised important issues and tabled amendments which aim to defer or excuse the request for biometrics from overseas applicants. As I have said, biometrics are normally required to be taken as part of an application to conduct checks on the person's identity. As the noble Lords, Lord Harper and Lord Cameron, said, that is important for security.

In all cases, it is the responsibility of the applicant to satisfy the decision-maker about their identity. A decision-maker may decide it is appropriate for an application to be made at a visa application centre, or to enrol the biometrics to be deferred or waived.

2 pm

I recognise that there is never a circumstance in which that is ideal. I understand the difficulties that applicants may face in reaching a visa application centre when crossing a border or fleeing terror, persecution or war. However, the purpose of the Bill and its powers is to strengthen the Government's ability to respond flexibly in these areas.

The Bill does not extend this flexibility to family reunion, but there are alternative solutions, such as working with international partners like the International Organization for Migration, where that has been used in exceptional circumstances. My colleagues at the Home Office and I continue to assess whether broader policy changes are needed to balance that genuine humanitarian requirement with the genuine security concern and genuine need to ensure that those who need that flexibility have it.

A number of points were made by noble Lords on this issue. There is an absolute understanding that the challenges faced by some refugee families are very difficult, and we are trying to work to make this much more accessible. The noble Lord, Lord German, referred to the introduction of e-visas by the end of 2025, which will reduce the need for physical travel and to collect visas, which is the other aspect he mentioned. We understand that applicants will face difficulties and that we need to work with partners, so we will continue to assess whether that broader policy change is needed. The debate we have had today is helpful in pushing that assessment, so that we examine those areas as a whole.

To date, the collection of biometrics during evacuations has happened; it is not an unusual circumstance. During Operation Pitting in Afghanistan in 2021, initial biometric collection was done on arrival in the UK. In Sudan in 2023, biometric checks were undertaken in third countries such as Saudi Arabia before onward travel to the UK. In Gaza in 2023, following the disgraceful Hamas attacks in Israel, the FCDO facilitated the exit of British nationals and other eligible persons from Gaza into either Egypt or Jordan. In some instances, this included individuals who had never previously submitted biometric information as part of a visa application.

There are ways around that challenge which we are trying to examine, to see where they can be approved. However, in the context of family migration reunion today, I respectfully hope that noble Lords will reflect on what I have said, as we will reflect on what they have said. For the moment, I hope they feel able not to press their amendments. I give way to the noble Lord.

Lord Alton of Liverpool (CB): I am grateful to the Minister. He will recall the example I gave of a two year-old boy in Sudan wanting to be reunited with his grandmother. It took 11 months to do that, and it required the transportation of information half-way across Africa in order to achieve it.

Will the Minister look at the countries generating the largest number of migrants who end up in boats in the channel, on irregular journeys, as some would put it—we all know that Sudan is one of the foremost of those countries—and see if we can do more to prevent people leaving in the first place by dealing with issues like family reunion in a more expeditious manner? I am not asking him necessarily to come forward with amendments to that effect, but even if he were to facilitate further discussions between his department and particularly the FCDO to see how that might be generated, that would be helpful to the Committee.

Lord Hanson of Flint (Lab): I am very grateful to the noble Lord. I will let my noble friend Lady Chakrabarti speak and then respond.

Baroness Chakrabarti (Lab): I am sorry to come in on the coat-tails of the noble Lord, Lord Alton, again. My noble friend the Minister discussed the need for flexibility. Surely the amendments tabled by the noble Baroness, Lady Hamwee, would extend governmental flexibility to facilitate biometrics being taken in more places for family reunion cases. The noble Lord opposite was concerned that this would put an onerous obligation on the Secretary of State. However, the Secretary of State is the person who will authorise people, and he will not make these authorisations if he thinks they are impracticable or overly burdensome. Can my noble friend the Minister reflect on that in future and see this as providing additional flexibility and not an additional burden?

Lord Hanson of Flint (Lab): In response to both the noble Lord, Lord Alton, and my noble friend Lady Chakrabarti, I will repeat what I said in my preamble today: the Home Office is continuing to assess whether broader policy changes are needed to balance that humanitarian concern. The noble Lord made a very strong point about a child aged two and the length of time for a reunion—that will fall within our assessment of the broader humanitarian concern. We need to balance that with security requirements; however, in the case he put to us, a two-year old child would self-evidently not pose that type of threat.

This is important. I say to the noble Lords who tabled the amendments that the purpose of the clause is to provide the assurances that we have. I accept that noble Lords are testing that; however, while we will examine the points that have been made, I believe that there are alternative ways to achieve that objective. Therefore, I ask the noble Baroness, Lady Hamwee, not to press her amendments. I also hope that I have satisfied the noble Lord, Lord Hogan-Howe.

Lord Kerr of Kinlochard (CB): We are all on the same side here, and I appreciate the spirit of the Minister's remarks. I appreciate that he stated that he will reflect on what we have said from all sides of the House.

It is true that there are alternative ways and that the UNHCR and the IOM can help. However, if you are in Afghanistan, there is no way that those organisations can help you until you have reached Pakistan. Getting across the Khyber these days is not easy, particularly if you are a child—and children make up more than 50% of the family reunion cases. While I appreciate the spirit of the Minister's answer, I do not believe that it is a complete answer. I therefore press him to go on thinking about the points that have been made today.

I will cheat very slightly by saying that there is also a very direct way in which one could make on-site, in-country visa centres available—to reopen embassies. I am talking about Syria. I do not know why we do not have an embassy in Damascus now for all sorts of political reasons. Given its significance to the whole of the Arab world, we should have an embassy in Damascus. If we had an embassy, we would of course have a visa centre there. I hope that a wish to avoid paying for a visa centre in Syria is not causing the Foreign Office not to reopen the embassy in Damascus.

Lord Hanson of Flint (Lab): The noble Lord brings great experience of the Foreign Office. He will know about this better than I do; I am a Home Office person rather than a Foreign Office person. I am trying to assure the House that, while the points that have been made are a fair challenge to the Government, we believe that the clause meets those obligations, providing flexibility and engagement with the International Organization for Migration, the UNHCR and others.

I mentioned Operation Pitting in Afghanistan in 2021. Some 15,000 people were evacuated and biometrics were collected post arrival in the United Kingdom. In the Sudan evacuation, just under 2,500 individuals were evacuated, with biometric checks taken in third-party countries such as Saudi Arabia. In Gaza, 250 British nationals were supported to exit and biometric checks were taken. The mechanism is there. I have had strong representations from across the Committee on this issue, but I am trying to explain the position of Clause 34. I hope that, with my comments, the noble Baroness can withdraw her amendment.

I have not forgotten the noble Lord, Lord Hogan-Howe, who may want to intervene—he does want to, so I shall allow him to before I finally, I hope, wind up.

Lord Hogan-Howe (CB): I thank the Minister. First, I am broadly reassured. There is just one area where I hope he might reassure himself and therefore me. I mentioned the Afghanistan IED material. It is probably difficult to talk about publicly, but if he could reassure himself that this biometric data had been checked against that database, I would be very reassured and that might help him too.

Lord Hanson of Flint (Lab): I have given a broad description. The police have access to terrorist databases with information and biometrics generally. I think it best not to talk, at the moment, about specific databases. I believe the IED database that he mentioned is covered by the proposals, but I will check with my colleagues who have a responsibility for that, rather than inadvertently give the Committee information that proves subsequently not to be as accurate as I would wish.

With that, I would very much welcome the noble Baroness responding and withdrawing the amendment.

Baroness Hamwee (LD): My Lords, I think that is the third time the Minister has asked me to do so, and I will—but not quite yet. I say to those waiting for the next business that I will not be going down the side roads of the summit, what might happen on the northern shores of France or in Syria—much as I would like to, given my own heritage—or my noble friend Lord German's escapades with portable biometric equipment.

A number of noble Lords, including me, have referred to the reliance on smugglers, which is ironic in the circumstances. I say again to the Committee—to the noble Lords, Lord Harper and Lord Cameron—that we are not opposing Clause 34. In fact, we are positively supporting it. We are not challenging the use of biometrics; we are looking at procedures and the candidates for the application of Clause 34.

The Minister referred to the possibilities of what can be done in exceptional circumstances. That is a term that I always find quite difficult; it seems to me that a family disunited in extreme circumstances should be regarded as exceptional. I understand that, from his point of view, that may be different. Frankly, to travel from Sudan to Saudi Arabia twice would be very exceptional in itself.

Given the support across the Committee for the concept of what is incorporated in these amendments, as the Minister said, I wonder whether this is something we might find a moment to discuss after Committee and before Report. There should be a way of taking forward how the procedures can be used, without disrupting the Government's concerns. With that, I beg leave to withdraw Amendment 97.

Amendment 97 withdrawn.

Amendment 98 not moved.

Clause 34 agreed.

Clause 35: Use and retention of information taken under section 34

Amendment 99 not moved.

Clause 35 agreed.

Clause 36 agreed.

House resumed. Committee to begin again not before 2.54 pm.

Universal Credit Bill
First Reading

2.15 pm

The Bill was brought from the Commons, read a first time and ordered to be printed.

Product Regulation and Metrology Bill [HL]
Commons Amendments

2.16 pm

Motion on Amendment 1

Moved by ***Lord Leong***

That this House do agree with the Commons in their Amendment 1.

1: After Clause 9, insert the following clause—

"Regulations making provision within devolved competence

(1) The Secretary of State may only make regulations under section 1 which contain provision within Scottish devolved competence with the consent of the Scottish Ministers, unless the provision is merely incidental to, or consequential on, provision outside Scottish devolved competence.

(2) The Secretary of State may only make regulations under section 1 which contain provision within Welsh devolved competence with the consent of the Welsh Ministers, unless the provision is merely incidental to, or consequential on, provision outside Welsh devolved competence.

(3) The Secretary of State may only make regulations under section 1 or 5(2) which contain provision within Northern Ireland devolved competence with the consent of the relevant Northern Ireland department, unless the provision is merely incidental to, or consequential on, provision outside Northern Ireland devolved competence.

(4) In subsection (3), the "relevant Northern Ireland department" is such Northern Ireland department as the Secretary of State considers appropriate having regard to the provision which is to be contained in the regulations concerned.

(5) For the purposes of this section, provision is—

(a) within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;

(b) within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (including any provision that could be made only with the consent of a Minister of the Crown);

(c) within Northern Ireland devolved competence if the provision—

(i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and

(ii) would not, if it were contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.

(6) In Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru), in paragraph 9(8)(b) (exceptions to restrictions relating to reserved authorities)—

(a) omit the "or" at the end of paragraph (viii);

(b) at the end of paragraph (ix) insert "; or

(x) the Product Regulation and Metrology Act 2025."

(7) In this section "Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975."

Lord in Waiting/Government Whip (Lord Leong) (Lab): My Lords, I beg to move that this House do agree with the Commons on Amendment 1. With the leave of the House, I will also speak to Amendments 2 and 3.

On Amendment 1, the Government have been clear in their intention to maintain strong, co-operative relations with the devolved Governments and to ensure that the devolution settlements are respected in both principle and practice. This amendment, which the Government introduced in the other place, inserts a new clause that would place a statutory requirement on the Secretary of State to obtain the consent of the devolved Governments where regulations contain provisions within their devolved competencies. This amendment goes further than the amendments tabled during the passage of the Bill through this House, which provided only a consult mechanism. This amendment provides for a consent mechanism, with a decisive role for devolved Ministers. It will also underpin continued collaboration to develop product regulation to best support businesses and consumers in all parts of the United Kingdom.

I thank the noble and learned Lord, Lord Hope, whose knowledge in this area I have found extremely beneficial and helpful. He is not able to speak today, but I met him on 17 June and he is happy for me to say that he is pleased with the Government's approach to devolution in this Bill. I thank him for his engagement and contributions during the passage of this legislation. I also thank the noble Lords, Lord Sharpe and

[Lord Leong]
Lord Wigley, the noble and learned Lord, Lord Thomas, and the noble Baroness, Lady Brinton, with whom I have engaged on this amendment. With this specific context in mind, I am pleased to inform the House that the devolved legislatures have all granted legislative consent Motions to the Bill. I thank ministerial colleagues and officials in the devolved Governments for their engagement and collaborative approach to the Bill.

Amendments 2 and 3 are technical amendments. The first deals with a technical correction to the drafting of the Bill, and I will briefly outline the need for it. The amendment makes a drafting change to Clause 12(4). This clause lists the regulation-making clauses in the Bill that are subject to the affirmative statutory instrument procedure. The previous drafting includes Clause 9 in the list, which was an unintended consequence of the previous amendment inserting Clause 9 into the Bill. Unlike the other types of provision specified in Clause 12(4), Clause 9 does not confer a power to make a particular type of substantive provision. Rather, it specifies that regulations can amend existing provisions distinct from making fresh regulations. This technical amendment removes this unintended impact by removing the reference to Clause 9.

On the final technical amendment, the House is aware that the Government have been clear that the Bill will ensure that we have the ability to deliver an effective product regulatory regime in the United Kingdom. The amendment the Government made in the other place is a necessary technical amendment to correct an amendment that was inserted at Lords Third Reading to ensure that the powers in the Bill can be used effectively, such as by introducing cost recovery provisions in accordance with Clause 8. I beg to move.

Baroness Bennett of Manor Castle (GP): My Lords, briefly, I welcome Commons Amendment 1. It is very pleasing to see this Government, in contrast to the last Government, acknowledging that we have nations on these islands which have devolved powers that need to be respected. Indeed, when we are talking about the standards here, hopefully there is an understanding that devolution can also mean divergence in terms of democratic choices. Within the sometimes unfortunate limits of the internal market Act, Scotland, Wales and Northern Ireland should be able to lift to higher standards if that is what they want, and I hope this will help to facilitate that.

Since I am on my feet, I will make just a couple of short remarks, having been heavily involved in the Bill. I want to again thank the Minister and his team for the time that they gave for discussions with me about the Bill. I reiterate what I said then and stress to the Government that I hope they will keep three points in mind as this becomes law and it starts to be implemented, because most of this will not have any impact until we have the regulations.

First, where we are now is way behind the best global standards. This is an area where we should be talking about being world-leading for the health of our nation and of our environment. Secondly, I would like the Government to acknowledge that we are already on a poisoned planet and in an environment where our water, soil, air and indeed our food and our homes are saturated with far too many chemicals and other substances that are damaging to our health and, again, to environmental health. Thirdly, we have to start to consider the cocktail effect. With most of the testing of products, when companies go to put this product or that chemical into the environment, they say, "Look, what's the safe limit for this product?" But all of our bodies, our young people and our environment are being exposed to rising levels of microplastics, pesticides and PFASs—all those chemicals and products—and when we consider what is allowed for the future, we have to remember that it is going out into that already poisoned environment.

Lord Lansley (Con): My Lords, I will say a few words about Commons Amendment 2—I am grateful to the noble Lord for introducing all the amendments and referring to the purpose of that amendment. As he clarified, Commons Amendment 2 takes Clause 9 out of the list of those parts of the Bill which will in due course be subject to an affirmative resolution procedure. From my point of view, that is a substantive change as compared to what we saw previously in the Bill.

As the Minister explained, Clause 9 relates to existing product requirements, but it provides for a power to make regulations relating to existing product requirements as if they were product regulations for product requirements under this new legislation. Clause 9 allows for provisions described in Clauses 2(4), (6) or (7)—I am concerned with Clause 2(7)—that are able to be applied to existing product requirements.

What does Clause 2(7) tell us? It tells us that product regulations may be made by reference to relevant EU law. From my point of view—I will not rehearse all the debates we have had, but they are particularly important debates—this is a provision the use of which is significant. The occasions on which we choose to set our regulations and our product requirements by reference to EU law are important questions. As it happens, my view is that any use of Clause 2(7) should be subject to the affirmative procedure, but the Minister will no doubt remind me that that is not, nor intended to be, the case. I think it ought to be. The purpose of this is, in that sense, in my view, not technical but substantive. It means that existing product requirements can be amended in future by regulations which relate to relevant EU law and apply new product requirements or change product requirements by reference to EU law. I think that is significant, and my simple submission is that this is a significant change. I reiterate the point I made previously in debates: that the affirmative resolution should have been used in relation to any application of EU law in making our own product requirements.

We look forward with some anticipation to learning when and in relation to what this will happen. The noble Baroness, who was talking about chemical regulations, may be interested in this because, who knows, we have just seen reiteration of EU legislation relating to REACH. We do not know to what extent the REACH regulations are going to be reproduced in this country in the form in which we now see them in the European Union. The same may apply to AI. I have seen speculation that regulations relating to the European Union's AI Act could be introduced and

applied as product requirements in this country in product regulation using relevant EU law under AI as a mechanism. I do not know what is the Government's intention. All I am saying is that I think it is a substantive change, and I wish that the Government, both in the original drafting of the Bill and in this respect, had used the affirmative procedure so that we could examine it when it happens.

Baroness Brinton (LD): My Lords, on behalf of my noble friend Lord Fox, who is improving and I hope will be back with us very soon, and these Liberal Democrat Benches, I thank the Government for the very positive passage of this Bill, and particularly the Minister for the meeting that we had after the Bill's passage through the Commons and for the other discussions that we have had.

From these Benches, we welcome the first government amendment ensuring better consultation with devolved Governments on relevant regulations. This was an issue that we raised at the Lords stages of the Bill, and it is good to see that progress has been made.

In the Commons, my honourable friend Clive Jones, the MP for Wokingham, had an amendment on a Buy British scheme. I am very sorry that it did not make it past that stage in the Commons, because it included things such as voluntary labelling, consulting with providers, retailers and manufacturers, and how we should have a promotional campaign. Accepting that the detail of that has gone, I am sorry that the Government have chosen not to do it, but I hope that they will take the principle seriously, because what we really need to do now is to help consumers make informed choices about supporting domestic products.

I hear the points that the noble Lord, Lord Lansley, made, and we had a long debate earlier on in the passage of this Bill about this balance. I will not go into the detail at all, but I am just reminded that we discovered that, when we left the EU, we also left a series of other bits of the EU that provided such serious consequences that the last Government had to make emergency regulations to continue the old regulation rules, so I think it is good that there is some provision that means that if there is carryover, or if it is very similar, that should be done. However, I absolutely hear the point that the noble Lord, Lord Lansley, makes, and I am sure the Government have heard during the passage of this Bill that Parliament would want to be consulted on it.

Finally, in the week of the successful state visit of President Macron, your Lordships will not be surprised to hear us say from the Lib Dem Benches that we call on this Government to move a bit faster and lay the groundwork for a customs union with the EU, which we believe will deliver far greater benefits, not least for product regulations and metrology.

2.30 pm

Lord Hunt of Wirral (Con): My Lords, I am grateful to the noble Baroness, Lady Bennett of Manor Castle, for reminding us of some of the background with which we deal when we are presented with this Bill. I also thank my noble friend Lord Lansley. His reference to relevant EU law takes us back to pause and reflect on this Bill. As the Minister will know, it was greeted from these Benches in the other place as a bad Bill—a Trojan horse Bill. As my noble friend explained, the Bill does a lot more behind the scenes than appears on the surface and does so through secondary legislation.

I thought it might be helpful to remind ourselves, as indeed the House of Commons reminded itself, that the highly prestigious Delegated Powers and Regulatory Reform Committee of this House took a view on the Bill. The Minister will remember that he had a special meeting with the committee to try to convince it that it was wrong. I repeat its view, because it is particularly relevant to the point raised by my noble friend and referred to by the noble Baroness, Lady Brinton. After the meeting with the Minister, the committee said:

> "We remain of the view that … the delegation to Ministers of law-making powers in this Bill involves legislative power shifting to an unacceptable extent from the legislature to the Executive".

It continued that

> "the Government have failed to provide a convincing justification for the inclusion of skeleton clauses in this Bill that give Ministers such wide powers to re-write in regulations the substance of the regulatory regimes for products and metrology".

From these Benches, we see the Bill as a terrible step back and a Trojan horse because it will tie us to EU red tape over which we will have no say. Through the Bill, the Government will be able to restrict Britain's innovators with overburdensome regulations which are not in the Bill at the present time but will appear at a later stage.

I recall, because I was a witness, although I did not participate directly, that it was the dynamic duo of my noble friend Lord Sharpe of Epsom and the noble Lord, Lord Fox, who came in to save the British pint. I pay tribute to them both. We very much hope that the noble Lord, Lord Fox, will be back with us as quickly as possible, fully restored. He did us all a great service acting in concert with my noble friend Lord Sharpe of Epsom.

I worry about this sweeping use of Henry VIII powers and I hope that the Minister will reflect on these comments. I refer him once again—he will know that I have done this many times before—to the most marvellous lecture delivered by the Attorney- General, the noble and learned Lord, Lord Hermer KC, on 14 October 2024 entitled "The Rule of Law in an Age of Populism", in which he laid out a clear path that government should follow. The Government have certainly transgressed that in bringing forward this Bill with so many Henry VIII powers and so much detail that is still to be decided, admittedly after consultation, by secondary legislation.

I hope that in his remarks the Minister will not only respond to the important points raised by the noble Baroness, Lady Brinton, but will put into context exactly what the timeline will be for the extensive use—it is rightly extended to the devolved territories—of these delegated powers. What is the timeline? What can we look forward to? Can we be assured that there will be proper consultation and that this House will have an opportunity of giving its view on each and every step taken under this Bill?

Baroness Brinton (LD): I wonder if I might gently intervene. The noble Lord was not present, but my noble friend Lord Fox and others from our Benches reminded the noble Lord, Lord Epsom, and others from those Benches that this Bill was drafted by the previous Government with the Henry VIII powers as they appear in the Bill today. While I understand that times have moved on and seats have changed, much of the Bill that we see now is the one that had been drafted for the previous Government and was delayed because of the general election.

Lord Hunt of Wirral (Con): I am happy to respond to the noble Baroness, Lady Brinton, who referred to Lord Epsom rather than to my noble friend Lord Sharpe of Epsom.

Baroness Brinton (LD): I am sorry: the noble Lord, Lord Sharpe.

Lord Hunt of Wirral (Con): She is also under a misunderstanding. I was very proud to chair the Secondary Legislation Scrutiny Committee. If she had done her homework, she would have seen that I led the opposition to the previous Government's attempt to try to pass secondary legislation powers that would not be subject to proper scrutiny in this House. I do not want to engage in party politics, unlike the noble Baroness, but I think that it is wrong for Governments to do this. I just wish that we still had some of our previous Members, particularly Lord Judge, who taught me that whatever the complexion of the Government, Governments should not overreach themselves by abolishing legislation through secondary legislation.

Baroness Brinton (LD): The noble Lord is absolutely right. I very carefully talked about his predecessor on this Bill. I think that the work that he and his Secondary Legislation Scrutiny Committee did was admirable and I quoted from it frequently.

Lord Hunt of Wirral (Con): Thank you.

Lord Leong (Lab): My Lords, I am grateful to all the noble Lords who have contributed this afternoon to this short debate. I do not want to open the whole debate that we have gone through in Committee and on Report. Some of the points that the noble Lord brought up on delegated powers and so on were debated at length. On the noble Lord's point about the DPRRC and, to an extent, the point raised by the noble Lord, Lord Lansley, we understand the concerns raised by the DPRRC and noble Lords regarding the need for adequate scrutiny of the powers in the Bill. We would genuinely like to thank them for their engagement on this issue.

As introduced, the Bill provided for new regulations in a range of areas to be subject to the affirmative procedure. The noble Lord, Lord Hunt, asked about the timeframe. I have been told by the officials that, the minute the Bill gets Royal Assent, a number of regulations will have to be placed before the House, to do with noise and various other aspects of regulation. My officials also tell me that, in any one year, there will not be more than six to 10 regulations, so we will not get an avalanche of regulation. This includes emergency powers and widening the scope of any existing criminal offences. We have heard the concerns raised and have now gone further to provide additional parliamentary scrutiny in those areas.

As I mentioned in my opening speech, we have brought forward an amendment to correct a drafting error, and we heard in the contributions of the noble Baronesses, Lady Bennett and Lady Brinton, about the whole principle. The Bill is not the end; it is the start of many things. As I mentioned in Committee and on Report, there will be regulations, and noble Lords will be able to debate this through the affirmative procedure. It is a continuation, with more regulations to come, taking into account some of those that we have to update.

During the debates on this legislation in this House, scrutiny of the regulations was an important issue and one that the Government not only recognised but sought to address. I place on record my thanks for the work of all noble Lords to improve the scrutiny arrangements within the Bill. That has improved the Bill, and it is a testament to the role of this House in the scrutiny of legislation. Noble Lords have undoubtedly made this a better Bill.

Amendment 1 specifically is an important amendment. It demonstrates that, by listening carefully, engaging sincerely and acting in good faith—as the noble Baroness, Lady Bennett, mentioned—the United Kingdom Government and the devolved Governments can come together around shared solutions. This legislation provides a new framework for product regulation and metrology that is agile, future-facing and tailored to the needs of the United Kingdom. This amendment will make sure that the framework works for all parts of the United Kingdom.

As we reach the end of the Bill's passage, I personally extend my sincere thanks to all noble Lords who contributed to the debates and who have been so supportive of me taking the Bill through this House. These contributions have shown this House at its very best. I give thanks for the engagement of the noble Lord, Lord Sharpe, for His Majesty's Opposition, and the noble Lord, Lord Fox, who made an immense contribution. I wish him well; I spoke to him earlier this week, and he said that he might come here in a week's time or thereabouts. I look forward to welcoming him back to the Chamber.

I am sure that all noble Lords will be more than willing to have a pint with me—not a schooner—to celebrate the passage of this legislation. With that, I commend the amendment to the House.

Motion agreed.

Motion on Amendments 2 and 3

Moved by ***Lord Leong***

That this House do agree with the Commons in their Amendments 2 and 3.

2: Clause 12, page 12, line 20, leave out "7 to 10" and insert "7, 8 and 10"

3: Clause 15, page 12, line 37, leave out subsection (2)

Motion agreed.

2.43 pm

Sitting suspended.

Border Security, Asylum and Immigration Bill

Committee (3rd Day) (Continued)

2.54 pm

Amendment 100

Moved by ***Baroness Ludford***

100: After Clause 36, insert the following Clause—

"Requirement to produce an annual report on cooperation with Europol

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

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

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

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

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

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

Member's explanatory statement

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

Baroness Ludford (LD): My Lords, Amendments 100 and 101 are in my name and that of my noble friend Lord German. I will also speak to Amendment 206, tabled by my noble friend Lady Hamwee, with me and the noble Lord, Lord Alton of Liverpool, as signatories.

These amendments are all about co-operation with Europol in various ways, and I hope they are pushing at a very open door with the Government. They try to put some flesh on the bones of various aspirational texts of the last five years and to give some practical and operational content to what has remained a bit declaratory so far. Maybe the Minister will be able to give some information about what is going to happen to implement the reset document of 19 May.

Amendment 100 asks for the Government to produce an annual report on co-operation with Europol, the idea being that if the Secretary of State is required to produce an annual report on co-operation between the UK's law enforcement agencies and Europol, that will provide an impetus to have something to report on. New subsection (3) in Amendment 100 suggests that the annual report should include actions taken during the previous year to co-operate with Europol, progress in reducing people smuggling and human trafficking, and planned activities for improving future co-operation with Europol. It would not just be a report for its own sake—I am sure Home Office civil servants have quite a bit to do as it is—but it would be in order to say, "Oh golly, we've got to produce that annual report, so let's do something".

Amendment 101 would require the Secretary of State to seek to establish a joint taskforce with Europol for the purposes of co-operation, which are set out: disrupting trafficking operations, enhancement of law enforcement capabilities, specialised training for officials involved in border security and immigration enforcement, and of that ilk. It takes two to tango, so obviously the amendment does not expect the UK Government to establish a joint taskforce with Europol on their own, so it says "seek to" establish a joint taskforce.

Amendment 206 is a request for a unilateral obligation on the Government, saying:

"The Secretary of State must provide adequate resources to law enforcement agencies"—

that is, the national crime agencies, the police forces in England and Wales and the British Transport Police—

"for the purpose of enhancing their participation in Europol's anti-trafficking operations … The resources … must include technology for conducting improved surveillance on, and detection of, smuggling networks".

Just to look at the history of, and aspirations for, co-operation between the UK and Europol, we started about five years ago—obviously, we were once extremely significant in Europol; I know that I have said this before in the Chamber, but it riles somewhat. For 10 years, Rob Wainwright, a senior British police figure, was the distinguished director of Europol—we were in "pol" position, you could say. However, we must make the best of what we now have, which is the trade and co-operation agreement.

3 pm

Part 3, Title V, is on co-operation with Europol, of which the objective is to

"establish cooperative relations between Europol and the competent authorities of the United Kingdom … in preventing and combating serious crime, terrorism and forms of crime which affect a common interest".

That is good; that is the objective of co-operative relations, but there is not an awful lot of concrete specification there. Perhaps one of the most concrete is

"the provision of advice and support in individual criminal investigations as well as operational cooperation"

in Article 567. Article 568 says:

"The United Kingdom shall designate a national contact point to act as the central point of contact between Europol and the competent authorities of the United Kingdom".

I imagine that that has been done and that it is the National Crime Agency. Then,

"the United Kingdom shall second one or more liaison officers to Europol",

and vice versa, with Europol sending liaison offices in this direction.

The TCA is over five years old, but then there was an agreement in December 2023, which took nearly four years to be produced and then be updated. It was the Working and Administrative Arrangement establishing

"cooperative relations between Europol and the competent authorities of the United Kingdom"—

everything is a bit long-winded in its wording. That again talks about liaison officers, with the parties agreeing that

[Baroness Ludford]

"liaison officer(s) seconded by the United Kingdom … shall work to facilitate cooperation under this Arrangement as well as under the Agreement".

I am not sure whether liaison officers have actually been sent. I hope that the Minister can tell us that they have. Under this working arrangements document, there were also to be

"High-level meetings between Europol and representatives of the competent authorities"—

British authorities—which would

"take place regularly to discuss issues relating to Title V of the Agreement",

which is the one that I quoted.

Finally, we get to the common understanding of 19 May, with several paragraphs about Europol under the heading

"Internal security and judicial cooperation".

It says that the two parties

"believe that there is scope for reinforcing cooperation through quicker, better and deeper implementation of Part Three"

of the TCA. I must say that that strikes home, as I am not really sure how much has been achieved in over five years in implementation of Part 3. The 19 May document says:

"The United Kingdom and the European Commission will take the necessary steps to ensure that the pending arrangements underpinning the cooperation between the United Kingdom and Europol under the Trade and Cooperation Agreement are finalised swiftly".

I would be most grateful if the Minister could tell me what those "pending arrangements" are. I cannot see his face terribly well—maybe it is because I have my reading glasses on and not my distance glasses—but I had the impression that he looked a little surprised, but that may just be my vision.

I happened to be in a meeting with the European Commissioner for Justice, Mr McGrath, this morning. I asked about this and an official mentioned that there were further working arrangements under discussion. I do not think I am giving any secrets away in saying that that included liaison officers. We have been talking about liaison officers for quite a long time without them actually landing. Very importantly, in paragraph 52, it says:

"The United Kingdom and the European Commission will also consider how to increase operational cooperation between the United Kingdom and Europol under the applicable rules".

One idea under that operational co-operation would be for UK involvement in projects, including those on migrant smuggling. There have been important pledges about co-operation. There is still, for my taste, a little too much at the level of pledges rather than product. In a sense, these three amendments are designed to stimulate from the Minister a spelling out of what he sees as the possibilities, particularly in the areas covered by this Bill, on co-operation to stop and catch the criminal people-smuggling and migrant-trafficking gangs. Where are we at and where are we going, without too much delay, in co-operation between UK law enforcement agencies and Europol?

These amendments provide some specific suggestions, such as reporting on what is happening, and itemising the actions and operations that are the subject of UK involvement, particularly on smuggling, for the UK to provide sufficient resources to enable our agencies to participate in Europol projects and operations. Aside from saying that these are brilliant amendments and he will accept every word, I would like to hear from the Minister, in fairly concrete terms, where exactly we are in co-operating with Europol. We have probably heard quite enough about pledges, aspiration and intent. A little flesh on the bones would not go amiss. I beg to move.

Lord Harper (Con): My Lords, I have some points to make on these amendments and some questions, which the Minister or the noble Baroness, Lady Ludford, may be able to deal with at the end.

Amendment 100 proposes a requirement to produce an annual report. I am broadly not in favour of these. They seem to just dump a load of bureaucracy on departments, which then have to set up a team of people who spend all their time producing glossy documents that nobody reads, and it takes up a lot of time. I sort of understand why she said it, but the noble Baroness said that, if you have to produce a report, you then have to do some things to put in the report. I do not want the Home Office doing things just to put them in a report. I want it making sensible decisions on our strategic policing choices and doing those things, not things to fill a report up. There is a danger in putting in statute stuff that you have to do. These are not suggestions that the noble Baroness's amendment is making; departments would have to do them as a priority over other things because it would be a legal requirement. I am not awfully keen on that.

I am not entirely clear—by the way, this is not a request to make the proposed new clause broader—why the noble Baroness has picked just Europol. The problem with organised crime gangs and international groups—Europol deals with not just trafficking but drug trafficking, human trafficking, terrorism and cybercrime—is that these things are global problems, not European problems. Europe as a key territory for us in the issue of people trafficking, but it is not the only place people come from.

We should remember that, large though the small boats problem is, it is still the case that the majority of people who come to the United Kingdom seeking asylum are not coming on small boats but getting here by some other mechanism, including those people who do not have a legitimate claim for asylum, and they are coming from countries around the world. Having this skew towards co-operating with just Europol would be unhelpful. I want Ministers and law enforcement agencies to decide which international agencies they are going to co-operate with based on the threat assessment to the United Kingdom, not based on a statutory provision to have to co-operate with one and not the other.

Specifically in Amendment 101, about a joint task force, particularly concerning is subsection (3) of the proposed new clause. The amendment as a whole would force the Secretary of State to set up a joint task force, but, on what the task force has a duty to do, it says that that has to do with

"matters which the Secretary of State or Director of Europol deem appropriate".

Fundamentally, it is not right that the director of Europol in effect gets to pick the priorities on which the Secretary of State is then forced to spend resources and focus, even if the Secretary of State does not agree that those are the things she wants to focus on. I want Ministers to remain accountable to Parliament and to make decisions that they think are appropriate and justify them accordingly. This would, in effect, give the director of Europol the ability to direct the resources of the British Government and the British taxpayer, which I do not think is appropriate.

I turn to the last amendment in this group, Amendment 206, about participation in Europol's anti-trafficking operations. It does not specifically say, but I presume by that we mean human trafficking operations, as opposed to drug trafficking operations. The amendment again would force the Secretary of State, using the word "must", to

"provide adequate resources to law enforcement agencies for the purpose of enhancing their participation in Europol's anti-trafficking operations".

That means operations that Europol is doing. It does not give the Secretary of State discretion to make a judgment about whether she thinks that we should focus our efforts on those anti-trafficking operations but forces her to make available resources, whether she thinks that is appropriate or not—and I do not think it is.

The scope and territorial extent of the Bill is the whole of the United Kingdom: England, Wales, Scotland and Northern Ireland. I am not entirely certain why, for the purposes of proposed new subsection (1), the law enforcement agencies include only the National Crime Agency, police forces in England and Wales, and the BTP. Excellent force though the BTP is—I had some responsibility for it in the past—I do not know why Police Scotland and the Police Service of Northern Ireland are not included. Look at the breadth of Europol's operations. It seems to me that Police Scotland and the Police Service of Northern Ireland will be absolutely interested in countering terrorism, cybercrime, drug trafficking and human trafficking. Particularly given Northern Ireland's position, with a land border with a part of the European Union, it seems to me extraordinary that the amendment does not include the Police Service of Northern Ireland. That is an omission. There is a danger once you start listing things in primary legislation. My understanding of how interpretation works is that, by not including things in a list, you make it less possible for them to have the powers than if you had not had a list at all.

Much as I understand the objective and think it perfectly reasonable—to improve co-operation with our partners in other countries on what is, inevitably, a transnational crime—the focus on Europol, and then not looking at other organisations and international law enforcement bodies we could be partnering with, would skew our focus. Ministers ought to be able to make judgments about where we put our resources. We do not have infinite resources. Ministers should have to decide, and law enforcement bodies should be able to choose, where the threats are and what the priorities are on an operational basis, day to day and month to month, not by looking at primary legislation.

I think the fundamentals are misconceived, but there are quite a lot of problems, even if you thought that the fundamentals were not misconceived, in the way that the amendments have been drafted. I hope the noble Baroness will not press them. If she comes back on Report with amendments crafted in perhaps a more focused way, we could look at them further. However, in the way they are set out at the moment, they are not going to deliver the objectives she is hoping they would. I hope the Minister can touch on some of those points when he responds, and the noble Baroness may want to address them when she winds up at the end of this group.

3.15 pm

Lord Jackson of Peterborough (Con): My Lords, I echo the concerns of my noble friend Lord Harper.

I pay tribute to the noble Baroness, Lady Ludford. I have the pleasure of serving with her on the European Affairs Committee, she has great expertise and knowledge of these issues from her experience in the European Parliament, and she is our resident expert on these issues when we debate it in the committee. But she will know that we have had two separate inquiries which have covered these issues over the last year or so. One was on our and the EU's policy on data adequacy, which is germane to the area of crime and policing; in particular, serious organised crime and the work of the NCA. More recently, of course, since the reset on 19 May we have been looking in forensic detail at the Government's policy, as far as it is possible so to do.

Very briefly, the reason I have some concerns about these amendments—I reiterate the point made by my noble friend—is because I take the view, if it ain't broke, don't fix it. The evidence the committee heard from the National Crime Agency was that we were making organic, incremental changes and things were improving since our exit from the European Union in 2021. A good example of that is that, as the noble Baroness well knows, British police forces are able to take the operational lead in some of these big cases, particularly involving the National Crime Agency, cybercrime, people trafficking and modern slavery. Therefore, this amendment would, in effect, tie the hands of Ministers quite closely in terms of the strategic objectives that they are aiming to deliver in this area.

We all want to work closely with our partners and friends in the European Union—the Liberal Democrat Chief Whip laughs, but he might try to listen to my remarks before being so presumptuous. We want to work closely with them, and we have worked closely over the last few years. There is more work to do on data adequacy, on sharing data. There are enduring problems about the view of the Commission and the Court of Justice of the European Union in terms of the legal purview they have and the oversight that they wish to have with regard to joint operations. But these amendments are rather heavy-handed and circumscribe the flexibility of Ministers.

Finally, there is an opportunity for proper scrutiny and oversight of the work of the NCA and others, by the Home Affairs Select Committee in the other place, our European Affairs Committee, and directly on the Floor of this House and of the other place. So, for those reasons, I echo my noble friend. On this occasion,

[Lord Jackson of Peterborough]
although the noble Baroness does an excellent job in helping us understand these issues from her unique experience, I hope she will see that her amendments are unnecessary.

Lord German (LD): Interestingly, the challenge in the Bill before us is to smash the gangs. That was the statement from the Minister, and the issue of boats crossing the English Channel dominates the Bill and is the one that has been given the most effect. It was, of course, the previous Government who made this such a totem issue that they put it front and above all else, even putting it on the sides of lecterns inside 10 Downing Street. If the Government want to treat this matter—which is so important to the Benches on my right—with the Bill, as has been explained to us, we want to see how we best use our resources to tackle these problems in common.

As I explained earlier, I have visited the Pas-de-Calais to examine all these issues. I was with the French police just after they had arrested the driver of a German motor car that had a blanket over the back seat with teddy bears on top. Underneath was a dinghy of exactly the sort that I had seen on the beach, and which had been demonstrated to us as one of the types that are used. Those dinghies had come from Germany in a German car, the number plate of which I have a photograph of, whose driver was arrested at the French border. I was told quite clearly by the officials there that these things come from across Europe, and that all the machines and bits and pieces are collected and used by different countries. Belgium, the Netherlands, Greece and Turkey, as well as France and the UK, are all involved in this. Quite clearly, it would be right for the Bill to examine the level of cross co-operation between the forces which are to deal with this.

Europol is, of course, the agency on the continent, and is the one that particularly reflects the chain I have just described. The scope of the relationship between us and Europol is defined by the TCA. I have seen no amendments relating to that agreement, but I am hopeful, as I know many Members of this House are, that we will see big changes to the TCA, which has not been used to give us the best result. It is quite clear that our relationship with Europol is defined by it.

The scope of the co-operation is laid out clearly in Article 567. I will not read everything out, but it includes

"the exchange of information … reports … analysis … information on … participation in training … and … the provision of advice and support".

Nowhere does it mention joint co-operation in activities to deal with the issues before us. I know that there has been some action, because we have seen it reported. The important aspect is the depth of that action with the body that has responsibility for policing these serious crimes across the parts of the European Union where this matter is arising.

I have some questions on the specifics. First, what is the level of operational development between the British forces and Europol? Have we designated a national contact point, as the agreement outlines, and how many liaison officers do we have? The TCA, to which the previous Government agreed, says:

"The United Kingdom shall ensure that its liaison officers have speedy and, where technically possible, direct access to the relevant domestic databases of the United Kingdom that are necessary for them to fulfil their tasks … The number of liaison officers, the details of their tasks, their rights and obligations and the costs involved shall be governed by working arrangements".

We need to know what the "working arrangements" are, and whether we have those liaison officers in place. My second question is therefore on the structural relationship. Do we have these liaison officers in place, and are there officers from Europol inside the UK and vice versa? That is what the TCA, which was agreed to by the previous Government, says should happen.

The third element is whether the scope of co-operation in this document is sufficient to tackle the problems that we are now facing with this chain of operations across Europe, and which end up with us. This is an important issue, because we are talking about a serious crime that is being reflected across parts of Europe as well as in the United Kingdom. The relationship is important to us, because it includes the people with the operational ability, but we of course need to know whether there is co-operation in that operational ability. Without understanding that, we cannot be reassured that this matter—which, according to the Conservative Party, is at the top of the issues that the country is facing—will be tackled properly.

Lord Davies of Gower (Con): My Lords, I knew it would be only a matter of time before the debate turned to the European Union. However, I offer some support on this amendment, which seeks to introduce an annual reporting requirement on co-operation between UK law enforcement agencies and Europol. I do so not out of any dogmatic enthusiasm for greater institutional integration with the European Union, but because it touches on something far more important—that the Government should have a duty to come before Parliament and the British people and show us the work they have been doing to smash the gangs.

We have all these questions already—how many gangs have been dismantled, how many people smugglers have been arrested and what impact that has had on the scale of the crossings—so, once this Bill comes into force, the pressure on the Government to answer them will be even greater. To that end, we think the requirement to report these numbers should be set out in law. This amendment speaks to earlier provisions tabled in our name in which we called for greater transparency about enforcement outcomes. If the Government are serious about stopping the boats, breaking the business model and restoring control, they should welcome the opportunity to show Parliament the evidence.

However, I strike a note of caution. While co-operation with Europol is undoubtedly important, it must be driven by operational need, not ideological nostalgia. This Bill cannot be a backdoor to deeper alignment for its own sake. What matters is whether the relationship delivers results and helps our agencies do their job more effectively. If it does, let us support it; if it does not or if resources would be better deployed elsewhere, we must retain the flexibility to make those choices. I support the principle behind the amendment: let us

have the data, see the progress and ensure that decisions about operational co-operation are rooted in the fight against serious crime and not some broader desire to turn back the clock on Brexit. That is the balanced and pragmatic path forward.

The same principle of operational demand underpins our opposition to Amendment 101. We have spoken a lot about giving our law enforcement agencies the tools they need to combat illegal immigration, but we cannot tie their hands. With respect to the noble Baroness, I believe that our authorities can be trusted to determine whether a joint task force with Europol is necessary and I do not think that compelling them to do this in law is particularly sensible.

Our concerns are much the same with Amendment 206. While I am sure that it is well intentioned, I will speak against it. However worthy its stated aim, it rests on a flawed premise: that this Chamber, and individual Members, should be in the business of directing operational law enforcement resources from the Floor of Parliament. Of course we expect the Government to ensure that our law enforcement agencies are adequately resourced. That is a basic responsibility. What I find more difficult to accept is the idea that we should begin legislating where those resources must go, as if we are better placed than the professionals to determine strategic priorities, operational partnerships or the most effective deployment of personnel and technology. Respectfully, what qualifies the noble Baroness, Lady Ludford, to decide by statute how the National Crime Agency or our police forces should engage with Europol? Are we to micromanage from your Lordships' House the balance between domestic enforcement and international co-operation? I do not believe those on the front line will thank us for it.

We should not forget that enforcement against illegal migration and human trafficking is a complex, fast-evolving challenge. It requires flexibility, responsiveness and operational freedom, not rigid legal mandates handed down from Westminster. If law enforcement agencies judge that Europol operations offer the best return on effort and resources, then they will and should participate. But if priorities shift or if intelligence and tactical realities require a different focus, they must be free to act accordingly.

This is a debate not about whether we support the fight against people smuggling—we all do—but about whether we think Parliament should start signing away operational discretion and tying the hands of those we rely on to deliver results. That is not a responsible use of legislative power. We need to be guided by practical application, not political aspiration. Let the experts lead and let Government support them in doing so, not box them in. For those reasons, I cannot support the amendment.

The Minister of State, Home Office (Lord Hanson of Flint) (Lab): My Lords, I have a confession to make—and I hope that noble Lords will bear with me as I make it. As a Member of Parliament, I spent a lot of the period between 2016 and 2019 arguing for a close relationship with Europol when we were agreeing the Brexit referendum and agreements. I put a lot of pressure on the then Prime Minister and Home Secretary to ensure that they valued Europol and our close co-operation with it. I was disappointed in the outcome of the settlements achieved on that relationship. I therefore start from the basis that I believe that the points made by the noble Baroness, Lady Ludford, are important. The approach of the current Government since 2024 has been to ensure that we encourage and engage in co-operation with Europol and other agencies to achieve the objectives that we have set.

3.30 pm

The noble Lord, Lord Davies, in essence said—to paraphrase him—that the proof of the pudding is in the eating. Recent arrests include those of a major Syrian organised gang responsible for smuggling at least 750 migrants into the UK and a Turkish national suspected of being a supplier of small boats. A German law enforcement operation resulted in 13 arrests across Germany and France. Six men were arrested who were wanted in Belgium over their suspected involvement in a major people-smuggling ring.

Disruptions made to more high-end harm targets have increased by nearly 25% over the past 12 months. We have closed twice as many social media accounts—a total of 18,000—used by smugglers to generate activity. We have increased the costs of boats and engine packages for the gangs involved in that in northern France, and the NCA seized 84 engines and 86 boats between July 2023 and May 2024. There has also been continued action by the new Border Security Commander, who will have legislative back-up under this Bill to achieve the objectives that I think the noble Lord and I both share: to put pressure on the gangs. That has all been done through co-operation and close engagement with Europol, among other organisations.

Lord Davies of Gower (Con): Those figures are extremely impressive—thank goodness for that—but can the Minister explain why over 21,000 people are arriving in the UK on boats?

Lord Hanson of Flint (Lab): The noble Lord knows that this is a complex challenge and that the Government are trying to undertake a range of measures to address it. He will also know—we will return to this in more detail later—that, with the scrapping of the Rwanda scheme, we have been able both to process more applications on asylum and to remove people from hotels and shut more hotels. We have also been able to provide greater investment in the sort of co-operation that the Border Security Commander will undertake shortly, and I believe that continued pressure will be placed on that issue. The noble Lord knows that it is a difficult challenge—I am not denying that—but we have a duty to disrupt, and that disruption involves close co-operation with Europol.

I get the sense—I mean this in the nicest possible way—that these are probing amendments to get a view from the Government on the issues around Europol; all three press the Government on where we are with that. The noble Lords, Lord Harper and Lord Jackson, have challenged the drafting and objectives of the relevant clauses. I will address the first two amendments as probing amendments from the noble Baroness, Lady Ludford, and the noble Lord, Lord German,

[Lord Hanson of Flint]
which seek to determine what we are doing with Europol. I accept those challenges and will respond to them.

The Border Security Commander—the legal framework for such a role is in the early clauses of the Bill—will work with a range of international bodies, including Europol, to deliver the Government's border security objectives, recognising that an international solution is required for the current international, cross-border set of challenges. The recent Organised Immigration Crime Summit brought together over 40 countries and law enforcement bodies, including Europol to unite behind a new approach to dismantle people-smuggling gangs and to deliver on the people's priorities for a securer border. The amendments are pressing us to address that.

First, there is the argument for an annual report to Parliament. Under the Bill, the Border Security Commander has to provide an annual report to Parliament and his work is very closely linked to that of Europol. We have a very strong relationship with Europol currently and a significant permanent presence in the agency's headquarters in The Hague. The Home Office will continue to work with Europol to deliver the Government's border security objectives, and the Border Security Commander has a key role in Europol being one of the agencies through which our objectives are being set.

To answer the question of the noble Lord, Lord German, on joint working with Europol, we have 20 officers embedded as liaison officers in Europol headquarters, with teams across the European community. It would be challenging, and perhaps—dare I say—inappropriate to set statutory requirements that would seek to establish joint taskforce operations when these are currently operational decisions.

Those operational decisions have the full support of government to work closely with Europol to help with data, criminal investigations and to ensure that we work in partnership. That is vital, given that many of the criminal gangs are operating in the European Community—in Germany, France, Belgium and Holland. That is why the Border Security Commander, as well as working closely with Europol, has established and worked with the Calais Group, its member states being France, Belgium, Holland and the United Kingdom, looking at close co-operation in those areas.

We are ensuring that we have adequate resources for law-enforcement agencies to enhance participation in Europol's anti-trafficking operations. There is regular interaction with Europol, and the commander is already providing strategic cross-system leadership across current and future threats to UK border security, protecting the UK border and going after the people-smuggling gangs. We believe that the legislation strikes that operational balance but also ensures that law enforcement and the UK intelligence community are supportive of the commander's approach. By establishing that clear direction and leadership, we are creating a strong, cohesive system to boost the activities of Europol as a whole.

There is a very strong operational relationship with Europol, led by the National Crime Agency. The director-general of the National Crime Agency regularly meets with his counterpart, Catherine De Bolle, to discuss relevant matters. The commander himself has engaged heavily with law enforcement since being appointed. We have doubled our presence at Europol, and we hosted Interpol's general assembly in Glasgow in November 2024. We have also increased the number of embeds from the National Crime Agency in European organisations such as Europol.

On an operational and strategic level, it is in the interests of both Europol—the European Community—and the United Kingdom to have that close co-operation. That is why in the period post the Brexit referendum, I and others argued for that strong relationship: because it was important. As the noble Baroness said herself, a UK citizen, Rob Wainwright, was the leader of Europol when we were in the European Community.

I hope that there is not a sliver of difference between us. However, going back to what the noble Lord, Lord Harper, said, the amendments demand an annual report and taskforce co-operation, with us determining a third-party taskforce to be co-operated with. They also demand areas of resource—which we are dealing with, without the attack on operational independence that that approach may involve.

Lord German (LD): I thank the Minister very much for the explanation he has given so far, which I think indicates a surprising level of progress, given where we started from with the agreement that preceded this. The Minister has kindly told us that we have officers embedded in The Hague. Does Europol have similar officers embedded in the United Kingdom?

Lord Hanson of Flint (Lab): It is probably best if I reflect on that, because although I know who is embedded in Europol, I do not know offhand, unless I can find some inspiration in the next few seconds—I fear that I may have to check. I say that simply because this Minister and this Government are responsible for National Crime Agency liaison; we are not responsible for the Europol aspect of liaison with us. Rather than give the noble Lord an unhelpful answer, if he will allow me I will reflect on that in due course and give him a specific answer in writing, post this very helpful set of amendments, which I still hope will not be pressed.

Baroness Ludford (LD): I thank the Minister for that response. The tone and approach go very much in the direction and spirit of the amendments, even if their drafting is not entirely fit, in the Minister's mind. He is right that they were designed to illustrate the very welcome change of approach of the current Government, who regard co-operation with Europol—and, indeed, with the EU generally—as important.

The noble Lord, Lord Davies, said that we must be driven by operational need, not ideological nostalgia. I do not think you could find anything in the drafting of the amendments which is not operational. To be honest, I take slight exception to any suggestion that they are driven by ideological nostalgia. If there is any ideology, it is coming from those on the Opposition Benches, who are still displaying an allergy to the European Union.

I have the pleasure of serving on the European Affairs Committee with the noble Lord, Lord Jackson. We are going to have some interesting discussions when we finalise our report on the reset. He referred to the leads from the National Crime Agency and the National Police Chiefs' Council giving evidence to us a few months ago. I looked it up while he was speaking, and they referred to the more cumbersome, clunky and process-heavy post-Brexit arrangements. They were engaged in mitigation, so they were making the best—I am now using words they did not use—of a not great job. I am afraid that what is coming from the Benches to my right is a prejudice against working with the European Union.

Lord Jackson of Peterborough (Con): I am listening very carefully to the noble Baroness. She knows that there has been cross-party support on, for instance, information-sharing in respect of the Schengen Information System's second iteration, which we were members of in 2015, and it is incumbent upon this Government and the European Union to negotiate that information-sharing. We could ameliorate the clunkiness were the EU to be a little bit flexible, for mutual benefit, in sharing the SIS II data.

Baroness Ludford (LD): There are all kinds of things we can aspire to. Unfortunately, the arrangements the noble Lord's party negotiated have certain constraints in terms of the legal operation of the European Union, and he knows that.

Lord Hanson of Flint (Lab): I am sorry to disturb the noble Baroness's flow, but I want to place on record, in answer to the question raised by Members, that there are no Europol embeds in the UK. There is a Europol liaison unit, which is staffed entirely by UK police officers. I hope that is helpful.

Baroness Ludford (LD): I thank the noble Lord for that helpful information.

Lord Harper (Con): Forgive me, but I just want to be clear, because I think the noble Baroness may have, I am sure inadvertently, misunderstood me. I am very supportive of us co-operating with Europol. We did when I was in government as Immigration Minister, we do now, and I want us to continue to. I also want us to co-operate with law enforcement agencies around the world. What I do not want to do is fetter either agencies or the Government by skewing priorities towards only one of them. I want them to co-operate with all relevant agencies and make those decisions based on the threat assessment and the operational need. I want to do all those things, but I am very supportive of our co-operation with Europol and always have been. I do not want her to run away with the impression that I am not.

3.45 pm

Baroness Ludford (LD): I thank the noble Lord; I was coming to his remarks. In his original remarks, he said precisely that—we do not want to co-operate just with Europe; we want global co-operation. Of course I want global co-operation, but the fact is that something like Interpol is not operational. Europol is operational and it is our next-door neighbour. It is obvious, because of the routes that irregular migrants take, that geography means we have to co-operate particularly with our European counterparts on issues such as people smuggling and migrant trafficking. That does not mean we do not want to co-operate elsewhere, in particular with countries of origin, but we do not have the same operational possibilities as we do with EU institutions and agencies.

I was reminding the noble Lord, Lord Jackson, of the evidence we heard from senior police officers. They had to be diplomatic, and they are doing their best with the hand they have been dealt, but it is not ideological nostalgia to say that the TCA places serious limitations on those possibilities. One would not wish, frankly, to start from there. I hugely welcome the change of tone, the approach and the willingness—not this baggage or allergy to anything that has the word "Europe" in it. I know that the Minister personally and the Government want, within limitations that I do not necessarily endorse, to co-operate with the European Union and individual member states. It is not about politics or ideology; it is about whether we are going to catch major criminals. That is why we have to give our police and European police the tools to be able to disrupt the gangs—that is what we all claim we want. We must not allow ideology to impede that co-operation.

I conclude that I am grateful for the reply from the Minister. I will reflect on whether I can submit something on Report that is more to his and the Government's taste, but I welcome the positivity in his remarks and intentions about how we need co-operation. With that, I beg leave to withdraw my amendment.

Amendment 100 withdrawn.

Amendment 101 not moved.

Amendment 102

Moved by ***Lord Swire***

102: After Clause 36, insert the following new Clause—

"Further provision as to biometric information

(1) In the Immigration and Asylum Act 1999 in section 141 (fingerprinting)—

(a) in subsection (1), for "may" substitute "must";

(b) in subsection (7), before paragraph (a) insert—

"(za) any person ("ZA") who is not a British citizen but who is attempting to enter the United Kingdom;";

(c) in subsection (8), before paragraph (a) insert—

"(za) for ZA, on his arrival at a port in the United Kingdom;";

(d) in subsection (9), before paragraph (a) insert—

"(za) for ZA, when he leaves the port in which he entered the United Kingdom;";

(e) after subsection (9), insert—

"(9A) An immigration officer or constable may arrest without warrant ZA if ZA does not comply with a request from an authorised officer to take fingerprints at ZA's port of entry into the United Kingdom.";

(f) after subsection (15), insert—

"(15A) In this section "port" has the same meaning as in section 4 of the UK Borders Act 2007.".

(2) The Immigration (Collection, Use and Retention of Biometric Information and Related Amendments) Regulations 2021 are amended as follows—

(a) in regulation 2 (photographs)—

(i) in paragraph (1) for "may" substitute "must";

(ii) in paragraph (7), before sub-paragraph (a) insert—

"(za) any person ("ZA") who is not a British citizen but who is attempting to enter the United Kingdom;";

(iii) in paragraph (11), before sub-paragraph (a) insert—

"(za) for ZA, on his arrival at a port in the United Kingdom;";

(iv) in paragraph (12), before sub-paragraph (a) insert—

"(za) for ZA, when he leaves the port in which he entered the United Kingdom;";

(v) after subsection (15), insert—

"(15A) In this section "port" has the same meaning as in section 4 of the UK Borders Act 2007";

(vi) after paragraph (16), insert—

"(17) An immigration officer or constable may arrest without warrant ZA if ZA does not comply with a request from an authorised officer to take fingerprints at ZA's port of entry into the United Kingdom.";

(b) in paragraph (1) of regulation 3 (attendance to be photographed) for "may" substitute "must"."

Lord Swire (Con): My Lords, I very much hope that my Amendments 102 and 149 are in the spirit of what we are discussing this afternoon and, indeed, in the spirit of what the Government are attempting to do. I pray in aid both our earlier debate on the UK Government's resilience action plan—I was in the Chamber when the noble Baroness, Lady Anderson of Stoke-on-Trent, was on the Front Bench for that—and the Government's other document, the *National Security Strategy 2025*, which states in paragraph 14, among many other things, that we will:

"Expand our legal and law enforcement toolkit, to ensure the UK becomes a harder target for hostile state and non-state actors including criminal gangs engaged in illegal migration … Roll out a series of new measures to strengthen our borders, defend our territory and enhance the resilience of our critical national infrastructure".

I concede that there are other parts of this document, but they all pretty much say the same thing:

"Security at home … Defend our territory … Make the UK a harder target".

Under "Pillar (i)—Security at Home" in paragraph 1, it says:

"The first pillar of our Strategic Framework is to protect our people, bolster the security of our homeland and strengthen our borders against all types of threats, both in the physical and online space".

In paragraph 3, it says:

"These multiple and interconnected threats require us to make ourselves a harder target to our adversaries. As a first step, the defence of our borders and territorial waters must be strengthened".

Hear, hear to all that.

Then we come to the clauses in question and I find the drafting rather tentative, so my amendments seek to put a bit of muscle behind the Government's intention. In proposed new subsection (1), my Amendment 102 would change "may" to must", which would require immigration officers to take fingerprints from all people to whom that section applies. Section 141 applies to a person who does not present a passport at a port of entry, a person who has been refused leave to enter the UK and granted immigration bail, and any person who has been given a deportation order, among others. Currently, that too says only "may", meaning that as things stand, as the legislation is proposed, the drafting suggests there is no requirement for immigration officers to collect this biometric information. My amendment would make it a duty to do so, in order to ensure an accurate collection of data.

Secondly, the amendment would add a new person to whom Section 141 applies, "ZA". This is any person who wishes to enter the United Kingdom—visitors, tourists, all immigrants and any arrivals whatever. Proposed new subsection (2) in this amendment would amend the Immigration (Collection, Use and Retention of Biometric Information and Related Amendments) Regulations 2021 to require immigration officers to take photographs of every arrival into the United Kingdom. This is all about ensuring that we know who is entering the country and that we have an accurate record of every person who crosses our border. If that person then commits a crime while in the United Kingdom, the police would have their fingerprints and photograph on record to enable them to investigate and prosecute. I cannot see why the Government would be opposed to this, given everything that they have said so far today.

Amendment 149, the second amendment in my name, would amend the Immigration Act 1971 to insert two new sections. Proposed new Section 28IA would create new powers to seize identity documents from foreign criminals, asylum seekers, those awaiting deportation and those granted immigration bail. Immigration officers would be able to search for, seize and retain all such ID documents, and there are penalties within the amendment for those who do not comply, seek to falsify or misrepresent themselves. Proposed new Section 28IB states that immigration officers must give all the people they have seized this documentation from a new standard biometric government-issued identity card. This would be linked to the biometric information they have supplied, as laid out in Amendment 102. There is nothing very contentious or draconian there. It is just an attempt to garner the information we need to standardise that information and to have a better idea of who is in this country at any one time. I beg to move.

Lord Jackson of Peterborough (Con): My Lords, I support the excellent amendments in the name of my noble friend Lord Swire. I begin with a confession, which I think is shared by most of my colleagues on these Benches, that we were all whipped in 2006 or 2007 in the other place when in opposition to oppose identity cards. It was a period when there were serious concerns about the infringement on civil liberties of identity cards. Tony Blair, our former Prime Minister, got a lot of things wrong over the years, but he was absolutely right on identity cards. If I were to go back in time and vote again, I would support identity cards, for many reasons. We are talking almost 20 years ago and the world has changed significantly in terms of transnational travel, patterns of serious organised crime,

and the challenges of large numbers of people moving across the world, a minority of whom are doing so for nefarious reasons and for criminal enterprises.

The Minister knows that I have great respect for him. I know he serves in the greatest tradition of patriots in the Labour Party who have served in government and he wants to do his best to protect our borders and the safety and security of our country. However, we can no longer have these slightly erudite debates about ID cards and civil liberties when we have so many huge challenges, particularly the threat of Islamist terrorism and other serious organised crime. If we look abroad, we see that other countries have taken this very seriously as well, including many English-speaking countries: Australia, Canada, New Zealand and of course the United States. What bedevils us is the lack of co-ordination and collaboration in terms of sharing data.

I have been nice about the Minister and now I am going to be nasty. I have asked him four or five times the same question—I dare say it is his officials' fault, not his—about whether we collect data on students whose visas are rescinded as a result of criminal activity. For various reasons, he has had to answer that he cannot give me that information, telling me the Home Office does not collate that data, there are too many databases, or it would be too expensive to collect that data. I am not blaming him as such, but that is symptomatic of the difficulty of being able to properly co-ordinate data in the public interest to fight crime. Therefore, we should consider anything that can assist that, whether it is facial recognition—I know there are civil liberties issues and in China we see some very major infringements of civil liberties, so I do not want to go down that road—iris scans, fingerprints, et cetera. The ability to collect that data for people coming in—

Baroness Ludford (LD): My noble friend Lord German is going to speak on the entirety of the amendments, but I did not want to lose the theme of ID cards. I have a question, because I genuinely do not understand. We have had big, long debates about ID cards in the past and maybe we will again in the future, but how are ID cards supposed to help in the case of irregular migration? Employers who are employing people illegally are presumably meant to be checking documents at the moment to make sure that people have the right to stay and the right to work. How does an ID card actually help?

If employers have the means to check whether someone has the right to work legally—that is an alleged pull factor, although of course the Migration Advisory Committee has always advised that that is actually not true—can the noble Lord explain to me what ID cards add as a supposed deterrent to irregular migrants, when employers should already be checking documentation? How do they add value to that particular issue?

4 pm

Lord Jackson of Peterborough (Con): Well, if there are appropriate safeguards—I know that is a big "if"—and if there is proper scrutiny and oversight of the issuance of those ID cards, I believe they would allow a number of key agencies, such as the NHS, local authorities, adult social care, children's services, police forces, the National Crime Agency and others, to be in a position to track those individuals who are identified as previously predisposed to commit crime, and often serious crime.

I absolutely respect the liberal position—and also the Liberal Democrat position. They believe in an individualist freedom not to be tracked by the state. We know that there are occasions across the world where that sort of surveillance is for pernicious, irregular and completely immoral reasons. But that is not our country. We have a parliamentary democracy, with checks and balances to ensure that that would not be abused. Indeed, the Information Commissioner has wide-ranging powers. So I have crossed the Rubicon on the principle of ID cards—but this is not a balloon debate on ID cards, so I must press on.

My own party has also been complicit in some of these significant difficulties. We made a big mistake in ending exit controls—I cannot remember when it was, but I think it was in the early 1990s under the Major Government. That was a significant mistake that we made. But we can also learn from our friends in the European Union, who have the European travel information and authorisation system, which is coming on stream, and EES—the entry and exit system—because they understand the importance of collecting data in order to facilitate fighting crime.

So we need to focus on collecting data and using it effectively to join up the dots on crime fighting and to make sure that we know who is in the country—who is coming in and who will be leaving—which is what my noble friend's amendments would do. Putting that obligation on a statutory footing, in order to track those individuals, would be a start of the imperative for departments, particularly the Home Office, to start joining the dots on the data they hold in order to work properly to protect people.

I have to mention that, only two days ago, Mr Thomas-Symonds, the Cabinet Office Minister, was on LBC. He was completely stumped by the presenter, who asked what questions they ask people who say they are applying for asylum when they come ashore near Dover. He was not able to confirm any of the questions. The presenter asked whether they ask the individual, "Who trafficked you? What nationality were they? Where did you actually come from?" Maybe the Minister will answer this, but I am not sure that there is a particular protocol for collecting the most basic data—and that is not even when we are talking about IT databases.

So my noble friend's amendments are excellent. They begin the process of really taking seriously the challenges that we face in protecting our border. We are following the lead of many countries across the world that similarly take these threats to national security and safety seriously. The Minister has generally been in the right place—I read the debate on the statutory instrument on biometrics with my noble friend in March—and he is saying the right things. He would give us a lot of sustenance and support in that campaign to make our country safer were he to be minded to support my noble friend's excellent two amendments.

Lord Harper (Con): My Lords, I support my noble friend Lord Swire's two amendments, which are well-intentioned, well drafted and have the right approach. Strengthening the ability of state agencies to be able collect this information would be very helpful.

However, at this point, I part company with my noble friend Lord Jackson of Peterborough, which I do not do very often. I will not allow him to tempt me at length on this, but I do not agree with him at all on ID cards. I hope she does not find that it damages her reputation, but I agree with the noble Baroness, Lady Ludford, on this point. She asked the right question: how does having ID cards solve any of these problems?

In his excellent introduction, my noble friend Lord Swire highlighted that we already require people who come to this country as migrants to have identity documents and that their biometric information is on a database. We require those who employ them, for example, to check their employment status. There is a gap in that, which we will come to deal with in later groups on Clause 45. The Government rightly are looking to strengthen that to include not just traditional employment models but some of the new employment models that are not currently captured but which have been highlighted publicly, including by the shadow Home Secretary, when talking about the problem that the gig economy, for example, and those who deliver things are not captured by the traditional models. That is important, but we already require people to check that information. Those employers who are operating illegally and choose not to do it still will not do it even if we have ID cards.

My worry about ID cards—and then I will stop talking about them, because it is not strictly within the scope of these things—is that you put the burden on those of us who are lawfully in the country and who should not have to keep being asked for ID when we have the right to use such services. All the public services that we access, including the NHS—except, rightly, for emergency care—the DWP and so on, require you to evidence that you have a right to be in the country and to access those services. We rightly do not insist that the NHS does it for emergency care, but, if you go to a hospital for planned treatment, they will check that you are entitled to have free NHS care. They may not always do so, but they are legally supposed to—those checks already exist.

Lord Jackson of Peterborough (Con): I have to ask my noble friend a fundamental question. Regarding the biometric data that we currently retain across all the agencies of government, if that system is working, why have the Government—and indeed the previous Government, who he served and I supported—no idea how many illegal immigrants there are in the country? Why do they have no idea of the veracity of the estimate that one in 10 of the 9 million people in Greater London are illegal immigrants? We simply do not know the numbers. ID cards may not be perfect, but they may go some way to enabling us to have a quantitative and qualitative analysis of the challenge facing us in the delivery of public services. At the moment, we are flying blind and cannot use the data. The Government simply do not know how many people are in the country.

Lord Harper (Con): I was coming to this. This is where I do agree with my noble friend. There is a big difference between having ID cards—which, in effect, puts the burden on the rest of the population and would not materially affect how we deliver services or protect ourselves—and data. His point about the state needing to be better at collecting and using data is a very good one. I was always sceptical about the state using data, but we have seen how the private sector uses it effectively to deliver better services.

Having had some responsibility in the past for some of our agencies and having used their services, I know that people sometimes have concerns and have the "big brother" conversation. One thing I know is that the powers of our intelligence agencies, for example, are on a legal footing under the Investigatory Powers Act. There are very clear controls within which Ministers, who are accountable to Parliament, have to make decisions. In the past, I have signed warrants for intercepting communications, and there are very clear rules about how that works. All that is overseen by a judicial check, to make sure that the law is being enforced properly.

I think there are appropriate safeguards and that we could do a better job in collecting and using data and delivering services. The private sector does a much better job at this. This is true across government, not just in the Home Office but in the NHS and other organisations that use data. I distinguish between the two points. I absolutely support collecting and using data to deliver services, but I do not think it follows from that that we will have to require people to carry identity documents.

Lord Horam (Con): To adjudicate between my noble friends Lord Harper and Lord Jackson, I think that my noble friend Lord Harper has a point. We can do something short of full-scale electronic data collection and the identity card system. The problem at the moment, frankly, is the cost, and it was a problem at the time. My noble friends may recall the cost—I think it was £3 billion or something of that order—to install a full ID system all those years ago, during the Blair Government. God knows what the Chancellor of the Exchequer would do if she was suddenly presented with the cost of a full ID system. However, I agree with my noble friends Lord Harper and Lord Swire that we need more data, particularly in the area of immigration, where we simply do not know what is going on, in London or anywhere else.

Lord Harper (Con): I thank my noble friend for his attempt to adjudicate between me and my noble friend Lord Jackson. He makes a good point. This is where the state needs to get much better at using data to make policy decisions—by the way, this is not a criticism of the current Government; we had our challenges in office as well—and operational decisions, deal with threats and be nimble enough to recognise that those threats do not remain static but change. The state has to be much better at altering its focus to deal with the threats as they face us today.

I regret that I disagree with my noble friend, as I try not to do so, but I strongly support my noble friend Lord Swire's amendments, and I hope that they will

get a fair hearing from the Government. Even if the Government do not like the way they are drafted or whatever, I hope they will take them away and have a think about whether my noble friend's amendments make a good point and could be incorporated into the Bill in due course.

Lord Davies of Gower (Con): My Lords, I thank my noble friend for tabling these amendments relating to the provision of biometric information by those seeking entry into the United Kingdom. I am grateful to my noble friends Lord Harper and Lord Jackson for that interesting duel, which contributed greatly to this debate.

Amendment 102 would extend the powers under Section 141 of the Immigration and Asylum Act 1999 by mandating the collection of biometric information from those awaiting deportation, those who have been arrested for an immigration offence and asylum seekers. Currently, the ability to collect fingerprints from such people is optional, and therefore we cannot be certain that immigration officers are collecting enough information to enable sufficient protection of our borders. My noble friend's amendment goes further and would require the fingerprinting of everyone who is not a British citizen who seeks to enter the country. My noble friend has raised this issue on numerous occasions, and he is right to do so. If we do not know who has entered our country, and indeed who is already here, we cannot take adequate measures to prosecute crimes and deport those with no right to be here.

Importantly, my noble friend is proposing that we use biometric information primarily in cases where the person in question has failed to provide us with any other form of identification that would show who they are, where they came from and why they wished to enter the UK. These are not needlessly intrusive questions. Noble Lords who are lucky enough to travel abroad this summer will be asked exactly those questions, and rightly so. Every nation has to understand who is coming in. As I have mentioned before, the consequences of not knowing can be dire. I remind noble Lords that the massive Iranian terror attack, which was only just intercepted, was plotted by those who arrived without paperwork on small boats and in the back of lorries.

It is a matter of national security that we know who is entering the UK. My noble friend Lord Swire has proposed a sensible amendment to this Bill, which would give our law enforcement agencies the information they need to begin to build up this picture.

Amendment 149 is also built on this principle and seeks to introduce robust powers, allowing immigration officers to search for, seize, retain and make use of identity documents for certain categories of non-British nationals and to issue biometric registration cards in their place. This amendment once again speaks to the fundamental principle of border security: that we must know who is trying to enter the UK and where they are from, and try to determine why. The amendment has clear provision for returning all documents once the relevant period is passed and is a sensible proposal designed to ensure that our immigration officers have access to as much information as possible when making the decisions needed to safeguard our borders.

4.15 pm

This proposal would equip officers with the power they need to obtain the information they require, and it would be a safeguard against any risk that individuals could destroy or tamper with their identity documents while going through the application process. This is not an academic concern. The Crown Prosecution Service itself has said that the

"destruction of documents disables the authorities from establishing where an entrant came from, in order to increase the chances of success of a claim or application and/or to thwart removal … These offences have the real potential to undermine the whole system of immigration control".

This amendment directly seeks to reduce that risk, keep these important documents safe and ensure that efforts to undermine our borders are both addressed and combated.

Lord Hanson of Flint (Lab): I am grateful to the noble Lord, Lord Swire, for tabling these amendments, if only because we have been able to revisit matters from the past 17 years on the benefits or otherwise of ID cards. I had the pleasure, or misfortune—delete as appropriate—to be in the Home Office in 2009 when we had the ID card rollout. I think I have said to the House before that I had ID card No. 3 at the time and had lots of biometric information taken from me. In fact, I remember travelling to Austria on my ID card instead of a passport—such was the pleasure of having that ID card.

I am pleased to see that the noble Lord, Lord Swire, has revisited his vote in the Commons and that the noble Lord, Lord Jackson, has suggested similar. However, that debate is for another day. It is not one we can revisit today, as it does not really feature in any of the amendments before us. While it provides an interesting historical perspective on the rights and wrongs of having ID cards, it is the amendment before us from the noble Lord, Lord Swire, that addresses biometric information, and, if I may, I will focus on that.

Lord Swire (Con): I have enjoyed this exchange with the Minister on that vote. I have been trying to find out if there was any chance that I was not around during that vote; I was Minister of State in Northern Ireland at the time, and I was rather hoping that I was stuck over there. Unfortunately, because of a lack of data collection, there seems to be no way of finding out about my presence or otherwise at that time.

Lord Hanson of Flint (Lab): Perhaps I can help the noble Lord. If he was in the building, he would have voted that particular way; otherwise, he would not have been a Northern Ireland Minister for very much longer. However, it is immaterial whether he was in the building or not; the Government he supported voted to abolish ID cards. Let me put that to one side, however; it is a debate for another day.

The proposed new clause in Amendment 102 is intended to require all foreign nationals to provide biometric information on arrival to the United Kingdom or face arrest if they fail to do so. I have no problem with biometric information and using it to secure our borders and protect the public. I have no problem with

[Lord Hanson of Flint]
the fact that it is already a cornerstone of our immigration system, as it enables us to identify foreign nationals who are coming in and out of, or staying in, the United Kingdom. Individuals who seek to enter the UK are required to provide biometric information as part of their application for entry clearance or, indeed, an electronic travel authorisation. This allows us to do what I think the noble Lord wants us to do: to verify identity and assess suitability before arrival. We already compare applicants' fingerprints against immigration and law enforcement databases, and that already enables us to identify those who may pose a threat in coming to United Kingdom. Requiring biometrics to be provided before a person travels to the UK also reduces the need for Border Force officers to deal with people who pose a threat on arrival.

Where a person arrives in the UK without the necessary entry clearance or electronic travel authorisation, we already have existing powers to capture their biometric information, and we can use reasonable force where necessary to do so. We already check biometrics at the UK borders, using e-gates that can match facial images to images contained in passports. For visa holders, we check their fingerprints at the primary control desks. Let me remind the Committee that the Government remain vigilant in their duty to protect our borders. As recently as March 2025, we introduced new legislation which significantly enhanced our ability to collect such biometric information at the border.

I know the noble Lord has good intentions, but were this new clause to be enacted, all foreign nationals would need to provide their biometric information, including people who are normally excused. This would include people who are physically unable to enrol with their biometrics or who are exempt from immigration control, such as sovereigns or heads of state, and that is neither practical nor proportionate.

For me, this is a key issue. The noble Lord and I are both former Northern Ireland Minsters, so he will know that under the Belfast/Good Friday agreement, there is no hard border between Northern Ireland and the Republic of Ireland. As part of the common travel area arrangements, the UK does not operate routine immigration controls on journeys within the common travel area, and no immigration checks are undertaken. Under his new clause, we would be unable to implement a policy of taking everyone's biometric information as they enter Northern Ireland from Ireland without introducing a hard border. I do not think he wants that, but that is what the new clause would mean.

Turning to Amendment 149, on seizing identity documents—

Lord Harper (Con): If the Minister thinks that my noble friend's amendment has some merit, one way of dealing with this issue as the EU implements its EES checks would be to exchange biometric information with the Irish Republic so that, as people come into the common travel area, we can collect that information. Earlier, we talked about sharing information with our European partners. Dealing with the issue in this way does not require a hard border on the island of Ireland, but it hardens the border around the common travel area, which I think would be welcomed.

Lord Hanson of Flint (Lab): With all due respect to the noble Lord, I was moving to the view that the amendment does not have merit; that is the nature of political life, as the noble Lord knows. Having poured that large bucket of cold water on Amendment 102, let me return to the question of Amendment 149 and seizing identity documents.

I reassure noble Lords that immigration officers already have powers to seize and retain identity documents and to require them to be produced. Under Schedule 2 to the Immigration Act 1971, immigration officers have a power to require persons, on examination, to produce identity and other relevant documents, which may then be retained until the person is given permission to enter the UK. It allows immigration officers to take all reasonable steps and gives them powers to search and to seize documents relating to identity. Schedule 3 to that Act extends the powers in Schedule 2 to persons liable to detention for the purpose of deportation. Furthermore, there is a power in the Asylum and Immigration (Treatment of Claimant, etc.) Act 2004 whereby relevant documents in the possession of the Secretary of State may be retained where they may facilitate the removal of a person who may be liable to removal. Amendment 149 is therefore covered by existing legislation.

As for the noble Lord's third amendment, on the issuance of biometric documents to individuals whose identity documents have been seized, again I must gently express some reservations. We already issue foreign nationals with status in the UK with biometric immigration documents in the form of an e-visa. Unlike physical documents, they cannot be lost, stolen or tampered with. We also issue asylum seekers with application registration cards that contain facial images and evidence that they have submitted a protection claim. We do not issue biometric immigration documents that confirm the holder's status to people who have no lawful UK immigration status or an outstanding protection claim in the UK. We do not provide documentation that could be used for identification purposes, to avoid creating the impression that someone is in the UK lawfully.

Since November 2024, we have stopped issuing physical biometric cards to foreign nationals granted status in the UK. Having to issue physical biometric cards to people whose documents were seized would generate additional costs—without adding them up, there would be several million pounds' worth. It is also important that the Committee recalls that the misuse of identity documents is a criminal offence under the Identity Documents Act 2010, and the supply of equipment for the creation of false documents is similarly proscribed under the Specialist Printing Equipment and Materials (Offences) Act 2015.

I hope that that explanation helps the noble Lord. Obviously, he can return to this on Report if he wishes to, but I hope that he will withdraw his amendment, having heard my defence of the Government's position.

Lord Swire (Con): My Lords, I am most grateful to the Minister, but I do not agree with his position. This would have provided him with an opportunity to send a very strong signal out to all those watching these debates and following the issue of immigration very

closely. There was a lot in what he said about officials having the power and how they could do this and that, and it was all tentative again. My amendments sought to ensure that they did these things. That is the only way we can get a degree of certainty. I hope that we can return to this in the future. I strongly suspect that the Government's position on this will have to change but, in the meantime, I beg leave to withdraw my amendment.

Amendment 102 withdrawn.

Clause 37: Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024

Debate on whether Clause 37 should stand part of the Bill.

Lord Davies of Gower (Con): My Lords, I rise to oppose the question that Clause 37 stand part of the Bill. The Government's proposal to repeal the safety of Rwanda Act goes to the heart of our differences in this debate. The previous Government introduced a substantive deterrent: people whom the United Kingdom had identified as illegal immigrants or asylum seekers would have to be relocated to Rwanda for processing, asylum and resettlement. Those who were successful in claiming asylum would have remained in Rwanda, and they would not have been permitted to return to the United Kingdom. In this clause, the Government are tearing up that plan. They are instead proposing to introduce a new border commander with no actual command and no required relevant experience, and they are proposing a handful of laws that seek to criminalise supply chains, which are almost entirely located abroad.

We have sought to be helpful to the Government with many of our amendments, but this is a matter on which, unfortunately, we just disagree. We on this side recognise some fundamental truths which the Government seem intent on ignoring. The first is that supply in this matter is driven by demand. The second is that supply will always try to meet demand, even under absolute prohibition. I referred at Second Reading to the 18th Amendment in the United States, which, as I am sure noble Lords will agree, was quite a bit stronger than anything the Government are proposing in the Bill, yet still failed. The third and final truth is that, if you want to stop supply, you need to stop demand. The Government's approach is obsessed with supply—the supply of boats and ID documents—but there is almost nothing here to affect demand. The simple fact of the matter is that, while there are thousands of people willing to pay massive sums of money to come to the UK illegally, there will be criminal gangs ready to take the money and get them here.

The same can be said for pretty much every other criminal enterprise. The fact that these things are illegal, by definition, does not matter to the criminals who sustain them. The previous Government recognised this fact and decided to go after the demand, by ensuring that those who sought to come to the UK illegally would spend as little time here as possible.

This worked: illegal migrants considering making the channel crossing last year were quoted many times as saying that they were waiting for the Rwanda scheme to be abolished. Migrants in Calais told journalists that they were waiting for Labour to get into government before coming to the UK, because they knew that the party would scrap the Rwanda policy. I put it strongly to your Lordships that this is clear evidence that the Rwanda plan was acting as a deterrent.

4.30 pm

Before the Minister gets up to tell us about the cost-benefit ratio, might I remind him that a deterrent is not designed to be regularly used. Our nuclear deterrent, for instance, we have, thankfully, never used. We cannot measure the Rwanda plan on the number of people who went to Rwanda; we need to judge it on the number of migrants who never travelled in the first place.

Furthermore, the Government have repeatedly claimed that the Rwanda policy was pointless. The Minister said on 1 July that it was

"costly, ineffective and did not remove people".—[*Official Report*, 1/7/25; col. 588.]

Of course, the problem with this statement, and with all his criticisms of the Rwanda policy, is that they cannot be proven. It cannot be proven that the scheme was ineffective because it was never allowed to begin. The Safety of Rwanda (Asylum and Immigration) Act received Royal Assent on 25 April 2024. The election was called a month later and then this Government came in and cancelled the policy.

The Government entered office with a clear deterrent. Since then, they have scrapped this plan and tried to replace it with a wholly inadequate alternative, the result of which we are discussing today. Look at the results: Home Office data shows that a further 2,599 migrants made it to Britain in the week to 5 July. That includes 879 people who crossed on 30 June alone—the highest daily figure so far this year.

I know the Minister will want to draw attention to discussions the Government are having with the French on this issue, but before he does I remind him that nearly four times as many small boat migrants made it to Britain, in one recent week, than the French managed to stop. On a wider scale, the numbers are simply awful: they are 48% higher than the figure for the first six months of 2024, and 75% higher than 2023's equivalent figure of 11,433. It is crystal clear that the removal of the deterrent has done exactly what we expected—it has encouraged more and more people to make the journey to the United Kingdom—because they have done so in increasingly significant numbers.

In Clause 37, the Government formally propose to repeal the safety of Rwanda Act, which underpinned our deterrent. I am grateful to my noble friend Lord Sharpe for stating his intention to oppose this clause standing part of the Bill. In pursuing this path, the Government are formally repealing a policy introduced by the previous Government, who sought to address the problem of illegal migration at source. Clause 37 does not merely repeal a piece of legislation; it repeals a strategy designed to make it clear that the United Kingdom would not be a soft touch for illegal migration and that those who paid criminal gangs to reach our shores would not be rewarded with indefinite leave to remain.

[Lord Davies of Gower]

I appreciate the arithmetic of this situation, that Clause 37 will almost certainly stand part of the Bill. However, we on these Benches are very clear: Britain needs to have a deterrent if we are to have any hope of stopping the boats and securing the borders. That is also the view of the National Crime Agency. There must be a third-country removal scheme in place, in which illegal migrants will be removed to a safe third country and have their claims processed there. To simply remove the previous deterrent without any form of alternative is naive and, indeed, reckless. Can the Minister explain how the Government are going to deter illegal migration? What is the replacement?

The numbers speak for themselves: the removal of the deterrent has encouraged a massive increase in the number of crossings and the Government are instead proposing to legislate themselves out of the situation, while welcoming greater and greater numbers of migrants at the taxpayer's expense. On this side of the Committee, we oppose the question that this clause should stand part of the Bill.

Baroness Lister of Burtersett (Lab): My Lords, I welcome Clause 37 very warmly. For some of us it is the best bit of the Bill. I am really pleased, for once, to be able to unequivocally support my Front Bench and my noble friend the Minister.

My noble friend the Minister did not have the pleasure of sitting through the debates about the Rwanda Bill in this House; I do not really want to put him through it all again, because it is like a nightmare in my mind and it is quite difficult to recall everything that was said at the time. But I remind the Committee that, on a number of occasions, your Lordships' House rejected key bits of the Bill, and it went through only because of the majority in the Commons. We had ping-pong, ping-pong, ping-pong, and eventually we had to give in. To now try to resurrect it through this clause stand part device seems a bit perverse.

I will just remind noble Lords why we were so opposed to the Rwanda Bill. First of all—I have to see whether I can read my notes here—there was the failure to meet the concerns of the Supreme Court. Saying Rwanda is safe then and for always does not make it safe. I can remember noble and learned Lords and others on the Cross Benches—one of whom may well want to speak today—saying, "We're being asked to say that night is day and put that into legal form". It was ridiculous. So, for the lawyers among us, it was really quite distressing that we were having to put our name to that.

The United Nations High Commission on Refugees had concerns, at the heart of which was the belief that the Act was not compatible with international refugee law—the refugee convention. There was the disapplication of the Human Rights Act, highlighted by the Joint Committee on Human Rights—the current chair is no longer in his place, but I am sure he would agree with what the previous committee said. That committee emphasised the universality of human rights, which this piece of legislation rode a cart and of horses through.

There were particular concerns around the treatment of LGBTI+ people, who would potentially not be treated well, as well as concerns about children, which was one of the main issues that I took up during the passage of the Bill. On the treatment of age-disputed children, there were fears that they would be removed to Rwanda because they had wrongly been assessed as adults, and then there was a difficult provision, if they could prove that they were children, for them to be sent back to the UK, in effect as parcels. Many of us thought that was dehumanising of children and went against children's rights.

I am sure my noble friend the Minister will be terribly pleased to hear that we will be debating age assessment later in Committee. But it is worth pointing out at this point that just yesterday, the *i* newspaper published the latest analysis by the Helen Bamber Foundation of FoI data. That found that in 2024, at least 678 unaccompanied asylum-seeking children were initially classed as adults but then found to be children by local authorities, and that was over half of those who were so referred. Had the Rwanda Act been in operation now, how many of those children might have been sent to Rwanda and got stuck there? That is the question that I would put. In addition, there was never a proper child rights impact assessment or anything like that.

Finally, the noble Lord talked about a deterrent. I seem to remember that, in all the paperwork we were given—it was probably an impact assessment or something—that there was a very clear reference to academic work which suggested that there was no evidence of a deterrent effect in this kind of legislation. The noble Lord also talked about us being a soft touch for illegal migrants. Please can we remember that most of those who come across on the boats, putting their lives at risk, are seeking asylum? They have an international right to do so. Please do not let us write them off as "illegal migrants".

That is all I wanted to say. I warmly welcome that the Government have taken this step, because it is a very positive step in the name of human rights and international refugee law.

Lord Kerr of Kinlochard (CB): My Lords, I think the noble Baroness was a little unkind to the noble Lord, Lord Davies of Gower, who made an admirable speech: gallantry in a hopeless cause is always extremely impressive. I thought Owain Glyndŵr was speaking to us. I was reminded of the gallant knight in "Monty Python", who has all his limbs struck off, but bravely says, "No, no, it's only a flesh wound", and fights on. It was tremendous.

The noble Baroness, Lady Lister, also slightly abbreviated the history of the Rwanda Act in this House. It began with the Rwanda treaty, which this House recommended, on the advice of its International Agreements Committee, could not and should not be ratified until the various supervisory and legal constructs needed—and set out in the treaty itself—existed. Because they did not exist; they were to be set up. Various judges were to be appointed, courts were to be formed and supervisory monitoring procedures were to be put in place—none of that existed. This House recommended that the treaty should not be ratified.

The Bill itself had three fundamental problems for this House. First, as the noble Baroness said, there was the fundamental "Alice in Wonderland" absurdity that

we can, by so voting, change facts: we can make Rwanda safe by declaring Rwanda safe. The noble Lord, Lord Clarke of Nottingham, spoke powerfully on that subject.

Secondly, there was the problem of our international commitments. It was impossible—in the view of this House, which voted several times on it—to reconcile the Bill and the treaty with our international commitments. We were telling people, "You may never have your claim for asylum heard in this country. You may claim asylum in Rwanda. You may claim from the Rwanda Government the right to become a citizen of Rwanda. But you may never claim the right to become a citizen of the United Kingdom. We are going to send you to Rwanda, we are never going to let you come here and we are never going to hear your case". To make that fit with the refugee convention is impossible—that is what this House determined. Keeping the Rwanda Act on the statute book would be absurd. If we mean what we say about a rules-based, legal global order, we really need to pay attention when what we are doing ourselves is clearly in breach of a central plank of the rules-based order.

That is completely different from what this Government are, as I understand it, seeking to do with offshoring the exercise. Although I do not like that—it is a very bad idea that people's claims should be considered abroad, because it will be harder to ensure that they get appropriate legal advice and age assessment, if their asylum case heard in a foreign country—it is completely different from what we were going to do with Rwanda. With the Rwanda Act, we were not just offshoring but offloading; we were putting on the Rwanda Government the responsibility of considering the future of these people. We were saying, "It's absolutely nothing to do with us and we refuse to touch it". That simply will not do.

We have to applaud the noble Lord, Lord Davies. I note that his Scottish colleague was cunning enough to disappear before we came to the question of whether Clause 37 should stand part. I am a Scotsman and know that there are some battles that it is best not to fight. It is very gallant of the noble Lord to be here to make his case, but it would be absurd if he were to succeed.

4.45 pm

Baroness Hamwee (LD): My Lords, there is another fine detail which neither noble Lord has mentioned but which worried some of us very much—that, in offloading to Rwanda, we would be enabling a whole new business model for traffickers, because those sent to Rwanda would be such vulnerable prospective customers for the traffickers.

Lord Horam (Con): Like the noble Baroness, Lady Lister, I am a veteran of those dreadful, seemingly endless debates and I too recall them with some horror, including the ping-pong. But let us put this in perspective. That policy was chosen because it replicated the only purely successful means of stopping illegal immigrants coming on boats to a country—the Australian example. Instead of Rwanda, it used Nauru, near the Solomon Islands, and established over 10 years or so a successful arrangement whereby people coming on boats across the Timor Sea to Darwin and so forth were immediately detained and sent within 24 hours to Nauru to be treated. Not only did that immediately stop the boats but it has led to a cross-party arrangement in Australia that is, frankly, to die for here. The Liberal Party brought in those arrangements, the Labor Party then eventually won a general election and abolished them—

Lord Kerr of Kinlochard (CB): If I may correct the noble Lord, the Australian arrangement was offshoring, not offloading.

Lord Horam (Con): That is not true; it was offloading as well, because the decisions were taken by the Government in Nauru at the behest of the Australian Government, although they obviously had a back-up situation and did not entirely hand it over. However, if the noble Lord will look at it, he will see that it was very similar to the arrangements with Rwanda. As he will recall, we had not only arrangements with the Rwandan Government but a back-up arrangement—a monitoring committee—which he acknowledged during those debates was composed of the most distinguished international lawyers and so forth, who would check whether anything was going wrong.

Lord Harper (Con): I want to draw my noble friend back, in case noble Lords missed it, to the very interesting political point he made—which I can validate from conversations I have had with a member of the Australian Government—that the Australian scheme was introduced by a Liberal Government, the equivalent of the Conservatives, and then reversed by a Labor Government, who realised that they had made a terrible mistake and, when they came back into government, wanted to keep the scheme. Does he think that might be this Government's experience in trying to deal with this important issue?

Lord Horam (Con): Exactly. It is such a pity. We made the point on ID cards just recently that one of the worst aspects of our system of government is new Governments coming in and instantly reversing policies carried through by the preceding Government. ID cards were an example where my noble friend Lord Jackson admitted that we might have been wrong. In some cases, we were right, by the way—we should have cancelled HS2. My noble friend Lord Harper might not necessarily agree with me there. None the less, sometimes new Governments can get it right as well as get it wrong, but the constant changing of policies of this kind between Governments is a real issue. Australia got it right: the Liberal Government brought it in; the Labor Government then rejected it and realised they were wrong. The Liberal Government brought it back, the Labor Government accepted it, and they now have a bipartisan approach which, in effect, means there is very little illegal immigration into Australia. It is the only extant example of this problem being dealt with.

Not only that, but the success of the bipartisan approach in Australia enabled them to go on to deal with legal immigration very transparently. There is a debate every year with a proposal from the Government on how many legal immigrants should be accepted into the country, broken down by different categories—

[LORD HORAM]
students, families, workers in various categories, asylum seekers and so forth. That is then is debated in parliament and a view is taken. That is a model of what we are all trying to achieve here. If we could get to that position here with a bipartisan approach and an open debate every year in Parliament, that would be wonderful. This may seem like "Monty Python" land in some ways in its fantasy, but it is a reality in Australia.

Lord Kerr of Kinlochard (CB): I see the point that the noble Lord is making, but it is important that he recognise that what the Australian Government did, and did again, was to arrange for Australian asylum hearings to take place offshore. What we were arranging was for people to be told that they could never have a United Kingdom asylum hearing; we were going to forcibly send them to Rwanda where, if they wished, they could have a Rwandan asylum hearing. That is completely different.

Lord Horam (Con): With respect, it is not completely different. The fact is that the Australians arranged a successful deterrent, which is what all Governments are trying to achieve. What the last Conservative Government were trying to achieve was obviously not entirely the same as the Nauru/Australian example, but it was broadly the same, and, as the noble Lord must agree, with many checks and balances to ensure that people were properly treated.

That is what the present Government are throwing away. All that effort, finance, agreement, and legislation—three Bills, I think—are being chucked aside for, in effect, nothing, because this Bill gives no deterrent factor. It is completely absent. We all agree that the gangs should be smashed, and that work can carry on side by side with any other work on a deterrent, but there is no work on a deterrent going on of the kind that the previous Government had. We need a deterrent.

Lord Hanson of Flint (Lab): Can we just nail this myth? It was not a deterrent. Between the signing of the partnership with Rwanda on 14 April 2022 and 5 July 2024 when this Government took office, 83,500 people arrived by small boats—some deterrent.

Lord Horam (Con): It was never deployed as a deterrent. As my noble friend Lord Davies of Gower said, it was never put into operation. The idea that the Minister can say that it did not work is nonsense, because it was never actually tried. First, there were all the judicial reviews and additional challenges that were sustained, and then there was the general election, so it never actually happened. It is a myth to believe that it somehow did not work or that it was not a deterrent. We do not know, frankly.

The great pity about all this is that we will never know whether it would have been a deterrent. I fully confess that I do not know whether it would have acted as a deterrent or not; no one could say until we saw the effects. Indeed, in the case of Australia, it was quite a long time before people realised that this was an effective deterrent. It took about 10 years before it was fully realised that this did work and was a means of doing it, and that would likely have been the case here. A policy without a serious deterrent is not really a policy at all; that is the problem.

I am sure the Minister will say that what the Government are now doing with France has considerable potential as a means of deterring people from coming across, but that depends on relations with France. I am all in favour of having favourable relations with France. I believe that the UK and France are particularly important countries in the European context these days, and I fully commend what happened over the last couple of days—I think King Charles in particular played a blinder in bringing the countries together—but none the less, we have to look at whether this will work as a deterrent. I understand that the talks on this are going on this afternoon, and that therefore the Minister may not have much information and may be unable answer questions, but currently only 6% of people will be sent back under this scheme. It is hardly a deterrent to say that 94% of people will stay here and only 6% will be sent back.

Obviously, it is sensible to start in a small way and ramp it up as time goes on, and I am sure that the Minister will argue that, but if you have a whole gamut of people coming over and only a small proportion are returned, what sort of deterrent is that? Will it not also fall foul of the problems that the previous Government had, where any individual who is asked to go back to France immediately has recourse to a lawyer who seeks to keep them here, and maybe succeeds in that effort, and therefore the whole scheme begins to unwind in a morass of legal challenges? That is what happened to the last Government: they became bogged down in a whole series of legal challenges. That is the danger, and that is why we are becoming afraid of the ECHR. The Government have had a year to think about all this. Unless they have a clear plan that encompasses these other extraneous elements that protrude into the problems they have, there is no serious possibility of stopping the boats.

Therefore, while I understand why the Government, having decided not to go ahead with the Rwanda plan, have given themselves the resources that were devoted to Rwanda and used them in a new way to develop the Bill, they will have to go very much further if they hope to stop the boats. I am afraid that we need a much more decisive, thorough and holistic approach to this problem than that we have had so far.

Lord Harper (Con): My Lords, I strongly support my noble friend Lord Davies of Gower. Unlike a number of noble Lords here, I was unable to take part in the earlier iterations of debate on the Bill. I was a very strong supporter of it, but, as a member of the Government, it was not within my area of responsibility, and I was, sadly, excluded. Therefore, unlike others, I relish the opportunity to volunteer my support for it this afternoon.

Fundamentally, this argument is about whether or not you believe in the deterrent effect. As was mentioned in Tuesday's debate, and on previous occasions, the challenge we face—and I think the noble Lord, Lord Alton, highlighted this in the Joint Committee's report when he was introducing his amendments earlier in the week—is the enormous number of displaced people around the world who, under the refugee convention, would potentially have a claim for asylum. The fact is that those volumes cannot all be accommodated here.

The extra challenge we get from the issue of small boats crossing the channel goes directly to one's interpretation of that convention; this was the point that the noble Baroness, Lady Lister, raised when she talked about people coming across the channel from France.

It is the Joint Committee's view, but it is not a universal view and it is not my view, that the refugee convention protects people fleeing persecution who come directly to the United Kingdom. Most of these people enter the European Union on the southern borders, so they have crossed—

Baroness Lister of Burtersett (Lab): My Lords—

5 pm

Lord Harper (Con): I will finish the point and then of course I will take the noble Baroness's intervention. They cross a number of safe European countries before they get to their final safe EU country of France. I absolutely accept that a number of them—not all of them; some of them are economic migrants—are absolutely fleeing persecution, but they have not come directly to the UK, and therefore I do not feel that they benefit from the protection of the convention. On that point, I will take the noble Baroness's intervention, and then I will make some progress.

Baroness Lister of Burtersett (Lab): I thank the noble Lord. It is not simply what I say or the Joint Committee on Human Rights says; it is the UN High Commission on Refugees, which is given the responsibility of overseeing the refugee convention. It is very clear that the Rwanda Act went against that convention, and it does not accept this interpretation of what coming immediately from a safe country means.

While I am up, the noble Lord talked about all these people coming here, but what proportion of asylum seekers do we in this country take in, as opposed to other European countries? My understanding is that we are not a country that is taking more than our share.

Lord Harper (Con): I shall deal with those points briefly. First, I do not accept that the UN is the arbiter of what the convention means. It is our job in this House and the House of Commons to make laws and set out our immigration policies. We should not subcontract that to outside organisations that sometimes have a very eccentric view of the world, and it is not one that is supported by the British people.

This comes down to the point about numbers. I am a strong supporter of our long tradition of taking genuine asylum seekers and refugees in the United Kingdom, but we can do that only if we retain public support for it. I say to those who oppose stronger and tougher controls on who can come here and make it clear that it is only people who follow our laws that they are in danger of forfeiting that public support and confidence. If we do not deal with this issue, at some point—and I think we are getting very close to it—the public will say, "We just don't want anybody. We're not interested in their circumstances. We're not interested in what's happened. We want to control the number of people that are coming here". I think that would be a tragedy. I say to those who oppose tougher border controls that they are running a real risk of altering public opinion so that it does not support it.

When we get these schemes right—I referenced earlier in the week the scheme that we set up for those fleeing the illegal Russian invasion of Ukraine—they have huge public support. In my part of the world, I had no complaints about the Ukraine scheme. But when people think people are taking the mickey out of us, as they do with these small boat crossings, public support is not there and is not supportive. In a democracy, we should be mindful that we have to carry the public with us.

On this issue of deterrence, I think you have to have a deterrent. My noble friend demonstrated earlier the success in Australia. It was very telling that one political party in Australia opposed the scheme, and then when it came back into government it recognised that it was necessary. Although it would be politically convenient if that happened to this Government—if, in the end, what they are proposing was a failure and they suffered some political damage from it—the bit of me that wants my country to be successful, having had some responsibility for our borders in the past, does not want that to happen. I want to get this right. If we had won the election and been able to implement the Rwanda scheme, it would have been a deterrent. It would have sent a very clear message to people that paying thousands of pounds to people smugglers to cross the channel was a fruitless endeavour. The one thing we know about the people who pay people smugglers is that they expect to get what they pay for and, if they were not able to get to the United Kingdom and stay here, they absolutely would not have carried on paying people smugglers and that business model would have collapsed.

I completely accept that it was perfectly reasonable for people to disagree with the Rwanda scheme in the way that it was set up, whether it was Rwanda or a different country, but the problem the Government have is that Clause 37 repeals our scheme and, as my noble friend said, replaces it with no alternative deterrent at all. We have just seen this afternoon what the Prime Minister has announced. Obviously, we have not seen all the detail—we have just seen the headlines—but a one-in, one-out scheme has now been announced. The problem with that is twofold.

First, as my noble friend said, I am not sure what the legal underpinning of that is. It would be helpful if the Minister could set out whether the scheme that has been announced today, in both its pilot and its full form, will require any further primary legislation to make sure it can be implemented, and if it does need primary legislation, whether it is going to be inserted into this Bill before it leaves the House. Also, I fear it will be subject to enormous legal challenge and the Government will have exactly the same problems as we had with the Rwanda scheme. It will take them ages to be able to scale it up. The final flaw is that the public want to stop the volume of people coming here and, although a one-in, one-out scheme might alter the composition of the people coming, by definition a one-in, one-out scheme will not reduce the numbers. If we can only send somebody back to France and get

[Lord Harper]
another person, we might change who they are, but we are not going to deal with the numbers problem at all, so for a lot of the public the scheme will be a failure by its very definition.

As I said, I strongly support what my noble friend said. I think the Government are making a terrible mistake with this clause—not from my perspective, but from their own perspective. They are going to find that, welcome though some of the measures in this Bill are that support the powers the Government have—I have already referred to some of the later clauses that strengthen the controls on those working illegally, and where the Bill has measures in it that are strengthening the system, I support them—completely removing a deterrent without putting anything in its place, not amending it but completely scrapping it, is a mistake, and I fear that the Government will come to regret it. That will not be a good thing. It might be a short-term political advantage for us, but it will not be a good thing for the country. I would rather, if they had some disagreements with the detail of the scheme, that they had reflected on that and altered it.

If there was a clause here that was making changes to the Rwanda scheme—for example, the way it was dealing with the processing, or maybe even picking up the point made by the noble Lord, Lord Kerr, about who did the processing—that would have at least been an argument that we could have entered into, and it would have been a better argument than scrapping it overnight without anything at all to replace it. I fear the Government will come to regret having done so. We will know from the robust remarks of my noble friend that we did our best to stop them making that terrible mistake. I only hope that we are not proved to be correct.

Lord Jackson of Peterborough (Con): My Lords, I remember those long evenings over the last two years when we debated the Safety of Rwanda (Asylum and Immigration) Act 2024. The words of Pyrrhus come to mind, because noble Lords on the then Opposition Benches, particularly the Cross-Benchers and the Liberal Democrats, eventually prevented the Act from happening by a circuitous route. As Pyrrhus said, "One more such victory and we are doomed". I think that the Government will reap the whirlwind of overpromising to smash the gangs and potentially not delivering.

It is important to make the point again that there is no plan B. We have spent £209 million this year giving money to the French, and yet we are told that we might send back 50 illegal migrants a week. That is one in 17 migrants. At the time when the Rwanda policy was developed, the number of illegal entrants crossing the channel was 45,700 in 2022. We are now in a position where we have had a 55% increase in those channel crossings in the last year, so it is not working.

Of course, my noble friend Lord Horam is right to make the point that it is impossible to judge the efficacy of the policy because it was never rolled out properly. It is no good the Minister complaining about that because his Government, for purely cynical political reasons, decided to draw a line in the sand and curtail and end the scheme. The scheme was popular with the public. Even after the Supreme Court hearing and judgment in November 2023, a Savanta poll found that 47% of people supported it and only 26% were against it.

For too long, our asylum system had been overwhelmed by those who sought to abuse our generosity and bypass legal immigration routes. The current system was not only unsustainable—it still is—but fundamentally unfair to those who follow proper procedures and wait patiently for their applications to be processed through legitimate channels. The Rwanda scheme was always about breaking the business model of people smuggling. The Rwanda partnership addressed the root cause of this crisis by fundamentally disrupting the business model of the criminal gangs that profited from human misery—I think we agree that that is the number one priority.

When people understood that making dangerous channel crossings would not lead to permanent settlement in the UK, the economic incentive for these perilous journeys disappeared. This was not merely theoretical: as my noble friend said, there have been examples of countries working together—Australia, for instance, but also Denmark and Israel—to return irregular or illegal migrants. Far from abandoning our humanitarian obligations, the legislation strengthened our ability to help those most in need. By creating an orderly, managed system, we could better focus our resources on genuine refugees who required our protection. Rwanda, as a safe third country with a growing economy and commitment to refugee protection, offered a new life with dignity and opportunity.

The Act reasserted parliamentary sovereignty in matters of immigration policy. The British people voted repeatedly for Governments committed to controlling immigration. This legislation ensured that elected representatives, rather than foreign courts—I know some noble Lords do not like that term—determine how we implement our policies.

There were economic benefits. We always hear from Ministers how expensive the Rwanda scheme was, but, actually, by the time of the general election, the National Audit Office found that we had spent something like £318 million. That is not an insignificant amount of public money, of course, but the Minister quotes a £700 million figure—I would like him perhaps to write to me to outline how he gets that breakdown, because I am not sure that the NAO would necessarily agree with him. But we are now spending £4.7 billion every year on the asylum system and hotels. So, on a cost-benefit analysis, a scheme that potentially reduced the pull factor was probably better value for money.

The legislation demonstrated Britain's commitment to international co-operation in addressing global migration challenges. Of course, the Government approved of this in principle. In May, we saw the slightly unedifying sight of the Prime Minister travelling to Albania to go cap in hand to the slightly dubious Prime Minister of Albania, Edi Rama, seeking offshore processing facilities in Albania. Unfortunately, he was several months too late. The Italian Government had gone in before and the charms of Madame Meloni surpassed those of Mr Starmer—I cannot think why. The Government obviously believe in the principle of offshoring the processing of asylum seekers, and it is disingenuous to

say that that is not the case. We wish them well if they wish to pursue other opportunities to explore working and collaborating with other countries.

The safety of Rwanda Act 2024 represented compassionate but firm governance—compassionate towards genuine refugees who deserved our protection and firm in our determination to prevent abuses of our asylum system. The legislation delivered on our manifesto commitment of 2019.

But as I said, Labour Peers, Cross-Benchers, Liberal Democrats and Bishops—all unelected and unaccountable—conspired to thwart this legislation; to undermine, traduce and attack the Bill at every turn; not to improve it or to scrutinise it but to wreck it. We should not be surprised at the specious claims by lawyers in this House that the legislation was "unlawful", which demonstrated their own anti-democratic inclinations and propagated the fiction that unelected courts have sovereignty over our own elected Parliament and a Government with a strong electoral mandate. That is completely wrong. Parliament is supreme, as a casual reference to Sections 7 and 23 of the Constitutional Reform Act 2005 makes clear.

5.15 pm

Lord German (LD): I just want to correct the noble Lord. I cast a vote two weeks ago, along with other Members of this House and of the House of Commons, for the senior judge from the United Kingdom to the European Court of Human Rights. He is the only elected British judge who exists.

Lord Jackson of Peterborough (Con): The European Court of Human Rights is not recognised as a traditional court of jurists as one would recognise, for instance, the US Supreme Court. Many of the people representing their countries are from NGOs who have vested interests in different areas. It is not comparable to our own Supreme Court, the US Supreme Court and many others. I stand to be corrected.

This is the debate we had during the discussions and deliberations on the safety of Rwanda Act. The erroneous notion that international law is sovereign over the UK Parliament, and that we cannot pass laws contrary to international treaties such as the ECHR, is pernicious and hugely undermines the faith and trust the electorate have in our governance. Such a notion was explicitly refuted in a Supreme Court ruling in 2021.

Real demonstrable damage is being done by such mischaracterisation and errors. The excellent report for the Centre for Policy Studies authored by my noble friend Lord Lilley, recently published, highlights that the proportion of asylum claims granted first time jumped from 25% in 2010 to 67% in 2023. We have to ask ourselves why that is the case. Why are we so out of step with so many other countries such as France, Italy, Spain and Germany? Some 42,000 asylum seekers are awaiting appeal outcomes, with 40% citing human rights grounds.

This Government have instead doubled down on lawfare, on the rule of lawyers and not the rule of law. Today the newspapers report that our Attorney-General has apparently appointed himself as Deputy Prime Minister with an effective veto over all government policy and a "snitch clause", encouraging civil servants to dob in Ministers who fall foul of the Attorney-General's zealous, unbalanced and damaging interpretation of international law. This extends to vetoing potential domestic legislation. It will not end well.

To finish, this Government had a great opportunity to consolidate and build on the work we had done in government, and we would have cheered them on and wished them well. It is a matter of great regret for the future of our country, for people who are looking to government to protect the safety and security of our borders, that they were not able to do that.

Baroness Coffey (Con): My Lords, I support my noble friends in opposing this clause. While I will try to avoid repeating what my noble friends have already said, to take a starting point, I did speak in the debate at the other end on this because it was important that, as has already been somewhat alluded to, this turned out to be quite a significant deterrent.

I appreciate that the Minister may disagree with my interpretation, but he will remember that when this started happening and became law, people started moving to Ireland, to Dublin. People left this country because they were concerned about being caught up in the process of being sent to Rwanda. People could see it with their own eyes. In 2022 the number of crossings meant that 45,000 people came to our shores through small boats, then it started to fall when the Prime Minister at the time announced that. Once there was legal wrangling, all of a sudden the number of people coming across on illegal crossings started to rise again. The numbers cannot be refuted.

I appreciate that this was in the Labour Party's *Change* manifesto for government, which estimated that it would save £75 million a year by scrapping this policy. It also anticipated that it would save, I think, a few hundred million pounds more by ending hotels. That has not happened either.

Nevertheless, in the first half of this year, we have seen 20,000 people coming to these shores. That is a significant uplift and, with no deterrent, there seems to be no change in the trend. I hope that what the Prime Minister has announced while we have been debating this amendment will be successful. I will not repeat the questions from my noble friend Lord Harper.

It is critical to come back to aspects of the constitutional arrangement, which is why we ended up where we were. We had had the Nationality and Borders Act 2022, then the Illegal Migration Act 2023. I am not going to debate that, because we will come on to it later in Committee. The High Court having ruled in favour of the then Government, the Court of Appeal and then five members of the Supreme Court spoke unanimously. I think it was perfectly valid for the UK Government, who were responsible for international relations, to try to correct how Rwanda had been maligned by those five judges. Yes, that was also considering representations made by lawyers and the UN High Commissioner for Refugees, but nevertheless, as I think I referred to previously, Rwanda is a prominent member of the Commonwealth. It is a nation that joined the Commonwealth because of values. The Commonwealth does not let just anybody in. Also, Rwanda had just recently held the presidency of the

[Baroness Coffey]
Commonwealth. That in itself is no mean feat. So it was perfectly valid of the Government. As we know, if judges come up with a decision that Parliament does not like, the recourse is for Parliament to then put in place a new law. That is why I was more than happy to support that legislation at the time.

I respect that this is a manifesto commitment, but it feels very tokenistic. As my noble friend Lord Horam pointed out, the scheme in Australia involved a number of factors, not only the offshoring and processing but the turn away policy—how the Australian navy worked with boats—but nevertheless it was clear that the Government were not going to accept illegal criminal activity. We all know that the smugglers do not care whether people live or die as they push them out into the very dangerous channel. This is just one line in a campaign, and I think the Government will come to regret not having something effective in this regard. As I say, we will come on to the Illegal Migration Act later.

I encourage the Government to think carefully about what happened and to recognise that every time they undermine the deterrent, unfortunately, the number of people handing over thousands of pounds to smugglers will just increase. I am sure nobody in this Committee wants to see that.

Lord German (LD): My Lords, we on these Benches support this clause in the Bill and support the Government's action. The rest of it was very irresponsible. Getting rid of that project, which was announced in this Chamber by the Labour Party leader at that time, was the right thing to do. It also means that we can have better standing with our international colleagues, as we have had already with the UNHCR and with the French President, who was quoted as saying that this was a way of getting a better relationship with France.

Lord Hanson of Flint (Lab): I am grateful for this debate on Clause 37. I apologise to my noble friend Lady Lister and the noble Lord, Lord Kerr, for forcing them to go through it yet again. I admire their tenacity and that of those on all sides who were in this House at the time for sticking at it and making this House's views known to the then Government during the passage of what became the Safety of Rwanda (Asylum and Immigration) Act 2024.

Clause 37 repeals the Act in its entirety. There is an honest disagreement between me and the noble Lords, Lord Davies of Gower, Lord Jackson, Lord Harper and Lord Horam, and the noble Baroness, Lady Coffey, as to the objectives of the Government. I will try to explain why we have that honest political disagreement.

This Government have taken a view that the Act was expensive, ineffective, contrary to human rights legislation and not greatly meaningful in its delivery of the objectives that the noble Lord, Lord Horam, outlined clearly, including the potential for a deterrent. Between the signing of the agreement on 14 April 2022 and the formation of the new Government on 5 July, 83,500 people arrived in small boats, with 31,079 of them arriving in the year to March 2024. Deterrent or not, I do not think that individuals who were arriving were closely monitoring the passage of that Bill. They were looking at the principles behind it, and there was no deterrent there.

As to cost, I used the figure of £700 million, and the noble Lord, Lord Jackson, asked me to break it down for him. I am happy to help him with that figure: £290 million was paid to the Rwandan Government as an arrangement fee; £50 million was spent on flights, contemporaneous and in advance; £95 million was spent on detention centres; £280 million was spent on the fixed costs of the scheme. I confess that I slightly underestimated in saying £700 million, because £715 million has been spent to date. If we look at the savings that potentially are in play and not just at the £715 million that we spent, we find that we have potentially saved £100 million in upcoming annual payments to Rwanda, and a further £120 million that the UK would otherwise be liable to pay once 300 individuals had been relocated to Rwanda. That is without the additional internal staffing and operational costs in government to date.

I remind the Committee that with the £715 million, plus the further costs, four people went to Rwanda. The noble Lord, Lord Horam, is indicating to me that the scheme did not have time to develop, but four people went to Rwanda. If not all of them, the majority of them were volunteers. Is that a good use of taxpayers' money? Let us not rely on me, who has a manifesto commitment on this issue, which the Government are implementing. I happened to be in Committee on Monday 8 July, when the noble Lord, Lord Deben, said:

> "I also happen to think that many of us opposed the Rwanda proposal because it was a load of old rubbish—because it was not going to work. That is why we opposed it".—[*Official Report*, 8/7/25; col. 1248.]

When I was nobbut a lad in the Labour Party and the then John Selwyn Gummer was a Minister, I never thought I would stand up in the House of Lords several years later and say, "I agree with John", but I agree with John, the noble Lord, Lord Deben, because it was a load of old rubbish. That is from a Conservative Back-Bencher who has held very high office in government.

I appreciate that three former Members of Parliament in another place—four, in fact, with the noble Lord, Lord Horam—expressed a view, but it is not one that I share.

5.30 pm

Baroness Coffey (Con): I appreciate what the Minister is saying, but, ultimately, this is a decision about whether or not Rwanda is a safe country. Do the UK Government believe that Rwanda is a safe country or do they agree with the Supreme Court that it is an unsafe country?

Lord Hanson of Flint (Lab): The noble Baroness makes a very good point. Members of this House expressed strong concerns when the Bill, now an Act, was debated, particularly about the previous Government's statements under Section 19(1)(b) of the Human Rights Act. They could not say that the Bill was compatible with the European Convention on Human Rights. The Government were seeking to overrule a Supreme Court judgment that the Act did not provide safeguards when Rwanda was subsequently deemed unsafe. I confess that I was not here; I was having what we call an interregnum between the House of Commons and this House. However, having watched the debate from afar, I know that that was one of the concerns that were raised.

In fact, the Joint Committee on Human Rights' report said it was incompatible with the ECHR and, more widely, that the policy outsourced the UK's obligations under the refugee convention and referred to the difficulties in guaranteeing compliance with the principles of that legislation.

I think that was the reason that members of the Labour Party and the Liberal Democrat Party, and from the Cross Benches, and a number of Conservative Peers, rejected the proposal on several occasions, until such time as the then House of Commons fulfilled its manifesto commitment—I accept that—to bring the scheme in. The scheme was never going to work.

Lord Jackson of Peterborough (Con): My Lords—

Lord Hanson of Flint (Lab): Before I let the noble Lord, Lord Jackson in, let me answer the noble Lord, Lord Horam, who asked how I know. I know because four people volunteered to go on the scheme. The scheme did not work and would not work. The noble Lord, Lord Deben, confirmed his view that it did not work. This is an honest disagreement between us, and that is where we are.

I will take the noble Lord's intervention before I carry on.

Lord Jackson of Peterborough (Con): I am delighted that the Minister prays in aid my estimable noble friend Lord Deben. Three things are certain in life: death, taxes and the fact that he will disagree with his Front Bench.

That aside, on safety, for the avoidance of doubt, the Supreme Court did not express a conclusive view about the risk of Article 3 ill-treatment of relocated individuals in Rwanda. That issue was not the subject of detailed argument at the hearing of the appeal. On the refoulement issue, the Supreme Court concluded that it was unnecessary for it to determine it. As such, the High Court's determination that Rwanda was in general safe for individuals removed under the MEDP was not disturbed. That is the fact of the matter.

Lord Hanson of Flint (Lab): Politics is about the exchange of views and ideas and the delivery of policies. I think we have reached an impasse. The noble Lord, Lord Davies, and Opposition Back-Benchers think that the scheme would have worked, and the Government think that the scheme was expensive and would not have worked. That is the clear blue—or red—water between us on this. I am grateful for my noble friend Lady Lister's support for the Government in taking the steps that we have taken.

The UK will also exit the UK-Rwanda treaty as part of ending this partnership and it is therefore appropriate for the Government to repeal the safety of Rwanda Act. Clause 37 will achieve this. In doing so, it is also important that we address the issue that has been endemic in the discussion we have had today, that somehow this was a deterrent and the removal of this clause and the removal of the scheme will therefore end that deterrent. I just refer noble Lords to Clauses 1 to 12 of this Bill, which establish a new Border Security Command and put in place resources of £150 million and £280 million over the next few years to establish very strong action on the meaningful issues that are important to us all.

We have created co-operation with the French, Dutch, Germans and Belgians through the new Border Security Commander on tackling the small boats at source. There is the work that the border commander has been doing with the French Government as part of the preparations for today's conference between the President of the Republic of France, the Prime Minister and other representatives. There is also the work that the Government will do under Clauses 13 to 17 of this Bill to create new offences to bring people to justice if they provide activity on the issue of supplying articles, handling articles, collecting information and offences committed outside the United Kingdom. There is also Clause 18 on endangering another during the sea crossing to the United Kingdom, as well as powers to search on electronic devices to bring people to justice in that way. This Bill is full of deterrent activity that, if and when implemented by the Government after being passed by both Houses, will make a real difference.

I am pleased to say to the House that, hot off the press today, the Prime Minister and the President of the Republic of France have now finished their deliberations and, speaking with the President at a news conference just a few moments ago, the Prime Minister has confirmed a new UK-France returns pilot scheme. The Prime Minister has said that the scheme will come into force in a matter of weeks. Migrants arriving via small boats will be detained and returned to France in short order. In exchange for every return, a different individual will be allowed to come here via safe and legal routes, which individuals in this House have been pressing this Government to have. There will be strict security checks, open only to those who have not tried to enter the UK illegally. The suggestion is that, under the pilot, 50 people per week will be sent back to France across the channel—as I recall, even in this very week alone, that will be 46 more than left under the Rwanda scheme.

For the first time since we left the European Union, the UK has secured a bilateral agreement with France to pilot the return of illegal migrants across the channel. This tightly controlled pilot will be, I hope, the premise for further action downstream. The UK-France summit today has seen both nations strengthen co-operation on border security. We know that there is no silver bullet on this issue. We know that the returns pilot is part of a border crackdown, but it is the culmination—and this goes again to the value of the Border Security Command in this Bill—of six months' work by the Border Security Commander with the Home Secretary, my right honourable friend the Member for Pontefract, Castleford and Knottingley, the French Interior Minister and the French-established new Compagnie de Marche. That is real progress in developing real, positive action. I can even go back to our discussions about Europol earlier today, on ensuring that we tackle smuggling gangs and disrupt their business model, that we have stronger law enforcement and that we dismantle this multi-million pound black market. This is not just about gangs; it is about lives.

[Lord Hanson of Flint]

The Rwanda scheme was ineffective, costly and did not deliver. The Government's proposals in this Bill, and the statements by the Prime Minister and the President of France today, will add greatly to the potential to impact this heinous crime and business.

Lord Harper (Con): Can I just check, now that the Prime Minister and the French President have announced the details of the scheme, whether the Minister's contention is that what has been announced today—once it has had a pilot and been scaled up—is, in effect, the Government's attempt to put in place a deterrent that he thinks will, over the term of this Parliament, have the desired effect of driving down the number of people crossing the channel to effectively as low as you can get it? Is that his contention?

Lord Hanson of Flint (Lab): The Government are doing a range of things. The border security Bill is one of them. We have put the £150 million and £280 million for future SRs into the Border Security Command. Our work with the French so far has prevented 12,000 crossings this year alone through joint patrols and intelligence services. We are funding a new unit of specialist officers to increase patrols. We have a new specialist intelligence unit stationed at Dunkirk being launched today. Additional drone pilots are being launched. We have funded an extra 100 specialist National Crime Agency intelligence officers who will be stationed with Europol—to go back to the points that we mentioned earlier.

The NCA has seized 600 boats. Germany is already looking at changing its laws because of action that we have taken with the Border Security Command. We have put in place a landmark agreement with Iraq. We have practised and worked through illegal working raids. Arrests have increased by 50%. We have boosted asylum decision-making. Since the election, 30,000 people have gone back—a 12% increase since the previous Government. We have work upstream with Vietnam and Albania to stop people making the journeys from those countries in the first place.

Lord Harper (Con): So he really cannot say.

Lord Hanson of Flint (Lab): Look, if we are going to talk about more people coming, can we go back to 2016? Can the noble Lord tell me how many people arrived on a small boat in 2016, compared with July 2024? I will tell him. There were 400 in 2016 and over 30,000 in 2024. We have a legacy of complete and utter failure by that Government, of which he was a significant member in the Cabinet. These are strong, practical measures; the Rwanda scheme was not, which is why I commend Clause 37 to the House. I ask the noble Lord to reflect on what we have said. If he chooses to vote at some point to remove Clause 37, I and, I think, many other Members of this House will stand together to oppose him.

Lord Davies of Gower (Con): I thank all the noble Lords who have taken part in this very interesting debate. It has been a microcosm of the numerous debates in your Lordships' House over the last few years. I was momentarily flattered by being afforded the word "gallant" by the noble Lord, Lord Kerr of Kinlochard, but I realised quite quickly that it was insincere.

It will not be surprising to noble Lords on the Liberal Democrat Benches and the Government Benches that I disagree with more or less everything that they have said in this debate. In relation to the deterrent, the Government have not created a credible alternative to the Rwanda scheme. They have not grasped the necessity of stopping demand by deterring illegal migrants from making the journey in the first place. I simply cannot understand how they believe that they can stop the boats without a deterrent. The Minister implies that the Bill is a deterrent. The Government claim that simply instituting a Border Security Commander with nothing to command and creating three new offences will deter illegal migrants. This is clearly not the case.

Picking up on a point made by the noble Baroness, Lady Lister, I remind the Government of what David Coleman, the Emeritus Professor of Demography at the University of Oxford, told the Public Bill Committee in the other place. He said:

"It is, I think, very much second best to the idea of trying to deter migration for asylum claiming in the first place. That, of course, was dismissed by the present Government as being unfeasible, unworkable and unkind, so the Rwanda scheme was scrapped… it seems to me that the only obvious way of deterring movement to Britain is by making the movement to Britain unattractive".—[*Official Report*, Commons, Border Security, Asylum and Immigration Bill Committee, 27/2/25; col. 50.]

Regardless of what the Minister or the Liberal Democrats want to claim, offshoring to a safe third country has worked. As has already been mentioned, particularly by my noble friends, Australia is the only country that has been successful in stopping small boats—by establishing offshore detention facilities in Nauru and Papua New Guinea. This reduced arrivals to virtually zero. It has worked so far for the Government to claim that Rwanda would never have worked. This is manifestly false. I hope that the Government come to realise what a mistake they have made by not instituting a deterrent. However, for now, I will withdraw my opposition to the clause standing part of the Bill.

Clause 37 agreed.

5.45 pm

Clause 38: Repeal of certain provisions of the Illegal Migration Act 2023

Amendment 102A

Moved by ***Baroness Lister of Burtersett***

102A: Clause 38, page 31, line 9, leave out "11" and insert "12"

Member's explanatory statement

This amendment would add section 12 (period for which may be detained) to the list of sections of the Illegal Migration Act 2023 to be repealed.

Baroness Lister of Burtersett (Lab): My Lords, in the absence of the noble Baroness, Lady Jones of Moulsecoomb, who is not in her place, I will move Amendment 102A and will speak to the consequential amendments, because I was planning to speak in support of this amendment.

I had assumed that the noble Baroness would be here to explain it, so I will briefly quote from briefings that some of us have received from ILPA, BID and Detention Action. The briefing says:

"Section 12 IMA, since 28 September 2023, has sought to enable the Executive to (a) decide the reasonableness of the length of all forms of immigration detention, intending to overturn an established common law principle which provides for judicial oversight over the length of detention as an important safeguard against arbitrary detention, and (b) continue to detain persons after the reason for their detention (pending examination, removal, or deportation order/decision being made within a reasonable period of time) falls away".

I probably will not be quite as helpful to my noble friend the Minister as I was on the previous group, but I will start by welcoming the repeal of most of the Illegal Migration Act; needless to say, I do not support the other amendments in this group. However, the omission of Section 12—one of the very few sections to survive—is worrying, because I fear it may reflect an attitude towards detention that I had hoped we had seen the back of with a change in government.

We will be returning to the question of detention and the case for a time limit at a later date but, as I will probably be away then, I hope the Committee will bear with me for raising some more general points about detention. In justification, I cite the UNHCR's observations on the Bill. It emphasises:

"Detention of asylum-seekers and refugees should be a measure of last resort and both necessary and proportionate in each individual case".

It therefore recommends the repeal of Section 12 of the Illegal Migration Act, which it fears could mean in some cases detention for periods inconsistent with standards in international refugee and human rights law. Previously, it had pointed to the policy of indefinite detention as a key point of concern. This concern has to be the greater so long as Section 12 remains on the statute book.

It has been a full decade since the inquiry into the use of immigration detention on which I served, established by the APPGs on refugees and migration, called for a 28-day time limit on detention. It argued that detention should be an absolute last resort, with a presumption in favour of community-based solutions. It is depressing that, despite countless reports, including that of the official Brook House inquiry, making the same case in the intervening 10 years, here we are again.

One of those reports was by the Home Affairs Committee in 2019, chaired by the now Home Secretary. It pointed out that the UK is the only country in Europe without a limit on the length of time someone can be held in immigration detention. Having reviewed the evidence, it concluded:

"There is a rapidly growing consensus among medical professionals, independent inspectorate bodies, people with lived experience and other key stakeholders on the urgent need for a maximum time limit".

The committee called on the then Government to

"bring an end to indefinite immigration detention and to implement a maximum 28-day time limit with immediate effect".

That was in 2019. Of course, nothing happened. One has to ask: what has changed the Home Secretary's mind?

The consensus is still very much there. Indeed, the evidence of the harmful effects on health, particularly mental health, has mounted, including last year from the Royal College of Psychiatrists. Moreover, as Refugee Tales, which met with some of us the other day, found during its walking inquiry into immigration detention, the damaging impacts last long after release. It notes that:

"For those with lived experience, *'detention never leaves you'*".

A series of reports by Women for Refugee Women over the past decade have underlined the particularly damaging impact of detention generally on women, the majority of whom are survivors of rape and other forms of gender-based violence. Their most recent report warns:

"Locking up women who have already survived serious violence and abuse retraumatises them, causing profound and longlasting damage to their mental health".

Shockingly, its latest research found that despite the Home Office banning such practices, male detention centre staff still subjected women in intimate situations to constant supervision.

For a brief period, the previous Government flirted with alternatives to detention with two pilot schemes. In an assessment of these pilots, the UNHCR wrote that:

"Alternatives to Detention provide a people centered approach to supporting asylum seekers whilst waiting for case resolution without any evidence of a reduction in compliance with UK Home Office directives".

The evidence from the pilot shows significant improvement in the mental health and well-being of participants and that alternatives to detention are cheaper and offer better value for money compared with the cost of detaining asylum seekers. One would have thought that would appeal to Governments of any persuasion.

It was thus disappointing that, when we debated the guidance on the detention of vulnerable persons last October, my noble friend the Minister told us it was the new Government's policy to "expand the detention estate". Apropos of that, I understand that the review of that guidance is still ongoing. Can my noble friend the Minister give me an assurance that any changes it proposes will strengthen, and not weaken further, the safeguards for vulnerable people in detention?

Just about finally, returning to the question of indefinite detention, whenever I raised the issue with Ministers in the previous Government, I was met with the semantic response that detention is not indefinite because it comes to an end. We all know that, in this context, "indefinite" means without a specified end or time limit. I hope this semantic distinction did not lie behind Minister Eagle's recent response to an Oral Question, when she stated:

"Immigration centres are not used for indefinite detention",—[*Official Report*, Commons, 2/6/25; col. 18.]

because, if there is no reasonable prospect of removal, the person has to be released. Yet in the year ending 31 March 2025, just over a third of those leaving detention had been held for 29 days or more, and as many as 533 for six months or more.

I trust that my noble friend will accept that we do apply indefinite detention, with important, limited exceptions, in this country. I hope he will acknowledge

[Baroness Lister of Burtersett]
the harm that this does to those affected. Will Members of your Lordships' House still have to be making the case for a time limit and minimal use of detention a decade on from now?

In conclusion, repeal of Section 12 of the IMA is the absolute minimum needed to even begin to meet the UNHCR's concerns, echoed by the JCHR, which, like the UNHCR, also called for its repeal:

"to restore certainty and ensure compliance with Article 5"

of the ECHR. This point is underlined by the Bar Council, which, along with numerous other bodies, argues for repeal with reference to the rule of law and access to justice.

I hope that my noble friend will give serious thought to this, and also to the case that will be made in later amendments for a clear time limit and the development of alternatives to detention. I beg to move.

Lord Harper (Con): My Lords, I rise to oppose this amendment. I am afraid—and she will not be surprised, I suspect—that I broadly disagree with everything that the noble Baroness, Lady Lister, has just said. Let me set out the reason why.

First, she mentioned that the Home Secretary changed her mind and wondered why that might have been. I obviously cannot get inside the Home Secretary's mind. I suspect what has changed, between chairing the Home Affairs Committee and now, is that she is now the Home Secretary and responsible for protecting the borders and the security of the United Kingdom. Whoever holds that responsibility is sometimes confronted with reality; despite things that they might have liked to have done, they are confronted with the reality of keeping the country safe. What the Home Secretary, I suspect, will have realised is that there is a cohort of people here who she thinks should be removed, as they have no legal right to be here, and she has realised that unless you detain them, you are not able to carry out your functions of keep the country safe.

Now, I do not know whether that is the reason why—the Minister may or may not confirm it—but I suspect that the realities of office have changed her mind, for this reason. We do not detain people indefinitely. The power to detain people is in order to facilitate their removal from the country and to protect the public. The Home Secretary has to have reasonable grounds to believe that, and people are able to challenge that through the judicial process.

The noble Baroness quoted some statistics; I will quote the same statistics but the other way around. Two-thirds of people are detained for 28 days or fewer. It is true that some people are detained for a long period of time. In most of those cases, the reason for the lengthy detention is the responsibility of the individual themselves: it is because they are trying to avoid being removed from the country that they have no legal right to be in, throwing up legal challenge after legal challenge. That is the reason why they are detained. If they wish to cease being detained, they could comply with the deportation order that they have been issued by the Home Secretary, get on a plane and leave the country. It is the fact that they do not wish to comply with the law that means they are held in detention.

The Home Secretary must have a reasonable belief that she can ultimately remove them—otherwise, she would not have the legal power to detain them. If we were to have what the noble Baroness suggests, which is a fixed statutory time period of 28 days, all that would do would give a bigger incentive to people with no right to be in this country to legally challenge decisions. Unless you could get all those legal challenges heard and decided within 28 days, all those people would have to be let out of detention, and we would cease to be able to remove any of them from the country. That would include some people who are not just here illegally but a present danger to people in this country. I strongly support the ability of the Home Secretary to detain people and not to have a fixed time limit, which would simply be an incentive for those people to delay.

If the noble Baroness looks into the details of who stays here in detention for a long period of time, it is people trying to avoid having to leave the country when they have no right to be here, throwing up legal challenge after legal challenge. The alternative way of dealing with it, if you really want not to detain people, is to reduce the opportunities for them to challenge the decision, and for deportation orders to be able to be carried out swiftly. Then we would not need to detain people. I am afraid that I suspect the Home Secretary has realised that detention is necessary to protect the public and to make sure that we can enforce the necessary deportation decisions.

I understand why people do not like it, but I am afraid it is a bit naive to think that everyone who comes to this country, or who overstays their welcome and is in this country without legal authority, goes when they are asked to. You sometimes have to use the power of the state and detention, and you sometimes have to enforce their removal, because otherwise they do not go. If you do not demonstrate that you have a robust system, you will have even more people coming here because they think that, once they get here, they are never going to be removed.

One of the important reasons for having a deterrent is that, if you look at the total number of people we remove, you want to get to a position where the balance between enforced removals and those who go voluntarily is much more in favour of those who go on a voluntary basis, because it is quicker and cheaper for everybody, but that happens only if people realise they are going to have to go at some point. If people think they can get away with staying when they have no right to be here, we have to use the powers that we have at our disposal. I accept that it is not ideal, but I am afraid there are limited choices for Ministers if they want to enforce a robust immigration system. Detaining and removing people where necessary ensures you command the confidence of the public that you have a robust system. If that confidence disappears, the public will not support anybody coming here, whether legally or not. As I have said in debates on earlier clauses, that would be a tragedy.

Lord German (LD): I support the amendment for the removal of Section 12 and will address one or two of the points that the noble Lord, Lord Harper, made. I agree with him that voluntary methods of return are obviously the best. They are usually done very speedily

and without fuss. When the explanation is provided and people have had the chance to have that internal conversation, they work very well indeed. So I would put that as a number one factor in this whole issue of how you remove people.

6 pm

To be clear, the amendment intends to remove Section 12 of the IMA, which enables the Home Secretary to decide the reasonableness of length of immigration detention. That, in turn, overturned common-law principles, as was made clear when we debated it in this House. The common-law principle provides for judicial oversight over length of detention as a safeguard against arbitrary detention. That is one of the bases on which the English and Welsh legal system stands. It also gives the power to the Home Secretary to continue to detain someone after the reason for their detention ceases.

One of the objections is that you need to be able to make these judgments. The principle we are falling back on by removing Section 12 is the existing common-law basis of this country. Existing legislation provides very broad statutory powers to detain migrants with no time limit, except for children and pregnant women. But it is the courts that hold those powers, and that is a very important safeguard and part of the rationale for returning it to where it was before. That is why that should be restored.

The JCHR supported the repeal in order to ensure compliance with Article 5 of the ECHR—the right to liberty unless its deprivation is in accordance with the law. Of course, the other part of this is that the UNHCR has always complained about this matter. It worries that the retention of Section 12 leaves in place the risk of arbitrary detention of asylum seekers, refugees and stateless persons, and encourages us to repeal it. So it is not as though we are taking away everything in the protections; we are actually going back to a position where we could use existing legislation, built upon the common-law principles of this country. We will support this amendment.

I wish to comment on the other two amendments in this group, even though they have not been spoken to yet. I am slightly bewildered but, if I have it right, Amendments 112 and 113 would introduce powers to detain unaccompanied asylum-seeking children who are exempt from removal in limited pre-removal scenarios, and to detain such unaccompanied children under these powers, which would become lawful only if regulations were made. Bail is possible but restricted to eight or 28 days, depending on the grounds, and legal challenges will be very limited during the first 28 days, subject only to bad faith or natural justice exceptions.

If I have that correct, that leads me to understand that these amendments would allow the detention for up to 28 days of children, and those children would then have to be detained in facilities. I remember very well the sorts of facilities we used to have, where there were cartoon pictures—Mickey Mouse—on the wall, and noble Lords will remember when the previous Government asked for the removal of those cartoon characters from the walls of a children's detention centre.

What it will do is increase the time for which these children will be detained. The worst thing you can do for a young person is detain them for any length of time. The current way of dealing with it—maybe overnight or for 24 hours—was acceptable, but not detaining children for 28 days. I hope that the Government will reject these proposals on the grounds that we already have existing legislation protecting children and we need to maintain and uphold that. However, I could be entirely wrong as I have not heard the arguments put forward for it.

Baroness Lawlor (Con): My Lords, I would like to go back to what the noble Lord, Lord Harper, said in pointing out the problems we have with the amendment. Detention centres are used, as the noble Lord said, for those with no legal right to be here—and whether that is a man or a woman who has come with no legal right to be here and who is subject to detention, that is a very good reason. They are also used for those whose identity is being established or where there is a risk of absconding.

If there were no detention after 28 days and, as the noble Baroness proposed, a right to community arrangements instead, we would not be honouring the wish of the people of this country to control illegal migration, or indeed the overall figures. There would be constant fears that people who came here without any right to be here, or whose identity was in doubt or who were at risk of absconding, would likely disappear into the ether and we would have no trace of them.

I also do not think that it is a good idea to suggest that we make gender differences in applying the law. It is very important that the law applies equally to men and women. I am sorry about the children, but I think the message should be to the parents who have put the children in this position, "Do not do it. Do not endanger your children. Do not subject them to the arrangements which must be made if populations are to be protected and the laws upheld. Stay elsewhere". That would be a very good signal, because we would save children from being put on small boats by what I believe to be irresponsible parents who may be endangering the lives of their very own.

I therefore hope that we keep the detention centres for as long as is needed—and we keep people in them for as long as is needed—under the arrangements now proposed in the Bill, and in existence, so that we can properly process those who have a right to be here and those who have no right to be here.

Lord Davies of Gower (Con): My Lords, Amendments 102A, 115A, 115B, 115C, 115D, and 115E, in the name of the noble Baroness, Lady Jones, seek to repeal Section 12 of the Illegal Migration Act 2023. This section sets out that "relevant persons" may be detained for as long as the Secretary of State deems "reasonably necessary" to carry out examinations or removal, to make an immigration or deportation decision, or to issue removal directions.

As with many of the decisions to repeal sections of the Illegal Migration Act, I question the noble Baroness's intent on this point. Why does she oppose the exercise of reasonable detention to carry out an examination or to facilitate a removal process? As the Government

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themselves recognise, these are important powers that allow the Government to facilitate an operable migration system. If even this Government believe that Section 12 should be retained, this tells us something about its necessity.

I wonder what the noble Baroness proposes instead. What would she do, for instance, if a person refused to undergo an examination? What would she do if a decision was made to remove a person but, because the state could not detain them, they simply ran off? This does not seem to us to be a reasonable or proportionate amendment and I therefore oppose it on this basis.

Amendment 112 in my name seeks to reintroduce Section 11 of the Illegal Migration Act 2023, which the Government in this Bill are proposing to repeal. This Section of the Act introduced a new legal power to detain individuals specifically in connection with the Government's duty to remove people who enter the UK illegally.

Let us be clear about the provisions in this Section. Section 11 provided to immigration officers and the Home Secretary the clear, legal authority to detain people who fell within the removal duty framework, to hold them lawfully during processing and to enforce removals, while also incorporating safeguards for children and pregnant women. What in this do the Government disagree with so much that they feel that they have to repeal this Section of the Act? We are clear on this side of the House that people who come to the United Kingdom illegally must be removed.

I will set out my position briefly and then invite the Minister to explain why he and the Government want to axe this provision from law. We believe, as we have set out before, that those who come to the United Kingdom illegally should not be allowed to remain. What is the purpose of having law if we allow people to break it with no consequence? Is this not the equivalent of allowing shoplifters to hang on to what they have stolen? Is this not the same as allowing those who break into people's homes to keep hold of the things they have taken after they have been caught?

Without this provision, we are directly allowing people to benefit from their criminality. To us on this side, it is wholly irresponsible for a Government to allow those who break our laws to benefit from their activities. I hope the Minister takes this opportunity to really defend what his Government are doing. To us, the decision to repeal Section 11 seems reckless.

Furthermore, our Amendment 113 similarly seeks to reintroduce Section 13 of the Illegal Migration Act 2023, which sought to reduce the administrative burden on our courts by reducing the chance that we would be faced with vexatious appeals early on in the detention process. This Section also sought to delay access to immigration bail. This has many benefits, the main one being that it addressed the problem that individuals who crossed illegally could be released on bail before the Home Office could organise their removal, leading to long delays, absconding or the person simply disappearing into the system.

Removing this provision poses a clear risk of complicating the removals process, clogging up the courts and fundamentally undermining the Government's capacity and ability to get those people who should not be in this country out. I hope the Minister will similarly explain why the Government think this move is a sensible one. Can he assure the House now that this decision will not create any increase in the backlog, and can he confirm that this will not delay the process of removing those who come here illegally? Can he commit now to the reincorporation of Section 13 into this Bill, if any of his answers to those questions are in doubt?

Lord Hanson of Flint (Lab): I am grateful to noble Lords for their amendments. I first thank my noble friend Lady Lister for moving the amendment on behalf of the noble Baroness, Lady Jones of Moulsecoomb.

I will first acknowledge the question she raised on the adults at risk in detention guidance. I happen to know also that she has tabled a Parliamentary Question, which is due for answer shortly. I expect to respond to the review within a couple of months and any changes in the proposals that are brought forward will be subject to parliamentary approval. I will be answering her question in much more detail in very short order, and I hope that will help her to resolve that issue.

I am grateful to the noble Lords, Lord Harper and Lord German, the shadow Minister, the noble Baroness, Lady Lawlor, and my noble friend Lady Lister for their contributions. I will start with Amendments 112 and 113 tabled by the noble Lords, Lord Davies of Gower and Lord Cameron of Lochiel. The amendments seek to retain the powers of detention and the powers to grant immigration bail where a person is subject to the duty to remove under the Illegal Migration Act 2023. They are reliant on the provision to impose a duty to remove on the Secretary of State, which this Government are seeking to repeal.

6.15 pm

We have discussed the reasons why we seek to repeal large parts of the Illegal Migration Act in amendments that we have already dealt with and will have future discussions about them. To summarise for the purpose of this group, the vast majority of the Act is being repealed, including provisions relating to the duty to remove, which was part of the previous Government's Rwanda scheme. The Act was never fully implemented and, where it was, in many cases it brought chaos, frankly. Put simply, without the duty to remove, the associated powers of detention and powers to grant immigration bail, which Amendments 112 and 113 seek to retain, would have no effect at all.

We have already established powers of detention covering the examination, administrative removal and deportation processes, as well as powers to grant immigration bail where the Secretary of State or the court considers it to be the more appropriate action. To maintain the detention and immigration bail powers under the Illegal Migration Act, as the noble Lord wishes, would likely cause confusion when they cannot be effected without the Secretary of State's duty to remove. There is a conflict there; I hope the noble Lord will look at it and, for the moment, not press those amendments.

The amendments in the name of the noble Baroness, Lady Jones, helpfully spoken to by my noble friend, including Amendment 102A, seek to add Section 12 of

the Illegal Migration Act to the list of sections of the Act repealed by the Bill. We have discussed the Government repealing legislation that does not work. However, to support an effective system, certain provisions of the Illegal Migration Act are being retained where they have been assessed as offering potential operational benefit. One such measure is Section 12. I know that my noble friend has moved Amendment 102A on behalf of the noble Baroness, Lady Jones, but I hope I can at least explain to her where the Government are coming from so that she understands it in more detail.

Long-standing case law has culminated in the Hardial Singh principles, which provide in effect that detention is lawful only where there is a realistic prospect of the person's removal from the UK within a reasonable timescale. Section 12 of the Illegal Migration Act placed two of the Hardial Singh principles on a statutory footing, confirming in primary legislation that detention timeframes should always be reasonable. It clarifies—for everybody, I hope—what constitutes a reasonable period of time for the Secretary of State, rather than the courts, to make their judgment. This is appropriate, since the Home Office is in full possession of all the relevant facts and best placed to decide whether continued detention is reasonable in all circumstances. Section 12 also provides for detention to continue for a reasonable period while arrangements are made for a person's release. This is particularly important when we need to make provision for foreign national offenders to be placed under electronic monitoring or to make safeguarding referrals for vulnerable people. Section 12 therefore has valuable purposes, to echo some of the points made by the noble Baroness and the noble Lord, Lord Harper.

Section 12 applies to all immigration detention powers. Amendments 115A to 115E, which are consequential to the amendment that my noble friend moved on behalf of the noble Baroness, Lady Jones of Moulsecoomb, seek to ensure that all immigration detention powers to which Section 12 applies are repealed. It is right that Section 12 is retained for all the immigration detention powers to ensure consistency, whether that be for the detention of persons subject to examination, a deportation order or the administrative removal of persons who are unlawfully in the United Kingdom. These are essential tools that allow for the proper operation of our immigration system, and the retention of Section 12 is part of that.

My noble friend may have a disagreement on that and may not be in favour of detention per se, but the reasons I have set out are at the discretion of the Home Secretary, who, along with me in this House, will be held accountable for them. It is important that we retain that; otherwise, we have no effective ability to ensure that people are detained, for the reasons why people occasionally need to be, under a framework that has some legal backing. Whatever our disagreements with the previous Government over the Act as a whole, the decision to retain that is to ensure that the Secretary of State retains that ability to ensure management of individuals who may be on their way out of the United Kingdom, may be a danger to others in the United Kingdom or may be awaiting further assessment. It is important that the power is retained, and I therefore urge my noble friend to withdraw the amendment, for now at least, on behalf of the noble Baroness, Lady Jones.

Baroness Lister of Burtersett (Lab): I thank the noble Lords who spoke. As I said, we will come back to the issue of detention later, and it is helpful to have heard the arguments of the noble Lord, Lord Harper, and the noble Baroness, Lady Lawlor, because I am sure that the noble Lord, Lord German, in particular will take them on board when he comes to move his amendment later.

I point out to the noble Baroness, Lady Lawlor, that no one is talking about people just roaming around, free to go where they like. I made the point that, in the pilots, there was no evidence of a reduction in compliance with UK Home Office directives. They are not just a holiday camp or something.

Baroness Lawlor (Con): I am sorry, but what I meant was the community frameworks about which the noble Baroness, Lady Lister, spoke.

Baroness Lister of Burtersett (Lab): That is what I was talking about: the pilots showed that there was a very effective way, alternative to detention, that still kept people where they were supposed to be. The noble Baroness might like to read the UNHCR report about the pilots.

I thank the noble Lord, Lord German, for his support. He probably explained what Section 12 is about rather more clearly than I did, so I thank him for that. My noble friend the Minister dealt with Amendments 112 and 113, so I will not refer to them.

The noble Lord, Lord Davies, asked what would happen next if this amendment were successful and we removed Section 12. It would be the status quo ante—not some kind of strange situation that we have never seen before. I will not go on much longer, because I am conscious of time moving on.

I am grateful to my noble friend the Minister. I apologise for doubling up by asking a Written Question and then saying it, but when I wrote the Written Question this amendment had not been tabled. The Written Question was an alternative, and I am sorry that he has had to put up with it twice.

I will leave it to the noble Baroness, Lady Jones of Moulsecoomb, to read what my noble friend said. It is helpful to have it spelled out exactly why the Government are not repealing Section 12 of the Illegal Migration Act. I suspect I still do not agree with him, but it is helpful to have those reasons. I absolutely understand, and I will not push him to deal with the points I made about indefinite detention, alternative detention and so forth, because that debate will be had at a later date; it is just that I probably will not be able to be there for it. I beg leave to withdraw the amendment.

Amendment 102A withdrawn.

Amendment 103

Moved by ***Baroness Hamwee***

103: Clause 38, page 31, line 11, leave out "28" and insert "29"

Member's explanatory statement

This amendment would repeal section 29 of the Illegal Immigration Act 2024, which requires the Secretary of State to remove people who have sought to use modern slavery protections in "bad faith"

Baroness Hamwee (LD): My Lords, with this group of amendments we return to issues relating to modern slavery and human trafficking, which we have debated on the basis of what I described, I think, as amendments from the "eminent quartet", led by the noble Baroness, Lady May of Maidenhead, who has an amendment in this group but obviously is not able to be here. It is very much on the same grounds as our amendments. I too am very conscious of time and of the fact that a number of noble Lords have a distance to get home tonight. It is a pity, because this is an important set of amendments on important issues, but I will do my best to let them catch their trains.

Amendment 103 would repeal Section 29 of the Illegal Migration Act. I really query why the Government are leaving themselves the option to use it. Section 63 of the Nationality and Borders Act allows for the disqualification of victims of trafficking from modern slavery protections on grounds of "bad faith" or "public order", including convictions which could have been as a result of exploitation.

Noble Lords may recall that the noble and learned Baroness, Lady Butler-Sloss, has talked in debates on this Bill—it is something that we have covered on previous Bills as well—of the inadequate use, if I could put it that way, of Section 45 of the Modern Slavery Act, which deals, inadequately, with offences which victims of modern slavery are compelled to commit. Section 29, if enforced, would make the disqualification a duty rather than at the discretion of the Secretary of State, unless there are compelling circumstances—and it is not easy to get these recognised. It extends the duty to any length, or shortness, of imprisonment.

The IOM has called for its repeal because of the risk of victims who are wrongfully removed being re-trafficked or facing retribution in their home countries—something which is all too frequent a fear. Removal can be while conclusive grounds decisions are awaited. The Minister in the Commons, responding to similar points, said that individual circumstances will always be considered and that the CPS has a discretion not to prosecute. In our view, this is not sufficient protection.

I recall the forensic and very trenchant analysis during the passage of the then Bill that limiting the public order exemption would severely limit the ability to convict perpetrators and dismantle organised crime groups and would increase victims' vulnerability to further exploitation. Amendment 117 in this group seeks to remove all the sections in the Nationality and Borders Act relating to modern slavery. Removing these provisions would ensure that the UK is acting in a way that is compatible with the international rights of victims under the Council of Europe Convention on Action against Trafficking in Human Beings, or ECAT. I will come back to ECAT, if I may, and to the ECHR.

6.30 pm

The International Organization for Migration tells us that, by the end of 2023, with the changes from NABA enacted, only 53% of reasonable grounds decisions made in the first six months of 2023 were positive, compared to 90% in the same period in 2022. Noble Lords will understand our concern about that. Noble Lords do not need reminding that trauma-informed approaches must sit at the heart of the national referral mechanism, giving potential victims access to appropriate support and psychologically informed environments, and that a disqualification from such an environment and support system cannot occur in the absence of legal representation, or indeed in the face of any restrictions and constraints on it.

Amendment 172 would insert a proposed new clause on information sharing, or rather on restricting a public authority which is determining whether someone is a victim of modern slavery and human trafficking sharing information with other authorities, including immigration authorities, which might lead to deportation or prosecution. I have talked a certain amount about information sharing today in Committee, so I will not cover the same ground again.

Amendment 182 would insert a proposed new clause to provide a victim with a positive conclusive grounds decision—in other words, recognition as a victim who would have leave to remain with the opportunity to access support, recover, live a positive life and be eligible for settlement. The 2022 Act introduced restrictions on the criteria for granting leave to remain to confirmed victims of trafficking. Supporting victims is not only important for each individual but it supports that individual in turn to support police investigations and prosecutions—something which, quite properly, the Government are concerned to ensure. It is not as if we do not understand that security in every sense—physical and practical—is essential for recovery. We recognise the vulnerability to re-trafficking and these amendments pick up points made in the modern slavery action plan published in March of this year, which we very much support. Support and security must be for long enough to be effective.

Amendment 205 would require legislation to incorporate the Council of Europe Convention on Action against Trafficking in Human Beings into UK law and the Secretary of State to report on compliance. ECAT provides in Article 14.1 that:

"Each Party shall issue a renewable residence permit to victims"

when the competent authority—the NRM in our case—

"considers that their stay is necessary owing to their personal situation"

or

"for the purpose of their co-operation with the competent authorities in investigations or criminal proceedings".

The Home Office over the years has taken the view that it is possible to assist proceedings from abroad. That is something that I have never accepted, and I doubt I ever will.

Victims of these crimes need huge support and time. Imagine not being in the same country where the investigation is going on. I cannot be the only Member of this House who finds it difficult to conduct meetings online, and that is as nothing compared with this situation.

Article 14.2 specifically recognises the circumstances of children who are victims and requires:

"The residence permit for child victims, when legally necessary, shall be issued in accordance with the best interests of the child"—

terminology which will be very familiar to noble Lords—

"and, where appropriate, renewed under the same conditions".

The canter through all this does not really do justice to the situation, and I hope that the organisations and, indeed, victims who are aware of this debate will understand that compressing the arguments does not mean that their situation is not fully recognised and that there is not huge concern for them. I beg to move.

Lord Harper (Con): My Lords, on the overall issue, I strongly support the various provisions in legislation to make sure that victims of modern slavery and trafficking are properly protected. There is, however, a balance to strike, because the people we want to protect are actual victims of modern slavery and trafficking. We have to be very careful because, if you have a blanket exemption for anyone who claims to be a victim of modern slavery and trafficking, you just create a massive gap in our laws where anybody who is then intercepted ends up claiming to be a victim of modern slavery and trafficking to avoid being removed from the country. That has two incredibly damaging consequences. One is that they are able to undercut our immigration control, but they also damage public support for and acceptance of genuine victims of modern slavery and trafficking. We have to have a system which recognises that there are many bad actors out there who will take advantage of every weakness in our legislation.

I do not support the first amendment in this group, which seeks to get rid of the Home Secretary's ability to remove people who have sought to use modern slavery protections in bad faith: the sorts of people I have talked about who try to use these provisions, where they do not apply, to try to avoid our immigration controls. I think it is reasonable that the Home Secretary is able to do that. I know from my experience, and I have no reason to suspect it is now any different, that the officials in the Home Office who look after this area of policy are expert, competent people who do their very best to try to make these decisions.

I have met victims of modern slavery. I met the people who implemented this legislation when my noble friend Lady May of Maidenhead was Home Secretary and I was in the Home Office, and I have a lot of confidence that they get the decisions right—not in 100% of cases, because people are not perfect, but I think we have a good system—but we have to have the power to deal with people who act in bad faith.

Amendment 117 repeals a whole bunch of sections of the Nationality and Borders Act that actually provide the protections for victims of modern slavery, such as their ability to get leave to stay in the United Kingdom for a period of up to 60 months and to have a recovery period. Those are all very valuable protections that ought to remain, so I do not support that amendment.

Very briefly, given that my noble friend Lady May is not able to be here, I briefly support the thrust of her amendment, Amendment 183. That looks at making sure that people who are victims of modern slavery and perhaps have committed criminal offences but under duress are not then punished for a second time as a result of only having committed those offences under duress.

I think that amendment has a lot of merit. If my noble friend Lady May were to bring it back on Report, I would consider supporting it. If there are any flaws or weaknesses in the way it is drafted, it would be good if the Minister were able to set them out today or would engage with my noble friend and the people who have supported the amendment to deal with them so that we could have an agreed position on Report.

With those relatively brief comments and mindful of time, I will sit down.

Lord Jackson of Peterborough (Con): My Lords, I rise to speak to Amendment 172. I would genuinely press the noble Baroness, Lady Hamwee, to elucidate the meaning behind it, because I find it quite confusing. The amendment seeks to prevent the proper authorities gaining any information about a person. I read the wording very carefully. It refers to

"suspected victims of slavery or human trafficking".

It could be that that status changes, and that a person was originally suspected of being a victim but when further inquiry took place it proved not to be the case. Therefore, I find it odd that under this restrictive amendment—I am happy to be disabused if I have got it wrong—a public authority would be speaking to, for instance, adult social care or adult social services, children's services and others but would be prevented on a statutory basis from talking to anyone else on the chance that, somewhat down the line, that person may have criminal charges laid against them. At that stage, they may be found not to have been truly a victim of slavery or human trafficking.

To specifically rule out

"a customs official ... a law enforcement officer … a UK authorised person"—

I am not entirely certain what that is—or

"the government of a country or territory outside the United Kingdom"

seems pretty draconian and restrictive. Perhaps the noble Baroness might wish to enlighten us about the meaning behind this amendment. However, for the reasons I set out, I do not think it would be appropriate to incorporate it into the Bill, and on that basis, I oppose it.

Baroness Lawlor (Con): My Lords, I have my doubts about Amendment 182, which would insert a new clause after Clause 48 for victims of human trafficking, granting them leave to remain for at least 60 months, access to support services and employment, and eligibility for settlement after five years. Returning to the point made on these Benches by my noble friend Lord Harper and picked up on a different amendment by my noble friend Lord Jackson, I fear that there is always a doubt about real victims of human trafficking and slavery, who everyone feels the deepest of sympathy for and wants to support. However, by creating a system that gives undue advantage to such people, as Amendment 182 would do, one would, I fear, increase the perverse incentive for anyone to claim that they were a victim of human trafficking and slavery. That would create endless additional bureaucratic and other expenses for our legal system and our Home Office arrangements in trying to check the mushrooming of claims. I am not in favour of this more generous treatment under Amendment 182.

I also have certain doubts about Amendment 205, which would require the Secretary of State to introduce legislation to adopt into UK law the 2005 Council of Europe Convention on Action against Trafficking in

[Baroness Lawlor]
Human Beings, partly because we have made progress on many of these matters in UK law. At this stage, it is not very sensible to start adopting additional international frameworks, some of which are recent, while others relate to distant periods that we already cover. This would over-bureaucratise the system and add an additional expense. Where there are genuine claims, we must make our own laws work.

6.45 pm

Lord German (LD): I will respond very briefly to the points that have been made by my noble friend Lady Hamwee, which are, in fact, quite complex, if you look at the range of matters that have been discussed.

First, in trying to be comprehensive, you have to touch a lot of corners. As was described earlier in this debate, and in the debate on Tuesday, the real problem that we are facing is, first, identification and making sure that people who are identified are not punished, and then making sure that they have a swift process through the machinery of the NRM—national referral mechanism—and are then helped to move into a better life. There have to be changes in legislation to bring that together, which is why this suite of amendments is in place.

I have heard references to "international law". I have to keep saying that it is actually Members of this Parliament who vote to make these international legal frameworks happen. I was not a member of the Council of Europe when that protocol and convention were put in place, but if a framework has the support of the United Kingdom delegation, which is substantial and cross-party, that means it is something that we are contributing to. That is the issue about international frameworks and laws that we set ourselves: we are very much part of the machinery that makes them and puts them in place, especially in the Council of Europe, where I am a member of the Parliamentary Assembly.

I understand why the Home Office argues that modern slavery protections are being abused by people who falsely claim that they are victims to avoid deportation, or who seek to keep serious offenders in the country who would otherwise be removed. I understand that argument, but where is the evidence for that widespread abuse? Perhaps when he sums up, the Minister could tell us whether there has been a sufficient number of cases to lead us to believe that there is abuse of the current system. If there is not widespread abuse, there must be protections and ways in which the Government can deal with these outliers where they think they might happen in the process.

In conclusion, as we heard on Tuesday from the noble Baroness, Lady May, the situation is not improving; it is getting worse, and more adults are being confirmed as victims of trafficking. So we certainly have to come back to this matter to ensure that we have the right legislative underpinning to make it happen.

Lord Davies of Gower (Con): My Lords, I am afraid that I must disappoint the noble Baroness, Lady Hamwee, yet again, by speaking against the amendments in this group.

I shall touch on each one briefly, starting with Amendment 103, which would repeal Section 29 of the Illegal Migration Act 2024, as set out in the explanatory note. The explanatory note provided by the noble Baroness has a flaw. It fails to recognise that Section 63 of the Nationality and Borders Act 2022, to which her amendment ultimately pertains, refers both to a person who has claimed to be a victim of slavery or human trafficking in bad faith and to a person who is a threat to public order. Let us be clear about who we are talking about in these amendments: people who have tried to use modern slavery protections in bad faith and people who are a threat to public order and public safety for British citizens. The clause as it stands would allow the Government to remove these people from the United Kingdom and ensure that they would not be eligible for indefinite leave to remain as a result of their claims made in bad faith of eligibility and the modern slavery protections.

We on these Benches raised our concerns about those who would seek to exploit loopholes in modern slavery protections at some length earlier this week. The provisions in Clause 29 of the Illegal Migration Act seek to address this by allowing the Government to identify bad actors who are abusing the system and to remove them from the United Kingdom. Not to do so would be an insult to all those people who suffer at the hands of slave-masters and who should rightly hold a genuine entitlement to protection. The amendment seeks to apply those protections to those who are acting in bad faith or those who are a threat to public order. It is no wonder that even this Government have decided, in their drafting of the Bill, to keep this provision in force.

I seriously question why the noble Baroness seeks to question modern slavery protections in such a way. As such, we cannot support the amendments.

Lord Hanson of Flint (Lab): My Lords, I am grateful to the noble Baroness for the way in which she has approached the discussion. I hope that I can convince her straight away by saying that the Government are steadfast in their commitment to tackling modern slavery in all its forms and to supporting survivors. That is why we had the debate on Tuesday, in which I re-emphasised that.

Care should be taken to avoid unintentionally weakening the protections afforded to victims of modern slavery and to public order. Repealing the majority of the modern slavery measures in the Nationality and Borders Act 2022 would do just that. That Act put protections of and support for potential victims of modern slavery, stemming from the Council of Europe Convention on Action against Trafficking in Human Beings, into primary domestic legislation for the first time, building on the Modern Slavery Act 2015. The proposed amendments would repeal these.

I come at it from a different perspective from the noble Lord, Lord Harper, and the noble Baroness, Lady Lawlor. In my view, the measures being lost would include the right to a recovery period in the national referral mechanism; the circumstances in which confirmed victims may be granted temporary permission to stay in the UK; and where the rights and protections can be withheld on the grounds of public order or bad

faith, in line with Article 13 of the Council of Europe Convention on Action against Trafficking in Human Beings. These measures ensure that support and protections and removal from the modern slavery system are available to all who require them. It is vital to retain them.

Section 29 is the sole modern slavery measure in the Illegal Migration Act 2023 to be retained. It would, if commenced, amend the public order disqualification to allow more foreign national offenders to be considered on a case-by-case basis for disqualification from modern slavery protections on public order grounds. Here, I share the view of His Majesty's Official Opposition. Section 29 needs to be retained in its current form so that we can examine the national referral mechanism and agree with partners our priorities for long-term reform.

As I mentioned on Tuesday, Section 45 of the Modern Slavery Act sets out a range of measures. It is not necessary to replicate that defence elsewhere in legislation. On restricting information shared in respect of the modern slavery identification, the Modern Slavery Act 2015 provides certain bodies in England and Wales with a statutory duty to notify the Secretary of State. The information provided for that notification enables the UK to fulfil its international and other obligations.

The duty to notify is discharged for consenting adults by making a referral to the national referral mechanism or, where the adult does not consent, by completing an anonymous entry on the digital system. This information allows us to provide a better picture of modern slavery and helps improve law enforcement responses. It does not include information that identifies the person, unless the person consents to that information being included. Child victims do not need to consent. If a person is identified as a potential victim of modern slavery or trafficking, they are eligible for the recovery period that I mentioned earlier. Imposing restrictions on the information provided would be to the detriment of our obligations to such vulnerable people.

I agree that it is vital that the UK complies with its obligations, including as a signatory to the Council of Europe convention that the noble Lord mentioned. Implementation and compliance with these obligations does not require full incorporation into UK law. I say on behalf of the Government that the UK complies with its obligations under the convention by a combination of measures contained in domestic legislation, guidance and the criminal justice system. The modern slavery statutory guidance provides a framework where we can ensure that the convention continues to be monitored through reporting of the Group of Experts on Action against Trafficking in Human Beings.

Finally, the Government are committed to ensuring victims can access the necessary support for whatever length of time it is required. Following a positive conclusive grounds decision, confirmed victims of modern slavery receive support from the modern slavery victim care contract and can continue receiving tailored needs-based support through the recovery needs assessment process via the NHS, local authorities and others. That specialist support also includes assistance to access the labour market, vocational training and education and application support for a national insurance number. The Government do not place an overall time limit on how long a victim can remain in support. Following a conclusive grounds decision, victims of modern slavery are considered for temporary permission to stay. That is all important and gives real support to victims of modern slavery.

I have not mentioned the amendments individually, but collectively that response shows that the Government are committed to their international obligations, want to support victims of modern slavery and believe that the retention of the measures in the migration Act is vital to doing that in a fair and appropriate way. I therefore ask the noble Baroness to withdraw her amendment.

Baroness Hamwee (LD): My Lords, the noble Lord, Lord Davies, does not disappoint me because these were his Government's provisions, so of course I would have expected him to speak in support of them. I think that my speech was in fact accurate as to the content of the amendment that he referred to and was fuller than the explanatory statement.

I think that we and Conservative noble Lords start from different points of view; they seem still to demonstrate a culture of disbelief with regard to people who claim that they were victims of modern slavery and as to whether one gives them the benefit of the doubt as a starting point or disbelieves them. Using terms such as "real victims" discounts the fact that there is an NRM procedure with the reasonable grounds and conclusive grounds arrangements that the Minister has referred to. We do indeed have Section 45, which provides a defence in certain circumstances, but regarding only some offences. As I have said, that is inadequate.

I will not go back over the information-sharing arguments because of the time and because we have—well, I have—addressed them today. However, secure reporting is understood to be very important, including by the previous Independent Anti-Slavery Commissioner, and the current anti-slavery commissioner has said:

> "We need to be able to give these victims the confidence that if they do come forward their perpetrators will be held to account and that they will continue to receive the support and care that they need".

The current director of labour market enforcement has also said:

> "There needs to be an expectation on the part of workers that if they go to an authority to demonstrate that they are being exploited, that will not prejudice their right to be in this country".

7 pm

In our view, ECAT is not overbureaucratic. Obviously, we would prefer—by definition, I suppose—to see it in legislation rather than relying on guidance and the combination of other measures to which the Minister has referred.

I am intrigued by the Minister's argument that Section 29 should be retained in order that the NRM can be examined—I think that is what he said; it is what I wrote down, but I will have a look in *Hansard*—

[Baroness Hamwee]
because I do not understand how it is necessary to keep the section on the statute book in order to examine the NRM. However, examination of the NRM may be a matter for another day. I beg leave to withdraw the amendment.

Amendment 103 withdrawn.

House resumed.

House adjourned at 7.01 pm.