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HOUSE OF COMMONS
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PARLIAMENTARY DEBATES

(HANSARD)

Monday 27 March 2023

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The House met at half-past Two o'clock

PRAYERS

[Mr Speaker *in the Chair*]

Oral Answers to Questions

LEVELLING UP, HOUSING AND COMMUNITIES

The Secretary of State was asked—

Social Rented Housing

1. **Dr Alan Whitehead** (Southampton, Test) (Lab): What steps he is taking to increase the provision of social rented housing. [904307]

21. **Simon Lightwood** (Wakefield) (Lab/Co-op): What steps he is taking to increase the provision of social rented housing. [904328]

The Secretary of State for Levelling Up, Housing and Communities (Michael Gove): Before I answer the questions, may I on behalf of the Government extend my congratulations to Humza Yousaf on his election as leader of the Scottish National party? We look forward to working with him in the future. It has been noted that he won by 52% to 48%, so I hope that SNP colleagues will agree that there is no need for another vote.

Everyone should have access to a high-quality and safe affordable home. Our affordable homes programme is investing £11.5 billion to deliver tens of thousands of new affordable homes, and a significant proportion will be made available for social rent, directly helping those most in need.

Dr Whitehead: I was shocked to read recently that only 6,400 new social rent homes were built in England last year, when pretty much everybody agrees that about 100,000 are needed every year to deal with present and future housing needs. What figure between those two numbers does the Secretary of State think would be acceptable in developing social and rented housing in future years?

Michael Gove: I am grateful to the hon. Gentleman for raising this issue. Actually, I believe that the figure was closer to 30,000 overall, but I believe, as the National Housing Federation and others have made clear, that we need to increase the proportion of new homes for social rent, and that is one of the aims as we reprofile the affordable homes programme.

Simon Lightwood: Last year the Public Accounts Committee assessed the Government's affordable homes programme. It concluded that targets were being missed, that areas with high demand were not prioritised and that savings to be made by reducing temporary accommodation were not assessed. In Wakefield the council is using hotels such as Citilodge to house homeless people, because it lacks the funding and resources to acquire enough social housing. When will the Government step in and help councils to address the social housing shortage?

Michael Gove: I am grateful to the hon. Gentleman for the point he makes. There is a housing shortage overall, not just in social housing, and we need to work with local government and others to increase supply. The affordable homes programme is a critical part of that, and that money would not be available if we were to follow the prescriptions on the economy that those on the shadow Front Bench put forward.

Andrew Bridgen (North West Leicestershire) (Ind): The Conservative group at North West Leicestershire District Council has already committed to hundreds of additional houses for social rent. Will my right hon. Friend inform the House how his Department is going to help my council deliver on that very welcome commitment?

Michael Gove: North West Leicestershire is one of a number of local authorities with which we are working. The affordable homes programme and, indeed, the ability to use right-to-buy receipts are critical to making sure that we deliver the social homes the country needs.

Cambridge-Milton Keynes-Oxford Growth Arc: National Infrastructure Commission Report

2. **Richard Fuller** (North East Bedfordshire) (Con): If he will make an assessment with Cabinet colleagues of the potential merits of updating the report on the Cambridge-Milton Keynes-Oxford growth arc published by the National Infrastructure Commission in 2017. [904308]

The Minister of State, Department for Levelling Up, Housing and Communities (Rachel Maclean): The Government completed a 12-week public consultation gathering views to shape a vision for an Oxford-Cambridge arc spatial framework. We are currently considering the responses to that consultation and will provide more information in due course.

Richard Fuller: Over the past decade, housing growth in Bedfordshire has been two and a half times the national average, with acute pressures on our GPs, dentists and other local services. Today's progress review by the National Infrastructure Commission confirmed what many of us have always known—namely, that East West Rail is an excuse for even greater housing development in Bedfordshire and the region. Will my hon. Friend please meet me and ensure that we do not progress housing growth in the Ox-Cam arc before the shortages in services are settled?

Rachel Maclean: I thank my hon. Friend for raising the concerns of his constituents, which are shared by many communities. We know how important it is that

infrastructure is delivered alongside housing growth. That is why, through the Levelling-up and Regeneration Bill, we will require local authorities to produce an infrastructure strategy as part of the infrastructure levy. I would be delighted to meet my hon. Friend to discuss it further.

Daniel Zeichner (Cambridge) (Lab): Last week London Economics reported that the University of Cambridge contributes almost £30 billion per annum and supports 86,000 jobs across the whole country. When Cambridge does well, the whole country does well. The arc is the key to future UK prosperity, so will the Government play their part by giving local leaders the tools and access to investment so that they can use the wealth that we create to set the stage for Labour to achieve our mission to be the fastest-growing economy in the G7?

Rachel Maclean: As I said to my hon. Friend the Member for North East Bedfordshire (Richard Fuller), we are considering the report of the National Infrastructure Commission, but this Government are committed to levelling up and to devolution across the country. We saw in the Budget, delivered by my right hon. Friend the Chancellor, that we have devolved significant powers to Mayors across the country, such as Andy Street in the west midlands. That is the right thing to do to drive prosperity across the country.

National Planning Policy Framework: Consultation

3. **Daisy Cooper** (St Albans) (LD): What recent progress his Department has made on its consultation on the national planning policy framework. [904309]

The Secretary of State for Levelling Up, Housing and Communities (Michael Gove): Our consultation on proposals for the national planning policy framework closed on 2 March. We are now considering all the comments that we received and will publish an update in due course.

Daisy Cooper: Sites in Chiswell Green and Colney Heath in my constituency and the north of St Albans district are under threat from the Government's top-down housing targets that do nothing to tackle our problems of overcrowding or the lack of affordable homes, but do decimate the green belt. In 2015, Ministers issued a statement saying that these targets could not constitute a very special circumstance for allowing green-belt destruction, but they failed to incorporate that statement into the national planning policy framework. Seven years on, can the Secretary of State please say when those changes will be made and whether they will be put in place in time to stop the planning inspectorate forcing through speculative applications if they go to appeal?

Michael Gove: I am grateful to the hon. Lady for raising that point. It is precisely because we want to stop speculative developments wherever possible that we are encouraging a plan-led system, and our changes to the NPPF should achieve precisely that. But under threat? Honestly, the Liberal Democrats have a right cheek on this. They say nationally that they want more than 300,000 homes everywhere, and then, on individual planning applications, they out-nimby every other political party. I know that the word "hypocrisy" is unparliamentary, Mr Speaker, but there is no other way to describe Liberal Democrat policy on planning and housing.

Mr Gagan Mohindra (South West Hertfordshire) (Con): Notwithstanding the answer that the Secretary of State has just given, can he assure me that when we do come back with the NPPF revisions, there is very much a brownfield-first thread throughout the guidance and rules?

Michael Gove: Absolutely. Our aim, as always, is to promote brownfield first housing delivery and urban regeneration. It will sometimes be the case that individual planning authorities will designate sites for development that are not brownfield sites. The new NPPF will, I hope, give both communities control and developers certainty.

Investment Zone in Scotland

4. **Ronnie Cowan** (Inverclyde) (SNP): What discussions his Department plans to hold with the Scottish Government and local authorities on proposals to create an investment zone in Scotland. [904310]

The Secretary of State for Levelling Up, Housing and Communities (Michael Gove): My ministerial colleagues and I are in constant contact with our counterparts in the Scottish Government. My officials have had positive discussions so far with the Scottish Government to co-create an approach towards investment zones in Scotland and we will continue to work together to develop an investment zone, or zones, that build on existing Scottish strengths and our shared national strategies.

Ronnie Cowan: Given that both the green ports went to the east coast of Scotland, which flies in the face of the well-known convention that west is best, can the Minister assure me that when Inverclyde Council puts together its bid for an investment zone, the Minister will balance that against the devastation caused in the area by the lack of investment over decades by consecutive Labour and Conservative Governments?

Michael Gove: Greenock and Port Glasgow are two of the most attractive communities on the west coast of Scotland, but I do have to say that pitting east against west within Scotland is as bad as pitting Scotland against the rest of the United Kingdom. Scotland succeeds when all of us work together. The new Leader of the SNP is simultaneously a Glaswegian and a Dundonian, which is one of his many achievements, and I do believe that we should work together east and west, north and south, in the interests of the whole United Kingdom.

Mr Speaker: I call the shadow Minister.

Sarah Owen (Luton North) (Lab): A total of 7,000 council jobs in Scotland are under threat from SNP cuts to local government. Council leaders across Scotland have written to the former First Minister warning of the devastating impact of those SNP cuts—huge job losses and vital local services across Scotland slashed. Can the Minister confirm what the impact of those job losses will be on people in Scotland, and can he say what the difference is between Tory and SNP cuts to councils, or are they just two sides of the same coin?

Michael Gove: Talking of the same coin, we have the same coins in England and Scotland because we are one United Kingdom, and it is the SNP that wants a separate currency for Scotland as part of its plans for separatism.

I have to say that there are excellent SNP councillors in Scotland, but they are being let down by the Scottish Government. The hon. Lady is absolutely right: the Convention of Scottish Local Authorities is up in arms at the way in which the Scottish Government have undermined local authorities, in contrast to here in England where we are working in partnership with local Government to devolve more power to the frontline. I refer the hon. Lady to the paeans of praise for our approach that we had from Labour leaders of local government just last week. In contrast to that, I am afraid local government in Scotland has been let down by the SNP. It was a key feature of Kate Forbes's leadership race that she said more powers should be devolved within Scotland, and I hope the new First Minister will take note.

New Homes: Regenerated Brownfield Land

5. **Wendy Morton** (Aldridge-Brownhills) (Con): What steps he is taking to build new homes on regenerated brownfield land. [904311]

9. **Vicky Ford** (Chelmsford) (Con): What steps he is taking to build new homes on regenerated brownfield land. [904315]

10. **Mr Laurence Robertson** (Tewkesbury) (Con): What steps he is taking to help ensure that planning authorities prioritise housebuilding on brownfield sites; and if he will make a statement. [904317]

The Minister of State, Department for Levelling Up, Housing and Communities (Rachel Maclean): This Government are committed to making the most of brownfield land. The national planning policy framework sets out that planning policies and decisions should give "substantial weight" to using suitable brownfield land, and through our brownfield funds we are investing significantly in supporting redevelopment and release of brownfield sites for housing. We have also committed to launching a review to identify further measures that would prioritise the use of brownfield land.

Wendy Morton: Under the leadership of West Midlands Mayor Andy Street and Conservative councils such as that in Walsall, we are demonstrating the value of regenerating brownfield land to create the homes we need while regenerating communities and protecting precious greenfield in areas such as mine around Streetly and Aldridge. I welcome the £100 million deal we received as part of the trailblazer devolution deal, but will my hon. Friend continue to look at the possibility of creating a register of brownfield land, as a further tool to deliver a brownfield-first approach?

Rachel Maclean: I thank my right hon. Friend for her consistent advocacy in championing this vital issue. That is absolutely what the Government are doing. We are introducing a number of measures, as she set out, to support that brownfield-first approach, including requiring every local authority to publish a register of local brownfield land suitable for housing in their area.

Vicky Ford: In Chelmsford there are many households living in temporary accommodation. New affordable homes are being built on greenfield sites, but that is not keeping pace with the need. Will the Government look at better ways to use brownfield sites, such as office block to residential conversions, to help to deliver more affordable homes?

Rachel Maclean: My right hon. Friend is doing a superb job of pushing forward affordable homes for her constituents in Chelmsford, and we are wholly committed to that shared agenda. Since 2010, over 829,000 households have been helped to buy a home by Conservative Governments. That is a massive achievement. However, it is vital to prioritise brownfield sites such as those in Chelmsford, and we recently consulted on proposed policies to further encourage the use of those small sites. I am happy to meet her to discuss that further.

Mr Robertson: Does the Minister agree that prioritising brownfield sites is important particularly to take the pressure off small villages, which face many speculative planning applications and do not have the infrastructure to support them?

Rachel Maclean: I know my hon. Friend expresses the concerns of his constituents who live in those villages in the Tewkesbury area. That is why we have already introduced range of policy and funding initiatives to support the development of brownfield land. The Levelling-up and Regeneration Bill will go much further to empower local leaders to regenerate those towns, cities and villages by introducing a new infrastructure levy, which will capture a higher land value uplift to enable more infrastructure to be delivered alongside housing.

Taiwo Owatemi (Coventry North West) (Lab): On 1 March, the Secretary of State received a letter written by 10 civic societies from Britain's biggest cities, including Coventry, about the 35% housing uplift. Given the widespread condemnation of that arbitrary target, will the Minister meet me to explain why it has been imposed on Coventry?

Rachel Maclean: I will be happy to meet the hon. Lady to discuss housing targets in Coventry. In the Levelling-up and Regeneration Bill we have set out the measures under which local areas will have more power to ensure that the right housing is built in the right places. I am happy to discuss that with her.

Jon Trickett (Hemsworth) (Lab): In Yorkshire, there are tens of thousands of families desperate for affordable housing. CPRE, The Countryside Charity, says that there are 115,000 potential brownfield sites in our county alone, and tens of thousands of more are land banked, with planning consent already given for housing. Yet there is executive housing popping up like mushrooms in a forcing shed all over my constituency on the green belt. Is the Minister happy that her legacy will be a Government that poured cement and tarmac all over Yorkshire's green and pleasant land?

Rachel Maclean: I think that this Government will be extremely proud of our legacy of delivering affordable homes and homes for first-time buyers all over the country. We need a locally led planning system; that is why we are delivering measures in the Levelling-up and Regeneration Bill to require more infrastructure and a brownfield-first approach, backed by billions of pounds-worth of funding.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): The statutory requirements for the houses that we build today fall far short of the challenges of a changing climate. Humber is the second most flood-prone region in the UK after London, with more than 190,000 at-risk homes, which equates to a third of all properties in the region. Will the Minister consider urgently introducing to the national planning framework stricter statutory requirements for flood protection and mitigation?

Rachel Maclean: The hon. Lady raises a vital issue. We recognise the importance of protecting communities from flood risk. That is why we have been clear in the national planning policy framework that areas of flood risk should be avoided and that, where that is not possible, all risks should be mitigated. That is further supported by the flood risk and coastal change guidance, which has been updated. I am very happy to discuss that in more detail with her as it affects her communities.

Voter Identification Requirements: Local Election Turnout

6. **Cat Smith** (Lancaster and Fleetwood) (Lab): What assessment he has made of the potential impact of the introduction of voter identification requirements on voter turnout for local elections in May 2023. [904312]

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Dehenna Davison): We all know that turnout can vary significantly from election to election because of a wide range of factors, so it is not possible to model robustly the impact of a single factor on voter turnout. That was noted by the Electoral Commission during its review of the 2019 voter identification pilots. Our measures were introduced to help protect the integrity of our democracy—something that every one of us in this House should seek to do.

Cat Smith: Was the Department's decision earlier this month to give the Electoral Commission an extra £1.5 million to promote voter ID made before or after the Department realised that take-up of voter authority certificates was very low?

Dehenna Davison: Part of the reason is to spread awareness about the new voter ID regulations. We have given that additional funding to the Electoral Commission, as well as additional funding of more than £4 million to local authorities, to promote those additional measures locally. We do not want to price anyone out of democracy, but we must protect its integrity at all costs.

Gareth Bacon (Orpington) (Con): Will my hon. Friend join me in reminding the hon. Member for Lancaster and Fleetwood (Cat Smith) that it was Labour that first introduced voter identification, in Northern Ireland in 2003? The Electoral Commission was unable, in its 2021 public opinion tracker, to identify a single respondent who said that they were unable to vote.

Dehenna Davison: My hon. Friend is absolutely right. He has made the case for why the measures are needed and will benefit our democracy.

Mr Speaker: I call the shadow Minister.

Alex Norris (Nottingham North) (Lab/Co-op): I am told by the Association of Electoral Administrators that some returning officers plan to use greeters at the front doors of polling stations to check whether people have the correct ID. If they do not, they will be turned away. Currently, those who are turned away will not be logged as having been refused a ballot on the grounds of a lack of ID. Such a person will be logged only if they make it to the main desk and are refused there. That is totally daft and will, of course, completely skew the data for the independent review. I cannot believe that that is what the Minister wants. Will she commit today to correcting it?

Dehenna Davison: We know that about 98% of electors have the right identification. We have put additional funding into rolling out our information campaign so that people know what identification is required. It is right that local authorities take whatever measures they can to ensure that people have the right ID. Ultimately, we are confident that this will not reduce voter turnout.

Private Rented Sector

7. **Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op): What steps he is taking to reform the private rented sector. [904313]

8. **James Sunderland** (Bracknell) (Con): What steps he plans to take to sanction landlords who do not meet their obligations to vulnerable tenants. [904314]

The Minister of State, Department for Levelling Up, Housing and Communities (Rachel Maclean): In our White Paper, we set out plans to reform the private rented sector, giving renters greater security and safer, higher-quality homes. We will introduce legislation in this Parliament.

Lloyd Russell-Moyle: I listened to the Minister speak to the Renters' Reform Coalition last week. She handled the questions very well, and I was pleased to hear her announce that a Bill would be introduced by autumn of this year. But since she gave the speech, 900 people have been served section 21 notices. Every week that we wait means thousands of people being evicted. Today, her Government have announced tougher measures making it easier to evict people. Will she give me assurances that renters will be protected, not forced out, by her new Bill?

Rachel Maclean: I thank the hon. Gentleman very much for his kind words, and I am delighted that he was there to hear me reaffirm the Government's commitment to abolish section 21 evictions as soon as parliamentary time allows. We are levelling up the private rented sector to produce more safeguards for renters and allow more renters to live in safe and decent homes.

James Sunderland: I am grateful to the Minister for her answer. Bracknell is blessed with many people who rent their accommodation from private landlords, and it is really important that we do the best we can for them. But by the same token, good law is balanced law. Will she please outline what is being done to protect landlords against tenants who do not fulfil their responsibilities?

Rachel Maclean: As I said at the public event, good landlords have absolutely nothing to fear from our reforms, which are right, proportionate and balanced. As my hon. Friend is asking, we will strengthen the grounds for landlords to use to regain possession, including when a tenant is at fault. That includes making it easier and quicker to evict tenants who commit antisocial behaviour, as set out in the action plan today.

Mr Speaker: I call the Chair of the Levelling Up, Housing and Communities Committee.

Mr Clive Betts (Sheffield South East) (Lab): On the answer that the Minister has just given, I should say that the Select Committee recommended that when section 21 goes there has to be a means of dealing speedily with cases of antisocial behaviour. I am pleased that recommendations are made in the antisocial behaviour action plan to prioritise such cases in the courts. But antisocial behaviour also occurs in the social housing sector, and it can often take a year or more to get to court. Will the Minister agree that if we are prioritising such cases in the private rented sector, we should have a similar system for prioritising them for social housing as well?

Rachel Maclean: I thank the hon. Gentleman very much; it was a real pleasure to discuss those issues and many others when we met last week to talk about the renters reform Bill. He has made a very good point, and I have committed to take it away and look at it with my officials.

Paul Maynard (Blackpool North and Cleveleys) (Con): Blackpool has a significantly higher than average proportion of private rented houses. I am sure that my landlords will be delighted to hear about the increased flexibility that they will have to deal with more problematic tenants. However, has the Minister considered extending the provisions on mould and damp that will now apply to the social rented sector to private rented properties as well, to level up the private rented sector?

Rachel Maclean: I thank my hon. Friend very much for drawing the House's attention to the issue of damp and mould. My right hon. Friend the Secretary of State has been extremely active in pushing forward improvements to social rented housing. It is right that we should level that up to private rented housing. We will be bringing forward the decent home standards in the private rented sector in the renters reform Bill.

Service Charge Increases: Leaseholders and Social Housing Tenants

11. **Sarah Olney** (Richmond Park) (LD): Whether he plans to take steps to help tackle significant increases in service charges for leaseholders and social housing tenants. [904318]

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Felicity Buchan): Service charges must be reasonable and works and services must be of a reasonable standard. We will empower leaseholders by legislating, so that service charges are more transparent. We are encouraging registered providers of social housing to limit service charge increases for social housing tenants to 7% or less.

Sarah Olney: I have been told by constituents who live in housing association properties that not only their rents but their service charges will be going up this year. One constituent has told me that their service charge will increase from £15.18 per week to £127.74—over £5,800 per year more for their service charge. These constituents are already struggling at the top of their budgets to accommodate increased heating and living costs. The Government have placed a cap on the maximum that their rent can be raised by, but that is surely arbitrary if the service charge can be increased by such a drastic amount.

Felicity Buchan: As I have said, service charges are payable only to the extent that the costs have been reasonably incurred. If the hon. Lady's social housing tenant believes that the costs have not been reasonably incurred, I really encourage them to go to the housing ombudsman. Similarly, leaseholders can also challenge any service charges through the first-tier tribunal.

Sara Britcliffe (Hyndburn) (Con): Following on from the hon. Member for Richmond Park (Sarah Olney), although it is welcome that the Government have capped rent rises below inflation for those in the social rented sector, residents of Hyndburn and Haslingden, and across Lancashire, are also facing rises in service charges—increases of up to 11%—so can the Government set out what support is available for those who cannot afford a combined rent and service charge increase?

Felicity Buchan: Obviously, we are very sympathetic to those who are feeling cost of living pressures, which is why the Treasury put together the £37 billion package at the autumn statement, followed by a further £26 billion. Service charges should be reasonable, they should reflect costs and there should be access to the ombudsman, as there is.

Attracting Investment: Support for Towns

12. **Mike Kane** (Wythenshawe and Sale East) (Lab): What steps he is taking as part of his Department's levelling up policies to support towns in attracting investment. [904319]

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Dehenna Davison): The Government are supporting towns to attract investment through a wide number of levelling-up initiatives. We are establishing freeports and investment zones designed to incentivise private sector investment and job creation in some of our most deprived communities, and devolution deals are giving local areas the opportunity to tailor policy to local investors. The £2.6 billion UK shared prosperity fund has been designed around a key theme of growing the private sector across the United Kingdom, and the levelling-up funding programmes, totalling almost £10 billion, are designed to revitalise town centres and grow local economies.

Mike Kane: Manchester and Trafford are cracking on with regenerating Wythenshawe and Sale town centres in my constituency, despite submitting excellent but ultimately unsuccessful levelling-up bids. Does the Minister really think that the best way to level up is to force

cash-strapped councils to waste millions of pounds entering endless beauty parades, just to get the investment that they deserve?

Dehenna Davison: That is why the Government will be publishing a full funding simplification plan in due course, but it is also why we are focusing on devolving more power and more money to local areas. I hope that the hon. Gentleman will join me in welcoming the fantastic trailblazer deal that we have just introduced in Manchester, which is giving the power and authority there to complete projects such as the one that he has referenced.

Sir Jake Berry (Rossendale and Darwen) (Con): In Darwen, we have taken our £25 million town deal and managed to increase that to £100 million with private sector investment, and in Rossendale, as part of our £50 million-plus levelling-up funding—I thank my right hon. Friend the Chancellor for the £18 million in the Budget to level up the Rossendale valley—we look forward to going out and courting businesses. Does the Minister agree that the whole point of the levelling-up fund is to ensure that local authorities have to work with their local businesses to make sure they deliver best for their communities?

Dehenna Davison: My right hon. Friend is absolutely right; Government funding is just one part of the puzzle to ensure that local areas get the investment they need. Attracting that private sector investment is absolutely crucial, and I am grateful to my right hon. Friend for all the work he has done locally to make sure we are fully levelling up Rossendale and Darwen.

Building Safety Costs: Support for Leaseholders

13. **Marsha De Cordova** (Battersea) (Lab): Whether he is taking steps to support leaseholders with building safety costs. [904320]

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Lee Rowley): The Building Safety Act 2022 introduced extensive protections for leaseholders in buildings above 11 metres. Developers in Government schemes will pay for cladding remediation, and developers that have signed contracts or are associated with landlords will also pay for non-cladding work.

Marsha De Cordova: It is a national disgrace that nearly six years on from the Grenfell tragedy, leaseholders in Battersea are still stuck in buildings that are below 11 metres. It is not right for the Secretary of State to say that this will be assessed on a case-by-case basis when we know that shorter buildings will have more vulnerable people in them, will have more cladding, and will suffer from greater fire safety defects. When will the Government finally get a grip and allocate resources, and prioritise those according to risk?

Lee Rowley: I am sorry to disagree with the hon. Lady, but it absolutely is the case that buildings under 11 metres typically have a lower set of issues associated with them when reviewed on the basis of the PAS 9980 principles, which are utilised to assess whether issues are there or not. Where colleagues are aware of problems in buildings, we have asked—and continue to ask—them to get in touch with us, so that we can look at those problems. We are doing so—I looked at a case in Romford only last week. If the hon. Lady wants to provide me with further information, I would be happy to look at those individual cases.

Stephen Metcalfe (South Basildon and East Thurrock) (Con): As my hon. Friend will know, the cost to leaseholders does not just end with funding safety measures; many are paying extortionate insurance premiums. Can he tell the House what discussions he has had with the Treasury about reducing those costs and making them more affordable?

Lee Rowley: Along with my colleagues in the Department, we are trying to find an industry solution for insurance, and we have been working closely with the Association of British Insurers and with insurers directly on what they can do and how the costs for insurance come down as remediation is concluded. I spoke with the ABI only last week, and I will continue to meet it regularly to try to resolve this incredibly important issue.

Mr Speaker: I call the shadow Minister.

Matthew Pennycook (Greenwich and Woolwich) (Lab): They will only ever deal with a fraction of the problem at best, but the developer remediation contract and the forthcoming responsible actors scheme are welcome. Yet, as things stand, all we know is that the scheme will initially focus on sufficiently profitable major housebuilders and large developers, and it may then expand over time to cover others. Blameless leaseholders trapped in unsafe buildings deserve far greater clarity now as to whether or not the contract and the scheme may eventually cover their building. Will the Government give them that certainty by committing today to publishing a full list of all developers that the Department believes are eligible and should therefore ultimately participate or face the consequences—yes or no?

Lee Rowley: I have the greatest respect for the hon. Gentleman, but the reality is that he cannot suggest that only a fraction of buildings are covered by the developer contract. Just in the past two weeks, it has been confirmed that more than 1,100 buildings will be fixed, with £2 billion of work covering 44 different developers. There will be more announcements in due course, but where individual leaseholders have concerns about moving those buildings forward, we are happy to hear about them, but extensive Government support schemes are already in place to allow remediation to occur without waiting for the conclusion of these developer discussions.

English City Region Capital Regenerations Projects

14. **Alexander Stafford** (Rother Valley) (Con): What the timescale is for English city region capital regeneration projects to complete their work. [904321]

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Dehenna Davison): I was delighted that my Department could provide more than £200 million of additional funding to 16 transformational capital regeneration projects, including Rotherham's vital bid to regenerate Dinnington and Wath upon Dearne. My officials will be working closely with applicants to ensure that these projects can kick-start regeneration in these local areas as quickly as possible.

Alexander Stafford: I welcome the Minister's response, and it is great news that Dinnington high street got £12 million from this new pot of money. Can she confirm that she will also look kindly on further bids, when I bring them, for my other high streets, such as in Maltby, Thurcroft and Kiveton? Will Rother Valley still be eligible for round 3 of the levelling-up fund, as we got this money from a different pot?

Dehenna Davison: My hon. Friend is a fantastic champion for Rother Valley, and I know that two of his councillors who have been championing this project are sitting in the Gallery—Councillor Ball and Councillor Mills—and I thank them for their dedication. This project is due to provide almost £20 million for local regeneration schemes, including in Dinnington and Wath upon Dearne, but that is of course in addition to Rotherham's two successful levelling-up fund schemes in the first round, worth a total of £39.5 million. Labour let the Rother Valley down, but the Conservatives are levelling it up.

Andrew Gwynne (Denton and Reddish) (Lab): Thornley Lane North is literally the boundary between Denton and Reddish, and the Minister will not understand the incredulity of local residents to see these huge electronic billboards plastered with "Levelling up". Denton did not succeed in round 2 of the levelling-up fund. Reddish did not succeed in round 1. What is the Minister going to do to help me level up Denton and Redditch, rather than leaving us out?

Dehenna Davison: I am certainly happy to meet the hon. Gentleman to discuss those levelling-up projects. We have had a huge swathe of fantastic projects that have been funded around the country.

Levelling-up Fund Bids

15. **Alex Cunningham** (Stockton North) (Lab): What recent assessment he has made of the effectiveness of the delivery of funds for successful levelling-up fund bids. [904322]

20. **Philip Davies** (Shipley) (Con): What the deadline is for the next round of levelling-up fund bids. [904327]

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Dehenna Davison): The levelling-up fund continues to invest in infrastructure that improves everyday life for local residents across the UK. Levelling-up fund projects that are in delivery are closely monitored through quarterly reporting, with payments made to local authorities every six months. We have also agreed a £65 million support package to ensure that local authorities have the capacity they need to deliver. I am pleased to say that details of the next round of the levelling-up fund will be outlined in due course.

Alex Cunningham: For generations the people of Billingham have made a massive contribution to the British economy—through the chemical and pharmaceutical industries, among others—and they continue to do so today. Sadly, the once state-of-the-art town centre, also built on their backs, has seen better days. Can the Minister explain why, when it comes to levelling up, the Government have turned their back on those who have contributed the most and deserve investment in their town?

Dehenna Davison: I suggest that perhaps the reason that some areas have been run down is due to decades of poor Labour management and investment. This Government are putting billions of pounds into regeneration, and I encourage the hon. Gentleman to make sure a bid comes in for round 3 of the levelling-up fund.

Philip Davies: I was delighted that the Chancellor confirmed in his Budget that the next round of levelling-up fund bids would go ahead. The Minister has just said that the next round will be "in due course". Would she like to be a bit more specific about when we might expect the deadline for bids, and will she confirm that her Department will work closely with Bradford Council to make sure that the much-needed bid for Bingley town centre will be successful next time around?

Dehenna Davison: I am very grateful to my hon. Friend, who is a fantastic champion for Bingley. As I have said, the third round of the levelling-up fund will be announced in due course, but of course I will work with him and Bradford Council to ensure that the bid is as strong as it possibly can be for that round, so that we can deliver for the people of Bingley.

Stephanie Peacock (Barnsley East) (Lab): Barnsley Council has lost 40% of its budget and half of its workforce since 2010, which is a loss of £1.2 billion. Just £10 million has been given back to the borough through levelling-up funding, with nothing for my constituency of Barnsley East. Does the Minister really expect communities to be grateful for that?

Dehenna Davison: I would encourage the hon. Member to visit the Barnsley Futures project—I actually had the pleasure of visiting those involved a few months ago—and tell me that they are not grateful.

Jonathan Gullis (Stoke-on-Trent North) (Con): Stoke-on-Trent was delighted to receive a UK-leading £56 million from the levelling-up fund, righting the wrongs of 70 years of Labour neglect and failure, when instead it has spent £60 million on brand-new council offices. Having already seen Tunstall's £3.5 million for the old library and baths, will my hon. Friend allow Stoke-on-Trent another bid for the great mother town of Burslem so that we can invest in our indoor market, the Queen's theatre and the Wedgwood Institute?

Dehenna Davison: My hon. Friend is never quiet in his forthright campaigning for Stoke-on-Trent. He is a fantastic champion, and of course I will work with him to ensure that any additional funding opportunities are there for Stoke. He has had a fantastic record so far on attracting Government investment, but of course we want to do more.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Mr Speaker, you and the rest of the House will probably know that Huddersfield is a very large town that has never shown all that much interest in becoming a city, but we are feeling very aggrieved that we are not getting the help we need for some prime development projects, particularly with the old market site. Could the Minister look into our area, which is very split between Labour and Conservative—and I am asking quietly and I hope persuasively?

Dehenna Davison: I very much appreciate the hon. Member's constructive questioning, and I would of course be happy to meet him to discuss such projects further.

Virginia Crosbie (Ynys Môn) (Con): For decades, Ynys Môn has suffered from lack of investment. Now, thanks to this Conservative UK Government, who are committed to levelling up left-behind areas such as Ynys Môn, this has changed, with £17 million from the levelling-up fund to regenerate Holyhead and the brilliant news that Anglesey is to be a freeport. I would like to put on record in this House my sincere thanks, and those of my Ynys Môn constituents, to the UK Government—diolch yn fawr.

Dehenna Davison: I want to put on record my thanks to my hon. Friend for her brilliant campaigning for Ynys Môn, really putting the island on the map. Ynys Môn is benefiting from an incredible sum of money from the levelling-up fund, and of course has the incredible benefit from that freeport, in no small part thanks to her brilliant campaigning.

Homeless Children: Bed-and-Breakfast Accommodation

16. **Kate Osamor** (Edmonton) (Lab/Co-op): What steps he is taking to reduce the number of homeless children placed in bed-and-breakfast accommodation. [904323]

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Felicity Buchan): The Government have been clear that the long-term use of bed-and-breakfast accommodation for families with children is inappropriate and unlawful. We will continue to work with local authorities to limit its use, and we are giving councils £654 million through the homelessness prevention grant for 2023 to 2025 to help them prevent homelessness.

Kate Osamor: I thank the Minister for her response, but the reality for a constituent of mine is very difficult. My constituent has been stuck in a Travelodge for seven months with his wife, a wheelchair user, and two sons. One son is autistic and has been increasingly distressed at constantly changing rooms. The number of families living in B&Bs for more than six weeks has increased by 180% in London in a year, as councils struggle to find affordable accommodation for families on benefits. Can the Government commit to uprating local housing allowance at least by the rate of inflation?

Felicity Buchan: I am sorry to hear about the circumstances of the hon. Member's constituent, and I am happy to talk in detail. There are currently 1,200 families in B&B accommodation for over six weeks. As I have said, we think that is inappropriate. We have made it clear to local authorities that B&Bs are a last resort, and they are an interim measure to more stable accommodation.

Mr Speaker: I call the shadow Minister.

Sarah Owen (Luton North) (Lab): Every year since 2011, the number of children in temporary accommodation has risen—we are talking about well over 120,000 children without a home to call their own. It is a form of homelessness that is out of sight, out of mind and on the rise under this Tory Government—thousands of children stuck in bed and breakfasts for longer than the statutory maximum of six weeks. What do Ministers intend to do about the shocking numbers of homeless children in temporary accommodation, and when? May I remind the Minister that they are in charge of the parliamentary schedule for as long as they have left in government?

Felicity Buchan: Homelessness and rough sleeping is one of the biggest priorities of this Government. We are devoting £2 billion over three years to alleviate homelessness and rough sleeping. This is a major priority of ours. Every family and child deserve to live in decent, secure and safe housing. That is why we have helped half a million people since the Homelessness Reduction Act 2017 came in to prevent homelessness. We have spent £366 million this year on the homelessness prevention grant and £654 million over the next two years. The Government are committed to getting people out of temporary accommodation and into long-term, stable accommodation.

Topical Questions

T1. [904332] **Antony Higginbotham** (Burnley) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Levelling Up, Housing and Communities (Michael Gove): Today, the Home Secretary and the Prime Minister launched the cross-Government antisocial behaviour action plan. My Department plays a critical role in ensuring that the facilities are available to divert young people from antisocial behaviour and into productive youth work.

Antony Higginbotham: Regeneration is taking place across Burnley and Padiham thanks to this Government, but to realise the potential we have to crack down on antisocial behaviour in our town centres. What steps is my right hon. Friend taking to crack down on ASB in town centres?

Michael Gove: My hon. Friend is right. Across the country, we need to have more uniformed officers in crime hotspots and faster justice, so that those who are responsible for damaging an area make reparation. Above all, we need to ensure that the moral relativism that those on the Opposition Front Bench have taken towards crime is at last countered by a robust, pro-law-and-order response from this Government.

Mr Speaker: I call the shadow Secretary of State.

Lisa Nandy (Wigan) (Lab): It takes some brass neck from a Government whose Prime Minister has two fixed penalty notices to accuse us of "moral relativism" when it comes to antisocial behaviour. In fairness to the Secretary of State, he has had a busy weekend: another week, another promise and another press release—he is at least consistent with that. But I have here a document that reveals that, even on his flagship levelling-up policy, he has been able to get only 8% of his funds out of the door. He is good at getting press releases out the door—why not our money?

Michael Gove: In the Budget just the other week, the Chancellor of the Exchequer was responsible for making sure that tens of millions of pounds were spent, including £20 million in the hon. Lady's constituency and tens of millions of pounds across the country, in order to level up. We heard during earlier from Members across the House who have received support, had projects delivered and seen change delivered. This Government are impactful, effective and focused. On the other side of the House, I am afraid all we hear is the cackle of impotence.

Lisa Nandy: The desperation is absurd, Mr Speaker—8% of the levelling-up funds have been spent. I am glad the right hon. Gentleman mentioned the Budget, because in just one day his Government spent three times more on a tax cut for the richest 1% than they have managed to spend on the whole of the north of England in well over a year. Doesn't that just sum the Government up? They can get their act together when it comes to the 1%, but when it comes to investment in our town centres, local transport, decent housing and delivering on a single one of the levelling-up missions, why do the rest of us always have to wait?

Michael Gove: The hon. Lady does not have to wait for the truth. The truth is that, in the Budget, we adopted a policy put forward by the Labour shadow Health Secretary to get waiting lists down. Now that a Conservative Government are actually acting, the Labour party turns turtle on it. That is no surprise coming from the hon. Lady. When we published our White Paper on levelling up, she said that our levelling-up missions were the right thing; in fact, she wanted an additional mission. Now she says that those missions should be scrapped. One position one week, another position the next. Inconsistency, thy name is Labour.

T2. [904334] **Anna Firth** (Southend West) (Con): Next month, as I am sure my right hon. Friend knows, is National Pet Month. Sadly, I have been contacted by a number of constituents renting in the private sector who have been refused pets. Will he confirm whether he is still committed to enshrining, in the renters reform Bill, the right for tenants to request a pet and for such a request not to be unreasonably refused?

The Minister of State, Department for Levelling Up, Housing and Communities (Rachel Maclean): May I say, as a dog lover myself, that my hon. Friend is absolutely right to highlight that issue. Pets can bring joy, happiness and comfort, which is why the Government will prevent landlords from unreasonably refusing a tenant's request to have a pet. We will give landlords more confidence by allowing them to require insurance to cover pet damage.

Mr Speaker: I call the SNP spokesperson.

Chris Stephens (Glasgow South West) (SNP): May I add to the Secretary of State's congratulations to Humza Yousaf, who shares many constituents with myself? It is a great day for Glasgow Pollok and Glasgow South West. May I ask the Secretary of State some questions on intergovernmental relations? A third tranche of levelling-up funding is yet to be distributed, £90 million of which should go to Scotland. Rather than the botched and broken system, seen in the last month or so, of funding distribution from this place, is it not time to devolve the funding to devolved Administrations to enable its fair and efficient use?

Michael Gove: I welcome the desire of the hon. Gentleman, and indeed the Scottish Government, to work with us on levelling up. I hope that that means there will be a legislative consent motion passed for our Levelling-up and Regeneration Bill. We will work with the Scottish Government to ensure that funding is spent as effectively as possible, but it is UK Government money that supplements the block grant, over which the Scottish Government have total control.

Chris Stephens: Before the spring Budget, the Deputy First Minister, John Swinney, sent a letter to the Chancellor raising several concerns, all of which were ignored. What does it say about the state of intergovernmental relations when the UK Government refuse to consider even a single concern raised by devolved Administrations at Budget time?

Michael Gove: We not only consider, but meet regularly with our colleagues across the devolved Administrations. Last year, we had over 270 intergovernmental ministerial meetings, bringing together colleagues. Of course, from time to time, given our respective positions, we may disagree, but there have been a number of significant successes where we have agreed, not least the delivery of two green freeports in Scotland—an example of both Governments working together in the interests of the whole United Kingdom.

T3. [904335] **Jonathan Gullis** (Stoke-on-Trent North) (Con): I applaud the announcement today by the Prime Minister and the Secretary of State on cracking down on the tiny minority of scumbags and scrotes who fly-tip, deal drugs and commit antisocial behaviour. In Stoke-on-Trent, Kidsgrove and Talke, we have launched a campaign for safer streets, with 400 constituents signing so far for new alley gates and CCTV in places like Smallthorne, Cobridge and Tunstall. Will the Secretary of State add his support to the campaign and meet Staffordshire police and crime commissioner Ben Adams to see how we can get that funding to our local area?

Michael Gove: I absolutely will and I am grateful to my hon. Friend for the work he has done to ensure that our antisocial behaviour action plan hits criminals where it hurts. I should add that apparently the Leader of the Opposition was in Stoke-on-Trent North the other week. He gave a speech on crime, taking over 30 minutes, without any new policies. He should be arrested for wasting police time!

T4. [904336] **Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): Does the Secretary of State believe that the concept of levelling up across struggling communities with hard-pressed families is undermined by footage of MPs in his own party grubbing around for £10,000-a-day contracts on top of their MP salary and other earnings? If so, will he condemn his Tory MP colleagues' behaviour?

Michael Gove: Obviously, the capacity of people who are Members of this House to do work to supplement the role they perform here is one that is properly—if there is anything improper about it—a matter for the Parliamentary Commissioner for Standards and the Privileges Committee. I should say, however, that the hon. Gentleman was happy to serve under the leadership

of Alex Salmond when he was, at one point, a racing columnist for the Glasgow *Herald* and, at another, a paid—

Mr Speaker: Order. Secretary of State, please, try to help your colleagues. They all want to put a question to you. You're that popular, but you won't be if you keep talking for too long.

T5. [904337] **Alexander Stafford** (Rother Valley) (Con): Home ownership is an important milestone in many of my constituents' lives. Many have excitedly bought new build homes, particularly on the Harron Homes estate in Wickersley, or the Redmile estate in Aston, only to move in and find major problems that developers are refusing to make good. Does the Secretary of State agree that they should rectify them immediately?

Rachel Maclean: That sort of behaviour is completely unacceptable. I thank my hon. Friend for bringing it to our attention. We are committing to providing buyers of new build houses with strong powers of redress. We have legislated to establish the new homes ombudsman scheme in the Building Safety Act 2022, membership of which will be mandatory for developers.

T6. [904338] **Wendy Chamberlain** (North East Fife) (LD): The one good thing about the Elections Act 2022 was giving overseas voters the right to vote. But with the election likely no more than 18 months away, there is a real risk that they will again be denied their vote. Will the Secretary of State update the House on the progress of the regulations and provide assurances that they will be in place for the next election?

Michael Gove: We will do everything possible to give effect to that democratic extension of the mandate.

T7. [904339] **Caroline Ansell** (Eastbourne) (Con): Local elections are fast approaching, but my local council has said that, from now until 4 May, I can continue to send in casework but it cannot reply. I will not know whether the council has lifted eviction orders or responded to dangerous damp conditions—the list goes on. I champion my constituents' situations, but that will compromise what I can do to support them. Does the Minister agree that the council's ruling is wholly disproportionate?

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Lee Rowley): Yes. Eastbourne council is wrong. The pre-election period does not stop councils from responding to Members of Parliament, and they should do so.

T9. [904341] **Marsha De Cordova** (Battersea) (Lab): The leasehold system too often traps homeowners, including many of my constituents. They have complained to me of fire safety risk, poor building maintenance, astronomically high service charges and poor customer service. Labour has been calling on the Government to end feudal leasehold systems. Will the Secretary of State bring forward legislation on further leasehold reform in this Session, so that all homeowners can live in a safe, decent and affordable home?

Michael Gove: Very good points. That is the plan.

Simon Hoare (North Dorset) (Con): The shared prosperity fund is vital for many people, as it replaces EU funds. Last week, the Northern Ireland Affairs Committee heard from First Steps Women's Centre, Women's Support Network, Mencap and the Kilcooley Women's Centre, among others, about their huge budget problems, particularly given the lack of a functioning Executive. Can the Secretary of State update us?

Michael Gove: My hon. Friend has been vigilant on behalf of communities in Northern Ireland. We will make a statement later this week. The Minister for Levelling Up, my hon. Friend the Member for Bishop Auckland (Dehenna Davison), and I will do everything we can to ensure continuity of funding for those services.

Wera Hobhouse (Bath) (LD): The south-west is one of the least affordable areas in the UK. The Liberal Democrat council in Bath wants to build at least 1,000 more social homes for rent by 2030, but faces significant barriers to purchase land. Will the Secretary of State give councils the first right to purchase public land as it becomes available, so that they can build desperately needed social housing?

Michael Gove: We will do everything we can. I congratulate Bath and North East Somerset Council on wanting to build more social homes. It must be a first that a Liberal Democrat council is in favour of homes for its residents—normally, they oppose such developments. I am glad to hear it.

Justin Tomlinson (North Swindon) (Con): A number of charities make sure that all play parks, both new and refurbished, are fully accessible to all children, including those with disabilities. That is a given in my patch and a Government commitment, but the national design codes are still too vague. Will the Minister hurry the officials up and unlock this for all children?

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Dehenna Davison): Absolutely. My hon. Friend and I had a fantastic chat about this issue recently. I am committed to following through on that.

Hilary Benn (Leeds Central) (Lab): At a meeting in Leeds on Saturday of leaseholders affected by the cladding scandal, nearly two thirds said that they have absolutely no idea when their home is going to be made safe—six years after Grenfell. Does the Secretary of State agree that that is completely unacceptable? What is he going to do to make their homes safe?

Michael Gove: I saw reference to that meeting on the right hon. Gentleman's Twitter feed. I owe him a visit to Leeds to talk to his constituents about that.

Dr Luke Evans (Bosworth) (Con): I thank the Secretary of State for coming up to Hinckley only last month to hear about the problems we are having with the Liberal Democrat-run borough council, which does not have an up-to-date local plan. The biggest problem it causes is to my community, who put in neighbourhood plans that are ridden roughshod over. What is his message to my constituents?

Michael Gove: Well, I think the message has to be "Vote Conservative", because as we have heard there is a Liberal Democrat council in Eastbourne that is not answering letters, a Liberal Democrat council in Hinckley and Bosworth that is not ensuring that it has a local plan in place, and a Liberal Democrat council in St Albans that is paralysed in the face of the need for new housing. The message is very, very simple: if you want action, get the Liberal Democrats out.

Sammy Wilson (East Antrim) (DUP): This Friday, hundreds of groups across Northern Ireland will face a situation where their funding finishes and they will have to close their doors. Will the Minister give us an assurance that the problems with the shared prosperity fund, which was meant to replace the European structural funds, will be sorted out and that those groups, including Monkstown boxing club in my constituency, will be given an assurance of funding?

Michael Gove: The Under-Secretary of State for Levelling Up, Housing and Communities, my hon. Friend the Member for Bishop Auckland (Dehenna Davison) has been working incredibly hard. I am grateful to Members of Parliament from the DUP and to the Chairman of the Levelling Up, Housing and Communities Committee for holding our feet to the fire.

Simon Jupp (East Devon) (Con): Devon needs a devolution deal to deliver new powers and money to the towns there. A good deal would give local leaders the levers they need over affordable housing, public transport and local skills. Will my right hon. Friend meet me to discuss how we can get the best deal for Devon?

Michael Gove: Absolutely. My hon. Friend is a formidable champion for Devon, unlike the hon. Member for Tiverton and Honiton (Richard Foord), who is not in his place today when these issues are being raised. I do not know what he is doing, but what he is not doing is working for people in Devon, which my hon. Friend the Member for East Devon (Simon Jupp) does so effectively.

Florence Eshalomi (Vauxhall) (Lab/Co-op): I welcome the Secretary of State's words in the media yesterday, saying that it is unacceptable for private sector landlords to raise rents above the level of inflation, which is a big issue in Vauxhall. Just last week, someone in Brixton contacted me to say that their rent had been doubled in a year. Is it not the truth that the Secretary of State needs to hurry up, put words into action and bring forward the renters reform Bill now?

Michael Gove: The hon. Lady is absolutely right; I should get on with it.

David Morris (Morecambe and Lunesdale) (Con): First, I thank the Secretary the State for the money for the Eden Project Morecambe; it has been gratefully received in Morecambe.

However, we have another problem that I would love to meet the Secretary of State to discuss. The town council or the parish council has raised the precept from £200,000 two years ago up to £1.5 million. Apparently, that is to buy a piece of land that is already owned by the public for a knock-down price of £1 million, when it was bought for £3 million. If that is not the case, the remaining money will go into a fund. As we both know, funds cannot be raised against what is already there, unless it is half. Will the Secretary of State meet me to discuss the issue as soon as possible?

Mr Speaker: Order. Topical questions are meant to be really short and not as long as hon. Members wish. I think we need to give the hon. Gentleman an Adjournment debate. Come on, Secretary of State.

Michael Gove: We can definitely meet. I congratulate my hon. Friend on being reselected as the Conservative candidate for Morecambe and Lunesdale, with a unanimous vote. I look forward to him being re-elected as MP for Morecambe and Lunesdale.

Dan Jarvis (Barnsley Central) (Lab): Do Ministers still intend to honour their manifesto commitment to make sure that no region loses out as a consequence of the loss of EU structural funding?

Michael Gove: Yes, that's the plan.

Alicia Kearns (Rutland and Melton) (Con): Solar companies across the country are cynically putting in for just 49.9 MW to avoid having to get national approval from the Government for their solar farms. Will my right hon. Friend meet me to discuss this playing of the system and the Mallard Pass solar farm proposed in my constituency, which will be built with Uyghur blood labour?

Michael Gove: Those are three very important points; I am happy to meet my hon. Friend. We must not have the system gamed. We certainly need to be vigilant about any commercial ties with firms that exploit people in China, but we do need more renewable power.

Mike Amesbury (Weaver Vale) (Lab): Will the feudal system of leasehold finally be kicked into the history books with the next tranche of legislation in the King's Speech—yes or no?

Michael Gove: Yes, that's the plan.

Martin Vickers (Cleethorpes) (Con): In response to an earlier question, the Secretary of State said how important locally-led planning policies were, but frequently the Planning Inspectorate drives a coach and horses through decisions made by local planning authorities, as was recently the case in the village of Wootton, in my constituency. What is he going to do to ensure that the Planning Inspectorate takes more notice of local opinion, expressed through local councils?

Michael Gove: Our changes to the national planning policy framework are designed to do exactly that. I talked to the new chief executive of the Planning Inspectorate earlier last week to reinforce the point that my hon. Friend has consistently made on behalf of his constituents in Cleethorpes.

Peter Grant (Glenrothes) (SNP): Earlier today, the Minister was keen to pray in aid the Electoral Commission in support of the Government's voter ID plans. Will she remind the House: in the commission's detailed analysis of the 2021 elections across the whole of Great Britain,

how many cases of voter impersonation produced enough evidence to lead to a police caution? If she does not know the exact number, I will give her a hint: it is half the number of people on the Government Front Bench right now.

Dehenna Davison: I am grateful to the hon. Gentleman. The point is to ensure that the integrity of our democratic system is maintained, which is something I will never apologise for.

Ruth Cadbury (Brentford and Isleworth) (Lab): I, too, have many constituents who are leaseholders and who are stuck in limbo and facing astronomical bills through no fault of their own. Meanwhile, developers such as Galliard have refused to sign the Government's latest pledge. What is the Secretary of State doing to fix that aspect of the building safety crisis?

Michael Gove: Applying a vice-like grip to their nether regions.

Oil Spill: Poole Harbour

3.35 pm

Richard Drax (South Dorset) (Con) *(Urgent Question):* To ask the Secretary of State for Environment, Food and Rural Affairs if she will make a statement on the oil spill in Poole harbour.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): I can confirm that at 8 o'clock on Sunday 26 March, the Poole harbour commissioners declared a major incident following an oil spillage of approximately 200 barrels into Poole harbour in Dorset. The spill is understood to be of a product that is 80% saline solution and 20% crude oil. The cause of the spill has been reported as a fault with a land-based pipeline operated by Perenco Oil and Gas. The pipe has since been shut off and depressurised to prevent any further contamination, and booms have been deployed to help contain the spill. Investigations are under way to determine the reason for the fault and to prevent similar incidents from occurring.

This has been designated a tier 2 incident. If it were to escalate to tier 1, the Maritime and Coastguard Agency would lead the response, which in Government is under the Department for Transport. However, we consider that unlikely because of the rapid response and deployment of the oil mitigation plan by the harbour commissioners.

The Poole harbour commissioners are leading the response to the oil spill incident and have activated their emergency oil spill response plan. Specialist oil spill response companies are assisting with the operation. The Dorset local resilience forum has convened a strategic co-ordination group to co-ordinate the response to the incident, working closely with the commissioners, the Maritime and Coastguard Agency and the Environment Agency. The current situation appears to be stable. The continuing focus of the strategic co-ordination group is on gathering further data to assess the environmental implications and continue to progress a clean-up operation. To support that, specialist aircraft completed a site assessment this morning and local responders are assessing the shoreline and harbour.

I am sure that my hon. Friend the Member for South Dorset (Richard Drax) shares my concern about the impact on wildlife in the area, especially as Poole harbour is a site of special scientific interest and a special area of conservation. I thank all other Dorset MPs who have been in touch about the issue and have worked on it as a co-ordinated group. The Government are closely monitoring the situation and will continue to do so. The Environment Agency and Natural England will monitor the impact and provide appropriate advice.

Richard Drax: Thank you very much for granting this urgent question, Mr Speaker. I thank my hon. Friend for her statement.

This unfortunate incident has occurred in one of the most beautiful and fragile ecosystems in my constituency. It is not just my constituency that is affected, but those of other Dorset MPs, particularly my hon. Friend the Member for Poole (Sir Robert Syms), who is here in the Chamber. He has been very supportive and I owe him my thanks.

Having spent many, many years near, in or under the water in Poole harbour, I am acutely aware of the area's sensitive environment, both on land and under the sea. I am therefore very concerned about this spill, which is potentially catastrophic—and let us not forget the many thousands of humans who enjoy the harbour, especially in the summer. I have been assured this morning that the spill is not as serious as was first thought: the majority of the fluid that leaked from an underground pipeline was contained yesterday, as the Minister said. However, a thin sheen of oil did escape the booms that were put in place, and today a handful of birds have been found covered in oil. Mercifully, that number remains low. The effect on the marine environment is unknown.

This morning I spoke to Perenco, which estimates that nearly 5,000 litres of fluid leaked from the pipeline. The fluid is 15% crude oil and 85% water. The leaking underground pipe is located in a very sensitive, marshy, low-lying area in the south of the harbour. The contamination was exacerbated by a high tide and a river that runs through the site into the harbour. A large operation to combat the spill using helicopters, drones, and vessel and onshore patrols continues today. Specialist clean-up companies have been called in to give advice, and that operation will start as soon as possible.

May I ask my hon. Friend to ensure that, as is paramount, the regulator conducts a full investigation into why the leak occurred and, once the cause has been identified, to make certain that any repairs are carried out to the highest standard? Will she also seek assurances from Perenco that the rest of its network is being properly maintained and checked? We do not want this ever to happen again.

Rebecca Pow: I thank my hon. Friend for the assiduity with which he has dealt with this incident, which, as he has said, occurred in an extremely important nature and wildlife area that is recognised across the world and is a very sensitive site.

I give him an absolute assurance that a full investigation is under way. It is critical for that investigation to be carried out so that we can have the full details of what occurred—exactly where the leak started and exactly which bit of the pipeline was involved—and also the full details of how we should react in future and what will need to be done about cleaning up. The pipe has been shut off and depressurised to prevent any further discharges. I also give my hon. Friend an absolute assurance that I, as the Minister, will be following the investigation very closely to ensure that all the correct procedures are carried out, so that that can inform what we do in future when it comes to regulation and the regulators.

Mr Speaker: I call the shadow Minister.

Ruth Jones (Newport West) (Lab): Thank you for granting the urgent question, Mr Speaker, and I thank the hon. Member for South Dorset (Richard Drax) for asking it. In a sense, it is good not to be talking about sewage discharges today, but this oil spill is far too serious a matter for political points to be made about it, so I will confine myself, in the limited time available to me, to highlighting the worries and concerns of local people and businesses in the Poole area.

[Ruth Jones]

I realise it is still early days for the investigation, but I hope that it will be thorough and speedy, and that any lessons to be learned will be published and acted on as quickly as possible. We do not want this to happen again and to blight another coastal community. Can the Minister enlarge on her previous responses and, in particular, tell us what work the Department and the Environment Agency are undertaking together to address the impact that this incident could have on the local population and environment in Dorset, not just on the site but in the surrounding area? What are the Government doing to assess the impact on small businesses which rely on the harbour for trade, and what support will be made available to them? Will the Minister confirm that the relevant agencies will have all the support that they need to address this incident, including manpower?

Poole harbour commissioners' latest oil spill contingency plan appears to be dated July 2021, although the review date was August 2022. Can the Minister confirm that that is the latest version, and that the review was carried out in 2022? If so, what was the outcome?

Rebecca Pow: I thank the hon. Lady for recognising the importance of this incident, and for focusing on it specifically. We are taking it extremely seriously. The investigation is under way, and all the right protocols are in place. The Poole harbour commissioners have activated their emergency oil spill response plan, and specialist oil spill companies are assisting the operation. The Dorset local resilience forum has already set up and convened its strategic co-ordination group involving all the relevant bodies, including the commissioners themselves, but also the Environment Agency and the Maritime and Coastguard Agency. Each of those is contributing its input, as is Natural England, which has set up its south-west environment team to do its own work. All that will feed in the details that we need to ensure that all the necessary measures are taken and we can understand exactly what has occurred. I give the hon. Lady an assurance that the harbour remains open as usual, the ferry service is working and the local beaches are open, although as a precaution the public have been told to avoid using the water in Poole harbour for recreational purposes until further updates are available.

Sir Robert Syms (Poole) (Con): I fully support my hon. Friend the Member for South Dorset (Richard Drax) in the comments he has made. The harbour commissioners have, of course, planned for this sort of thing over the years and are constantly updating their plans. The latest information is that 60% to 70% of the oil that was on the surface yesterday has been reduced, so we are well on top of the situation.

Clearly, the incident has an impact on public confidence, which is why we need an inquiry to look at it. This is a mature field that has been producing for more than 40 years, and some of the pipes might need replacing. Secondly, if the ability of fishermen and companies in Poole harbour to export seafood to France is temporarily suspended, my colleagues and I might wish to talk to the Minister for Food, Farming and Fisheries, my right hon. Friend the Member for Sherwood (Mark Spencer) about compensation.

Rebecca Pow: I thank my hon. Friend for the work he has been doing on this. He is right to say that it is about giving assurances, which is why it is critical that this investigation is undertaken fully and in all the right ways. As he says, the oilfield has been worked since 1979 and this is the first such incident that has occurred, but it must be dealt with extremely seriously. I believe that that is happening, with all the right teams being brought to bear to give us the information and assurances that we need. People should follow the advice of the UK Health Security Agency on eating seafood, and I will relay my hon. Friend's comments to the Fisheries Minister, who will be in touch if necessary.

Rachael Maskell (York Central) (Lab/Co-op): Poole harbour, from the Arne bird sanctuary through to Brownsea island, is nature-rich. Bearing that in mind, and in light of the age of the infrastructure, can the Minister say when it was last examined for safety compliance to avoid such incidents occurring?

Rebecca Pow: I agree that it is a wonderful and sensitive wildlife site, famous for its incredible birds, including terns, avocets and even gulls, as well as its red squirrels on Brownsea island. A full regime to check pipework and so forth is run through the regulator, but all the records, including the maintenance records, will be looked at in the investigation.

Simon Hoare (North Dorset) (Con): Tourism is an important part of the county's economy, and public confidence in using water for recreational purposes is pivotal to that offer, allowing people to visit the countryside in North Dorset and elsewhere in the county. Will my hon. Friend say what further work the agencies will be doing to monitor sea bathing quality, and what her Department and the Tourism Minister can do with Dorset Council and others to ensure that the message that Dorset is safe to swim in and visit is seen across the country?

Rebecca Pow: My hon. Friend is right to mention Dorset's phenomenal tourism offer, both for people from this country and abroad. That is why the investigation and the messaging are so important, and the public must adhere to the UK Health Security Agency guidance. At the moment, the local resilience forum has not issued any concerns about the impact on tourism, but this will be kept under guidance.

My hon. Friend should take confidence from the standing environment group set up by Natural England and the involvement of all the environment non-governmental organisations. The Royal Society for the Protection of Birds is already saying that it believes this is being well handled and well dealt with. We do not want any wildlife to be impacted, so every precaution needs to be taken. I have heard that, so far, just two sea birds have been found with oil on them, and they have been carefully washed off—a fantastic process that I witnessed myself when I was an environment reporter. We need to ensure that we know fully what is happening, through the investigation, so that there are no adverse impacts on tourism, which is such an important industry to this country.

Tim Farron (Westmorland and Lonsdale) (LD): I thank the Minister for her diligent approach to responding to this troubling occurrence, and I congratulate the hon. Member for South Dorset (Richard Drax) on bringing it to the House's attention.

I am sure the Minister will agree that not only is there an ecological price to pay for this spillage but, as has been mentioned, there will be an impact on the potential bathing water status of Poole harbour. Does she agree that bathing water status is an important tool in ratcheting up water quality, both on our coasts and in our rivers and lakes? Will she reflect on the fact that, last year, only 10% of applications for bathing water status for our rivers, lakes and coastal areas were accepted? In my constituency, Coniston Water and the River Kent were turned down, despite having many more bathers than some rivers that were accepted. Does she agree that consistency is important if we are to keep our waterways free of oil and sewage, and will she look again at the applications that were turned down?

Rebecca Pow: Unlike the hon. Member for Newport West (Ruth Jones), who stuck to the subject of this important urgent question, the hon. Gentleman asks a question that is somewhat irrelevant. Well over 70% of our bathing water is excellent, and more than 90% is rated good or excellent.

Kit Malthouse (North West Hampshire) (Con): As a number of Members have said, not least my hon. Friend the Member for South Dorset (Richard Drax), the Dorset coast forms part of an incredibly fragile ecosystem across much of the south coast. Part of its fragility and uniqueness is because it is fed by a network of chalk streams—80% of the world's chalk streams are in our part of the world. In January, the River Anton, which flows through my constituency, saw a not dissimilar spill of 30,000 litres of oil. I commend the Environment Agency for its swift response: it tells me that it has recovered about 17,000 litres and that work is under way to recover the rest. Although there will be an investigation into the cause of the spill and any culpability, which may have consequences, where does accountability and transparency lie in the Environment Agency for the conduct of the investigation? Police and crime commissioners are accountable to police and crime panels for the work of the police, but the system for the Environment Agency is more opaque. How can my constituents have confidence that any investigation is conducted with alacrity and that culpability is apportioned appropriately?

Rebecca Pow: An investigation is important for gathering the correct information. We also need to be careful about spreading fear about what exactly a pollutant might be. That is why there must be an investigation, and why the exact make-up of a pollutant needs to be fully known. The EA will, of course, investigate if there is enough evidence to suggest that a crime has potentially been committed. Where a crime has been committed, and after the due process is followed, fines are possible.

Kerry McCarthy (Bristol East) (Lab): While cleaning up the incident is the priority, what lessons can the Government learn about the wisdom of allowing future drilling on environmentally important sites, such as the Rosebank site, which goes through a marine protected area? We need to learn lessons from such incidents. Will the Minister assure me that she will speak to her colleagues?

Rebecca Pow: I would be the first Minister to say that we need assurances on looking after our wonderful environmentally sensitive sites. This oilfield has been working since 1979, and I understand it is the largest onshore oilfield in Europe. The investigation must take place and we must find out what happened—and correct anything that needs correcting—but we should not spread fear about this particular operation or others like it, as they are an important part of our energy make-up.

Caroline Lucas (Brighton, Pavilion) (Green): Poole harbour is a haven for wildlife and is home to rare species, so this spill is incredibly saddening. The Minister says she wants to ensure the disaster is not repeated, but she must know that where there is drilling, there is some spilling. There have been a staggering 721 oil spills in the North sea alone over the past three years. Just last month, the Planning Inspectorate overturned West Sussex County Council's refusal of permission for more testing for shale oil reserves in Balcombe, beneath the High Weald area of outstanding natural beauty. Given the huge risk to the natural world when things go wrong, will she ask the Secretary of State for Levelling Up, Housing and Communities to review this decision?

Rebecca Pow: It is all about balance—it is important that we protect our natural environment, particularly in areas as precious as Poole Harbour, because that is as important to our economy as the oil—and ensuring that the investigation is correctly carried out as swiftly as possible. Anything that needs to be put in place to enhance our environmental protections and measures must be put in place—and I would say the same for any other similar project.

Mr Ben Bradshaw (Exeter) (Lab): I was a little surprised that the Minister could not answer the question asked by my hon. Friend the Member for York Central (Rachael Maskell) about who is responsible for regulating the facility—perhaps she has the answer on a piece of paper—and when it was last inspected. If she does not know and cannot get the answer from her officials before the end of this urgent question, perhaps she could provide the House with a written statement.

Rebecca Pow: I did say that all the maintenance records and dates will be assessed. If the right hon. Gentleman wants me to write to him when we know the exact detail, I assure him that I will do so. All that detail is absolutely critical to the investigation.

Jim Shannon (Strangford) (DUP): I thank the Minister very much for her diligence and clear commitment to address the oil spill at Poole. When we had a spill in one of our local rivers back home, environmental work was carried out immediately with local conservation bodies to replenish the wildlife. The outstanding Poole wildfowlers association is active in the area. Will the Minister confirm that Natural England and EA have expertise—I say that gracefully and respectfully—in conservation efforts and can undertake not only to remove the oil but to restore the eco-balance as soon as possible.

Rebecca Pow: I thank the hon. Gentleman for raising the importance of the environment and conservation of the area. In addition to the investigation that is under way, Natural England has already set up a standing environment group, and has brought in environmental groups that have great knowledge and that run many wonderful nature reserves, including the Royal Society

[Rebecca Pow]

for the Protection of Birds, which is doing its bit. A shoreline clean-up team is gathering data on shore and in boats right now so that we know exactly what is happening. All that will be fed into the investigation.

Antisocial Behaviour Action Plan

3.57 pm

The Secretary of State for the Home Department (Suella Braverman): With permission, Mr Speaker, I would like to make a statement about the antisocial behaviour action plan, which I published today with my right hon. Friend the Secretary of State for Levelling Up, Housing and Communities.

I am proud of what Conservatives have achieved since 2010: overall crime, excluding fraud, is down by 50%; neighbourhood crime is down by 48%; and we are within days of securing the historic achievement of a record number of police officers nationally. That is all thanks to this party's commitment to law and order.

But we must always strive harder to keep the British people safe. The worst crimes flourish when lower-level crime is tolerated. Let me be clear: there is no such thing as petty crime. Public First polling found that people cited antisocial behaviour as the main reason why their area was a worse place to live than 10 years before. The decent, hard-working, law-abiding majority are sick and tired of antisocial behaviour destroying their communities. Nobody should have to live in fear of their neighbours, endure disorder and drug taking in parks, see their streets disfigured by graffiti, fly tipping or litter, or feel unsafe walking alone at night, with gangs of youths hanging around, getting up to no good, intimidating us all and degrading the places that we love.

Personal experience of antisocial behaviour is highest in the police force areas of the north-east, the midlands and the south-east. In Derbyshire, Northumbria and Durham, at least 45% of adults have experienced antisocial behaviour. As one of the research participants from our polling in Liverpool reported, anti-social behaviour

> "makes you feel unwelcome, like you're not wanted or loved, like you don't feel you belong. It does affect your emotional wellbeing. You don't feel safe…you don't know what is going to happen next. I've felt like this for the three years that I've lived here, and I've been planning on leaving for the past year."

Such sentiments are why my right hon. Friend the Prime Minister has made tackling antisocial behaviour a top priority for this Government.

Our antisocial behaviour action plan will give police and crime commissioners, local authorities and other agencies the tools to stamp out antisocial behaviour across England and Wales. It targets the callous and careless few whose actions ruin the public spaces and amenities on which the law-abiding majority depend. Our plan outlines a radical new approach to tackling antisocial behaviour, and it is split across four key areas.

First, there is stronger punishment for perpetrators. We are cracking down on illegal drugs, making offenders repair the damage that they cause, increasing financial penalties, and evicting antisocial tenants. The Opposition cannot seem to make up their mind on whether they want to legalise drugs. While the Leader of the Opposition and the Mayor of London argue about cannabis decriminalisation, we are getting on with delivering for the public.

Drugs are harmful to health, wellbeing and security. They devastate lives. That is why I have taken the decision to ban nitrous oxide, also known as laughing gas, which is currently the third most used drug for adults and 16 to 24-year-olds. By doing so, this Government will

put an end to hordes of youths loitering in parks and littering them with empty canisters. Furthermore, under our new plan, the police will be able to drug-test suspected criminals in police custody for a wider range of drugs, including ecstasy and methamphetamine. They will test offenders linked to crimes such as violence against women and girls, serious violence and antisocial behaviour.

We will ensure that the consequences for those committing antisocial behaviour are toughened up. Our immediate justice pilots will deliver swift, visible punishment for all those involved. Offenders will undertake manual reparative work that makes good the damage suffered by victims. Communities will be consulted on the type of work undertaken, and that work should start swiftly—ideally within 48 hours of a notice from the police. Whether it is cleaning up graffiti, picking up litter or washing police cars while wearing high-vis jumpsuits or vests, those caught behaving antisocially will feel the full force of the law.

The upper limits of on-the-spot fines will be increased to £1,000 for fly-tipping and £500 for litter and graffiti. We will support councils to hand out more fines to offenders, with councils keeping the fines to reinvest in clean-up and enforcement.

Nobody should have to endure persistent anti-social behaviour from their neighbours. That is why we plan to halve the delay between a private landlord serving notice for antisocial behaviour and eviction. We will also broaden the harmful activities that can lead to eviction and make sure that antisocial offenders are deprioritised for social housing.

Secondly, we are making communities safer by increasing police presence in antisocial behaviour hotspots and replacing the outdated Vagrancy Act 1824. The evidence is compelling: hotspot policing, which is where uniformed police spend regular time in problem areas, reduces crime. That is why we are funding an increased police presence focused on antisocial behaviour in targeted hotspots where it is most prevalent. Initially, we will support pilots in 10 trailblazer areas, before rolling out hotspot enforcement across all forces in England and Wales in 2024.

We will also replace the 19th-century Vagrancy Act, which criminalised the destitute, with tools to direct vulnerable individuals towards appropriate support, such as accommodation, mental health or substance misuse services. We will criminalise organised begging, which is often facilitated by criminal gangs to obtain cash for illicit activity. We will prohibit begging where it causes blight or public nuisance, such as by a cashpoint or in a shop doorway, or directly approaching someone in the street.

Rough sleeping can cause distress to other members of the community, for example by obstructing the entrance of a local business or leaving behind debris and tents. We will give police and local authorities the tools they have asked for to deal with such situations, while ensuring those who are genuinely homeless are directed towards appropriate help. We will build local pride in place by giving councils stronger tools to revitalise communities, bring more empty high street shops back into use and restore local parks.

Thirdly, there is prevention and intervention. Around 80% of prolific adult offenders begin committing crimes as children. We are funding 1 million more hours of provision for young people in antisocial behaviour hotspots and expanding eligibility for the Turnaround programme, which will support 17,000 children on the cusp of the criminal justice system. Our £500 million national youth guarantee also means that, by 2025, every young person will have access to regular clubs, activities and opportunities to volunteer.

Fourthly, we will improve accountability to the public. A new digital tool will mean that members of the public have a simple and clear way to report antisocial behaviour and receive updates on their case. We are also launching a targeted consultation on community safety partnerships, with the aim of making them more accountable and more effective.

This Government are on the side of the law-abiding majority. We will take the fight to the antisocial minority. This Government have set out a clear plan and a clear set of measures to do just that: more police, less crime, safer streets and common-sense policing. I commend this statement to the House.

4.7 pm

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): This plan is too weak, too little, too late. The Home Secretary says people are sick and tired of antisocial behaviour. Too right they are—because people have seen serious problems getting worse and nothing has been done. But who does she think has been in power for the last 13 years?

It is a Tory Government who have decimated neighbourhood policing. There are 10,000 fewer neighbourhood police and police community support officers on our streets today than there were seven years ago. Half the population rarely ever see the police on the beat, and that proportion has doubled since 2010. This is a Conservative Government who weakened antisocial behaviour powers 10 years ago, brought in new powers that were so useless they were barely even used, including the community trigger and getting rid of powers of arrest, even though they were warned not to.

The Government abandoned the major drug intervention program that the last Labour Government had in place, slashed youth service budgets—the YMCA says by £1 billion—and have let charges for criminal damage halve. Community penalties have halved and there is a backlog of millions of hours of community payback schemes not completed because the Government cannot even run the existing system properly. Far from punishing perpetrators of antisocial behaviour, the Government are letting more and more of them off.

As a result, criminal damage affecting our town centres is up by 30% in the last year alone. It is a total disgrace that too many people, especially women, feel they cannot even go into their own town centres any more because this Government have failed them. They do not see the police on the beat and they do not feel safe.

So what are the Government proposing now? We support some of the measures, largely because we have long called for them. We called for hotspot policing; we called for faster community payback. We support stronger powers of arrest and a ban on nitrous oxide. But let us look at the gaps. There is nothing for antisocial behaviour victims, who are still excluded from the victims code

[Yvette Cooper]

and the draft victims law. On the failing community trigger, all the Government are going to do is rename and relaunch it. They are re-announcing plans on youth support that the Levelling Up Secretary announced more than a year ago. I notice one new thing in the document: an additional 500 young people will get one-to-one support. Well, there were 1.1 million incidents of antisocial behaviour last year, so good luck with that.

The Government are not introducing neighbour respect orders. Astonishingly, neighbourhood policing is not mentioned even once in the document. How on earth do the Government think they will tackle antisocial behaviour without bringing back neighbourhood policing teams? Their recent recruitment—to try to reverse their own cuts of 20,000 police officers—is not going into neighbourhood policing. There are 10,000 fewer neighbourhood police officers and PCSOs in our teams than there were seven years ago. Labour has set out a plan for 13,000 more neighbourhood police on the streets, paid for by savings that have been identified by the Police Foundation but which Ministers are refusing to make. Will the Home Secretary now agree to back Labour's plans to get neighbourhood police back on the beat to start taking action?

Hotspot policing is not the same as neighbourhood policing. We support hotspot policing to target key areas, but that is not the same as having neighbourhood teams who are there all the time, embedded in the community, and know what is going wrong and why. There are plenty of things that are already crimes—that are already illegal—on which the police already have the powers to act but do not. No one comes because there are not enough neighbourhood police.

Will the Home Secretary apologise to people across the country for her cuts of 10,000 neighbourhood police and PCSOs, and for taking the police off the streets, meaning that people do not see them any more? If she does not realise that having fewer police in those neighbourhood teams is causing huge damage and undermining confidence, she just does not get it. Really, after 13 years, is this the best the Conservatives can come up with?

Suella Braverman: The more I listen to the right hon. Lady, the more confused I am about what Labour's policy is. She criticises our plan while claiming that we have stolen Labour's, so I am not sure which it is. In the light of the embarrassing efforts of the shadow Policing Minister, the hon. Member for Croydon Central (Sarah Jones), to explain her own policy on television last week, I am not sure that any Labour Members really know what their antisocial behaviour policy is. Let me tell the House one big difference between the right hon. Lady's plan and ours: unlike her, we call tell the public how much ours will cost and how we will pay for it—a big question that Labour is yet to answer.

The shadow Home Secretary talks about policing cuts. Never mind that we are recruiting 20,000 extra police officers—the highest number in history. Never mind that we have increased frontline policing, which leads to more visible and effective local policing. Never mind that by the end of this month, we are on course to have more officers nationally than we had in 2010 or in any year when Labour was in government.

The shadow Home Secretary wants to talk about safer streets. Well, let us compare our records. Since 2019, this Conservative Government have removed 90,000 knives and weapons from our streets. Since 2010, violence is down 38%, neighbourhood crime is down 48%, burglary is down 56%, and overall crime, excluding fraud, is down 50%. What does Labour's record show? That where Labour leads, crime follows. *[Interruption.]* I know it hurts, but it is true. Under Labour police and crime commissioners, residents are almost twice as likely to be victims of robbery, and knife crime is over 44% higher. In London, Labour's Sadiq Khan wants to legalise cannabis. In the west midlands, a Labour PCC wants to close police stations. Labour opposed plans to expand stop and search. Labour Members voted against tougher sentences for serious criminals. They voted against the increased powers for police in our Police, Crime, Sentencing and Courts Act 2022. So we should not be surprised that, while this Conservative Government are working to get violent criminals off our streets, Labour is campaigning to release them. The Leader of the Opposition and some 70-odd Labour MPs signed letters—they love signing letters—to stop dangerous foreign criminals from being kicked out of Britain. One of those criminals went on to kill another man in the UK, and we learned this week that many others went on to commit further appalling crimes in the UK. Shameful! Outrageous! Labour Members should hang their heads in shame!

The truth about Labour is that they care more about the rights of criminals than about the rights of the law abiding majority. They are soft on crime and soft on the causes of crime. The Conservatives are the party of law and order. Our track record shows it, and the public know it.

Kit Malthouse (North West Hampshire) (Con): As the Home Secretary pointed out, crime is now at half the level it was when Labour told us that there was no money left in the coffers to continue the fight. I congratulate her on bending her elbow and putting so much effort into driving the number down even further. I particularly commend her on the publication of the plan today, which builds on the focus on antisocial behaviour that we published in the beating crime plan not so long ago.

May I urge my right hon. and learned Friend to examine carefully the routes of supply of nitrous oxide? We need to avoid a situation in which the substance moves from the legitimate market into the illegitimate market and becomes another hook for drug dealers to draw young people into their awful trade. How can she restrict supply to those who genuinely need it without it necessarily becoming an illicit substance that drug dealers use for their business?

Suella Braverman: Let me put on the record my admiration for and gratitude to my right hon. Friend for all he has achieved and led—not just when he was at the Home Office but before that, when he worked for City Hall on the frontline of policing and crime fighting. He talked about our plans to ban nitrous oxide. We are clear: there needs to be an exception for legitimate use. It is used in a vast array of circumstances that are lawful, commercial and proper, and those will not be criminalised.

Madam Deputy Speaker (Dame Rosie Winterton): I call the SNP spokesperson.

Alison Thewliss (Glasgow Central) (SNP): Most of this statement does not apply in Scotland because, thankfully, justice is devolved. The Scottish Government take a public health approach to criminality—the violence reduction unit's approach, which has been emulated by the UK Government. I gently suggest that criminalising young people in this way will not help—*[Interruption.]* If the antisocial behaviour from the Government Benches could stop, that would be helpful.

The independent Advisory Council on the Misuse of Drugs recently concluded that the evidence shows that the health and social harms of nitrous oxide were not commensurate with a ban. Why has the Home Secretary overruled her advisers? The Misuse of Drugs Act has completely failed to prevent people from taking heroin, cocaine and cannabis. Why does the Home Secretary believe that it will stop people from taking nitrous oxide?

Suella Braverman: The overall legislative framework on illicit drugs continues to strike a balance between controlling harmful substances and enabling appropriate access to those drugs for legitimate medicinal research and, in exceptional cases, for industrial purposes. But with respect, I am not going to take any lectures from someone from the SNP, which has overseen in Scotland a total collapse of confidence in policing and, more devastatingly, a record high in Europe when it comes to the number of drug-related deaths.

Kevin Foster (Torbay) (Con): There is a lot to welcome in this statement, particularly some of the ways in which increased police resources are being used; we are seeing that in Torquay town centre, with the launch of Operation Loki. I also very much welcome the reform of the wholly outdated Vagrancy Act—a useless tool against organised gangs that in theory also criminalises the most destitute. Could my right hon. and learned Friend outline how traders and residents in places such as Torquay and Paignton town centres will see the difference the plan is making and hold the local force to account?

Suella Braverman: There is a wide range of measures in this plan, and we are going to consult on many of them, but one example is where we want to potentially streamline the availability of public spaces protection orders, so that the police can access those really important orders more quickly and efficiently and take action to prohibit nuisance and antisocial behaviour in local areas.

Sir Chris Bryant (Rhondda) (Lab): My local police tell me that in the Rhondda, which is a very low-crime area in general, the single biggest issue that we face is domestic violence: we probably have higher figures in the Rhondda than for three other neighbouring constituencies added together. I hope the Home Secretary will forgive me if I am not very impressed by what she is announcing today, because I want to see the police really focusing on what might save lives.

In particular, can she look into the role that brain injury plays? In poorer communities, there is lots of evidence to suggest that nearly two thirds of those going into prison these days—both women and men—are people who have suffered significant brain injuries that have not been diagnosed or treated before they come into the criminal justice system. Sometimes that leads to them truanting, falling out of school and coming into the criminal justice system. Is it not important that we base everything we do on evidence, rather than sloganising?

Suella Braverman: I think this is highly evidence-led, because we are focusing heavily on restorative justice, prevention and diversion, whether that is through hotspot policing, the investment in youth facilities, or the diversion of people who engage in drug-using behaviour on to treatment facilities. That is about prevention, rather than cure.

Vicky Ford (Chelmsford) (Con): I put on record my thanks to the Prime Minister for taking time to speak with constituents impacted by antisocial behaviour when he came to Essex Boys and Girls Clubs in Chelmsford this morning. The hotspot policing will make a huge impact, but can I also particularly thank the Home Secretary for the youth guarantee, making sure that every young person will have access to clubs, activities or other opportunities?

Suella Braverman: I very much enjoyed meeting officers from Essex Police in Chelmsford today, in my right hon. Friend's constituency, with the Prime Minister. She has a lot to be proud of locally—the police team there are fantastic—and she is absolutely right to talk about the investment in youth services. As part of our national youth guarantee, we are investing over £500 million to provide high-quality local youth services so that by 2025, every young person will have access to regular clubs, activities and adventures away from home, and opportunities to volunteer.

Mr Alistair Carmichael (Orkney and Shetland) (LD): I wonder if the Home Secretary sees the inconsistency between saying in one breath that there is no such thing as petty crime, and then in the next one boasting that crime has fallen, but only if we exclude fraud from the figures.

May I bring the Home Secretary's attention, though, to the question relating to homelessness? Of course, it is welcome that we are going to be directing vulnerable individuals towards appropriate support, such as accommodation, mental health or substance misuse services. Can she tell the House, however, why it is that something as basic as that is not already the case, and what she thinks these vulnerable people will find when they get to the point of accessing those services?

Suella Braverman: The right hon. Gentleman talks about fraud. The data collection only changed to start counting fraud over the past 10 years, which is why we refer to the fall in crime in the way that we do. Fraud is obviously a big feature of modern-day crime, and that is why the Government, led by the Home Office and the Security Minister, are setting out a fraud strategy, which we will be announcing very soon.

Lee Anderson (Ashfield) (Con): I think it is laughable that the Labour party has come into the Chamber today talking about being the party of law and order—an absolute scandal. The Home Secretary will be aware of a deportation flight to Jamaica just a couple of years back, taking some of the most vile criminals on board back to their homeland. After Labour campaigned to stop it, two went on to commit terrible crimes: a murder,

[Lee Anderson]

and attacking two women. Does the Home Secretary think that now is a good time for Opposition Front Benchers to apologise to this House and to the country?

Madam Deputy Speaker (Dame Rosie Winterton): Order. I think it is important that Members ask about the statement and the Home Secretary's responsibilities. She is not responsible for the Opposition.

Suella Braverman: My hon. Friend raises a very good point, because his question highlights the gross failure of the Labour party. Labour Members are much more interested in letter writing campaigns to stop the Home Office deporting serious foreign national offenders. They are much more interested in the rights of criminals, rather than the rights and entitlements of the law-abiding majority. I agree that they should apologise for their devastating actions.

Mary Glindon (North Tyneside) (Lab): Any plan for dealing with antisocial behaviour must include support for victims of antisocial behaviour. While police and crime commissioners, such as Kim McGuinness in Northumbria, are working hard to tackle antisocial behaviour, they are prevented from running dedicated victim support programmes, as there is no Government funding. When will the Home Secretary provide this important funding, so that victims of antisocial behaviour can have some help?

Suella Braverman: I am pleased to say that Northumbria is going to be one of the pilot forces, both for hotspot patrolling and immediate justice. Specified funding will be rolled out across the year to those 10 police forces in each pilot to ensure that the measures and resources are there so that we can increase the response to antisocial behaviour.

Maggie Throup (Erewash) (Con): Antisocial behaviour in our towns is a major concern for many people living and working across Erewash, so I welcome the new zero-tolerance approach and the fact that Derbyshire will be a trailblazer area. Can my right hon. and learned Friend assure me not only that Erewash police and Erewash Borough Council will receive their share of the new funding, but that persistent offenders will be swiftly prosecuted using the full force of the law?

Suella Braverman: My hon. Friend is absolutely right that Derbyshire is also a pilot force for hotspot patrolling and immediate justice. When it comes to hotspot policing, which we know works in many parts of the country, that will mean that the police will be expected to identify places and times where antisocial behaviour is prevalent, and they will be able to use this extra funding to lay on additional policing, greater visibility and a more robust response.

Jeff Smith (Manchester, Withington) (Lab): All the experts, including those on the Advisory Council on the Misuse of Drugs, say that banning nitrous oxide will cause more harm than good. The Home Secretary has just said that her policy is evidence led. Can she point to the evidence that suggests her policy on nitrous oxide is right?

Suella Braverman: I am grateful to the ACMD for its detailed report and its advice. Its input is an essential part of our decision-making. We have complete faith in the quality and rigour of its work. However, the Government are entitled and expected to take a broader view, and we are entitled to take into account other relevant factors, particularly the emerging evidence that nitrous oxide causes serious harm to health and wellbeing.

Mark Garnier (Wyre Forest) (Con): May I congratulate my right hon. and learned Friend on her incredibly sensible decision to ban the recreational use of nitrous oxide? As we heard a little earlier, one reason its use has been so prolific is that it is so extraordinarily easy to purchase, from small canisters up to pallet loads. Can I urge her to do everything she can to continue to stifle the supply and to clamp down as hard as she possibly can on those who continue to sell this dangerous product for recreational purposes?

Suella Braverman: I thank my hon. Friend for the great campaign he has led, which is reflected in the decision we have made today to ban nitrous oxide. He has spoken passionately about the devastating impact it is having not just on individuals, but on communities. He is right that we now need to take this robust approach. We need not only to curb the supply but, importantly, to criminalise possession, so that there is a deterrent and a meaningful consequence for people who break the law by using nitrous oxide.

Jonathan Edwards (Carmarthen East and Dinefwr) (Ind): The website article supporting this statement mentions that up to £5 million will be made available for CCTV and equipment restoration in vandalised parks. Is that £5 million the total budget, because the restoration of Ammanford children's park in my constituency, which was recently vandalised, and the installation of CCTV will cost £140,000 alone? Will county councils and town and community councils in Wales be able to access this scheme, and if so, how?

Suella Braverman: We want to ensure that sufficient resource is available to local authorities and police forces so that they can take meaningful steps to sanction those involved in antisocial behaviour—whether through the community payback scheme, in which we see the perpetrators undertaking the clean-up job afterwards, or through the higher fines that we have announced—and we want to enable local authorities to retain much of the revenue so that they can reinvest it in their resources.

Tom Hunt (Ipswich) (Con): What I have heard consistently throughout the time I have been a Member of Parliament is that long-term residents who love their town no longer feel comfortable going into the town centre. Often they see groups of young men behaving in a way that diminishes the quality of that experience for the law-abiding majority. Does the Home Secretary agree that we need a permanently higher police presence in the town centre, but also that the police need to be much more confident about engaging earlier with these groups of men blighting our town centre?

Suella Braverman: My hon. Friend is absolutely right. We are seeing far too many instances of bad behaviour, dangerous behaviour and unacceptable behaviour going

unchecked—whether that is violent or disruptive behaviour or a plain nuisance. We need to ensure that visible policing becomes a fact of life, so that people are deterred from engaging in this behaviour in the first place, but also that we have a system of immediate justice so there is a swift sanction and people feel the full force of the law.

Rachael Maskell (York Central) (Lab/Co-op): Only after my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) published her comprehensive strategy on antisocial behaviour has the Home Secretary been shamed into cobbling together today's statement, but that statement does not mention the word "alcohol". Alcohol is at the source of much domestic violence, community violence and city centre antisocial behaviour, so how is she going to get on top of the growth in alcohol-based violence?

Suella Braverman: I gently remind the hon. Member that her party has royally failed to properly cost its so-called plan on antisocial behaviour, as evidenced by the shadow Policing Minister's failure to explain how it would be paid for. Once it gets the basics right, we can have a proper conversation about what Labour's proposal is. On taking the action that we are proposing, we are delivering £12 million of additional funding this year to police and crime commissioners to support an increased police presence alongside other uniformed authority figures such as wardens in problem areas for antisocial behaviour. Raising the visibility and increasing the resourcing of policing will be an effective way to deter and take the right action.

Tracey Crouch (Chatham and Aylesford) (Con): Over the past year, residents across Chatham and Aylesford have suffered repetitive instances of antisocial behaviour involving noise nuisance from cars and bikes and unauthorised access to private lakes by large groups of children. The local councils have had to go through lengthy processes to establish public spaces protection orders to tackle these issues, which have left residents at their wits' end while the bureaucracy slowly cranks away. Can the Home Secretary confirm that the announcement today will make it a lot simpler for the authorities to clamp down on this type of antisocial behaviour, so that it can be dealt with there and then, rather than waiting for months for consultations and paperwork to be completed?

Suella Braverman: I thank my hon. Friend for all the work that she and her local team and councillors have led in challenging and stopping antisocial behaviour locally. She is absolutely right; what we have identified is that it has become onerous, inefficient and too time-consuming to secure these really effective orders, and this is exactly what the consultation will do. It will aim to streamline and speed up the acquisition of a PSPO, which can really make the difference between an area blighted by antisocial behaviour and an area that is free, safe and pleasant to frequent.

Simon Lightwood (Wakefield) (Lab/Co-op): The Government's action plan shows that the amount of antisocial behaviour being reported to the police is down, yet people's experience of it has soared. People are not reporting antisocial behaviour because they have lost faith that reporting crimes will lead to any action, let alone an arrest. Arrests have halved since the Conservatives took office in 2010, and there are 100,000 fewer neighbourhood police officers and PCSOs than there were seven years ago. Does the Home Secretary agree that the best way to make our communities safer is to follow Labour's plans to put an additional 13,000 police officers and PCSOs back on our streets, because after 13 years of this Conservative Government, the action plan is all talk and too little, too late?

Suella Braverman: I admire the hon. Gentleman's cheek. Frankly, he has failed to support any measure that we have put forward to increase police powers or sentences on offenders, to roll out greater funding for our police forces, or to empower them to take better action for our residents. When he had the chance he voted against every measure we put forward. He really needs to up his game.

Simon Hoare (North Dorset) (Con): Antisocial behaviour affects all our constituencies and constituents, but the Home Secretary will know that when it comes to funding allocations, urban areas often attract the largest proportion of funds. In rural areas, antisocial behaviour will often be more thinly spread and might be of a different type, but it will still cause huge nuisance to local residents and communities. Working with her right hon. Friend the Secretary of State for Levelling Up, Housing and Communities, will she assure me that proper rurification of the rubric of funding is undertaken, to ensure that the concerns of my North Dorset constituents are taken into account as much as those of constituents in large urban conurbations?

Suella Braverman: My hon. Friend is right to highlight that disparity between forces, which can lead to adverse impacts for those forces that have a particular rurality. I am glad that Dorset is one of our pilot force areas for the immediate justice scheme that we are putting forward, as that will mean more resources for Dorset police and on the frontline. We have an increased number of police officers throughout England and Wales, which will increase the resource and the response to antisocial behaviour.

Christian Wakeford (Bury South) (Lab): I thank the Home Secretary for her statement. Colleagues across the House will recognise the importance of tackling antisocial behaviour with stronger and increased community policing. I would like to raise the issue of support for junior and trainee police officers. Anu Abraham was a 21-year-old student police officer on a placement in West Yorkshire who took his own life following bullying allegations and a lack of support. I met Anu's family on Friday, and they wanted to make it clear that they feel the harm and lack of support that Anu experienced at the hands of the police killed him. The family now want Anu's death and the miscommunication that followed to be reviewed by the Independent Office for Police Conduct. Will the Home Secretary or the Policing Minister meet me and Anu's family, to hear their concerns and discuss what can be done to prevent any further tragedies?

Suella Braverman: May I place on the record my deepest condolences and sympathies to the family of Anu Abraham? I cannot imagine what they must be going through right now, and I thank the hon. Gentleman

[Suella Braverman]

for his advocacy for them at this difficult time. Every man or woman who puts themselves forward to serve in our police force deserves support and credit for their bravery and the high standards they uphold. I am happy to arrange some kind of appropriate meeting between an official or Home Office Minister and the hon. Gentleman, should that be the right thing to do.

Brendan Clarke-Smith (Bassetlaw) (Con): I commend the Home Secretary's plan, particularly the part where the people committing these acts will have to clean up their mess within 48 hours. My constituents in Bassetlaw will be particularly pleased with that as it is a better record than my Labour council has for cleaning up graffiti, which can take at least five working days. Nitrous oxide is of course no laughing matter. Does the Home Secretary agree that the problem is not just that it is a gateway to other drugs, but that it also causes a significant amount of antisocial behaviour?

Suella Braverman: My hon. Friend is absolutely right. The use, supply and possession of nitrous oxide needs to be taken much more seriously. Young people, particularly 16 to 24-year-olds, have been able to acquire this harmful product far too easily. The decision I have made to ban it will ensure that many more young people are protected from its devastating effects.

Jim Shannon (Strangford) (DUP): I very much welcome the Home Secretary's statement, which has been encouraging—I think everyone in the House welcomes it. Underage drinking and drug use is prevalent in Northern Ireland and does not seem to be getting any better. Will she ensure that discussions take place with the Department of Justice in Northern Ireland so that parallel policies can be introduced alongside the antisocial behaviour action plan announced today, so that Northern Ireland can match it?

Suella Braverman: As Home Secretary, my responsibility covers police forces in England and Wales only, but I have met senior police officers in Northern Ireland. They do a great job and, within the realms of what is appropriate, I am always happy to liaise with them and support them in whatever way I can.

Sir Desmond Swayne (New Forest West) (Con): Will the plan end the opportunity to complete community service orders by working from home?

Suella Braverman: I do not envisage working from home to be used as a way of remedying the damage caused by antisocial behaviour. What I foresee, building on the very effective community payback scheme that we rolled out throughout the country, is people involved in graffiti, vandalism and criminal damage having to roll up their sleeves and make amends in real and direct ways to the community they have harmed. The consequence linked to their actions will send a powerful message and teach them a powerful lesson.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Criminalisation does not tackle problem drug use; it simply blights the lives of young people with criminal records. Why not look in depth at the reasons why people turn to drugs: the decades of cuts to youth services; the deep poverty in which many of our communities lapse; and the associated mental health crisis? Is it not time, therefore, that the Home Secretary recognises that problem drug use is primarily a health issue? And if it is a health issue, will she review the devolution of responsibility for drugs policy to Wales?

Suella Braverman: Dealing with drugs requires a robust policing and law enforcement response. We are taking a tough line against illicit drug use, and a rehabilitative element. That is why I am proud that this Government have created 55,000 new drug treatment places and are investing £580 million in drug treatment. There is a real programme of work based on rehabilitation and getting people off the devastating cycle of drug dependency.

Saqib Bhatti (Meriden) (Con): The Home Secretary will be aware that I wrote to her about the availability of nitrous oxide and I have spoken in the House about enforcement on fly-tipping, so I commend her for the tough action she has taken today. I want to turn to what she said about the Labour police and crime commissioner closing down police stations in the west midlands. My constituents are very concerned that he has no plan to keep a police station open in the borough of Solihull or a front desk at Chelmsley Wood police station. Does she agree that the Labour police and crime commissioner is short-changing my constituents in Meriden and the people of the west midlands?

Suella Braverman: I am afraid that where Labour leads, crime follows, and the west midlands is no exception. The Labour police and crime commissioner is more interested in closing police stations—he cannot even command the support of his own Labour members—than standing up for the law-abiding majority in the west midlands.

Nickie Aiken (Cities of London and Westminster) (Con): I welcome the Government's antisocial behaviour action plan. I know that the vast majority of my constituents will join me in welcoming the policies aimed at tackling organised begging gangs and nuisance beggars. Will my right hon. and learned Friend assure me and my constituents that this is not about bringing back the Vagrancy Act by the backdoor, but that there is a plan to ensure that those in need who are begging on the street will be provided with the services they need, because the vast majority are suffering from mental health and addiction problems? We must remember that not all rough sleepers are beggars and not all beggars are rough sleepers.

Suella Braverman: My hon. Friend is absolutely right. She has put in considerable effort to tackle this issue on the frontline, both in her role as a Member of Parliament and as a former leader of Westminster City Council. It requires a nuanced and thoughtful approach. We are repealing the Vagrancy Act, but we are also making it clear that we will prohibit organised and nuisance begging. We will introduce new tools to direct individuals to vital resources so that they can find accommodation and support. There should not be a reason for them to live in squalor and such hardship in this day and age.

Matt Warman (Boston and Skegness) (Con): I welcome the Home Secretary's focus on antisocial behaviour today, which has long been a focus of Lincolnshire police. As she knows, Lincolnshire police find themselves

in an anomalous funding position, as the lowest funded police force in the country. It is remarkable that Lincolnshire remains a low crime county, but the police need greater support. Will she reassure me that we will get to a funding position where Lincolnshire gets the uplift that we have seen in other parts of the country? That will allow the police to deliver on her antisocial policy.

Suella Braverman: My hon. Friend is absolutely right to raise the financing of police forces. I am aware of the challenges that Lincolnshire police are facing in that regard. The Policing Minister, my right hon. Friend the Member for Croydon South, and I are looking at the measures and proposals on the funding formula. There will be an announcement very soon.

Miriam Cates (Penistone and Stocksbridge) (Con): I warmly welcome the antisocial behaviour action plan and am delighted that South Yorkshire has been chosen as one of the pilot trailblazer areas for hotspot policing. In my constituency, we are fortunate that serious crime rates are low, but antisocial behaviour still blights the lives of many constituents in Stocksbridge, Deepcar, High Green, Penistone and Dodworth.

There is a clear link between antisocial behaviour and school absence. Sheffield and Barnsley have some of the highest rates of severe school absence of any local authority, with more than 2,500 children mostly missing from school across the two local authorities. Will my right hon. and learned Friend speak to and urge her colleagues in the Department for Education to set out a plan to reverse the rising tide of school absence and all the negative impacts it has not only on children but on communities?

Suella Braverman: My hon. Friend speaks with a huge amount of experience from her days as a teacher. She knows more than many how, with vital resources in schooling, effective teaching and proper support in schools and from parents, we can divert children from a life of crime, antisocial behaviour and devastation to themselves and their communities. There is a strong theme in this plan of diversion, investment in youth activities, but also in the Turnaround scheme. We are expanding the eligibility criteria and are working with professionals to ensure that children will be taken away from a life of crime.

James Wild (North West Norfolk) (Con): When I have assisted constituents whose lives have been made a living hell by neighbours using drugs or blasting out music at all hours, it has taken far too long to solve the problem, so I welcome the proposals that my right hon. and learned Friend has set out to make it easier to evict such people. When will those changes take effect, so that the courts can consider any behaviour that creates a nuisance? Will local authorities be empowered—and required—to act where landlords are unwilling or absent?

Suella Braverman: My hon. Friend is right to mention eviction powers. We want to ensure that it is easier for landlords to take action against antisocial tenants, whether in the social or private rented sector. Our measures in the plan will empower them to take swifter action.

James Daly (Bury North) (Con): Under the disastrous reign of police and crime commissioner Andy Burnham, Greater Manchester police were put into special measures. With the assistance of my right hon. Friend the Member for North West Hampshire (Kit Malthouse), Stephen Watson was appointed chief constable under the revolutionary concept of charging criminals with offences. We saw a 42% increase in the charge rate for the 12 months up to September 2022. Does my right hon. and learned Friend agree that not only is this plan exactly the correct course to take, but chief constables and other senior police officers must start arresting people, as this Government want?

Suella Braverman: I could not put it better, but I will reiterate my hon. Friend's sentiment because Stephen Watson, whom I met when I visited Greater Manchester police recently, is a real success story. His approach is one of common-sense policing, getting the basics right and high standards. Getting his men and women to fight crime and focus on the priorities people have is a winning formula. Stephen is a great leader in policing and we need more leaders in policing just like him.

Richard Drax (South Dorset) (Con): When we travel into our great cities and towns, we see mile after mile of graffiti. The message is clear: abandon hope all ye who enter here. Can my right hon. and learned Friend tell the House that the perpetrators—the so-called graffiti artists—will be tracked down and made to clean up the mess they make, and be seen to do so publicly?

Suella Braverman: Simply put, yes. That is the aim of the community payback scheme, which has been very successful, as well as the measures included in this plan, whereby those who are inflicting ugliness, chaos and nuisance on communities need to make amends themselves, directly to the communities that they have harmed.

Sara Britcliffe (Hyndburn) (Con): I thank the Home Secretary for personally listening to the concerns and ideas that we have had across Lancashire, and for supporting me and our fantastic police and crime commissioner, Andrew Snowden, as we try to tackle these issues. Can she outline how quickly Lancashire will receive the major £2 million funding boost for hotspot patrols and how she thinks that will make a difference in Hyndburn and Haslingden?

Suella Braverman: Let me put on record my thanks to my hon. Friend, but also to Andrew Snowden, the excellent PCC in Lancashire, who has led some great initiatives, notably on antisocial behaviour. The police have had a lot of success in clamping down on boy racers and other nuisance behaviour in some town centres in the area. Lancashire police will receive funding as one of the pilots for hotspot policing. That money will be diverted to increasing resources on the frontline to improve visible and responsive policing.

Greg Smith (Buckingham) (Con): I warmly welcome the Home Secretary's statement, which comes at a particularly timely point for my constituents, as the first email I opened in my inbox this morning reported vandalism to a brand-new £20,000 fence around a community sports facility in Winslow. Also over the weekend, the Crew Café in Princes Risborough saw a break-in. That café sits at the epicentre of a hotspot of antisocial behaviour over the last year, seeing intimidation, broken glass and other vandalism. Can she assure me

[Greg Smith]

that the powers she has announced today give the superb officers of Thames Valley everything they need to combat these incidents and that, as broken windows theory teaches us, this will shut down higher-level crimes too?

Suella Braverman: I thank my hon. Friend for welcoming me to his constituency over the weekend to meet Thames Valley police and his excellent police and crime commissioner, Matthew Barber. They are leading brilliant work when it comes to rural crime. He is absolutely right. I believe in the broken windows theory of crime prevention. It is essential to take a zero-tolerance approach to so-called lower-level crime. As I said, there is no such thing as petty crime. It leads to more serious crime and more criminal behaviour. The antisocial behaviour plan is vital to stamp it out at the earliest possible opportunity.

Anna Firth (Southend West) (Con): The Home Secretary already knows that antisocial behaviour and nitrous oxide abuse, in particular, wreaked havoc along our beautiful seafront in Southend and Leigh-on-Sea last summer, so I warmly welcome these steps to ban nitrous oxide and use hotspot policing. I thank her for meeting me and listening to my concerns, and those of colleagues across the House. Southend police welcome the moves and have two questions: will the legislation be in place to avoid our seafront being blighted this summer, and will our wonderful ice cream sellers and ice cream parlours be excluded from the ban, as I am sure they will be?

Suella Braverman: I thank my hon. Friend for her indefatigable campaigning to ban nitrous oxide and take a tough approach in response to that devastating drug. She is absolutely right that there will be exceptions to the prohibition for legitimate, lawful and proper uses; we do not want to stop the industrial use, the commercial use or the medicinal use of any substances. Ultimately, my hope is that the sight of these canisters on the ground, blighting our communities and making our places ugly, will become a thing of the past.

Jack Brereton (Stoke-on-Trent South) (Con): Stoke-on-Trent has seen significant issues with antisocial behaviour and drugs crime, particularly with the horrific drug monkey dust, so I very much welcome the announcement that the Staffordshire police area will be one of the pilot hotspot areas. Will my right hon. and learned Friend outline what that means for frontline policing and for ensuring that more resources go to fighting crime on the streets of Stoke-on-Trent?

Suella Braverman: My hon. Friend is absolutely right that his police force's area will be a pilot area for hotspot policing. The pilots will start very soon—before the summer, we hope—and we have chosen the areas with the greatest need. When it comes to tackling antisocial behaviour, we see them as a priority, and we want to ensure that there is a proper response on the frontline as quickly as possible.

Matt Vickers (Stockton South) (Con): On Friday, I held a crime surgery in Thornaby and heard horrific stories of the misery caused by youth crime and antisocial behaviour, so today I am delighted to see Cleveland benefiting both from additional hotspot policing and from immediate justice. Can my right hon. and learned Friend outline what residents across Stockton South can expect to see and, importantly, how quickly they can expect to see it?

Suella Braverman: My hon. Friend is a doughty champion for his residents and for public safety up in Cleveland. I am very glad that Cleveland is a pilot both for immediate justice and for hotspot policing. What people will be seeing up there is more funding—more funding for more resource. That resource will, hopefully, be more police officers, who will be able to respond in a rapid way to areas of acute challenge when it comes to antisocial behaviour, so we can bring an end to what my hon. Friend calls the misery of blighting our communities, nuisance behaviour and, fundamentally, damage to the fabric of our way of life.

Point of Order

4.57 pm

Stephen Kinnock (Aberavon) (Lab): On a point of order, Madam Deputy Speaker. On 13 December, in response to a question from my hon. Friend the Member for Wirral South (Alison McGovern) regarding the size of the current asylum backlog, the Prime Minister stood at the Government Dispatch Box and claimed, wrongly, that

"the backlog…is half the size that it was when Labour was in office".—[*Official Report*, 13 December 2022; Vol. 724, c. 903.]

Six days later, the Minister for Immigration went even further, claiming at the same Dispatch Box that

"the backlog of cases was 450,000 when the last Labour Government handed over to us."—[*Official Report*, 19 December 2022; Vol. 725, c. 8.]

Other Government Members have repeated those claims. I suspected that those claims were highly questionable, so on 19 December I wrote to the UK Statistics Authority, requesting clarification.

I am pleased to inform the House that the chief executive of the UK Statistics Authority responded to my request on Thursday. His letter to me is crystal clear. The asylum backlog when Labour left office in 2010 was not in the hundreds of thousands; it was 18,954. Under the Conservatives, it is now 166,261—more than eight times larger than it was in 2010. The UK Statistics Authority is using the Home Office's own statistics, so it is somewhat odd that the Ministers did not know that they had been playing fast and loose with the facts.

I would be grateful for your advice, Madam Deputy Speaker, on how you feel Ministers should go about apologising to our constituents and correcting the record at the earliest possible opportunity, in compliance with their obligations under paragraph 1.3(c) of the ministerial code.

Madam Deputy Speaker (Dame Rosie Winterton): I thank the hon. Gentleman for giving me notice of his intention to raise his point of order. He is aware that the contents of Ministers' contributions in the House are not a matter for the Chair, but he is right to say that the ministerial code requires Ministers to correct any inadvertent errors in answers to parliamentary questions at the earliest opportunity. As it happens, Ministers from the Home Office are present and will have heard—*[Interruption.]* Excuse me. The Ministers will have heard what he had to say, and I am sure that if they feel there is anything that needs to be corrected, they will do that at the earliest opportunity. I am sure that if the hon. Gentleman wishes to raise any further issues, the Table Office will advise him on how he can pursue them. I think we will leave it at that.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): Further to that point of order, Madam Deputy Speaker. Given that two of the relevant Ministers were sitting in the Chamber at the time, may I ask whether you have ever heard of a situation in which it is abundantly clear from evidence from the UK Statistics Authority that Ministers have given incorrect information to Parliament and they have chosen not to correct it straight away?

Madam Deputy Speaker: There is no obligation on Ministers who are in the Chamber to respond. *[Interruption.]* Could we have a bit of quiet, please? Ministers may wish to look at what has been said and come back, but, as I have said, it is up to them. It is clear what is in the ministerial code, and I am sure that the points have been heard. I suggest that we now move on.

BILL PRESENTED

Inquests (Legal Representation) Bill

Presentation and First Reading (Standing Order No. 57)

Paul Maynard presented a Bill to prohibit public bodies from spending more on legal representation at an inquest than the amount spent by families of the deceased; to require the Secretary of State to report to Parliament on the availability and accessibility of legal representation for families at inquests; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 24 November, and to be printed (Bill 281).

Illegal Migration Bill

[Relevant Documents: Oral evidence taken before the Joint Committee on Human Rights on 15 March, on the Human Rights of Asylum Seekers in the UK, HC 821; oral evidence taken before the Joint Committee on Human Rights on 22 March, on Legislative Scrutiny: Illegal Migration Bill.]

[1st Allocated Day]

Considered in Committee

[Dame Rosie Winterton *in the Chair*]

Clause 37

Suspensive claims: interpretation

5.3 pm

Sir William Cash (Stone) (Con): I beg to move amendment 133, page 40, line 7, at end insert—

"(2A) A suspensive claim, or an appeal in relation to a suspensive claim (only as permitted by or by virtue of this Act), shall be the only means through which a removal notice may be challenged.

(2B) Accordingly, other than claims identified in (2A), there shall be no interim relief, or court order, or suspensive legal challenges of any kind, available which would have the effect of preventing removal."

This amendment intends to ensure that the only way to prevent a person's removal is through a successful suspensive claim.

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): With this it will be convenient to discuss the following:

Amendment 76, page 40, line 8, leave out from "means" to the end of line 12 and insert—

"(a) a protection claim,

(b) a human rights claim, or

(c) a claim to be a victim of slavery or a victim of human trafficking."

Amendment 77, page 40, line 22, after "a country or territory" insert

"where there are, in law and in practice—

"(i) appropriate reception arrangements for asylum seekers;

(ii) sufficiency of protection against serious harm and violations of fundamental rights;

(iii) protection against refoulement;

(iv) access to fair and efficient State asylum procedures, or to a previously afforded refugee status or other protective status that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention.

(v) the legal right to remain during the State asylum procedure; and

(vi) if found to be in need of international protection, a grant of refugee status that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention and".

This amendment changes the definition of a "third country".

Clause stand part.

Clause 38 stand part.

Amendment 78, in clause 39, page 41, line 19, leave out "not".

Amendment 79, in clause 39, page 41, line 22, leave out "no" and insert "a".

Amendment 134, in clause 39, page 41, line 28, leave out subsections (3) to (5) and insert—

"(3) The Secretary of State must declare as inadmissible any human rights claim, protection claim, application for judicial review, or other legal claim which is not a suspensive claim or an appeal in relation to a suspensive claim, and which, if successful, would have the effect of preventing the removal of a person from the United Kingdom under this Act."

This amendment intends to ensure that the only way to prevent a person's removal is through a successful suspensive claim, as defined in clause 37.

Amendment 80, in clause 39, page 41, line 37, leave out "no" and insert "a".

Clause 39 stand part.

Amendment 81, in clause 40, page 42, line 10, leave out from "and" to the end of line 16 and insert

"decide whether to accept or reject the claim."

Amendment 82, in clause 40, page 42, line 17, leave out subsection (3).

Amendment 83, in clause 40, page 42, line 30, leave out "compelling evidence" and insert

"evidence that there is a real risk".

Amendment 84, in clause 40, page 42, line 34, leave out from the start of paragraph (b) to the end of subsection (5).

Amendment 85, in clause 40, page 43, line 1, leave out "8" and insert "21".

Amendment 86, in clause 40, page 43, line 3, leave out "4" and insert "7".

Clause 40 stand part.

Amendment 87, in clause 41, page 43, line 20, leave out subsection (3).

Amendment 88, in clause 41, page 43, line 28, leave out "compelling evidence" and insert

"evidence on the balance of probabilities".

Amendment 89, in clause 41, page 43, line 31, leave out from the start of paragraph (b) to the end of subsection (5).

Amendment 90, in clause 41, page 43, line 40, leave out "8" and insert "21".

Amendment 91, in clause 41, page 43, line 42, leave out "4" and insert "7".

Clause 41 stand part.

Amendment 92, in clause 42, page 44, line 18, leave out paragraph (a) and insert—

"(a) in the case of a serious harm suspensive claim—

(i) the grounds in section 84(1) or (2) of the Nationality, Immigration and Asylum Act 2002, or

(ii) the grounds that the person is a victim of slavery or a victim of human trafficking;".

Amendment 93, in clause 42, page 44, line 25, leave out

"contain compelling evidence of such ground"

and insert

"set out the grounds for appeal".

Amendment 94, in clause 42, page 44, line 27, leave out "must" and insert "may".

Amendment 95, in clause 42, page 44, line 30, leave out "must" and insert "may".

Amendment 96, in clause 42, page 44, line 34, leave out paragraphs (a) and (b) and insert

"whether to allow or refuse the appeal".

Amendment 97, in clause 42, page 44, line 41, leave out subsection (7).

Clause 42 stand part.

Amendment 98, in clause 43, page 45, line 14, leave out from "considers" to the end of subsection (3) and insert

"there are reasonable grounds to believe that the claim is not bound to fail."

Amendment 99, in clause 43, page 45, line 20, leave out

"there is compelling evidence that".

Amendment 100, in clause 43, page 45, line 30, leave out subsection (7).

Clause 43 stand part.

Amendment 101, in clause 44, page 46, line 4, leave out "compelling" and insert "good".

Amendment 102, in clause 44, page 46, line 5, insert at end

"or if the risk of serious and irreversible harm faced by the person is such that the claim ought to be considered despite it having been made after the end of the claim period".

Amendment 103, in clause 44, page 46, line 6, leave out "compelling" and insert "good".

Amendment 104, in clause 44, page 46, line 10, leave out "compelling" and insert "good".

Amendment 105, in clause 44, page 46, line 12, leave out "compelling" and insert "good".

Amendment 106, in clause 44, page 46, line 15, leave out paragraph (a) and insert—

"(a) set out the good reasons for the person not making the claim within the claim period, and".

Amendment 107, in clause 44, page 46, line 18, at end insert

"unless the Upper Tribunal considers that an oral hearing is necessary to secure that justice is done in the particular case".

Amendment 108, in clause 44, page 46, line 22, leave out subsection (7).

Amendment 109, in clause 44, page 46, line 30, leave out "4" and insert "7".

Clause 44 stand part.

Government amendment 67.

Amendment 41, in clause 45, page 47, line 21, at end insert—

"(2A) In cases where subsection (2) applies to a person who has made a protection claim or a human rights claim, that claim may no longer be considered inadmissible."

This amendment stipulates that where a person has successfully made a suspensive claim against their removal from the UK, any asylum or human rights claim made by that person can no longer be classed as inadmissible.

Government amendment 69 and 68.

Clause 45 stand part.

Amendment 110, in clause 46, page 48, line 1, leave out subsections (3) to (10).

Clause 46 stand part.

Amendment 111, in clause 47, page 48, line 34, leave out "7" and insert "10".

Amendment 112, in clause 47, page 48, line 41, leave out "23" and insert "28".

Amendment 113, in clause 47, page 49, line 7, leave out "7" and insert "10".

Amendment 114, in clause 47, page 49, line 11, leave out "7" and insert "14".

Amendment 115, in clause 47, page 49, line 18, leave out "7" and insert "10".

Amendment 116, in clause 47, page 49, line 22, leave out "7" and insert "14".

Clause 47 stand part.

Amendment 117, in clause 48, page 49, line 32, leave out "or refuse".

Amendment 118, in clause 48, page 49, line 35, leave out "or refuse".

Clause 48 stand part.

Amendment 119, in clause 49, page 50, line 17, leave out from "provision" to the end of subsection (1) and insert

"to ensure compliance with interim measures indicated by the European Court of Human Rights as they relate to the removal of persons from the United Kingdom under this Act."

Amendment 122, in clause 49, page 50, line 30, at end insert—

"(2A) Regulations under subsection (1) may not make provision so as to deny or undermine the binding effect of such measures on the United Kingdom under Article 34 of the European Convention on Human Rights."

This amendment would recognise that the UK is bound to comply with interim measures issued by the European Court of Human Rights, and would ensure that any regulations made under clause 49 do not undermine this. This amendment is consistent with recommendations made by the Joint Committee on Human Rights in its report on the Bill of Rights Bill.

Clause 49 stand part.

Amendment 120, in clause 50, page 51, leave out line 21.

Clause 50 stand part.

Amendment 179, in clause 51, page 53, line 3, leave out from "must" to the end of subsection (1) and insert

"within six months of this Act coming into force, secure a resolution from both Houses of Parliament on a target for the number of people entering the United Kingdom each year over the next three years using safe and legal routes, and further resolutions for future years no later than 18 months before the relevant years begin."

This amendment seeks to enhance Parliament's role in determining the target number of entrants using safe and legal routes.

Amendment 177, in clause 51, page 53, line 3, leave out "maximum" and insert "target".

The purpose of this amendment is to set a target, rather than a maximum, number of entrants through safe and legal routes.

Amendment 180, in clause 51, page 53, line 6, leave out "making the regulations" and insert

"securing the resolution mentioned in subsection (1)".

This amendment is consequential on Amendment 179.

Amendment 173, in clause 51, page 53, line 7, after "authorities", insert—

"(aa) the United Nations High Commission for Refugees,

(ab) the Scottish Ministers,

(ac) the home affairs select committee of the House of Commons,".

The purpose of this amendment is to broaden the scope of consultees on setting the target for the number of entrants using safe and legal routes.

Amendment 176, in clause 51, page 53, line 12, leave out "exceeds" and insert

"is greater or less than 10% of".

The purpose of this amendment is to require the Secretary of State to explain the reasons why, if the target for entrants through safe and legal routes is not met.

Amendment 178, in clause 51, page 53, line 17, after "exceeds" insert "or falls short of".

This amendment is consequential on Amendment 176.

Amendment 137, in clause 51, page 53, line 29, at end insert—

""Persons" means a person over the age of 18 on the day of entry into the United Kingdom;".

This amendment would exclude children from the annual cap on number of entrants.

Amendment 72, in clause 51, page 53, line 31, at end insert

"under section [Safe and legal routes: regulations]".

Amendment 149, in clause 51, page 53, line 31, at end insert—

"(7) Regulations under subsections (1) and (6) must come into force no later than three months from the date on which this Act comes into force."

This amendment seeks to require that regulations to establish the cap on the number of people permitted to enter the UK via safe and legal routes must be in effect by three months from this Bill's entry into force.

Clause 51 stand part.

Government new clause 11—*Judges of First-tier Tribunal and Upper Tribunal.*

Government new clause 12—*Special Immigration Appeals Commission.*

New clause 3—*Refugee resettlement target—*

"(1) The Secretary of State must make an order by statutory instrument setting an annual target for the resettlement of refugees to the United Kingdom.

(2) An order under subsection (1) must set an annual target of no fewer than 10,000 people."

This new clause would require the Secretary of State to set a resettlement target, by order, each year of at least 10,000 people.

New clause 4—*Humanitarian travel permit—*

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

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

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

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

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

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

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

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

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

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

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

(5) The requirements are—

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

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

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

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

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

(9) In this section—

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

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

"persecution" is to be construed in accordance with its meaning in the Refugee Convention;

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

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

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

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

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

New clause 6—*Safe Passage Pilot Scheme—*

"(1) The Secretary of State must by regulations made by statutory instrument establish a humanitarian travel permit scheme.

(2) The scheme under this section must come into operation within 3 months of the date on which this Act is passed and must remain in operation for at least 12 months.

(3) The scheme under this section must permit persons from designated countries or territories (see subsections (3) and (4) below) to enter the United Kingdom for the purpose of making a claim for asylum immediately on their arrival in the United Kingdom.

(4) The regulations under subsection (1) must designate countries or territories from which nationals or citizens may be considered for humanitarian permits under this section.

(5) Countries or territories designated under subsection (4) may include only countries or territories from which the proportion of decided asylum claims which have been upheld in the United Kingdom in the 5 years before the date on which this Act is passed is at least 80 per cent.

(6) Regulations made under subsection (1) are subject to annulment by resolution of either House of Parliament.

(7) The Secretary of State must lay before Parliament an evaluation of the humanitarian travel permit scheme under this section not later than 15 months from the date on which this Act is passed."

New clause 7—*Refugee family reunion*—

"(1) The Secretary of State must, within 6 months of the date on which this Act is passed, lay before Parliament a statement of changes in the rules (the "immigration rules") under section 3(2) of the Immigration Act 1971 (general provisions for regulation and control) to make provision for refugee family reunion, in accordance with this section, to come into effect after 21 days.

(2) Before a statement of changes is laid under subsection (1), the Secretary of State must consult with persons as the Secretary of State deems appropriate.

(3) The statement laid under subsection (1) must set out rules providing for leave to enter and remain in the United Kingdom for family members of a person granted refugee status or humanitarian protection.

(4) In this section, "refugee status" and "humanitarian protection" have the same meaning as in the immigration rules.

(5) In this section, "family members" include—

(a) a person's parent, including adoptive parent;

(b) a person's spouse, civil partner or unmarried partner;

(c) a person's child, including adopted child, who is either—

(i) under the age of 18, or

(ii) under the age of 25 but was either under the age of 18 or unmarried at the time the person granted asylum left their country of residence to seek asylum;

(d) a person's sibling, including adoptive sibling, who is either—

(i) under the age of 18, or

(ii) under the age of 25, but was either under the age of 18 or unmarried at the time the person granted asylum left their country of residence to seek asylum; and

(e) such other persons as the Secretary of State may determine, having regard to—

(i) the importance of maintaining family unity,

(ii) the best interests of a child,

(iii) the physical, emotional, psychological or financial dependency between a person granted refugee status or humanitarian protection and another person,

(iv) any risk to the physical, emotional or psychological wellbeing of a person who was granted refugee status or humanitarian protection, including from the circumstances in which the person is living in the United Kingdom, or

(v) such other matters as the Secretary of State considers appropriate.

(6) For the purpose of subsection (5)—

(a) "adopted" and "adoptive" refer to a relationship resulting from adoption, including de facto adoption, as set out in the immigration rules;

(b) "best interests" of a child must be read in accordance with Article 3 of the 1989 UN Convention on the Rights of the Child."

This new clause would make provision for leave to enter or remain in the UK to be granted to the family members of refugees and of people granted humanitarian protection.

New clause 10—*Safe passage visa scheme*—

"(1) Within three months of the passing of this Act, the Secretary of State must lay before Parliament statements of changes to the immigration rules to make provision for a safe passage visa scheme (referred to in the remainder of this section as the "scheme").

(2) The purpose of the scheme referred to in subsection (1) is to enable a qualifying person to travel safely to the United Kingdom in order to make an application for asylum (within the meaning given by paragraph 327 of the immigration rules) or a claim for humanitarian protection (within the meaning given by paragraph 327EA of the immigration rules).

(3) A person is a "qualifying person" for the purposes of subsection (2) if the person—

(a) is present in a member State of the European Union when the person makes an application to the scheme;

(b) is not a national of a member State of the European Union, Liechtenstein, Norway or Switzerland; and

(c) would, on securing entry to the United Kingdom, be able to make—

(i) a valid application for asylum in accordance with paragraph 327AB of the immigration rules; or

(ii) a valid claim for humanitarian protection in accordance with paragraph 327EB of the immigration rules,

which would not be clearly unfounded.

(4) For the purposes of determining whether the conditions in subsection (3)(c) above are satisfied, the following are disapplied—

(a) the conditions in subsections (4) and (5) of section 80C of the Nationality, Immigration and Asylum Act 2002; and

(b) the duty in section 2(1) of this Act.

(5) Changes to the immigration rules made under this section must also make provision for—

(a) applications to the scheme, including—

(i) identification of the relevant gov.uk webpage through which applications must be made;

(ii) the provision of relevant biometric data by the person;

(iii) the supplying of relevant information and supporting documentation related to applications;

(iv) confirmation that applications will be without cost to applicants; and

(v) provision for legal aid in relation to applications made to the scheme;

(b) any additional suitability requirements for applications to the scheme, including matters referred to in Part 9 of the immigration rules;

(c) entry requirements for those granted entry clearance under the scheme, including the requirement that the person be provided with a letter by the Secretary of State confirming that the person can enter the United Kingdom;

(d) limitations on the entry clearance granted under the scheme, including provision that clearance is provided solely to enable the person to make an application for asylum or a claim for humanitarian protection and requiring that such an application or claim be made immediately on entry into the United Kingdom; and

(e) appeal rights for those denied entry clearance under the scheme, including legal aid to be made available for persons making such appeals.

(6) The scheme referred to in this section is to be specified as a "safe and legal route" for the purposes of regulations referred to in section 51(6) of this Act.

(7) In this section "immigration rules" means rules under section 3(2) of the Immigration Act 1971."

New clause 13—*Safe and legal routes: regulations*—

"(1) The Secretary of State must by regulations specify safe and legal routes by which asylum seekers can enter the United Kingdom.

(2) The routes specified must include—

(a) any country-specific refugee and resettlement schemes already in operation on the day this Act is passed; and

(b) safe and legal routes additional to those in subsection (2)(a).

(3) The regulations must set out which routes specified under subsection (2)(b) are available to—

(a) adults, and

(b) unaccompanied children.

(4) The regulations must make provision about—

(a) who is eligible to access the routes specified under subsection (2)(b); and

(b) the means by which such persons may access the routes."

New clause 17—*Safe and legal routes*—

"(1) The Secretary of State must within six months of the date on which this Act is passed lay before Parliament a report setting out—

(a) all safe and legal routes which individuals from relevant countries may take in order to apply lawfully for asylum in the United Kingdom; and

(b) the numbers of applicants in each of the last five years who have followed each of those safe and legal routes.

(2) The report must be approved by a resolution of each House of Parliament.

(3) A person originating from a relevant country may not be removed from the United Kingdom unless a safe and legal route from that country has been set out in a report under subsection (1).

(4) For the purposes of this section "relevant countries" means—

(a) every country or territory not listed in the Schedule; and

(b) in relation to all applicants other than men, those countries listed in the Schedule in respect of men."

This new clause would require the Secretary of State to set out a comprehensive list of safe and legal routes to the UK from countries not listed in the Schedule, as the latter are by definition countries the Government considers "safe". A person could not be removed from the UK to a country not listed in the Schedule unless a safe and legal route from that country to the UK exists.

New clause 19—*Refugee family reunion*—

"(1) The Secretary of State must, within two months of the day on which this Act is passed, lay before Parliament a statement of changes in the rules (the "immigration rules") under section 3(2) of the Immigration Act 1971 (general provisions for regulations and control) to make provision for refugee family reunion, in accordance with this section, to come into effect after 21 days.

(2) The statement made under subsection (1) must set out rules providing for leave to enter and remain in the United Kingdom for family members of a person—

(a) granted refugee status or humanitarian protection,

(b) resettled through Pathways 1 or 3 of the Afghan Resettlement Scheme, or

(c) who is permitted to enter the United Kingdom through a safe and legal route specified in regulations made under section 51(1) (see also subsection (6) of that section).

(3) In this section, "family members" include a person's—

(a) parent, if the person was under the age of 18 at the time they made an application for protection status within the meaning of subsection (4) in the United Kingdom, including adoptive parent;

(b) spouse, civil partner or unmarried partner;

(c) child, including adopted child, who is either—

(i) under the age of 18

(ii) aged 18 or over and dependant on the person;

(d) sibling, including adoptive sibling, who is either—

(i) under the age of 18, or

(ii) under the age of 25 but was either under the age of 18 or unmarried at the time the person granted asylum left their country of residence to seek asylum; and

(e) such other persons as the Secretary of State may determine, having regard to—

(i) the importance of maintaining family unity,

(ii) the best interests of the child,

(iii) the physical, emotional, psychological or financial dependency between a person granted refugee status or humanitarian protection and another person,

(iv) any risk to the physical, emotional or psychological wellbeing of a person who was granted refugee status or humanitarian protection, including from the circumstances in which the person is living in the United Kingdom, or

(v) such other matters as the Secretary of State considers appropriate.

(4) For the purpose of subsection (3)—

(a) "adopted" and "adoptive" refer to a relationship resulting from adoption, including de facto adoption, as set out in the immigration rules;

(b) "best interests" of a child is to be read in accordance with Article 3 of the 1989 UN Convention of the Rights of the Child."

New clause 23—*Asylum processing for low grant-rate countries*—

"(1) Within 60 days of this Act coming into force, the Secretary of State must issue regulations establishing an expedited asylum process for applicants from low grant-rate countries who have arrived in the UK without permission.

(2) Within this section, "low grant-rate countries" are defined are countries with a grant rate for asylum applicants below 50% in the 12 months preceding the initial decision being taken."

This new clause requires the Home Secretary to establish a process to fast-track asylum claims from safe countries.

New clause 24—*Safe and legal routes: family reunion for children*—

"(1) The Secretary of State must, within three months of the date on which this Act enters into force, lay before Parliament a statement of changes in the rules (the 'immigration rules') under section 3(2) of the Immigration Act 1971 (general provision for regulation and control) to make provision for the admission of unaccompanied asylum-seeking children from European Union member states to the United Kingdom for the purposes of family reunion.

(2) The rules must, as far as is practicable, include provisions in line with the rules formerly in force in the United Kingdom under the Dublin III Regulation relating to unaccompanied asylum-seeking children."

This new clause seeks to add a requirement for the Secretary of State to provide safe and legal routes for unaccompanied asylum-seeking children with close family members in the UK, in line with rules previous observed by the UK as part of the Dublin system.

New clause 25—*International co-operation*—

"(1) The Secretary of State must, within three months of the date on which the Illegal Migration Act 2023 comes into force, publish and lay before Parliament a framework for new agreements to facilitate co- operation with the governments of neighbouring countries, EU Member States and relevant international organisations on—

(a) the removal from the United Kingdom of persons who have made protection claims declared inadmissible by the Secretary of State;

(b) the prevention of unlawful entry to the United Kingdom from neighbouring countries;

(c) the prosecution and conviction of persons involved in facilitating illegal entry to the United Kingdom from neighbouring countries;

(d) securing access for the relevant authorities to international databases for the purposes of assisting law enforcement and preventing illegal entry to the United Kingdom; and

(e) establishing controlled and managed safe and legal routes.

(2) In subsection (1)—

(a) "neighbouring countries" means countries which share a maritime border with the United Kingdom;

(b) "relevant international organisations" means—

9. Europol;

10. Interpol;

11. Frontex;

12. the European Union; and

13. any other organisation which the Secretary of State may see fit to consult with.

(c) "relevant authorities" means—

(i) police forces;

(ii) the National Crime Agency;

(iii) the Crown Prosecution Service; and

(iv) any other organisation which the Secretary of State may see fit to include within the definition.

(d) "international databases" means—

(i) The Eurodac fingerprint database;

(ii) the Schengen Information System; and;

(iii) any other database which the Secretary of State may see fit to include within the definition.

(e) "controlled and managed safe and legal routes" includes—

(i) family reunion for unaccompanied asylum- seeking children with close family members settled in the United Kingdom; and

(ii) other resettlement schemes."

This new clause would require the Secretary of State to lay before Parliament a framework on new agreements to facilitate co-operation with the governments of neighbouring countries and relevant international organisations on matters related to the removal of people from the United Kingdom.

New clause 26—*Equality Impact*—

"The Secretary of State must lay before Parliament an equality impact assessment of the measures in sections 37 to 51 of this Act with, in particular, an assessment of the extent to which people with protected characteristics under the Equality Act 2010 will be particularly affected by the changes to legal proceedings and by the cap on numbers of entrants using safe and legal routes."

Government amendment 66.

Amendment 73, in clause 57, page 57, line 2, at end insert—

"(o) section [Safe and legal routes: regulations]".

Amendment 74, in clause 57, page 57, line 7, at end insert—

"(7) No regulations may be made under subsection (1) until regulations specifying safe and legal routes have been made under section [Safe and legal routes: regulations]."

Amendment 75, in clause 1, page 2, line 13, at end insert—

"(i) establishes and defines safe and legal routes to be open to refugees and asylum seekers with a legitimate claim to be able to come to the United Kingdom legally."

Amendment 131, in clause 1, page 2 , line 29, at end insert—

"(6) Provision made by or by virtue of this Act must be read and given effect to notwithstanding any judgement, interim measure or other decision, of the European Court of Human Rights, or other international court or tribunal; and notwithstanding any international law obligation."

The intention of this amendment is that the provisions of the Bill should operate notwithstanding any orders of the Strasbourg court or any other international body.

Amendment 132, in clause 1, page 2, line 29, at end insert—

"(7) Section 4 (declaration of incompatibility), section 6 (acts of public authorities) and section 10 (power to take remedial action) of the Human Rights Act 1998 do not apply in relation to provision made by or by virtue of this Act."

This amendment would disapply other provisions of the Human Rights Act 1998 in addition to that already disapplied by clause 1(5) of the Bill.

Sir William Cash: I voted for the Bill on Second Reading because it was most emphatically going in the right direction, but I emphasised that we wanted to be sure that it would actually work in the national interest by preventing illegal immigration. The Bill is getting better with the amendments proposed by the Government today, for which all credit to the Home Secretary, the Immigration Minister and the Prime Minister. The number of Back Benchers who are supporting our constructive amendments, including mine, is growing.

This Bill to stop the boats is both legally and politically necessary, because illegal migration is out of control, partly because of a failure to distinguish between genuine refugees and others who are illegal and economic migrants. This is not only a real problem in the UK; increasingly, it is a real global and European problem as well, as can be seen from the dreadful tragedies in the Mediterranean in the last few weeks and months.

This legislation sets out a fair regime for dealing with people who have arrived here illegally. It gives them a reasonable but limited ability to raise any exceptional reasons as to why it is unsafe for them to be sent to Rwanda or another safe country. These are known as suspensive claims, and they are clearly defined in clause 37. Those claims ensure that we are compliant with our international obligations and that we would not send somebody overseas if they were not medically fit to fly or if they would face persecution in the destination country.

The success of this scheme depends on it working predictably and quickly. Those who come over on small boats need to know that they will not be able to stay here and that the vast majority of them will be removed to Rwanda or elsewhere. If courts intervene in unexpected ways, it removes the deterrence and the whole scheme breaks down, along with our ability to control our own borders.

However, this is also a procedural, legal and judicial issue, because under the Human Rights Act 1998, the UK courts have not been given suitable guidance by Parliament via statute to draw the appropriate boundaries that are needed in the national interest. As I pointed out on Second Reading, for example, the international refugee convention does not apply between the UK and France, because France is not a country where asylum seekers fear persecution, yet the European Commission is by all accounts refusing to make legal changes to EU law to allow returns of illegal asylum seekers from the UK to France. There are also provisions setting out other named safe countries. I ought to remind House what happened when the Dublin regulation was torn up by Angela Merkel and 600,000 or so refugees were allowed to pour into Europe.

When the Human Rights Act was passed in 1998, I was in the House of Commons. Human rights lawyers and activists claimed that the Act was a "constitutional

[Sir William Cash]

Rubicon" enabling the courts to override parliamentary sovereignty. This was a massively overstated and exaggerated claim that is refuted by clear statements, which I hope those on the Labour Front Bench will take on board, made by the then Lord Chancellor, Lord Irvine of Lairg, in the House of Lords on its Second Reading on 3 November 1997. He said of the legislation:

"It maximises the protection of human rights without trespassing on parliamentary sovereignty."

He also stated that

"the remedial action will not retrospectively make unlawful an act which was a lawful act—lawful since sanctioned by statute."—[*Official Report, House of Lords,* 3 November 1997; Vol. 582, c. 1229.]

But the question remained: what does statute provide?

Mr David Davis (Haltemprice and Howden) (Con): I agree with my hon. Friend. In fact, that was demonstrated when we had the case of prisoner votes and Jack Straw, who took through the Human Rights Act, supported my motion to give instruction to the Government to get by exactly that issue.

Sir William Cash: I could not agree more with my right hon. Friend. In that context, "takes into account" is what the courts have to do with respect to the convention, but not necessarily to obey the Court. That is precisely what happened there.

In the House of Commons during the passage of the Human Rights Act, the Home Secretary Jack Straw made similar observations. The Government rejected giving the courts the power to set aside an Act of Parliament, which was being considered. This was a Labour Government rejecting giving the courts the power to set aside an Act of Parliament. He stated that this was because of

"the importance which the Government attaches to Parliamentary sovereignty".

The White Paper at the time made that abundantly clear, even in respect of declarations of incompatibility by the courts, and furthermore made it clear that declarations of incompatibility would not necessarily lead to legislation.

I was glad to note, in principle, clause 1(5) regarding the application of section 3 of the Human Rights Act. In the context of parliamentary sovereignty, it is clear from the pre-eminent authorities that, in respect of section 3 of the Human Rights Act, any suggestion of a limitation of Parliament's sovereign will would be permissible only to the extent that in doing so the courts give effect to the intention

"reasonably to be attributed to Parliament"

in enacting section 3. It must surely be clear to all of us, in the case of illegal immigration, that Parliament would never intend to condone illegality or criminality.

This analysis that I have put forward as to the interpretation of the Human Rights Act clearly requires further discussion with the Government. Furthermore, the pre-eminent authority also states that

"the Courts are thus not empowered to construe legislation compatibly with the convention at all costs"

and must not cross the constitutional boundaries, which would include not endorsing illegality.

Joanna Cherry (Edinburgh South West) (SNP): The hon. Gentleman is, of course, expounding a very Anglocentric view of sovereignty, but I will leave that to one side for the moment.

Is it not a legal flaw in the hon. Gentleman's argument that at least some of the people who come to this country in small boats come not as immigrants but to seek asylum? The United Nations High Commissioner for Refugees says this Bill

"would amount to an asylum ban—extinguishing the right to seek refugee protection in the United Kingdom for those who arrive irregularly, no matter how…compelling their claim may be".

Does the hon. Gentleman not accept that?

Sir William Cash: As I just said, I believe it is very important properly to protect genuine refugees. The problem we have been presented with over the last couple of years or so is that it is blatantly obvious that quite a significant number—I cannot put a precise figure on it, but it is very substantial and runs into the tens of thousands—have a serious case to answer in respect of their status.

Joanna Cherry: Unfortunately for the hon. Gentleman, the facts simply do not support what he is saying, because the majority of people arriving in small boats who have had their asylum claim resolved have had their claim granted. That is the evidence.

Sir William Cash: That is certainly the case, but it is equally the case that we have 160,000 unresolved asylum cases. It is also true that there is no persecution in France on this account.

As the Government have rightly said, the Labour party voted against the Nationality and Borders Act 2022, wants to scrap the Rwanda deal and opposes the Government's Bill to detain and remove people swiftly from the UK. This amounts to demonstrating that the Labour party is in favour of open borders and is not on the side of the British people, who want us to deal with this problem.

The current Leader of the Opposition, in an article in *Counsel* on 9 January 2015, wrote, contrary to what the former Lord Chancellor and Home Secretary said, that the sovereignty of Parliament has nothing at all to do with the Human Rights Act. He clearly does not understand what the sovereignty of Parliament is, or the enactments and case law involved. Quite clearly, the statute itself was not intended to lead to circumstances in which illegal migration is not prevented but almost encouraged, to the profound detriment of practical control over our borders.

I tabled an amendment to the Nationality and Borders Bill in December 2021 that had a clearly expressed "notwithstanding" formula. The amendment was strongly supported by Conservative Back Benchers and would have greatly helped to ensure the flights to Rwanda. With this new Bill, we have a further opportunity to tackle the problem of illegal migration. This Bill is necessary because of the smuggling and criminality of the unscrupulous gangs that exploit migrants and cause death.

In addition, because of the consequences of the failure to control illegal migration, we have endured monumental expenditure of up to £6 million a day,

disruption to local services, hotels, health services and social housing, and instances of criminality. It does no good to perpetuate a situation with such adverse consequences for our constituents and our voters, and the Government understand that.

Indeed, I am confident that, when the Bill is enacted, the courts will apply it and court procedures will be adapted accordingly, provided the intention of the words used in the Bill, as enacted, are clear, express and unambiguous, as I propose. It is not appropriate for the current situation to continue to the point where, as I have indicated in the past, the number of illegal migrants is growing exponentially.

My amendments, and further discussion with the Government, are conducive to resolving the issues properly, fairly and reasonably—with an appeal system and other measures, as I shall mention in a moment, and in line with domestic and international law—and to removing the unintended and unexpected legal consequences of the Human Rights Act and the courts' rules in respect of illegal migration in small boats, which together have led to the breaching of our borders on an unprecedented scale. That is emphatically not in our national interest, and it was not anticipated when the Human Rights Act was originally passed. My amendment would ensure that what Parliament intends actually happens.

5.15 pm

The Illegal Migration Bill is designed to be both fair and efficient. Those who believe that there is some special, fundamental reason why they should not be sent to Rwanda or another safe country can put their case before a judge, but that should be part of a comprehensive legislative scheme that sets out permissive routes of challenge. These permissive routes of challenge—the suspensive claims—are carefully calibrated and fair. They include ample provision for late claims, new evidence and compelling circumstances. Other judicial review claims are still allowed in the usual way; it is just that they cannot prevent removal. That is the right balance between fairness and deterrence.

We do not want or need lawyers and judges to invent new blocks on removal with judicial activism. The statutory block on interim relief would prevent them from doing so. It would prevent situations similar to that last year when courts unexpectedly issued injunctions preventing the flight to Rwanda and when cases were referred back to the Home Secretary for review.

Multiple cases have made it clear that the power to grant injunctions can properly be restricted by statute. We are not in the business of shutting down access to the courts. All we want is for the regime of access to the courts, as provided by this Bill, to be properly and securely bounded. The Government have already made that clear in their legislative scheme; we just want to make sure that the decision is secure and effective in legal terms. The Human Rights Act was not intended, as I have said, to protect illegality, and in the specific context of the small boats problem, the Bill, if amended further following discussions with the Government, can be improved to achieve its ultimate objectives in that national interest.

It is important to note that there is explicit case law from the most pre-eminent jurists that although there are many reasons why Parliament would take into account our obligations in international law when it legislates, the courts are not empowered to hold an Act of Parliament void on the grounds that it contravenes general principles in international law, as was made clear in the case of Mortensen *v.* Peters, and nor may a court hold an Act invalid because it conflicts with a treaty to which the UK is party, as set out in the case of Cheney *v.* Conn. That is what makes it vital to use express, clear and unambiguous wording in an Act of Parliament, as is intended by the amendments and by reference to what I said earlier on the question of the construction of an interpretation of provisions. Words such as "notwithstanding" were included in the European Union (Withdrawal Agreement) Act 2020 to guarantee the sovereignty of the United Kingdom.

I also refer to the magisterial words of the great Lord Bingham in chapter 12 of "The Rule of Law", that

"the principle of parliamentary sovereignty has been recognised as fundamental in this country not because the judges invented it but because it has for centuries been accepted as such by judges and others officially concerned in the operation of our constitutional system. The judges did not by themselves establish the principle and they cannot, by themselves, change it."

He also quoted and endorsed the words of the celebrated Australian constitutional authority Jeffrey Goldsworthy, who is pre-eminent in this field, in chapter 10 of his book "The Sovereignty of Parliament".

We must stop people making these hazardous and lethal journeys in small boats. We must stop the criminality and stop illegal migration, its costs and its impact on our local and national resources. With my amendments today, along with those tabled by my hon. Friend the Member for Devizes (Danny Kruger) and my right hon. Friend the Member for Middlesbrough South and East Cleveland (Mr Clarke), as well as those that will be debated tomorrow, tabled by my hon. Friend the Member for Stoke-on-Trent North (Jonathan Gullis) and my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes), I believe that the Bill can achieve that objective with good will.

The amendments are also supported more broadly, including by experts such as Professor Richard Ekins and former First Parliamentary Counsel Sir Stephen Laws in their Policy Exchange report. We have asked the Government to engage with us constructively and give us firm assurances today on the Floor of the House that they will improve the Bill in the light of our amendments. On the basis that they do give such assurances, which I understand that they will, I will not press my amendment to a vote.

The Chairman of Ways and Means (Dame Rosie Winterton): I hope that colleagues will bear in mind the fact that I cannot put time limits on speeches during Committee stage. I will prioritise those Members who have amendments on the Order Paper. I call the shadow Minister.

Stephen Kinnock (Aberavon) (Lab): I start by reiterating the point that I made in closing the debate on Second Reading: we on the Labour Benches are absolutely clear that we must bring the dangerous channel crossings to an end, and that we must destroy the criminal activity of the people smugglers. Indeed, Labour has a five-point plan to do just that. It is a plan based on common sense, hard graft and quiet diplomacy, as opposed to the headline-chasing gimmicks that are the stock in trade of those on the Government Benches.

[Stephen Kinnock]

Our opposition to the Bill—and our introduction of the amendments on which I am about to speak—is based on the fact that it will serve only to make it harder for the Government to achieve their stated aims. The central premise of the Bill is that it will act as a deterrent by banning the right to asylum and replacing it with blanket detention and removals policies. For a deterrent to be effective, it must be credible, and the Bill fails the credibility test because there is nowhere near enough capacity to detain asylum seekers in the UK, there is no returns agreement with the EU, and the Rwandan Government are agreeing to commit to take only thousands at some unspecified future date. That means the boats will keep on coming, the backlog will keep on growing, and the hotels will keep on filling, all of which leaves the House in the somewhat surreal position of debating a Bill that everyone knows is not really worth the paper on which it is written, and yet we must all go through the motions and pretend that we are participating in a meaningful process.

Nevertheless, I assure you, Dame Rosie, and the entire House that Labour Members will do all that we can to amend and improve the Bill in a concerted effort to limit the damage that it will inflict on the international reputation of our country, on the cohesion of our communities, and on the health and wellbeing of those who have come to our country in the hope of sanctuary from the violence and persecution from which they are fleeing.

Sir William Cash: Is the hon. Gentleman implying that Labour Members will not oppose the Bill any further on these matters, because they want to improve and enact it, but no more?

Stephen Kinnock: I think I was crystal clear that we oppose the Bill. It will be entirely counterproductive and make all the challenges that we face worse. Labour Members believe in supporting legislation that addresses the substance of an issue rather than one that chases tabloid headlines.

The competition for the most absurd aspect of this entire process is pretty stiff, but the programme motion is a strong contender. Ministers in their infinite wisdom decided that we should debate the second half of the Bill on the first day, and the first half on the second day. Whatever the rationale for that, I suppose that there is something strangely appropriate about the idea that we should consider the Bill back to front given that so many of its provisions put the cart before the horse.

The other point that I wish to make at the outset is that the refusal of the Home Office to publish a full set of impact assessments ahead of Second Reading—and they still have not been published—is completely unacceptable. Surely, as a matter of basic respect for this House and for our constituents, Members should be entitled to expect to be given the opportunity to have an informed debate, based on comprehensive assessments of the impact that the Government expect their proposals to have.

The fact is that the Government's entire handling of this shambles of a Bill has been utterly chaotic, while Ministers' statements have generally been incoherent, inconsistent or simply incomprehensible. I spoke earlier in my point of order about the Government's conjuring up statistics to suit their needs that have now been rubbished by the statistics watchdog. However, we are where we are, and on that basis I will move on to consider some of the substantive issues.

It is with regret that, given the time available, I will have to limit my remarks to our own Front-Bench amendments tabled on behalf of the Opposition. I begin with our new clause 25, which sets out how Labour would approach these matters if we were in government, in order to deliver meaningful progress on a range of issues, from border security, to authorised safe routes, as part of a comprehensive strategy to stop the crossings and keep people safe, in line with our international commitments. In particular, new clause 25 calls for a multifaceted overarching strategy for securing the agreements with international partners that our country urgently needs.

Bob Seely (Isle of Wight) (Con): We have already come to agreements with international partners and we are signing more all the time—a new deal with the French, a new deal with the Albanians—but we have had 480,000 asylum places granted here since 2015. How many hundreds of thousands more people does the hon. Gentleman want coming to the country?

Stephen Kinnock: It may have escaped the hon. Gentleman's notice that when the botched Brexit negotiations took place we left the Dublin convention, which is crucial for returns. We have to find a deal that replaces it. That is about protecting our borders, because it is about returning people when their asylum claims are not successful.

A strategy for securing Britain's borders must begin with a clear and honest recognition that we cannot solve these problems unilaterally. This is a collective international issue that requires a collective international solution, so closer co-operation with our nearest friends and neighbours must be our starting point and our No. 1 priority. That means urgent action, which will be taken forward from day 1 of a Labour Government, to negotiate a returns agreement with the EU to replace our previous participation in the Dublin system.

That is just the start, however. We also need to restore access for our law enforcement agencies to the treasure trove of information—from biometrics to travel history—that Eurodac and other databases provide in support of efforts to ensure that the removal of asylum seekers from the UK to safe EU countries is possible.

Tom Hunt (Ipswich) (Con): Out of interest, the Labour party talks about safe and legal routes, so does it support a cap on the numbers coming through those routes? If so, how would it prioritise refugees, bearing in mind that there are hundreds of millions of people across the world who would like to move here and could conceivably get refugee status?

Stephen Kinnock: Yes, we do support a capped scheme for safe and legal routes, and it has to be based on prioritisation according to, for example, high grant rate countries and family reunions.

The hon. Gentleman's intervention is all very well, but the reality is that those on the Government Benches have completely burned every relationship with our partners and allies across continental Europe and, as a result, we have left the Dublin convention. There is a

direct connection between the massive surge in numbers coming on small boats and the Government's botched Brexit negotiations.

Solving these problems also means establishing formal working arrangements to put the UK at the heart of international efforts to crack down on our real enemies here, the people smugglers, by relentlessly hunting them down and ensuring that they are brought to justice. The Labour party has set out a more targeted approach than the Government are currently undertaking; we would recruit a cross-border specialist unit in the National Crime Agency to go after the criminal gangs upstream, working with French experts and Europol. Finally, it means working closely with our European friends and allies to develop new safe and authorised routes from EU countries to the UK for those who are most in need of our help.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): The hon. Gentleman is talking about making more safe and legal routes available and has suggested he would be supportive of a cap. At what level would he support such a cap, and what would he do to manage those people who continue to arrive once that cap was exceeded?

5.30 pm

Stephen Kinnock: I do not know how many negotiations the hon. Lady has been in, but people do not generally go into negotiations by putting all their cards face up on the table. It is absolutely clear that a deal has to be done with the European Union. We do not do that deal from the Dispatch Box; we do it with hard graft, common sense and quiet diplomacy, none of which the Conservatives are capable of. That is why they need to get out of the way so that a Labour Government can fix the problem.

Clause 51 stands as evidence that vague promises from Ministers are not to be taken seriously. I find it particularly telling that, in drafting the clause, the Government were not even able to come up with a definition of a "safe and legal route" or how one should work. Nor do they appear to have any idea of who such routes should apply to, when the measures might be introduced, how many people would be included or exempted from the cap, or who—other than local authorities —the Government may consult. The Opposition's amendments would address those challenges.

On Second Reading, I said that under this Government, Ministers had done

"little more than pay lip service"—[*Official Report*, 13 March 2023; Vol. 729, c. 640]

to the principle of authorised safe routes for refugees and others in protection. I stand by that assessment.

Jim Shannon (Strangford) (DUP): Does the shadow Minister agree that, when it comes to honouring statements that we have made, we have an obligation towards those from Afghanistan who served alongside British soldiers? Some are in the system but are yet to be processed. Would the shadow Minister ensure that those from Afghanistan who are stuck in Pakistan and in Syria get here as asylum seekers, which is very much what they are?

Stephen Kinnock: The hon. Member is absolutely right. The performance on the Afghan citizens resettlement scheme has been abject. Under pathway 2 of that scheme, 22 Afghans have come over in the last year. They are being told that they can come only once they have accommodation, and they are being treated with a total lack of respect when we owe them a debt of honour and gratitude.

Sir George Howarth (Knowsley) (Lab): Does my hon. Friend agree that the Opposition amendment to which he has referred gives the lie to the argument put forward by the Prime Minister, the Home Secretary and, more recently, the hon. Member for Stone (Sir William Cash) that we on the Labour Benches support open borders in all circumstances?

Stephen Kinnock: That is one of the many myths that the Conservatives peddle—my right hon. Friend is absolutely right—and those myths need to be debunked. It is absolutely clear that the small boat crossings have to be stopped, but the key point is that the Bill will not achieve that objective. Our new clause 25 would actually put some flesh on the bones of something that might work, rather than chasing headlines and doing government by gimmick.

The Minister for Immigration (Robert Jenrick): The hon. Gentleman must give up on his ridiculous argument that this Government have not taken safe and legal routes seriously. As my hon. Friend the Member for Isle of Wight (Bob Seely) said, almost half a million humanitarian visas have been issued since 2015. In Europe, we are second only to Sweden for resettlement; in the world, we are fourth only to Canada, the United States and another for UNHCR-sponsored humanitarian schemes. Some 45,000 people have come across on family reunion visas. We need no lectures on playing our part as a generous and compassionate country.

Stephen Kinnock: Of course, the Ukraine scheme, the British national overseas scheme and the Afghan scheme—when it used to work—are very welcome; there is no debate about that. But I do not know why the right hon. Gentleman keeps making that point. That is not the point of this debate; the point of this debate is how to address the challenge that we currently face. As hon. Members have pointed out, many people are fleeing war and persecution in the world, and this Government have utterly failed to offer them safe and legal routes. As a result, they come by unauthorised routes—that is a simple fact of life. The other point, of course, is that the Government have allowed the backlog to get completely out of control. The idea that they are making life better and easier for people fleeing war and persecution is for the birds.

I also want to mention areas in which Members on both sides of the House are broadly in agreement, not least because the list is quite short. The Opposition support the principle of Parliament's having a say each year on the quota or cap for safe and legal routes, as envisaged by clause 51. Every country has a responsibility to do its bit, alongside other countries, to help those fleeing persecution and conflict. However, we also believe that the Government's policy on safe routes cannot begin and end with caps alone.

The Bill presents us with a rare opportunity to have a serious debate about how best to live up to our international commitments to offer protection to those most in need, especially those fleeing persecution and war. The fact

[Stephen Kinnock]

that so many detailed, well thought through proposals have been put forward by hon. Members in amendments and new clauses speaks to the depth of cross-party support for making safe routes work and providing genuine alternatives to dangerous crossings.

Laura Farris (Newbury) (Con): The hon. Gentleman is absolutely scathing about the Bill, but he will be aware that, as recently as last summer, the Tony Blair Institute for Global Change was writing about a solution to the small boats crisis that involved annual quotas, new safe and legal routes, an absolute prohibition on any arrival by a small boat, and only out-of-country rights of appeal. That is identical to what effectively appears in this Bill. It was written by somebody called Harvey Redgrave, who cites himself as the Labour party's home affairs policy adviser between 2011 and 2015.

Stephen Kinnock: As I have just said, we support clause 51; I do not know whether the hon. Lady was listening. We support the idea of safe and legal routes that are capped. What she needs to understand is that for people escaping war and conflict, the idea of being detained in a deterrence centre that does not exist or of being removed to other countries when no removal agreements are in place is not a deterrent. For a deterrent to be effective, it has to be credible. The Bill has zero credibility because it is impossible to operationalise. That is the key point that the hon. Lady seems to fail to understand.

Bob Seely *rose—*

Stephen Kinnock: I am going to make some progress.

A range of proposals have been put forward, including by my hon. Friend the Member for Sheffield, Hallam (Olivia Blake), who has a record of huge commitment to addressing these matters. The right hon. Member for Orkney and Shetland (Mr Carmichael) and the hon. Member for East Worthing and Shoreham (Tim Loughton) also have a long history of working diligently on these issues.

The number of new clauses, including one of my own, that seek to build on and expand access to family reunion visas for refugees clearly reflects the high level of support for such schemes among Members on both sides of the House. In speaking to new clause 24 on behalf of the Opposition, I make it clear that providing better safe routes for unaccompanied children with family in the UK is not just right from a moral point of view; it will also demonstrate to our European neighbours, whose support on issues from returns to tackling people smuggling is so fundamentally important to this country, that we are serious about making progress in negotiations on the range of issues that I outlined in relation to new clause 25.

Wayne David (Caerphilly) (Lab): Does my hon. Friend share my concern that so far the Bill comes with no children's rights impact assessment? We are desperately concerned about the plight of children.

Stephen Kinnock: My hon. Friend makes an absolutely valid point about the lack of an impact assessment for children, but there is a broader point about the lack of impact assessment full stop. It is completely and utterly unacceptable that we in this House should now be debating a Bill with no impact assessment having been published in advance. That shows a sort of disrespect to the House that really needs to be put on the record.

I am having to limit my time to discussion of the Opposition Front Benchers' amendments, so I will not be able to raise my many questions and concerns about some of the provisions on legal proceedings in clauses 37 to 49. Some clearly appear to pose a real threat to due process and to our respect as a country that upholds the rule of law. The entire Bill is shot through with inconsistencies, unresolved questions and bizarre contortions of logic that can only have the effect of worsening the very problems the Government say they are trying to solve.

Just one example of that is highlighted by amendment 41, which I tabled as a means of probing the Government's thinking on a measure that simply does not appear to have been properly thought through. Clause 45 states that where an appeal against a removal notice is upheld, the duty to remove that person no longer applies—so far, so sensible. The problem is that nothing in the Bill says that any asylum claim made by a person in such a situation would then be considered: those claims would continue to be inadmissible. That means we will end up with situations where there are people who cannot be removed, because a court has ruled that doing so would pose unacceptable risks to their safety, but who also cannot lawfully remain in the UK because of the Government's refusal to accept their claim for asylum. The law would effectively be saying that a person can neither leave nor remain in this country. If the Minister has an answer to the question of what then happens to a person in that situation, I would love to hear it.

Rachael Maskell (York Central) (Lab/Co-op): I am grateful to my hon. Friend for the points he is making. I want to return to the point about detaining children, however, because we know that under this Government, hundreds of children have gone missing, and for some of them—hundreds, in fact—we still do not know where they are. Is it not right for children who come to this country to be placed immediately under the care of local authorities, which can then put proper safeguarding in place to protect those most vulnerable people?

Stephen Kinnock: My hon. Friend is absolutely right. She points to a broader failing, and to a clear indication of the shambles and chaos that we have within the broader asylum system. The backlog in the system is out of control, there are massive safeguarding issues, and really it is just more grist to the mill for the people smugglers and the traffickers. That is why this issue has to be addressed.

To sum up, this is a dog's breakfast of a Bill, and this debate feels like something of a charade, because everyone knows that not only is the Bill unworkable, but it is not even intended to work. Nevertheless, we hope that colleagues across the House will support our amendments and new clauses in the Division Lobby this evening, because let us be clear, Madam Deputy Speaker: Ministers know full well that this Bill is an entirely counterproductive piece of legislation, but they do not really care. In fact, they will be more than happy to see it failing, because then they can blame our civil servants, the EU, the lawyers, the judges, the Labour party, the football pundits, or whoever they can think of.

Why are the Government doing this? Well, the answer is staring us in the face: they know that come the general election, they cannot stand on their record of 13 years of failure, so instead they will whip up division, stoke anxiety and fire up the culture wars. Our constituents know where the buck stops, though. They want solutions, not soundbites; they want the Labour party's common sense, hard graft and quiet diplomacy, not government by gimmick; and when this Bill fails, they will know that only a Labour Government's five-point plan for asylum will stop the dangerous crossings, fix our broken asylum system, and get our country back on track after 13 years of Tory failure.

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): Forgive me: I should have reminded Members at the beginning of the debate that when we are in Committee, it is customary to either call me by name or address me as Madam Chair, rather than Madam Deputy Speaker. It is a very common mistake, don't worry; I should have reminded Members at the beginning of the debate.

I call Tim Loughton.

Tim Loughton (East Worthing and Shoreham) (Con): Thank you very much, Dame Rosie. I rise to speak to six amendments that stand in my name and those of right hon. and hon. colleagues: new clauses 13 and 19 and amendments 72 to 75. I am glad to hear the Minister refer to his support for safe and legal routes, because that is the basis of these amendments. I look forward to some warm words from him later on.

This is a very heated subject and a very controversial Bill, so I will start with something that I hope we can all agree on: coming across the channel in small boats is the worst possible way to gain entry to the United Kingdom. We need to be ruthless against the people smugglers who benefit from that miserable trade. We want to continue to offer safe haven for those genuinely escaping danger and persecution, and in a sustainable way. That is why safe and legal routes are the obvious antidote to that problem. The migration system, as it stands, is broken. Whatever we think about this Bill, it is only one part of the solution that we need to bring forward, and the Home Office needs to beef up the processing times and the removals of those who do not have a legitimate claim. We also need more return agreements.

5.45 pm

An overnight solution, as we know, would be for the French to stop the boats leaving the shores of France in the first place, or intercepting them at sea and returning the passengers to France, so that they will have paid people smugglers £3,000 or £4,000 for an expensive return trip. The problem is that the French will not agree to do that, despite the latest encouraging and helpful settlement with them involving a considerable amount of money. To anybody who just says, "We need a more constructive dialogue with the French and European partners," I say that that is what is happening and has been going on, but we still do not have a resolution to the problem, so we have to come up with practical solutions.

Lia Nici (Great Grimsby) (Con): Do the French authorities know who the people coming over here to seek asylum are, or are they just wandering around France unknown, as well as when they come here?

Tim Loughton: The reality, as the Home Affairs Committee found when we were last in Calais in January, is that the French authorities do not arrest a lot of the people trying to cross the channel; they turn a blind eye. These people are therefore not registered and the authorities do not have a record of who many of them are. They only show an interest in arresting and recording somebody who has come from a country with whom they have a returns agreement, where there may be a reasonable chance to return them. Otherwise—surprise, surprise—the French authorities' problem becomes our problem if those people then get into boats.

Those are things that I hope we all agree with across the House, whatever our stance on this Bill. We also need to challenge some assumptions. Not all asylum seekers coming across the channel have a credible asylum claim. We are told, "Other countries do more," but when we look at the totality of the issue, and the amount of people to whom we offer safe haven and support outside of the United Kingdom in refugee camps—those people who just want to go back to their own countries—it is more generous than virtually any other country in the world. We need to look at the totality.

Coming to the UK is not always the appropriate solution for many people. The resettlement schemes that we have generously operated already, particularly with regard to Ukraine and Hong Kong passport holders, are potentially huge. In the case of Hong Kong, it could be up to 2.9 million people. We have also heard the criticism from the French that we are too generous. They describe us as "El Dorado", which is why so many refugees apparently want to come across to the UK.

The other reality is that even if we wanted to, we cannot take an unlimited number. The fact that almost 10,000 Afghan refugees legally brought here after the airlift from Kabul in the summer before last—more than 18 months ago—are still in hotels is testament to the fact that we have an accommodation problem. Whatever we come up with, we need a system that is disciplined, orderly and sustainable so that we can make sure that people are processed quickly and put in appropriate accommodation, because hotels for young children for a sustained amount of time, be that with their families, let alone on their own, are frankly just not the most appropriate place for them to be.

Wayne David: Is it appropriate, in the hon. Gentleman's view, that former RAF camps are now being used and planned to be used for migrants?

Tim Loughton: None of this is ideal, but when people arrive in their hundreds—one day last summer it was more than 1,000—and all of a sudden become the responsibility of the United Kingdom Government, there is a practical limitation on what accommodation is available physically to house them. That is why our hotels are being taken over and are full and why various military bases have been used, with mixed success. It is why the Government are having to look at other solutions. However, we have a serious problem accommodating our own constituents, as we all know, because of the shortage of local authority accommodation, and we just have to be realistic about how we can properly look after people coming across the channel.

Sir John Hayes (South Holland and The Deepings) (Con): This is not just about illegal migration. The population of this country is growing in net terms, as a

[Sir John Hayes]

direct result of illegal and legal migration, by something like a quarter of a million a year. That cannot long be sustained. Over 10 years it is 2.5 million people, which is the size of many significant cities. That cannot go on, because the housing situation for all of those people is an insuperable challenge.

Tim Loughton: I think I have made the point that whatever migration system we run needs to be effective, efficient and sustainable, but at the same time we need people to fill job vacancies in this country, and many of the people who have come here are self-sustaining. I had a meeting this afternoon with about 60 Hong Kong British national overseas passport holders who came here in flight from Hong Kong, and they are making a good go of starting a second life in this country. However we think we should operate migrant numbers, the numbers are not the important thing. It is being able to look after people safely and sustainably for all of our community that is the major consideration.

The other truth that is put about that we need to challenge is that the European convention on human rights is everything. If we look at the record of the judgments issued under the ECHR by the European Court of Human Rights in the last 10 years, we see that 47% of them—almost half—have not been complied with. In certain countries that figure is higher. For example, 61% of judgments again Spain from the European Court of Human Rights have not been complied with, and for Italy it is 58%, while for Germany it is 37%. In many cases—particularly France, where the figure is a little bit lower—they are mostly for non-compliance with immigration laws. So let us not try and kid ourselves that the measures in this Bill are in some way completely absurd and out of court compared with what other countries have been doing.

Having said all that, doing nothing is not an option. It allows people smugglers to continue the human misery. It is condoning bogus asylum seekers, and it is allowing those bogus asylum seekers to bump the queue of genuine asylum seekers to whom we do have a duty of care that the vast majority of people in this country want to see carried out. So we need to get the balance right on continuing our generous tradition of allowing safe haven for genuine asylum seekers escaping danger with much more robust action to clamp down on those who have no legitimate claim to be resident in the UK. They are gaming our system, taking advantage of the UK taxpayer's generosity and, worst of all, queue-jumping over the genuine asylum seekers who need help.

This is where safe and legal routes and the main amendment I am putting forward today come in, and I will be prepared to press it to a vote unless I have some substantial reassurances from the Government, because this is nothing new and it is not rocket science. It is actually something that the Prime Minister has quite rightly committed to in principle. My new clause 13, which is the basis of the safe and legal routes amendments, would require safe and legal routes to be part of this legislation. The regulations referred to in the Bill would have to set out specific safe and legal routes by which asylum seekers can enter the United Kingdom in an orderly and sustainable way.

The routes specified must include any country-specific schemes that we have already. Specifically, we have routes for Afghanistan, Syria, Ukraine and Hong Kong, but we need additional ones. Additionality is key to this, because as the Bill stands, the Government could just say, "Well, we've got those safe and legal routes, and we can just tinker with those." However, let us take the example of the 16-year-old orphan boy from east Africa—he is not from Ukraine, Afghanistan, Syria or Hong Kong—who has a single relative legally settled in the United Kingdom. There are precious few opportunities for him to be able to come to the UK on a safe and legal route. It is in such cases that we need to offer an opportunity, capped in numbers and capped with all sorts of considerations. We need to offer such people a realistic opportunity that they may be able to get safe haven in the United Kingdom.

Stella Creasy (Walthamstow) (Lab/Co-op): I very much support what the hon. Gentleman says. Indeed, I support the need for such amendments to this Bill, probing or otherwise, to clarify what a safe and legal route is and how such routes will operate, because that seems to be at the heart of whether this legislation can actually achieve anything that it claims to set out to do. Does he therefore agree with me that we need clarity, because this Bill does set out where it considers it is safe to be from and, by definition, everywhere not listed in proposed new section 80AA is unsafe? We therefore need clarity about what would be a safe and legal route from the locations not listed in that proposed new section, because otherwise we will end up with "safe" or "unsafe" being ill-defined in legislative terms, and that does not help anybody.

Tim Loughton: I am grateful to the hon. Lady. I have drawn up new clause 13 and the accompanying amendments in a way that is not overly prescriptive. It puts the onus back on the Government to come up with schemes, some of which will be safe and legal route schemes that we have run before. The family reunion scheme is something we have run for a long time, although it needs to be adapted outside of the Dublin conventions. I have also suggested a Dubs II scheme and, again, the Dubs scheme was very successful in bringing 483 unaccompanied single children from genuine danger zones safely to the United Kingdom. Those are the sorts of examples I mean. They do not need to create something completely new. We need to adapt what we already have.

That is why additionality is key. These need to be routes on which people from outside the four existing resettlement or asylum schemes can come here. The Government must set out those routes for both adults and children—I think most of us would agree that children need to be dealt with slightly differently—and the means by which those people can access those routes. It may be from the countries from which they are fleeing or from refugee camps, in a scheme like those we have had before jointly with the UNHCR. I think that is what has been mooted in the newspapers—it did not come from me—about 20,000 people being able to come here through agreement with the UNHCR, and that is another possibility. It may be through using reception centres that we have in other countries, including France, where a limited number could possibly apply, subject to a cap. Again, that is all for the Government to decide—I do not want to be overly prescriptive.

Bob Seely: As ever, my hon. Friend is making an incredibly interesting and important speech. There have been, in the last decade, 10 safe and legal routes, six of which are country-specific and four of which are general. Of the six, the Syrian one is now shut, but there are two for Afghanistan, two for Ukraine and one for Hong Kong, and there are four other non-specific safe and legal routes. If I understand correctly, he is arguing for a fifth safe and legal route. Can he explain and delineate how that fifth safe and legal route would be different from the other four that we already have?

Tim Loughton: Those four existing routes are country-specific for certain emergency situations that arose—for obvious reasons, Ukraine, Syria, Afghanistan and the rather prolonged emergency we are seeing unfold in Hong Kong. There will be other such cases that come up, and I believe the Bill as it stands gives the Home Secretary the power to determine, if there is a new emergency in a certain country and a sudden wave of refugees genuinely fleeing danger to whom the UK Government may want to give a commitment, to enable us to take some of those people, and I think everybody would agree with that. However, in between such a country-specific scheme and the four existing country-specific schemes, the numbers able to come here are minimal. If we look at the just under 500,000 who have come here since 2015, we see that almost 400,000 of those are accounted for by those from Hong Kong and Ukraine alone.

Bob Seely: Apologies if I was not making myself clear. Out of those 10 schemes in the last decade, four are non-country-specific safe and legal routes. My hon. Friend is arguing for a fifth, an additional safe and legal route. While I am not arguing against his case, I am asking how his fifth safe and legal generalised route will be different from the other four we currently have, which are non-country specific. We also have six country-specific schemes, one of which—Syria—has been shut.

6 pm

Tim Loughton: I think I have given my hon. Friend two examples. The family reunion scheme, certainly in the terms in my new clause 19, is non-country specific. A Dubs II-type scheme is non-country specific. At the moment, if you are not country specific, you have had it, largely, particularly for young children. The numbers, I am afraid, do not add up.

There is another consideration that I should have mentioned earlier. We are told that everything used to be great and fine in terms of us being able to return failed asylum seekers to the EU and that it has all gone pear shaped since Brexit. In the last year that we were covered by the Dublin regulations and still within the terms of the EU, the UK tried to return 8,500 failed asylum seekers to the EU. Of those, 105 were admitted. So it did not work before. This is a long-standing problem, which we have not had any help in solving from our EU partners. That is why we need to take more proactive and robust action now and why the Bill, controversial though it is, is so necessary.

Dr Caroline Johnson *rose—*

Tim Loughton: I will give way to my hon. Friend and then I will finish my comments.

Dr Johnson: My hon. Friend is making a powerful argument for additional safe and legal routes, but the Bill is designed to try to prevent illegal migration. Although I understand that those few people affected by his new safe and legal route may be deterred from illegal migration by the fact that they are part of that scheme, there will still be many other people who will not be. How will creating a few more safe and legal options for a small number of people prevent people coming across the channel who are not affected by those schemes?

Tim Loughton: We are not going to eradicate people coming in boats across the channel totally, unless the French agree to intercept and return them. However, we can limit it to those people who do not stand a credible chance of claiming asylum in the United Kingdom. One problem in the courts at the moment, with the many failed asylum claims that then go through the appeals process, is that there was no other way of getting here, other than on a boat. If the safe and legal route amendment, and everything that goes with it, goes through, that will not be an excuse because anybody could apply through a safe and legal route and, if they are turned down and then turn to a boat, that is not a defence.

Sir Robert Buckland (South Swindon) (Con): Will my hon. Friend indulge me?

Tim Loughton: I will be very indulgent, but I know many other people want to speak.

Sir Robert Buckland: I am very grateful. My hon. Friend makes the most important point in this debate. Judges and tribunal chairs are looking for factual reasons on which to refuse applications. I cannot think of a better one than the availability of, in a controlled way, more safe and legal routes. At the moment, without further action, and without concurrent action from the Government in passing this Bill and creating safe and legal routes, we are opening ourselves up to the risk of more people making those claims and of not being able to control the situation in the way we all want.

Tim Loughton: I am grateful for that intervention from my right hon. and learned Friend, with his huge legal expertise and experience from his former roles. That is the point. We need to isolate the bogus asylum seekers who are paying people smugglers. We do that by making it clear that we are open to genuine cases of people fleeing danger, and there is a legitimate, practical, and usable route for them. If people do not qualify for that, they should not try to get in a boat because they stand no chance of having their claims upheld if they make it across. I am just trying to achieve a balance. If Members want the Bill to go through, we need to have safe and legal routes in it to make it properly balanced. If you do not like the Bill but you want safe and legal routes, you need to support the Bill to get those safe and legal routes. This is mutually beneficial to those on either side of the argument on the Bill.

New clause 19 outlines how a refugee family reunion scheme would work. It includes a wide definition of close family members, including people who are adopted. Again, this is nothing new but it is a generous scheme that would do what it says on the tin.

[Tim Loughton]

Amendment 74 is an important consideration. The Government have said that they want the Bill to go through to be able to clamp down on the small boats. I have no problem with that. There are some things in here that are not quite as moderate as I would like, but I think it is necessary for the Bill to go through so I am trying to improve it. However, the Government have said that they will consult on safe and legal routes—we need to consult on safe and legal routes because local authorities, and others, will bear the brunt of how we accommodate many of these candidates—and then come up with some safe and legal routes. That is not good enough. The two sides of the Bill must be contemporaneous. We must not to be able to bring in these tough measures until those safe and legal routes are operational so people can have the option to go down the safe and legal route, rather than rely on people smugglers.

The Government will say, "We need to consult." Well, start that now because we need to consult with local authorities about how we get more people out of hotels now and into sustainable accommodation for the long term. The Government should be getting on with the consulting now, so that when the Bill eventually goes through—I suspect it may take a while to get through the other place—those safe and legal routes are up and running and ready to go. So amendment 74 is important.

Amendment 75 would add safe and legal routes as one of the purposes of the Bill in clause 1. Clause 1 is all about clamping down on illegal migration—quite right—but it should also be about the balance of providing those safe and legal routes. I want to put that in clause 1, at the start of the Bill. Amendments 72 and 73 are contingent on all of the above.

That is all I am trying to do. Lots of people are trying to misrepresent and cause mischief about the Bill, and in some cases on safe and legal routes. I will end on my own experience when I appeared on the BBC "Politics South East" two weeks ago. I was talking about safe and legal routes and I was challenged, "Why are you supporting this Bill when you were so keen on safe and legal routes and challenged the Home Secretary?" I said, "Because this Bill contains provisions for safe and legal routes." It does. It talks about "safe and legal routes", capping numbers and everything else. The following week on the same programme, with no recourse to me, the presenter read out an email from the Home Office, having got in contact with it, unbeknownst to me, to ask about my claim on safe and legal routes. The Home Office apparently replied:

"Nothing in the Bill commits the Government to opening new safe and legal routes or increasing the numbers."

That was news to me, news to Home Office Ministers—*[Laughter.]* Hold on, the hon. Member for Aberavon (Stephen Kinnock) may not be laughing in a minute. I was accused of being misleading. When I challenged that, it turned out that the Home Office communiqué actually said that the routes to be included as part of the approach set out for the new Bill would be set out in the regulations, which would depend on a number of factors, including the safe and legal routes that the Government offered at the time the regulations were prepared and, that, as the Prime Minister said, we would "get a grip" on illegal migration and then bring in more safe and legal routes. So actually that is provided for in the Bill.

The BBC completely misrepresented my comments and, I am glad to say, yesterday issued an apology and gave me a right of reply. Let us stick to the facts. Let us not get hung up on all the prejudice about this. We have a problem in this country, which is that last year just under 46,000 people came across in the most inappropriate and dangerous manner. We do not have the capacity to deal with people in those numbers, many of whom have unsustainable claims, and we have to get to grips with it. The Bill is a genuine attempt to get to grips with that issue. It would be much more palatable and workable if it contained a balance that has safe and legal routes written into it that come in at the same stage. I would challenge the Opposition to say that they have a better scheme for how we deal with this dreadful problem. Simply voting against all the measures in the Bill is not going to help anyone.

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): I call the SNP spokesperson.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): Do we support international human rights protections or do we not? Are we steadfast in our adherence to the European convention on human rights, the refugee convention and other international treaties we have signed up to, or are we not? To me, it is extraordinary that those simple questions are even apparently subject to debate, but those simple questions are precisely what this appalling Bill is asking of us, including in the clauses we are debating today.

The United Nations High Commissioner for Refugees has been clear that the Bill breaches the refugee convention. The Council of Europe Commissioner for Human Rights has written to us all today to warn it is:

"essential that Members of Parliament…prevent legislation that is incompatible with the UK's international obligations being passed".

Our view is that, because the Bill rides roughshod over international human rights law, it should be scrapped entirely. Short of that, the amendments in the name of my hon. Friend the Member for Glasgow Central (Alison Thewliss) and colleagues try to restore at least some level of respect for international law.

This is not only an abstract issue of international law. This is about the Afghan lieutenant we read about in *The Independent on Sunday* yesterday, who flew 30 combat missions against the Taliban and was praised by his coalition supervisor as being a "patriot to his nation". Now he is in a hotel and threatened with removal to Rwanda. It is about LGBT people fleeing outrageous criminal laws in Uganda, whose Parliament last week voted for further draconian legislation, imposing endless imprisonment and even death sentences on LGBT people, as well as on those who do not report them to the police or even rent a room to them. This is all about trafficking victims, victims of torture and many more vulnerable people. The question is: are we committed to meeting our international obligations to those people? For me and my SNP colleagues, the answer must clearly be yes, but the Bill says no.

We therefore absolutely oppose clause 49 and the Government's attempt to undermine the role of the Court of Human Rights. Clause 49 empowers the Home Secretary to ignore, and even to compel our courts to ignore, interim measures from the Court. It is said to be

a placeholder clause, but here we are debating it with only a select bunch of Conservative Back Benchers apparently any the wiser as to what the Government's intentions are with respect to it. The clause, as drafted, is totally unacceptable, but so, too, is the way the Government are treating Parliament. As the Council of Europe Commissioner for Human Rights states in his letter to us:

"interim measures issued by the European Court of Human Rights, and their binding nature, are integral to ensuring that member states fully and effectively fulfil their human rights obligations".

We therefore believe the clause should be taken out, or that either our amendment 119 or amendment 122, tabled by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry), should be supported to ensure that power is used consistently with the convention. The Prime Minister should stop dancing to the tune of the anti-ECHR minority. He should have the guts to put international human rights before internal party management.

I turn next to safe legal routes, which many amendments and new clauses understandably address. The lack of them and, in the case of the Afghan citizens' resettlement scheme, their poor and slow implementation, is clearly a contributor to irregular arrivals. Expanding them would help to tackle that issue, as the hon. Member for East Worthing and Shoreham (Tim Loughton) eloquently set out. Clause 51, as it stands, is completely inadequate. It provides for a limit not to be exceeded, rather than providing a target to aim for, and it allows the Home Secretary, instead of Parliament, to set the definition of "safe legal route". Our amendment 179 and related amendments replace the cap with a target, and a longer-term target too, and seek to improve Parliament's role in setting that goal and holding the Home Secretary to account for her efforts to meet it. We support other new clauses and amendments that seek to achieve similar aims. We support the various new clauses that highlight particular safe legal routes, such as the humanitarian travel permit, safe passage visa schemes, refugee family reunion and Dublin-style safe legal routes for children in the EU. The key point is, as has been said, that these routes should be a priority and an urgent part of the overall response, not an afterthought to be looked at a little way down the line.

On the remaining clauses relating to legal proceedings, frankly, most of the provisions in the Bill essentially dehumanise people who seek protection here, so that no matter what horrors they have endured, their individual circumstances are to be ignored and their ability to access rights and protections set out in international treaties is to be decimated. Instead, they are to be detained, locked up and either removed or left in permanent limbo. The clauses on legal proceedings buttress that regime by seeking to snuff out the ability of anyone to get to a courtroom to challenge what is going on before their removal takes place.

6.15 pm

What is most fundamental about this regime is what you cannot use as grounds for a suspensive challenge prior to removal. The Afghan who fought alongside our pilots against the Taliban cannot challenge his removal to Rwanda on the grounds that he is a refugee, and the trafficking victim cannot prevent his or her lengthy detention and removal on the basis of being a victim of trafficking.

Our amendment 76 makes the fundamental point that if a person makes a claim to be a refugee or makes a human rights claim, or if there are grounds to think they may be a victim of modern slavery or trafficking, that should be considered before any action is taken to remove. That is basically how things used to be, that is basically how things have been until now, that is how it should be, and that is generally what is required to live up to our obligations under international law. We also believe it is a requirement of simple common humanity.

As the Bill stands, not only is none of that possible, but the limited ability to challenge on grounds that serious and irreversible harm is risked is made incredibly difficult by the way the clauses are drafted. It is made more difficult because of ludicrously restricted grounds for challenge and appeal, and high evidential burdens. It happens because of red tape and deadlines that will simply be impossible to comply with. The challenges are provided by more ouster clauses and restricted appeal rights. That happens because the Bill gives the Secretary of State significant and unwarranted control over those processes. In short, access to justice and the rule of law are being pulverised. Our various other amendments are designed to pick away at that and restore appeal rights.

Why have the Government decided on

"real risk of serious and irreversible harm"

as the test for a suspensive claim? Yes, I acknowledge that that is the backstop test for interim measures under the European convention on human rights, but it is a high and unusually difficult test, and it risks the removal of people in circumstances where significant harm will occur to them. Why, in particular, is the Secretary of State left to define the concept, rather than Parliament, including the ability to lower the standard if she is unhappy with how courts interpret it?

We are particularly concerned with clause 40(5) and the requirements for making valid suspensive claims. I would be grateful if the Minister could clarify the implications of a claim not meeting those requirements. Often, if an application is not in a prescribed form, it means the Home Secretary simply does not look at the claim at all. That means there will not even be a refusal that can be appealed. I ask the Minister: is that the case in these circumstances?

Most concerningly, listed alongside the necessity to be in the "prescribed form", is a requirement for the application to contain "compelling evidence". Again, I ask the Minister: does that mean that if the Home Secretary simply decides there is no compelling evidence, it is as if no application has been made at all and, therefore, there is no right of appeal? If that is the case, that means the Secretary of State can simply close down any possibility of a challenge by deciding no application has been made. I would genuinely appreciate clarity from the Minister on that point.

Joanna Cherry: The Minister has taken a careful note.

Stuart C. McDonald: I notice the Minister is listening very carefully indeed.

Why is there a "compelling evidence" requirement? More importantly, is that not totally inconsistent with the test of real risk? That is the point of amendment 83. The danger is that even a probability of "serious and

[Stuart C. McDonald]

irreversible harm" will not be enough because of the type of evidence that can realistically be provided in the ludicrously tight timescale provided for.

On timeframes, we have various amendments to challenge the time periods that have been formally set out by the Government. The notion that eight days is enough time for an application is for the birds, as we know from the chaotic processes used during previous attempts to remove people to Rwanda, when many who were served notice barely understood what was happening. Language barriers, difficulties in access to solicitors and legal aid, the requirements of prescribed forms and demands for compelling evidence in the application mean that eight days will never happen. Those processes give rise to the risk that even those who could in theory make a challenge will miss out unjustly.

On that very important point, can the Minister provide clarity on how he will ensure that legal advice is accessible and, importantly, what his Government's position is on the availability of legal aid? Those are hugely important issues that are not really touched on in the Bill.

Given the ludicrously restricted timeframes, the restrictions on "out of time" claims in clause 44 are frightening. Our amendments from amendment 101 onward seek to challenge that. This time "compelling evidence" of a "compelling reason" for missing the eight-day deadline is required. What on earth does that mean? Is an inability to understand the notice, language difficulties or the impossibility of finding a solicitor sufficient? More fundamentally, are the Government saying it is okay to remove someone who is certainly going to face "serious and irreversible harm" just because they were a few hours late with the paperwork and did not have a decent excuse for that? It makes absolutely no sense.

The seven-day timeframe for appeals to be lodged in clause 47 is equally absurd for all those reasons. Again, how will access to legal advice and legal aid be ensured? Who did the Government consult when putting together that challenging timeframe? Why have the Government chosen to bypass the first-tier tribunal? Why are the Government suggesting using first-tier employment law judges to assess difficult issues of removal and serious harm?

Some will have an even more difficult route to challenge a refusal if the Home Secretary decides that a claim is "clearly unfounded". The clauses do not seem to make any sense. If, as seems to be the case, to make a valid application someone needs to provide compelling evidence of harm, it is difficult to see how any valid application containing such compelling evidence can be deemed clearly unfounded. Going beyond that, the grounds for appeal to the upper-tier tribunal are, again, objectionably difficult. Just to get permission to appeal, compelling evidence of serious or irreversible harm is required, assessed on the papers with no further right of appeal. Our amendments to clause 43 seek to rectify that.

We object to the Bill instructing the tribunal how to do its work, in particular how to make assessments of fact. Judges—not the Secretary of State—should determine what new matters can be considered, and what evidence and facts are relevant to their decisions. Our amendments to clauses 46 and 47 and various other clauses seek to protect the independence of the tribunal. We object strongly to the ouster clause in clause 48, in particular the restrictions on the supervisory jurisdiction of the Court of Session.

Amendments 100 and 108 seek to challenge restrictions on onward rights of appeal. These are serious and significant issues of profound importance. Removing the oversight of the courts is unacceptable and unconstitutional. We had a well-developed and functioning system of appeals and judicial oversight. The Government should stop dismantling it. Instead, the Bill will leave most people seeking to assert their rights able to do so only after they have been removed. The notion that such challenges can be successfully undertaken from thousands of miles away is absurd.

The fundamental question is, what happens if someone is successful in making a suspensive case? All that clause 45 states is that they cannot be removed; it does not allow them access to the asylum process or any other assessment of their case. They, like tens of thousands of others who cannot be removed simply because there is nowhere to remove them to, will be left in limbo—a limbo that is disastrous for the taxpayer but life-destroying for the individuals involved. A desperate outcome from a desperate Bill.

Finally, although we support almost all the other amendments and new clauses tabled by Opposition Members, we have concerns about new clauses 23 and 25. New clause 23 would require the Secretary of State to use her broad discretion to put in place a fast-track asylum procedure for so-called "low grant-rate countries". It contains an amazingly wide definition of a low grant-rate country, which would include nationalities where 49% of applicants had successfully sought asylum.

New clause 25 has aspects that are fine, but crucial to what it tries to do are co-operation agreements for the removal of people who have had claims declared inadmissible. However, there is no definition of "inadmissible" separate from the definition in clauses 2 and 4. That goes to the heart of all of the problems with the Bill. We will continue to listen carefully to what is said about those new clauses, but we are concerned that they need further work.

In short, we oppose every aspect of the Bill. We object to the outrageous timeframe for its consideration and to the lack of impact assessment before we debate it. Our amendments try to mitigate some of its worst aspects but, ultimately, it remains an unlawful Bill completely and utterly beyond repair.

Mr Simon Clarke (Middlesbrough South and East Cleveland) (Con): I rise to speak to amendment 132, which appears in my name. Together with amendments 131, 133 and 134, it has been drawn up with the express purpose of ensuring that our legislation does what my right hon. Friend the Prime Minister has rightly said should be our priority: stopping small boats and the evil trade that sustains them.

We are fortunate to live in one of the greatest countries on earth. Unless we believe in a literally unlimited right of immigration, in any sane legal order, we in the United Kingdom must have the ability to effectively control our borders. It is only by having such control that we can maintain democratic consent for both legal migration and our system for allowing asylum to those in need, as we have done rightly and generously for those fleeing the repression of the Chinese state in

Hong Kong, the bestiality of the Taliban in Afghanistan or the cruelty of Putin's war in Ukraine. As my right hon. Friend the Minister for Immigration said from the Dispatch Box, almost half a million humanitarian visas have been granted by this country since 2015, of which 50,000 came from existing global safe and legal routes.

At the moment, we do not exercise the control to which I alluded a moment ago. Contrary to what Opposition Members may pretend, no amount of operation with the French or investment in our infrastructure at the border—welcome though those things are—can deter people attempting the crossing in the tens of thousands each year.

Scott Benton (Blackpool South) (Con): My right hon. Friend makes a fantastic point about this nation being hospitable and generous, particularly over the last few years. Does he agree with the point raised by my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes) that there is a problem not just with illegal routes and illegal immigration, but that over time we have had more and more legal migration? I am afraid that our population is now rising so quickly that it is fundamentally undermining our ability to provide public services.

Mr Clarke: I certainly believe that, vitally, we will only have democratic consent for legal migration if it is clear that that happens at the behest of and with the consent of this House and, critically, that we do not have an illegal immigration situation that is beyond this House's control.

The reality is that if we are to effectively deter the evil trade of people smuggling, we need to tackle the incentives. That means making it crystal clear that coming here illegally will lead to swift detention and removal. It is neither compassionate nor sustainable to allow what is an abuse of our immigration system to continue. I can testify that, having sat in meeting after meeting with the Home Office as the Chief Secretary to the Treasury, the cost to the Exchequer of millions of pounds each day for hotels to house asylum seekers is not something that we should take lightly. That is, in part, why I tabled my amendments.

Bitter experience teaches us that Tony Blair's Human Rights Act will otherwise act to frustrate the will of Parliament. The Government have therefore rightly drafted the Bill to disapply section 3 of the Act. However, I believe that other sections of the Act will be engaged too, and they should also be disapplied for the express purpose of this legislation. I say that not on my own authority but on that of Professor Richard Ekins of Oxford University and Sir Stephen Laws KC, the former First Parliamentary Counsel. As they argue in their February Policy Exchange paper:

> "New legislation should expressly disapply the operative provisions of the 1998 Act, specifying...section 3 (interpretation of legislation), section 4 (declaration of incompatibility), section 6 (acts of public authorities) and section 10 (power to take remedial action)".

They go on to say:

> "Without legislative provision to this effect, it is inevitable that claimants will challenge the Home Secretary's understanding of the legislation, inviting the courts either to interpret the legislation to read down her duty to remove persons from the UK (or reading in new procedural requirements) or to declare the legislation incompatible with Convention rights and thus authorising ministers to change it by executive order and ensuring that political pressure would be brought to bear to that end."

Having disapplied section 3 on the basis that it leaves open the possibility of systemic legal challenge, I can see no legal, philosophical or practical argument against doing the same where a similar risk exists.

Ultimately, we know that our best—and probably only—chance to avoid this legislation being entangled in human rights law is for this place to be absolutely clear and unambiguous about our intentions. My amendment flows in that spirit. We should show the determination now—not after the fact, if and when the fears of many of us in this House have been realised—to make our intentions clear in the Bill.

I wish to speak briefly in favour of amendment 131, tabled by my hon. Friend the Member for Devizes (Danny Kruger), which has a comparable aim to my amendment in respect of the ECHR. I do so for the reasons set out by the Lord Chancellor at the time that the United Kingdom entered into the convention. He said:

> "The real vice of the document, therefore consists in its lack of precision. I should be unable to advise with any certainty as to what result would be arrived at in any given case, even if the judges were applying the principles of English law. It completely passes the wit of man to guess what results would be arrived at by a tribunal composed of elected persons who need not even be lawyers, drawn from various European states possessing completely different systems of law, and whose deliberations take place behind closed doors."

In a nutshell, that is the risk to which we expose the legislation if we proceed without that protection.

I very much hope that my right hon. Friend the Minister will take these amendments seriously and work with us, over the course of the crucial weeks ahead, to ensure the legislation respects the will of the House and, I believe, the will of the British people.

Dame Diana Johnson (Kingston upon Hull North) (Lab): First, I add my voice to the concerns already raised by a number of Members about the lack of an impact assessment, an equality impact assessment and a children's rights impact assessment, as we commence the Bill's important Committee stage. In the Home Affairs Committee report on small boats and migration, we made it clear that:

> "There is no magical single solution to dealing with irregular migration. Detailed, evidence-driven, fully costed and fully tested policy initiatives are by far most likely to achieve sustainable incremental change that deters journeys such as dangerous Channel crossings."

So it is regrettable that we do not have all the information, including the costing and the impact assessments, when debating these clauses today, particularly when the Bill is being rushed through the Commons.

6.30 pm

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): The right hon. Lady has rightly called for a number of assessments, but is the real test of the Bill not the impact assessment of newspaper headlines? That is all it is about.

Dame Diana Johnson: Unfortunately, there seems to be a great deal of confusion in the House about the small boats issue. It is worth reflecting on the fact that currently the largest number of people coming across in small boats come from Afghanistan and that the backlog in the Home Office system—now over 166,000—has

[Dame Diana Johnson]

been growing for some time, creating a knock-on effect on how quickly the system can deal with people arriving in this country, process them and remove those who should not be here.

It is also worth reflecting on the Home Affairs Committee report on the small boats crisis, published last summer, which said that the Government needed to address four things: clearing the backlog and speeding up the processing of people arriving in small boats; the issue of safe and legal routes, which I will say a little more about in a moment; the need for international co-operation; and the need to deal with the criminal gangs and to have return agreements with other countries in place. I remain worried about the argument that the Bill will deter people from getting into small boats, which goes back to my concern about the lack of evidence.

The hon. Member for East Worthing and Shoreham (Tim Loughton) referred to the Home Affairs Committee trip to northern France in January. One key thing I remember from that trip is that if someone is standing on the beach in Calais or northern France, with the British coastline visible just 30 miles away, it is too late; they are going to take their chance and get into a boat.

I worry about the Home Office's capacity to deal with the momentous change that the Bill will bring. It has not been very good at dealing with the asylum applications that have been building for many years, and I worry about its capacity to deal with the large-scale detention of people, families and children that the Bill will introduce.

My amendment 137 is on the issue of establishing a cap on the number of migrants using safe and legal routes. It will be difficult for the House to identify and make provision for crises that will unfold in the year ahead. In 2010, we could not have known the true extent of refugees from the first Libyan civil war or from South Sudan, or the number coming from Syria in 2011 or from Ukraine just one year ago. We cannot know what global challenges we will face in the next year, so an arbitrary target could be seen as a restraint on Governments being able to respond dynamically and appropriately.

Who will be included in the cap, and will it include children? Every child has the right to protection from persecution, discrimination and violence. That is a cornerstone of international and domestic law. Turning away a child fleeing a war zone or a genocide because of a cap decided months earlier in this House, could undermine the key principles of the international child protection frameworks that we have signed up to, including our own Children's Act 1989, which gives clear focus to our international obligations in domestic legislation. The Government say that clause 51 will allow them to exceed the number set out in the cap each year if needs be. In that case, it is not really a cap, is it? It might be a target, but one that would have difficulty dealing with what is happening internationally.

We should reflect on and acknowledge the willingness of the British people to step up to the plate when crises appear, as thousands did last year when they took in displaced Ukrainians, and the wholesale support for unaccompanied children being given shelter when we debated the Dubs amendment a few years ago. If the Government are determined to introduce the cap, children should not be included and "people", as set out in the clause, should be defined as those over 18 years of age. Setting a cap on the number of children who can claim asylum could result in one child being turned away while another is chosen—it is a "Sophie's Choice" regulation. I ask the Minister to think again, and recognise the special position of children and our obligation to them.

The most obvious and appropriate way to support refugee children is to ensure they have access to safe and legal routes, which are clearly set out and defined. That is why I have added my name to new clause 13 and amendments 72 to 75, tabled by the hon. Member for East Worthing and Shoreham. I also support new clause 17 in the name of my hon. Friend the Member for Walthamstow (Stella Creasy).

Our Home Affairs Committee report made it explicitly clear that ensuring that there are accessible, safe and legal routes to the UK is a key plank of an asylum system that is both fair and effective, and also provides a clear disincentive and deterrent for illegal routes. I agree with the comments made by the hon. Member for East Worthing and Shoreham about the need for additionality. We cannot just say that the current schemes are sufficient, welcome as they are. There must be a package of measures to deal with the current situation, along with clearing the backlog. It cannot be right that that is left until some future date when we will know what the safe and legal routes are. That needs to be up front as part of the Bill, so that we have both the deterrent and the options around safe and legal routes.

New clauses 8 and 10 are about safe passage visa schemes. The Home Affairs Committee report mentioned using reception centres in France to allow people to make asylum claims from France—the Government rejected that idea, but some imaginative thinking about how we can assist people to make claims would be helpful. That is why it is worth the Government considering what new clauses 8 and 10 would mean. We have juxtaposed checks on passports and customs with the French, but there may be more room for negotiations with the French about making claims in France directly. New clause 8 is a little more prescriptive than new clause 10; that might be helpful as well.

I have added my name to amendment 122, which was tabled by the hon. and learned Member for Edinburgh South West (Joanna Cherry). The amendment would clarify our legal responsibilities and fulfil the recommendations of the Joint Committee on Human Rights. Last year's Home Affairs Committee report underlined the importance of strong international co-operation and relationships in dealing with migration issues. I believe that those would be weakened by walking away from our international legal obligations.

In conclusion, the Government must ensure that the Bill does not undermine our legal or moral obligations. They should clearly establish safe and legal routes in the Bill. If they are determined to tighten our refugee provisions, we must not turn our back on child refugees by arbitrarily placing a cap on, or excluding, those vulnerable children who turn to us for support.

Danny Kruger (Devizes) (Con): I rise to speak to amendment 131, which stands in my name and in the name of colleagues. I am grateful to the Minister and his colleagues for their very constructive engagement in recent days; on the basis of the commitment that I hope

we will hear from him this afternoon, I do not propose to press my amendment to a vote this evening. I also thank my hon. Friend the Member for Stone (Sir William Cash); I am very glad that he has just returned from his cup of tea, because I am about to make a great speech in defence of parliamentary sovereignty in his honour.

The fact is that we need a new asylum system in our country. Indeed, the world needs a new framework for protecting the rights of refugees in an age of mass migration, with the huge people movements that we are seeing. Part of that is safe and legal routes, which are the natural corollary of the Bill; I support the principle described by my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) and set out in his amendments to that end. I particularly endorse the work that has gone on in the Home Office—I want to see more of it—around community sponsorship. It is one of the existing global routes that we have, and we want to see it widened significantly. Even more fundamentally, the new framework that we need must honour the founding principle of both the European convention on human rights and the refugees convention: that the primary responsibility for managing asylum rests with the nation state. That is the purpose of the Bill and of my amendment.

It is worth stating why, as part of the new framework that we need, we need a law requiring the removal of people who arrive here illegally. The fact is that even if we had the best safe and legal route in the world, we would still have thousands of people—tens of thousands, perhaps hundreds of thousands a year—seeking to come here by unsafe, illegal routes. We simply cannot accommodate all those people. That is why it is absolutely right that this Bill creates a limit, with a cap on the total number of refugees we will receive. What that cap should be is up for debate, but the need for one is clear.

Unless we want open borders—Opposition Members deny that they want them—we have to do something about the many, many people who will still try to come once the cap has been reached. The only logical answer is to deny leave to stay to people who enter illegally, to detain them and to remove them somewhere safe and free: either back to their own country or to a third country that is willing to have them. That process must be swift and unquestioned. Nothing but the certainty of detention and speedy removal will deter illegal migrants and break the business model of the smugglers.

That power of removal was established in the Nationality and Borders Act, but as we know, a judge in Strasbourg was then woken in the middle of the night by a lawyer acting for an assortment of campaign groups. The judge—sitting in his pyjamas, for all we know—issued an interim order that caused the Home Office to stop the policy before the first plane took off.

Joanna Cherry: What the hon. Gentleman has just described is the process of getting an interim injunction in England or an interim interdict in Scotland. Is he not aware that that happens just about every day of the week in our domestic legal systems?

Danny Kruger: The difference is that our domestic legal systems should not be subject to the findings of a foreign court. Moreover, the process should be transparent, it should be possible to appeal and the Government should have been able to be involved in the process. For action to take place in that way is profoundly undemocratic.

Joanna Cherry *rose—*

Danny Kruger: Let me explain myself more clearly. There are two things profoundly wrong with what happened last June. The first is the explicit tolerance of illegality—the claim by activists, backed by Opposition politicians and by judges, that people who break into our country should be allowed to stay and settle here. The second is the idea that the laws of the British Parliament can effectively be struck down by courts claiming a greater sovereignty, in deference to a higher power than parliamentary statute: the power of international law.

Yasmin Qureshi (Bolton South East) (Lab): The United Kingdom has signed up to many international treaties. Why do we sign up to treaties if we are not going to allow them to be implemented or follow them?

Danny Kruger: The hon. Lady is absolutely right that this is a treaty to which we have signed up. Under a treaty we have certain obligations, but those obligations do not include obeying such interim orders. There is no legal basis for us to obey them; that is a recent convention, and it is not in statute that we should obey such an order. Moreover, even if it were a substantive judgment, it does not give direct effect to what the British Government do. We need to change these things. That is why this Bill is necessary: it will mandate, not merely permit, the Government to remove illegal migrants, so that there can be no doubt in the mind of Ministers, officials or contractors what the law requires them to do.

6.45 pm

What about the courts? I know the Government hope and expect that the new mandate to remove will be enough—that plain primary legislation passed in this place will persuade judges, whether in Strasbourg or in the UK, not to stand in the way of Parliament. I hope that they are right, but I do not think that we can rely on hope. I do not think that we can rely on assurances that the Government may have received from Strasbourg that judges there will respect this law in a way that they did not respect the last.

We need to go further. We must not just permit removals, as per the Nationality and Borders Act, and not just mandate removals, as per the Bill, but actively block the frustration of the removals policy. The primary means by which the policy will be frustrated is the European Court of Human Rights. My amendment would ensure that the policy of removal could go ahead

"notwithstanding any…decision…of the European Court".

No more pyjama injunctions in the middle of the night—the so-called rule 39 orders.

Stella Creasy: One of the reasons why Winston Churchill helped to set up the European Court of Human Rights was to protect citizens across Europe, including in the UK, from overbearing Governments who did not have respect for the role of courts in keeping them honest. With the hon. Gentleman's amendment, let us see some honesty: is he saying that he, in contrast to the Prime Minister, wants us to leave the ECHR? If the amendment were passed, it would mean our having to, and we would be in the same position as Belarus. Will he be honest: does he want us to be Belarus?

Danny Kruger: The hon. Lady mentions Winston Churchill, who of course had no intention for the UK to sign up to the European convention. It is true that he sent some lawyers over there, but actually the original intention was for the UK not to sign up. There was no need for the UK to sign up to it. We did so, but at that time there were no rule 39 orders. There was no opportunity for judges, in the middle of the night, to issue these interim orders and stop UK policy. That was not the case then, and it should not be the case now.

Even substantive judgments, with which I accept we need to comply—Opposition Members are quite right about that—should not have the direct effect of halting removals. A substantive judgment against the UK would simply start a process of negotiation like the one we had after the Court ruled against us on prisoner voting. My amendment would put Strasbourg and the ECHR in their proper place: as a treaty partner, not a higher power or a superior lawmaker to the Parliament of the United Kingdom. Opposition Members seem to think that the ECHR has a power superior to the sovereignty of this House. I invite them to stand on that platform at the next election: by all means go ahead and suggest that this House is not sovereign.

I come not to bury the ECHR but to praise it. The convention is a noble document—as we know, it was written with the help of British Conservative lawyers—but really it just codifies the liberties enjoyed under English common law and statute. We should not have done so, but sadly we have put ourselves under

"the supervisory jurisdiction of the European Court".

We should not be dictated to when it comes to the control of our borders. I challenge any hon. Member who thinks that the judges in Strasbourg have superior jurisdiction to that of this Parliament. My amendment would restore the proper balance of power.

The heart of the matter, and the reason passions run so high around the Bill, is what kind of country the UK is, or what we think it is. Opposition Members think that this country is a cruel, petty, small-minded small island that ignores its responsibility to the most vulnerable people in the world. That is what they think this country is, but our side of the House does not think so. We know that we have obligations to the world's refugees and we are determined to fulfil them, but we think the first and foundational principle that defines the UK—the source and basis of all our generosity and our engagement with the problems of the world—is that we are a law-governed nation and that the laws that govern us are made here, in this building, by the representatives of the people. That is the principle that holds everything together. That is why Britain is respected abroad. That is the basis of our peace and prosperity, and our extraordinary history. It is why, directly or indirectly, so many people from other countries want to come and live here, whether they come legally or illegally—because we are a safe, prosperous, law-governed and sovereign nation. No human rights framework, no international convention, can dictate to us that we should tolerate illegality, let alone illegal entry to our country and all the privileges of residence here.

We need, with this Bill, to remember the people who sent us to this place and what they expect of us. They expect us to defend the interests and the values of the law-abiding citizens of this country, and to put the laws that we make here ahead of the interpretation of a foreign court. Statute is sovereign. Parliament is sovereign. The public expect us to have the courage to discharge our duty and take back control of our borders, as we promised we would when we left the EU. I believe the Bill will do that, with some strengthening. I know that the Government share my view, and I look forward to working with them ahead of Report to make the Bill watertight.

Tim Farron (Westmorland and Lonsdale) (LD): It is a pleasure to follow the hon. Member for Devizes (Danny Kruger), with whom I agree about the source of human rights. Sometimes we need to have an arbiter, a human one, who will prevent us from being our worst selves, and I fear that the Government are being their worst self in this instance. I fear that the Bill, with its flagship title—no pun intended—will not stop the boats. I want to stop the boats, because every person who gets into a rickety boat on the French side of the channel and takes the risk of crossing it is a potential tragedy. We should all want those boat crossings to stop. However, I am convinced that the Bill will do nothing of the sort.

This Bill is dozy and it is dangerous. It is dozy because it will not work and will be counterproductive; it is dangerous for genuine refugees—we will not know who they are unless we seek to assess them in the first place—and it is dangerous for Britain's reputation and therefore to our power overseas, soft or otherwise, thus undermining our sovereignty. It fails the moral test, not just because of the impact on those who seek sanctuary on our shores, but because it is based on a hysterical and bogus pretext. The context is important here, and so is the language. The fact that the Home Secretary and other refer to the UK's being "swamped" by refugees is an outrage as much as it is totally and utterly inaccurate. In a league table of European countries, the United Kingdom ranks 20th among those taking refugees, per capita. It takes a third of the number taken by France, and a quarter of the number taken by Germany.

The bogus premise on which the Bill is based is set out clearly and obviously. Intelligent Conservative Members—and I am sure they are all intelligent—understand that, yet they continue to promulgate this nonsense. Nevertheless, language has consequences. Do Conservative Members not realise that when far-right protesters stood on the pavement screaming abuse at some terrified person fleeing persecution and simply awaiting an assessment, that was caused in no small part by the incendiary language used by politicians and people in the media? It is outrageous.

Lia Nici: Will the hon. Gentleman give way?

Tim Farron: I am delighted to give way.

Lia Nici: And I am delighted that the hon. Gentleman has given way. Does he not realise that we are in this position because the left wing-supporting lawyers have taken us to this point? When I knock on my constituents' doors, they ask, "Who is running this country? The Government, we who voted you in, or the left wing-supporting lawyers?" We are in this situation because left-wing extremists are trying to stop our democracy from functioning.

Tim Farron: I thank the hon. Lady for articulating the case so clearly. When all is said and done, we should ask why we have a problem. I have set out irrefutable

numbers showing where we are in the world, and in Europe, in terms of the number of asylum seekers we receive on our shores: far fewer than most European countries, far fewer than many smaller European countries, and an absolute blinking fraction compared with the likes of Lebanon, for instance. Nevertheless, we have a problem, and why do we have a problem? Because the Home Office is dysfunctional.

It is outrageous that there are people sitting in hotels and hostels being jeered at by right-wing protesters, wound up by those on the other side of the House who have used—if I am being generous—intemperate language. Why are there so many people in those places? Because the system is broken. We are not "swamped" by refugees; we have an asylum system run by an incompetent Government, and what is perhaps the most morally outrageous aspect of this whole debate is the fact that these people, whether or not they are genuine asylum seekers—and we will not know whether or not they are unless we blooming well assess them—are being blamed for the Government's incompetence. What a moral outrage. There is, of course, a case for making changes in the law, and I do not believe in open borders, but what the Government are proposing is uncontrollable borders. As I have said, language has consequences, and we should be careful about how we use it.

Laura Farris: We in the Home Affairs Committee heard from Dan O'Mahoney, the clandestine channel threat commander, that the number of arrivals on small boats with any identifying documents is almost zero, because the people smugglers encourage them to dispense with all "pocket litter", as he described it—passports, phones and SIM cards—on the basis that it will confuse those at the Home Office and make it impossible for them to distinguish between asylum seekers who are genuine and those who are not. Is not one of the problems experienced by the Home Office the fact that it is confronted with people who cannot prove who they are? Is not that, and the direction given by the people smugglers, at the root of this issue, rather than Government incompetence?

Tim Farron: In which case, the hon. Lady would propose a Bill that aimed to stop the boats and undermine—

Laura Farris *rose—*

Tim Farron: I am trying to respond to the hon. Lady's first point. *[Interruption.]*

The Chairman of Ways and Means (Dame Eleanor Laing): Order.

Tim Farron: If the hon. Lady really wanted to deal with the issue that she has just articulated, she would do something to undermine the business case of the people smugglers. Of course these people are doing what they are guided to do—

Laura Farris *rose—*

Tim Farron: I am happy to take another intervention.

Laura Farris: The hon. Gentleman is challenging the Government to pass legislation that requires the arrivals to produce documents. The last Labour Government tried that with the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, which made an asylum claim contingent on the provision of adequate documents. I do not know what has happened to that legislation—perhaps the Labour Front Bencher who winds up the debate can illuminate us—but the truth is that successive Governments have tried to require the provision of identification documents, but 20 years later people are still arriving without them, and are being given asylum on the basis of what the Home Office cannot prove.

Tim Farron: I appreciate the hon. Lady's intervention, but if she really wanted to achieve that, she would support safe and legal routes. That is the way to tackle those problems. The simple fact is that we are dealing with a political issue. Why? Because the Government have failed to retain control of the asylum process. They do not trust their own process. I believe in assessing people to establish whether they are genuine asylum seekers or not, and then returning them if they are not. I want a system that is fair and tough, but the Government are proposing a system that is unfair and weak.

Andrew Gwynne (Denton and Reddish) (Lab): The hon. Gentleman is making an important point, but we also need a system that is timely and does not leave people hanging on for years and years. The Government say that they have cut the backlog by 50%, whereas the UK Statistics Authority says that it has increased by 777% on the Government's watch. We cannot have an honest debate when the statistics are so badly skewed.

Tim Farron: Exactly. It is very easy to make the case that the Government are making when these are all faceless people, but a couple of months ago, I met an Afghan citizen in the constituency of my friend and neighbour the hon. Member for Barrow and Furness (Simon Fell). This guy had been waiting 13 months to have his case heard. He had been an interpreter for the British forces in Afghanistan, and we had left him behind. His wife and two children were hiding back in Afghanistan, waiting and rotting. That is not due to the fact that we do not yet have the Bill; it is due to the fact that we have a Government who are incompetent and uncaring when it comes to people who have served our country and whom they have let down badly.

Wera Hobhouse (Bath) (LD) *rose—*

Tim Farron: I will take one more intervention.

Wera Hobhouse: Is not an obvious sign of the Government's failure the fact that only 22 Afghanistan citizens have been resettled under the Government's resettlement scheme, while thousands are waiting in danger?

7 pm

Tim Farron: I thank the hon. Lady for making that important and powerful point.

Let us deal with another of the dozy charges aimed at those of us who think this Bill is at best mistaken. We are asked why people would want to come here, escaping from war-torn France. Why do they not stay in France, as it is not a dangerous country? I could make some quips about the current state of play over there, but

[Tim Farron]

I will not. Let us remember that 86% of people fleeing their homes go to the neighbouring country and stay there, so only about 14% of refugees go beyond their neighbouring country, and a fraction come to Europe. In case Conservative Members need a geography lesson, we are at the end of the line; we are on the other side of the channel, at the far west of Europe. We are the place that they get to last. We have already established that France takes three times as many refugees as we do.

Yasmin Qureshi: The hon. Gentleman is making an excellent case. On the question of figures, is this not part of the bogus nonsense being spouted by the Government when the Secretary of State goes on television to say that 100 million people are making their way to the United Kingdom and then someone else goes on television to say that about 1 billion people are making their way to the United Kingdom?

Tim Farron: Yes. There are arguments for stricter or less strict measures for dealing with migration and asylum, and it is important to discuss those, but it does not help when we have bogus nonsense figures being spouted, sometimes in this place. That just creates more heat and no light.

Let us deal with the charge that France is a safe place, that people should not be allowed to come here from there and they should just stay there. France could say that to Italy and Spain—

Tom Hunt: Will the hon. Gentleman give way?

Tim Farron: I will not give way again, sorry. I have taken loads of interventions and I am testing everyone's patience; my speech is now 11 minutes in.

France could say the same to Italy or Spain, and then Italy or Spain could say, "Stay in the sea." What we are seeing now is an attempt to undermine Britain's part in the globe. We were told by some Conservative Members that we were leaving the European Union but not Europe, and that we would now be "global Britain." Ignoring for a moment the moral obligations we have to people seeking sanctuary, let us remember what message it will send to our neighbours, friends and allies around Europe and elsewhere if we unilaterally decide that we are not going to play the game. This undermines our soft power and our sovereignty. This is why we support new clause 3, which deals with setting a target and gives a clear sense of Britain stepping up to the plate and being part of a global operation.

The Government talk about deterrence, but the Bill fails to understand the horrors that people have been through. People who have left Sudan or Eritrea often go through Libya, and I would ask Conservative Members to spend a moment to research what it is like for a refugee passing from the horn of Africa, for example, through to Libya and then crossing the Mediterranean. What are their experiences? We tell those people that it will be scary and that we are not going to treat them very nicely when they cross the channel, but that is nothing compared with their experience of crossing Libya. I ask Members to inform themselves about that in particular.

The Bill is clearly not aimed at tackling the criminal gangs. The simple fact is that the criminal gangs' business model will remain alive and well. Why? Because people will arrive on these shores and then not claim asylum. They will go under the radar, which fuels modern slavery and criminality. More people will be exploited, especially women and girls. There is no question whatsoever that this Bill will do anything to tackle the business model of those gangs—it is clearly not intended to, which is another outrage. It is indeed a traffickers' charter. It will therefore lead to more deaths in the channel. It is a recipe for uncontrollable borders, because there will be nobody applying for asylum. They will just slip under the radar. If the Government had done an impact assessment, they would know that. Maybe they did, but they have not shared it with us.

The simple fact is that we need safe and legal routes. People from Ukraine, Afghanistan, Syria or Hong Kong stand a chance, one way or another, of having a safe route to the United Kingdom. But if you are a young Christian man seeking to avoid being conscripted in Eritrea, a woman seeking sanctuary from Iran or a person from a religious minority in Sudan, you have no chance whatsoever of getting here. That is morally outrageous. We are turning our back on our long-held principles and obligations. That is why new clause 6 is so important and why, with your permission, Dame Eleanor, we will push it to a vote tonight.

New clause 6 would ringfence asylum seekers from those countries that already have an 80%-plus grant rate—places such as Sudan, Eritrea and Iran. It proposes a pilot scheme for 12 months—this is measured, small and not all that ambitious—just to give the Government an opportunity not to be duplicitous about this and to show that we are at least providing an experimental and evidence-based safe route. I urge the Government to accept the new clause; otherwise, we will seek to divide the House. New clause 4 talks about a humanitarian travel permit, and new clause 7 deals with refugee family reunion.

If the Government seriously want to make the case that the Bill is going to undermine the business case of the people traffickers, evil as they are, they will fail to do so unless they provide meaningful, tangible, credible safe and legal routes. Those routes do not currently exist, and these new clauses allow the Government the opportunity to create them. If they will not accept them, this will prove that they do not have a plan to stop the boats and that they are just getting into the gutter to grub for votes.

To be fair, I think the Government have misjudged those who seek sanctuary here. I have met many of them. I have been to Calais and other places, and I have had to interrogate why people would choose to come to the United Kingdom. The hon. Member for Devizes set out many of those reasons, but I have never discovered among those people any who have heard of the national health service or our benefit system. The lie that they are somehow coming over here to sponge off or threaten us is just that: it is simply untrue.

But those people have heard of something: they have heard of a Britain that is safe, where they can raise their children, where they can be who they are and have whatever faith they may be and whatever political views they may hold—a place where they can raise and feed their family in safety. I cannot imagine anything making me more proud than that being the reputation of this country. No amount of small-minded attempts to change

the law by this "here today, gone tomorrow" Tory Government will dent that reputation. I think the Government have misjudged not only the asylum seekers, but Britain too.

Let me tell the House a story about my constituency, and then I will shut up. Let us be honest, the Lake District is not the most diverse part of the United Kingdom, yet in August 1945 half the children who survived the death camps, including Auschwitz, came to Windermere to be rehabilitated and to start their lives afresh, because that is who we really are. That is who Britain really is and we should be proud of that. Let us absolutely stop the boats, but let us do so in a way that makes sense and that is neither dozy nor dangerous.

Sir John Hayes: It is conventional in this place to say that it is a delight and a joy to follow the preceding speaker, and generally one does so as a matter of convention, but I am always pleased to follow the hon. Member for Westmorland and Lonsdale (Tim Farron), even though I disagreed with almost everything he said. I know that he speaks with integrity and that he believes in his heart what he has said today, but I have to tell him that his purity—if I may put it in those terms—and his absolute Christian dignity have got the better of his reason in respect of this issue.

The hon. Gentleman's constituents, like mine, expect this House to be where power lies, for it is this House that is answerable to them. He owes his political legitimacy to his relationship with the people he described in his constituency, as I do to those in mine. When other powers in other places supersede the authority of this House, in the way the European judges did when they held up the planes for those being sent to Rwanda, our constituents feel not only frustrated but let down. They feel let down because they see the will of this House and the will of our Government being impeded, and indeed frustrated, by those overseas powers.

Yasmin Qureshi: Will the right hon. Gentleman give way?

Sir John Hayes: I will happily give way to the hon. Lady, who is deeply confused about the difference between treaty law and statute. Perhaps she will explain that.

Yasmin Qureshi: I draw the right hon. Gentleman's mind to the 1970s when, in this country, a Conservative Government passed legislation saying that a married woman, or any woman, coming to this country had to go through a virginity test, and it was the European Court of Human Rights that overturned that British legislation. Are you really telling me that you think that legislation was correct?

The Chairman of Ways and Means (Dame Eleanor Laing): Order. I think the hon. Lady means the right hon. Member for South Holland and The Deepings, not me.

Yasmin Qureshi: Is the right hon. Member for South Holland and The Deepings (Sir John Hayes) really telling me that he thinks that decision by the European Court of Human Rights was wrong?

Sir John Hayes: I never knowingly defend the Heath Government, so I will not accept any connection with their measures. Indeed, it was Edward Heath who, against the interests of the British people, took us into the European Union in the first place, but I will not go down that road as it is not relevant to the amendments before us.

In the spirit I have just outlined, I will address the significance of the Bill and the amendments before us, in the context of the Government's determination not only to tackle the issue of immigration per se, but to deal, in particular, with illegal immigration in the form of boats arriving in Dover. Just as we won the referendum campaign with the simple slogan "Take back control," so it seems to me we will win this argument with a similar slogan: "Stop the boats."

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Will my right hon. Friend give way?

Sir John Hayes: I give way to my hon. Friend, who is an authority on all matters of this kind.

Daniel Kawczynski: When I arrived in this country as an immigrant in October 1978, I was bowled over by the hospitality and kindness I came across. Does my right hon. Friend recognise that, in order to maintain the British people's welcome for outsiders coming here, we have to deal with illegal migration? That is why it is so important that we support the Bill this evening.

Sir John Hayes: My hon. Friend is right, of course. In a sense, his comments reflect the remarks of the hon. Member for Westmorland and Lonsdale, but the spirit, character and reputation that Britain enjoys depend on both lawfulness and propriety. It is not unreasonable to suggest that our generosity should be defined by proper rules and standards.

When my hon. Friend the Member for Newbury (Laura Farris) challenged the hon. Member for Westmorland and Lonsdale on the issue of people not bringing documents, I was left to wonder, as others may have been, why on earth a legitimate asylum seeker who is pleased to come here on the basis he outlined would want to discard the documents that would prove their case. Why would they do that? That is the kind of question my constituents ask me. I have to conclude that many people disguise their identity and discard their documents not because they want to make it more straightforward for the Home Office to deal with their claim, for clearly it would not make it more straightforward, but because they have something to hide.

Last year, 33% of the people arriving in small boats were from Albania. That proportion has now fallen because the Government have done something about it. So much for inefficient Ministers and the inefficient Home Office. They dealt with the Albania issue, and they will now deal with this issue with equal alacrity and skill.

Stella Creasy: I fear the right hon. Gentleman may have misread the statistics, because it was Afghans who made up 33% of arrivals. Between October and December 2022, only 9% of small boat arrivals were Albanian.

Perhaps, as a general principle, we should not try to process claims in the Chamber. We should look at the evidence. Many of us who deal with asylum seekers have had that conversation, about why papers are missing,

[Stella Creasy]

and we have been told very clearly that the traffickers tell them to tear up and remove their papers because that makes it easier for the traffickers. When was the last time the right hon. Gentleman spoke to someone who came to the UK by an irregular route and who did not have their paperwork? What did they tell him? Can he tell us about the evidence he has from actually working with these people and understanding the pressures they are under?

7.15 pm

Sir John Hayes: The hon. Lady informs many of her arguments in this place with anecdotes, sometimes with undue success, but I will not be drawn into an anecdotal debate because I want to address the issue in a rather more serious way—I do not mean to disparage her, of course.

In addressing amendments 133 and 134 in the name of my hon. Friend the Member for Stone (Sir William Cash), amendment 131 in the name of my hon. Friend the Member for Devizes (Danny Kruger) and amendment 132 in the name of my right hon. Friend the Member for Middlesbrough South and East Cleveland (Mr Clarke), I want to be clear about the purpose of this Bill and why these amendments make sense. The purpose of the Bill is to deal with this matter as definitively as it can reasonably be addressed. The purpose of the Bill is to tighten the arrangements in respect of illegal immigration, and the amendments strengthen that aim. Our job, against a backdrop in which people are arriving in small boats and breaching our borders with impunity, is to re-establish the sovereignty of this country and the integrity of our borders by delivering legislation that does just that.

These amendments are designed to do two things. First, they would give the Government more power to achieve this objective. Secondly, they would limit the opportunities, which we know will be taken, to frustrate the Government's will and, by extension, Parliament's will to do more to address this matter.

I commend the Minister and the Home Secretary for their work on the Bill, but I am certain that the expectations it creates, the time it absorbs and the opposition it will undoubtedly generate, mean that, if it fails and the Government are found wanting, Conservative Members will pay a heavy price. The Minister knows we have been down this road before with the Nationality and Borders Act, which we were told would do the job. I do not think Ministers were deceiving us—they genuinely believed it would do the job—yet, although we did exactly what I described by devoting time and political capital, raising expectations and bringing about opposition, we found that we could not achieve what we wanted to and that we needed additional legislation to do so.

We will not be given a third chance. This is our second chance to deal, once and for all, with the boats arriving at Dover and with the tidal wave—the Home Secretary described it as a "swarm"—of people who know they are arriving illegally and are breaking the law, for they know they have no papers and no right to be here. They therefore make a nonsense of an immigration system that must have integrity if it is to garner and maintain popular support.

Of course, people enter and leave countries, but they need to do so legally. Surely it is not too much to express that simple statement. It is not too much to expect a Government to maintain lawful control of our borders, yet I constantly hear from Opposition Members that this is militant, unreasonable, extreme. It is anything but. It is modest, moderate, just and virtuous to have a system that ensures the people who come here do so lawfully, and that people who arrive here seeking asylum are dealt with properly. That is a modest aim, and it will be made more achievable by the amendments in the name of my hon. Friends the Members for Stone and for Devizes and of my right hon. Friend the Member for Middlesbrough South and East Cleveland.

Given that the Minister is an old, trusted and good friend, I hope that, when he sums up the debate, he will agree to enter into a dialogue with those of us who speak for the people. We claim no more—no greater plaudit—than that we are the spokesmen of the hard-working, patriotic, lawful majority of the people of this country. In speaking for those people, we hope that he will enter into a dialogue with those of us who have tabled and supported these amendments with the aim of improving the Bill, of doing his work with him and for him, and in so doing honouring the pledge that the Prime Minister and the Home Secretary have made to the people of this country. Honouring that pledge is the right thing to do, the just thing to do and, indeed, the virtuous thing to do.

Joanna Cherry: It is a pleasure to see you in the Chair, Dame Eleanor. It is convention to say that it is a pleasure to follow the previous speaker, but I find it hard to say that because I do not agree with anything that the right hon. Member for South Holland and The Deepings (Sir John Hayes) said. It is an extraordinary proposition to say that, to use his words, it is virtuous and just for the United Kingdom to pass legislation that is in breach of our international obligations. These are not obligations that have been imposed on us from above. They are obligations to which we freely signed up. If the Government and Conservative Members do not like the obligations to which they freely signed up, they should have the courage of their convictions and join their chums in Russia and Belarus as non-signatories to the European convention on human rights. *[Interruption.]* They do not like it, but it is true: those are the other two countries in Europe that cannot live with the obligations in the European convention on human rights.

I want to make another preliminary point before I go any further. The right hon. Gentleman does not speak for my constituents—he does not speak for the people of Edinburgh South West. The contents of my mailbox and my conversations with constituents show that he does not speak for them. He does not speak for other voters in Scotland, either. We are proud of our international obligations, and we would like to remain a signatory to the European convention on human rights.

There is widespread concern about this Bill, and not just from lefty lawyers, to whom the hon. Member for Great Grimsby (Lia Nici) referred earlier.

Lia Nici: Will the hon. and learned Lady give way?

Joanna Cherry: No, I will not at this stage; I want to develop my point. I have been a lawyer for many years, and it pains me to say this—because I am a lefty lawyer

—but if the hon. Lady knew much about the legal profession she would know that most lawyers are actually not lefties. However, what most lawyers do have, in contrast to the Conservative Members who have spoken so far today, is respect for the rule of law and for legal obligations freely entered into. Nobody took the hand of the United Kingdom and forced it to sign the convention. We did so freely, of our own volition. I repeat that, if Conservative Members do not like the obligations any longer, because they occasionally throw up results they do not like, they should have the courage of their convictions and leave the convention.

Lia Nici: Will the hon. and learned Lady give way?

Joanna Cherry: I want to develop my point. I will take interventions in a moment. I do not want to take up too much time.

I rise to speak mainly to amendment 122, which is in my name, and to support the amendments tabled on behalf of the Scottish National party by my hon. Friend the Member for Glasgow Central (Alison Thewliss). I also add my support to the excellent and forensic points made, as always, by my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald). It is a great pity that the Minister chose to take no notes while my hon. Friend was speaking, because he made some very good points and it would be really nice to hear why the Government disagree with them. At the end of six hours of debate, it is going to be difficult for the Minister to answer those points, given that he paid no attention to them and did not make any notes.

I tabled amendment 122 in my capacity as Chair of the Joint Committee on Human Rights, and I am very grateful to those hon. Members who have lent their support to it. I am not going to press it, because the Committee has only just commenced its legal scrutiny of this Bill. That is not because we are dragging our feet, but because the Bill has been bounced on us at such short notice. We have very little time to undertake that scrutiny, but we hope to report before the Bill has finished its passage through the Lords. At that point, I hope we will be able to recommend some detailed amendments.

Amendment 122 is a probing amendment that gives me the opportunity to explain to the Government the legal basis of our obligations to obey the interim measures of the European Court of Human Rights, because an awful lot of what we in Scotland call mince—which is a technical legal term—has been spoken about that so far.

As a preliminary point, I also want to stress the widespread opposition to this Bill. Our own Equalities and Human Rights Commission, the Scottish Human Rights Commission and the Council of Europe all have severe concerns about this Bill's impact on our international legal obligations. The UNHCR also has severe concerns about it, as have the Law Society of England and Wales, the Law Society of Scotland, many other very respectable civil society organisations and many of our constituents.

Over the weekend, I received a number of letters from primary 7 pupils at Oxgangs Primary School in my constituency of Edinburgh South West. The gist of their letters was that we are a wealthy nation—the hon. Member for Devizes (Danny Kruger), who is no longer in his place, referred to the United Kingdom as a wealthy country; it is not a country but a union of nations—and we need to do more to help refugees. As other hon. Members have said, the majority of displaced people in this world just go to the country next door. It is only a very tiny fraction who come to the United Kingdom, looking for our help. I think that what those young people were trying to say is that we have a moral obligation to them. I think they were also making the point that human rights are universal. The Government need to remember that. This Bill seeks to carve out certain categories of people to whom human rights will not be applicable in the same way as they are to me and my constituents. That is simply wrong.

The purpose of amendment 122, which relates to clause 49, is to ensure that we recognise that the United Kingdom is bound to comply with interim measures issued by the European Court of Human Rights, and that any regulations made under clause 49 do not undermine that principle. The amendment is consistent with the unanimous recommendations made by the Joint Committee on Human Rights when we reported on a similar provision in the Bill of Rights Bill.

It is important to set out the legal basis on which the United Kingdom is bound to comply with those interim measures, and I will take a couple of minutes to do so. Under rule 39 of the rules of the European Court of Human Rights, the Court may indicate interim measures to any state party—not just the United Kingdom—that has freely signed up to the convention. They are usually sought in connection with immigration removal or extradition cases, and they amount to a requirement that the removal or extradition be suspended—not stopped—until the case has been fully examined. Case law from the Court has established that requests for interim measures are granted only exceptionally, when applicants would otherwise face a real risk of serious and irreversible harm. They are granted from time to time against the United Kingdom, but in fact that is very rarely the case. In 2021, the European Court of Human Rights received 1,020 requests from across the Council of Europe for interim measures and granted 625 of them. However, between 2019 and 2021, the interim measures under rule 39 were applied for in 880 cases against the UK, but granted in just seven of them.

This rides a coach and horses through our freely entered into international legal obligations in respect of interim measures—it really is taking a hammer to crack a nut. Interim measures appear in the rules of the Court rather than in the convention itself, which has led some commentators—including some Conservative Members—to argue that the UK is not bound to comply with them. This is particularly the case because article 46 of the convention, which concerns the

"Binding force and execution of judgments",

only commits the UK to abide by final judgments of the Court, and does not mention interim measures.

7.30 pm

However, the Grand Chamber of the Court has held that a failure to comply with interim measures amounts to a violation of article 34 of the convention under which the high contracting parties undertake

"not to hinder in any way the effective exercise"

of the right of applicants to bring their claims before the Court.

The Court itself has said that a failure to comply with interim measures is a breach of article 34 of the convention. We all know that the reason why the Government are so exercised about this issue is that interim measures were indicated by the European Court in relation to the Government's attempts to remove asylum seekers to Rwanda, despite the domestic courts not granting an injunction. Clearly, that has caused severe concern in the Government, because the interim measures were issued without the United Kingdom having made submissions—without having a chance to be heard—and without a reasoned judgment.

If there are good faith and meaningful negotiations going on between the United Kingdom and the Council at the moment, I hope that it will be discussed whether, in future, there might be an opportunity for the UK to be heard before an interim measure is granted. Lawyers in the Chamber will know that, frequently, Governments and other big bodies that are often sued lodge with the courts in the English, Welsh and Scottish systems what is called a caveat, so that if anybody applies for an interim order against them, they get the right to be heard. I think that that would be a reasonable reform of the Strasbourg system. However, the mere absence of that provision at the moment would not justify our ignoring either the obligations or the convention that we have signed up to, as interpreted by the Court. Anyone in the Chamber who is used to dealing with litigation will know that interim measures—both interim injunctions in England and interim interdicts in Scotland—are frequently granted without the other party being heard, because they are interim measures to preserve the status quo while a lasting decision is made.

If a person faces being removed from this country to Rwanda, having come here seeking sanctuary, an interim measure pending the full determination of the impact that it might have on them is actually rather important. For example, LGBT people were mentioned earlier by my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East. There are no anti-discrimination laws in Rwanda protecting same-sex attracted people or transgender people. They can be discriminated against, refused accommodation and refused a job on the basis of their sexuality or their gender identity. I think that we are all agreed that that is not acceptable. As my hon. Friend said, imagine the position of somebody fleeing the regime in Uganda, where even to state their sexuality or gender identity is now unlawful, coming here to seek sanctuary and then facing being deported to Rwanda. They might be very grateful for interim measures being granted while their human rights were fully explored.

I will not press amendment 122, but it is important that we conduct ourselves in this Parliament on the basis of a proper understanding of the legal position, rather than populist slogans.

I wish to say something about sovereignty. The hon. Member for Stone (Sir William Cash)—I am tempted to call him my hon. Friend—is an expert on the sovereignty of this Parliament. When he talks about sovereignty, he talks about a very distinctively English concept. The notion that Parliament has unlimited sovereignty is a distinctively English principle that really has no counterpart in Scottish constitutional law.

Sir William Cash *rose—*

Joanna Cherry: I will give way in a moment. I just want to develop my point and then I will give way to the hon. Gentleman, because I know that we have been arguing about this for years. This is an important point to make.

It is sometimes assumed that this Parliament just took on the character of the English constitution when it unified with the Scottish Parliament. Perhaps it is worth considering that there are other notions of sovereignty. In my country, the people are sovereign, not the Parliament, and they can choose to share their sovereignty with, for example, the Edinburgh Parliament, this Parliament and other international institutions. The endless obsessing about the sovereignty of Parliament is not particularly helpful. Where I really disagree with the hon. Gentleman is in this: I think that the Human Rights Act was an elegant solution to fulfilling our rights under the convention, while also respecting the sovereignty of this Parliament.

Sir William Cash: I wish to reply to the hon. and learned Lady by saying that the sovereignty of the United Kingdom Parliament rests with the United Kingdom Parliament. I know that she would quite like to leave it, but, on the other hand, she is bound by it, and the European Union (Withdrawal Agreement) Act 2020 specifies quite clearly that the sovereignty is guaranteed.

Joanna Cherry: The Union between Scotland and England was freely entered into. I know that some people are under the misapprehension that now it is some sort of "Hotel California" situation, where we can check out but cannot leave, but that is a fundamental misunderstanding of the nature of the Union. The views that I am expounding about sovereignty are not just my eccentric views, but the views that have been expounded by many well-respected Scottish jurists, as the hon. Gentleman knows. It is worthwhile sometimes to take a step back. With all due respect to some of my English friends, they get a bit hysterical about parliamentary sovereignty. Sovereignty can be shared and, ultimately, I believe that sovereignty lies with the people. I will just leave it at that.

Laura Farris: It is genuinely a pleasure to follow the hon. and learned Member for Edinburgh South West (Joanna Cherry). I will try to avoid too much mince in my own speech, but to continue in the respectful tone that she has struck.

I wish to take a little of the heat out of this debate and to say that I think the British people would recognise in the United Kingdom a country that has honoured its commitments since the launch of the 1951 refugee convention to offer sanctuary to those with a well-founded fear of persecution. The record of the past seven years, where close to half a million people have been granted asylum on humanitarian grounds, bears testimony to that.

I think that the British people would also recognise that there are peculiar and unique problems that have arisen with the small boat crossings. Five years ago, in 2018, 300 people made that journey; last year, it was 45,000. Of those, 80% were men aged between 18 and 40, all of whom had paid a people smuggler and all of whom had the physical strength and wherewithal to make a journey across continental Europe through the small boat route. We know that a third of them arriving last year were Albanian.

I just want to read what Dan O'Mahoney told the Home Affairs Committee—I see that the Chair is in her place—when he appeared before it last October. I am quoting verbatim. He said about the Albanian arrivals:

"The rise has been exponential, and we think that is in the main due to the fact that Albanian criminal gangs have gained a foothold in the north of France and have begun facilitating very large numbers of migrants… Whatever sort of criminality you can think of…there are Albanian criminal gangs dominating"—

in this country—

"whether it is drug smuggling, human trafficking, guns or prostitution."

He said that a lot of the Albanian migrants

"are not actually interested in seeing their asylum claim through… We typically put them in a hotel for a couple of days, and then they will disappear"

into the underworld.

That unique and specific problem requires a unique and specific answer. We all agree on safe and legal routes. I will not improve on the remarks made by my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) in his powerful speech. I heard from those on the Labour Front Bench, for the first time tonight, that they also endorse quotas, which is part of this Bill, and we agree with that.

In case my intervention earlier was not clear enough, I was simply saying that Harvey Redgrave, writing in a thoughtful piece for the Tony Blair Institute last July, talked about not only safe and legal routes, out-of-country rights of appeal and quotas, but an absolute prohibition on small boat arrivals. That really is the disputed issue in this legislation.

I rise to speak in response to amendments 131 and 132, which were tabled by two Conservatives, one of whom, my hon. Friend the Member for Devizes (Danny Kruger), is in his place.

Sir John Hayes: Before my hon. Friend moves on, many countries have a cap per se on immigration. In Australia, Parliament debates an annual cap; when David Cameron and George Osborne were running the Conservative party and my right hon. Friend the Member for Maidenhead (Mrs May) was Home Secretary, we said that that number should be counted in the tens of thousands. Perhaps that is what we should go back to.

Laura Farris: It is certainly true that the promise inherent in the refugee convention—an offer to the world at large, conceived in an era before easyJet, before people going on holiday to any country and before mass migration—must be looked at through a different lens in the year 2023. Many of our international partners are now talking in that way, and we may have to have a debate on a different occasion to talk about the issue more broadly.

Wera Hobhouse: Will the hon. Member give way?

Laura Farris: I am just going to make a tiny bit of progress, because I have not really started and there is not much time.

I want to respond to amendments 131 and 132, which would do slightly different things but have the same effect. I will look at you, Dame Eleanor, and I hope that my hon. Friend the Member for Devizes will not be offended if he has to look at my back. Amendment 131 would exclude the jurisdiction of the European Court of Human Rights and amendment 132 seeks to disapply the relevant sections of the Human Rights Act 1998 in so far as they may be relevant to decisions taken under this Bill.

I want to say at the outset that I understand the impulse that has brought my hon. Friend here—namely the frustration with the exercise of the rule 39 injunctive relief decision in July, which the hon. and learned Member for Edinburgh South West covered so well in her speech. She will know as well as I do that rule 39 is not an inherent part of the European convention on human rights; she said in her speech that it is a rule of the Court.

That decision was taken by a single judge alone. The hon. and learned Lady is right to point out that that is common and standard in injunctive proceedings, but it is none the less somewhat surprising to see that matter go through in the eyes of the High Court, the Court of Appeal here and, finally, the Supreme Court, and then be overturned by the decision of a single judge in Europe. We do not even know who the judge was, but we know that Tim Eicke, our own British judge who sits on the European Court, has never sat as a High Court judge. He is a barrister. I say that with deference to his brilliance, and of course I am not criticising him; that is standard for the European Court of Human Rights. However, it is odd to see our own Supreme Court, with some of the most brilliant justices in the world, being overruled, under a Court rule, by somebody who is probably not of their status. I think that is a true statement.

Joanna Cherry: I went on to say that in the case of Paladi *v.* Moldova, the Grand Chamber said that a failure to comply with interim measures amounts to a violation of article 34 of the convention, because the high contracting parties have undertaken not to hinder in any way the effective exercise of the right of applicants to bring their claims before the Court. Whereas it was originally in the rules of Court, the Grand Chamber has now said that failure to obtemper or comply with that would be a violation of article 34 of the convention.

Laura Farris: I take the hon. and learned Lady's point. We are obviously adhering to that, but as a rule of the Court.

Moving on, I was glad to read recently, whether in a press release or in a tweet—I cannot recall—the Home Secretary saying she was glad that constructive talks were now taking place between representatives of the British Government and members of the European Court of Human Rights, focused on resolving that issue. I say that is good because I think it should be possible to resolve that issue, since it is a rule of the Court rather than a principle of human rights. I hope we can move on from there.

If I may say so, with great respect, I do not accept that that decision in itself justifies these two amendments. I think both are weak for legal and constitutional reasons, and I will set out why. First, on amendment 131, my right hon. Friend the Member for Middlesbrough South and East Cleveland (Mr Clarke) said that he had relied on a paper written for Policy Exchange by Richard Ekins and Sir Stephen Laws. I challenge the expertise of both those people—I question it. One of them has contacted me in the past, but neither are practitioners, and it shows in their writing that they are not regularly in court.

Sir William Cash: Will my hon. Friend give way?

Laura Farris: I will in a moment; I am going to make my points.

On the first element of amendment 132, which seeks to exclude the operation of the Human Rights Act, the only realistic basis for someone who arrived via small boat to challenge their removal to a safe third country under the Human Rights Act would be either article 2 or article 3 of the European convention—the right to life, or not to have one's life endangered, and the right to freedom from torture.

7.45 pm

However, it is important to note that that would not be the starting point for that kind of claim; in our domestic courts, it would be article 33 of the refugee convention, the non-refoulement principle. That is not just in the refugee convention; it is a principle at common law and part of our customary international law. Even if we abolished the Human Rights Act in so far as it applied to these cases, we would still have the same argument being advanced, that the person could not be sent to a country because of a fear of persecution.

Sir William Cash: Will my hon. Friend give way?

Laura Farris: I am sorry; I will come to my hon. Friend in a moment.

My right hon. Friend the Member for Middlesbrough South and East Cleveland and my hon. Friends the Members for Devizes and for Stoke-on-Trent North (Jonathan Gullis) wrote an article in "Conservative Home" today in which they said and endorsed:

"Individuals would not be removed if they are medically unfit to fly, or will face persecution in the destination country."

That is the non-refoulement principle, which is at the heart of the refugee convention. One thing that shows the lack of expertise in this area is that the same principle ripples through the common law, the refugee convention and the European convention of human rights; it applies across the board. It is even set out in terms in this legislation. Therefore, it would be pointless to derogate from the Human Rights Act on that question, because the principle that protects people from persecution is so embedded in any event.

Sir William Cash: Is my hon. Friend going to give way?

Laura Farris: I will give way.

Sir William Cash: I just wanted to point out, in case other Members of the House do not know, that Professor Ekins is a professor of law at Oxford University and Sir Stephen Laws is a former first parliamentary counsel. I think those are rather good credentials compared with the views of what I would describe as ordinary barristers.

Laura Farris: No disrespect is intended, but it is clear that they are not frequently in court arguing these cases, because if they were, they would know the way the law ran.

Joanna Cherry: The hon. Lady and I do not agree about a lot of things, but I believe she has expertise in this area as a barrister—that is correct, is it not?

Laura Farris: Yes.

Joanna Cherry: The hon. Lady has expertise and has practised in this area, so I suggest to her hon. Friends that her views deserve a degree of respect.

Laura Farris: On the Government side of the House, I am probably the Member who has most recently been in the immigration tribunals, so I have an idea, but it is not my principal practice area.

The other thing that I think is relevant is that Parliament has in the past successfully recalibrated the interpretation of the convention and changed the way it is interpreted, and had no difficulty with that. The Bill already takes a number of novel steps in relation to established law. First, it creates an absolute duty of removal on the Home Secretary that applies irrespective of any human rights claim, with the exception of the non-refoulement principle. Secondly, the Bill expands powers of immigration detention, granting the Secretary of State a power to determine the period that is "reasonably necessary", in some ways overriding established Hardial Singh principles. Thirdly, it limits the rights of appeal: the individual has a right of appeal, but that is capped at one. In my respectful submission, the Government must have the opportunity to see those clauses enacted, because I believe that they will be upheld by the European Court of Human Rights.

Back in 2012, the coalition Government changed the immigration rules in relation to the deportation of foreign national offenders and the application of article 8, which is the right to respect for private and family life. Parliament took the view that that was too often being interpreted in favour of the ex-convict, and, as a result, set new rules—from paragraph 398 onwards of the established immigration rules—to make it clear that there were limited circumstances in which article 8 should be engaged. Parliament said in terms that the balance should be struck in favour of the overwhelming public interest in deportation, above any article 8 claim unless there were very compelling circumstances to the contrary. That was upheld in successive decisions by our appeal courts, beginning with MF (Nigeria) in the Court of Appeal.

The decision by Parliament to circumscribe the ambit of article 8 when it applied to criminals was taken to the European Court of Human Rights for years, but the court would not hear the issue at all until 2017 in the case of Ndidi. I reminded myself today of how that case was approached. In fact, a quite compelling article 8 argument was made: the person had arrived in the United Kingdom as a baby and had never been anywhere else, and the offending was quite low level—drug dealing rather than any harm to the person. The courts here had said that he must be deported to a country that he had never been to before. He challenged that in the European Court of Human Rights, which said, "No, the British Government are absolutely entitled to circumscribe the application of article 8 in the way that they have." His claim was rejected.

My simple point is that we can do things—in the way that the Government are seeking through the Bill—that may well be compatible with the European convention on human rights, and I have struggled to find any example of the court overturning primary legislation, which is what the Bill is, or constructing it in a way that

is disadvantageous to the member state. The fact that so many Members refer back to the prisoner voting case does not enhance their argument. That case is 20 years old and has been reversed. I accept without reservation that it was wrongly decided—I think there was overreach—but I have heard no example from the last 20 years to suggest that the Court is still making the same mistakes.

We have talked about the Nationality and Borders Act 2022 not being a success, but that was not because the European Court of Human Rights said that it was unlawful or overreached; we simply concluded that it did not yet work. For those reasons, I think that the Bill already goes very far and should be given the chance to work through.

Sir John Hayes: This is a fascinating description of the three ways in which we can deal with this matter. One way is to leave the convention altogether, which is what I would favour but is not what we are proposing or debating tonight. The second is to have some kind of "notwithstanding clause" of the kind that has been proposed. The third is to assume, through the interpretation of the Court of the will of Parliament and Government, that we will have our way. My hon. Friend is making a good case for the third way, but the problem with that is that it places a great deal of faith—although she says that she does so on the basis of precedent—in the Court to honour the will of this House. I am not sure that I would have the same degree of faith. If she does not like the work of Professor Ekins and so on, I recommend that she look at the speech given at Cambridge University by the Home Secretary—when she was Attorney General—on the interpretative matters that my hon. Friend describes.

The Chairman of Ways and Means (Dame Eleanor Laing): Order. I remind the hon. Lady that she should sit down when allowing an intervention.

Laura Farris: I am sorry, Dame Eleanor.

To respond to my right hon. Friend's intervention, it is dangerous to conflate what has been understood on the Conservative Benches to have been called "overreach" in the application of rule 39—on which I agree—with an overenthusiasm of the Court to involve itself in primary legislation, which is what the Bill will be. I see no precedent for that concern, so I hope that I can allay my right hon. Friend's fear to some extent.

Simon Hoare (North Dorset) (Con): To add to the list of our right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes), is there not a fourth option in—call me old fashioned—ensuring that His Majesty's Government meet our international obligations wherever that may be? That is option four, and one that I think commands quite strong support across the Committee.

Laura Farris: I thank my hon. Friend for his intervention, which brings me to my final argument.

Wrenching change from either the applicability of the Human Rights Act or the jurisdiction of the Court is a dangerous path to go down. The European convention on human rights is fundamental to the devolution settlements in Wales and Northern Ireland, and it also plays a distinct role in the Belfast/Good Friday agreement. As we are so near to the 25th anniversary of that agreement, I want to read out how the European convention on human rights was framed as an integral safeguard:

> "There will be safeguards to ensure that all sections of the community can participate and work together successfully in the operation of these institutions and that all sections of the community are protected, including…the European Convention on Human Rights (ECHR)…which neither the Assembly nor public bodies can infringe".

At the time of the conclusion of that agreement, there was a climate of deep scepticism about British courts following the establishment of, for example, Diplock courts and other things that were controversial. The European Court of Human Rights is not just something to which lip service is paid; it is integral to the proper functioning of that agreement.

I must mention our proud history in the formation and construction of the European convention on human rights—it is well known that David Maxwell Fyfe was a Conservative MP. It is unsurprising, then, that we are one of the states with the lowest number of adverse findings. We should be very wary of quick fixes. We said throughout the Brexit debate that we would be taking back control of our borders, but it is more complex than that. My point tonight is that leaving the convention, or derogating from it, is not the answer. That will not do the job and will undermine the effect of the Bill, which I think will be upheld as lawful by the European Court of Human Rights in the event that it is referred there.

Stella Creasy: I wish to reassure the Committee that I will speak only to the amendments that have been selected for this evening—I know that we have debates on other amendments scheduled tomorrow, and I have amendments in both selections.

I beg your leave, Dame Eleanor, to reflect on the fact that, while this important debate has been taking place, Jess England, a member of my staff, has just won parliamentary staffer of the year. Jess has first-hand knowledge of the things that we are discussing because she has for years helped me work with people seeking asylum—refugees from around the world who have come to the UK and have a connection to Walthamstow. I put on the record my gratitude to Jess, whose award is long overdue. If she were here now, she could bring much light to this debate as somebody who knows about the reality for people fleeing persecution.

It is a genuine honour to follow the previous speaker, the hon. Member for Newbury (Laura Farris). We may be in different political parties, but I recognise how brave she has just been to make that speech and to speak up for the importance of human rights, which has increasingly become an extreme view in the Conservative movement. I recognise the power of her speech and its many points, and the expertise that she put on the record. The House benefits from light, not heat, in such debates.

There is clarity in that there is not a single Member among us who wants to help the smugglers; not a single Member among us thinks that small boats crossing the English channel is an acceptable or reasonable way to proceed. The difference is in how we address the issue; whether we pour oil on that fire or seek, in our amendments, to recognise the best of Britain—to be the actual patriots in this Chamber. So far, we have talked so much about the ways people travel, but not about who is travelling.

[Stella Creasy]

Different statistics have been bandied around. We know that the vast majority of people in those boats are from seven countries, so let us recognise first and foremost why it matters that the legislation meets the test not of the mode of travel but of who is travelling. People fleeing persecution do not form orderly queues at the border when there is a war. When they are facing persecution for their political or religious beliefs, they cannot turn to the state to ask for their paperwork to be put in order and emailed to them so that they may cross the border with copies of it.

I reflect on the fact that the former Member for Blackburn, who was responsible for incorporating the Human Rights Act into UK legislation used to say to me, "There was left and right in Parliament, and then there were those people who dealt with the UK Border Agency and those who did not." When dealing with people who have fled persecution, we know at first hand that it is not a simple, straightforward linear experience that accommodates well the kind of bureaucracy and administrative process that the right hon. Member for South Holland and The Deepings (Sir John Hayes) wishes for. That is why the refugee convention itself says that refugees should not be prosecuted for destroying their documents, for issues around immigration fraud or, indeed, for their mode of travel, recognising the reality that when the decision is life or death, life matters. I see no irony in suggesting that.

Andrew Gwynne: My hon. Friend is making a really important point, which is not pertinent only to the small boats. We witnessed exactly the same issue with Ukraine. People were fleeing Ukraine in fear of their lives; we opened up safe routes, but many of those people had to leave all their important documentation behind.

8 pm

Stella Creasy: I agree. Some of us are still dealing with people from Afghanistan—people who put their lives on the line to help British forces but have not been able to come here. They listen to the Minister talk about the idea that somehow we have taken 25,000 people under the schemes. We have not—their families are still stuck. If the Minister wants the casework, I have raised on the record before the case of a family who were split up on the way to the Baron hotel.

Robert Jenrick *rose—*

Stella Creasy: If the Minister will take the casework, I will take the intervention. That family need to be here.

Robert Jenrick: The hon. Lady cannot trade in anecdote rather than facts. The facts of the matter are that the scheme has taken 25,000 individuals since just before the fall of Kabul. Those are the facts. As I always say to the hon. Lady, I am very happy to look into individual cases. But in this Chamber, we should deal in facts—not fiction.

Stella Creasy: The Minister knows that that is not how the scheme has worked; he knows that only 22 people have been resettled. He already has in his inbox the case I mentioned—it is long overdue his attention. Every single day, I think about that family. They were told that they should go to the Baron hotel. They could not get there because there was an explosion. They are now separated—the family are in hiding and the father is here, desperate and out of his mind about what to do. He was promised a safe and legal route by this Government, but of that promise there came no reality.

That is why I cannot support this Bill in its current form. First and foremost, it does nothing to the smugglers themselves. We all agree that the smugglers are the people we want to stop. Why is there not a single measure in the Bill that directly affects them? The idea that we can cut off their market does not recognise that we have seen these kinds of measures before. All that happens is the prices go up. People disappear; modern slavery increases.

Sir John Hayes *rose—*

Stella Creasy: Of course I give way to the right hon. Gentleman. I am looking forward to hearing what he has to say.

Sir John Hayes: When we tackle illegal immigration, we are doing several things. We are attacking it at source by getting to the smugglers, we are dealing with the issues in the channel and on the coast, and we are creating a legislative framework fit for purpose. They are separate parts of a strategy.

Stella Creasy: I look forward to having a debate with the right hon. Gentleman tomorrow about my amendment 293, which would remove the word "Illegal" from the title of the Bill. It is not illegal to seek asylum. What he is talking about is not what the Bill will do. I have tried to urge him before not to process people's claims in the Chamber; this is about the evidence of what we see.

I have multiple anecdotes about people who have been failed by our asylum system, the processing and the promises they were given of a safe and legal route. That is why this evening I wish to speak to the amendments about safe and legal routes. If the Government think this legislation is about illegal migration, by default there must be a legal process—so those safe and legal routes deserve much more scrutiny and attention. The Government have failed to provide a children's rights assessment and equality impact assessment. It is so worrying that they are asking us to trust them when they cannot set out how they think people who are entitled to seek asylum because they are fleeing persecution should do so.

When I look at this Bill, I see that it needs a drastic overhaul even to meet its own ambitions or the pledges in article 31 of the refugee convention that somebody destroying their documents should not be penalised by the suggestion that their claim must be malicious. We should look at the actual evidence as to why smugglers encourage them to do that. The right hon. Member for South Holland and The Deepings suggests that somehow the Bill will do what the Nationality and Borders Act 2022 failed to do and what this Government's policies keep failing to do. Let us learn from Einstein—that most famous refugee, who this country turned away. He said that the definition of insanity was doing the same thing over and over again and expecting a different result.

My new clause 17 is a probing one, on that basis. If the Government talk about safe and legal routes, we should know what those are intended to do. It simply says that the Government should set out what a safe

and legal route is and which countries are therefore unsafe and require a legal route. After all, the Bill sets out countries considered to be safe. Ergo, all the countries not listed must be unsafe. The Government should tell us in Parliament how people should be able to access those routes and therefore not make dangerous journeys.

I also support new clause 13, tabled by the hon. Member for East Worthing and Shoreham (Tim Loughton), and the proposals put forward by my hon. Friend the Member for Sheffield, Hallam (Olivia Blake) in new clause 10. We would all agree that all these new clauses need further work, but they all get towards a simple principle: to ask what is the role of a safe and legal route in this legislation. If the Bill is about illegal migration, what is the point of safe and legal routes? My amendment 138, which will be debated tomorrow, is about how that might then play a role in asylum processing itself.

There is a simple message in all this work. I agree with the hon. Member for Stone (Sir William Cash); that might surprise people, and I am sorry he is not in the Chamber to hear it. He said that the processing and assessing of claims matters. Absolutely, and that is why the failures we have seen for a number of years have not been to do with the refugees themselves but to do with the politicians and their failure to get to grips with this. That is why it matters that the Government are not using the correct figures from the statistics authority. They are not showing us the true scale of the problem, which legislation has consistently failed to deal with. That is why we need to do something different, such as clarifying what a safe and legal route is and how it fits into the refugee convention and our processing. In a war, there are not simple processes of admin and bureaucracy that we can push people towards, so it matters all the more that we respect and recognise that in how we treat people who still think that life is better than death and who still choose to run.

I say to some Conservative Members that one of the top countries from which the people in the boats come is Iran. I have sat in this Chamber and heard people call out the Iranian Government and speak of their concern about the persecution of people in Iran. Not half an hour later, those people talk about how awful anybody in the boats is, although Iranians are the third most common country represented in them. There is no safe route from Iran.

Robert Jenrick: There is.

Stella Creasy: The Minister says there is. I am in touch with people right now, brave defenders of democracy, who have no route out and are at risk.

Robert Jenrick *rose—*

Stella Creasy: I happily give way. Tell me where I can put them.

Robert Jenrick: Since 2015, the UK has taken more than 6,000 Iranians directly for asylum purposes. What the hon. Lady says is simply not true.

Stella Creasy: The Minister needs to be clear about how those people have been identified. There are people tonight in Tehran at direct risk of harm and needing our help. The challenge with this legislation is that it refuses to set out a safe and legal route, saying that it will be done in secondary guidance. None of us can therefore be confident enough to say to those people, "Hold up—wait for the queue and the bureaucracy. There is somewhere for you to go. Don't worry, because help is coming."

The Government must connect with international organisations and uphold the international rule of law. The honest truth is that the only way the world will be able to stand up to dictators and persecutors and against war is by collaborating. We have seen that in such a powerful way in Ukraine, yet we do not seem to be capable of learning the lessons by setting out schemes and being able to say to people, "Actually, there is a way forward, and we will all share the burden of standing up for these values." That is what a sensible asylum policy would do, because it would be effective. We would cut off the boats at source by having proper, safe and legal routes for people so that they would not need to get on a boat to claim in the first place. Irregular routes are inevitable because of why people are running in the first place.

I also want to speak briefly to amendments 131 and 132—I pay testament to the Member who spoke to me previously about them—which are about our role in the European Court of Human Rights. I am sorry that the hon. Member for Devizes (Danny Kruger) is not here, because I was hoping he might want a chance to clarify his earlier remark, in which he genuinely tried to suggest that Winston Churchill opposed us being part of the European Court of Human Rights. As somebody who served on the Council of Europe and repeatedly saw pictures of Winston Churchill—

Tom Hunt: Will the hon. Lady give way?

Stella Creasy: I will, if the hon. Gentleman will let me finish my sentence; I am sure he wishes to hear what I have to say. I thought it was worth hearing from the man himself, because his argument for a European Court of Human Rights was that:

"In the centre of our movement"—

don't tell anybody that he wanted a united Europe—

"stands the idea of a Charter of Human Rights, guarded by freedom and sustained by law."

What Winston Churchill saw then, we still see now, which is overbearing Governments who do not respect the courts of law and do not want the scrutiny of law. These amendments speak to precisely that fear: that legislation in this country might be poorly drafted, burdensome or, indeed, oppressive. What we all want, and what we would find common cause with Winston Churchill on—that does not happen often—is the importance of keeping politicians honest by putting them up to the scrutiny of the courts. Now I will happily give way, to see how the hon. Gentleman feels he can be honest and whether he wants to support these amendments and take that point away.

Tom Hunt: I will attempt to answer on behalf of my colleague, the hon. Member for Devizes (Danny Kruger), who I spoke to earlier about this. One of his key points was that what the late Sir Winston Churchill signed up in 1950 did not involve rule 39 audits. The way in which the situation has evolved means that what we are dealing

[Tom Hunt]

with today is totally different from the situation that faced this country in 1950, so to make that comparison is crude, and it is wrong. I am sure that when my hon. Friend comes back and makes a further intervention at some point, either today or tomorrow, he will powerfully deal with the critique that the hon. Member has just put in front of him.

Stella Creasy: I hope that the hon. Member for Devizes is at dinner, because after having made that speech, I am sure he needs something to eat. I simply say that that was not what Winston Churchill stood up for—as those of us who have served on the Council of Europe and read his speeches in detail know—let alone subsequent Conservative Governments. Those Governments were part of the development of the Council of Europe, where we did not just scrutinise the judges but helped appoint them and vote for them: we had a direct role in choosing them. That does not accord with what the hon. Gentleman was arguing, which was that this is out of kilter. Every single step of the way, the United Kingdom has been part and parcel of developing the European Court of Human Rights—and rightly so, frankly, because the libertarian in me speaks up for the Court. If given the temptation to be overbearing, without scrutiny and without the courts to keep them honest, Governments of all colours will do things that none of us think right.

Simon Hoare: Will the hon. Lady give way?

Stella Creasy: I will happily give way, and then I do want to come to a conclusion.

Simon Hoare: Is it not an unassailable truth that the fundamental principles that drove Churchill, the Conservative party and this place to support these initiatives remain as true today as they did those years ago? Of course, it has been a living, iterative, organic process, but the fundamental underpinning principles that established it still remain true, and if Churchill were here today, he would be making precisely that point.

Stella Creasy: I think we have all expounded quite clearly on how that the interpretation that the hon. Member for Devizes sought to set out of what Churchill thought might not be an entirely complete representation of what that gentleman—he made sure that we were among the first signatories to the European Court of Human Rights, and he continued to campaign and lobby for it and its development and evolution up until his death—would in fact have thought.

Yasmin Qureshi: Will my hon. Friend give way?

Stella Creasy: I will happily give way, but then I really must bring my remarks to an end.

Yasmin Qureshi: The thing I am having difficulty understanding is this. We signed the European convention on human rights, and we have signed many other international conventions. If we are not going to abide by the rules of those conventions, why did we sign them?

Stella Creasy: My colleague sets out the other, more pragmatic point that I would like to put on the record, which is that actually it does not matter what Churchill thought. If we want to resolve how people are travelling around the world to seek safety and sanctuary because they are fleeing persecution—if we want to be a grown-up on the world stage—not upholding international law is not the best way to make sure that we are in the room when decisions are made about how to share that burden.

I am pleased that the Prime Minister himself has said that he has no plans for us to leave the European Court of Human Rights, because I think it does reflect a recognition that we need to uphold international law and to be part of those conversations. The answer to the Government's concerns is not this legislation; it is to go to the Council of Europe and be part of those debates and discussions about the role of the Court and how it operates; it is to show that we are prepared to fight for our values, not just here but internationally. We can then arrange the kinds of schemes that will be inevitable in making sure that we, as a world, can deal with the conflict and disruption that means that there are more people fleeing persecution. It is to say that this is not to do with somebody's nationality or how they travel, but the risk that they face. That is the most simple and, frankly, patriotic point.

8.15 pm

As such, when I hear the right hon. Member for South Holland and The Deepings—again, I am sad that he is not in his place—say that he speaks for the British people, I know that he does not, because I watched the British people stand up for the Ukrainians, and I saw their frustration at the bureaucracy of the Government when it came to that scheme. I watched them fundraise for the people affected by the crises in Turkey and Syria, and share compassion and horror at what happened to Alan Kurdi. That is why I am proud to be part of this country, and it is why I know this legislation does not speak to the best of the British people—the same British people who were proud to be part of seeking peace in Europe, and who are proud today to work internationally to stand up for those values. They do not turn their back. They see on television the pictures of people hiding from the bombs and know that the right thing to do is not to say, "Wait your turn", but to say, "How can we help?"

This legislation will not do anything to tackle those challenges. It will not clarify what those safe and legal routes are. It will not stop the smugglers: the people will still come, and we will be here for months if not years to come, debating what else could be done. Einstein was right. This country turned Einstein away; if we had had a modicum more of the dignity that he had about being a refugee and that intelligence, we might not be in this position today. Certainly, it is insanity to continue doing the same thing and not seek to make this legislation actually reflect our values, since all of us in this House say that we do care about refugees.

I hope that the Minister will recognise the concern that the safe routes are simply not there in this legislation, and that the safe routes that this Government have set out to date have, in our experience, been found wanting. I hope that, rather than shaking his head or dismissing those concerns, he will look at why those people are still at risk. If we can crack that, maybe we will be on to

something. As it stands, this legislation will make that harder, not easier. I fear for the people who are now waiting and being told by the smugglers, "Nobody is coming to help you, because look at what the UK is doing now." That is not something to be proud of.

Several hon. Members *rose—*

The Second Deputy Chairman of Ways and Means (Mr Nigel Evans): Order. There are 14 people trying to catch my eye. The last two speakers spoke for 22 minutes and 19 minutes. If everybody contributes that far, not everybody will get in—it is up to you.

Mr David Jones (Clwyd West) (Con): I am pleased to follow the hon. Member for Walthamstow (Stella Creasy). I have heard your strictures, Mr Evans, and I shall try to be as brief as I possibly can. I rise to speak in support of the amendments to which I am a signatory, and I will focus in particular on amendment 131, which has been the subject of so much of the debate this evening.

Illegal migration is a severe problem, and one that is causing increasing concern to constituents of most, if not all, hon. Members. Speaking from my own experience as the Member of Parliament for a semi-rural constituency in north Wales, many hundreds of miles away from the channel beaches, I can say that I receive more correspondence about this issue than virtually any other national issue. Over the years, the people of this country have shown themselves to be generous and welcoming to those who are genuinely in peril—that is borne out by the warmth of the welcome they have given in recent years to Ukrainians fleeing from Putin's aggression, and to Hongkongers escaping China's anti-democratic oppression. Equally, however, they are incensed by the rapidly rising influx of illegal migrants, who are themselves the pitiful currency of the loathsome trade of people smuggling. As such, the Prime Minister is quite right to make plain that stopping the small boats is at the top of his list of priorities, and this Bill is therefore highly welcome.

The Government have taken a robust approach to the problem, and that robustness will be highly welcomed by the people of this country, whose patience has been tried too, and beyond breaking point. There is a concern, however, that the Government's perfectly proper aim of breaking the business model of the people smugglers might be frustrated by the human rights legislation that is routinely and, frankly, cynically abused by those who wish to degrade this country's ability to defend its own borders and territorial integrity. In clause 1(5) the Government recognise that concern. That provision excludes the operation of section 3 of the Human Rights Act 1998, which provides that so far as is possible, legislation must be read and given effect in a way that is compatible with the European convention on human rights.

Excluding section 3 is itself a bold step for which the Government are to be commended, but given the severity of the problem, as Professor Richard Ekins and Sir Stephen Laws have pointed out, it remains debatable whether clause 1(5) alone will be sufficient to safeguard the Bill's measures against cynical procedural attacks via the European Court of Human Rights. It is for such purpose that amendments 131, 132 and 133 are framed. Anyone doubting the need for such amendments should consider the case of N.S.K. *v.* United Kingdom, which has been referred to by my hon. Friend the Member for Devizes (Danny Kruger). To repeat, in that case a duty judge of the European Court of Human Rights made an order, on 13 June last year, granting an application for a rule 39 measure preventing the removal of an asylum seeker to Rwanda.

That order was made ex parte, without any opportunity for the UK Government to argue against it. Furthermore, the order was made after both the High Court and the Court of Appeal had rejected applications for interim relief. The Supreme Court in fact went on to refuse an application for leave to appeal. Remarkably, however, the rule 39 order was made the day before the Supreme Court announced its refusal, apparently contrary to the rule that domestic proceedings must be exhausted before applications to the European Court will be entertained. The position therefore is that the most senior judges in the land had considered the merits of the applicant's case and found against it, yet a European judge made an order frustrating the removal of the applicant without considering the merits of the Government's case and apparently contrary to the European Court's own rules.

Interim measures are not strictly legally binding, but the European Court's own jurisprudence, as has already been pointed out, asserts that any failure to comply with them amounts to a contravention of article 34, by hindering an applicant's right to apply to the Court alleging a breach of the convention. The possibility—arguably, the probability—is that domestic British courts will feel constrained to act in compliance with interim measures and, indeed, to follow other judgments of the European Court, and that alone could prove fatal to the aims of the Bill. I do not believe that the Government or this House should allow that to happen.

Appropriate further safeguards should be introduced to the Bill to ensure its effectiveness, and it is for that purpose that amendment 131 was tabled. It would ensure that the legitimate and proper aim of the Government to protect our national borders is not frustrated. Put simply, the people of this country will not thank us if the Bill does not work, and there is a distinct danger, if the European Court is allowed, that that is precisely what will happen.

I believe that amendment 131 is absolutely necessary, and for similar reasons I support the other amendments to which I have put my name. It has already been pointed out that those amendments will not be pressed to a vote, but I very much hope that my right hon. Friend the Member for Newark (Robert Jenrick), when he winds up, will confirm that he will engage in dialogue with those of us who are concerned about the absence of those amendments and seek a way forward that will ensure that the Bill will work, which is what every hon. Member of this House should want.

Olivia Blake (Sheffield, Hallam) (Lab): It is a pleasure to speak in this debate. I direct the House to my entry in the Register of Members' Financial Interests, as I receive help from the Refugee, Asylum and Migration Policy project for my work in this area. I also co-chair the all-party parliamentary group on migration, so I have spent a long time thinking about these issues. I have taken a long look at our history, and it is interesting to hear us talk about Winston Churchill. I doubt that Government Members know that he crossed the Floor

[Olivia Blake]

on the issue in 1904 to oppose the Aliens Act 1905 and lead a rebellion against it. He was quoted at the time talking about

"the old tolerant and generous practice of free entry…to which this country has so long adhered".

Just to add some more spice to the discussion about the history of this place and our role within migration policy, it is important to recognise that.

I rise to speak specifically to my new clause 10, which I am pleased to say enjoys a wide range of cross-party support. I thank all Members who have engaged with me on this amendment. It is meant to be a serious contribution to the debate about the humanitarian crisis in the channel. However, I worry that that seriousness is not shared by everyone in this Chamber.

Since arriving in Parliament in 2019, I have tried not to become too jaded or too cynical, but I must admit that at times it has been difficult. Today, debating this Bill, is one of those times, because we have repeatedly been told that these proposals are about stopping the boats. The Prime Minister even had it printed on his lectern. To be clear, it is a moral outrage that people need to get in a blow-up boat, risking life and limb, to exercise their rights under the refugee convention to claim asylum here. We need a solution to this humanitarian crisis in the channel, but that is not what the Bill offers. Instead, it doubles down on the same failed hostile environment framework that has characterised the Government's approach to asylum and migration. It is simply not working.

Since 2018, 56 people have tragically drowned in the channel—brothers, sisters, uncles, aunts and cousins to many families already in the UK—yet the number of dangerous crossings has risen, even after the Government's Rwanda policy was announced, and that announcement in itself was deemed to be a deterrent. The Nationality and Borders Act 2022 has become law and people continue to make these journeys.

I am proud that my city, Sheffield, calls itself a city of sanctuary. The people I meet who support refugee rights often quote the lines of a poem called "Home", by the Somali-British writer Warsan Shire:

"no one puts their children in a boat
unless the water is safer than the land",

and,

"no one leaves home unless
home is the mouth of a shark."

Those lines are important, because they explain why people attempt these crossings.

We have heard a lot of talk about families today. I regularly engage with and talk to asylum seekers and refugees in the system, whose family members are being persecuted because of them leaving the country. They have brothers who have been arrested by the police on spurious grounds, or their parents have sadly been murdered as a result of their identity. We really must shine a light on how the Government's strategy is doomed to fail and, perhaps more importantly, why the success of that strategy would be a horror. The only way that the deterrence framework can work is if the hostile environment it creates is worse than what people are running from.

That is why I feel jaded. I do not think this is really about stopping the crossings and saving lives. These proposals are not about how people come here to claim asylum; they are about stopping people from claiming asylum at all. This is not about fairness. It is about populist electoral politics, throwing red meat to a section of hard-line, anti-refugee opinion. What better example is there than the cruelty of stripping away the modern slavery provisions of asylum seekers who have survived human trafficking? This legislation, as it stands, would persecute the persecuted and criminalise the victims of crime.

To be frank, I suspect there are some of the Conservative side of the House who think it is a good thing that the Bill violates the UN conventions on international human rights law. The Government's credibility is so shredded that they believe the only route to future electoral success is to wage a culture war, gleefully reciting pre-rehearsed lines about lefty lawyers, while the situation of some of the most vulnerable people in the world gets worse and worse.

However, the Government could prove me wrong, and I give them that opportunity. A start would be supporting and looking into the proposals of new clause 10, which builds on the proposals of the PCS union and Care4Calais, two organisations working at the frontline of the crisis. It offers a practical solution to a humanitarian crisis in the channel by creating a safe passage visa. The visa would give entry clearance to those already in Europe who wish to come to the UK to make an asylum claim.

8.30 pm

I think that one of the disconnects and the paradoxes of the Government's policy as it stands is that there is no way for the many thousands of people who have already started their journey to get on to a safe and legal route. That is a paradox. You cannot reduce the number of boats if the people who are going to try to make that journey are already on their journey and have no alternatives to come to the UK. That is why a safe passage visa is so important; those journeys are so dangerous.

The proposals also draw inspiration from the successful Ukrainian resettlement schemes. By no means are those asylum schemes perfect, and we can debate that, but equally, no Ukrainian refugees have needed to make the dangerous crossing in boats to get here. I think we have to ask the question: why is that the case? And I think we know the answer—because there was a safe route available to them. They did not need to make an application, or the application could be made online for safe passage beforehand. They got permission to travel here. The safe passage visa would work in a very similar way, with documents and any biometric information being uploaded on to an online portal, for example, as in the Ukraine scheme, or, where there need to be further checks, those being done in person.

To be clear, this is tightly focused on granting someone safe and legal access to the UK from Europe, because they would have a valid asylum claim, as set out in the current immigration rules, when they arrive. Once they have arrived in the UK, they would go on to an asylum processing centre and submit their applications as normal, meaning that most of the screening and processing would happen as normal in the UK. It would mean that

we would not have to look into costly measures of arrangements with other countries, and that we would take ownership of our responsibilities for these people, who are going to make these journeys anyway.

Alone, this will not fix the asylum system, but it does provide a humane response to the issue of small boats. It focuses on that group of people who have already made the journey and are already making their way across—one that will often get forgotten and one that will continue to contribute to the small boats, as they have no alternative. The vast majority of people who come here irregularly make asylum claims and overwhelmingly those applications are accepted—70%, 80%, 90%, depending on the country they come from. They make that dangerous crossing not because they are more likely to be refused, or they are more likely to not have a valid claim. They make that journey because there is no other way for them to enter the UK. By providing them with an alternative, we can remove the need to risk life and limb.

Ministers have a choice. They can go on demonising refugees and genuine asylum seekers, talking up this threat that billions of people are coming here when that is just an absolute falsehood, and daubing "Stop the boats" on Government lecterns. That might generate headlines for a short while, but it will not help anyone and it will not stop anyone making that crossing. There is another option: the Government can prove they are serious about ending the life-threatening crossings, drop the securitised fortress Britain rhetoric, uphold international law and embrace a humane approach that tackles the underlying causes of the dangerous boat journeys. In doing that, we can save lives; in doing that, we can meet the obligations we have; and in doing that, we can be a fairer country and one that I know my hundreds of constituents who have emailed me against this Bill truly believe we should remain and continue to be.

Jack Brereton (Stoke-on-Trent South) (Con): I am pleased to contribute further to the debate on this vital Bill, which promises tangible action to address the frustrations of my constituents. As I have said previously, I very much support the actions of this Government and the Prime Minister in taking a tough new approach to tackling illegal migration. I want to challenge some of the things Opposition Members have said, particularly the hon. Member for Westmorland and Lonsdale (Tim Farron), who is not currently in his place. He spoke about there not being any safe and legal routes beyond those country-specific schemes. In fact, 50,000 people have come since 2015 through routes open to any country. Those include the refugee family reunion scheme, the UK resettlement scheme, the community sponsorship scheme and the mandate resettlement scheme. In total, that means that 480,000 people have come via safe and legal routes since 2015.

Stoke-on-Trent has been more generous than most other places in the country, and many feel that their generosity has been taken for granted and that their genuine concerns about irregular migration have been ignored, or even held in contempt, particularly by the Labour party and the lefty activist lawyers who are determined to frustrate the democratic will of the people. Because their determination to frustrate the will of this elected House is so strong, we need at this Committee stage to close all potential loopholes.

The amendments to which I have attached my name are those that I felt would make this a "belt and braces" Bill against scurrilous actions. The amendments in the name of my hon. Friend and neighbour the Member for Stone (Sir William Cash) will ensure that a successful suspensive claim will be the only way to prevent removal —no ifs, no buts, and no tying it all up in challenges to circumvent the intended will of this Parliament. Time and again, we have been shown that any lack of crystal clarity will be exploited by activist lefty lawyers. The danger is that people will lose faith in the democratic process, and in mainstream parties, if democratic mandates and Acts of Parliament are constantly frustrated by loopholes we have left.

Unprecedented pressure necessitates unprecedented actions, and the actions in the Bill will break the people smugglers' model of taking money to get people illegally into Britain, with what has been a relatively small chance of ever being removed under the overwhelmed legacy system that this Home Secretary is having radically to reform. I hope those actions will be properly resourced, not just financially but in terms of available skills and workforce professionals, including some of those who will be based at the Home Office hub in Stoke-on-Trent. But our job today is to make this Bill unambiguous in confirming its intent to enable the removal of illegal migrants and ensure the primacy of this House in delivering on the democratic will.

Small-boat people smuggling is a dangerous and unacceptable trade in human lives, and only by smashing the traders' business model can we really bring it to an end. That means we must also frustrate the business model of activist Labour lawyers who look for any loophole or ambiguity for their own political ends of making borders irrelevant and impossible to protect. Therefore, in addition to supporting the amendment in the name of my hon. Friend the Member for Stone, I support the amendments tabled by my hon. Friend the Member for Devizes (Danny Kruger) and my right hon. Friend the Member for Middlesbrough South and East Cleveland (Mr Clarke). The Human Rights Act should not be misused to remove control of our national border and the same applies to the European Court.

I welcome that the Government have stipulated in clause 1 the intention that the Bill will be exempt from section 3 of the Human Rights Act, and in line with the belt-and-braces approach that is necessary. As my right hon. Friend for Middlesbrough South and East Cleveland, who is not in his place, said, it makes sense to disapply sections 4, 6 and 10 to close the loopholes of any supposed incompatibility where it is impossible to use section 3.

Jonathan Gullis (Stoke-on-Trent North) (Con): My hon. Friend is doing an excellent job of standing up for the people of Stoke-on-Trent and north Staffordshire. He has proudly put his signature to the amendment tabled by my hon. Friend the Member for Devizes (Danny Kruger) on the ECHR, which I have also signed. Let us be crystal clear about what that amendment will do. It is about making it perfectly crystal clear to UK courts that rule 39 orders that come from the European Court of Human Rights and are not based in law, are not to be taken into judgment by UK courts when it comes to the removal of illegal economic migrants who have come from safe, mainland France. We are simply reconfirming what was in the original convention

[Jonathan Gullis]

back in the 1950s, when rule 39 orders did not even exist, or were not even mentioned. We want to ensure that we deliver on the will of the people in places such as Stoke-on-Trent that my hon. Friend serves so well.

Jack Brereton: I thank my hon. Friend for making that point. I entirely agree. The people of Stoke-on-Trent absolutely want robust action on this. We will not continue to tolerate the powers of Strasbourg and the European courts overriding the decisions of this House and our British courts.

If we do not stop illegal entry and misuse of the asylum system, we will not be able to give proper attention to those in genuine need. Nor will we enjoy the support of the general public. The Bill is about fairness and ensuring that resources are available for those in genuine need, but it needs to have belt and braces to ensure it does not end up in a lucrative legal battle for activist lawyers. Real change is needed to tackle the unprecedented pressures and to look to the improvements that are needed. I look forward to those constructive discussions with Ministers. We must never again allow our generosity and compassion as a nation to be abused by people smugglers with dangerous small boats.

The Second Deputy Chairman of Ways and Means (Mr Nigel Evans): That was a much shorter contribution, so things are looking brighter to get everybody in.

Patrick Grady (Glasgow North) (SNP): Bills of major constitutional significance are usually treated on the Floor of the House in a Committee of the Whole House. The Government refused to send the Elections Bill and the Retained EU Law (Revocation and Reform) Bill to Committee of the whole House and sent them upstairs to Public Bill Committees, yet they find time for this Bill, which stretches any claim to reflect what was in the Tory manifesto, to have its Committee stage here in the Chamber. I wonder why that is. One effect, of course, is that there is no opportunity to hear from stakeholders by taking evidence on the Bill. Perhaps that is not a surprise because there does not seem to have been a single briefing or intervention from anyone with any interest or experience in the field of immigration, asylum policy or law that is actually in support of what the Government are proposing.

The only people cheering on the Bill are the populist hard-right elements on the Conservative Back Benches—and, I suppose, the Cabinet—and their friends in equally right-wing media outlets. Even then, it seems that this is a Bill that pleases no one. The range of amendments tabled from the Back Benches, on both sides of the Committee, shows the risk the Government are taking and the damage they are doing by pursuing wedge-issue and dog-whistle politics. The Brexiteers, seemingly with the tacit support of the Home Secretary, are seeking to use their amendments to expunge any last vestige of what they see as European influence in the United Kingdom by taking us out of the ECHR.

Meanwhile, on the Opposition Benches, many of us, including my hon. Friends the Members for Glasgow Central (Alison Thewliss) and for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), are proposing a wide range of amendments that seek to reduce or negate some of the worst aspects of the Bill. Amendment 76, for example, on which I hope we will be able to test the will of the Committee, would make it much clearer that the need for protection, the experience of human rights abuses, or being a victim of slavery or human trafficking would be grounds for a claim to suspend a deportation process. Amendment 77 puts much stronger restrictions on the definitions of a third country to which asylum seekers could be deported. Many other SNP amendments have similar effects. They aim to introduce some element of fairness and respect for human rights, whether on the time available for appeals and considerations, or the grounds on which such claims can be made.

The key issue in this evening's grouping is that, if the Government really want to stop people arriving here on small boats, they have to provide safe and legal alternatives. The reality is that at the moment for the majority of people who currently arrive here and successfully claim asylum, such routes do not exist. What are the safe and legal routes for someone from Eritrea or Iran? That question has been asked multiple times and has not been properly answered. If there were safe and legal routes available, people would not be coming. Incidentally, the Bill is supposed to have a deterrent effect and is backdated to 7 March, so I wonder how many people have been deterred already. Have landings on the south coast of England suddenly evaporated? I suspect not and that perhaps shows that the Bill is not going to have the effect the Government want it to have.

Even where schemes for safe and legal routes exist, such as for Afghanistan, like the proposals in the Bill, they go nowhere near far enough. My amendments, including amendments 177 and 179, make the point that it is far better to think in terms of targets than caps for safe and legal entrants. This country is crying out for people to come here and help make our health service, social care system, hospitality industries and agricultural sector work more effectively and efficiently, but too many people who could be—and want to be—productive are left sitting in hotels at the taxpayer's expense, when they could be earning a wage that pays for their accommodation and contributes back into the tax system.

8.45 pm

Amendment 173 states that the Secretary of State needs to consult Scotland's Government about any target that is set for safe and legal arrivals. There is clearly cross-party consensus on that. Many constituents in Glasgow North support new clause 10 tabled by the hon. Member for Sheffield, Hallam (Olivia Blake), as I do, which would establish safe passage schemes. The Government need to pay attention to that and to other amendments that have been tabled, not least those of the hon. Member for East Worthing and Shoreham (Tim Loughton).

The Committee would be within its rights to push every single clause of the Bill to a vote over the next two days. If the Tories really want the Bill to become law, they should be made to work for it. Staying up late in this place to walk through the Lobbies is barely a minor inconvenience compared with the hardship and horror that most people seeking asylum in the UK have faced and continue to face before and after they reach these shores.

People who come here seeking asylum are fleeing wars in which this country has supplied, manufactured or sold the weapons; natural disasters when this Government refuse to take climate change seriously; and hunger and disease when this Government are slashing the aid budget that could fight those challenges. If the Bill is not amended beyond recognition, it will undermine any claims by this Government to uphold the global treaties and conventions that have maintained stability and respected human rights around the world since the second world war. The vast majority of people on these islands—certainly the residents of Glasgow North—want to live in an inclusive, diverse and welcoming society. If this Government undermine that, they will build that society themselves in an independent Scotland.

Miriam Cates (Penistone and Stocksbridge) (Con): I rise to speak to amendments 131 to 134, which seek to strengthen the Illegal Migration Bill by preventing spurious claims—whatever they may be—being used to resist the removal of those arriving in Britain illegally. The amendments aim to close any potential loopholes that would limit the Bill's effectiveness.

I have listened carefully to many thoughtful and technically excellent speeches from hon. Friends and hon. Members across the Committee for whom I have the greatest respect. I cannot match their legal expertise and detailed understanding of the legal complexities of the Bill, but I want to argue for the principle of strengthening the Bill, which I think the Government have accepted, to ensure that it is effective. It is essential that it be effective, because more than 40,000 people arriving illegally on small boats in a year is a serious safety issue, national security issue and economic issue, with £6 million a day being spent on hotels to house migrants. It is a crime issue, with many illegal immigrants engaging in illegal activity or being drawn into slavery and exploitation. It is also a sovereignty issue. Many ask: who is really in control of British borders—our elected Parliaments or foreign courts?

If the Bill does not work and does not result in the swift deportation of those who arrive here illegally, it will not have a deterrent effect and we will not stop the boats. The objective of the amendments is therefore to strengthen the legislation to significantly reduce the likelihood of unjustified legal challenges that use human rights legislation that was never meant to provide cover to international gangs.

I thank Ministers for their consideration of the intention of the amendments. Some of those who oppose them and the Bill will cite compassion. I wholeheartedly agree that those who are genuinely fleeing war and persecution deserve our compassion. Many should be—and are—offered a home here in the UK. Our compassion should be directed at those who are genuinely helpless and without agency—such as children—but not those who have a choice about whether they leave their home country, or those who choose to exploit others through international human trafficking.

In many ways, this debate epitomises the great argument of our times between those whose understanding of human rights is that anyone should, more or less, do whatever and go wherever they want, and those who believe that strong boundaries, firm rules and proportionate restrictions are essential for strong families, communities and nations. It is an argument between those who think that, as a wealthy country, we somehow have unlimited resources and who do not acknowledge that population growth over recent years has seriously limited and stretched our capacity, for example on housing, and those who realise that even though we are in a wealthy and fortunate position, there are serious limits on our resources.

Many of those who argue against strong borders and strong action against illegal immigration are not personally affected by illegal immigration. Their wages are not threatened by the black market economy, they do not rely on essential local resources that are taken up with housing migrants, their children are not sent to school with young men who are clearly not children, and their sense of agency and national identity does not rest on the integrity of our borders or the sovereignty of our Parliament.

For those whose lives and culture are not negatively impacted by thousands of people arriving here on small boats, it makes sense to argue for open borders in the name of compassion, but for many people, including many of my constituents, those are luxury beliefs. The reality is that high and clearly visible levels of illegal immigration are a threat to ordinary people's safety, security, identity and sense of fair play. Believing in and upholding strong borders and firm boundaries is not uncompassionate or bigoted; it is a prerequisite for a fair, safe and cohesive nation.

Ultimately, when boundaries are not upheld or laws not enforced, it is always the vulnerable that suffer, as criminals exploit loopholes and drain much needed finite resources away from those in genuine need. *[Interruption.]* I will not give way because I have been given a five-minute limit by the Chair.

We all want genuine asylum seekers to be able to find safety here in the UK. As the Minister said, this country is surpassed by only three other nations in our acceptance of refugees from UNHCR schemes. But the exploitation of our borders and laws by those who are not in genuine need and, worse, by abhorrent international people-smuggling gangs is neither fair nor compassionate and it must end. A strengthened Illegal Migration Bill will deter people from making the treacherous journey in small boats, and give us the resources and focus to go after those safe and legal routes that everyone in the House agrees should be there.

Apsana Begum (Poplar and Limehouse) (Lab): I rise to speak against the Government clauses before the Committee today and in favour of several amendments that seek to limit their horror and inhumanity.

The changes made by clauses 37 to 48 to the legal and human rights of asylum seekers breach the UK's human rights obligations. The proposed timescales and tests, combined with the lack of judicial oversight, build in unfairness and undermine access to justice. It is difficult to see how a vulnerable and traumatised person will be able to engage with the process, especially as the provisions do not set out any right to legal advice and representation.

That is one of the many reasons that I support new clause 26 in the name of my hon. Friend the Member for Streatham (Bell Ribeiro-Addy), which would require an equality impact assessment about how people with protected characteristics under the Equality Act 2010 will be impacted by the Bill. Indeed, protections for vulnerable people, pregnant women and children are

[Apsana Begum]

being tossed aside in favour of new powers to indefinitely detain people at greater risk of harm, including survivors of torture, trafficking and modern slavery.

The new and sweeping powers of arbitrary detention are nothing short of spine chilling. The Bill will increase the number of people detained, while removing the bulk of the essential safeguards that were put in place to protect people, adding to the inherent harm caused by indefinite detention. That is despite the UK's immigration detention system being plagued by mismanagement, profiteering by private companies and incidents of systemic and direct abuse and neglect, including the scandals reported at Brook House immigration removal centre, the Manston short-term holding facility, Harmondsworth IRC and many others.

What is the purpose of this sweeping and illegitimate restriction of people's liberties? What is the crime that such individuals have committed to be treated worse than serious criminals and to have fewer rights? Today, this Government propose to punish people for seeking asylum. Not satisfied with that, they seek to ensure that those people cannot challenge this injustice—all essentially to deter anyone else from coming to the UK to seek sanctuary. They are literally planning to persecute the already persecuted.

Denying access to asylum on such a basis undermines the very purpose for which the refugee convention was established. The convention explicitly recognises that refugees may be compelled to enter a country of asylum irregularly. The United Nations Refugee Agency has said:

"Most people fleeing war and persecution are simply unable to access the required passports and visas. There are no safe and 'legal' routes available to them."

The reality is that the UK offers safety to far fewer refugees per capita than the average European country, such as France or Germany, and to far fewer than the countries neighbouring those from which 70% of the refugees from the global south flee. That is why I support new clause 10 tabled by my hon. Friend the Member for Sheffield, Hallam (Olivia Blake), which sets out a requirement to introduce a safe passage visa scheme. She has spoken eloquently about the stories behind the numbers and statistics—the people with real lives, hopes and dreams.

If the Government seriously wanted to protect the lives at risk from small boat crossings, they would back more generous family reunification rights and support safe, functioning routes. Instead, the Bill is the latest in a long line of measures that form their hostile environment and the toxic, racist and xenophobic narrative that is taking hold in many parts of the world, based on fear and the manipulation of that fear. It is immoral, deeply cruel and divisive. It breaks international law, it crushes human rights and it is shameful.

Tom Hunt: I have waited for a very long time to speak on the Bill. On Second Reading, I think I waited for four hours but did not get called. I have waited for a good amount of time today, too, but it has only made me more determined to get my points across.

I did not sign any of the amendments before the Committee, but I have sympathy with many of them, particularly amendment 131 in the name of my hon. Friend the Member for Devizes (Danny Kruger), amendment 132 in the name of my right hon. Friend the Member for Middlesbrough South and East Cleveland (Mr Clarke), and amendments 133 and 134 in the name of my hon. Friend and very senior colleague the hon. Member for Stone (Sir William Cash). Although it might surprise some people, I have a little bit of sympathy with amendments 72 to 75 in the name of my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton), but I do not think that now—before we have sorted out the scourge of illegal immigration and its impact in this country—is the right time to pursue such amendments.

In a general sense, it will not surprise people to know that I welcome the Bill. We have 45,000 people a year entering the country illegally. They are mostly young men, as has been statistically proven; many are from safe-origin countries; and every single one of them has gone through France and multiple other safe European countries but has refused to claim asylum. They have decided to shop between different safe European countries, and they have come here. Being an economic migrant and moving to the UK because there are job opportunities here is a very noble dream, of course, but my advice to them is to engage with our legal migration points-based system, and we will make a determination as to whether their dream and our needs meet.

We are the party that believes in controlling our borders. We are the party that believes in strong border controls. Labour Members get incredibly sensitive whenever anybody suggests that they believe in open borders, but I simply say to them, "Show me the evidence. Show me the evidence that you believe in controlled immigration. Show me the evidence that you don't believe in open borders. When I look at your record, every single thing you vote on is against precisely those things, so I don't think it is unreasonable for me and colleagues to come to the conclusion that you are opposed to all border controls. As I say, show me the evidence."

I turn to amendment 131. When the Rwanda policy was first introduced, a lot of us supported it because we saw what had happened in Australia. Australia had had a massive problem with illegal immigration, but it went down the route of offshore processing, and today it no longer has that massive problem. It is quite simple. A few Opposition Members are saying, "Australia did not work", but we looked into this in detail and met Australian officials, and it did work. We think that going ahead with the Rwanda policy, if it were given a chance to work, would provide a significant deterrent. It would save lives at sea, and would enable us to operate the compassionate, controlled asylum system that virtually all of us in this place want.

9 pm

It was incredibly frustrating for us when, despite the Brexit referendum in which a majority of people in the country expressed a wish to take back control of our borders, and although we had an elected Prime Minister seeking to implement a policy to do precisely that, at the very last moment—even though our own courts had OK'd it—a foreign judge in another land thwarted the whole thing, gumming it up in the courts for nearly a year. My constituents can see how much that has damaged our democracy. It is, in fact, deeply damaging, and it is an unsustainable state of affairs for us, as a sovereign country, to be in a position in which that is allowed to happen.

We were promised that the Nationality and Borders Act 2022 would resolve all these issues, but we are still standing here, and tens of thousands of people are still entering the country illegally every year. That foreign judge was able to ensure that the flights to Rwanda did not get going—and how many channel crossings have come about as a result? The High Court took six months to reach a conclusion, although hopefully the Appeal Court will give the scheme the green light next month, and if the Supreme Court does not call it in, there could be flights going off next month. Then we will see whether the approach works or not; I think that it will.

Many Members on both sides of the Committee have discussed whether there is public support for the Bill, but it is clear from what I have heard that there is overwhelming support for it in the country. We all engage with our constituents, and I have engaged with mine, so I know that the support for the Rwanda policy is also overwhelming, as is the anger. I will not speak about the amendment on hotel accommodation that will be debated tomorrow—well, I will, briefly. There has been extremely strong opposition to the use of a hotel in my constituency. At a time when many of my constituents are struggling to get by, struggling to pay their energy bills, they see people who have entered our country illegally—mainly young men—staying in a four-star hotel. Twenty-eight of my constituents who worked in that hotel were pressured to resign, and there is also the wider economic impact of the lack of bed space in the town. My constituents are appalled by this.

Others, of course, take different views. Last weekend a number of Labour councillors and a prospective Labour parliamentary candidate supported the use of a hotel by those who enter our country illegally. That is an interesting view and one that I would advise those people to change, given that according to surveys I have carried out, many people who still intend to vote Labour—I do not know why—have hardline views on immigration. I suspect there is a risk that this conflict might be exposed, and, of course, I will be playing a role in that.

We often hear Labour Members say, "If we have safe and legal routes, all these problems will go away." It was fascinating to hear, for the first time, a shadow Minister say that Labour supports a cap on safe and legal routes. We do not know what the cap would be, but we do know that many people would fail in that regard, and would probably still try to enter our country illegally in small boats. What would the Labour party do with those individuals in those circumstances? They do not know, of course.

My hon. Friend the Member for East Worthing and Shoreham spoke earlier about safe and legal routes, and I think that that is a place we need to get to, but I also think that we have to take the public with us. Right now, understandably, the majority of people in the country are furious about illegal migration. They are furious about people jumping the queue. We need to deal with that, and once we have dealt with it we can move to that place where we talk about safe and legal routes, but I think that right now is too soon.

There are hundreds of millions of people in the world who would like to move to our country—*[Interruption.]* Of course there are hundreds of millions who would like to move to our country and who could conceivably get refugee status, so if we talk about a cap and safe and legal routes, we need to talk about prioritisation. The question is: is it right that we prioritise young, single men from Albania over, for example, some of the refugees I met two weekends ago? Where was I two weekends ago? I was at the Rohingya camp in Bangladesh. It was the third time I had been there. Do you know who I spoke to? Overwhelmingly women and children who had fled directly from Myanmar. Some of the women had been raped, some of their dads and their brothers had been killed, and when I asked them what they wanted, all they said was that they wanted to go home safely. They do not have a choice about shopping between different European countries or about where they go. They do not have that choice.

I want us to have compassion as a country, I want us to have a cap and I want to have safe and legal routes, and once we get control of the system I might be happy with that cap being quite high. I might want us to play our role, but realistically, with limited resources, every person who comes in illegally from somewhere such as Albania means one less person that we can support from somewhere like that Rohingya camp. They are working directly against the interests of some of the most vulnerable in the world. That is a fact.

I am incredibly pro genuine refugees. Once we get the small boat situation sorted out and once we tackle illegal migration, we can put in place a cap, driven by compassion. If there is an unforeseen disaster somewhere, such as a huge earthquake in another country, I am sure we will be able to come back to this place to ask our elected Chamber to extend that cap, and I think most people in the country would support that. But where do we want to get to? We want to get to a place where we take a large number of some of the world's most desperate people, but to get there we have to get control of the system and deal with the people smugglers.

I know that this Bill seems tough, but it is the only way. It is the only plan, and I am proud to speak in favour of these amendments, particularly amendment 131 tabled by my hon. Friend the Member for Devizes (Danny Kruger). The Opposition have brought up Winston Churchill, but the idea that if he was around today he would support a situation where our democratic Chamber was thwarted by foreign judges undermining the law brought forward by our elected Government is for the birds. That would not be the case.

Mick Whitley (Birkenhead) (Lab): I rise to speak in support of new clause 10, tabled in the name of my hon. Friend the Member for Sheffield, Hallam (Olivia Blake), but before I do, I want to reflect on the unusual circumstances in which we once again find ourselves. This is the second time in only a few weeks that we have assembled to scrutinise a Bill in a Committee of the whole House. Both this and the Strikes (Minimum Service Levels) Bill are extraordinary pieces of legislation that threaten to break with international law and long-standing human rights conventions, which this nation once took great pride in championing, as the Home Secretary herself admits on the face of this Bill.

The Bill before us today is perhaps unprecedented in the scale and ferocity of the criticism that is attracted, not just in the UK but in the wider international community. The UNHCR has said that

"the effect of this Bill…undermines the very purpose for which the 1951 Refugee Convention was established",

[Mick Whitley]

yet the Government have given Members just 12 hours to consider the Bill at this stage without any opportunity for taking evidence or for the kind of detailed, forensic scrutiny that would normally be found in Committee. By contrast, the Immigration Act 2016, which my party rightly opposed, represented a far less dramatic departure from international norms than this Bill, yet it went through 15 Committee sittings and received 55 pieces of written evidence. As the director of the Institute for Government has rightly observed, the Committee of the whole House is a useful mechanism to legislate on the most sensitive of matters, particularly those relating to the Northern Ireland Executive, but in the hands of this Prime Minister it has become a tool to steamroller through legislation and stifle dissent, which I fear will prove to have disastrous consequences.

Members of the House have the right to be afforded the time we need to scrutinise legislation properly, but that right counts for little compared with the rights of refugees fleeing unimaginable horrors in the pursuit of safety. I would not wish to give the House the impression that I believe this Bill is reformable in any way, far from it. This is an utterly hateful piece of legislation, the central purpose of which is to criminalise and demonise desperate men, women and children fleeing conflict and persecution.

As the Archbishop of York has rightly said, these proposals represent "cruelty without purpose." We are entering the endgame of a dying Government who are devoid of any plan for the future of our country, who long ago lost the trust of the British people and who now believe their only hope of clinging to power is to stoke division, fear and xenophobic hatred, and to lay the blame for their own failings on innocent refugees.

I understand that my hon. Friend the Member for Sheffield, Hallam does not wish to press new clause 10 to a vote, but I have no doubt that she, like me, wishes to see the Bill in its entirety consigned to the scrapheap. She raises an incredibly important point about the necessity of establishing safe and legal routes for those who want to claim asylum. Without the promise of safe passage to the UK for those seeking sanctuary, the plans before the House today are destined to fail, as Ministers know all too well. They understand this Bill is little more than an attempt to stir division and to compound the misery of refugees for cheap political gain.

More importantly, I make it clear that I will never support the principle of differentiating between refugees based on how they arrive in this country, which is a clear violation of their convention rights. Establishing safe routes to Britain is the only way we can guarantee that no one is ever again forced to risk their life and the lives of loved ones on a small boat in the channel.

Finally, I remind the House that more than 230,000 visas were issued to Ukrainians last year. I have said many times that we should be doing far more to assist those fleeing the war in Ukraine but, to date, not a single Ukrainian has been forced to resort to small-boat crossings or people smugglers to reach the UK. Mercifully, not a single Ukrainian life has been lost in the channel. We have a model that already works, and it is time to ensure that everyone seeking refuge is able to get here safely. It is time to extend safe routes for all.

Alison Thewliss (Glasgow Central) (SNP): I rise to support the more than 50 amendments in my name and the names of my hon. Friends. We do not believe that this Bill, which is abhorrent in how it rips up people's human rights, is fixable. Contrary to what the hon. Member for Penistone and Stocksbridge (Miriam Cates) suggested earlier, human rights are not a luxury. They are for everybody, everywhere, all at once. We should not try to remove them from anyone, particularly those who have suffered serious trauma.

We tabled our amendments to highlight the Bill's many and varied deficiencies. I pay tribute to my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), who has been incredibly diligent in going through the Bill to see what we could take out to try to reverse some of its more harmful aspects.

In clause 37(7), for example, we aim to set tighter rules for the kinds of countries to which we might want to return people, because not all third countries are particularly safe. We should be much tighter about where we return people, which is a point to which I will return tomorrow.

Clauses 40(4)(a) and (b) outline the assurances the Government claim they will take into account in considering a serious harm suspensive claim:

"the Secretary of State must take into account the following factors—

(a) any assurances given by the government of the…territory specified in the removal notice; "

I guess the Government will just take it on trust when another Government say they will not do any harm to a person who might be a critic of that Government. They will just have to say, "Oh, no, it will be fine. Just return that person, and we will look after them." We will not find out whether they will actually be looked after until after they have been returned.

Clause 40(4)(b) lists

"any support and services (including in particular medical services) provided by that government".

I have had constituency cases of people receiving HIV/AIDS treatment in this country that has got their condition under control, but the Government cannot guarantee that they will be able to continue their treatment if they are returned to another country. In some cases, returning to a country where that condition cannot be managed is tantamount to a death sentence. A constituent of mine who is waiting for a decision on her case is in renal failure, but she cannot make progress with her treatment because the Home Office will not get its finger out and give her a decision. This is a very pressing issue. The Minister squints at me, but if he actually turned to any of the cases that I raise with him, we would make some progress.

9.15 pm

We also want to amend the incredibly short and absolutely unrealistic claim periods outlined in the Bill. This Government do not do anything in four days or eight days, so it is entirely unrealistic to suggest that they will make any decisions in that time. In a practical sense, it will make it very difficult for people to make a claim and to access a solicitor. Many people who come to this country seeking asylum have experienced considerable trauma, so they are unable to do things in the Government's suggested timescale. Anybody who understands considerable

trauma will appreciate that it will not be possible over a couple of days to extract from those people all the things that might, in the Government's view, be compelling evidence.

Victims of torture, victims of trafficking, people who have been forcibly recruited and people who have been told to rape members of their family and in some cases their neighbours cannot disclose all those things just like that. They will need time to work through this. They will need specialist expertise and support to make their claims. They will not be able to make their best case under pressure over a few days. The Government, I suspect, know that, because they are going to make it as difficult as possible for people to make those claims. That is the very purpose of why they are short-circuiting the process.

Had the Government given us time to hear proper evidence, we would have heard from experts from Freedom from Torture and the Equality and Human Rights Commission. A submission to Members notes:

"A claim for suspension of removal must be made within seven days of a notice of removal, which may present challenges for people who are traumatised or otherwise in vulnerable situations, do not speak English, or lack adequate legal advice."

By making the timescales so short, the Government are trying to prevent people from being able to make claims. It is a deliberate strategy.

Last week I had the privilege of meeting the Rainbow Sisters, part of the Women for Refugee Women group. They told me in great detail how difficult it was for them as lesbians to describe to a Home Office official why they were making a claim. In the countries they came from—I will return to this tomorrow, but they are listed at the back of the Bill and include Ghana, Kenya and Nigeria—they were not allowed to describe the feelings they hold, because they could have been prosecuted, imprisoned or whipped for being gay. They do not have a language to describe their experiences or any evidence to describe their sexuality, yet we expect them to do so in order to provide compelling evidence for their claim. Sending them back to those countries would put them at risk, and in such circumstances it is impossible for those women to describe their situation. Yet the Home Office expects that to happen.

I have sat in an immigration tribunal in which a constituent of mine was asked to provide half a dozen people to testify to her sexuality. Even though she had been here for several years, it was difficult and traumatic for her to do that. Imagine people being asked to provide that evidence when they have just arrived. It would be incredibly difficult for anybody to do under any circumstances, and particularly so for women in those circumstances. Again, I suspect the Government know that.

In clause 50(3), on page 52, proposed new section 80AA(3) of the Nationality, Immigration and Asylum Act 2002 says:

"The Secretary of State may add a State to the list"—

which is described in subsection (1)—

"only if satisfied that…there is in general in that State no serious risk of persecution of nationals of that State".

This is a list to which the Secretary of State can add whenever she so feels. The words "in general" are doing a lot of heavy lifting in that proposed new section. In general there may be no risk, but, specifically, there might be a significant risk to that person, to somebody of that sexuality, or to somebody with a particular protected characteristic. Again, the Bill overlooks the protections that the Government should be giving to people who are seeking asylum here.

Let me turn now to the cap on the numbers. Members on the Conservative Benches have been quite excitable about the idea of a cap, but there is no capped number in the Bill. It is for the Secretary of State to decide on that at some other point. The Secretary of State could set that cap at zero if she so wished.

Robert Jenrick: It is for Parliament.

Alison Thewliss: As the Minister well knows, it is to be set in regulations, which this Parliament cannot amend, so it is not for Parliament but for the Secretary of State. He knows how statutory instruments work in this place, as do we, and he knows that this is not something that this House can amend. He is being a bit economical with the truth if he is suggesting that the House can amend it; it cannot. He knows that.

What we are looking to do in amendment 179 and in the amendments in the name of my hon. Friend the Member for Glasgow North (Patrick Grady) is to expand the list of those who should be consulted on this and to set a target, not a cap. It is not enough to set a cap. I ask Members to imagine that they are the 101st person with a cap set at 100. It could separate a family, separate siblings or separate a husband and wife who do not meet the threshold; they could just fall on the wrong side of the cap threshold. The Government need to do a whole lot more to make sure that we are actively doing our bit in the world, and setting a cap is nowhere near doing our bit in the world.

I do not wish to detain the House for much longer, because I will be speaking again tomorrow, but I wish to mention the issue around documents. It has been raised by several Members, including the right hon. Member for South Holland and The Deepings (Sir John Hayes), who is no longer in his place. When Afghanistan fell, I was contacted by constituents who were terrified for their family members still in the country. Some 80 families in my constituency had relatives in Afghanistan, but I am aware of only two of them who were able to be reunited with their families. Clearly, the Government did not do enough. These are people who have family in this country, who could be safe and who could be out of Afghanistan, and they are not.

People in Afghanistan had documents. If the Taliban had found those documents on them, they would have seen that they had worked for British forces and that would have been a death sentence, so people in Afghanistan burned those documents. That is why people turn up here with no documents—those documents would have been their death sentence had they been found in their possession. Members on the Conservative Benches who seem to think that not having documents is some kind of admission of guilt fail to understand the very real pressures that asylum seekers face when they make these dangerous journeys, and when they try to seek sanctuary here to regain the relationships with the people whom they know. They will run and run and keep running until they find safety. That is the reality, and that is what the Bill denies people.

Yasmin Qureshi: I wish that I could say that it is a pleasure to speak in this debate, as I normally do, but I am actually incredibly sad about having to do so. The Bill is one of the most repugnant pieces of legislation that this Government have tried to pass through the House. First, this Government and the Home Secretary know that they are breaching human rights laws, and also that this legislation will not work. They want to go ahead with the Bill because they want to throw red meat to some of their voter base. They want to appeal to some of the hard right-wing voters in our country—the people who will be voting for the Conservative party when they see this legislation go through.

I do not make those allegations lightly. I have been here since the beginning of this debate and heard the justifications that Conservative Members have given, with "lefty lawyers" somehow being used as a term of abuse. I am a barrister—I spent many years studying to be one—and I find this Bill repugnant, so hon. Members might want to call me a lefty lawyer, but I spent 14 years doing nothing else but prosecuting. I worked for the Crown Prosecution Service prosecuting criminals, rapists, murderers, drug dealers and all sorts of really obnoxious people. Now I and people like me, if we are not supporting this Bill, are to be called "lefty liberals" or "lefty lawyers" or "woke" as a form of insult. Those who have to resort to that type of terminology are really scraping the bottom of the barrel. They have no argument left—if they had any proper argument, they would be making it.

We have heard much discussion of the European convention on human rights. It is surprising to hear everybody say, "Oh, the European Court did this to us." Hang on, wake up—we actually signed up to the convention on human rights. We signed up to the refugee convention. We are a signatory to the NATO treaty. When states are signatories to those conventions, they are supposed to abide by them and, within the European convention on human rights, the European Court of Human Rights is part of the process. For the Government to think they can pick and choose what they do not like from it is outrageous.

The right hon. Member for South Holland and The Deepings (Sir John Hayes) denigrated the European Court of Human Rights earlier. I asked him directly about the fact that in the 1970s a Conservative Government had legislation requiring virginity tests for young women applying to come into this country, and it was the European Court of Human Rights that declared it to be unlawful. When I asked whether he disagreed with the European Court of Human Rights, he side-stepped it and said he could not defend the Heath Government—but that was not my question. My question was fairly and squarely about whether he disagreed with that particular decision of the European Court of Human Rights, and the reason he avoided it was that he knows that decision by the Court was absolutely correct.

The European convention on human rights, as we know, was incorporated into the British Human Rights Act 1998. Section 19 of that Act says that every piece of legislation that comes before our Parliament must have a declaration on it to say it is compatible with human rights law. The Home Secretary knows full well that this legislation is not going to be. That is why, on the face of the Bill, she states that the Government are not sure whether it is compatible with human rights law—but when she goes on the television, she says, "Oh yes, it is compatible with human rights." I would like her to tell us which one she thinks it is, because I can tell her that it is incompatible with any human rights convention and with our own Human Rights Act, passed by this Parliament.

I really think that Conservative Members should use a better argument. But what argument do they use? I have found it sickening, not just on this Bill, but in the whole debate on immigration and asylum for the last number of years, to hear politicians such as the Home Secretary saying that we are being swamped and invaded, and other hon. Members saying that we have 100 million people coming. Sometimes they say 1 billion people. Come off it! Everybody knows there are not 1 billion people trying to come into this country, nor 100 million refugees, because 84% of refugees normally go to the country nearest to them.

Moreover, of the people who have been coming on the boats recently, more than 75% were successful in their asylum claims. This narrative that Government and the media, the *Daily Mail*, the *Express* and *The Sun*, are running, that somehow they are all bogus asylum seekers, is a load of rubbish as well. I expected the media to talk rubbish—I expected them to lie—but it really pains me when elected Members of Parliament use that kind of divisive language.

It is because of that sort of divisive, disgusting language that we have had incidents of assault on people living in asylum hostels and incidents of others attacking them, swearing at them or protesting against them. That is because of the language that is used in this country in the discourse on immigration. I have to say to every hon. Member here, especially on the Government Benches, and the media, if they are listening, "Please, for God's sake, just temper your language and do not peddle untruths." That is what they are—untruths. A lot of those people are coming on boats because there is no alternative.

9.30 pm

The shadow Minister, my hon. Friend the Member for Aberavon (Stephen Kinnock), mentioned five constructive proposals to deal with the boat crisis, but guess what: this Government are not doing that. Every single Conservative Prime Minister and Home Secretary since 2010 has said, "We're going to control migration; we're going to reduce asylum seeking; we're going to do this and that," but guess what: we are 13 years down the road since the Conservatives took charge, and they have done zilch—nothing. On the people whom they have been able to return, the numbers are abysmal. When Labour left office, 18,000 people were awaiting asylum decisions; the number now stands at 160,000. In the 13 years that your Government have been in control, what have you done? Nothing. It is all rhetoric; it is all talk.

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): Order. The hon. Lady needs to be quite careful with her language when she says "your Government" and so on.

Yasmin Qureshi: Thank you for reminding me, Dame Rosie.

The Conservative Government have had control for the last 13 years, but they have not been able to deal with this. Instead of making proper constructive proposals, they have gone for the best headline in the *Daily Mail*—or

should I say the "Daily Hate"? They do not think it is worth it. This legislation is absolutely horrendous. I am really sad that we are here again. A few years ago, we had the Nationality and Borders Bill and others. With every such Bill, it is said that we are going to control illegal migration. But guess what: nothing happens. It is all hot air; it is all smoke and mirrors. It is trying to fool the people of this country that you are trying to deal with something when you know you are not doing—

The First Deputy Chairman: Order. I call Wera Hobhouse.

Yasmin Qureshi: May I finish, Dame Rosie?

The First Deputy Chairman: Yes, but the hon. Lady needs to stop referring to "you", which means me.

Yasmin Qureshi: I am sorry, Dame Rosie.

Many Members have spoken about various safe routes. Many suggestions have been made about how to deal with the small boats. Colleagues have spoken about the legal side of it. If there is any humanity in this Government, they should think about withdrawing the Bill and actually dealing with the small boats, and will they please stop trying to appease populist sentiment?

Wera Hobhouse: I rise to speak to the Liberal Democrat new clauses 3, 4 and 6. I struggle to put into words my dismay about the Bill. I have been listening since the beginning of the debate and, apart from a few Members who have spoken with real insight, Conservative Members cannot hide their frustration that, three years on from Brexit, we still do not control our borders and that we are in fact further away than ever from doing so. That shows a fundamental misunderstanding. Britain is only ever part of a global community—we do not rule it—and we get what we want only through co-operation; we will succeed in stopping illegal immigration only by co-operating, not by breaking international agreements.

No one can be opposed to stopping people traffickers who are exploiting desperate men, women and children, but the Bill is no way to go about that, and it will not be successful in preventing the boats from coming. All that it will achieve is to punish those who least deserve it. Will the Government finally listen to what we on the Opposition Benches have said for such a long time, which is that we must create safe, legal and effective routes for immigration if we are serious about a compassionate and fair system of immigration?

New clause 6 would facilitate a safe passage pilot scheme. New clause 4 would require the Home Secretary to set up a humanitarian travel scheme, allowing people from specified countries or territories to enter the UK to make an asylum claim on their arrival. The only way to ensure that refugees do not risk their lives in the channel is to make safe and effective legal routes available.

My inbox has been full of constituents' outrage at the Government's plans to abandon some of the most vulnerable people in the world. In Bath, we have welcomed refugees from Syria, Afghanistan and Ukraine, and we stand ready to do more. Meanwhile, the Government are intent on ending our country's long and proud history as a refuge for those fleeing war and persecution.

The Home Secretary has been unable to confirm that the Bill is compatible with the European convention on human rights. Clause 49 allows the Secretary of State to make provisions about interim measures issued by the European Court of Human Rights; the Law Society has raised concerns that that shows an intent to disregard the Court's measures and break international law. The Government's promises that people fleeing war and persecution could find a home in the UK through a safe and legal route must be true and real—they must not promise something that does not happen. Now is the time to put action behind the words. So far the Bill has not even defined what a safe and legal route is; on that, I agree with the hon. Member for Walthamstow (Stella Creasy).

Let me give one example of why it is so important that we have safe and legal routes: Afghanistan. Just 22 Afghan citizens eligible for the UK resettlement scheme have arrived in the UK. The Minister said that we had taken thousands before the invasion of Kabul, but we are talking about a resettlement scheme set up in 2022, a year ago. Only 22 people have been resettled through that scheme. That is the question—we are not talking about what happened in 2015 or before the invasion of Kabul; we are talking about the safe and legal routes that the Government set up. The reality is that 22 Afghans have been resettled under the scheme, and the Minister cannot walk away from it.

It is a shameful record. Women and girls especially were promised safety, but have been left without a specific route to apply for. We cannot leave them to their fate. Every day we hear about the cruel way the Taliban treat women and girls, who are excluded from education and jobs. They have to do what they want to do in hiding and they are not safe. The Government have promised them safety, but they cannot come. We must ensure that this new promise of safe and legal routes cannot be broken.

The Bill sets out a cap on the number of refugees entering via safe routes, but it does not use a specific figure. There is also no obligation on the Government to facilitate that number of people arriving. The Government's current record does not inspire confidence. The UK grants fewer asylum applications than the EU average. In 2022, only 1,185 refugees were resettled to the UK, nearly 80% fewer than in 2019. That is why the Government should support new clause 3, which requires the Secretary of State to set a resettlement target of at least 10,000 people each year.

Refugees make dangerous journeys because they are in danger. If we are serious about stopping illegal people trafficking, we must provide safe routes for refugees first, not punish refugees who have the right to be here first. As it stands, the Bill criminalises desperate people making perilous journeys to seek safety—refugees who are coming because they believe they will find sanctuary here. We must show them compassion. We must not show them our backs.

Jim Shannon: It is a pleasure to speak in this debate. I thank the Secretary of State for being here at the beginning of the debate and the Minister for being here now to hear our contributions. The issue has proven incredibly contentious in this Chamber and on social media. We have heard the views of so many—some more distasteful than others; I say that respectfully. The principle is that we have a clear responsibility to protect those who are most vulnerable, but we cannot extend the invitation to everyone, with no questions asked.

[Jim Shannon]

We need to discuss the steps we can take to perfect our asylum system. I will speak to new clause 6 in relation to safe passage, and to new clauses 24 and 25, which refer to Northern Ireland.

The Joint Committee on Human Rights has raised significant concerns about this Bill in relation to parallels between trafficking, slavery and asylum. The Bill will have an unintended, but nevertheless devastating, impact on victims of modern slavery. The Committee has stated that illegal immigration is often used as a weapon to exploit people for profit, and that criminal gangs are often the ones luring vulnerable people on to boats and into the UK. Some 5,144 modern slavery offences were recorded by the police in England and Wales in the year ending March 2019, an increase of 51% from the previous year. In addition, poverty, lack of education, unstable social and political conditions, economic imbalances, climate change and war are key issues that contribute to someone's vulnerability and to becoming a victim of modern slavery. We cannot close the door on genuine victims of trafficking and slavery, and we cannot allow the Bill to undermine the security of victims.

I want to give a Northern Ireland perspective on this debate, if I can. According to recent Home Office statistics, nearly 550 people were potentially trafficked into Northern Ireland last year, an increase of 50% from 2021, when the figure was 363. In the past four years, the number of people referred through the national referral mechanism in Northern Ireland increased by 1,000%, so we have an issue—maybe we do not have the numerical amounts that are here on the UK mainland, but for us in Northern Ireland, these are key issues. I also wish to highlight new clause 19, which refers to the Bill's extension to Wales, Scotland and Northern Ireland, and to new clauses 24 and 25, which refer to Northern Ireland taking on three particular provisions relating to trafficking and exploitation. I believe it is important that we have the same opportunity to respond in a way that can help.

There is no doubt that detention due to asylum is going to have an incredible impact on some migrants. We are often too quick to group asylum seekers under the same label, forgetting that a large proportion of the women and young children who come here illegally come from war-torn countries, where they have been ripped away from their families and displaced, with no other option but to get out and to make the best of a potential life somewhere else. There are real, genuine cases out there—there are families who need legitimate help—and as a big-hearted country, I believe that we have a duty to provide that help.

Under the new legislation, the Home Office would be given new powers to provide accommodation for unaccompanied children, but those provisions only apply to England. I ask that they be extended to other areas of the United Kingdom of Great Britain and Northern Ireland, as is being considered. When it comes to detention, there is no doubt that we do have to compare circumstances. There is a difference between those people who I just mentioned—the women and children who are displaced—and those who come with no children and no family, and who are usually young. They have the ability to build a new life elsewhere if possible, because they are healthy, whereas for women and children who have been forced out, detention policies need to be different.

To conclude, in order to keep within the time limit that others have adhered to, I am in support of some of the aspects of this needed Bill. I respect its contents and the Minister's efforts to come up with a solution that strikes the right balance, but I think we all need some assurances about how it addresses the issues of modern slavery and trafficking, which too many people are forced into each year. I have no doubt that the Secretary of State, the Minister and their Department will do all they can to ensure that this issue is dealt with, but given the sheer volumes and the impact that they are having on our country—on our great nation, the United Kingdom of Great Britain and Northern Ireland—I urge that this be dealt with as a matter of national security and a matter of urgency: the quicker we get it sorted, the better. Let us also ensure that those people who are genuine asylum seekers are given the opportunity to come to this country. That is something I wish to see happen as well.

Mary Kelly Foy (City of Durham) (Lab): Let be me clear: this Bill is inhumane. It is not an illegal migration Bill: it is an anti-refugee Bill, and an extension of the failed hostile environment policy introduced by the Conservative party.

Bob Stewart (Beckenham) (Con): Will the hon. Lady give way?

Mary Kelly Foy: No, I am not going to give way at this point; I have waited since 5.30 pm. Sorry, Bob.

Anti-refugee MPs have been emboldened by the Home Secretary's rhetoric of hate, as we can see from the amendments and new clauses and by what we have heard from many Government Members. Unbelievably, the Bill has the potential to be even worse than when it came to the House on Second Reading. Let us not forget that the day after an immigration facility was attacked—it was firebombed—the Home Secretary spoke of an "invasion" of southern England. It has been reported today that the Home Secretary even fuelled a rebellion against her own Bill in order to introduce tougher amendments.

9.45 pm

I put it on record that no migrant or refugee is responsible for the state our country is in right now. The crisis in our education system, in housing and in our NHS has been caused by the Government and 13 years of Tory failure, not those fleeing from conflict and climate change, who deserve our compassion, not our contempt.

Thankfully, my hon. Friends the Members for Poplar and Limehouse (Apsana Begum), for Sheffield, Hallam (Olivia Blake) and for Streatham (Bell Ribeiro-Addy) have tabled a number of amendments and new clauses to drastically improve the Bill, and they deserve the Committee's full support. New clause 10, tabled by my hon. Friend the Member for Sheffield, Hallam, sets out a requirement to introduce a safe passage visa, which would give entry clearance to those already in Europe wishing to come to Britain to make an asylum claim. Critically, that could end the crisis in the English channel by providing refugees with safe passage and safe routes.

The Bill relies on the idea of deterrence to stop small boat crossings, but we have seen time and again that deterrence does not work. There is no robust evidence

to support the idea. Dangerous crossings have continued, even since the Nationality and Borders Act 2022 and the Rwanda asylum plan.

There is also an issue of parliamentary scrutiny. The Bill may have significant implications for Britain's asylum system, the European convention on human rights and our international legal obligations, but we have only two days in which to debate it, which is not acceptable for a major piece of legislation. Detailed scrutiny is invaluable at picking up potential problems, of which this Bill has many. Government Members have no right to speak about parliamentary sovereignty when they are rushing this piece of complicated legislation through with minimal scrutiny.

I think about those 27 people who tragically died crossing the channel in November 2021, as well as those who have lost their lives crossing the Mediterranean seeking refuge. Their deaths could have been avoided if safe passage and a humanitarian corridor had been in place. We have the opportunity this evening to do that—to introduce an amendment that provides safe passage for our fellow human beings and to reject the potentially fatal elements of this Bill.

Robert Jenrick: This has been an excellent debate covering the provisions of the Bill relating to legal proceedings, the cap on the number of refugees to be admitted through new safe and legal routes, and safe countries of origin.

Let me deal briefly with the substantive Government amendments in this group. First, new clause 11 enables the Senior President of Tribunals to request first-tier tribunal judges, including employment tribunal judges, to sit as judges of the upper tribunal. This amendment extends existing deployment powers, which are an important tool for the judiciary to manage the fluctuations in demand in our courts and make best use of their time.

We have also brought forward new clause 12, which enables appeals under the Bill to be heard by the Special Immigration Appeals Commission rather than the upper tribunal in appropriate cases. That is necessary to safeguard the sensitive material that would cause harm to the public or individuals if it were revealed in open court. The test for certifying suspensive claims will require that the Home Secretary certify that the decision being taken relies partly or wholly on information that in her opinion should not be made public. I hope that those Government amendments will receive the support of the Committee of the whole House.

Stephen Kinnock: I thank the Minister very much for giving way. He will recall that, at the beginning of the debate, I raised a point of order about the fact that he, on 19 December, said that when Labour left office in 2010, the asylum "backlog…was 450,000"—his words. I have received a letter from the UK Statistics Authority completely debunking that claim. It says that in fact the backlog was 19,000, and the backlog now is 166,000. As he is at the Dispatch Box, I thought it would be a perfect opportunity for him to apologise to the House and to correct the record, as per his duties under the ministerial code.

Robert Jenrick: I am grateful to the hon. Gentleman for looking out for me. It is understandable that there would be confusion on this point because, as I think the former Prime Minister, my right hon. Friend the Member for Maidenhead (Mrs May), said on Second Reading, the situation that we inherited in 2010 was a complete shambles. Indeed, a former Labour Home Secretary described the Department as "not fit for purpose". What we were referring to was John Vine, who was the chief inspector of borders and immigration. He conducted a report into the shambolic handling of immigration by the last Labour Government, and he said:

"In 2007, the UK Border Agency created the"—

euphemistically titled—

"Case Resolution Directorate…to conclude approximately 400,000-450,000 unresolved legacy records."

He said:

"Such was the inefficiency of this operation that at one point over 150 boxes of post, including correspondence from applicants, MPs and their legal representatives, lay unopened in a room in Liverpool."

That room, I am told, was colloquially known as the "room of doom". Well, we are fixing the system, and I am pleased to say—

Stephen Kinnock *rose—*

Robert Jenrick: No, I am not going to give way again. The hon. Member has had his moment. I am pleased to say that, as a result of the work that the Home Secretary, the Prime Minister and I have already done, the legacy backlog is falling rapidly, and we intend to meet our commitment to clear it over the course of the year.

Alison Thewliss: Will the Minister give way?

Robert Jenrick: I will not give way to the hon. Lady.

I do not want to detain the Committee for too long, so let me turn to the key points that have been raised tonight. First, with respect to the powerful speeches from my hon. Friend the Member for Devizes (Danny Kruger), my right hon. Friend the Member for Middlesbrough South and East Cleveland (Mr Clarke), my hon. Friend the Member for Stone (Sir William Cash), my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes) and others relating to the important question of injunctive relief, rule 39, and how we as a sovereign Parliament handle ourselves and ensure that we secure our borders, I thank my right hon. and hon. Friends for their contributions and I recognise the positive intention of the amendments they have tabled. I am keen to give them an undertaking that I will engage with them and other colleagues who are interested in these points ahead of Report.

We are united in our determination that the Bill will be robust, that it will be able to survive the kind of egregious and vexatious legal challenges we have seen in the past, and that it will enable us to do the job and remove illegal immigrants to safe third countries such as Rwanda. I would add that the Bill has been carefully drafted in collaboration with some of the finest legal minds, and we do believe that it enables us to do the job while complying with our international law obligations. However, we are going to engage closely with colleagues and ensure that the final Bill meets the requirements of all those on our side of the Chamber.

Stuart C. McDonald *rose—*

Robert Jenrick: I will not give way to the hon. Gentleman.

Let me speak briefly about the point raised by a number of colleagues about rule 39 and the events of last summer. The Government share the frustration, certainly of Conservative Members, about what happened with the Rwanda flight in June. A case was conducted late at night at the last minute, with no chance for us to make our case or appeal its decision. That was deeply flawed. The hon. and learned Member for Edinburgh South West (Joanna Cherry) was right when she said, in a thoughtful contribution, that that raises concerning issues. I think it raises issues of natural justice that my right hon. and learned Friend the Attorney General and others in Government are taking up with the European Court of Human Rights. We want to find a more satisfactory way for the Court to behave in such circumstances in future.

Let me turn briefly to the swathe of amendments tabled by the Scottish National party. At this rate, there will be more SNP amendments to the Bill than there are refugees whom they accommodate in Scotland. Instead of pruning the already excessive forest of legal challenges that we find, the hon. Member for Glasgow Central (Alison Thewliss) proposes a Kafkaesque array of new ones. She wants to turn the robust scheme in the Bill into a sieve, and we cannot allow that to happen. The mandate of the British public is clear: they want us to stop the boats. That is what the Bill does, and that is what we intend to achieve.

I thank my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) for his contribution. We have listened carefully to his arguments. As the Prime Minister said, it is precisely because we want to help genuine refugees that we need to take full control of our borders. Safe and legal routes, such as those we have brought forward in recent years, which have enabled almost half a million people to come to our country for humanitarian purposes since 2015, are exactly how we will achieve that. I commit to engage with my hon. Friend and other colleagues ahead of Report on setting up safe and legal routes, if necessary by bringing forward further amendments to ensure that there are new routes in addition to the existing schemes, and accelerating the point at which they become operational, with our intention being to open them next year. I also confirm that we will accelerate the process of launching the local authority consultation on safe and legal routes at the same time as the commencement of the Bill. I hope that satisfies my hon. Friend.

As a former Secretary of State for local government, one provision in the Bill—it was mentioned by a number of colleagues on the Conservative Benches but curiously not by those on the Opposition Benches—is extremely important to me. Government Members will not make promises in this place at the expense of local authorities and our constituents. For the first time, not only will we bring forward more safe and legal routes, but we will first consult with local communities and local authorities, so that those routes are not virtue signalling, but are wedded to the genuine capacity and ability of our communities to house people, to find GP surgery appointments and school places, and to bring those individuals into the country while ensuring that community tensions are not raised unnecessarily. That is a critical distinction.

Stephen Kinnock *rose—*

Robert Jenrick: I will not give way to the hon. Gentleman—*[Interruption.]* Well, I will give way, because at one point in his remarks he said that he was for the cap, and then he said he was against it. Perhaps he can explain.

Stephen Kinnock: The right hon. Gentleman is making good points about local authority consultation. Will he therefore support new clause 27 tomorrow, which would make it a legal requirement for the Home Office to consult local authorities before deciding on hotels?

Robert Jenrick: The hon. Gentleman should read the Bill. We have been debating it for the past five and a half hours, but he does not seem to have read it. The Bill says, for the very first time, that before we create a safe and legal route we will consult with local authorities. We should all see that as a good step forward. The public are sick of hotels being filled with illegal immigrants and they do not want the wellbeing of illegal immigrants put above that of the British public. That is a crucial change we are making.

10 pm

I shall close by making the simple point that the choice ahead of us today is this: is it for the British Parliament to decide who enters this country or is it for the people-smuggling gangs? On the Conservative Benches, we believe that without border controls national security is compromised, the fabric of communities begins to fray and public services come under intolerable pressure. We believe that while we should always be generous to those in need, there are limits on how much support we can provide. We believe we should prioritise our finite resources—as my hon. Friend the Member for Ipswich (Tom Hunt) said in a powerful speech—directly on those in conflict zones, not on those who are fit enough, well enough or wealthy enough to get to a safe country like France and then cross the channel. It is Conservative Members who are on the right side of the moral argument.

What of the Labour party, led by the right hon. and learned Member for Holborn and St Pancras (Keir Starmer)? He campaigned to close removal centres. He wants to scrap our Rwanda partnership. He is the human rights lawyer who sided with foreign national offenders over the law-abiding British public. He is the prosecutor who votes against tougher sentences for the people-smuggling gangs. It is clear for all to see that the British public cannot rely on the Labour party to stop the boats. It does not have a plan, because it does not think there is a problem. Labour Members are too naive to understand what this country is up against and what is at stake, and they are too weak to take the tough but necessary measures to deter the crossings and fix our broken asylum system. That is why we brought forward the Bill. That is the determination and commitment of my right hon. Friend the Prime Minister, the Home Secretary and I. We will stop the boats. This Bill begins that.

Stuart C. McDonald: Thank you for allowing me to speak again, Mr Evans.

What we have had today is an absolute disgrace of a debate. The timetabling of this really important Bill has been absolutely shocking. Whatever side of the debate we are on, we must understand that it is of incredible constitutional significance. There are questions here about

whether we are breaking some absolutely fundamental treaty obligations, yet we have been treated to nothing more than a few slogans and not a single effort to address any of the amendments we tabled in good faith. Those amendments were not just tabled off my own bat, but in consultation with the Law Society, the Law Society of Scotland, Immigration Law Practitioners' Association—lots of respected organisations that deserve to have their voice heard here and deserve to be treated with respect by this Government. The whole process has been an absolute embarrassment to Parliament. Where is the impact assessment we should have had before the Bill? That is just as disgraceful as the lack of respect for the amendments tabled today.

What we have had today is not a serious debate. We have had slogans and dog-whistle rhetoric. We have a Government who have shown that they are all slogans and absolutely no respect for Parliament.

The Second Deputy Chairman of Ways and Means (Mr Nigel Evans): Order. I am anticipating four Divisions and I will try to assist the House as to when they are likely to happen. First, we go to Sir William Cash.

Sir William Cash: In the light of the firm and clear assurance given by my right hon. Friend the Minister in relation to my amendments, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 76, in clause 37, page 40, line 8, leave out from "means" to the end of line 12 and insert: "(a) a protection claim, (b) a human rights claim, or (c) a claim to be a victim of slavery or a victim of human trafficking."—*(Alison Thewliss.)*

Question put, That the amendment be made.

The Committee divided: Ayes 244, Noes 308.

Division No. 199] [10.03 pm

AYES

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, rh Jonathan
Bardell, Hannah
Beckett, rh Margaret
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Bradshaw, rh Mr Ben
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Brown, rh Mr Nicholas
Bryant, Sir Chris
Buck, Ms Karen
Burgon, Richard
Butler, Dawn
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Callaghan, Amy *(Proxy vote cast by Brendan O'Hara)*
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Cooper, Daisy
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
Davey, rh Ed
David, Wayne
Davies, Geraint
Davies-Jones, Alex
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Dixon, Samantha
Docherty-Hughes, Martin
Dodds, Anneliese
Doogan, Dave
Dorans, Allan *(Proxy vote cast by Brendan O'Hara)*
Doughty, Stephen
Dowd, Peter
Eagle, Dame Angela
Eagle, rh Maria
Eastwood, Colum
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Evans, Chris
Farron, Tim
Farry, Stephen
Ferrier, Margaret
Fletcher, Colleen
Foord, Richard
Fovargue, Yvonne
Foxcroft, Vicky
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Grady, Patrick
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Mrs Paulette
Hanna, Claire
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodgson, Mrs Sharon
Hollern, Kate
Hopkins, Rachel
Hosie, rh Stewart
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, rh Dame Diana
Jones, Darren
Jones, Gerald
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Lake, Ben
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Leadbeater, Kim
Lewis, Clive
Lightwood, Simon
Linden, David
Lloyd, Tony *(Proxy vote cast by Chris Elmore)*
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacAskill, Kenny
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Maskell, Rachael
Mc Nally, John
McCarthy, Kerry
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne *(Proxy vote cast by Brendan O'Hara)*
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Mishra, Navendu
Monaghan, Carol
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Newlands, Gavin
Nichols, Charlotte
Nicolson, John *(Proxy vote cast by Brendan O'Hara)*
Norris, Alex
O'Hara, Brendan
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Owatemi, Taiwo
Owen, Sarah
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Pollard, Luke
Powell, Lucy
Qaisar, Ms Anum
Qureshi, Yasmin
Rayner, rh Angela
Reed, Steve
Rees, Christina
Reeves, Ellie
Reynolds, Jonathan

Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheppard, Tommy
Siddiq, Tulip
Slaughter, Andy
Smith, Alyn
Smith, Cat
Smith, Jeff
Smyth, Karin
Sobel, Alex
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Thornberry, rh Emily
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twist, Liz
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
West, Catherine
Western, Andrew
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Peter Grant and
Marion Fellows

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Badenoch, rh Kemi
Bailey, Shaun
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Berry, rh Sir Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Burghart, Alex
Butler, Rob
Cairns, rh Alun
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Simon
Clarke, Theo *(Proxy vote cast by Mr Marcus Jones)*
Clarke-Smith, Brendan
Clarkson, Chris
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crosbie, Virginia
Crouch, Tracey
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davis, rh Mr David
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, Sir James
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Nick
Foord, Richard
Ford, rh Vicky
Foster, Kevin
Fox, rh Dr Liam
Frazer, rh Lucy
Freeman, George
Freer, Mike
French, Mr Louie
Fysh, Mr Marcus
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris *(Proxy vote cast by Mr Marcus Jones)*
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, rh James
Heaton-Harris, rh Chris
Henderson, Gordon
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Hoare, Simon
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Jenkyns, Andrea
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, rh Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Keegan, rh Gillian
Knight, rh Sir Greg
Knight, Julian *(Proxy vote cast by Craig Mackinlay)*
Kniveton, Kate
Kruger, Danny
Lamont, John
Largan, Robert
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Brandon
Loder, Chris
Logan, Mark *(Proxy vote cast by Mr Marcus Jones)*
Longhi, Marco
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Mayhew, Jerome
Maynard, Paul
McCartney, Karl
McVey, rh Esther
Menzies, Mark
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
Milling, rh Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew

Nici, Lia
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philp, rh Chris
Poulter, Dr Dan
Pow, Rebecca
Prentis, rh Victoria
Pritchard, rh Mark
Pursglove, Tom
Quin, rh Jeremy
Quince, Will
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Rowley, Lee
Russell, Dean
Sambrook, Gary
Scully, Paul
Seely, Bob
Selous, Andrew
Shapps, rh Grant
Shelbrooke, rh Alec
Simmonds, David
Smith, rh Chloe
Smith, Greg
Smith, Henry
Smith, Royston
Solloway, Amanda
Spencer, Dr Ben
Spencer, rh Mark
Stafford, Alexander
Stephenson, rh Andrew
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, rh Graham
Sturdy, Julian
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, rh Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, rh Tom
Vara, rh Shailesh
Vickers, Martin
Vickers, Matt
Villiers, rh Theresa
Walker, Sir Charles
Wallis, Dr Jamie
Warburton, David *(Proxy vote cast by Craig Mackinlay)*
Warman, Matt
Watling, Giles
Webb, Suzanne *(Proxy vote cast by Mr Marcus Jones)*
Whately, Helen
Wheeler, Mrs Heather
Whittaker, rh Craig
Whittingdale, rh Sir John
Wiggin, Sir Bill
Wild, James
Williams, Craig
Williamson, rh Sir Gavin
Wright, rh Sir Jeremy
Young, Jacob
Zahawi, rh Nadhim

Tellers for the Noes:
Julie Marson and Mike Wood

Question accordingly negatived.

Clause 37 ordered to stand part of the Bill.

Clauses 38 to 44 ordered to stand part of the Bill.

Clause 45

SUSPENSIVE CLAIMS: DUTY TO REMOVE

Amendments made: 67, page 47, line 17, after "(appeals)" insert

"or section 2AA of the Special Immigration Appeals Commission Act 1997 (appeals in relation to the Illegal Migration Act 2023)".

This amendment is consequential on NC12.

Amendment 69, page 47, line 30, at end insert—

"(3A) In subsection (3) the reference to a change of circumstances in relation to a person includes in particular where any—

(a) human rights claim, or

(b) application for judicial review,

made by the person in relation to their removal from the United Kingdom is not successful."

This amendment clarifies that in clause 45 (suspensive claims: duty to remove), a reference to a change of circumstances includes where a person's human rights claim or application for judicial review in relation to their removal from the United Kingdom is not successful.

Amendment 68, page 47, line 33, leave out "and 43" and insert

", 43 and (*Special Immigration Appeals Commission*)".—*(Robert Jenrick.)*

This amendment is consequential on NC12.

Clause 45, as amended, ordered to stand part of the Bill.

Clauses 46 to 51 ordered to stand part of the Bill.

New Clause 11

JUDGES OF FIRST-TIER TRIBUNAL AND UPPER TRIBUNAL

"In section 5(1) of the Tribunals, Courts and Enforcement Act 2007 (judges and other members of the Upper Tribunal), after paragraph (c) insert—

'(ca) is a judge of the First-tier Tribunal,'."—*(Robert Jenrick.)*

This new clause amends the Tribunals, Courts and Enforcement Act 2007 to provide for judges of the First-tier Tribunal (including Employment Judges) to be able to act as judges of the Upper Tribunal.

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

New Clause 12

SPECIAL IMMIGRATION APPEALS COMMISSION

"(1) This section applies where the Secretary of State makes a decision under section 40(2)(b) or 41(2)(b) (refusal of suspensive claim) in relation to a suspensive claim.

(2) An appeal under section 42, or an application for permission to appeal under section 43, in relation to the decision may not be brought or continued if the Secretary of State acting in person certifies that the decision was made wholly or partly in reliance on information which, in the opinion of the Secretary of State, should not be made public—

(a) in the interests of national security,

(b) in the interests of the relationship between the United Kingdom and another country, or

(c) otherwise in the public interest.

(3) Where a certificate is issued under subsection (2), any pending appeal, or application for permission to appeal, in relation to the decision lapses.

(4) The Special Immigration Appeals Commission Act 1997 is amended as follows.

(5) After section 2 insert—

'**2AA Jurisdiction: appeals in relation to the Illegal Migration Act 2023**

(1) A person may appeal to the Special Immigration Appeals Commission against a refusal decision if—

(a) the person would, but for a certificate of the Secretary of State under section (*Special Immigration Appeals Commission*) of the Illegal Migration Act 2023 (Special Immigration Appeals Commission), be able to—

(i) appeal against the decision under section 42 of that Act, or

(ii) apply for permission to appeal against the decision under section 43 of that Act, or

(b) an appeal against the decision under section 42 of that Act, or an application for permission to appeal against the decision under section 43 of that Act, lapsed under section (*Special Immigration Appeals Commission*) of that Act by virtue of a certificate of the Secretary of State under that section.

(2) Sections 42(3) to (6) and 46(2) to (8) of the Illegal Migration Act 2023 apply, with the modification in subsection (3), in relation to an appeal under this section as they apply in relation to an appeal under section 42 of that Act.

(3) The modification is that references to the Upper Tribunal are to read as references to the Special Immigration Appeals Commission.

(4) In this section "refusal decision" means a decision of the Secretary State under section 40(2)(b) or 41(2)(b) of the Illegal Migration Act 2023 (refusal of suspensive claim).

2AB Finality of certain decisions by the Special Immigration Appeals Commission

(1) Subsections (2) and (3) apply in relation to a decision by the Special Immigration Appeals Commission to grant or refuse an application for a declaration under section 46(6) of the Illegal Migration Act 2023 (consideration of new matters), as applied by section 2AA(2) of this Act.

(2) The decision is final, and not liable to be questioned or set aside in any other court.

(3) In particular—

(a) the Special Immigration Appeals Commission is not to be regarded as having exceeded its powers by reason of any error made in reaching the decision;

(b) the supervisory jurisdiction does not extend to, and no application or petition for judicial review may be made or brought in relation to, the decision.

(4) Subsections (2) and (3) do not apply so far as the decision involves or gives rise to any question as to whether—

(a) the Special Immigration Appeals Commission has or had a valid application before it under section 46(6) of the Illegal Migration Act 2023, as applied by section 2AA(2) of this Act,

(b) the Special Immigration Appeals Commission is or was properly constituted for the purpose of dealing with the application, or

(c) the Special Immigration Appeals Commission is acting or has acted—

(i) in bad faith, or

(ii) in such a procedurally defective way as amounts to a fundamental breach of the principles of natural justice.

(5) In this section—

"decision" includes any purported decision;

"the supervisory jurisdiction" means the supervisory jurisdiction of—

(a) the High Court, in England and Wales or Northern Ireland, or

(b) the Court of Session, in Scotland.'

(6) In the following provisions, for '2 or 2B' substitute '2, 2AA or 2B'—

(a) section 5(1)(a) and (b);

(b) section 5(2);

(c) section 6A(1);

(d) section 6A(2)(a).

(7) In section 5 (*procedure in relation to jurisdiction under sections 2 and 3*), in the heading, after '2' insert ', 2AA'."—*(Robert Jenrick.)*

This new clause makes provision for certain appeals to be heard by the Special Immigration Appeals Commission where the Secretary of State certifies that a decision to refuse a suspensive claim made by a person was made in reliance on information which the Secretary of State considers should not be made public.

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

New Clause 6

Safe Passage Pilot Scheme

"(1) The Secretary of State must by regulations made by statutory instrument establish a humanitarian travel permit scheme.

(2) The scheme under this section must come into operation within 3 months of the date on which this Act is passed and must remain in operation for at least 12 months.

(3) The scheme under this section must permit persons from designated countries or territories (see subsections (3) and (4) below) to enter the United Kingdom for the purpose of making a claim for asylum immediately on their arrival in the United Kingdom.

(4) The regulations under subsection (1) must designate countries or territories from which nationals or citizens may be considered for humanitarian permits under this section.

(5) Countries or territories designated under subsection (4) may include only countries or territories from which the proportion of decided asylum claims which have been upheld in the United Kingdom in the 5 years before the date on which this Act is passed is at least 80 per cent.

(6) Regulations made under subsection (1) are subject to annulment by resolution of either House of Parliament.

(7) The Secretary of State must lay before Parliament an evaluation of the humanitarian travel permit scheme under this section not later than 15 months from the date on which this Act is passed."—*(Tim Farron.)*

Brought up, and read the First time.

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

The Committee divided: Ayes 67, Noes 307.

Division No. 200] [10.20 pm

AYES

Bardell, Hannah
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Bonnar, Steven
Brock, Deidre
Brown, Alan
Callaghan, Amy *(Proxy vote cast by Brendan O'Hara)*
Cameron, Dr Lisa
Campbell, Mr Gregory
Chapman, Douglas
Cherry, Joanna
Cooper, Daisy
Cowan, Ronnie
Crawley, Angela
Davey, rh Ed
Day, Martyn
Docherty-Hughes, Martin
Doogan, Dave
Dorans, Allan *(Proxy vote cast by Brendan O'Hara)*
Edwards, Jonathan
Farron, Tim
Farry, Stephen
Fellows, Marion
Ferrier, Margaret
Foord, Richard
Gibson, Patricia
Grady, Patrick
Grant, Peter
Green, Sarah
Hanna, Claire
Hendry, Drew
Hobhouse, Wera
Hosie, rh Stewart
Jardine, Christine
Lake, Ben
Law, Chris
Linden, David
Lucas, Caroline
MacAskill, Kenny
MacNeil, Angus Brendan
Mc Nally, John
McDonald, Stewart Malcolm
McDonald, Stuart C.
McLaughlin, Anne *(Proxy vote cast by Brendan O'Hara)*
Monaghan, Carol
Moran, Layla
Morgan, Helen
Newlands, Gavin
Nicolson, John *(Proxy vote cast by Brendan O'Hara)*
O'Hara, Brendan
Olney, Sarah
Qaisar, Ms Anum
Robinson, Gavin
Saville Roberts, rh Liz
Shannon, Jim
Sheppard, Tommy
Smith, Alyn
Stephens, Chris
Stone, Jamie
Thewliss, Alison
Thompson, Owen
Thomson, Richard
Whitford, Dr Philippa
Williams, Hywel
Wilson, Munira
Wishart, Pete

Tellers for the Ayes:
Mr Alistair Carmichael and Wendy Chamberlain

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Badenoch, rh Kemi
Bailey, Shaun
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Berry, rh Sir Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Burghart, Alex
Butler, Rob
Cairns, rh Alun
Carden, Dan
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Simon
Clarke, Theo *(Proxy vote cast by Mr Marcus Jones)*
Clarke-Smith, Brendan
Clarkson, Chris
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crosbie, Virginia
Crouch, Tracey
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davis, rh Mr David
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, Sir James
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Nick
Ford, rh Vicky
Foster, Kevin
Fox, rh Dr Liam
Frazer, rh Lucy
Freeman, George
Freer, Mike
French, Mr Louie
Fysh, Mr Marcus
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris *(Proxy vote cast by Mr Marcus Jones)*
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, rh James
Heaton-Harris, rh Chris
Henderson, Gordon
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Hoare, Simon
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Jenkyns, Andrea
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, rh Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Keegan, rh Gillian
Knight, rh Sir Greg
Knight, Julian *(Proxy vote cast by Craig Mackinlay)*
Kniveton, Kate
Kruger, Danny
Lamont, John
Largan, Robert
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Brandon
Loder, Chris
Logan, Mark *(Proxy vote cast by Mr Marcus Jones0029*
Longhi, Marco
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Mayhew, Jerome
Maynard, Paul
McCartney, Karl
McVey, rh Esther
Menzies, Mark
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
Milling, rh Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Nici, Lia
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philp, rh Chris
Poulter, Dr Dan
Pow, Rebecca
Prentis, rh Victoria
Pritchard, rh Mark
Pursglove, Tom
Quin, rh Jeremy
Quince, Will
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Rowley, Lee
Russell, Dean
Sambrook, Gary
Scully, Paul
Seely, Bob
Selous, Andrew
Shapps, rh Grant
Shelbrooke, rh Alec
Simmonds, David
Smith, rh Chloe
Smith, Greg
Smith, Henry
Smith, Royston
Solloway, Amanda
Spencer, Dr Ben
Spencer, rh Mark
Stafford, Alexander
Stephenson, rh Andrew
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, rh Graham
Sturdy, Julian
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, rh Kelly
Tomlinson, Justin
Tomlinson, Michael

Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, rh Tom
Vara, rh Shailesh
Vickers, Martin
Vickers, Matt
Villiers, rh Theresa
Walker, Sir Charles
Wallis, Dr Jamie
Warburton, David *(Proxy vote cast by Craig Mackinlay)*
Warman, Matt
Watling, Giles
Webb, Suzanne *(Proxy vote cast by Mr Marcus Jones)*
Whately, Helen
Wheeler, Mrs Heather
Whittaker, rh Craig
Whittingdale, rh Sir John
Wiggin, Sir Bill
Wild, James
Williams, Craig
Williamson, rh Sir Gavin
Wright, rh Sir Jeremy
Young, Jacob
Zahawi, rh Nadhim

Tellers for the Noes:
Julie Marson and Mike Wood

Question accordingly negatived.

New Clause 24

SAFE AND LEGAL ROUTES: FAMILY REUNION FOR CHILDREN

"(1) The Secretary of State must, within three months of the date on which this Act enters into force, lay before Parliament a statement of changes in the rules (the 'immigration rules') under section 3(2) of the Immigration Act 1971 (general provision for regulation and control) to make provision for the admission of unaccompanied asylum-seeking children from European Union member states to the United Kingdom for the purposes of family reunion.

(2) The rules must, as far as is practicable, include provisions in line with the rules formerly in force in the United Kingdom under the Dublin III Regulation relating to unaccompanied asylum-seeking children."—*(Stephen Kinnock.)*

This new clause seeks to add a requirement for the Secretary of State to provide safe and legal routes for unaccompanied asylum-seeking children with close family members in the UK, in line with rules previous observed by the UK as part of the Dublin system.

Brought up, and read the First time.

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

The Committee divided: Ayes 248, Noes 301.

Division No. 201] [10.31 pm

AYES

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, rh Jonathan
Bardell, Hannah
Beckett, rh Margaret
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Bradshaw, rh Mr Ben
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Brown, rh Mr Nicholas
Bryant, Sir Chris
Buck, Ms Karen
Burgon, Richard
Butler, Dawn
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Callaghan, Amy *(Proxy vote cast by Brendan O'Hara)*
Cameron, Dr Lisa
Campbell, rh Sir Alan
Campbell, Mr Gregory
Carden, Dan
Carmichael, rh Mr Alistair
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Cooper, Daisy
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
Davey, rh Ed
David, Wayne
Davies, Geraint
Davies-Jones, Alex
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Dixon, Samantha
Docherty-Hughes, Martin
Dodds, Anneliese
Doogan, Dave
Dorans, Allan *(Proxy vote cast by Brendan O'Hara)*
Doughty, Stephen
Dowd, Peter
Eagle, Dame Angela
Eagle, rh Maria
Eastwood, Colum
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Evans, Chris
Farron, Tim
Farry, Stephen
Fellows, Marion
Ferrier, Margaret
Fletcher, Colleen
Foord, Richard
Fovargue, Yvonne
Foxcroft, Vicky
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Grady, Patrick
Grant, Peter
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Mrs Paulette
Hanna, Claire
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodgson, Mrs Sharon
Hollern, Kate
Hopkins, Rachel
Hosie, rh Stewart
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jarvis, Dan
Johnson, rh Dame Diana
Jones, Darren
Jones, Gerald
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Lake, Ben
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Leadbeater, Kim
Lewis, Clive
Lightwood, Simon
Linden, David
Lloyd, Tony *(Proxy vote cast by Chris Elmore)*
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacAskill, Kenny
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Maskell, Rachael
Mc Nally, John
McCarthy, Kerry
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne *(Proxy vote cast by Brendan O'Hara)*
McMorrin, Anna
Mearns, Ian
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Newlands, Gavin
Nichols, Charlotte
Nicolson, John *(Proxy vote cast by Brendan O'Hara)*
Norris, Alex
O'Hara, Brendan
Olney, Sarah
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Oswald, Kirsten
Owen, Sarah
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Pollard, Luke
Powell, Lucy
Qaisar, Ms Anum

Qureshi, Yasmin
Rayner, rh Angela
Reed, Steve
Rees, Christina
Reeves, Ellie
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Robinson, Gavin
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Shannon, Jim
Sharma, Mr Virendra
Sheppard, Tommy
Siddiq, Tulip
Slaughter, Andy
Smith, Alyn
Smith, Cat
Smith, Jeff
Smyth, Karin
Sobel, Alex
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Thornberry, rh Emily
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twist, Liz
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
West, Catherine
Western, Andrew
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Mary Glindon and
Taiwo Owatemi

NOES

Adams, rh Nigel
Afolami, Bim
Aiken, Nickie
Aldous, Peter
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Badenoch, rh Kemi
Bailey, Shaun
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Berry, rh Sir Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Burghart, Alex
Butler, Rob
Cairns, rh Alun
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Simon
Clarke, Theo *(Proxy vote cast by Mr Marcus Jones)*
Clarke-Smith, Brendan
Clarkson, Chris
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crosbie, Virginia
Crouch, Tracey
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davis, rh Mr David
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Double, Steve
Dowden, rh Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, Sir James
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Nick
Ford, rh Vicky
Foster, Kevin
Fox, rh Dr Liam
Frazer, rh Lucy
Freer, Mike
French, Mr Louie
Fysh, Mr Marcus
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris *(Proxy vote cast by Mr Marcus Jones)*
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, rh James
Heaton-Harris, rh Chris
Henderson, Gordon
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Hoare, Simon
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Jenkyns, Andrea
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, rh Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Keegan, rh Gillian
Knight, rh Sir Greg
Knight, Julian *(Proxy vote cast by Craig Mackinlay)*
Kniveton, Kate
Kruger, Danny
Lamont, John
Largan, Robert
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Brandon
Loder, Chris
Logan, Mark *(Proxy vote cast by Mr Marcus Jones)*
Longhi, Marco
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Mayhew, Jerome
Maynard, Paul
McCartney, Karl
McVey, rh Esther
Menzies, Mark
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
Milling, rh Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mundell, rh David

Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Nici, Lia
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Penning, rh Sir Mike
Penrose, John
Philp, rh Chris
Poulter, Dr Dan
Pow, Rebecca
Prentis, rh Victoria
Pritchard, rh Mark
Pursglove, Tom
Quin, rh Jeremy
Quince, Will
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Rowley, Lee
Russell, Dean
Sambrook, Gary
Scully, Paul
Seely, Bob
Selous, Andrew
Shapps, rh Grant
Shelbrooke, rh Alec
Simmonds, David
Smith, rh Chloe
Smith, Greg
Smith, Henry
Smith, Royston
Solloway, Amanda
Spencer, Dr Ben
Spencer, rh Mark
Stafford, Alexander
Stephenson, rh Andrew
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, rh Graham
Sturdy, Julian
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, rh Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, rh Tom
Vara, rh Shailesh
Vickers, Martin
Vickers, Matt
Villiers, rh Theresa
Walker, Sir Charles
Wallis, Dr Jamie
Warburton, David *(Proxy vote cast by Craig Mackinlay)*
Warman, Matt
Watling, Giles
Webb, Suzanne *(Proxy vote cast by Mr Marcus Jones)*
Whately, Helen
Wheeler, Mrs Heather
Whittaker, rh Craig
Whittingdale, rh Sir John
Wiggin, Sir Bill
Wild, James
Williams, Craig
Williamson, rh Sir Gavin
Wright, rh Sir Jeremy
Young, Jacob
Zahawi, rh Nadhim

Tellers for the Noes:
Julie Marson and Mike Wood

Question accordingly negatived.

New Clause 25

INTERNATIONAL CO-OPERATION

"(1) The Secretary of State must, within three months of the date on which the Illegal Migration Act 2023 comes into force, publish and lay before Parliament a framework for new agreements to facilitate co- operation with the governments of neighbouring countries, EU Member States and relevant international organisations on—

(a) the removal from the United Kingdom of persons who have made protection claims declared inadmissible by the Secretary of State;

(b) the prevention of unlawful entry to the United Kingdom from neighbouring countries;

(c) the prosecution and conviction of persons involved in facilitating illegal entry to the United Kingdom from neighbouring countries;

(d) securing access for the relevant authorities to international databases for the purposes of assisting law enforcement and preventing illegal entry to the United Kingdom; and

(e) establishing controlled and managed safe and legal routes.

(2) In subsection (1)—

(a) "neighbouring countries" means countries which share a maritime border with the United Kingdom;

(b) "relevant international organisations" means—

9. Europol;

10. Interpol;

11. Frontex;

12. the European Union; and

13. any other organisation which the Secretary of State may see fit to consult with.

(c) "relevant authorities" means—

(i) police forces;

(ii) the National Crime Agency;

(iii) the Crown Prosecution Service; and

(iv) any other organisation which the Secretary of State may see fit to include within the definition.

(d) "international databases" means—

(i) The Eurodac fingerprint database;

(ii) the Schengen Information System; and;

(iii) any other database which the Secretary of State may see fit to include within the definition.

(e) "controlled and managed safe and legal routes" includes—

(i) family reunion for unaccompanied asylum- seeking children with close family members settled in the United Kingdom; and

(ii) other resettlement schemes."—*(Stephen Kinnock.)*

This new clause would require the Secretary of State to lay before Parliament a framework on new agreements to facilitate co-operation with the governments of neighbouring countries and relevant international organisations on matters related to the removal of people from the United Kingdom

Brought up, and read the First time.

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

The Committee divided: Ayes 196, Noes 306.

Division No. 202] [10.43 pm

AYES

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, rh Jonathan
Beckett, rh Margaret
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Blake, Olivia
Blomfield, Paul
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Ms Lyn
Brown, rh Mr Nicholas
Buck, Ms Karen
Burgon, Richard
Butler, Dawn
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Campbell, rh Sir Alan
Campbell, Mr Gregory
Carden, Dan
Carmichael, rh Mr Alistair
Chamberlain, Wendy
Champion, Sarah
Charalambous, Bambos
Cooper, Daisy
Cooper, rh Yvette
Coyle, Neil
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
Davey, rh Ed
David, Wayne
Davies, Geraint
Davies-Jones, Alex
De Cordova, Marsha
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Dixon, Samantha
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Eagle, Dame Angela
Eagle, rh Maria
Eastwood, Colum

Efford, Clive
Elliott, Julie
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Evans, Chris
Farron, Tim
Farry, Stephen
Fletcher, Colleen
Foord, Richard
Fovargue, Yvonne
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gill, Preet Kaur
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Mrs Paulette
Hanna, Claire
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hillier, Dame Meg
Hobhouse, Wera
Hodgson, Mrs Sharon
Hollern, Kate
Hopkins, Rachel
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, rh Dame Diana
Jones, Darren
Jones, Gerald
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Lammy, rh Mr David
Lavery, Ian
Leadbeater, Kim
Lewis, Clive
Lightwood, Simon
Lloyd, Tony *(Proxy vote cast by Chris Elmore)*
Long Bailey, Rebecca
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Maskell, Rachael
McCarthy, Kerry
McDonald, Andy
McDonnell, rh John
McFadden, rh Mr Pat
McGovern, Alison
McKinnell, Catherine
McMorrin, Anna
Mearns, Ian
Mishra, Navendu
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Nichols, Charlotte
Norris, Alex
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Owen, Sarah
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Pollard, Luke
Powell, Lucy
Qureshi, Yasmin
Rayner, rh Angela
Reed, Steve
Rees, Christina
Reeves, Ellie
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Robinson, Gavin
Rodda, Matt
Russell-Moyle, Lloyd
Shah, Naz
Shannon, Jim
Sharma, Mr Virendra
Siddiq, Tulip
Slaughter, Andy
Smith, Cat
Smith, Jeff
Smyth, Karin
Sobel, Alex
Stevens, Jo
Stone, Jamie
Streeting, Wes
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thomas, Gareth
Thomas-Symonds, rh Nick
Thornberry, rh Emily
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twist, Liz
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
West, Catherine
Western, Andrew
Western, Matt
Whitehead, Dr Alan
Whitley, Mick
Whittome, Nadia
Wilson, Munira
Winter, Beth
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Taiwo Owatemi and Mary Glindon

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Badenoch, rh Kemi
Bailey, Shaun
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Berry, rh Sir Jake
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Burghart, Alex
Butler, Rob
Cairns, rh Alun
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Simon
Clarke, Theo *(Proxy vote cast by Mr Marcus Jones)*
Clarke-Smith, Brendan
Clarkson, Chris
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crosbie, Virginia
Crouch, Tracey
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davis, rh Mr David
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, Sir James
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Nick
Ford, rh Vicky
Foster, Kevin
Fox, rh Dr Liam
Frazer, rh Lucy
Freeman, George
Freer, Mike
French, Mr Louie
Fysh, Mr Marcus
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris *(Proxy vote cast by Mr Marcus Jones)*
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Gullis, Jonathan
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, rh James
Heaton-Harris, rh Chris
Henderson, Gordon
Henry, Darren

Higginbotham, Antony
Hinds, rh Damian
Hoare, Simon
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hunt, Jane
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Jenkyns, Andrea
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, rh Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Keegan, rh Gillian
Knight, rh Sir Greg
Knight, Julian *(Proxy vote cast by Craig Mackinlay)*
Kniveton, Kate
Kruger, Danny
Lamont, John
Largan, Robert
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Brandon
Loder, Chris
Logan, Mark *(Proxy vote cast by Mr Marcus Jones)*
Longhi, Marco
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Mayhew, Jerome
Maynard, Paul
McCartney, Karl
McVey, rh Esther
Menzies, Mark
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
Milling, rh Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Nici, Lia
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philp, rh Chris
Poulter, Dr Dan
Pow, Rebecca
Prentis, rh Victoria
Pritchard, rh Mark
Pursglove, Tom
Quin, rh Jeremy
Quince, Will
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Rowley, Lee
Russell, Dean
Sambrook, Gary
Scully, Paul
Seely, Bob
Selous, Andrew
Shapps, rh Grant
Shelbrooke, rh Alec
Simmonds, David
Smith, rh Chloe
Smith, Greg
Smith, Henry
Smith, Royston
Solloway, Amanda
Spencer, Dr Ben
Spencer, rh Mark
Stafford, Alexander
Stephenson, rh Andrew
Stevenson, Jane
Stevenson, John
Stewart, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, rh Graham
Sturdy, Julian
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, rh Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, Laura
Tugendhat, rh Tom
Vara, rh Shailesh
Vickers, Martin
Vickers, Matt
Villiers, rh Theresa
Walker, Sir Charles
Wallis, Dr Jamie
Warburton, David *(Proxy vote cast by Craig Mackinlay)*
Warman, Matt
Watling, Giles
Webb, Suzanne *(Proxy vote cast by Mr Marcus Jones)*
Whately, Helen
Wheeler, Mrs Heather
Whittaker, rh Craig
Whittingdale, rh Sir John
Wiggin, Sir Bill
Wild, James
Williams, Craig
Williamson, rh Sir Gavin
Wright, rh Sir Jeremy
Young, Jacob
Zahawi, rh Nadhim

Tellers for the Noes:
Julie Marson and Mike Wood

Question accordingly negatived.

To report progress and ask leave to sit again—*(Fay Jones.)*

The Deputy Speaker resumed the Chair.

Progress reported; Committee to sit again tomorrow.

Business without Debate

DELEGATED LEGISLATION

Mr Deputy Speaker (Mr Nigel Evans): With the leave of the House, we shall take motions 2 and 3 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

Constitutional Law

That the draft Local Government and Elections (Wales) Act 2021 (Corporate Joint Committees) (Consequential Amendments) Order 2023, which was laid before this House on 23 February, be approved.

Income Tax

That the draft Major Sporting Events (Income Tax Exemption) (Women's Finalissima Football Match) Regulations 2023, which were laid before this House on 6 March, be approved.—*(Fay Jones.)*

Question agreed to.

Mr Deputy Speaker: With the leave of the House, we shall now take motions 4, 5, 6 and 7 together.

Motion made, and Question put forthwith,

THE SPEAKER'S ABSENCE

That the Speaker have leave of absence on Wednesday 29 March to attend the funeral of the Right Honourable the Baroness Boothroyd, former Speaker of this House.

STANDING ORDERS ETC. (MACHINERY OF GOVERNMENT CHANGES)

That, with effect from 26 April, the following amendments and related provisions be made in respect of Standing Orders:

A. Select Committees Related to Government Departments

(1) That Standing Order No. 152 (Select committees related to government departments) be amended in the Table in paragraph (2) as follows—

(i) leave out items 10 and 14;

(ii) insert, in the appropriate place, the following items:

Energy Security and Net Zero	Department for Energy Security and Net Zero	11
"Science, Innovation and Technology	Department for Science, Innovation and Technology".	11

(iii) in item 1, by leaving out "Energy and Industrial Strategy" in each place it occurs and inserting "and Trade"; and

(iv) in item 3, leave out "Digital, Culture, Media and Sport" in each place it occurs and inserting "Culture, Media and Sport".

B. Related Provisions

(2) That all proceedings of the House and of its select committees in this Parliament, including for the purposes of calculating any period under Standing Order No. 122A (Term limits for chairs of select committees)—

(i) relating to the Digital, Culture, Media and Sport Committee shall be read and have effect as if they had been done in relation to the Culture, Media and Sport Committee;

(ii) relating to the Business Energy and Industrial Strategy Committee shall be read and have effect as if they had been done in relation to the Business and Trade Committee; and

(iii) relating to the Science and Technology Committee shall be read and have effect as if they had been done in relation to the Science, Innovation and Technology Committee.

C. Liaison Committee

(3) That the Resolution of the House of 20 May 2020 (Liaison Committee (Membership)), as amended on 20 May 2021, be amended, in paragraph (2)—

(i) by leaving out "Digital, Culture, Media and Sport" and inserting "Culture, Media and Sport";

(ii) by leaving out "Science and Technology" and inserting "Science, Innovation and Technology";

(iii) by leaving out "Energy and Industrial Strategy" and inserting "and Trade";

(iv) by leaving out "International Trade,"; and

(v) by inserting, in the appropriate place, "Energy Security and Net Zero".

(4) That Standing Order No. 145 (Liaison Committee) be amended, in paragraph (7), by leaving out "Energy and Industrial Strategy" and inserting "and Trade".

D. European Committees

(4) That the Table in paragraph (7) of Standing Order No. 119 (European Committees) be amended—

(i) in respect of European Committee C, by leaving out "Digital, Culture, Media and Sport" and inserting "Culture, Media and Sport", by leaving out "Energy and Industrial Strategy" and inserting "and Trade", by adding in the appropriate place "Science, Innovation and Technology";

(ii) in respect of European Committee B, by leaving out "International Trade".

E. Scrutiny of orders and draft orders

(5) That Standing Order No. 18 (Consideration of draft legislative reform orders etc.) be amended in paragraph (1), by leaving out "Energy and Industrial Strategy" and inserting "and Trade";

(6) That Standing Order No. 141 (Scrutiny of regulatory and legislative reform orders etc.) be amended in paragraph (1), by leaving out "Energy and Industrial Strategy" and inserting "and Trade"; and

(7) That Standing Order No. 142 (Localism Act 2011, etc.: scrutiny of certain orders and draft orders be amended in paragraph (1), by leaving out "Energy and Industrial Strategy" and inserting "and Trade".

F. Planning: national policy statements

(8) That Standing Order No. 152H (Planning: national policy statements) be amended in paragraph (2)(a) as follows—

(a) by leaving out "Energy and Industrial Strategy" and inserting "and Trade"

(b) by inserting, in the appropriate place, "Energy Security and Net Zero"; and

(c) by inserting, in the appropriate place, "Science, Innovation and Technology".

SELECT COMMITTEES (ALLOCATION OF CHAIRS)

That, with effect from 26 April, the allocation of chairs to select committees set out in the Order of the House of 16 January 2020, pursuant to Standing Order No. 122B, be amended as follows:

(a) by leaving out:

"International Trade	Scottish National Party"

(b) by inserting:

"Energy Security and Net Zero	Scottish National Party".

ELECTION OF SELECT COMMITTEE CHAIRS (NOTICE OF ELECTION)

That, notwithstanding the provisions of Standing Orders Nos. 122B(7) and 122C(1), the Speaker may announce a date for an election of chairs of select committees before 27 April in respect of which the requirement of notice is not met.—*(Penny Mordaunt.)*

Question agreed to.

Mr Deputy Speaker (Mr Nigel Evans): I can now announce the arrangements for the election of the Chair of the Energy Security and Net Zero Committee. Nominations will close at 5 pm on Monday 24 April. Nomination forms will be available from the Vote Office, Table Office and Public Bill Office, and online. Following the House's decision today, only Members of the Scottish National party may be candidates.

Nominations must be accompanied by the physical signatures of five Members elected to the House as members of the Scottish National party. Nominations may also be accompanied by the signatures of up to five Members elected to the House as members of any other party or of no party. Nomination forms should be handed in to the Public Bill Office or the Table Office on days when the House is sitting. If there is more than one candidate, the ballot will take place on Wednesday 26 April, from 11 am to 2.30 pm in the Aye Lobby.

PARLIAMENTARY WORKS ESTIMATES COMMISSION

Ordered,

That Mr Nicholas Brown be discharged as a member of the Parliamentary Works Estimates Commission and Mrs Sharon Hodgson be confirmed as a member under Schedule 3 to the Parliamentary Buildings (Restoration and Renewal) Act 2019.—*(Penny Mordaunt.)*

PETITION

Policing and drug and alcohol treatment in Hull

10.57 pm

Dame Diana Johnson (Kingston upon Hull North) (Lab): I rise to present this petition regarding the policing of antisocial behaviour in Hull, and the drug and alcohol use that often underpin it.

This problem has increasingly blighted my constituency, particularly after the weakening of powers to combat antisocial behaviour and the loss of many experienced police officers, plus the cuts to Hull City Council. One example is buses being forced to change their routes because young people have thrown rocks at drivers and endangered passengers. Often drugs and alcohol are directly involved, if not the cause of this unacceptable behaviour. Yet direct and sustained measures to tackle the blight has been lacking and the Government have today excluded Hull from the community pilots on antisocial behaviour.

The petition states:

"The petitioners therefore request that the House of Commons urge the Government to consider reallocating funding for both the Police and drug and alcohol treatment in Kingston Upon Hull to restore it to 2010 levels in order to reduce anti-social behaviour.

And the petitioners remain, etc."

Following is the full text of the petition:

[The petition of residents of the constituency of Kingston Upon Hull,

Declares that they consider that levels of anti-social behaviour in the constituency are growing at a rapid rate.

The petitioners therefore request that the House of Commons urge the Government to consider reallocating funding for both the Police and drug and alcohol treatment in Kingston Upon Hull to restore it to 2010 levels in order to reduce anti-social behaviour.

And the petitioners remain, etc.]

[P002818]

HMS Dasher

Motion made, and Question proposed, That this House do now adjourn.—*(Fay Jones.)*

10.58 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): It is a real honour and a fitting tribute to have secured a debate on HMS Dasher, 80 years to the day when it was lost. HMS Dasher was a Royal Navy aircraft carrier that went down off the coast of Ardrossan in my constituency, resulting in the deaths of 379 people—the single biggest loss of life of service personnel in world war two not to have been caused by enemy action—under the command of her new captain, Lennox Albert Knox Boswell.

HMS Dasher had been involved in flying exercises on that fateful Saturday. She was both fully fuelled with 75,000 gallons of ship oil and 20,000 gallons of aircraft fuel, and carrying more than 100 depth charges and at least six torpedoes. At 4.40 pm, Boswell announced that the exercises were complete and the ship was to return to Greenock, where the crew were to be granted shore leave. However, that was not to be, and no one could have predicted the tragic events that were about to unfold.

The Royal Navy Research Archive records that there was a tremendous explosion. The officers on the bridge looked in astonishment as the ship's 2 tonne aircraft lift flew about 60 feet in the air before falling into the sea behind the ship. The fleet air arm deck was completely destroyed, with the lift between the hangar and the aircraft blown sky high, then into the sea on the port side of the Dasher. The ship was plunged into deathly darkness as lights and machinery failed, and a strange silence descended on the fatally wounded ship. Within eight short minutes, it sank almost vertically beneath the waves.

Those who could abandoned the ship, jumping overboard from any point of exit they could reach as the fires in the hangar deck grew more intense. With oil burning on the water, many crewmen who had managed to jump overboard were caught up in flames when the aviation fuel floating on the water's surface was ignited by the flames of the ship. While help was quickly scrambled to undertake rescue efforts, the ship had gone down so quickly—witnesses estimate it took no more than seven or eight minutes—that there was little chance of saving those on board. Of a crew of 528, only 149 survived, with 379 losing their lives on that fateful day.

To this day, the remains of the ship lie in the firth of the Clyde, south of Millport and between Brodick on the Isle of Arran and Ardrossan on the mainland, and the exact cause of that terrible incident remains unknown. The ship was not under enemy fire, and there are no records of German U-boats or aircraft in the area at the time.

Jim Shannon (Strangford) (DUP): I commend the hon. Lady on securing this debate; I spoke to her beforehand about this issue. Many families of those who sadly passed away on HMS Dasher still have no clarity to this day. They worry that they themselves will be gone, knowing nothing about their loved ones' ending. Some have formed the view that bodies are buried in a mass grave somewhere; others are convinced that someone

has to know something about what happened. Many will never give up hope that they will have some closure on what happened, and like the hon. Lady, I also have that hope. Does she agree that if documentation exists in relation to this issue that is hidden from the public, we in this House should do all we can through the Minister to encourage that it be fully disclosed, for the sake of those who need clarity in order to move on and to grieve in peace?

Patricia Gibson: I thank the hon. Gentleman for his intervention. There have been some explorations about mass graves, but no evidence has been uncovered to back up that theory. However, there is an issue of men unaccounted for from that day, which is a cause of grief for families.

At the time, the Westminster Government ordered a complete news blackout for fear of damaging morale, and fearing questions as to whether or not faulty US construction could have been a factor in the tragedy. Local media were ordered to make no reference to the event, and survivors were also ordered not to discuss the events of that day. As a result, the many lives lost and the bravery of the crew and rescue teams have not always been acknowledged as they ought to have been. There has been speculation that the authorities ordered the dead to be buried in unmarked mass graves, but none has ever been found. The Royal Navy insists that a mass unmarked grave would have been against Admiralty policy, and that all sources relating to the sinking of HMS Dasher are now in the public domain.

Peter Grant (Glenrothes) (SNP): This is a story that I became aware of only a few days ago, and it is a horrific story by any standards. In January 1941, five men—the youngest of them only 15—from the village of West Wemyss in Fife were killed saving the village from a rogue sea mine that had gone adrift. As happened with the Dasher, people were not allowed to talk about it, even within the village, because of security concerns. Does my hon. Friend agree that after this length of time, the rights of surviving family members and friends to know exactly how and why their loved ones died have to take precedence over anything else? There is no longer any justification for withholding information about why the Dasher exploded in the case she is speaking to, or, indeed, whether it was a German or a British mine that killed five men in West Wemyss in 1941.

Patricia Gibson: I thank my hon. Friend for his intervention. Yes, it is important that we understand that security considerations are at play during wartime, but ultimately families need to have the answers they seek when any casualties are sustained in any circumstances where people are serving their country and putting themselves in danger to protect the freedoms that we all enjoy.

Some of the Dasher remains recovered are buried in Ardrossan cemetery, recorded by the Commonwealth War Graves Commission, while others are unaccounted for. I pay tribute to the work of the late John Steele of Ardrossan, who sadly died in December 2021, and his widow Noreen, who have extensively researched this tragedy and published their findings in a publication called "The Secrets of HMS Dasher". They found that the official number of recovered bodies listed by the inquiry into the tragedy was far greater than officially indicated and sought tirelessly to find out the location of any unaccounted for men.

Sadly, despite the huge loss of life on HMS Dasher, or more likely because of the huge loss of life, this incident was undisclosed until 1945, when it was given a brief mention in *The London Times*. Bereaved families at the time of the loss of HMS Dasher were told only that their loved ones were missing, presumed lost. It was not until 1972, when official documents were released, that details of HMS Dasher and those who went down with her were revealed, yet the bereaved received no further official communication, other than the telegram they had received in 1943, indicating that their loved one was missing, presumed lost.

After this tragedy, an official board of inquiry was hastily convened, and within just two days, it was concluded that the Dasher had sunk due to an internal petrol explosion. However, some argue that several key witnesses were not called to give evidence. The official cause of her sinking is still doubtful, but it seems the explosion most likely occurred in the main petrol compartment and was ignited either by someone smoking in the shaft tunnel or a dropped cigarette.

The late John Steele and his widow Noreen spent long years interviewing numerous survivors of the disaster and browsed previously classified documents to better understand the ship's fate. This painstaking work led them to conclude that the ship was never suitable for combat operations and that it was a disaster waiting to happen. Shortly before its sinking, it was found to contravene more than 20 Royal Navy regulations. Significantly, there was fuel splashing around the vessel. It is worth noting that the other converted Rio class ships had alterations soon after the loss of HMS Dasher and the amount of fuel permitted on board these ships was significantly reduced.

Mr Steele observed:

> "What eventually spelled the end for HMS Dasher ship was its leaking petrol tanks. Sometimes the sailors could not return to their cabins due to the fumes. Just one small spark could have triggered the explosion, after which the ship took only eight minutes to sink."

Steele and his wife Noreen were determined to discover what happened to those dead who remain unaccounted for, and he continued to investigate the rumoured mass grave in which many of the dead were said to be buried. Sadly, Mr Steele ended his days without finding out where those unaccounted for were, despite his tireless efforts to do so over many years, but I know that many of the bereaved families are grateful for his efforts to find their lost loved ones and raise awareness of this terrible event.

The site of HMS Dasher in the Clyde is an official protected war grave, designated as a controlled site under the Protection of Military Remains Act 1986. Several memorials have been erected in the surrounding area, commemorating the event and the loss of life. On 28 June 2000, a memorial plaque was laid on the flight deck by a team from the European Technical Dive Centre. Every year, the staff of CalMac ferries stop over the very spot between Ardrossan and Arran where the Dasher went down, allowing bereaved relatives and local veterans to lay flowers and pay tribute to those who were lost. I want to pay tribute to those staff for the efforts they make to facilitate this.

[Patricia Gibson]

Shortly after I was first elected in 2015, I wrote to the then Secretary of State for Defence, Michael Fallon, requesting a copy of the survey that was carried out on the site of the wreck of the Dasher. In his response, he explained that it was believed that significant, though unquantified, amounts of oil and ammunition may remain in the wreck, which lies in close proximity to a number of environmentally sensitive areas. No report was available as the purpose of the survey was to establish the location of the wreck site. In 2014, another non-intrusive survey was undertaken involving a remotely operated vehicle to obtain video and sonar footage of the wreckage.

The wreck of HMS Dasher lies about 500 feet down in the firth of Clyde between Ardrossan and Arran. It is recognised as an official war grave because the crew were unable to leave the vessel as it sank. However, the mystery of HMS Dasher continues with the story of John—"Jack"—Melville, aged 37, who drowned, and it is now believed that he may have been the real "man who never was". Mr Melville's body, many argue, was used in Operation Mincemeat, which was an elaborate hoax to fool the Germans into believing allied forces would invade southern Europe through Greece and Sardinia rather than through Sicily.

In 2004, 61 years after Melville died, his daughter, Mrs Mackay from Galashiels, was able to give her father the memorial service he deserved, with the help of the Royal Navy in Cyprus. The memorial service took place on board the current HMS Dasher, a patrol boat, in waters around a British sovereign RAF base in Cyprus. This was undoubtedly the first tribute by the Royal Navy to John Melville, the alleged "man who never was", and it is thought to be the first time Britain's armed services recognised Melville's role.

The success of Operation Mincemeat was dependent on the provision of a believable genuine corpse. It is believed that, after Mr Melville's body was recovered from the firth of Clyde following the loss of HMS Dasher, it was packed in ice and placed on board the submarine HMS Seraph for transport to the Mediterranean. There, his body was carefully dressed in the uniform of a Royal Marines courier, the fictitious Major William Martin, ensuring details such as labels were all correct. He was provided with false documentation to support the legend, including personal letters and photographs provided by female staff involved in the operation. Finally, the courier's all-important leather briefcase containing the false plans was prepared, ready for transport.

On 29 April 1943, HMS Seraph made ready and departed for a location on the coast of Spain, chosen in the knowledge that an active German agent was stationed there. The prepared body was preserved in dry ice, packed in a special canister and identified only as secret meteorological equipment to all but those directly involved. At 4.30 on the morning of 30 April 1943, the canister was brought up on deck under the pretence of deploying the equipment it contained. The Seraph's crew were ordered below deck, and the submarine's officers were finally briefed on the real operation and sworn to secrecy. The canister was opened, Major Martin's body was fitted with a Mae West lifejacket and the briefcase was attached. The 39th Psalm was read, and then the body was gently pushed into the sea, leaving the tide to carry it ashore, together with a rubber dinghy to complete the illusion of an aircraft accident.

And the hoax worked. Days after the body appeared on the Spanish coast, Winston Churchill received a telegram saying, "Mincemeat swallowed whole." In addition to saving thousands of allied soldiers' lives, Operation Mincemeat helped to further Italian leader Benito Mussolini's downfall and to turn the tide of the war towards an allied victory in Europe. Although many still speculate and disagree as to the real identity of the man who never was, many absolutely believe that it was indeed Mr John Melville.

Tonight, I hope that commemorating the tragedy of the loss of HMS Dasher on the Floor of the House offers some tribute to the strength of North Ayrshire and Arran's people, bringing the horror and devastation of the sinking of HMS Dasher to life while also remembering and honouring those who died and those who survived, sometimes with physical or psychological injuries. The crew were part of a war against tyranny, and they made the ultimate sacrifice to protect our freedoms and democracy. We must retell their story and pay tribute to them to ensure their memory lives on. Conflict continues in many parts of the world. This anniversary must remind us of those men and women who devote their lives to upholding democratic principles—principles that Ukraine is battling to defend as we speak.

In North Ayrshire and Arran, we have a proud history of supporting our Army, Navy, Air Force and Marines. I thank all servicemen and women, their families and Royal British Legion volunteers who support our veterans and have ensured that HMS Dasher's sinking is properly commemorated, woven as it is into the fabric of Ardrossan's history. I wish I had time tonight to give a roll call of all those lost on HMS Dasher, but instead I will simply ask the Minister to join me in paying tribute to all those who were so tragically lost that night, so suddenly. The impact on the survivors is beyond anything we can imagine, and the grief of the bereaved families would have been profound and life-changing.

As I prepared for the debate, and in response to my early-day motion 969 on the 80th anniversary of HMS Dasher's sinking, I was contacted by David Mackintosh, who was involved with the HMS Dasher Association for many years, and whose great uncle Cecil John Davis, Ordinary Telegraphist, was lost at the age of 21 when the vessel went down. He is now buried in Ardrossan cemetery. This tragedy is truly part of Ardrossan, and the memorial to the lives lost has a prominent place in the town. I pass it regularly, as it is sited metres from my constituency office. The graves of those young men are well tended in Ardrossan cemetery, and they are treated with the reverence and respect they are due. This is a special day of commemoration for the people of Ardrossan, many of whom I know will have reflected quietly on this anniversary, with a great sense of loss and grief across the town. I hope the Minister will join me in paying tribute to all those who were on board HMS Dasher that night, those who survived, and those who did not. We will always remember their great bravery and their ultimate sacrifice.

11.17 pm

The Minister for Armed Forces (James Heappey): I am grateful to the hon. Member for North Ayrshire and Arran (Patricia Gibson) for securing this debate to mark such an important anniversary, and for paying a

moving tribute to those whose lives ended so tragically 80 years ago today. As she has set out, the explosion and subsequent sinking of HMS Dasher in the Firth of Clyde in 1943 was the second highest loss of life on a British warship in UK waters in the second world war. I cannot begin to imagine the depth of sorrow experienced by the families of the 379 men who lost their lives that day, unaware, as they were, of exactly how and where their loved ones had died. Back then, the situation was complicated by operational considerations and, as the hon. Lady has said, the Admiralty did not want the enemy to know the detail of the sinking of HMS Dasher. I therefore join her in remembering the crew of HMS Dasher. In doing so, we will preserve the memories of that terrible day, and their loss.

Let me take this opportunity to reflect on HMS Dasher's remarkable, albeit short, history. A former cargo vessel, it was acquired from US operator Moore-McCormack Lines by the American navy on our behalf in 1941. Under the lend-lease scheme, it was converted into an aircraft carrier at a shipyard in New Jersey, before joining up with the Royal Navy to support the war effort a year later. Although her service was brief, Dasher played a central role in Operation Torch, the allied invasion of north Africa that was designed to remove the Axis presence from the continent. Alongside two other aircraft carriers, HMS Biter and HMS Furious, Dasher provided vital cover for the landing at Oran, Algeria, in November 1942. The operation marked the first time that the UK and the US had worked together on an invasion plan, and it resulted in a remarkable success, enabling the allies eventually to defeat German Field Marshal Rommel's forces, and seize control of north Africa.

In February 1943, Dasher was assigned to escort Arctic Convoy JW53, but suffered severe weather damage and proceeded to Dundee for repairs. On 24 March 1943, she arrived on the Clyde with five Sea Hurricanes and six Swordfish aircraft to commence an operational work-up. That operational work-up took her out into the Firth of Clyde, where, three days later, as the hon. Lady set out, she was sunk in the extraordinarily sad circumstances that have been described. The closest nearby vessels were immediately diverted to assist in the rescue efforts, including the minesweeping trawler HMS Sir Galahad and the radar training ship Isle of Sark. Other ships were despatched from ports and harbours along the Clyde, including two merchant vessels, SS Cragsman and SS Lithium, which rescued 74 survivors between them. But Dasher was engulfed in flames and sinking rapidly. Within eight minutes, the entire ship was gone, leaving only 149 survivors out of a crew of 528, many of whom were covered in oil and fighting for their lives in freezing water.

We do not know exactly what caused the blasts that day, but the Court of Enquiry held in the aftermath concluded, as the hon. Lady said, that it was most likely the accidental ignition of a build-up of petrol vapour. Subsequently, inadequate safety provisions were identified which led to modifications to all the Navy's US-built escort carriers, as well as significant changes in standard operating procedures, including reducing the volume of fuel carried on ships. As is sadly so common in conflict, all but 23 of those who died that day went down with the ship and their bodies have never been recovered. Instead, they are rightly commemorated on war memorials around the country, including the naval memorials at Chatham, Lee-on-the-Solent, Liverpool, Portsmouth and Plymouth, as well as at the RAF memorial at Runnymede and at memorials in the hon. Lady's constituency.

Peter Grant: I am grateful to the Minister for giving way and I am very loth to introduce any note of disharmony tonight, but is he aware that there are very, very strong reports from a number of witnesses at the time that teams of body recoverers along the coast were convinced that they recovered far more bodies than the official number disclosed by the admiralty? Has he looked into that, or is he simply reading the statement given at the time that said everybody who was not buried in Ardrossan went down with the ship? A lot of people who were there that day do not believe that that is what happened.

James Heappey: As we read through the pack for today's debate, we see that questions have been asked in this place and the other place a number of times in the 80 years since. There are a number of theories about what may or may not have happened that night, but all the records of the incident are now fully declassified and available through the National Archives. The survey undertaken is also freely available from the UK Hydrographic Office in Taunton. I am aware of the stories that there are of that night. I do not want, 80 years on, to cause any unnecessary disagreement or debate. I think all the questions around those sorts of suggestions have been well answered. I think that we might confidently conclude, now that all the papers of the time have been declassified, that the situation is as described by the Ministry of Defence and the official record.

As the hon. Gentleman rightly said, this is not the debate to cause disagreement, but the hon. Lady referred to Operation Mincemeat and it is a truly extraordinary story. Given the remarkable story of HMS Dasher, it would almost be nice to think that it was indeed John Melville who was used in that case, but the National Archives records have been declassified and are available to the public and they clearly show that it was Glyndwr Michael who was used for that incredible operation. But let us not differ in opinion on a moment of memorial

I thank everyone who has supported the 80th anniversary commemorations this past weekend, including the hon. Lady who secured the debate. In particular, a contingent of naval personnel supported memorial events in Ardrossan, including a wreath-laying and a service over the wreck. The hon. Lady has brought the plight of HMS Dasher to the House this evening, 80 years to the day since she was lost. The record of her debate will act as a further memorial to the 379 men who died that day. We will all remember them.

Mr Deputy Speaker (Mr Nigel Evans): And they have been rightly remembered in Parliament today thanks to Patricia.

Question put and agreed to.

11.24 pm

House adjourned.

Westminster Hall

Monday 27 March 2023

[Sir Mark Hendrick *in the Chair*]

Home Education

[Relevant documents: Third Report of the Education Committee of Session 2021–22, Strengthening Home Education, HC 84, and the Government response, HC 823; and Summary of public engagement by the Petitions Committee, on home education, reported to the House on 21 March, HC 73.]

4.30 pm

Nick Fletcher (Don Valley) (Con): I beg to move,

That this House has considered e-petitions 594065 and 617340, relating to home education.

It is a pleasure to serve under your chairmanship, Sir Mark. I thank the petitioners, Kilby Austin and Laura Moss, for their campaign. Laura is here today and I welcome her to Westminster Hall. The petitions received more than 35,000 signatures between them, so it is right that the House discusses them. The petitions state: "Do not impose any new requirements on parents who are home educating" and "Do not require parents to register home educated children with local authorities".

First, I will speak about the current position on where responsibility lies. We have a system in which it is the parent's duty to educate their child but not to school them. There is also a duty on local authorities to ensure that all children have a decent education. As a way to discharge that overall duty, many local authorities use an informal register, but some do not.

Ms Marie Rimmer (St Helens South and Whiston) (Lab): Does the hon. Member agree that local councils still have a duty of care to children who are home schooled? Local authorities cannot be left in the dark; there must be a register to assist them to ensure that all children are receiving a good education and being looked after.

Nick Fletcher: That is what we are here to discuss. I will look at both sides of the argument, as I do when I lead petitions debates.

As a member of the Education Committee, I spoke to the Children's Commissioner, Dame Rachel de Souza, when she kindly attended an evidence session on this subject. Only last week, we met again through the Petitions Committee. In her role as Children's Commissioner, Dame Rachel wrote to all local authorities on this subject. The feedback was patchy in many areas. Dame Rachel was concerned that no one really knows how many children are not in school.

The Centre for Social Justice recently published a report entitled "Lost and Not Found", written by Alice Wilcock. The foreword was written by my hon. Friend the Member for Meon Valley (Mrs Drummond) and spells out the problem: 140,000 children were severely absent from school in summer 2022. That is a staggering number considering the fact that "severely absent" means they are missing more than 50% of the time. My fear is that many of those children will be off-rolled from school by parents simply to stop the letters and fines. The Centre for Social Justice made seven recommendations to tackle the problem; although the Government have put additional protections in place, I hope they will read the report and take note.

We can see that there is obviously a problem with school attendance, but would a register help? The children who are severely absent are already on a register. The biggest problem comes when they off-roll from school: when a parent informs the school that they are going to home educate their child, that is it. When the child falls off the register, the letters and fines stop and the school no longer has any obligations to the child. There is no more register. As Dame Rachel de Souza has stated, there is an ongoing duty of care on local authorities, but the data is patchy. Herein lies the problem: a child can be taken out of school for many reasons that are not necessarily in their best interests.

Andrea Jenkyns (Morley and Outwood) (Con): In recent months I have heard from parents across my constituency who feel they have no choice but to home educate their children due to age-inappropriate sex education that exposes infant children to information about adult sexual acts. Does my hon. Friend agree that, as legislators and as parents, we have a duty to protect the innocence of our children, and that this debate should reflect the reasons why parents are choosing to home school their children?

Nick Fletcher: I could not agree more with my hon. Friend and will address that issue later in my speech.

I am sure that many of us believe that the situation is simply not acceptable. There will be some children who have never attended school at all. A child's last engagement with anyone in authority could quite possibly be the midwife when the child is two, but many fail to attend that appointment. Are these the real lost children? I am told that 1.1% of children are home schooled, but in the Traveller community it is 6%; for children of young offenders it is 6%; and for children with a social worker it is 3%. We can agree that complex backgrounds have a bearing on the numbers, and that is what many professionals would like to tackle.

There is another cohort of home-schooled children. They have dedicated parents who make huge sacrifices to educate their child at home and do an excellent job. I spoke to the petitioners Kilby and Laura last week, and both appear to be very dedicated. I have also spoken to other parents who home school, and they speak of the joy it brings to them and their children. These days, there are huge resources available on the internet, and many home-schooling communities have joined together for some lessons, such as sport, music and art, so the children have opportunity to mix but also have the benefit of one-to-one tuition at home.

Done properly, home schooling has many benefits, and it saves the taxpayer money, too. It gives parent the opportunity to educate their child as they wish. It also enables a parent to teach the subjects that they feel are most beneficial to their child. More importantly to many, it enables them not to teach the subjects that they do not think are beneficial. We have all heard recently of some of the totally unacceptable topics being taught to our children. Although the Minister is meeting me to discuss the issue and the Prime Minister has ordered a review, unacceptable material and politically contentious issues are being taught as we speak. I would seriously consider home schooling my children if they were of that age.

[Nick Fletcher]

Why are Kilby and Laura so against a register? Kilby feels it would fundamentally change the opt-in process for schooling. The law puts responsibility to educate children on the parents, and they can choose to opt into schooling if they wish. She believes that a register would be more like an opt-out system and could end up making school attendance mandatory. Laura believes that the implementation of a register would be the first step to more oversight of parents who home educate. I can see their point: it would be a fundamental change in the relationship between the state, parents and children.

One reason why many home schoolers do not want to register is the overreach of some local authorities with the powers that they already have. Some are far too overbearing when, quite simply, an experienced officer could see that a home-schooled child is happy in a good home and is being educated well. Some home-educating parents have children with special educational needs and disabilities, and they have removed their children from state education because their needs were not being met. Some of the parents have had particular difficulty with local authority officers not being equipped to assess the complex situation. That begs the question: is a register necessary? Or should local authorities just do a better job with the resources and powers that they have?

Section 437 of the Education Act 1996 states that "if it appears" to the authority that a child is not receiving a suitable education, it can apply for a school attendance order to send the child to school. Section 47 of the Children Act 1989 states that local authorities

> "have reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm",

they can make inquiries and, if need be, make an emergency protection order for the safety of the child. Therefore, if a child who is persistently or severely absent is off-rolled, the local authority already has the power to deal with the situation.

When we investigate further than a headline, we see yet again that good people who are doing a good job are threatened with more state overreach because of the poor behaviour of the few.

Sir Gavin Williamson (South Staffordshire) (Con): I congratulate my hon. Friend on securing the debate. In Staffordshire, we saw a large pre-pandemic increase in the number of children being home schooled, and the trend is continuing post pandemic. Of course, many brilliant parents are doing great work in home schooling, but the underlying issue is that we should be concerned about a number of children who are being labelled as home schooled but not actually getting any schooling at all. Is a register not just a proportionate measure that could help to make sure that all children get the type of education we really want, while still protecting the rights of parents to home school their children?

Nick Fletcher: I completely understand where my right hon. Friend is coming from. As I continue, Members will hear some thoughts on that. I thank him for his contribution.

What is the answer? As I have just said, we will discuss that today. I want to protect our children as much as anyone else does. I see the damage done by kids not being in school. I see the antisocial behaviour. I see the organised crime gangs stepping in where parents, schools and the state have let children down. This is happening in my city of Doncaster and we need to do something, but I also understand the desire and the right of responsible parents to educate their children at home.

With the Government seemingly wanting to push forward with a register and the Education Committee, the Children's Commissioner, Members of Parliament and my local authority, at least, agreeing that it is a good idea, I can see that the petitioners will not be pleased. The Government need to be careful with any legislation. There have been issues in Scotland and the Isle of Man when registers have been introduced, let alone any issues with the general data protection regulation. I therefore suggest that if we go ahead with a register, we need to put in place new safeguards and protections for parents and families who are doing a good job and, as is their right, home educating their children.

As I have mentioned, I have spoken to home-educating parents who have concerns about the state being handed more power over how they educate their children. Let us be clear: it is a parent's right to home educate their child. However, there is no doubt that there exists in our society a presumption that children will be in school, and there is therefore suspicion around home education. Parents have told me about their rough treatment at the hands of local authority inspectors who have assumed rights of inspection over the nature of families' home-education decisions that they do not have. A new registration requirement could, then, be accompanied by a much clearer statement of the limits of the local authority's role when a child is home educated, and a clear complaints process for home-educating parents. After all, I suspect the sector is likely to continue to grow. I look forward to hearing the contributions from other Members on this complex issue.

Several hon. Members *rose—*

Sir Mark Hendrick (in the Chair): Order. Members who wish to be called in the debate should bob. I call Naz Shah.

4.43 pm

Naz Shah (Bradford West) (Lab): It is a pleasure to serve under your chairmanship, Sir Mark. I congratulate the hon. Member for Don Valley (Nick Fletcher) on securing the debate.

Every parent has a right to choose whether they send their child to school or home educate them, and that right should be respected. Although I recognise the need for change and reform, it is also important that local authorities have clear guidance on how to work with home-schooling families in a manner that supports the needs of children as well as the rights of parents to home school their children. Many constituents have come to see me about how local authorities have overreached and gone into people's homes in a manner that is, as my constituents put it, akin to a police-style investigation. I have been told of one occasion on which inspectors came into a home, went around recording with a video recorder,

and livestreamed it to somebody else back in the office. This is clearly invasive and conflicts with people's rights to a private and family life.

It is because of such actions that so many people who are home educating their families are worried about the introduction of legislation and the infringement of their rights. Sometimes legislation can be well intended, but without the correct guidance, checks and balances, it can have unintended outcomes and consequences. That is why we need further developed guidance, training and support to be provided alongside statutory safeguards for children. It is easy to have opinions on home educating —there are some that I share when it comes to child safety and safeguarding—but the guidance for such legislative changes has to be formed with and informed by the support of those who have real experience: home-educating parents themselves.

My request to the Government is for them to work with stakeholders and the families of home-educated children to ensure that the safety of children is considered, and that they have their rights protected and can carry out their choices. What are the Government doing to ensure that, as outlined by the hon. Member for Don Valley, there is a one-size approach, as well as a legislative framework and guidance, so that when people do checks of the register, they have statutory guidance to follow to ensure they do not overstep the mark? If I was educating my child, I would not like somebody to walk into my home with a video recorder or livestream me—that would not be okay. What are the Government putting in place to police that kind of behaviour by local authorities that are not behaving in the right way? Who has that responsibility? Will there be separate units or people in each local authority who are designated to carry out those specific roles? Are we looking at parents through a security lens or a social-worker lens? What approach are we taking to ensure that children are safeguarded?

Some of my constituents who came to me have two older children who are now at university, and they have others who are going through the education system. I was shocked, surprised and had a huge learning experience when those parents told me about the benefits that their children had: they could stagger their GCSEs and work to the strengths of their children. I get all that; it makes reasonable sense. What safeguards are the Government putting in place to ensure that parents have a right to privacy and to raise and educate their children as they see fit?

We have talked about the issue of relationships and sex education, and many of my constituents share those concerns. Many communities across the UK share concerns about their children being exposed to things that are not necessarily in line with their freedom of religion, or who want to safeguard their children from being exposed to images that they feel their children are too young to see. Where do we draw the line on all of this and how do we support the children? Those are the questions I would like the Minister to look at.

4.47 pm

Andrew Selous (South West Bedfordshire) (Con): It is a pleasure to serve under your chairmanship, Sir Mark. I commend my hon. Friend the Member for Don Valley (Nick Fletcher) on the level-headed way in which he introduced the debate.

All of us have enormous sympathy for any parent whose child has been bullied at school, or has ended up with poor mental health as a result of experiences they have had at school. As a parent, I can completely understand the natural instinct to want to withdraw one's child into the safe bosom and cocoon of family, and get them away from bullying if the school is not able to protect the child or help to stabilise their mental health. That is a real issue that we must take seriously.

I am acutely conscious that when we talk about home education, we are talking about a huge spectrum. There are some parents who are incredibly dedicated and do it exceptionally well. I give enormous thanks for their dedication, time and sacrifice. It needs the lightest of state supervision and overview if the parents are doing a good job and the child is happy, well adjusted and learning well. That is fantastic, and I thank those families and those parents. But we have to be honest that there is a spectrum, and at the other end there are parents who cannot read or write who are "home educating" their children. I believe passionately that every single child has the right to fulfil their God-given potential, and I worry about children who are not being equipped with the widest possible education and who are unable to fulfil their full potential.

Lia Nici (Great Grimsby) (Con): My hon. Friend touches on a point that is important in my constituency of Great Grimsby, where more and more children are severely absent from school and disappearing from school rolls. When we find them wandering the streets in the middle of the afternoon, we are told they are being home schooled. They are now prey to county lines and other forms of illegal activity, and their parents or carers are often unable to provide teaching and home education. Does my hon. Friend agree that we need to look seriously at that?

Andrew Selous: I am extremely grateful to my hon. Friend, who raises a very important point. I have seen exactly that in my constituency: school-age children in and out of shops in the middle of the day. My area is also subject to the terrible scourge of county lines. There are huge safeguarding and criminal concerns about what is happening to some of these children, and we need to take them seriously.

My concerns are shared by the Education Committee, which recently stated:

"the status quo does not allow the Government to say with confidence that a suitable education is being provided to every child in the country."

Those concerns are shared by Ofsted. The Department for Education has stated that there is "considerable evidence" that many children who are home educated

"are not receiving a suitable education."

It is instructive to compare England with other countries. I am indebted to the Centre for Social Justice, which points out that oversight and assessment of educational progress is commonplace across Europe but that there is no such quality assurance in England. In Germany, I am told, it is actually illegal to home educate a child. I think that that is a step too far—as I said earlier, I thank those parents who do a great job and whose children progress well, and I would leave them well alone—but what other countries in Europe are doing is instructive. They ensure regular checks on attainment and progress in home language, maths and so on.

[Andrew Selous]

For about 20 years, I was a school governor of my village school. At one point, I was the safeguarding governor, and as such, I was required to read a lot of guidance from the Minister's Department. At the time, the guidance was "Keeping children safe in education: statutory guidance for schools and colleges", from September 2016—there may be updated advice. That statutory guidance was very prescriptive and the matter was taken very seriously. Let me quote briefly from it:

"Local authorities have a duty to establish, as far as it is possible to do so, the identity of children of compulsory school age who are missing education in their area."

There are various other pretty severe injunctions. It is curious that there is a significant body of safeguarding guidance for children who are in school but, as far as I can see, none to speak of that can be properly enforced for children who are home educated.

Before the debate, I had a look at article 28 of the United Nations convention on the rights of the child, which states:

"States Parties recognize the right of the child to education, and with a view to achieving this right progressively",

there is a requirement to make

"primary education compulsory and available free to all",

and to offer

"different forms of secondary education, including general and vocational education"—

that is important. The article goes on to say that measures should be taken

"to encourage regular attendance at schools and the reduction of drop-out rates",

and that state parties should take that seriously in order to contribute

"to the elimination of ignorance and illiteracy throughout the world".

We are a signatory to that. Article 28, to which the UK has signed up, as far as I am aware, is really important. I ask the Minister: how do we enforce that right for children who are being home educated by parents who cannot read or write, or are not making any effort to teach them English, for example? I think we are in very serious breach, actually. I am afraid to say that we have averted our gaze from a contentious issue because it is inconvenient. The children do not vote, and the parents, who have a different view, do, so we are not doing what we should.

Responsibilities for home schooling are set out, as they are for every child, in section 7 of the Education Act 1996, which states:

"The parent of every child of compulsory school age shall cause him"—

as the father of three daughters, I think it should say "or her"—

"to receive efficient full-time education".

Rather bizarrely, it goes on to say later that they are not required to provide a broad and balanced curriculum, and do not have to follow the national curriculum. Central Bedfordshire Council, which gave me a briefing before the debate, stated:

"The local authority has a legal duty under Section 437 of the Education Act 1996 to act 'if it appears' that a child of compulsory school age is not receiving suitable education, although the Education Act does not give powers to the authority to insist on seeing the child, visit the family home or see the work that the child is completing."

It is pretty challenging for the local authority to assess how well the child is doing if it cannot see the child, visit the family home or see the work the child is completing. Some local authorities manage to do that, which is tremendous, but I worry about the fact that we have not given them the powers to make sure every child is receiving an "efficient full-time education" that is suitable for them. That should concern us.

If a child is in a mainstream school or an academy, the school is expected to enter them for national curriculum assessments. There is also a statutory duty on all children to be in education or employment with training up to the age of 18. I agree with both those requirements, but the reality is that that is not happening for a number of home-schooled children.

I am also aware that when some parents claim their children are being home schooled, they are actually in unregistered schools, of which there are a number. I read an article in *The Economist* last year about a young man of 18 who had been in an unregistered school—I think his parents claimed that he was home educated—and sometimes had schooling for 14 hours a day, but when he left at 18 he could not read or speak English. Are we really saying that that is acceptable? That was an unregistered school, and Ofsted has a duty to do something about that, but it is quite hard for Ofsted to get on top of the issue because a lot of parents say that the child is being home educated. What about the right of that young person to read and speak the mother tongue of their home country? Do we care about these things or not?

In my constituency, like that of the former Secretary of State, my right hon. Friend the Member for South Staffordshire (Sir Gavin Williamson), whose presence graces us today, the numbers of children being home schooled have gone up very significantly. On 15 June 2015, in the 2015-16 year, 283 children were in elective home education in my area. By 2020-21, that had gone up to 493. That is the most recent figure that I could get. No doubt the figure is higher; I suspect the majority are probably in my constituency, as well. How high are we happy for that number to get without knowing what is happening—1,000, 2,000, or 3,000? Is that acceptable? Personally, I do not think it is.

I would say that across the Chamber, whatever political party we are from, we are all concerned about the life chances of children. We are all concerned about ladders of opportunity. We are all concerned about social mobility and the elimination of poverty. However, how will we achieve any of those things when a significant number of our children are not having the education it is their right to have? We talk about the rights of parents and I believe, as a parent myself, in those rights, but I think that children have the right to a proper, broad-based education to enable them to achieve everything that they are capable of achieving.

That is why I encourage the Minister to progress down the route that the Secretary of State has said she wants to go down. Of course we need to do it sensitively. I do not want heavy-handed officials going into people's homes in an inappropriate manner. It needs to be a decent, civilised conversation on how the child is progressing and we cannot afford to just look the other way, as I believe we have done on this issue for far too long.

Sir Mark Hendrick (in the Chair): We now move to the Front-Bench contributions.

5.1 pm

Stephen Morgan (Portsmouth South) (Lab): It is a pleasure to serve with you in the Chair, Sir Mark.

I start by thanking the hon. Member for Don Valley (Nick Fletcher) for securing the debate. We have had a number of contributions and interventions from Members on both sides of the House after the views of parents, school leaders and local authorities were shared with right hon. Members and hon. Members.

The hon. Member for Don Valley gave a balanced speech in response to the petitions, covering the problems of school attendance and the helpful research by the Centre for Social Justice. My hon. Friend the Member for Bradford West (Naz Shah) talked about the importance of guidance for local authorities, training and support for safeguarding, and the need to engage with parents. The hon. Member for South West Bedfordshire (Andrew Selous) made a number of characteristically helpful remarks about the value of proportionate interventions by Government to address the concerns, as well as sharing the views of the Education Committee.

Let me begin by saying that Labour recognises and supports parents' right to choose their child's education. For parents who opt for home education, Labour respects that choice and will support them in enabling their children to thrive. It is important that parents who choose to home educate their children are supported to provide an excellent education.

As we know, excellent education has the power to transform lives. It can raise aspirations, broaden horizons, create knowledge, start lifelong friendships, build confidence, inspire greatness and break down barriers to opportunity. So often, an excellent education is what home-educating parents provide. There are so many reasons why parents believe that home education is right for their child, whether because of personal circumstances and learning needs, personal beliefs or wider factors. For some, home learning is chosen to meet the needs of children with mental health conditions or special educational needs or as a result of bullying.

As we have heard already, and as highlighted in a recent report by the Centre for Social Justice, what is more concerning is that an increasing number of children are being home educated after having been subject to safeguarding concerns, including about abuse, neglect, criminal exploitation and child employment. As Members highlighted, many children being educated at home are educated by incredibly dedicated parents who provide learning that is right for them, sometimes in very difficult circumstances. However, we should not hide from the fact that there are some cases in which children are not provided with a suitable education.

Studies by Ofsted have demonstrated that some home-educated children have been left without access to appropriate quality of education. As we have already heard, in its recent report "Strengthening Home Education", the Education Committee concluded:

> "the status quo does not allow the Government to say with confidence that a suitable education is being provided to every child in the country."

The DFE itself has stated that there is considerable evidence that many home-educated children are not receiving a suitable education, yet Ministers have not acted. This is a problem that has been created by the inaction of successive Conservative-led Governments at the expense of children and our nation's schools.

Some home-educated children have also been subject to safeguarding concerns. In 2020, the child safeguarding practice review panel uncovered 15 incidents of harm involving children reported to be in home education, including severe harm such as serious neglect and emotional abuse. In three of the cases, the children had tragically died. The panel concluded:

> "these children were often invisible; they were not in school and did not receive home visits."

Once again, Ministers condemned those actions but have failed to tackle them.

When the Schools Bill finally came forward, Labour supported measures to have a register and visibility of home schooling. We welcomed and backed plans to create a duty on councils to keep a register of children not in school. There would also be a duty on parents to provide information to councils for the register, out-of-school education providers would have been required to provide information to local authorities on request, and councils would have to provide support to registered home-educating families where required.

At the time, the DFE said:

> "While we know many parents who choose to home educate are very committed and do so in the best interests of their child, in some cases the reasons for home educating are not for the best education of the child and the education being provided is unsuitable."

However, as we know, the Schools Bill and the register were shelved by the Government last year. At the time, the DFE said it would introduce the long-delayed register of children outside school "in the new year", but up to now it has provided "no update".

There is no time to waste. While it is not known how many children and young people are home educated in England, there is evidence of an increase in recent years that has accelerated during the pandemic, as we have heard. The latest Association of Directors of Children's Services annual survey on elective home education estimates that in 2020-21, more than 115,000 children were educated at home—a 34% increase on the previous year. It is thought that that is very likely to be an underestimate, and it is therefore of concern. Many families may also have slipped through the net during the pandemic, meaning that they are no longer on local authority radars. There is a risk that some of these parents are not able to educate their children effectively at home, or that the children are simply not being educated at all. There have also been increasing concerns surrounding children who have been off-rolled or forced out of school. These children—often among the most vulnerable—are potentially being left without support and protection.

In conclusion, the highest priority for the Department for Education must be to protect children's safety and wellbeing. All children have a right to learn in an environment that is safe and regulated and that supports them to thrive, wherever they are in the country. Parents' right to educate their children at home must be recognised and respected, but we do not have the means to ensure that all home-educated children are learning in a suitable and safe environment. England is an international outlier in not having a register; oversight and assessment of educational progress are commonplace across Europe, but England has no such quality assurance. While a

[Stephen Morgan]

register in itself will not keep children safe, it will assist in our understanding of how many are being home educated and help us to identify those who are vulnerable to harm. The Department has repeatedly said it remains committed to implementing a home-schooling register, which would progress

"when the legislative timetable allows".

I hope the Minister will outline when he foresees that taking place.

Sir Mark Hendrick (in the Chair): I call the Minister, Nick Gibb.

5.9 pm

The Minister for Schools (Nick Gibb): It is a pleasure to serve under your chairmanship, Sir Mark. I congratulate my hon. Friend the Member for Don Valley (Nick Fletcher) on his effective and balanced opening speech in this important debate on elective home education. The Government support this parental right and want to ensure that parents who choose to educate their children at home have access to local support to enable them to do this well. The Government's priority is to continue to raise educational standards so that children and young people in every part of the country are prepared with the knowledge, skills and qualifications they need to reach their potential. Education should be provided in a safe environment, whether that is at school or at home.

Home education works best when it is a positive and informed choice, with the child's education at the centre of the parent's decision. For many parents and children, that will be the case but local authorities report an increasing number of children being home educated, exacerbated not only by the covid-19 pandemic, but by other factors, as was ably pointed out by my hon. Friend the Member for South West Bedfordshire (Andrew Selous). In its annual elective home-education survey, the Association of Directors of Children's Services estimated that 37,500 children were home educated in 2016. That increased to over 81,000 children by 2021, including a significant jump of 38% between 2019 and 2020—the height of the covid-19 pandemic. The increase in the number of children being home educated is not a problem in itself, but local authorities report growing concerns that the increase is being driven by reasons that are not in the best educational interests of the child, and that some of these children are not receiving a suitable education.

My hon. Friend raises an important issue about Gypsy, Roma and Traveller children. We know from local authorities that Gypsy, Roma and Traveller children are over-represented in their cohorts of children not in school. The measures proposed in the Schools Bill would provide a duty on local authorities to provide support for families, which would, of course, apply to those children and their families. The data from the proposed register would also help provide a proper understanding of the scale of the issue raised by my hon. Friend.

Andrew Selous: For parents, whatever group they are from, who are unfortunately unable to read or write, what are the Minister's thoughts on whether they are properly able to home educate their children?

Nick Gibb: My hon. Friend raises an important point. This is also about attendance at school. There is a range of measures that the Department is engaged in on improving attendance of Gypsy, Roma and Traveller children, as well as other children who, because of the covid pandemic, are not returning to school. We need to ensure that children attend school.

Andrew Selous: Sorry, I was actually talking about illiterate parents who are home educating their children. These are children who are not in school—they are being home educated—when their mother and father cannot read or write. To me, that is simply unacceptable. I would like to help the adults as well with adult literacy, but it is completely wrong as far as the children are concerned.

Nick Gibb: As my hon. Friend and others have pointed out, under the Act, there is a requitement for children to have a suitable education. Clearly, if there is no one at home who is able to read or write, those children cannot possibly receive a suitable education. The local authority therefore has a duty in those circumstances to intervene, to act and ultimately to provide an order requiring those children to attend school.

The two petitions that led to the debate are focused on the Department's proposals to introduce a duty on local authorities to maintain statutory registers of children not in school. The proposal was included in the Schools Bill 2022. Although the Government confirmed in December last year that the Bill will no longer be continuing, the Government remain committed to legislating on the children not in school measures at the next suitable opportunity.

The Petitions Committee helpfully conducted a survey of those who contributed to the petitions we are debating today. The thousands of responses received have given us additional valuable insight into the views and experiences of home educators. I was particularly struck by the number of respondents who cited special educational needs and disability as the reason for their decision to home educate and the range of experiences people have had with local authorities. I noted in the survey the number of families who cited the positive effects that home education has had on their child's development and health. Those positive experiences demonstrate how vital it is to support the parental right to choose how best to educate children, and this Government will continue to support and uphold that right.

The current legal framework for elective home education is not a system for regulating home education per se or for ensuring that parents educate their children in a particular way. Instead, under the duty in section 436A of the Education Act 1996, local authorities must make arrangements to identify children who are not receiving a suitable full-time education. Local authorities have the same wellbeing and safeguarding responsibilities for children educated at home as for other children and must take action where required, using safeguarding powers appropriately.

Every local authority has a statutory duty to satisfy itself that every child of compulsory school age is receiving a suitable education, but there is currently no statutory requirement for local authorities to maintain registers, nor is there a general requirement on parents to inform anyone of their decision to home educate,

although the Department recommends doing so. That means that local authorities have low confidence that their existing voluntary registers, if they have them, include all children educated otherwise than in school. This can create challenges in establishing whether a child is in receipt of suitable home education or is missing education. In addition, there are inconsistencies between local authorities in the level and quality of information collected about eligible children. Those are some of the issues that the children not in school measures seek to address.

The Department's commitment to establishing a local authority-administered registration system was first set out in our children not in school consultation response, which was published in February 2022. The consultation received almost 5,000 responses, which were all carefully considered. The Department previously ran a call for evidence on elective home education in 2018, which provided useful information and data.

The children not in school measures, as contained in the Schools Bill, proposed the creation of duties on local authorities to maintain registers of eligible children. The information contained in the registers would help authorities to undertake their existing responsibilities. Parents would be required to provide only the specified information necessary for local authorities to maintain their registers. Failure to do so would require local authorities to begin formal inquiries as to the suitability of the child's education, because it would create a legitimate presumption for a local authority that an investigation would be required. Only if education was deemed unsuitable following those inquiries would a local authority need to start school attendance order proceedings, as is the case now. Certain providers of out-of-school education would also be required to provide information to the local authority on request, to ensure that as many children as possible who should be on the register are and, in particular, to help with the identification of children who are missing education or attending illegal schools.

The measures contained a duty on local authorities to provide or secure support, where requested, to registered home-educating families to promote the education of the child. The support element of the measures is an important component in encouraging positive engagement between local authorities and home educators, and helps some home educators to provide good-quality education. The support would include, for example, advice about education; information about sources of assistance; provision of facilities, services or assistance; or access to non-educational services or benefits. The Petition Committee's survey results show that a high number of home educators would appreciate additional support from their local authority. It remains our intention to work closely with home educators and local authorities on the implementation a new statutory system prior to its introduction.

The Department's proposals do not feature any additional local authority powers to explicitly monitor education or to enforce entry into the home. The Government's view continues to be that local authorities' existing powers, if used in the way set out in the Government's guidance, are sufficient to enable them to determine whether the provision is suitable. In April 2019, we published revised guidance for local authorities and parents on arrangements for the oversight of home education.

The hon. Member for Bradford West (Naz Shah) gave examples of local authority interventions that may well exceed the wording in the guidance on elective home education, which is designed for local authorities. Paragraph 5.2 of that guidance says:

"It is important that the authority's arrangements are proportionate and do not seek to exert more oversight than is actually needed where parents are successfully taking on this task"

of home educating their children. However, as my hon. Friend the Member for South West Bedfordshire will want to know, a local authority may specify its requirements about how effective a child's literacy and numeracy must be when deciding whether an education being provided to a child at home is suitable.

Andrew Selous: I am very grateful to the Minister for making that point, but it is still not clear how a local authority would know if a child could not read or write. It is very welcome to hear that the local authority should expect the child to be able to read and write, but if the local authority is not allowed to see the child, enter the home or see the child's work, how would the local authority know whether that child could read, write or add up?

Nick Gibb: What the guidance says at paragraph 5.4 is that each local authority

"should provide parents with a named contact who is familiar with home education policy"

and who

"ordinarily makes contact with home educated parents on at least on annual basis so the authority may reasonably inform itself of the current suitability of the education provided."

In other words, if the local authority can gain access—not forced access or a legal right to access, but by having a proper dialogue with the parents—it can reassure itself of the quality of the education. If it was unable to do that, the presumption that the local authority would make would be that the child was not receiving a suitable education in the home environment.

Ms Rimmer: Last year, the Education Secretary said that legislation would come in the new year—this year. Now, the Department is saying that it will come at the next suitable opportunity. Could the Minister be more specific on the timescale that we can expect for the legislation, which will provide a concise and complete list of children who should be getting an education? At the moment, there is no secure way for a local authority to ensure that it has a full register of children within its borough.

Nick Gibb: I say to the hon. Member that we are serious about wanting to introduce legislation, and she will know the pressures in this building around legislative programmes. We are determined, and it is our intention to do so at the earliest opportunity, but the guidance that was issued in April 2019 was designed to address many of the issues that have been raised on both sides of the debate. That is why we published very cohesive guidance to help local authorities deal with the very issues she talks about.

Ms Rimmer: I have always respected the Minister and the work he does, but it is absolutely necessary that we have a register and that we have it soon. We have children who are vulnerable. They are being exploited, and their families do not have the capacity or the will to do what

[Ms Rimmer]

is necessary. We have young children being exploited by criminals. When are the Government going to get it into their heads that we need to tackle this problem? We are failing in our duty as parliamentarians by not ensuring that children are safe. Will the Minister please treat this issue more seriously? There is nothing more important than children being cared for so that they can live a decent life, contribute to society, enjoy life and not be abused.

Nick Gibb: I think everyone in this debate would agree with the hon. Member. I certainly agree with what she said and the passion with which she said it.

We are determined to press ahead with the provisions in the Schools Bill relating to the introduction of a compulsory register. In the meantime, the guidance to local authorities is clear: under current legislation, they have a duty to ensure that all children living in their local authority area are receiving a suitable full-time education. The guidance provides a lot of detail about how local authorities can go about determining whether children are receiving suitable home education.

The Government are taking a number of other measures to identify children who are missing education. This is a serious issue in our system and we will have more to say in due course. The proposals set out the responsibility of parents and the steps a local authority can take if it is not satisfied that the education provided by parents is suitable. That is set out in the 2019 guidance, as I said.

The Department's guidance also details eight components that should be considered when determining whether a child is receiving a suitable education, including includes enabling the child to participate fully in life in the UK, which my hon. Friend the Member for South West Bedfordshire raised; that education should not conflict with fundamental British values; and isolation from a child's peers.

Home education does not need to follow a broad and balanced national curriculum or involve the undertaking of public examinations, although the Department believes, and I certainly believe, that doing so would constitute strong evidence that the education received by a child is suitable. We remain of the view that a centralised definition of "suitable education" would not be in the interests of children, families or local authorities. Each individual assessment of whether education provision is suitable must rest on the balance of relevant factors depending on the circumstances of each child. The Department will review our guidance for local authorities and parents later this year.

Following an inquiry into home education, the Education Committee published in July 2021 a report on strengthening home education, which was referred to by my hon. Friend the Member for South West Bedfordshire. In the Government's response to the Committee's recommendations, they agreed that there is value in having a form of registration for children who are not in school. We also agreed that there is a need for better data to help Government and local authorities to improve their understanding of these cohorts of children and to improve local authorities' ability to undertake their education and safeguarding responsibilities. The Government did not agree with the Committee that greater assessment of home educators is required; existing powers are sufficient for reasons I have set out. We provide guidance and outline good practice on what we expect when assessing suitable education.

Andrew Selous: When the Minister gets back to the Department, would he be kind enough to ask his officials to speak to those in our embassies across Europe to get the best possible feedback on how other European nations monitor the progress of children who are home educated? Sometimes we are a little insular in the way we do public policy; we do not always look to learn from best practice in Europe and elsewhere. We may be able to learn something useful. I ask the Minister, if we are an outlier, to have that international perspective on how we could learn from other countries that are perhaps doing something rather well in this policy area.

Nick Gibb: I am keen to take up my hon. Friend's suggestion; in fact, it is a suggestion I make in respect of almost every new policy area. We need to look around the world. We are not always the leader on these issues, and there may well be counties that have been through these issues long before we have, so I am happy to take up my hon. Friend's suggestion.

Finally, I reiterate the Government's support for home-educating parents. The Department has received lots of correspondence in recent years from proud home-educating parents, and I have met home educators in my own constituency and heard about the positive work they do. Indeed, I have been to visit their homes and seen that home education happening. I remember one particular constituent being home educated, and she is now a mother herself—that shows how old I am.

Our commitment to registers of children not in school will not affect parents' right to educate in a way they deem appropriate, provided that it is suitable. Notifying a local authority that one is home educating or wishes to home educate one's child should not be burdensome and will help local authorities to undertake existing duties and help to identify issues with the school system, to identify children missing education and to offer support to home-educating families. I hope that will reassure those home educators who expressed concern in the Petitions Committee's survey that registers are a step on the road to monitoring education provision, which they are absolutely not.

When we find a suitable legislative opportunity to take forward the children not in school measures, we will do so, and we will continue to work closely with home educators, local authorities and other stakeholders to ensure that the new registration system works for everyone.

5.30 pm

Nick Fletcher: The conversation will continue, but I have a few queries. We really need to be asking why parents are not sending their child to school. As my hon. Friend the Member for Morley and Outwood (Andrea Jenkyns) said, there are concerns among parents about the relationship, health and sex education curriculum. There are also concerns among parents of children with special educational needs and disabilities. We need to work with those parents to ensure that we can get as many children into school as possible.

If we are to bring in a register, it needs to be extremely light touch for the ones who are doing well, and we need experienced people to go in and see that and just say, "Yes, this is a child who is doing well." That is really important. If we are to bring in a register, we need to ensure that it captures the children we are really concerned about.

If we bring forward legislation, it should work and we should enforce it. Local authorities have an awful lot of powers but really do not use them. If we are to create more legislation and it captures good people—such as the petitioners and those who have signed the petitions, who are doing a really good job—yet those who are doing a poor job are still left and the powers are not used, it will have been a complete waste of time. That is something I am extremely concerned about.

I want to wrap up by thanking everybody who has attended today's debate. I have listened to all that has been said, and there have been really positive contributions. I thank the petitioners and all who signed the petitions. I thank the Petitions Committee, which does fantastic work. I want to put on the record that it was not me who secured this debate but the Petitions Committee. I seem to be winning lots of debates, but that is down not to me but to the Committee.

I thank all who gave evidence: the CSJ, which has spoken to me; the Children's Commissioner, Dame Rachel; the parents; and lots of other people who are deeply concerned about the issue. I came into this thinking, "Yes, let's have a register. Forget about it—just let's do a register." But when we delve into this subject, we find out what the issues really are and why people are concerned about it, so it has definitely been an education for me.

Finally, I thank you, Sir Mark, and the Minister. As I said, I do hope that if we move forward with a register, the concerns of the petitioners will be taken into account.

Question put and agreed to.

Resolved,

That this House has considered e-petitions 594065 and 617340, relating to home education.

5.33 pm

Sitting adjourned.

Written Statements

Monday 27 March 2023

ENERGY SECURITY AND NET ZERO

Energy Bill Discount Scheme

The Secretary of State for Energy Security and Net Zero (Grant Shapps): The Government provided an unprecedented package of support for non-domestic users through the winter in the shape of the energy bill relief scheme (EBRS), with a total amount of support of £7.3 billion, shielding businesses and saving some around half of their wholesale energy cost. The Government have taken difficult but right and considered decisions when necessary, following an unprecedented rise in energy prices, to support our essential British businesses and public sector services.

The Government have been clear that such levels of support were time-limited and intended as a bridge to allow business to adapt. The latest data shows wholesale gas prices have fallen to levels before Putin's invasion of Ukraine and have significantly decreased since the EBRS was announced. The energy bill discount scheme (EBDS), announced on 9 January and which comes into force on 26 April, with support backdated to the start of April, strikes a balance between supporting businesses between 1 April 2023 and 31 March 2024 and limiting taxpayers' exposure to volatile energy markets. The scheme provides long-term certainty for businesses and reflects how the scale of the challenge has changed since September last year.

The EBDS will provide all eligible businesses and other non-domestic energy customers with a discount on high gas and electricity bills until 31 March 2024, following the end of the EBRS. It will also provide businesses in sectors with particularly high levels of energy use and trade intensity with a higher level of support as they are less able to pass these higher costs on to customers due to international competition. The price reduction will be linked to the wholesale element of a non-domestic customer's gas and electricity bill and Government will reimburse suppliers in accordance with the scheme.

Further support will be available to domestic end users on heat networks, who fall under the EBDS due to the heat network operators having commercial energy contracts, to ensure they do not face disproportionately higher energy bills than consumers under the EPG from April 2023.

The EBDS will be established under powers conferred by the Energy Prices Act 2022 and Government intend to pass enabling legislation. Subject to the will of Parliament, it is intended to run for one year and cover energy consumed from 1 April 2023 until 31 March 2024.

Funding for the EBDS will be sought through the estimates process. Any future costs for the delivery of the EBDS can only be projections and will depend upon energy usage levels and changes to the wholesale price of energy. As a result, the EBDS will give rise to a contingent liability.

I have laid before Parliament a departmental minute describing contingent liabilities arising from the energy bill discount scheme (EBDS). It is normal practice when a Government Department proposes to undertake a contingent liability of £300,000 and above, for which there is no specific statutory authority, for the Department concerned to present Parliament with a minute giving particulars of the liability created and explaining the circumstances. If the liability is called, provision for any payment will be sought through the normal supply procedure.

I regret that due to the urgency of this scheme, I have not been able to follow the usual timelines for issuing notice at least 14 parliamentary sitting days before the liability begins to be incurred.

The Treasury has approved this proposal. If, during the period of 10 parliamentary sitting days beginning on the date on which this minute was laid before Parliament, a Member signifies an objection by giving notice of a parliamentary question or by otherwise raising the matter in Parliament, final approval to proceed with incurring the liability will be withheld pending an examination of the objection.

[HCWS672]

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Post-implementation Review of Environmental Law

The Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): Today the Office for Environmental Protection (OEP) is publishing a report, the post-implementation review of environmental law. This report highlights that over 40 post-implementation reviews of regulations required by statute have either not been undertaken or have not been published.

We are committed to delivering high standards for environmental protection and meeting the legal duties in this area. After prioritising resources to deliver a successful EU exit and supporting the country's response during the pandemic, we recognise that we have not yet met all our obligations to deliver post-implementation reviews to time. My Department acknowledges this is unacceptable and is working to continually improve our mechanisms for capturing and delivering these requirements.

Steps are under way to address the post-implementation review backlog by the end of next year and prevent any further significant backlog occurring, including undertaking a Department-wide review, devising action plans with clear timescales for completion, accompanied by regular monitoring and reporting to the permanent secretary.

We will respond formally to the OEP report and will share our response with the lead Select Committees in each House.

[HCWS674]

TREASURY

Economic Crime Levy Allocations Update

The Chief Secretary to the Treasury (John Glen): Today I am confirming the allocation of £300 million between 2023-24 and 2025-26 generated from the economic crime (anti-money laundering) levy. Announced at Budget 2020, the levy was legislated for in the Finance Act 2022.

The levy supplements approximately £200 million of additional Government investment to tackle economic crime over the 2021 spending review period.

The levy funding has been allocated to deliver benefits to the entire anti-money laundering system across both the public and private sector and will underpin the priorities set out in the next three-year, public-private Economic Crime Plan.

Over the next three years, the levy has been allocated to:

Invest over £100 million in state of the art technology which will analyse and share data on threats in real time, to give law enforcement the tools it needs to stay ahead of criminals.

Provide funding for more skilled financial crime investigators. This includes funding to hire 475 new investigators and economic crime training for more than 6,500 existing investigators in the National Crime Agency and across national and regional intelligence, investigation and prosecution agencies. New and better trained officers will lead to more cases investigated, more criminals prosecuted, and more assets recovered.

A further £60 million will fund new specialist intelligence teams in the National Crime Agency and expand the combating kleptocracy cell in order to tackle the most complex global money laundering networks.

Funding for c.75 officers to sustain the increased staffing of the UK financial intelligence unit and provide funding for 22 new financial investigators to analyse suspicious activity reports embedded in regional organised crime units. The suspicious activity reporting regime is a key pillar of the UK's anti-money laundering (AML) system and is a critical tool for law enforcement to identify and disrupt money launderers.

Invest £20 million in Companies House and the Insolvency Service to fund the creation of two new intelligence teams. These new teams will improve our understanding of how UK companies are misused to launder the proceeds of crime and help put a stop to it. A further £600,000 of funding has been allocated for the deployment of UK experts overseas to raise the global standards on beneficial ownership, multiplying the impact of our domestic reforms to Companies House.

£1.2 million for a dedicated surge team to accelerate the fundamental reform of the AML supervisory regime, leading to more effective risk-based supervision, more dissuasive enforcement, and greater sharing of high-value information and intelligence.

Recognising the importance of accountability and in line with the principle of transparency, this announcement made on 27 March will be followed in 2024 by the publication of an annual report on the operation of the levy. A more wide-ranging review of the levy will be undertaken by the end of 2027. These reports will be laid before Parliament.

[HCWS675]

HEALTH AND SOCIAL CARE

NHS Dental Patient Charges

The Parliamentary Under-Secretary of State for Health and Social Care (Neil O'Brien): The National Health Service (Dental Charges) (Amendment) Regulations 2023 ("the Amendment Regulations") will be laid before Parliament to increase national health service dental patient charges in England from 24 April 2023.

NHS dental patient charges provide an important revenue source for NHS dentistry and are typically uplifted on 1 April each financial year. The most recent uplift was in December 2020, delayed from April 2020 due to the impacts of the pandemic. While there has been no uplift for two years, the cost of delivering NHS dental care has increased.

From 24 April 2023, dental patient charges in England will increase by 8.5%. This means that a dental charge payable for a band 1 course of treatment will rise by £2.00, from £23.80 to £25.80. For a band 2 course of treatment, there will be an increase of £5.50 from £65.20 to £70.70. A band 3 course of treatment will increase by £24 from £282.80 to £306.80.

Details of the revised charges for 2023-24 can be found in the table below:

	Band Description	From April 2023 (proposed)
1	This band includes examination, diagnosis—including radiographs, advice on how to prevent future problems, scale and polish if clinically needed, and preventive care, e.g. applications of fluoride varnish or fissure sealant.	£25.80
2	This band covers everything listed in band 1, plus any further treatment such as fillings, root canal work or extractions.	£70.70
3	This band covers everything in band 1 and 2, plus course of treatment including crowns, dentures, bridges and other laboratory work.	£306.80
Urgent	This band covers urgent assessment and specified urgent treatment such as pain relief or a temporary filling or dental appliance repair.	£25.80

We will continue to provide financial support to those who need it most by offering exemptions to the dental patient charges for a range of circumstances. Patients will continue to be entitled to free NHS dental care if they are under 18, or under 19 and in full-time education; pregnant or have had a baby in the previous 12 months; are being treated in an NHS hospital and have their treatment carried out by the hospital dentist—patients may have to pay for dentures or bridges; receiving low-income benefits; or are under 20 and a dependant of someone receiving low-income benefits. Support is also available through the NHS Low Income Scheme for those patients who are not eligible for exemption or full remission.

While we recognise the 8.5% uplift value is higher than uplifts to rates of some other Government charges, we consider that this is proportionate, as NHS dental patient charges have been frozen since December 2020 while other similar charges, such as those for NHS prescriptions, have increased. Dental patients will benefit from the continued provision that this important revenue supports. In recognition of access challenges following the covid-19 pandemic, the Department of Health and Social Care has delivered improvements to the NHS dental contract, announced in July 2022, which will improve access for NHS dental patients and which are supported by this uplift. These changes include a new requirement for practices to update the NHS website at least every 90 days so that patients can more easily see which practices are accepting new patients. We will set out plans to improve NHS dentistry shortly. It is important that current and future work to improve NHS dentistry is not undermined by the risk of reduced funding as a result of lower NHS dental patient charge revenue.

[HCWS676]

HOME DEPARTMENT

Terrorism Prevention and Investigation Measures: 1 December 2022 to 28 February 2023

The Minister for Security (Tom Tugendhat): Section 19(1) of the Terrorism Prevention and Investigation Measures (TPIM) Act 2011 (the Act) requires the Secretary of State to report to Parliament as soon as reasonably practicable after the end of every relevant three-month period on the exercise of their TPIM powers under the Act during that period.

The level of information provided will always be subject to slight variations based on operational advice.

TPIM notices in force—as of 28 February 2023	2
Number of new TPIM notices served—during this period	0
TPIM notices in respect of British citizens—as of 28 February 2023	2
TPIM notices extended—during the reporting period	0
TPIM notices revoked—during the reporting period	0
TPIM notices expired—during reporting period	0
TPIM notices revived—during the reporting period	0
Variations made to measures specified in TPIM notices—during the reporting period	3
Applications to vary measures specified in TPIM notices refused—during the reporting period	1
The number of subjects relocated under TPIM legislation—during this the reporting period	1

The TPIM Review Group (TRG) keeps every TPIM notice under regular and formal review. TRG meetings were held on 25 and 31 January 2023.

On 21 December 2022 Mr Justice Chamberlain published his judgment in the review of the TPIM notice against TPIM subject TL. Mr Justice Chamberlain found that the Secretary of State for the Home Department's decision to impose a TPIM notice on TL was both necessary and proportionate. This judgment can be found here: www.bailii.org/ew/cases/EWHC/Admin/2022/3322.html.

[HCWS673]

Petition

Monday 27 March 2023

OBSERVATIONS

BUSINESS AND TRADE

Planned closure of Wood Green Post Office

The petition of residents of the constituency of Hornsey and Wood Green

Declares that the closure of Wood Green Post Office would be a loss for the local community; further declares that this will mean many residents including the elderly, those with mobility issues, and those who may struggle to afford public transport will have to travel over a mile for essential Post Office services; further that this will leave Wood Green, the only metropolitan centre in north London, without a Post Office; notes that 8 in 10 "temporary" Post Office closures remain closed for over one year and almost 6 in 10 for over two years.

The petitioners therefore request that the House of Commons urge the Government to take into account the concerns of the petitioners and take immediate action to ensure the Post Office prevent the closure of this branch.

And the petitioners remain, etc.—*[Presented by Catherine West, Official Report,* 30 January 2023; Vol. 727, c. 314.]

[P002799]

Observations from the Parliamentary Under-Secretary of State for Business and Trade (Kevin Hollinrake):

Government recognise how important post offices are to their communities, and thus fully appreciate the impact a post office branch closure can have on a community. The Government-set access criteria ensure that, however the network changes, services remain within local reach of all citizens. The access criteria will ensure that 90% of the population are within one mile of their nearest post office branch and that 99% of the population are within three miles of their nearest post office branch. The nearest branch from the recently closed Wood Green post office is the Turnpike Lane sub post office, 105 Turnpike Lane, London, N8 ODY, a distance of 0.4 miles.

Government understand that Post Office Limited currently has some applications in progress for a new location for the post office in Wood Green. There will however be a short temporary closure period while the Post Office progresses these applications and finalises plans for the branch.

As a more general point, while publicly owned, Post Office operates at arm's length from Government as a commercial business with its own board. The management of the branch network is an operational responsibility for Post Office Limited. It would therefore not be appropriate for Government to intervene in this situation.

Ministerial Corrections

Monday 27 March 2023

LEVELLING UP, HOUSING AND COMMUNITIES

Building Safety

The following are extracts from the Building Safety statement on Tuesday 14 March 2023.

Sir Peter Bottomley (Worthing West) (Con): I declare an interest in having a leasehold property—although I have no problems with it—and I also have minor shares in some building companies so that I can get at their boards when necessary.

I thank the Secretary of State for his continuing work. May I reinforce a question asked from the Labour Front Bench: how many buildings beyond the 1,100 still need a way forward? Can we agree that leaseholders and others want to know that their own homes are safe and saleable? We know that the task is to find the problems, fix them and pay for them.

I put it to the Secretary of State that the one group that seems to be left out of this is that of the insurance companies who covered the developers, the architects, the builders, the component suppliers and, for that matter, those who did building control. I believe that leaseholders' potential claims need to be put together, and that we need to get the insurance companies round the table and say that the surplus money will come from them, or else they can have expensive litigation backed by a Government agency, which they will lose.

Michael Gove: I am grateful to the Father of the House, who has been indefatigable in his efforts on behalf of those affected by this crisis and of leaseholders more broadly. I should say, for his benefit and that of the House and the Opposition, that developers will be updating leaseholders on progress towards remediation quarterly on 31 January, 31 April, 31 July and 31 October each year—that will be public accountability.

I should also say for the benefit of my hon. Friend and the House that 96% of the most dangerous buildings—those with aluminium composite material cladding—have either completed or started remediation work.

[Official Report, 14 March 2023, Vol. 729, c. 731.]

Letter of correction from the Secretary of State for Levelling Up, Housing and Communities, the right hon. Member for Surrey Heath (Michael Gove):

An error has been identified in my response to my hon. Friend the Member for Worthing West (Sir Peter Bottomley).

The correct information should have been:

Michael Gove: I am grateful to the Father of the House, who has been indefatigable in his efforts on behalf of those affected by this crisis and of leaseholders more broadly. I should say, for his benefit and that of the House and the Opposition, that developers will be updating leaseholders on progress towards remediation quarterly on 31 January, 31 April, 31 July and 31 October each year—that will be public accountability.

I should also say for the benefit of my hon. Friend and the House that **95%** of the most dangerous buildings—those with aluminium composite material cladding—have either completed or started remediation work.

Marsha De Cordova (Battersea) (Lab): I thank the Secretary of State for his statement and the progress he is making on this issue, but action is still needed to address what has become a two-tier system of building safety support for leaseholders. As has already been mentioned, leaseholders in Battersea who reside in buildings under 11 metres or in a development that has become an enfranchised building do not qualify for the support for which other leaseholders rightly qualify. They feel abandoned by this Government. If the Government are looking at this issue on a case-by-case basis, I would love to understand a bit more how it will work, because I want to ensure that those leaseholders are getting the support they need.

Michael Gove: The hon. Lady makes a very important point. In the legislation, there is a category of non-qualifying leaseholders: people who have more than one property.

[Official Report, 14 March 2023, Vol. 729, c. 736.]

Letter of correction from the Secretary of State for Levelling Up, Housing and Communities, the right hon. Member for Surrey Heath (Michael Gove):

An error has been identified in my response to the hon. Member for Battersea (Marsha De Cordova).

The correct information should have been:

Michael Gove: The hon. Lady makes a very important point. In the legislation, there is a category of non-qualifying leaseholders: people who have more than **three properties**.

FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE

Israel and the Occupied Palestinian Territories

The following is an extract from the urgent question on Israel and the Occupied Palestinian Territories on 23 March 2023.

Anne-Marie Trevelyan: The hon. Lady mentioned the anniversary of the death of respected Palestinian journalist Shireen Abu Akleh. It seems extraordinary that we are already a year on. The UK is committed to working with both Israel and the Palestinian Authority to advance that peaceful two-state solution. We voted no on the resolution pertaining to referral to the ICC because we consider that is not helpful to bringing the parties back to dialogue. As I set out in my answer to the urgent question, we continue to work with all parties to help find a way forward. We hope that the continuing role of talks will help to move that forward.

[Official Report, 23 March 2023, Vol. 730, c. 439.]

Letter of correction from the Minister of State, Foreign, Commonwealth and Development Office, the right hon. Member for Berwick-upon-Tweed (Anne-Marie Trevelyan):

An error has been identified in my response to the hon. Member for Airdrie and Shotts (Ms Qaisar).

The correct information should have been:

Anne-Marie Trevelyan: We voted no on the resolution pertaining to referral to the **International Court of Justice** because we consider that is not helpful to bringing the parties back to dialogue.

WORK AND PENSIONS

Support for Women in Poverty

The following is an extract from the debate on Support for Women in Poverty in Westminster Hall on Thursday 23 March 2023.

Mims Davies: Members will be pleased to know that at the Budget, we announced an extension of the existing redundancy protection offered during maternity leave so that it will also apply to pregnant women and to new parents on their return from maternity or parental leave. It will provide security to an estimated half a million more people at any one time.

[Official Report, 23 March 2023, Vol. 730, c. 204WH.]

Letter of correction from the Under-Secretary of State for Work and Pensions, the hon. Member for Mid Sussex (Mims Davies):

An error has been identified in my response to the debate.

The correct response should have been:

Mims Davies: Members will be pleased to know that at the Budget, we announced an extension of the existing redundancy protection offered during maternity leave so that it will also apply to pregnant women and to new parents on their return from maternity or parental leave. It will provide security to an estimated **half a million people** at any one time.

ORAL ANSWERS

Monday 27 March 2023

WRITTEN STATEMENTS

Monday 27 March 2023

PETITION

Monday 27 March 2023

MINISTERIAL CORRECTIONS

Monday 27 March 2023

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