Tuesday
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# HOUSE OF COMMONS
## OFFICIAL REPORT

# PARLIAMENTARY DEBATES

## (HANSARD)

**Tuesday 28 March 2023**

# House of Commons

*Tuesday 28 March 2023*

*The House met at half-past Eleven o'clock*

**PRAYERS**

[Mr Speaker *in the Chair*]

**BUSINESS BEFORE QUESTIONS**

Spoliation Advisory Panel

*Resolved,*

That an Humble Address be presented to His Majesty, That he will be graciously pleased to give directions that there be laid before this House a Return of the Report from the Right Honourable Sir Donnell Deeny, Chairman of the Spoliation Advisory Panel, dated 28 March 2023, in respect of a painting, La Ronde Enfantine, now in the possession of the Fitzwilliam Museum, Cambridge.—*(Scott Mann.)*

# Oral Answers to Questions

**JUSTICE**

*The Secretary of State was asked—*

**Violence against Women and Girls**

1. **Andrew Western** (Stretford and Urmston) (Lab): What steps his Department is taking to reform the criminal justice system to help tackle violence against women and girls. [904342]

**The Lord Chancellor and Secretary of State for Justice (Dominic Raab):** The Government are taking a zero-tolerance approach to violence against women and girls. Just this month, in response to the Wade review, we announced tougher sentences for domestic abusers who kill their partners and ex-partners.

**Andrew Western:** It is now more than two months since His Majesty's inspectorate of probation published its independent "Serious Further Offences" report into Jordan McSweeney, following the murder of Zara Aleena. Have the Government yet implemented the urgent actions set out in that report?

**Dominic Raab:** I have met Zara Aleena's family and the chief inspector of probation to talk about those failings. We have accepted all of the recommendations. I can write to the hon. Gentleman in relation to those, because they were numerous, but we are in the process of implementing each and every one of them.

**Mr Speaker:** I call the shadow Minister.

**Ellie Reeves** (Lewisham West and Penge) (Lab): The Rape Crisis report, published yesterday, found that rape survivors are waiting 839 days for their cases to be heard in court—longer than for any other crime type. These delays are causing harm to some of the most traumatised victims. Many are dropping out of their cases altogether, while others have tried to take their own life. When will the Government fully commit to rolling out specialist rape courts in every Crown court in the country to fast-track cases, protect victims and punish rapists?

**Dominic Raab:** The hon. Lady raises a very important issue. As she knows, we have already rolled out specialist rape courts in Snaresbrook, London, Leeds and Newcastle. We have introduced the 24/7 rape and serious sexual violence support line, along with a range of other initiatives, including quadrupling the funding for victims since 2010. I can also tell her—because some of the data released in that report has been overtaken by more recent data—that the average number of days for adult rape from charge to case being completed has, in the past quarter, come down by 10 weeks, or 17%. There is more to do, but hopefully that will reassure her.

**Mr Speaker:** I call the Chair of the Justice Committee.

**Sir Robert Neill** (Bromley and Chislehurst) (Con): The initiatives that the Government have introduced are very welcome. One of those is the pre-recorded cross-examination under section 28, but, to make that work, there has to be a proper level of remuneration for advocates on both sides to ensure that we have skilled and experienced barristers prosecuting and defending those cases. What arrangements have now been made to finalise the conditions and terms of payment for section 28 proceedings with both defence and prosecution barristers? Until we get that right, we will not get the cases through at the speed we wish.

**Dominic Raab:** I thank the Chair of the Select Committee for his question. We have already introduced the statutory instrument to increase that uplift for those lawyers conducting the section 28 pre-recorded evidence. It has now been rolled out nationwide and it will start to make a difference.

**Prisoners: Skills Development**

2. **Bob Blackman** (Harrow East) (Con): What steps he is taking to help prisoners develop new skills. [904343]

17. **Stephen Metcalfe** (South Basildon and East Thurrock) (Con): What steps he is taking to help prisoners develop new skills. [904363]

**The Minister of State, Ministry of Justice (Damian Hinds):** Among other things, we are renewing the prisoner education service, establishing an employability innovation fund, and ensuring that skills acquired match business need through close work with employers.

**Bob Blackman:** I thank my right hon. Friend for his answer. Under my Homelessness Reduction Act 2017, prison governors have a duty to ensure that people leaving prison are housed properly after they have served their sentence. It is vital that, to prevent reoffending, we ensure that prisoners get the best possible education. What extra measures is he considering to ensure that prisoners are given the skills they need to rebuild their lives after they have served their sentence?

**Damian Hinds:** I pay tribute to my hon. Friend for the work he did, through the Homelessness Reduction Act, to support prisoners throughout our communities. He is right to identify not only the importance of skills and getting into work, but the need for direct support with accommodation. We are investing heavily in expanding

transitional accommodation at the different levels. Although there is still a way to go, it is very encouraging that the proportion of prisoners being left homeless after leaving prison has reduced by 5 percentage points over the past couple of years.

**Andrew Gwynne** (Denton and Reddish) (Lab): We all want to see more people rehabilitated from the Prison Service. The Minister will know, however, that His Majesty's chief inspector of probation has described that service as "in survival mode" due to staffing pressures and huge workloads. What does he expect his Department to do to put that right?

**Damian Hinds:** In relation to the probation service, which I think the hon. Gentleman is asking about, we are investing in increasing staff numbers and ensuring that those staff have the right support, and we have seen those staff numbers grow. It is also important, as my right hon. Friend the Secretary of State just said, that we learn from when things go wrong or have gone wrong in the past and ensure we respond appropriately.

**Stephen Metcalfe:** Getting prisoners with substance abuse issues into meaningful skills training first requires getting them off drugs. Can my right hon. Friend tell the House what he is doing to help prisoners and to tackle drugs in prisons?

**Damian Hinds:** My hon. Friend is quite right; that is a crucial part of the jigsaw, together with maintaining family ties. In a major new initiative, we are creating up to 18 new drug recovery wings so that prisoners can focus on achieving abstinence not only from illicit drugs, but from prescribed substitutes. We are also increasing the number of incentivised substance-free living units and have been investing strongly in prison security to stop drugs getting in in the first place.

**Jim Shannon** (Strangford) (DUP): The Shannon Trust—no connection to me, by the way—has concluded that 50% of people in prison cannot read or struggle to do so. What steps are being taken to ensure that basic literacy and reading skills are taught at all prisons for all ages across the United Kingdom?

**Damian Hinds:** We all trust Shannon; the hon. Gentleman is quite right to draw attention to the good work of his namesake trust, which for many years has operated a very good peer model in our prisons, where prisoners help other prisoners. We also work with the trust directly on other programmes, and just last week we announced a new funding award to the Shannon Trust and one other charity to help in that important basic literacy work that he mentions.

## Prison Education

3. **Mary Kelly Foy** (City of Durham) (Lab): What assessment he has made of the potential merits of bringing the delivery of all prison education into the public sector. [904344]

**The Minister of State, Ministry of Justice (Damian Hinds):** Improving education in prisons is a top priority. The public sector, the independent sector and the voluntary sector all have an important part to play in that. Indeed, three of the four contracted core education providers currently are classified as public sector bodies.

**Mary Kelly Foy:** We spend more than £150 million a year on a prison education system that is unfit for purpose, and much of that is extracted as profit for failing outsourced companies. Does the Minister think that is good value for money?

**Damian Hinds:** That is a mischaracterisation of how the education service runs in prison. There are an extraordinary number of very dedicated people working in that service, and three of the four providers, as I say, are essentially further education college providers. We can and must do better, because we know that education and the acquisition of skills help to keep people out of trouble and from returning to jail once they get out.

## Joint Enterprise: Under-18s

4. **Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): If he will make an estimate of the number of people under the age of 18 serving custodial sentences who were convicted under joint enterprise. [904345]

**The Parliamentary Under-Secretary of State for Justice (Mike Freer):** The number of young people in custody is at an historic low, with the number of under-18s in custody having fallen by 77% over the past decade. The Ministry of Justice does not, however, collate information on whether a prosecution or conviction for any crime was also one of joint enterprise. We are considering whether such data could be collected as part of the Common Platform programme.

**Mr Sheerman:** The campaign group JENGbA—Joint Enterprise Not Guilty by Association—estimates that there are hundreds, if not thousands, of young people under 18 in prison under parasitic accessorial liability, a novel form of joint enterprise that was supposedly overturned in 2016. People convicted under PAL have no true route to appeal because of the high bar used by the Court of Appeal. Will the Minister consider my Criminal Appeal (Amendment) Bill, which is going through the House of Commons at the moment? It is desperately needed for those young people, who should not be in prison.

**Mike Freer:** I am aware of the court case to which the hon. Gentleman refers, and I am always happy to engage with him on his private Member's Bill.

## Legal Aid

5. **Kate Osamor** (Edmonton) (Lab/Co-op): What steps he is taking to increase the availability of legal aid. [904347]

**The Parliamentary Under-Secretary of State for Justice (Mike Freer):** On 30 November 2022, we published our full response to the criminal legal aid independent review and a consultation on policy proposals. We are boosting the system with up-front investments to address the most urgent concerns, including uplifts of 15% for most legal aid fee schemes. We have also launched a review of civil legal aid to identify options that inform our long-term strategy of improving the sustainability of the civil legal aid system. In March 2022, we published a detailed consultation on legal aid means testing arrangements. The consultation proposes changes that

should mean that legal aid is available to 2 million more people in civil cases and 3.5 million more people in magistrates courts.

**Kate Osamor:** I thank the Minister for his response. My office regularly refers constituents to the local law centre for housing issues relating to disrepair. The law centre is concerned that it is largely not covered by legal aid on damages for clients. Law centres are also not recognised as exempt professional firms so they are unable to purchase after-the-event insurance, meaning that clients are exposed to costs if they lose their case. Will the Minister consider extending access to legal aid in housing cases and recognising law centres as exempt professional firms?

**Mike Freer:** On the exemption issue, if the hon. Lady would like to write to me, I will certainly investigate that. She will be pleased to know that in the last two months we have invested an additional £10 million to boost the amount of legal aid available on housing matters.

**Mr Speaker:** I call the shadow Minister.

**Afzal Khan** (Manchester, Gorton) (Lab): Legal aid is the backbone of our criminal justice system, and it is running on empty. In England and Wales, 54 constituencies have no legal aid providers at all, and 80% of the population do not have access to welfare legal aid providers in their local authority. The current legal aid system is not just a postcode lottery but a regional lottery. The Government have kicked the civil legal aid review into the long grass and are still not following Bellamy's recommendations. When will the Lord Chancellor meet Bellamy's recommendations in full?

**Mike Freer:** I do not recognise spending more than £2 billion a year as "running on empty". Spending an extra £4 million on section 28 fees, an extra £10 million on housing legal aid, an extra £5.6 million on special guardianship legal aid, and an extra £3.3 million on special and wasted preparation legal aid is not "running on empty". In terms of representation across the UK, the Legal Aid Agency regularly ensures that all areas of the UK are covered by duty solicitors and legal aid firms.

**Mr Speaker:** I call the SNP spokesperson.

**Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): During yesterday's debate on the Illegal Migration Bill, I sought clarity on how people impacted by the Bill will be able to secure access to legal advice and legal aid. Those people—be they an Afghan fighter pilot or an LGBT person who has fled Uganda—will have just eight days to make an application and seven days to appeal against removal on the grounds of serious and irreversible harm, and all that will happen while they are in immigration detention. So let me try again: how will access to legal advice be secured for such people, and will legal aid be available to them?

**Mike Freer:** If I may, as it is such a technical issue, I will happily meet the hon. Gentleman or write with a detailed answer.

**Family Courts**

6. **Daniel Kawczynski** (Shrewsbury and Atcham) (Con): What steps he is taking to increase support for families within the family court system. [904350]

8. **Caroline Ansell** (Eastbourne) (Con): What steps he is taking to increase support for families within the family court system. [904352]

**The Parliamentary Under-Secretary of State for Justice (Mike Freer):** Drawn-out court proceedings can have a damaging impact on parents and children. We have published a consultation on proposals for a funded mandatory mediation and co-parenting programme before court to enable more families to resolve disputes out of court. We have also invested a further £15 million in the family mediation voucher scheme, which will help about 28,000 more separating families over the next two years. By freeing up stretched court resources, those changes will help families whose cases need to be heard by a court, such as those involved in domestic abuse.

**Daniel Kawczynski:** Does my hon. Friend agree that this Government have taken the necessary steps to prevent perpetrators of domestic violence from being able to question their victims in family court proceedings, and that the family court should never again be a place where victims can be subjected to further abuse from their perpetrators?

**Mike Freer:** My hon. Friend raises a very important point. In July 2022, a landmark Domestic Abuse Act 2021 measure came into force, prohibiting domestic abuse perpetrators and victims from cross-examining each other in person during certain family and civil proceedings. Family and civil courts can now engage a court-funded qualified legal representative to conduct cross-examinations in these cases. That scheme is very popular, and hundreds of qualified legal representatives have registered for it. This will ensure that those people in court are protected from such cross-examination.

**Caroline Ansell:** In one of my last advice surgeries, a parent described to me their toxic experience of family court. The Children and Family Court Advisory and Support Service has highlighted the harm posed to children from drawn-out court proceedings. What further measures is the Minister taking to enhance and promote mediation where appropriate, so that the impact of separation is not exacerbated by legal proceedings?

**Mike Freer:** My hon. Friend raises a very important and sensitive issue. The Government are reviewing all aspects of family law, particularly in terms of how to ensure that families stay out of court. The extra £15 million for mediation vouchers will help to keep people out of that adversarial situation. It is also about the use of language, to ensure that children are not scarred by the adversarial process. A wraparound process that is family-friendly, with mediation, should address the concerns she has raised.

**Sarah Green** (Chesham and Amersham) (LD): Over three years, one of my constituents was dragged back to the family court by their ex-partner 25 times. Despite having the bravery to leave an abusive relationship, they faced further trauma as a result of an ex-partner who was able to use the family court system to further

control and manipulate them and their child. What steps is the Minister taking to ensure that the family courts cannot be abused in this way?

**Mike Freer:** The hon. Lady raises a point that has been raised before. The Department is reviewing how we can ensure that people caught up in the family court system are protected from such abuse.

**Andy Slaughter** (Hammersmith) (Lab): The best support that families could get is representation, but the Legal Aid, Sentencing and Punishment of Offenders Act 2012 virtually abolished private law family legal aid. Saturday will be the 10th anniversary of that Act coming into effect, and since then, legal aid expenditure has been cut by a third, advice is given in three quarters of a million fewer cases and applications for full legal aid have halved, as has the number of providers. In the light of that, does the Minister think that LASPO has been good or bad for access to justice?

**Mike Freer:** What I can tell the hon. Gentleman is that we have spent over £813 million on civil legal aid. In fact, the means-testing review is expected to widen civil legal aid availability to an extra 2 million people, so I do not accept the premise that we are failing families or the civil legal aid system, because of the investment we are making.

## HMCTS: Probate Service

7. **Priti Patel** (Witham) (Con): If he will make an assessment of the adequacy of the performance of HM Courts and Tribunals Service's probate service in the last 12 months. [904351]

**The Parliamentary Under-Secretary of State for Justice (Mike Freer):** Despite the increased volume of applications received during and after the covid-19 pandemic, the average length of time taken for a grant of probate once all required documents are received has been maintained at between four and seven weeks, with the average response being almost one week faster in the third quarter of 2022 than the yearly average for 2020 and 2021.

**Priti Patel:** A number of my constituents have been experiencing significant delays in their probate applications—some have been waiting for over 10 weeks—and have had difficulties in accessing staff through the contact centre and the hotline. What message does the Minister have for my constituents who are stuck waiting for answers, and what is he doing to improve the application process? At the end of the day, bereaved families are having to deal with the estates of deceased relatives, and this is a deeply painful time for so many constituents up and down the country.

**Mike Freer:** My right hon. Friend raises a case that I have taken some time to unpick. I can reassure her that wait times for calls to the helpline have dropped from an hour to between five and 10 minutes. In terms of the number of what are called stops, when we have to ask for additional information, we are looking at why the form causes that, to see whether it is user-friendly. We are also recruiting additional caseworkers to ensure that complex cases are speeded through the system.

**Valerie Vaz** (Walsall South) (Lab): The probate service was part of the reform programme, which has now been paused following a National Audit Office report, so could the Minister say who is responsible for this shambolic waste of public money, and what the next steps are?

**Mike Freer:** I have to say to the right hon. Lady that that is an interesting take on a pause. I do not think that taking extra time to ensure that a new system beds down correctly and listening to the concerns of the staff, which many Opposition Members have been asking for for many weeks, is shambolic. Many of the issues in the probate system are caused by the sheer volume of cases coming in with the increased death rate, but they are also about ensuring that we have enough staff on site with the right skills. That is why we are recruiting people to deal with the volume of cases.

## Legal Aid

9. **Mr Laurence Robertson** (Tewkesbury) (Con): If he will take steps to ensure that legal aid is used only for cases which relate to individual cases; and if he will make a statement. [904353]

**The Parliamentary Under-Secretary of State for Justice (Mike Freer):** Legal aid is granted only to individuals. There are specific regulations that set out the position relating to multi-party applications. Following changes made in 2012, legal aid may be granted to participants in MPAs only where each individual has a cause of action and will directly benefit from proceedings. This is a way of dealing with a collection of cases more efficiently by identifying a lead case. In addition, under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, any judicial review must have the potential to produce a benefit for the individual applicant, a member of their family, or the environment.

**Mr Robertson:** I thank the Minister for that response and I welcome the changes that have been made, but it still seems to be the case that sometimes, legal aid or connected taxpayers' money can be used to challenge decisions that have been democratically arrived at and would, in fact, benefit communities.

**Mike Freer:** I am aware of the concern that Members have about the use of legal aid in such cases, but I can reassure my hon. Friend that the Legal Aid Agency reviews all cases to ensure that the funding decisions are necessary before they are agreed.

**Mr Gregory Campbell** (East Londonderry) (DUP): Does the Minister agree that legal aid availability is a very important part of the justice system, but it is equally important that the wider community becomes aware of the cost of repeated cases of legal aid for the same application, so that there is full transparency among the wider public about what they are paying for?

**Mike Freer:** The hon. Gentleman makes a good point. The Legal Aid Agency will always monitor cases where we get repeat applications for funding to ensure that any application is warranted before being agreed.

**Probation Service: Caseloads**

10. **Kerry McCarthy** (Bristol East) (Lab): What steps he is taking to reduce probation officer case loads. [904354]

**The Minister of State, Ministry of Justice (Damian Hinds):** We have injected extra funding of more than £155 million a year to deliver more robust supervision, recruit thousands more staff, and reduce case loads to support the vital work of the probation service in keeping the public safe.

**Kerry McCarthy:** I thank the Minister for that response, but it does not really accord with what I have been told by probation officers, which is that they are overworked, underpaid and feel undervalued, and that the service is haemorrhaging staff. There are also an awful lot of people off sick. What impact does he think that will have on efforts to make sure that offenders do not go on to reoffend, and that we do not have a crime wave on our streets because we are simply not putting the resources into the probation service that could help prevent that?

**Damian Hinds:** I join the hon. Lady in paying tribute to the men and women who work in the probation service for the absolutely vital work that they do tirelessly. It is very important that we make sure we have the right levels of staffing; I can report to her that in calendar year 2022, the number of staff in post rose significantly, from 17,400 to 18,600. In her own area of the south-west, covering Bristol, we had 210 joiners for the year, but it is obviously very important that as those people come through, we carry on having the pipeline of talent coming in. It is also very important that we are investing suitably in senior probation officers for their oversight, which we are doing.

**Parole System: Review**

12. **Dr Luke Evans** (Bosworth) (Con): What recent progress his Department has made on taking forward the proposals for reform in its root-and-branch review of the parole system. [904356]

16. **Adam Afriyie** (Windsor) (Con): What recent progress he has made on introducing ministerial oversight of parole board decisions to release high-risk offenders back into the community before the end of their sentence. [904362]

**The Lord Chancellor and Secretary of State for Justice (Dominic Raab):** We will shortly be bringing forward legislation to implement key measures in the root-and-branch review to ensure that public protection is the sole criterion and focus for parole decision making.

**Dr Evans:** I thank the Secretary of State for his answer. My concerns on this point come alongside those of my neighbour and hon. Friend the Member for South Leicestershire (Alberto Costa), about Colin Pitchfork, the double child murderer and rapist who was released on parole, reoffended and rearrested. I do not expect the Secretary of State to comment on that specific case, but how does he balance the need to avoid political interference with raising public legitimate concern?

**Dominic Raab:** I thank my hon. Friend, and my hon. Friend the Member for South Leicestershire (Alberto Costa), who have campaigned tirelessly for parole reform. Our constituents and members of the public already think that we, as Ministers and as Members of this House, are responsible for the justice system. What most frustrates them is when we duck these issues, or if matters are delegated and we do not have any control. I can tell my hon. Friend that we will overhaul the criteria so that public protection is the exclusive focus of decision making. We are already, as I am keen to do, recruiting more parole board members with law enforcement experience, because they have a different, more risk-averse approach to public protection. We will be introducing a ministerial check over the most serious offenders, including murderers, rapists, terrorist offenders and child killers. I hope that will have the support of those on the Opposition Benches.

**Mr Speaker:** Adam Afriyie is not here.

**Court Proceedings: Social Media**

13. **Simon Fell** (Barrow and Furness) (Con): What assessment he has made of the impact of social media on live court cases. [904358]

**The Parliamentary Under-Secretary of State for Justice (Mike Freer):** We have taken steps to mitigate the risk that social media poses to court cases following a call for evidence in 2019. Arrangements are in place with social media companies to ensure that relevant material is flagged and removed, and we are working to improve the enforcement of anonymity laws. Courts will take appropriate action against those who misuse social media, and they may be found in contempt of court, resulting in a fine and up to two years in prison.

**Simon Fell:** In May 2020, just as we entered the first lockdown, a young woman from my constituency posted false allegations on Facebook claiming that she was the victim of an Asian grooming gang, and that she had been raped, trafficked and beaten. The images accompanying that post were absolutely horrific. As the House might imagine, the post went global and it went viral, and in the lockdown world, it was all people were talking about. Hundreds of thousands of messages were being shared on Facebook, Twitter, Snapchat and others. The environment made it increasingly difficult for the police to do their job gathering evidence, and it even risked the viability of a trial going ahead at all. Traditional media carry reporting restrictions for such cases. Will the Minister agree to meet me to discuss whether we can look at applying the same conditions to social media channels?

**Mike Freer:** I am more than happy to meet my hon. Friend. I can reassure him that contempt of court and reporting restrictions apply to social media as well as mainstream media. We continually look at what more we can do to strengthen the law in this area, and that is why we have asked the Law Commission to consider the issue as part of a wide-ranging review of the law on contempt of court. Two new offences in the Online Safety Bill will criminalise the type of behaviour we have seen in the Eleanor Williams case. The false communications offence will criminalise communications

where a person sends information that they know to be false with the intention of causing harm. As I say, I am more than happy to meet my hon. Friend.

**Court Cases Backlog**

14. **Andrew Bridgen** (North West Leicestershire) (Ind): What progress he has made on tackling the backlog of court cases. [904360]

**The Parliamentary Under-Secretary of State for Justice (Mike Freer):** The outstanding case load has reduced across the UK. I do not have specific numbers for my hon. Friend's constituency, as we do not calculate them by constituency. We are taking action across the criminal justice system to bring backlogs down and improve waiting times for those who use our courts.

**Andrew Bridgen:** My hon. Friend will be aware of the saying that justice delayed is justice denied. What steps is he taking to ensure that the courts sit for as long as possible to try to get the backlog down?

**Mike Freer:** I can reassure my hon. Friend that we have removed the limit on sitting days in the Crown court for the second financial year in a row, and that means that courts will continue to work at full capacity. We are also continuing with the use of 24 Nightingale courtrooms into the 2023-24 financial year, and are recruiting 1,000 new members of the judiciary to ensure that we get the backlog under control.

**Mr Speaker:** You could always reopen the court at Chorley to help.

**Mike Amesbury** (Weaver Vale) (Lab): Victims of crime are having to wait up to four and a half years for their day in court. Since 2010, 50% of magistrates courts have been closed. Do the Secretary of State and the Minister believe that is a coincidence?

**Mike Freer:** In terms of the efficiency of the courts estate, I can reassure the hon. Gentleman that I am less hung up about the availability of buildings in every town and city and more hung up about whether we have sitting days and judges to ensure that our criminal justice system is swift and fair.

**Mr Speaker:** I call the shadow Minister.

**Alex Cunningham** (Stockton North) (Lab): The Minister would have us believe that all was well and great progress was being made in tackling the courts backlog. Then we got the damning National Audit Office report into the reform programme. The catalogue of problems is too extensive to detail here, from the ailing common platform to the hundreds of failing processes within the 46 projects yet to operate in the way they were intended. I therefore pose the same questions as the NAO: when will Ministers be able to quantify the now decreasing benefits of the programme and demonstrate that it has improved access to justice?

**Mike Freer:** I appreciate that the shadow Minister has a somewhat luddite approach to implementing new systems. I also say to him that the Opposition have been calling for us to listen to the staff using the common platform, which is what we have done. In fact, when I go out and about and talk to courts staff, including listing clerks and clerks in magistrates courts, the benefits of the common platform are understood, but the implementation does need some work, which is why we are pausing it. However, the alternative is to return to legacy systems, which were on the verge of collapse and for which support will be withdrawn in the near future. If that is his future, he is welcome to it.

**Domestic Homicide: Sentencing**

15. **James Gray** (North Wiltshire) (Con): What plans his Department has to consult on the options for reform in its response to the domestic homicide sentencing review. [904361]

**The Minister of State, Ministry of Justice (Edward Argar):** I am very grateful to Clare Wade KC for her work on this review, and I would also like to pay tribute to Carole Gould and Julie Devey for their tireless campaigning following the tragic murders of their daughters Ellie Gould and Poppy Devey Waterhouse, in whose names they campaign.

As my hon. Friend will be aware, the Deputy Prime Minister published the domestic homicide sentencing review on 17 March. We will launch a public consultation on increasing the starting point to 25 years for murders preceded by controlling or coercive behaviour. We have also announced other key measures to help ensure that sentencing better reflects the seriousness of these horrific crimes, so that this important legislation can be introduced as swiftly as possible.

**James Gray:** My constituent Carole Gould broadly welcomes the 17 proposals in the Wade report. Indeed, she welcomes the fact that we have had the Wade report at all. However, we bitterly regret the fact that only two years have been added for overkill, coercive behaviour and strangulation. It should be much higher than that: it should be 25 years minimum. We are also very disappointed that, of the 17 proposals Ms Wade brought forward, only three have so far been taken up by the Government. When will the Minister bring forward a consultation on the remaining 14, and how many of the remaining 14, which Ms Wade believes should form one package, will be accepted by the Government?

**Edward Argar:** I am grateful to my hon. Friend. I am very much aware of the calls of Julie and Carole in this respect, and of their campaigns. I had the privilege of meeting them virtually recently, and I look forward to seeing them in person in due course. I am also aware of his dedicated campaigning on these issues in his role as a constituency MP.

Reflecting the complexity of the law in this area, our full response will be published this summer, providing an important opportunity to engage stakeholders and hon. Members as we continue to consider the remaining recommendations. We published the review because my right hon. Friend the Deputy Prime Minister felt it was very important that it was out there and people could contribute to that debate. As my hon. Friend highlights, we have accepted three recommendations and rejected one, and the other 13 will be considered very carefully in the light of representations made to us in the coming months.

**Small Boat Crossings**

18. **Alexander Stafford** (Rother Valley) (Con): What steps his Department is taking through the criminal justice system to deter small boat crossings of the English channel. [904364]

**The Lord Chancellor and Secretary of State for Justice (Dominic Raab):** Under the Nationalities and Borders Act 2022, 162 people, including 34 small boat pilots, have been convicted, resulting in sentences totalling 108 years—legislation, of course, opposed by the Labour party.

**Alexander Stafford:** I thank the Secretary of State for the answer, but is my right hon. Friend aware of the concerns of many of my constituents that illegal immigrants and their lefty London lawyers are seen to game the court system by relying on its sluggishness so that they can remain here indefinitely? *[Interruption.]* What steps is he taking to boost capacity in the upper and first tier-tribunals ahead of the Illegal Migration Bill coming into force?

**Dominic Raab:** I thank my hon. Friend, who has woken up the shadow Front Bench team from their slumbers with that one. He is absolutely right. As part of the work I am doing with the Home Secretary, we are increasing the number of judges we are recruiting for the immigration and asylum chamber. That means 72 more judges for the first-tier tribunal and 50 more for the upper tribunal. We want appeals decided swiftly and decisively, so that we can clear the court system and also make sure we remove those who are not entitled to come here.

**Domestic Abuse**

19. **Christine Jardine** (Edinburgh West) (LD): What recent discussions he has had with Cabinet colleagues on tackling domestic abuse. [904365]

**The Minister of State, Ministry of Justice (Edward Argar):** My right hon. Friend the Deputy Prime Minister and I have regular discussions with ministerial colleagues about tackling domestic abuse and how we can build on the progress already made. The Government have made good progress on our implementation of the Domestic Abuse Act 2021, and the majority of measures are now in force. In February of this year, we announced additional measures to further tackle domestic abuse, including recording the most harmful domestic abuse offenders on the sex offenders register and classifying violence against women and girls as a national threat for policing for the first time. Just this month, we have announced tougher sentences for domestic abusers who kill their partners or ex-partners.

**Christine Jardine:** I thank the Minister for his answer, but several areas were not addressed in the Domestic Abuse Act 2021, and many of us believe that they need to be covered in the forthcoming victims Bill. Specifically, they relate to improving the support that survivors receive. It is now a year since the publication of the draft Victims Bill, and we are still waiting for its First Reading. Will the Minister update the House on what the timetable is likely to be, and whether, once introduced, it will address areas such as the lack of specialist services for minority groups, the lack of mental health support, and the gaps in provision for children?

**Edward Argar:** As ever, I am grateful to the hon. Lady for her question and the tone in which she put it. She will have seen the draft Victims Bill, and our response to the prelegislative scrutiny report by the Justice Committee. On support, she will be aware that we have more than quadrupled the funding for victims of crime, up from £41 million in 2009-10. As the Minister who wrote the victims strategy when I was last in this post in 2018-19, like her I very much look forward to the victims Bill. I hope she will not have long to wait, and I look forward to it being brought forward in due course. When it is, I look forward to working constructively with her as it passes through this House and the other place.

**Mr Speaker:** I call the shadow Minister.

**Anna McMorrin** (Cardiff North) (Lab): Since questions began at 11.30 am today, 12 women across the country will have been raped. It is likely that not a single one of them will see their rapist charged. Those women have no Victims' Commissioner and no victims Bill to protect them. Have not women suffered enough? How long will victims have to wait until they are put first in this broken justice system?

**Edward Argar:** Under this Government victims are always put first. The hon. Lady raised two or three points, and she will be aware that reports and charges of rape, and receipts in the Crown court, have been going up. There is more to do in that space—we have been clear about that—but we have continued to drive progress, not least through the Operation Soteria approach that we have piloted in a number of areas. She mentioned the appointment of a Victims' Commissioner, and my right hon. Friend the Deputy Prime Minister has been clear that we are in the process of recruiting for that role. I am sure she would wish us to follow due process—those on the Labour Front Bench have called for that on a number of topics—and that is exactly what we are doing. I urge her to be patient with respect to the victims Bill, and I hope she will shortly be satisfied on that score.

**Topical Questions**

T1. [904367] **Dr Neil Hudson** (Penrith and The Border) (Con): If he will make a statement on his departmental responsibilities.

**The Lord Chancellor and Secretary of State for Justice (Dominic Raab):** Since the last Justice questions I hosted a conference of Justice Ministers and representatives from around the world—more than 40 countries—and we agreed a package of financial support and technical assistance to help the International Criminal Court, in particular with the indictment in relation to alleged war crimes in Ukraine. We have also published the independent domestic homicide sentencing review, announcing new statutory aggravating factors, to increase sentences for those horrific crimes.

**Dr Hudson:** Although we know that vaping and e-cigarette products can reduce the harms of tobacco smoking in adults, those products are not risk free and there is an alarming popularity of vaping among under-18s,

and even among primary-age children. There are concerning reports of schoolchildren becoming addicted to those products, disrupting their sleep patterns, and leaving lessons and even exams to vape. Will my right hon. Friend assure me that the Government are taking action to prevent the promotion and illegal sale of vapes to under-18s, and prosecute those who break the law in that regard?

**Dominic Raab:** As my hon. Friend will know, vapes can only legally be sold to those over 18 in this country. We limit nicotine content and refill bottle and tank sizes, and there are also restrictions on labelling and advertising. When there is evidence of any breaches, we expect and I know that law enforcement authorities take that seriously. More generally, given the age group we are talking about, the Department of Health and Social Care is exploring a range of new measures, particularly about addressing youth vaping, and preventing and spreading awareness of the harms.

**Mr Speaker:** I call the shadow Secretary of State.

**Steve Reed** (Croydon North) (Lab/Co-op): Last December, I announced Labour's plan to crack down on antisocial behaviour by forcing fly-tippers to join clean-up squads, and giving victims a voice in choosing the punishments of offenders right across the country. When the Prime Minister copied our policies, why did he shrink them down to just a handful of pilots, leaving most of the country with nothing?

**Dominic Raab:** Labour does not have a plan. We are the ones delivering. *[Interruption.]* I say to the shadow Justice Secretary that actions speak louder than words. Labour Members voted against extra money for police recruitment and they voted against tougher sentences. The Mayor of London wants to decriminalise cannabis. The hon. Gentleman says he agrees with that. The British people would have to be smoking it themselves to vote for them on law enforcement.

**Steve Reed:** If the right hon. Gentleman thinks the Government are doing such a fantastic job on antisocial behaviour, perhaps he could explain this. Since 2014, according to his own Department, offenders who were given community sentences have dodged over 16 million hours of unpaid work that they were sentenced to carry out but never made to do—16 million hours. Why?

**Dominic Raab:** Actually, we toughened up community sentences, with community payback and a massive expansion in the number of hours. The use of electronic monitoring has meant that we can be far more secure and crack down harder when conditions are not met. If the hon. Gentleman wants to talk about crime, he can explain this: since 2010, crime has come down. It has more than halved, excluding fraud and computer misuse. Reoffending is lower than under Labour by 7%. We have also seen a massive reduction in the number of prison absconds. He talks a good game; we deliver.

T2. [904368] **Kelly Tolhurst** (Rochester and Strood) (Con): In 2015, my constituent's brother was brutally and senselessly murdered. The perpetrators were convicted and sent to prison. One remains in prison serving a life sentence. The family were devastated to find out that he had been moved to Rochester prison, less than three miles from where the family and extended family live and work, and close to the brother's grave. This is causing the family great distress, as an exclusion order was placed on the other perpetrator who is now on parole. Will my right hon. Friend meet me and the family to discuss the impact it is having and the distress it is causing to a local grieving family?

**The Minister of State, Ministry of Justice (Damian Hinds):** I thank my right hon. Friend. All our sympathies are with her constituents and the family. I will, of course, be very happy to meet her.

**Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): The Casey report reminds us that we must be alive to racism not only in the police, but in the whole justice system. Will Ministers engage with and act on a significant report by Manchester University and a Crown court judge, which found that racial bias plays a significant role in the justice system, including discrimination by judges? The report made a series of constructive suggestions to address this issue.

**Dominic Raab:** I will certainly take a look at the Manchester academic report the hon. Gentleman refers to. I know, through my work with His Majesty's Courts and Tribunals Service and the senior judiciary, that they are very mindful of the issue he raises. It is important. Equally, we need to ensure that we are rigorous and colourblind to all crimes, and ensure that the rule of law applies across all communities. That is the best way to make sure we strengthen and reinforce public confidence in the justice system.

T8. [904376] **Theresa Villiers** (Chipping Barnet) (Con): Antisocial behaviour is a source of huge frustration, irritation and inconvenience for many of our constituents so I welcome Government action, but I have to say that we have heard announcements like this before. Will the Secretary of State ensure that the justice system's response on antisocial behaviour becomes more effective, so that this week's announcement can make a real difference to people's lives?

**Dominic Raab:** My right hon. Friend is absolutely right and that is the focus of what the Home Secretary and the Prime Minister announced. For example, in the initial 10 police and crime commissioner areas, the ambition is for offenders to be doing reparatory work—for example, litter picking or cleaning up graffiti—in their communities within 48 hours of an offence. The powers to allow the police to drug test for a wider range of drugs, including methamphetamine, will give communities a sense of reassurance that action is being taken.

T3. [904369] **Andy Slaughter** (Hammersmith) (Lab): Last week, a supervising officer at HMP Wormwood Scrubs was brutally attacked a matter of yards from the prison entrance. The Prison Officers Association tells me—the right hon. Member for Rochester and Strood (Kelly Tolhurst) will be concerned about this—that last week an officer leaving Rochester Prison was threatened by an ex-prisoner. He was told he would be shot and his house burnt down. I am sure the Minister will join me in wishing a speedy recovery to the officer who was hurt,

but we need more than that. What is the Ministry of Justice doing to ensure that prison officers, who have a difficult job, are safe coming and going from work?

**Damian Hinds:** I echo the hon. Gentleman's good wishes for the victim. He is absolutely right about the importance of the safety and security for our prison officers. Things such as the rolling out of body-worn video cameras are an important part of that, along with the sensible use of PAVA spray, which I know the POA wants.

**Sir Desmond Swayne** (New Forest West) (Con): Will the Minister end the nonsense of community punishments discharged by working from home?

**Damian Hinds:** I am not sure that I can respond in quite the same style as my right hon. Friend. During the pandemic, being able to do certain tasks remotely or from home was a way of carrying on with unpaid work. But in general, we expect people to turn up and do that work, usually, in a group setting.

T4. [904370] **Debbie Abrahams** (Oldham East and Saddleworth) (Lab): In January I told the Justice Secretary about my constituent, who was a victim of historical child sexual exploitation, having her trial postponed three times since 2019. She is still waiting. I also asked him if he would tell me what proportion of historical CSE cases were delayed by up to four years, and I am still waiting for an answer. Will he please answer me now?

**Dominic Raab:** The hon. Lady raises a very serious issue. Particularly complex cases have been delayed because of the pandemic, the backlogs and the Criminal Bar Association strike. I am happy to write to her about that, and I apologise for not having done so already. In addition, if she would like to meet the victims Minister, he will be happy to talk her through the issues.

**Mr Speaker:** I call Adam Afriyie.

**Adam Afriyie** (Windsor) (Con): Thank you for your generosity in allowing me to ask this question, Mr Speaker. My constituent Joanna Brown, a wife, mother of two children and daughter of loving parents, was brutally murdered in my constituency back in 2010. Her husband was convicted of the murder and was sentenced to 24 years. Sadly, it seems that he will be let out on licence in November. May I urge the Justice Secretary to ask the parole board to question whether such offenders should come out of prison?

**Dominic Raab:** My hon. Friend raises a terrible and tragic case. He knows that I recently met Joanna's mother, Diana Parkes, and Joanna's closest friend Hetti Barkworth-Nanton, who are co-founders of the Joanna Simpson Foundation. They have shown inspirational courage through their grief. I assured them, and I am happy to assure the House, that I will give Mr Brown's case my closest personal attention. There will be maximum rigour in assessing risk to determine whether to use the new power given to me by the Police, Crime, Sentencing and Courts Act 2022. I am happy to arrange for my hon. Friend to meet the relevant Minister if that is useful.

T5. [904371] **Alan Brown** (Kilmarnock and Loudoun) (SNP): Rather than the Tory bluster on article 8 of the European convention on human rights, does the Secretary of State acknowledge the findings of the Joint Committee on Human Rights that the UK actually has tight restrictions on article 8 rights in deportation cases, often requiring the need to prove very compelling circumstances?

**Dominic Raab:** I am afraid that I do not, but I respect the Committee. There has been pretty rampant abuse of the Human Rights Act 1998 when it comes to deporting foreign national offenders. That is what our Bill of Rights will cure.

**Mr David Davis** (Haltemprice and Howden) (Con): The recent investigation into lawfare by the Bureau of Investigative Journalism and *The Sunday Times* revealed how witnesses can be paid vast sums of money—up to £1 million—to appear in British courts. That is illegal in America. Does the Government agree that the payment of such a huge amount of money has the potential to sway witnesses and should be outlawed?

**Dominic Raab:** I thank my right hon. Friend for bring that to my attention. It sounds very serious and capable of having a negative and pejorative influence on proceedings. If he writes to me or—even better—comes to see me, I will be happy to look into it further.

T6. [904373] **Deidre Brock** (Edinburgh North and Leith) (SNP): The Joint Committee on Human Rights concluded that the UK Government should not proceed with the Secretary of State's proposed British Bill of Rights, saying:

"it weakens rights protections, it undermines the universality of rights, it shows disregard for our international legal obligations".

I realise that his Government show little regard for international legal obligations generally, but what is his response to the JCHR's recommendations?

**Dominic Raab:** We showed only last week, when we brought together more than 40 countries to give effect to the International Criminal Court mandate to investigate and prosecute war crimes in Ukraine, how we are leading the charge and upholding the international rule of law. That is not helped, however, by abuses of the system, particularly, as suggested by her colleague the hon. Member for Kilmarnock and Loudoun (Alan Brown), foreign national offenders using elastic interpretations of human rights to frustrate a deportation order. That is the ill that we will cure in addition to strengthening quintessential UK rights, such as freedom of speech.

**Sir Robert Neill** (Bromley and Chislehurst) (Con): Last year, the Government rightly accepted the Bellamy review's recommendations on criminal legal aid, one of which was the establishment of an independent advisory board. When will the Government publish the board's membership and detailed terms of reference?

**Dominic Raab:** I thank the Chair of the Justice Committee. They will be published very shortly.

T7. [904375] **Geraint Davies** (Swansea West) (Lab/Co-op): Only one in 50 rape cases gets to court, and the Secretary of State has already confirmed that it can take over two

years to get a prosecution, but what is he doing about rapes following needle or drink spiking? Is he working with clubs on surveillance, scanning and testing? Has he written to the police so that people do not say, "You're drunk, love"? Has he any idea how many convictions have followed cases of women being raped after being spiked, including by needles?

**Dominic Raab:** I wholeheartedly agree with the hon. Gentleman that this is a serious new category of threat to women. The forensic capabilities are there, and the practice is clearly already illegal, so it is just a question of gathering the evidence to bring cases to court. Police referrals, CPS charges and Crown court receipts in adult rape cases are all up by around 100%.

**Stephen Metcalfe** (South Basildon and East Thurrock) (Con): As my right hon. Friend will know, my private Member's Bill reforming the process of creating lasting power of attorney passed through this place two weeks ago and is now in the other place. Assuming all goes well, when does he expect it to receive Royal Assent?

**The Parliamentary Under-Secretary of State for Justice (Mike Freer):** While I cannot determine the date of Royal Assent, I reassure my hon. Friend that once the Bill passes through the other House, we would expect it to complete its passage here before the end of the Session.

**Taiwo Owatemi** (Coventry North West) (Lab): Too many families are being failed by our broken courts system, including my constituents. With poor handling of domestic abuse allegations, the disregarding of children's voices, and an obsessive pro-contact culture that puts unfit parents' demands ahead of the children's best interests, we need urgent reform. What steps is the Justice Secretary taking to protect vulnerable children and ensure justice for victims?

**Dominic Raab:** I take this matter very seriously. Broadly speaking on the family courts, which I think is the crux of the hon. Lady's question, of course there is a need for safeguarding in getting domestic abuse cases to court—around 55% of cases—but the best way to ensure that they are dealt with effectively is to ensure that the other 45% of cases go through mediation and do not double-dip their way into the courts system.

**Janet Daby** (Lewisham East) (Lab): The concordat on children in custody provides a protocol for the transfer of children out of custody and into local authority accommodation, yet many police forces and local authorities have not signed up to it and too many children are being detained in custody, even after being charged. Why is that the case, and what is the Minister going to do to address it?

**Dominic Raab:** Huge efforts have been made to try to ensure, where possible, that we divert young people from the criminal justice system. The hon. Lady should know that the number of children in custody has fallen by 68% in the past decade. At the end of January this year, 438 children were in custody—down from 1,349 in January 2013—but we are also considering other measures, such as secure schools, to ensure that we can deal with all such cases appropriately.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): Has the Secretary of State seen "The Gold", the gripping but disturbing BBC series about the Brink's-Mat robbery? If he has, does he feel that justice has been served? Is there any more justice to come?

**Dominic Raab:** I have to say that I have not seen it, but now that "Love Island" is over I shall transition seamlessly to the hon. Gentleman's suggestion.

**Jim Shannon** (Strangford) (DUP): Has the Minister made an assessment of the number of wills and estates that are disputed over assets each year in the United Kingdom? What discussions has he had with the devolved Assemblies about the timescales for solving such issues?

**Mike Freer:** I am not aware of any particular statistics on the number of wills that are contested, but I will write to the hon. Gentleman and ensure that we liaise with the devolved Assemblies.

## Strip Searching of Children

12.30 pm

**Munira Wilson** (Twickenham) (LD) *( Urgent Question ):* To ask the Secretary of State for the Home Department if she will make a statement on the strip searching of children.

**The Parliamentary Under-Secretary of State for the Home Department (Miss Sarah Dines):** I am grateful to the hon. Lady for this important question. I also offer my thanks to the Children's Commissioner for her report: it raises a number of concerns, which we take extremely seriously. The Government are, of course, considering the findings fully, and we expect the police to do so too. This is an important and emotive topic and, as with all areas of policing, it is right that we shine a light on practices and policies to understand where improvements can be made—and they invariably can.

Strip search is one of the most intrusive powers available to the police. No one should be strip searched on the basis of their race or ethnicity. Any use of strip search should be carried out in accordance with the law and with full regard for the welfare and dignity of the individual who is being searched, particularly if that individual is a child. If police judge it operationally necessary to strip search a child, they must do so in the presence of the child's appropriate adult unless there is an urgent risk of serious harm or the child specifically requests otherwise and the appropriate adult agrees.

As the House is aware, it is the role of the Independent Office for Police Conduct to investigate serious matters involving the police. As one would expect, the IOPC is currently investigating cases of children being strip searched, including the case of Child Q. As part of those investigations, it will review existing legislation, guidance and policies. It is therefore only right that we await the IOPC's findings in relation to Child Q so that any resulting actions and lessons can be applied with joined-up thinking across the law enforcement system.

It is for the police to perform their critical functions effectively. However, for them to do so, public confidence is vital. Our model of policing, as we all agree, depends on that consent. That is why we have made it a priority to ensure that forces meet the highest possible standards. Where improvements are needed, I will be unapologetic, as will the Prime Minister and the Home Secretary, in demanding that changes are made.

**Munira Wilson:** Thank you for granting this urgent question, Mr Speaker. I am disappointed not to see either the Home Secretary or the Minister for Crime, Policing and Fire responding to it.

The report published by the Children's Commissioner yesterday is truly shocking. Children as young as eight have been strip searched, more than half of searches took place without an appropriate adult present, and 1% of strip searches were conducted within public view. Last year, I questioned Ministers about the Child Q scandal, in which a 15-year-old girl was strip searched at school, while on her period, without an appropriate adult present. The then Minister for Crime and Policing, the right hon. Member for North West Hampshire (Kit Malthouse), said that if there was "a systemic problem", the Government would

"act on it accordingly."—[*Official Report*, 21 March 2022; Vol. 711, c. 29.]

This report makes it crystal clear that we do have a systemic problem. It is clear that nothing has changed since Child Q. One teenager told the commissioner that

"every time I've been strip searched, it very much feels like a tactic used on purpose to humiliate me."

No child should be profiled for a strip search because of their ethnicity. No child should be strip searched in view of the public. No child should be strip searched without an appropriate adult present.

The Government say that the IOPC is investigating and that we must await its findings. I say to the Minister that we have enough evidence already, so I ask her the following questions. Will she write to all chief constables to make clear the importance of adhering to the Police and Criminal Evidence Act 1984 codes of practice? Will she implement the commissioner's recommendations to amend codes A and C so that an appropriate adult is always present, save in the most exceptional circumstances? Will the Government explicitly rule out performing strip searches in schools?

The guidance is not being followed routinely around the country. We need immediate action before another child is strip searched in such humiliating, traumatising circumstances again. No child can afford to wait.

**Miss Dines:** I thank the hon. Lady for her submissions. It is important to note that while very occasionally a child as young as eight has been strip searched—*[Interruption.]* May I just clarify this? It is important to note that 95% of searches carried out are of males and 75% are of 16 to 17-year-olds, and that something illegal is found in about half the cases.

On the request for the Home Secretary to write to all chief constables about the possible upgrading or reconsideration of Police and Criminal Evidence Act codes A and C, that is being considered very seriously. Strip searches in schools will also be considered seriously. The report was received only very recently, but it is being looked at very earnestly and quickly. Three of its recommendations appertain directly to the Home Office, and they too are being looked at very seriously.

**Kit Malthouse** (North West Hampshire) (Con): I am pleased to hear that the Minister is taking the report as seriously as she obviously is. It is clear that police forces need to do significant work in respect of the alarming levels of non-compliance with existing guidelines on strip searches. However, the Minister will be aware that there is no boundary to the evil that these gangs will perpetrate, and that if we create no-go areas or particular demographics where the police are restricted in some way in their searches, we immediately expose those demographics to exploitation by gangs. She will know that, for example, one of the reasons why county line gangs use teenagers so much is that the police cannot recruit them as informants. As a result, they are seen as easily exploitable by those gangs. While the Minister does her work to ensure that when strip searches are performed on minors that is done within the guidelines, will she ensure that she does not unwittingly expose very young children, in particular, to even more exploitation than they are currently exposed to?

**Miss Dines:** My right hon. Friend is entirely right. There are serious and important safeguarding reasons behind this, which is why it is important that the PACE codes are adhered to. Young people are often exploited

*[Miss Dines]*

by criminal gangs who recruit them to transport drugs in intimate body cavities, and we need to identify and stop that. It is shocking that about half the children who are searched have such illegal substances on them, often because of those criminal gangs. Stopping that will require a mixture of policing and safeguarding, and we need to get the balance right. Like my right hon. Friend, I am very keen to ensure that the police are doing what they should be doing, because no one wants them to go beyond what is unlawful.

**Mr Speaker:** I call the shadow Minister.

**Sarah Jones** (Croydon Central) (Lab): We all accept that in certain extreme circumstances it will be necessary to search children, and this discussion does not question that. The findings of the Children's Commissioner, Dame Rachel de Souza, on the strip search of children are shocking, and I pay tribute to her. One child who was strip searched aged 13 is quoted as saying:

"They told me to get naked. They told me to bend over… I think there were about three officers present. So, I've got three fully grown blokes staring at my bollocks".

I repeat that that child was 13.

Let us be clear about what the law allows a strip search to entail. The report states that

"searching officers may make physical contact with…orifices. Searching officers can physically manipulate intimate body parts, including the penis or buttocks".

That is very intrusive. However, Dame Rachel found that 53% of searches of children did not include an appropriate adult, in 45% of cases the venue was not even recorded, 2% of searches took place in a public or commercial setting, and 1% took place in public view. The report also identified very high levels of disproportionality, with black children up to six times more likely to be strip searched. This is not just a problem with the Met; other forces conducted proportionally more strip searches of children.

Child Q was strip searched in December 2020, and a report on the search was published in March 2022. That was a year ago. I stood in the House and told the then Minister that the guidance in the authorised professional practice of the College of Policing on strip searching children and Police and Criminal Evidence Act codes A and C were not clear enough, but nothing has been done. Dame Rachel has said exactly the same in her report one year on. Why did the Government not act a year ago? Why have we allowed hundreds more children to be strip searched without proper protection? Yet again, the Conservatives' hands-off approach is undermining confidence in policing and the safeguarding of our young people.

I appreciate that this report is new and that the Minister is new and she will take some time to consider the recommendations, but the fundamental review of PACE called for by the Children's Commissioner is in the Minister's gift and we have been calling for it for a year. Will the Minister commit to it today? If not, will she at least give us a timescale on when she will come back with how she plans to act?

I hope the Minister will condemn the response of the Government Minister in the other place yesterday in a debate on the same subject, who simply said:

"I assume that they have very good reasons to do this; otherwise, they would not conduct these searches."—[*Official Report, House of Lords,* 27 March 2023; Vol. 829, c. 17.]

That complacency and that optimism bias fly in the face of Dame Rachel's findings. Does the Minister accept that there is any problem at all? We need to see change, and the Minister can make it now.

**Miss Dines:** The Government and I very much welcome this report. There is, of course, opportunity for change and improvement, and we must do better for our children, but I do not accept the general proposition that the Government are doing nothing, as the hon. Lady suggests. That is simply not the case.

There has been ground-leading engagement recently. Since the case of Child Q came to light, the Home Office has engaged widely with stakeholders including the National Police Chiefs' Council, custody leads and stop and search leads. The College of Policing is making improvements. His Majesty's inspectorate of constabulary and fire and rescue services, the Police Federation, the Association of Police and Crime Commissioners and wider civil society organisations have been engaged by the police. There is movement in this space. Members on this side of the House take it very seriously. We want to safeguard our children from the criminal gangs.

The hon. Lady mentioned PACE. We are committed to looking at that. One of the core recommendations that bites against the Home Office is for the proper reconsideration of PACE to see if it is appropriate, and that will be done. I give a commitment to consider that recommendation carefully.

In relation to data, we have moved significantly in the last three years in that regard. We have increased our custody data collection to allow people who are looking at this to have more cognisance of the research that can be done to improve things, for example by knowing more information about the age, ethnicity or gender of somebody who is to be searched. This information is crucial. We cannot just jump to conclusions; this needs to be evidence-based. I am pleased that the Government are working on data.

This Government believe in scrutiny. As we set out in the "Inclusive Britain" report, the Government and policing partners will create a new national framework for how our police powers, such as stop and search, are scrutinised at local level. There are also protective measures to protect children and sometimes, it has to be said, to protect police officers. There is an increase in the use of body-worn videos to explore the sharing of body-worn video footage with local scrutiny panels—*[Interruption.]* Opposition Members seem to find this hilarious, but I think it is really important that local scrutiny bodies are able to see what is happening on the ground. The Home Office is supporting the Ministry of Justice, which is working really hard with the National Police Chiefs' Council to develop these scrutiny panels so that the use of stop and search can be examined more, with the aim of addressing the difference in the experience of ethnic minority children and adults in police custody. This is really important work.

**Kelly Tolhurst** (Rochester and Strood) (Con): I, too, was worried and concerned about some of the things in the report, but I am pleased that the Home Office is taking steps and taking it incredibly seriously. In my constituency over recent weeks, I have seen an absolute

increase in gangs operating, with children being exploited, and it is causing trouble on our high streets. It is essential that Kent police continue to have these powers to stop and search. My constituency and the people in it mean a lot to me, and therefore, despite the moans and groans from the other side of the House, stop and search is an essential tool, as is the ability of police officers to search for weapons and illegal substances. Will the Minister confirm that that will continue, and that we will take the findings of the report seriously?

**Miss Dines:** My right hon. Friend is absolutely right. I know she works incredibly hard on this issue in her constituency. There are important reasons why strip search has to be used on some occasions. It is a tool that must be used proportionately, and it has to be in the police's armoury when dealing with criminal gangs. This is a safeguarding issue, too, and not only a pure policing issue. We need to protect our young people from these criminal gangs, and it is only right that we remember that the police find something in about half of the cases. The police must act lawfully, but we should not stop them using these powers.

**Mr Speaker:** I call the Chair of the Home Affairs Committee.

**Dame Diana Johnson** (Kingston upon Hull North) (Lab): The Children's Commissioner has uncovered the shocking absence of a working system of safeguards across multiple police forces. There is no scrutiny by senior police officers to ensure that basic protections for children are being met, and a complete disregard for the potential trauma of strip searching vulnerable children.

Again, just one week after the Casey review, we see that police forces have systemic problems with transparency, scrutiny and non-compliance with the rules. Given that even experienced officers are not following basic safeguards, what will the Minister do to ensure that the huge influx of new, inexperienced officers brought in under the uplift programme—often supervised by sergeants with very limited experience—are properly trained and understand their basic duty to protect and safeguard children?

**Miss Dines:** The right hon. Lady raises an important issue. As I have previously said at the Dispatch Box, the education and training of police officers is vital and more needs to be done. That is why the Government are engaging with the College of Policing to improve education in this regard.

Obviously, there is also local mentoring, but the right hon. Lady is right that better scrutiny is needed, which is why the Government are leading the push for better scrutiny of police forces by local groups. The Government are working hard in this area, and it is about time Opposition Members accepted the force of the Government's work, some of it groundbreaking, to protect our children and the public from the criminal gangs who exploit children.

**Holly Mumby-Croft** (Scunthorpe) (Con): We have an outstanding police force in north Lincolnshire, and Humberside Police is widely recognised as the best force in the country. I recognise there is a small, limited set of circumstances in which these searches may be necessary, but we have to find a balance between allowing the police to do their job and protecting children. What can we do to ensure that, from today, any child who finds themselves in a situation in which they are to be strip searched by the police is able, if they wish, to have an appropriate adult present?

**Miss Dines:** My hon. Friend raises an important point. Of course, PACE code C says there must be an appropriate adult present unless the specific exceptions I set out earlier are met. The PACE powers are quite onerous, and it is right that, when the state does something so intrusive to a child, or indeed an adult, the PACE code must be adhered to. Where the Children's Commissioner has found the police wanting, there needs to be improvement, and the Government do not shy away from that. There needs to be proper protection for our children. PACE must be adhered to, and it will be reviewed.

**Marsha De Cordova** (Battersea) (Lab): I congratulate the hon. Member for Twickenham (Munira Wilson) on securing this urgent question. The findings of this report are damning and deeply concerning. The case of Child Q shone a light on this abhorrent practice of the widespread use of strip searches on children as young as eight, with issues around safeguarding, child protection, racial disproportionality and, more importantly, the adultification of young children and the poor quality of data. We know the trauma of this practice will have a long-term effect on children's mental health, so what are this Government doing to protect and safeguard the mental health of children? Why on earth is the Minister not accepting these recommendations now?

**Miss Dines:** It would be alarming if a Government accepted recommendations within hours of a report; we need there to be proper understanding and consideration. After looking at the three basic recommendations, I am concerned that Opposition Members seek to inflame local policing by emphasising, for example, the strip and search of an eight-year-old, when there have been in excess of 2,500 such strip searches—most of which were of people over the age of 16. It is not right for the Labour party to inflame local policing by misquoting or misrepresenting what is going on. I reiterate that 75% of those searched are 16 or 17, and about half are found with illegal substances or weapons on them.

**Helen Hayes** (Dulwich and West Norwood) (Lab): The shocking strip search of Child Q happened in 2020 and came to public attention a year ago. It is not acceptable for the Government to hide behind the Independent Office for Police Conduct investigation in order to justify a lack of action on the routine breaching of existing guidance, and it is not acceptable for the Minister to downplay or excuse the routine breaching of existing guidance as she has done today. Sixteen and 17-year-olds are still children. Why has there been such a disgraceful lack of urgency and action on this issue, and when will the Minister be able to guarantee that children will always be treated as children by the police, with the full application of statutory safeguarding duties?

**Miss Dines:** With the greatest of respect, I do not accept that I have downplayed the seriousness of this issue; it is very serious. The Government received the report on Monday. Today is Tuesday. Proper consideration

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is the basis of good government; there is no need for knee-jerk reactions. The Government are working very hard and will continue to do so. It would be damaging to jump in on the Child Q situation before the IOPC report, as due processes need to be adhered to, but there are concerning warning signs and the Government take the matter very seriously.

**Chi Onwurah** (Newcastle upon Tyne Central) (Lab): What is the Minister doing to address adultification bias in our police and justice system, by which black children are systematically treated as adults and thus denied the basic protections to which they have a right, as we see in the report? Or will she dismiss it as more woke nonsense in order to hide her Government's fundamental failure of leadership on this question?

**Miss Dines:** With respect, I have not used the word "wokeification"—*[Interruption.]* I will be corrected if I have. The adultification of any child, regardless of colour or sex, is not acceptable. That is why we have code C of PACE to protect and safeguard children. It is not right or acceptable that any person—child or adult—is strip searched because of their ethnicity, and adultification is not appropriate. The police should not be making children feel like they are adults. There are rules: there should be an appropriate adult present, and the process should be done in an appropriate way. The police must be called out when they are not doing this properly, but they also need to be able to get on with their job when they are acting lawfully.

**Kate Osamor** (Edmonton) (Lab/Co-op): It is no wonder that a report by Crest Advisory found that just 36% of black children trust the police, compared to 75% of white children. Black children know full well that they are not receiving fair treatment, and we must be able to hold the police to account for that. When will the Government commit to compelling police forces to report annually on the strip searching of children, including information on ethnicity?

**Miss Dines:** As I mentioned, collecting data is fundamental. Initially, that will be on a voluntary basis, but the Government are working with forces and the National Police Chiefs' Council to improve data collection in future years. Such information will be part of our annual statistical bulletin. It is important that we have proper evidence and data, so the hon. Lady is right to want that. The Government are committed to improving this provision in discussion with the NPCC.

**Ian Paisley** (North Antrim) (DUP): The Minister has made it clear that, if the police are to have these powers, they must be used proportionately and within the guidelines, but it is as obvious as a galloping horse that they are not being used proportionately and they are not being used within the guidelines. The statistics that have been produced with regard to Northern Ireland show that in 2021—whenever we had a period of devolution—there were 27 searches of children, and in only one case was there an appropriate adult accompanying that child. The justice system in Northern Ireland allowed that atrocious set of circumstances to pertain. Between 2021 and 2022, there were 53 searches of children, and only three items were found: in one case, a mobile phone; and in two instances, drugs. The Minister can say, "If you have devolution of these issues in Northern Ireland, it can all be swept under the carpet." It cannot. This House and the Department are responsible now. What will the Minister do about it?

**Miss Dines:** If the Northern Ireland statistics put forward by the hon. Gentleman are accurate—I am sure they are, as he has done the research—they are shocking and concerning. I am therefore very happy to say that, in the absence of the Assembly, I will speak to the Secretary of State for Northern Ireland to see what more can be done. These are draconian powers; the police need them in circumstances and in some circumstances they should not be used, but there needs to be a proper balance. I am very happy to undertake to speak to the Secretary of State about this issue.

**Florence Eshalomi** (Vauxhall) (Lab/Co-op): I try not to get personal—to keep things professional—but my daughter is eight years old. To think that she could have been strip searched and I, her parent, would not have been informed! I think about all the other parents and carers whose children this has happened to, on what seems to be a regular basis.

Following the news about Child Q, I and my two other Lambeth colleagues—my hon. Friends the Members for Streatham (Bell Ribeiro-Addy) and for Dulwich and West Norwood (Helen Hayes)—wrote to our local police, because we found that our borough had the highest rate of multiple searches of intimate parts, or strip searches. This is traumatising for the young people involved.

I would like the Minister to read an important book called "Girlhood Unfiltered" by Ebinehita Iyere, which details the trauma that these young girls are going through and says that, for the young people being subjected to the experience, it is not a new one; this has been going on for many years, and the data and investigation are only highlighting the scale of the problem. Respectfully, when will the Minister and this Government outlaw this abhorrent practice on our young children, and treat them like young children?

**Miss Dines:** Children must be safeguarded, and treated fairly and lawfully, which is why it is important to have a full view of what is happening. It is important to look at the statistics in context. Unless there are exceptional circumstances, a child should not be strip searched without an appropriate adult and without a parent being informed. That is the law and those are the rules, and the police must abide by them. When they do not, they quite rightly must be held to account. Again, when it comes to the statistics, I implore the Opposition to have some perspective: most of those searched are 16 to 17 years old. When they are younger, there needs to be a high level of exceptionality, and when the police get it wrong they must be called out, which is why I take the report very seriously and will be reviewing the three recommendations to the Home Office.

**Ellie Reeves** (Lewisham West and Penge) (Lab): Serious concerns were raised in the Casey report about the strip searching of children, alongside a damning account of culture in the Met. We know that there are serious issues with culture and behaviour in police forces across the country, so can I ask the Minister why the Government still have not introduced national standards on vetting, misconduct and training within the police?

**Miss Dines:** As the hon. Lady knows, the Home Secretary is looking at these issues at pace. It is clear from Baroness Casey's review and recent cases across England and Wales that such behaviour, including instances of racism, misogyny, homophobia, are completely unacceptable, and I have been clear that standards must improve as a matter of urgency. The hon. Lady is right that policing is built on trust and we need to improve standards. However, I remind the House that the majority of police officers and members of staff are still honest, good and committed and work hard, and they can be let down by police officers who act beyond the law. It is critical that we do not lose the momentum that the Government have pushed forward, so we will be working on this issue in conjunction with the Home Secretary.

**Janet Daby** (Lewisham East) (Lab): I am truly shocked and horrified by the Minister's tone. This is an absolutely damning report. The Children's Commissioner is putting children first, when will the Government do so? Finally, does the Minister consider it appropriate that children should be strip searched in the back of a police van? In effect, this is a violation. How does she think that this affects a child, and what will she do about it?

**Miss Dines:** I am disappointed that the hon. Lady does not think that my tone is appropriate. Strip searches are very serious. They have to be lawful and they have to be carried out in the most appropriate way, with the least amount of trauma. There is much research on this, which the Children's Commissioner has looked at very carefully, and so will the Government. I can give a commitment that the Government will be looking at this very important issue. We have a balance to strike. We have to safeguard children in relation to gangs, because those gangs will abuse them. If there is a strict outlawing of strip searches, which some Opposition Members would like to see, the criminal gangs would have a field day abusing our children. That cannot be right, and we need time to look at these recommendations.

**Simon Lightwood** (Wakefield) (Lab/Co-op): As a father of two young children, I am furious. I am horrified by the findings of this report that children as young as eight are being strip searched. I, too, have an eight-year-old child. Many of these children will have been confused, humiliated and scared, and, undoubtedly, this will have a long-lasting impact on them and their trust in the police. The Children's Commissioner recommends that forces should review all the concerning strip search cases identified in her report and refer them to the Independent Office for Police Conduct. Will the Minister confirm that she will accept this recommendation and issue a firm deadline for the forces to comply, and, for goodness' sake, Mr Speaker, will she accept that 16 and 17-year-olds are still children?

**Miss Dines:** Let me highlight the statistics, which are correct. Seventy five per cent of those strip searched are 16 to 17-year-olds. Yes, they are still children, but I have added that information to show some balance. Very, very few eight-year-olds, with respect, have been strip searched, and that has to be in exceptional circumstances. However, I do take the report very seriously, and there will be a proper consideration of what can be done. There is always room for change. I, too, was concerned to read some of the facts in the report. The work that was done is very much valued, and I welcome it, because any criticism of the police is an opportunity to do better. We on the Conservative Benches are committed to do better rather than to grandstand on the issue of ages. I remind Members that 75% of those strip searched are over the age of 16 and 17. The Opposition must get a sense of proportion. Mistakes have been made. When the police act unlawfully we must step in, but we also need to allow the police to do their job lawfully.

**Alex Cunningham** (Stockton North) (Lab): I am not surprised that the Minister is struggling this afternoon as she tries to defend the indefensible. Instead of doing that, can she tell us how she will ensure that children are protected from what could be termed child abuse? Did she really suggest that body cameras could be used during strip searches?

**Miss Dines:** It is child abuse when criminal gangs are allowed to use children to carry weapons and drugs. That is child abuse. As safeguarding Minister, I wish to save each and every one of those children. There will be times when the police have to do their job. As I have said previously, in about half of searches, something is found. There are occasions when the police go beyond their lawful powers, and they need to be called out when they do. The Government will seriously look at the recommendation to review PACE codes C and A, but any change will be based on the evidence, not on a blanket view that this should be outlawed or not. We on the Conservative Benches believe in doing things proportionately and carefully based on the evidence.

**Andrew Gwynne** (Denton and Reddish) (Lab): I am afraid that, in her response, the Minister has been needlessly partisan. We all want to see children respected by authority. She is right to say that children must be safeguarded and that strip searches, if they are to happen, have to be lawful. There are huge variances across police forces. I asked for the data relating to Greater Manchester police. Between 2018 and 2022, there were 20 strip searches, none of which involved children under the age of 15. Nineteen involved boys and one a girl. In 13 cases, illegal items were found, and seven resulted in arrests. All those happened with appropriate adults present, I am told. But then Rachel de Souza stipulated that the strip searching of children requires robust safeguards, and I agree with her. What does the Minister think needs to be done to ensure that these safeguards are in place in every police force?

**Miss Dines:** Every police force needs to act lawfully. I am pleased to say that there will be consideration of the variances in what should be lawful and good practice. In relation to the 20 strip searches—I am not familiar with the exact number, but I will take the hon. Gentleman at his word—13 resulted in illegal weapons or substances being found. That is, indeed, shocking, and we know that, most likely, criminal gangs will be involved. I refer again to the fact that there is a balance to be struck because it is important: the police need to be able to do their job. They must do it lawfully, but evidence shows that often, sadly, children are being abused by criminal gangs and having these items on them. I note with interest the statistics for Manchester. There will be a proper consideration of exactly what the Children's

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Commissioner says about the variance between how police are reacting and performing in different police areas.

**Jim Shannon** (Strangford) (DUP): Clearly, for all of us in the House, this is a difficult and sensitive issue. All of us are concerned for the young people, and some of us have given personal examples. As Members have said, there seems to be a systemic problem. In Northern Ireland, between 2021 and 2022, there were 53 strip searches, as my hon. Friend the Member for North Antrim (Ian Paisley) mentioned, with only one adult present. I believe that the Minister accepts that changes must be made. What steps will she take to ensure that there is a concerted and agreed policy for this UK-wide problem? Will she liaise with the Department of Justice in Northern Ireland to implement reforms that apply everywhere, because the Minister in Northern Ireland and her Department also need to be accountable?

**Miss Dines:** I am grateful to the hon. Gentleman for his question. I will of course work with the Ministry of Justice, and I am sure that it will also reach out to the Northern Ireland Department of Justice. I, too, will reach out to the Secretary of State to see what can be done. As I said in answer to the question about Manchester, some areas have more concerning statistics, which is why data collection is essential. This Government have moved further than any other Government in collecting data. Data is really important. I am not normally someone who relies to that extent on statistical analysis in isolation, but it is important because it enables us to point a finger at certain police forces that frankly need to do better. I am grateful to the hon. Member for raising that matter and I can reassure him that I will work together with the Ministry of Justice.

**Ian Paisley** (North Antrim) (DUP): On a point of order, Mr Speaker.

**Mr Speaker:** A point of order comes after statements unless it is relevant to the urgent question.

**Ian Paisley:** It does have relevance, Mr Speaker.

During the course of questions this morning, the terror threat level in Northern Ireland was raised to severe, making it clear that an attack is now highly likely. Is the Department able to inform the House of the reasons for that increase in the terror threat?

**Mr Speaker:** There are two things. First, the hon. Gentleman has misled me, because I thought the point of order was in relation to the question that he had asked. Secondly, we do not discuss security at this level. I think it will have been mentioned, and I am sure that somebody can contact him to give him the information that he is seeking.

That completes the urgent question.

## Afghan Resettlement Update

1.9 pm

**The Minister for Veterans' Affairs (Johnny Mercer):** It has now been over 18 months since the conclusion of Operation Pitting in Afghanistan, the biggest UK military evacuation in more than 70 years. That unprecedented mission enabled around 15,000 people to leave Afghanistan and reach safety here in the UK. Since then, we have continued to welcome thousands more of those who loyally served alongside the UK armed forces, as well as those who stood up for British values such as democracy, women's rights and freedom of speech and vulnerable groups at risk in the region. To date, nearly 24,500 vulnerable people have been safely relocated to the UK from Afghanistan.

Members of this House will know that this is a matter very close to my heart. This Government are determined to fulfil our strategic commitments to Afghanistan. We owe a debt of gratitude to those people and in return our offer to them has been generous. We have ensured that all those relocated as a result of Op Pitting have fee-free indefinite leave to remain, giving them certainty about their status, entitlement to benefits and the right to work. Operation Warm Welcome has ensured all those relocated to the UK through safe and legal routes have been able to access the vital health, education and employment support they need to integrate into our society, including English language training for those who need it, the right to work and access to the benefits system.

Given the unprecedented speed and scale of the evacuation, we warmly welcomed our Afghan friends and eligible British nationals into hotel accommodation as a temporary solution until settled accommodation could be found. That ensured that all Afghans have been housed in safe and secure accommodation from the moment they arrived; it gave our Afghan friends peace of mind and allowed us to move quickly during an emergency.

However, bridging hotels are not, and were never designed to be, a permanent solution. While dedicated teams across central and local government, as well as partners in the voluntary and community sector, have ensured that more than 9,000 Afghans have been supported into settled homes, around 8,000 remain in hotel accommodation. Around half of that cohort are children and around half have been living in a hotel for more than one year.

My colleagues have indicated that that is an unacceptable and unsustainable situation. The Government share that view—I personally share that view—and the situation needs to change. Long-term residency in hotels has prevented some Afghans from properly putting down roots, committing to employment and integrating into communities, which creates uncertainty as they look to rebuild their lives in the United Kingdom long term.

Beyond the human cost, the financial cost to the UK taxpayer of hotel accommodation for the Afghan cohort now stands at £1 million per day. As I have said, that needs to change. To help people to rebuild their lives here, we have a duty to end the practice of Afghan families living in hotels in the UK. That is in the best interest of families and individuals and will enable them to benefit from the security of housing and long-term

consistency of public services, including schooling and the freedoms of independent living that only suitable non-hotel accommodation can provide.

That is why, with the support of my right hon. Friends the Members for Newark (Robert Jenrick) and for Surrey Heath (Michael Gove), I am today announcing the Government's intention to step up our support, to help resettled and relocated Afghans to access independent, settled accommodation and to end the use of hotel bridging accommodation for that cohort.

We will begin writing to individuals and families accommodated in Afghan bridging hotels at the end of April. They will be provided with at least three months' notice of when their access to bridging accommodation will end. That will crystallise a reasonable timeframe in the minds of our Afghan friends, with significant support from central and local government at every step as required, together with their existing access to welfare and the right to work, to find good, settled places to live in the longer term.

We remain unbowed in our commitment to those who supported us at great personal risk in Afghanistan. The debt we owe them is one borne by our nation as a whole. We also need to support those people we have brought to the UK as genuine refugees fleeing persecution. The UK has and always will provide a safe refuge for those who arrive through safe and legal routes. There are veterans across this country enjoying normal lives today because of the service and sacrifice of that cohort who kept them safe in Afghanistan. It is a national duty that we have in communities up and down this country.

That is why the Government are taking significant steps to honour and protect that group by providing increased support and funding to facilitate their transition into long-term settled accommodation. Trained staff, including Home Office liaison officers, Department for Work and Pensions work coaches, council staff and charities, will be based in hotels regularly to provide advice to Afghans, including information on how to rent in the private sector, help to find jobs and English language training. In addition, we will publish guidance for families on what support is available and how to access it.

We are announcing £35 million in new funding to enable local authorities to provide increased support for Afghan households to move from hotels into settled accommodation across England. The local authority housing fund will also be expanded by £250 million, with the majority of the additional funding used to house Afghans currently in bridging accommodation and the rest used to ease existing homelessness pressures.

The measures represent a generous offer, and in return we expect families to help themselves. While the Government realise our responsibilities to the cohort, there is a responsibility on them to take the opportunities offered under those schemes and integrate into UK society. Where an offer of accommodation can be made and is turned down, another will now not be forthcoming. At a time when there are many pressures on the taxpayer and the housing market, it is not right that people can choose to stay in hotels when other perfectly suitable accommodation is available. We are balancing difficult competing responsibilities, including to the UK taxpayer.

As well as ensuring that Afghans already in the UK can move into long-term accommodation, we will continue to honour the commitments we have made to bring people into the UK into sustainable non-hotel accommodation. That includes British Council and GardaWorld contractors, Chevening alumni offered places through pathway 3 of the Afghan citizens resettlement scheme, and refugees referred to us by the United Nations High Commissioner for Refugees through pathway 2.

Welcoming people who come to the UK through safe and legal routes has always been, and will always be, a vital way in which the UK helps those in need. We are legislating to ensure our commitment to safe and legal routes in the Illegal Migration Bill, but the use of hotels to accommodate families for lengthy periods of time in the UK is not sustainable, or indeed appropriate, for anybody. The flow of people to whom we have responsibility is not working as we would like at the moment.

We will honour our commitment to those who remain in Afghanistan. Our priority is to ensure that they can enter suitable accommodation, which is the right thing for those families. Future UK arrivals will go directly into appropriate accommodation rather than costly temporary hotel accommodation. That is the right thing to do to ensure that those to whom we have made commitments are supported and are able to successfully integrate into life in the UK.

We will provide more detail in due course on plans for supporting people yet to arrive into suitable and appropriate accommodation, but what we are setting out today is the fair and right thing to do, both for Afghan communities to rebuild their lives here, and for the British public, who continue to show enormous generosity towards those who come here safely and legally. This Government will realise our commitments to the people of Afghanistan, and I commend this statement to the House.

1.17 pm

**John Healey** (Wentworth and Dearne) (Lab): I thank the Minister for advance sight of the statement. He himself means well, but this statement should be from the Defence Secretary, explaining why, 18 months after Afghan families were airlifted to the UK, 8,000 are still in temporary hotels and the backlog in processing cases has risen to 66,000. It should be from the Home Secretary, explaining why it took nine months to open the alternative ACRS scheme and why, by the end of last year, just four people had been brought to safety in the UK since the fall of Kabul. It should be from the Levelling Up, Housing and Communities Secretary, explaining why he has not required all council areas to play a part in discharging the national obligation we owe to these Afghans and their families. We could have built the homes they need since our armed forces, in that amazing Operation Pitting, airlifted them from Kabul to safety in the UK in August 2021.

As the Minister said, this nation promised those who put their lives at risk to serve alongside our armed forces in Afghanistan that we would relocate and settle them, give their families safety, and help them to rebuild their lives. That obligation is felt most fiercely by those who served in our forces in Afghanistan, whose operations depended on the courageous Afghan interpreters and guides. Never mind Operation Warm Welcome, and never mind the warm words from the Minister today; he has confirmed that the Government are giving them the cold shoulder. He is serving eviction notices on

*[John Healey]*

8,000 Afghans, half of whom are children, with no guarantee that they will be offered a suitable, settled place to live.

Let us nail a myth at the heart of this statement. The Minister said:

"It is not right that people can choose to stay in hotels when other perfectly suitable accommodation is available."

The Government's website confirms that, at the end of last month, the number of Afghan households who had refused accommodation offers was just 258. They want homes, not hotels; they want to rebuild their lives; they want to contribute to this country—their new country—which has offered them refuge.

The Government failed to plan for an orderly withdrawal from Afghanistan in the 18 months following the Doha agreement in February 2020. Ministers set up the Afghan relocations and assistance policy only in April 2021, and they relocated only 200 Afghans before the fall of Kabul in August 2021. The Government have failed the brave Afghans who supported our troops before the fall of Afghanistan, and they have failed them since.

Can we now fill in the many gaps in the Minister's statement? To date, how many ARAP and ACRS applicants have been rehoused in permanent homes? What is the current backlog in processing ARAP and ACRS cases? How many ARAP-eligible applicants remain in Afghanistan? Why, since November, have there been no flights carrying ARAP-eligible Afghans and their families from Pakistan? Have there been any more ARAP data breaches since the one in February 2022? How many hotels are still in use as temporary bridging accommodation for Afghan families? What consultation has there been with local authorities to identify the thousands of permanent homes that are still needed? Will Afghans who are still in hotels be given notice to quit only when a permanent home has been identified for them? How will decisions on eviction deadlines for individual hotels be determined? Who will make those decisions? Will the Minister guarantee today that none of those Afghans will be made homeless as a result of being moved on from the hotels in which they currently live?

The ARAP and ACRS have been beset by failures: those in fear of their lives left in Afghanistan; housing promises broken; processing staff cut; ballooning backlogs; breaches of personal data; and even the Ministry of Defence telling applicants that they should get the Taliban to verify their ARAP application documents. Far from being—as the Minister said—fair and right, this record and this statement shame us all.

**Johnny Mercer:** I will address some of those points in turn. I will not stand here and defend the system—I have said what I have said about it previously—and that is not what I have sought to do today. I have been clear that what I am trying to do is identify a path forward in what is an unprecedented and very difficult situation, and that is what I will focus on in my remarks.

When it comes to giving Afghans in this country a cold shoulder, I would say that it is a pretty expensive cold shoulder, with the £285 million of new funding announced today. In terms of the number of people who have turned down homes, there is a significant proportion. The right hon. Gentleman mentioned the figure of 258, but it is higher than that now. A significant proportion of Afghans have turned down homes. It would not be right to ignore that problem and allow Afghans to remain in hotels—with families' food and accommodation paid for—ad infinitum for the next 20 years. That would not be right, and I will not be cowed into accepting that it is.

All the numbers are publicly available. We reckon that about 4,300 entitled personnel remain in Afghanistan and want to get over here, and 12,100 have arrived to date on the ARAP scheme. On the ACRS, we have promised 20,000. We have had 7,637 arrive through that scheme. There are three different pathways for that scheme, and I am happy to speak to colleagues here or elsewhere about those pathways. Clearly, I accept that some of those pathways have not been running as we would like, but that is precisely why I am here. If we cannot move those people out of hotels—which are unsuitable for them, for UK communities and for UK taxpayers—we cannot extract people who are entitled to be in this country because of the sacrifices they made during Op Herrick in Afghanistan.

Although this is a difficult policy area, we will not yield in doing the right thing by tackling difficult problems and striking the balance between ensuring that we make it as easy and seamless as possible for Afghans to get out of hotels and to integrate into the United Kingdom, and ensuring that the Afghan cohort understands that the offer was never to remain in hotels ad infinitum and all the problems that brings with it.

I accept that this is a difficult policy area; I accept that the track record on this policy area has been difficult. To be fair to everybody who has done this before, we are facing an incredibly difficult, unprecedented and dynamic situation, with the collapse of international will to remain in Afghanistan. We are now doing our best to see through our strategic promises to the people of Afghanistan, and we will absolutely do that. We will strain every sinew to get people out of hotels and into the UK community, and unleash the wealth of veteran and voluntary support, which I know wants to welcome those people with open arms and make them feel part of the UK. I look forward to that challenge.

**Mr John Baron** (Basildon and Billericay) (Con): I again commend the Prime Minister for his recent direct intervention to break the ACRS logjam by allowing British Council contractors and others to continue applications in the safety of a third country, thereby allowing them to leave Afghanistan, where they were in fear of their lives. However, a significant number of approved contractors remain in Afghanistan and are unable to obtain and/or afford the necessary visa and paperwork to exit Afghanistan and enter the safety of a third country. How is the Minister working with colleagues across Government to remove those obstacles?

**Johnny Mercer:** I thank my hon. Friend for his many contributions on this piece of work. The ACRS pathway to which he refers can now be applied to from a third country. As I said in my statement, we have made commitments to that cohort of people. One of the driving motivations behind this difficult piece of work is that there are people stuck in Afghanistan and we have a duty to get them over here. We simply cannot do that if we just continue loading hotels and building

pressure in our local communities, at huge cost to the taxpayer. That is one of the primary motivations, and the moral case, for what we are doing. We still have a duty to people who served. We have made those commitments to the people of Afghanistan, and I and the Prime Minister are absolutely determined to fulfil those commitments. Today is the start of that process.

**Mr Speaker:** We come now to the SNP spokesperson.

**Alison Thewliss** (Glasgow Central) (SNP): I thank the Minister for his statement. We on the SNP Benches are absolutely clear that hotel accommodation is not appropriate, particularly for families but also because of the tragic Park Inn incident in Glasgow. We know the consequences of people being kept in situations in which they are under severe stress. I have a number of questions for the Minister. It is not clear whether any specific funding is coming to Scotland as part of this. England is specified, but Scotland is not. What communication has the Minister had with the Scottish Government and the Convention of Scottish Local Authorities on the issue in Scotland? It would be useful to know the exact numbers in Scotland at the moment. STV made a freedom of information request last year and found that there were 300 people in bridging hotels across Scotland. I am not clear from what he has said today what the current numbers are, where those people are living at present and who will be picking up the pieces.

I was concerned by what the Minister said about offers being turned down and another offer not being forthcoming. Scottish housing legislation refers to a "reasonable" offer of accommodation, and that is important, because the accommodation being offered might not be appropriate for a family. There might be overcrowding; we know that there is a shortage of larger family homes. The accommodation might be far away from schools where children are currently being educated and from the community support that Afghan groups value so much. It might be far away from mosques and from shops that sell halal meat, for example. It should be a reasonable offer, rather than saying, "That's all you're getting" when an offer is rejected, and I am quite worried if that is the road the Government are going down. It will be local authorities and charities that pick up the pieces if people are put out on the street. Families in particular will be at risk, but other people will also be put at risk if they are made homeless.

To describe UNHCR pathway 2 as being deficient would be the understatement of the year, since only 22 people have been brought in under it so far. I have dealt with many cases as a result of this deficiency of the Government. I have had people at my surgery who have made expressions of interest but have heard nothing back. They cannot wait indefinitely in Afghanistan, where they are unsafe. People are moving about to avoid persecution and to avoid the Taliban finding them, and it is incredibly dangerous for the people who are left there. When Afghanistan fell, I had around 80 cases of folk who had family in Afghanistan, and I only know of two who managed to get to safety in Scotland. People cannot wait in danger indefinitely, so can the Minister tell me when those who have made expressions of interest under this pathway will have their cases processed and will arrive home in Scotland?

**Johnny Mercer:** I will take those questions in two broad handfuls and talk about funding first. Funding for round 2 of the local authority housing fund is coming from existing Department for Levelling Up, Housing and Communities underspend, and that funding is devolved and has already gone through the Barnett formula. The £35 million being put into casework teams across the country is UK-wide, and we will be deploying casework teams into hotels in Scotland to work with local authorities to ensure that we support Afghans out of those hotels and into the community.

On the issue of balance and a fair and reasonable offer, nobody in this Government wants to make any of these individuals homeless. The truth is that we will have to balance very difficult competing priorities when individuals have been in hotels for a long period and may be in school or may have specific health needs, and a suitable offer is made elsewhere in the country but they do not want to leave that location. We will do everything we can to make sure that they can stay where they have local roots and so on, but that has to be balanced off. If there is a choice between them staying in a hotel in that area and going into suitable accommodation, I am afraid the priority will be to get them into suitable accommodation.

I recognise how this is going to be slated and tailored and all of the rest of it, but the truth is that we will do everything we can to take into account all those specific circumstances. The ambition is that nobody is homeless throughout this process, but we are going to implement our commitments to the people of Afghanistan. I do not make any bones about it and say that that is an easy thing to do, but we are going to throw everything we have at it, integrate these people into UK society, turn back on the flights and make sure we see through our duties to the people of Afghanistan.

**Several hon. Members** *rose—*

**Mr Deputy Speaker (Mr Nigel Evans):** Sarah Atherton, were you standing?

**Sarah Atherton** (Wrexham) (Con): My question about the devolved Administrations has already been answered.

**Mr Deputy Speaker:** Thank you. I call James Sunderland.

**James Sunderland** (Bracknell) (Con): I thank the Minister for his statement. Does he agree that it is entirely right that we do all we can to support those who served alongside British forces in Afghanistan, and that it is right to distinguish in law between those who come here illegally and those who come here by invitation legally, so that we can do more for those on the ARAP scheme?

**Johnny Mercer:** My hon. Friend is right; there is a fundamental difference. As he will know, there are veterans, service personnel and people working in the civil service who are sat around lunchtime tables this afternoon and would not be here were it not for the actions of this cohort, and we have a very specific duty to them. We have to balance that against competing demands, but we have made our commitments to this cohort of people. I have outlined today our clear and significant commitment to see through our duty to them, get them out of hotels and make sure we honour our commitments.

**Maria Eagle** (Garston and Halewood) (Lab): The bridging hotel in my constituency is still full, and about half of the 375 or so people there have been there since the evacuation. One reason why they have not been able to find alternative accommodation or it has not been found for them is that there are some big families, and there is not suitable accommodation for them. What particular provision will the Minister make for those families? I have heard a rumour that that hotel is to close to the Afghans in August, but I have had no letter and no communication from the Government or any Department. Can he confirm, perhaps outside the Chamber, when the hotel in my constituency is due to be closed?

**Johnny Mercer:** I am more than happy to meet the right hon. Lady and go over the situation with that hotel. No hotel has been given closing orders. I am more than happy to challenge these rumours, and that is certainly the case in that area.

We are increasing flexibility in how this money can be used. The £250 million going into the local authority housing fund can be used, for example, to knock through into the house next door to create bigger accommodation. I was talking to the Mayor of London about this this morning. We have the specific challenge of massive families in this cohort, and finding a house for a family of 10 is extremely difficult in the UK, so we have introduced flexibility to make sure this money can be used for improvements, so that we can see through our commitments to these people.

**Nickie Aiken** (Cities of London and Westminster) (Con): I have been very proud of the welcome that the Cities of London and Westminster have given to Afghan refugees, as they have to refugees from across the world for many centuries. When I visited two of the hotels in the City of London that were home to Afghan refugees last year, I was taken aback by the warmth of the hotel staff and by the City of London Corporation working with charities to provide English lessons in the Guildhall. Having seen how people were living in these hotel rooms, often with five, six or seven family members in one room, does my right hon. Friend agree that it is important they are helped to move on to permanent accommodation?

**Johnny Mercer:** My hon. Friend is right. It is the easiest thing in the world to hurl accusations at this policy. The reality is that if we go and look at these hotels, we see lots of people living in the same rooms and children and families in accommodation that is unsuitable for a prolonged period. I make no apology at all for the moral case of helping these people move into permanent accommodation. I pay huge tribute to all those up and down the country in not only local authorities but voluntary groups and the veterans sector who have bent over backwards to welcome these people into their communities. All I am seeking to do with this piece of work that the Prime Minister has asked me to pull together is harness all that energy and all those offers, whether they are around employment or community groups, and make it work for the Afghan people, so that we can take the action to move these people out of hotels. It is the right thing to do for the Afghan people, it is the right thing to do for the British people, and I am determined that we will see it through.

**Jessica Morden** (Newport East) (Lab): On Friday, I met an Afghan interpreter who had collected a list of 45 colleagues who put their lives on the line for our forces but are still waiting for the Government schemes to deliver, many in UK-sourced accommodation in Pakistan waiting for entry clearance visas from the Home Office for 18 months. He also told of those who found it quicker to resort to the treacherous and dangerous small boats journeys than to wait for this Government to deliver. How can Ministers stand here and defend this record?

**Johnny Mercer:** This has been an incredibly dynamic and difficult situation over 18 months. We now have this plan. Anybody can apply to the ACRS or the ARAP programme from third countries, and that is what I expect people to do.

**Vicky Ford** (Chelmsford) (Con): A hotel is not a home, and it is important to find permanent accommodation for these families, so I thank my right hon. Friend for his statement today. We also must not forget the terrible plight of the people in Afghanistan, especially women and girls: it is now 553 days since girls were banned from going to school, and women are banned from leaving their homes. In the meantime, senior Taliban members are sending their own daughters to school in other countries, so will my right hon. Friend work with Ministers in the Foreign, Commonwealth and Development Office to tighten the knot of international sanctions and travel bans on the Taliban?

**Johnny Mercer:** I have a very clear remit in this space, which is to deal with Afghans who are in hotels and get this pathway opened up. Clearly, we want to see through our responsibilities. Whatever has happened in Afghanistan is for the FCDO to comment on; everybody knows my views, which remain unchanged. We need to deal with the challenge as we find it now, which is far too many people in hotels and the blocking-up of that pathway. We are determined to make sure there is a professional, clear pipeline that people can use to get out of Afghanistan and into the UK, where we owe them a duty.

**Dan Jarvis** (Barnsley Central) (Lab): The Minister well understands the deep bond of friendship that exists between those who served and the Afghans we fought alongside, but he will also recognise that there have been very long-standing concerns from Members on both sides of the House about the processes that underpin both ARAP and ACRS. I have recently received reports of families approved under ARAP who are stuck in Islamabad, and are now being told that they are going to have to source their own accommodation in order to be able to get here.

The focus of the statement from the Minister so far has been on Afghans who are already here in the country, so can I ask him to say a bit more about the process for future arrivals? In particular, can he give an assurance that no one who is currently in Afghanistan or Pakistan who is either accepted by, or is eligible for, ARAP will be disadvantaged as a consequence of the policy announcement being made today?

**Johnny Mercer:** Nobody who is in Afghanistan who is accepted by, or is eligible for, ARAP or ACRS will be disadvantaged as a result of what we are doing today. The situation in Pakistan, where we have over 1,000 people

in hotels waiting to get to the UK, is clearly and demonstrably unacceptable. The challenge is that we cannot do anything about that if we have people in hotels in this country who have been offered accommodation and should have taken that accommodation, but are still residing in hotels, not allowing us to unblock that pipeline.

The hon. Gentleman knows my commitment on this issue, and I want to work with everybody on all sides of the House. I know that this Government have made commitments on this issue, but it is not an inter-party political issue: it is the nation's duty to this cohort of Afghans who kept a lot of our constituents alive during the fight in Afghanistan. I urge all colleagues to work together to make sure that we can build that pipeline and honour our commitments to the people of that country.

**Holly Mumby-Croft** (Scunthorpe) (Con): We certainly do owe a huge debt of gratitude to those brave Afghans who helped our armed forces and stood up for the values that we believe in, and I will not be alone in the House in remembering cases of individuals and families my office helped. My right hon. Friend is passionate about this, and he is an expert; frankly, his word is good enough for me on this. Is he absolutely reassured that this is the right thing to do?

**Johnny Mercer:** I have no doubts that it is the right thing to do, otherwise I would not be stood here today. It is an incredibly difficult policy area, so nothing is black and white: there is no zero-sum calculation here where everything we do is going to sort this out, and there is no zero-risk option here. However, that is not a good enough reason to not try to see through our commitments to a very difficult population. I keep hearing "18 months" thrown at me from the other side of the Chamber, but this has been an unprecedented situation. Nobody wanted these people to stay in hotels for over a year. We have clearly opened up these pathways; we want to make sure that these people integrate into UK society properly, and I am absolutely convinced that this is the right thing to do.

**Several hon. Members** *rose—*

**Mr Deputy Speaker (Mr Nigel Evans):** Order. I have 16 people standing or thereabouts, so can we have shorter questions and shorter answers, Minister?

**Munira Wilson** (Twickenham) (LD): The Minister said at least three times in his statement that we will honour our commitment to those who remain in danger in Afghanistan. While that may be true for him personally, I am afraid that as far as this Government go, that promise is utterly hollow. I challenge him to come to my surgery—to look in the eye those Afghans whose families have been left behind—and say that.

In particular, for three weeks in a row now, I have raised in this Chamber the case of five British children under the age of 18 who have been abandoned in hiding in Kabul. Their mother is an Afghan national; there is no safe and legal route for her to apply for. Their British father was blown up by the Taliban. When will the next round of the ACRS open up, or will the Minister admit that the Government have just given up on them?

**Johnny Mercer:** My presence here today indicates that we have clearly not given up on these people. It is incredibly difficult to get people out of Afghanistan: nobody is happy with what has happened in that country. We have opened up ACRS and ARAP applications to third countries, and I encourage people to apply to that and to get themselves on the scheme. We will do everything we can to see through our duty to them.

**Crispin Blunt** (Reigate) (Con): Mr Deputy Speaker, given your recommendation for short questions, I have a number of questions that I will table as written parliamentary questions. Can I just say how much I welcome my right hon. Friend's statement, and the candour with which he has approached it and with which he is answering the questions?

I want to ask about one element. I have been involved in supporting someone who trained with me at Sandhurst a very long time ago, and in assisting that family. No doubt, there will be endless examples of others who are in the same position. I was slightly concerned about a scheme I offered to the Defence Minister, my right hon. Friend's successor as Veterans Minister, to mobilise wider support for this particular community, not least engagement in creating the social housing referred to by the Opposition spokesman, the right hon. Member for Wentworth and Dearne (John Healey). I wonder why it was that people who could support that scheme were told that they could not do so in Army time.

**Johnny Mercer:** If my hon. Friend wants to write to me, I am more than happy to address what has happened there, but I have to be honest with him: I am not overly interested in how we got to where we are. There are a number of reasons—it has been an incredibly difficult situation. The collapse of Afghanistan has been unprecedented in our generation, and seeing through our duties to these people has been incredibly difficult. I am not going to consistently go over and reheat that argument. Now, we have a clear set of commitments: we have a significant financial commitment to these people, and a duty to get them out of hotels and open up that pipeline, allowing people to come into this country. That is what we are going to do.

**Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): I pay tribute to the Minister for his service in Afghanistan, along with other Members of this House, but I really wish he had come with me a few weeks ago to meet Afghans living in a hotel in my constituency, because I genuinely feel that he would have felt a deep sense of shame and embarrassment about how this country has not done our duty to those people who served alongside us. Quite frankly, it is shocking and disgusting.

I want to leave the Minister with two thoughts: first, many of those people in that hotel had not had offers of accommodation at all. They told me how the offers had dried up, and many of them had been languishing there for 18 months. Secondly, many of them had qualifications and skills that were not being recognised in this country, so they could not get work. That Department for Work and Pensions programme is clearly not working, despite the intentions behind it, and I hope the Minister can clarify just how much additional support Wales will get to support those people into long-term accommodation.

**Johnny Mercer:** I respectfully say to the hon. Gentleman that he has no idea of the depth of feeling of people like me for what has happened in Afghanistan. Some people have turned down offers of accommodation—that is a fact. No, it is not the majority, but it is a fact that some have. I spend a lot of my time with the Afghan community now, and I entirely recognise their feelings. I have one of them who I got out of Kabul, and who now works with me in Plymouth and lives there, so I fully recognise that. We have to deal with the situation as we now find it.

This Prime Minister has come into office. He very clearly recognises the duty we have to these people, so whatever has happened before, we are going to create these pathways and give them every opportunity to relocate and reintegrate into UK society. I look forward to the whole House helping us as we complete that endeavour.

**Kevin Foster** (Torbay) (Con): I welcome the fact that my right hon. Friend is now dealing with this issue from the Cabinet Office. Having seen at quite close hand the co-ordinated cross-Government effort that delivered Operation Pitting, it is now necessary to do exactly the same to resolve the issue of bridging hotels.

My right hon. Friend will know from my conversations with him that I do think there was a chunk of naivety about how much housing would come forward in the latter part of September 2021. It is clearly now necessary to bring to an end the use of hotels: no family should have a hotel as their home for the long term. However, can he reassure me about what plans he has with local government? Some communities, including his own in Plymouth and communities such as Glasgow, have been extremely welcoming in stepping forward, but others have not. What challenge is he putting to those who have not? How does he see this working as part of a co-ordinated programme, and how will he ensure that this does not result in people turning up at the local housing office to try to get accommodation under the public funds they have access to?

**Johnny Mercer:** That is a fair set of questions from my hon. Friend, and I pay tribute to him for his work in this area previously. Part of this is trying to create the environment where local authorities want to come forward. There will be a part that talks about increased funding. It was £21,000 per family settled over three years prior to today. That increases by £7,000 today. We are going to do everything we can to incentivise families. We recognise that this is a national commitment, but in London we can only do so much. We need to tap into the national feelings that we felt about Afghanistan when the collapse happened, to welcome these people into our communities and to make them a strong part of the United Kingdom.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): The Minister mentioned that half of this cohort are children. Members of the all-party parliamentary group for Afghan women and girls heard this morning from their headteacher about year 11 schoolgirls being moved tomorrow, six weeks before their GCSEs. They will not be found meaningful education arrangements for another 20 weeks. He must surely agree that integration must offer meaningful opportunities for Afghan women and girls, particularly in relation to education. That may be one of the reasons that families turn down accommodation. Will he also agree that the support provided by Wales's youth organisation, Urdd, was pioneering in integrating Afghan families into Wales? Will he agree to work with the APPG, Urdd and Afghan women's representatives in Wales to develop a toolkit to empower Afghan women and girls as they integrate here?

**Johnny Mercer:** Clearly I will work with any group as we try to recognise these responsibilities. A big part of it will be setting up casework teams in every hotel. I will be visiting all the hotels, and I invite Members to come with me as we try to meet this challenge. The hon. Member talked about moving on Afghan families with children who are at a particular time in the school year. One reason we are looking to have this completed at the end of the summer is that we know people will be starting in a new academic year. There is plenty of competition in priorities as to when we should or should not do this. There are lots of issues around Ramadan, Eid, medical treatment and schools, but we have to try to plough a furrow that balances all those competing priorities, while realising the strategic aim of getting these people out of hotels and into communities across the country.

**Clive Efford** (Eltham) (Lab): My constituent's wife is trapped in Afghanistan. She applied for a visa to come as a spouse. It took eight months to get a decision, but the application was turned down because there was a discrepancy of 33p a month in his salary with what he had put in the original application. The way the Government are treating people from Afghanistan is a disgrace. We need to ensure that people are treated fairly and that their applications are looked at. When there is a genuine application, as there is in this case, the Government should make the right decision.

**Johnny Mercer:** If the hon. Member writes to me about that specific case, I am more than happy to get back to him and help him.

**Chi Onwurah** (Newcastle upon Tyne Central) (Lab): Perfectly suitable accommodation is not easily available in Newcastle. I know that from the thousands of constituents who write to me desperately seeking it—it is the No. 1 issue. I also know it from talking to Afghan refugees, and Ukrainian refugees for that matter. What will the Minister do after 18 months to magic up this perfectly suitable accommodation, or will he seriously be making homeless those who risked their lives at our sides?

**Johnny Mercer:** I have covered these points before. I have said that I do not want to make anybody homeless. Clearly the local authority housing fund, which comes into play, will help that process. Am I saying to the House that we will build 6,000 homes by the end of the summer? No, but if we just look at this like we are never going to get there, we will never change anything at all and never meet this challenge. The hon. Lady will know that there is an acute demand for housing across society in such places as Newcastle and Plymouth, and we will do everything we can, including increasing the private rented offer, to make sure that we get these people out of hotels and into communities like hers.

**Mr Deputy Speaker (Mr Nigel Evans):** I just remind Members that we have six hours of protected time after this statement, plus several votes. I just remind Members to focus their questions.

**Joanna Cherry** (Edinburgh South West) (SNP): I have a particular case that I know the Minister will want to help me with, and I know he is genuine in his concerns here. It relates to a gentleman who worked for the British Geographical Survey, part of which is based at Heriot-Watt University in my constituency. He spent a lot of time working to keep British people safe and to help them navigate round Afghanistan while the British Government were helping Afghanistan to explore mining opportunities to bring income to the country. Despite all his hard work, his ARAP application has been turned down and he is having to appeal it. Will the Minister speak to me about this case to see whether we can get it speeded up?

**Johnny Mercer:** If the hon. and learned Member writes to me about that case, I am more than happy to come back to her.

**Wendy Chamberlain** (North East Fife) (LD): As the right hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) said, the APPG for Afghan women and girls met this morning to specifically discuss UK resettlement. I have to tell the Minister that the feedback was not great. Nobody wants to be staying in hotel accommodation. I reiterate her offer: will he please engage with the APPG and will he please provide reassurance that in terms of that appropriate accommodation, situations such as schooling and job opportunities—those things that help integration—are being considered?

**Johnny Mercer:** I am more than happy to come and address the APPG. I am addressing the APPG for Afghanistan later on. As I have said, those things will of course be taken into consideration. We have to put things into perspective: 9,000 people have come to this country and resettled into our communities. They are happy and getting on with their lives in the UK, but broadly speaking, we need to see through our responsibilities. That is precisely why I am standing here today and it is precisely why this Government are determined to realise our commitments, and we will see it through.

**Andy Slaughter** (Hammersmith) (Lab): On 20 February, after 18 months in a bridging hotel in west London, the Nadiri family and many other Afghan refugees were relocated to Leeds and housed in another bridging hotel. Yalda Nadiri was about to take her GCSEs at William Morris Sixth Form in my constituency. Five weeks on, she still has no school place. Will the Minister see that Yalda can return to her school and take her exams? If he cannot do that, one wonders what he can do.

**Johnny Mercer:** I am more than happy for the hon. Member to write to me about that case. We do not want to move people from bridging accommodation to bridging accommodation.

**Debbie Abrahams** (Oldham East and Saddleworth) (Lab): I am absolutely convinced that the Minister is committed in this regard—his track record shows that. Will he put some pressure on the Home Secretary and also, disappointingly, the International Development Minister, the right hon. Member for Sutton Coldfield (Mr Mitchell), who wrote to me after a Westminster Hall debate on this very issue and said that he would not be able to help Afghan women judges whose lives are under threat from the Taliban? They are clearly eligible for phase 3 of the ACRS.

**Johnny Mercer:** I make no bones about it, the ACRS pathway through has been difficult to open up. It is quite a technical pathway. We have had our first person through on that. We have made commitments of more than 1,000 through that pathway. Some 1,000 places have been offered and we have 351 in third countries at the moment. We have made commitments in this space, and we are going to see them through. If the hon. Lady feels that that is not the case, she is more than welcome to come and see me.

**Jim Shannon** (Strangford) (DUP): I am grateful to the Government for their work to resettle those of our allies who are in danger. Nobody doubts that the Minister accepts that there are people who still need to be processed. Is there any way to enlarge the team so as to be able to deal with these cases more efficiently? There are families living in fear of their lives every second of every day. More needs to be done urgently to help those whose lives are on the line, due to their loyalty to democracy and those with whom they worked.

**Johnny Mercer:** As I have said a number of times, and as my hon. Friend will know, one of the primary moral reasons to act is that we have not been able to continue that pipeline out of Afghanistan. There are operators who are sat there in Afghanistan today who are entitled to be in the UK. They are not here because that pipeline is not working. We have too many people in hotels, and we want to reintegrate them into UK society. It is as simple as that. We clearly have a moral case. All of us have a responsibility to try to see through our commitments to these people and get these pathways open. I want to see a good, professional, seamless way out of Afghanistan—on those three pathways through ACRS and ARAP as much as he does. I hope we can work together in the months ahead.

**Neil Coyle** (Bermondsey and Old Southwark) (Ind): In the 18 months since the UK Government capitulated to the Taliban, my constituent Hadi Sharifi has been helping Afghans who worked for or with us to escape. One is the former commander of Kabul, whose injuries at the time prevented him from leaving with UK forces. He is now across the border, but why does he still have no legal means to enter the UK? Why is this Government's reward for his service to our forces to throw him to people smugglers, criminalise his entry to this country and then threaten to ship him to Rwanda?

**Johnny Mercer:** The conditions of ARAP and ACRS compatibility are very clear. If the hon. Gentleman's constituent has served in those roles and is entitled to the ARAP programme or the ACRS, he can now apply to those from third countries. If he does so and there are such individual cases where that is not working, then let me know. The criteria for the ACRS and ARAP are very clear, and if he meets those criteria he is entitled to come here.

**John McDonnell** (Hayes and Harlington) (Lab): I am the secretary of the National Union of Journalists parliamentary group, and we are aware from working with international bodies that at least 200 Afghan journalists have fled to Pakistan and Iran. Their visas are expiring, and some of them have been harassed by Taliban supporters. The NUJ wrote to the Home Secretary earlier this month, and we would welcome a meeting with the Minister to ensure that the scheme is now adapted to cover those vulnerable journalists more effectively.

**Johnny Mercer:** That would be a pathway through the ACRS, which is precisely what it is designed to do. That is exactly why we are taking this course of action: there are people who we want to get through these pathways who are not now coming through these pathways because we have gummed up the system in the UK with too many people in hotels. I hope that, with all colleagues, we can make a real effort to get these people out of hotels and into communities, where they deserve to be for supporting western values and UK forces in Afghanistan. I look forward to working with the right hon. Member to get that done.

**Stephen Farry** (North Down) (Alliance): There were several thousand Afghans in the asylum system even before Operation Pitting. Indeed, many of those are still awaiting decisions, including a young Hazara mother whom my office is working with, alongside her two daughters. Since then, many Afghans have come to the UK by small boats due to the failings of the ACRS. Given the situation in Afghanistan, does the Minister agree that it is surely inconceivable that the UK would deport anyone back to Afghanistan?

**Johnny Mercer:** We are currently not returning anybody to Afghanistan, so if these people are eligible for the criteria on the ACRS or the ARAP programme, I encourage them to apply for that, and they can do so from a third country. We are determined to get the individuals in the UK out of hotels so we can make that pipeline work, and then it will work for those whom the hon. Member mentioned.

**Mr Deputy Speaker (Mr Nigel Evans):** I thank the Minister for his statement and for responding to questions for eight minutes short of an hour.

## BILL PRESENTED

### Humber2100+ Project Bill

*Presentation and First Reading (Standing Order No. 57)*

Emma Hardy, supported by Dame Diana Johnson, presented a Bill to give the Environment Agency certain powers and duties in respect of the Humber2100+ project; and for connected purposes.

*Bill read the First time; to be read a Second time on Friday 24 November, and to be printed (Bill 283).*

## Bus Services (Consultation)

*Motion for leave to bring in a Bill (Standing Order No. 23)*

2.2 pm

**Dean Russell** (Watford) (Con): I beg to move,

That leave be given to bring in a Bill to require consultation of bus users before changes are made to bus services; and for connected purposes.

Imagine a hard-working member of the public, perhaps working night shifts, whose only means of getting to work is by bus. Night after night, they wait in the dark, sometimes in the cold and the rain—in cold weather—simply wanting to get to work, and through no fault of their own, they find out that the bus they need to get to work on time has been changed. That gives them an impossible choice of being late to work, arriving impossibly early or, even worse, finding it near impossible to get to work at all.

Imagine a pensioner living alone at home for whom the bus is a lifeline to visit friends and family, and to attend doctor's and hospital appointments. For them, the bus is their transport to living a full life, not just for travelling. However, when the local bus timetable changes—skipping the nearby bus stops, which means they can no longer access buses—suddenly, through no fault of their own, they find themselves cut off from the real world and their support network.

Behind every bus timetable change, there will be passengers who just want to live their lives and individuals who are reliant on a service about which they have little or no say. I am sure we would all agree that buses are an important part of all of our communities. In fact, buses are used for twice as many journeys as trains, and from thousands more stopping places across the country. According to the national annual bus statistics 2022, the number of local bus passenger journeys in England alone was 2.8 billion in 2021-22.

Taking the bus instead of a car twice each month would reduce emissions by 15.8 million tonnes of $CO_2$ by 2050, according to the Campaign for Better Transport, so it is good for the environment, too. I read a statistic recently—I think it was on the NHS England website—that a survey of NHS trusts has shown that about 7.8 million appointments a year, or about 650,000 a month, are missed by people citing transport issues, and I am sure that some of those are related to buses.

Buses are without a doubt the most used form of public transport. They carry millions of people each year, and are a vital public transport link for individuals, the economy, people's health and the environment. It is hard to believe that, despite their importance, there is no official requirement to directly engage or consult with passengers of a bus service when its timetables are being considered for change. By bus passengers, I mean the people who use the actual bus: those who get on it every day to get to work, to get to appointments, to see their friends and to see their family. People are more than just numbers. They have hospital appointments, they have jobs to go to and they have lives to live, yet they do not currently need to be asked about the services they use.

There are legal requirements for official organisations to be asked. For example, in England bus operators are required to give a statutory notice period of 70 days for registrations, variations and cancellations of community

bus services, which is made up of 28 days' notice to the local authority and 42 days' notice to the traffic commissioner. Many do consult and reach out to passengers, but they do not have to, and there is no legal requirement for bus operators to inform passengers of the changes until the application to cancel registration has been processed. This Bill seeks to address this giant pothole of an oversight and give bus passengers a voice in the process.

Before I go into the proposal, I should clarify that I really welcome the work of the Government to support buses. I see the Minister for buses—the Under-Secretary of State for Transport, my hon. Friend the Member for North West Durham (Mr Holden)—on the Front Bench, and I appreciate the time he has spent meeting me to discuss this issue. The national Bus Back Better strategy of 2021 aims to address the long-term decline in bus services and to create a bus network fit for the future. As I understand it, the strategy has been backed by £3 billion, with £1.4 billion have been allocated already. My own county of Hertfordshire has received £29.7 million for the bus service improvement plan.

There is much more that I could say about the fantastic work the Government are doing to invest in buses and make sure that the network is fit for the future. While it is clear that the investment and the national strategy are there, my proposal is simply to ensure that the users of those buses, who rely on the vital services that will be supported by this fantastic Government's spend, are part of the decision-making journey.

My proposal is a very simple one. It is to implement a legal requirement or guidance for all companies—commercial or public—that provide a public bus service to ensure that users of the bus service are given an opportunity to feed into a consultation before services are changed or cancelled. If a service is due to be changed or cancelled, companies must ensure that every effort is made to inform the impacted bus users through signage. Ideally, that will be on the bus itself, as well as at bus stops and shelters, but it will also be through the usual online channels of community engagement.

I want to counter some criticism of the proposal that I have received due to a lack of understanding of my request. I am not proposing that, if a bus service has a handful of passengers and is simply not viable at all, even with financial support, the bus passengers should somehow be able to stop the timetable changing. If that were the proposal, I think it would be a fair criticism, but I am not saying that. I am simply asking that the voice of passengers are heard in the process and are properly considered as part of the decision-making process.

My experience of bus passengers, many of whom I have met in my Watford constituency as part of outreach and bus community engagement, is that they are pragmatic and realistic about the challenges. They often have very smart and practical ideas and solutions for solving issues with timetables, but they often feel that they are just numbers on a spreadsheet in an office and are never asked until it is too late. Those paying customers—and they are paying customers—are using a service that they rely on, and I simply want to give them a voice in the process. They should not have decisions imposed on them without being aware that they are coming and without being able to have a say, and they should not just be told after the fact. As much as we would like to believe that when timetables are changed, everyone knows instantly, that is often not the case, so people often turn up in the hope that their bus is going to come, and it may not arrive because the timetable has changed. This proposal would help to address that.

I should say that the Bill feels quite personal to me. I confess that I did not properly learn to drive until my late 20s. Although I am proud to live in my constituency of Watford—I have lived there since I was elected, and I have been a resident of Hertfordshire for over 20 years—I grew up in the west midlands. For many years I worked at Birmingham airport and was reliant on buses to get to work, sometimes for 6 am shifts to be a cleaner, and sometimes at 10 pm to do night shifts patrolling car parks—I wasn't that threatening, I should say—and often doing 12-hour shifts outside of the usual nine-to-five. I have been the person waiting at a bus stop in the dark, praying that the bus will arrive soon so that I do not get into trouble for being late. I have been the person hoping that the timetable does not change and make it impossible for me to earn some money.

I know what it is like to be reliant on public transport, and I also know how wonderful it can be. I know that it can transform lives. Buses can transport us to live our lives, and they can be a lifeline for hardworking people to meet friends and family, and to get to their jobs. Buses are something special, and I know the Government are doing all they can to protect them as part of our communities, protect our environment and ensure that patients get to their appointments on time. Buses are needed to ensure that hardworking British people can get to work, which they do on a daily basis.

In conclusion, I am asking colleagues across the House to support the Bill and not to ring the Division bell. I am asking the Government to get on board with the Bill and issue clearer guidance, so that bus passengers across the country are part of the journey when timetable changes are decided on.

**Mr Deputy Speaker (Mr Nigel Evans):** This would normally be the opportunity for somebody to oppose Bill, but I have been given no notification that anybody wishes to do so, and I see nobody wishing to do so.

*Question put and agreed to.*

*Ordered,*

That Dean Russell, Jack Brereton, Marco Longhi, Jason McCartney, Elliot Colburn, Andy Carter, Andrew Jones, Dr Lisa Cameron, Antony Higginbotham, Jim Shannon, Jo Gideon and Jonathan Gullis present the Bill.

Dean Russell accordingly presented the Bill.

*Bill read the First time; to be read a Second time on Friday 24 November, and to be printed (Bill 282).*

# Illegal Migration Bill

*[Relevant documents: Oral evidence taken before the Joint Committee on Human Rights on 22 March, on Legislative Scrutiny: Illegal Migration Bill, HC 1241; and 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.]*

[2nd Allocated Day]

*Further considered in Committee*

[Mr Nigel Evans *in the Chair*]

**The First Deputy Chairman of Ways and Means (Mr Nigel Evans):** I remind Members that in Committee they should not address the Chair as Deputy Speaker. Please use our names when addressing the Chair: Dame Rosie, Mr Evans or Sir Roger. Madam Chair, Chair, Madam Chairman or Mr Chairman are also acceptable. Like yesterday, I advise Members that a lot of people wish to speak, so if they focus on making shorter contributions, everybody will get an equal shout.

## Clause 2

Duty to make arrangements for removal

2.13 pm

**Alison Thewliss** (Glasgow Central) (SNP): I beg to move amendment 186, page 2, line 32, leave out "must" and insert "may".

**The First Deputy Chairman of Ways and Means:** With this it will be convenient to discuss the following:

Amendment 139, page 2, line 33, leave out "four" and insert "five".

*This amendment adds a fifth condition to the duty to remove.*

Amendment 187, page 2, line 33, at end insert

"subject to the exceptions in subsection (1A)."

Amendment 188, page 2, line 33, at end insert—

"(1A) This section does not apply to a person who was under the age of 18 when they arrived in the UK".

Amendment 189, page 2, line 33, at end insert—

"(1A) This section does not apply to a person ("A") who is an Afghan national where there is a real risk of persecution or serious harm to A if returned to that country."

Amendment 190, page 2, line 33, at end insert—

"(1A) This section does not apply to a person who is a refugee under the Refugee Convention or in need of humanitarian protection."

Amendment 191, page 2, line 33, at end insert–

"(1A) This section does not apply to a person (L) where there is a real risk of persecution or serious harm on grounds of sexual orientation if L is removed in accordance with this section."

Amendment 192, page 2, line 33, at end insert—

"(1A) This clause does not apply to persons who there are reasonable grounds to suspect are victims of torture."

Amendment 195, page 2, line 33, at end insert—

"(1A) This clause does not apply to persons who there are reasonable grounds to suspect are victims of trafficking or slavery."

Amendment 196, page 2, line 33, at end insert—

"(1A) This clause does not apply to an individual who meets the definition of an "adult at risk" in paragraph 7 of the Home Office Guidance on adults at risk in immigration detention (2016), including in particular people suffering from a condition, or who have experienced a traumatic event (such as trafficking, torture or sexual violence), that would be likely to render them particularly vulnerable to harm."

Amendment 282, page 2, line 33, at end insert—

"(1A) This clause does not apply to a person who has been diagnosed with AIDS or as HIV positive."

Amendment 193, page 3, line 8, after "person" insert

"is not a citizen of Ukraine, and".

Amendment 194, page 3, line 8, after "person" insert

"does not have family members in the United Kingdom, and".

Amendment 197, page 3, line 9, leave out "on or after 7 March 2023" and insert

"more than one month after this section comes into force".

Amendment 285, page 3, line 11, at end insert

"with which the United Kingdom has a formal legally binding agreement to facilitate returns required under this section, and".

*This amendment would restrict the duty to arrange removal of people who travelled to the UK through a safe third country to cases where that country has a formal, legally binding agreement with the UK Government on migration returns.*

Amendment 2, page 3, line 12, after "race" insert "gender".

*This amendment would explicitly add persecution on the basis of gender as potential reasons for the purposes of the third condition.*

Amendment 198, page 3, line 15, leave out subsection (5) and insert—

"(5) Subsection (4) is to be interpreted in accordance with article 31(1) of the United Nations Convention on Refugees."

Amendment 123, page 3, line 18, leave out from "they" to end of line 19 insert

"lawfully settled or found protection in another country outside the United Kingdom where they faced no serious risk of persecution or violations of their human rights and which complies with the requirements of the 1951 Convention on Refugees".

*This amendment would redefine "in both cases" so that it complies with the meaning of that phrase in Article 31 of the Refugee Convention as interpreted by the UN High Commissioner for Refugees.*

Amendment 140, page 3, line 21, at end insert—

"(6A) The fifth condition is that the person was either—

(a) aged 18 or over, or

(b) under the age of 18 and was in the care of an individual over the age of 18,

at the time they entered the United Kingdom."

Amendment 199, page 3, line 22, leave out subsection (7).

Amendment 200, page 3, line 41, leave out "unaccompanied".

Amendment 6, page 4, line 4, at end insert—

"(d) the Secretary of State is satisfied that the person is cooperating with a public authority in connection with an investigation or criminal proceedings related to people smuggling offences, and that it is necessary for the person to remain in the United Kingdom for the purposes of such cooperation."

*This amendment would provide an exemption from the duty to remove for people assisting with investigations or prosecutions for people smuggling offences, similar to the exemption provided by clause 21 for victims of modern slavery.*

Amendment 70, page 4, line 4, at end insert—

"(d) the person enters the United Kingdom from Ireland across the land border with Northern Ireland."

*This amendment would provide an exemption from the duty to remove for people who arrive in the UK from the Republic of Ireland via the land border with Northern Ireland.*

Amendment 136, page 4, line 4, at end insert—

"(12) Accommodation provided by the Secretary of State to a person who meets the conditions in this section must not include hotel accommodation."

*This amendment is intended to restrict the use of hotels by those who meet the conditions in clause 2.*

Amendment 284, page 4, line 4, at end insert—

"(12) The Secretary of State must, within three months of the date on which this Act is passed, and at intervals of once every three months thereafter, lay a report before Parliament on the number of people who have been removed from the United Kingdom under this section."

Clause stand part.

Amendment 201, in clause 3, page 4, line 5, leave out "Unaccompanied."

Amendment 141, page 4, line 6, leave out subsections (1) to (4).

*This amendment is consequential on the addition of the fifth condition.*

Amendment 202, page 4, line 7, leave out

"at a time when the person is an unaccompanied child"

and insert

"if the person is a child or arrived in the United Kingdom as a child".

Amendment 295, page 4, line 7, leave out

"at a time when the person is an unaccompanied child"

and insert

"where the person is an unaccompanied child or is a person who arrived in the United Kingdom as an unaccompanied child."

*This amendment seeks to remove the obligation on the Secretary of State to remove a person where the person has ceased to be an unaccompanied child.*

Amendment 148, page 4, line 9, leave out subsection (2).

*This amendment seeks to remove the provision in the Bill which enables the Secretary of State to remove unaccompanied children from the UK.*

Amendment 203, page 4, line 11, at end insert "but only if—

(a) it is in the child's best interests, and

(b) in accordance with UN Refugee Convention, the European Convention on Human Rights and the UN Convention on the Rights of the Child".

Amendment 204, page 4, line 12, leave out "unaccompanied".

Amendment 205, page 4, line 15, leave out sub-paragraph (c).

Amendment 206, page 4, line 17, leave out subsection (4).

Amendment 283, page 4, line 24, at end insert—

"(6A) For the purposes of this section, if C claims to be under the age of 18, but the Secretary of State has reasonable grounds to dispute this claim, C's age may be verified by a scientific age assessment.

(6B) A scientific age assessment conducted under this section may only entail medical methods, which may include x-ray examination.

(6C) A scientific age assessment may be conducted regardless of whether C has given consent.

(6D) The process or conclusion of the scientific age assessment is final and is not liable to be questioned or set aside in any court."

Clause 3 stand part.

Amendment 299, in clause 4, page 4, line 28, leave out "or the power in section 3(2)".

*This amendment would remove the requirement, in relation to unaccompanied children, to disregard relevant protection claims, human rights claims, slavery or human trafficking claims, and applications for judicial review.*

Amendment 208, page 4, line 39, leave out "must" and insert "may".

Amendment 294, page 5, line 2, leave out from "(2)" to the end of line 2 and insert

"must be considered under the immigration rules if the person who made the claim has not been removed from the United Kingdom within a period of six months starting on the day the claim is deemed inadmissible."

Amendment 209, page 5, line 2, at end insert

"until such time as the Secretary of State withdraws her declaration under subsection (2), or a successful appeal is brought under subsection (4A)".

Amendment 212, page 5, line 4, leave out "not".

Amendment 213, page 5, line 5, leave out "no" and insert "a".

Amendment 210, page 5, line 7, at end insert "subject to subsection (4A)".

Amendment 135, page 5, line 7, at end insert—

"(4A) No court shall make any order to the effect that a person removed pursuant to the duty in section 2 (1) shall be returned to the United Kingdom.".

*This amendment is intended to block courts from ordering individuals to be returned to the UK.*

Amendment 211, page 5, line 7, at end insert—

"(4A) If no removal takes place and no decision is made on a person's protection or human rights claim within six months of a person's arrival, then the declaration that such a claim is inadmissible is to be treated as a refusal of the claim giving rise to a right of appeal under section 82(1)(a) or (b) of the Nationality, Immigration and Asylum Act 2002."

Clause 4 stand part.

Amendment 214, in clause 5, page 5, line 34, leave out paragraph (b).

Amendment 301, page 5, line 40, leave out paragraph (b).

*This amendment would prevent unaccompanied children being removed to the countries listed in subsection (3), including countries listed as "safe" under new section 80AA(1) of the Nationality, Immigration and Asylum Act 2002 (see clause 50).*

Amendment 13, page 6, line 33, at end insert—

"(c) in a case where P is a national of a country to which their return may reasonably be expected to constitute a breach of Article 33 of the Convention relating to the Status of Refugees of 1951."

*This amendment would add to the list of exceptional circumstances, in which a person should not be returned to a country of origin ordinarily considered safe, cases in which their removal may reasonably be expected to constitute a breach of the principle of non-refoulement under Article 33 of the Refugee Convention.*

Amendment 215, page 6, line 39, at end insert—

"and the following conditions are met–

(a) the removal is pursuant to a formal, legally binding and public readmission agreement between the United Kingdom and the country or territory;

(b) the country or territory meets the definition of safe state set out in section 80B of the Nationality, Immigration and Asylum Act 2002, as shown by reliable, objective and up-to-date information;

(c) the person has been declared inadmissible under section 80B of the Nationality, Immigration and Asylum Act 2002, or section 4(2) of this Act;

(d) the country or territory in question is the country or territory with which the person was found to have a connection under section 80B of the Nationality, Immigration and Asylum Act 2002;

(e) taking into account the person's individual circumstances, it is reasonable for them to go to that country or territory; and

(f) the person is not a national of that country or territory."

Amendment 216, page 7, line 3, at end insert—

"and the following conditions are met—

(a) the removal is pursuant to a formal, legally binding and public readmission agreement between the United Kingdom and the country or territory;

(b) the country or territory meets the definition of third country set out in section 80B of the Nationality, Immigration and Asylum Act 2002, as shown by reliable, objective and up-to-date information;

(c) the person has been declared inadmissible under section 80B of the Nationality, Immigration and Asylum Act 2002, or section 4(2) of this Act;

(d) the country or territory in question is the country or territory with which the person was found to have a connection under section 80B of the Nationality, Immigration and Asylum Act 2002;

(e) taking into account the person's individual circumstances, it is reasonable for them to go to that country or territory; and

(f) the person is not a national of that country or territory."

Amendment 306, page 7, line 10, at end insert—

"(11A) For the purposes of removal under this section—

(a) where persons arrive in the United Kingdom as a family group, the provisions of this section must apply to them as if they were a single person so that, if they are removed, they are removed to the same country which must satisfy all the provisions of this section in relation to each person;

(b) "family group" means two or more persons who have any of the following relationships—

(i) parent, child, sibling, aunt or uncle, niece or nephew, cousin, husband, wife, grandparent, grandchild, legal guardian, or

(ii) any other relationship which may be set out by the Secretary of State in regulations."

*This amendment seeks to ensure that family members arriving in the UK together would be removed to the same country. For example, this amendment would prevent a husband being removed to a country listed in the Schedule only in respect of men, with the wife being removed to a different country listed in the Schedule.*

Clause 5 stand part.

That the schedule be the schedule to the Bill.

Amendment 17, in clause 6, page 8, line 12, after "international organisations" insert

"including but not limited to, the United Nations High Commissioner for Refugees".

*This amendment would add an explicit requirement for the Secretary of State to have regard to information from the UN High Commissioner for Refugees when considering whether to add new countries or territories to the Schedule of safe third countries to which a person may be removed.*

Clause 6 stand part.

Amendment 142, in clause 7, page 8, line 22, leave out from "Kingdom" to end of line 24.

*This amendment is consequential on the addition of the fifth condition.*

Amendment 138, page 8, line 24, at end insert—

"(1A) P may not be removed from the United Kingdom unless the Secretary of State or an immigration officer has given a notice in writing to P stating—

(a) that P meets the four conditions set out in section 2;

(b) that a safe and legal route to the United Kingdom from P's country of origin existed which P could have followed but did not follow;

(c) that the safe and legal route specified in paragraph (b) has been approved by both Houses of Parliament in the previous 12 months as safe, legal and accessible to persons originating in the relevant country; and

(d) the number of successful applications for asylum in each of the previous five years by persons following the safe and legal route specified in paragraph (b).

(1B) Any determination by the Secretary of State to remove P from the United Kingdom based on information provided by the notice referred to in subsection (1A) may be subject to judicial review on the basis that the information was flawed, and the Secretary of State may not remove P from the United Kingdom while any such judicial review is ongoing."

*This amendment would prevent the Home Secretary removing a person from the United Kingdom unless and until the Secretary of State has confirmed that a safe and legal route existed but that the person nevertheless chose to follow an alternative route which resulted in them arriving in the United Kingdom without leave.*

Amendment 121, page 8, line 30, leave out paragraph (b) and insert—

"(ba) any protection claim, human rights claim, claim to be a victim of slavery or a victim of human trafficking as defined by regulations made under section 69 of the Nationality and Borders Act 2022 made by P has been resolved, and

(bb) any application by P for judicial review in relation to their removal from the United Kingdom under this Act has concluded."

*This amendment would make clear that no one can be removed from the UK until their protection claim, human rights claim, claim to be a victim of slavery or trafficking has been resolved or their application for judicial review in relation to their removal has concluded.*

Amendment 18, page 8, line 36, at end insert—

"(3A) A notice under subsection (2) must—

(a) be provided in a language understood by that person, and

(b) provide information about how that person may access legal advice."

*This amendment would require the notices of removal to be provided in a language understood by the recipient, and to include information about how the recipient may access legal advice.*

Amendment 217, page 8, line 37, leave out subsection (4).

Amendment 218, page 9, line 11, leave out subsection (8).

Government amendments 165 to 167.

Clause 7 stand part.

Amendment 219, in clause 8, page 9, line 29, after "family" insert "who arrives with P and".

Government amendment 168.

Clause 8 stand part.

Amendment 286, in clause 9, page 11, line 8, at end insert—

"(8) The Secretary of State must, within 30 days of the date on which this section comes into force, publish and lay before Parliament an assessment of the impact of this Act on—

(a) Government expenditure on asylum support; and

(b) the use of contingency accommodation (including the specific use of hotels)

provided under section 4 of the Immigration and Asylum Act 1999."

Clauses 9 and 10 stand part.

Amendment 220, in clause 11, page 13, leave out lines 19 to 36.

Amendment 221, page 13, leave out from the beginning of line 37 to the end of line 28 on page 14.

Government amendment 169.

Amendment 143, page 14, line 36, leave out lines 36 to 38 and insert—

"(2G) Detention under sub-paragraph (2C) or (2D) is to be treated as detention under sub-paragraph 16 (2) for the purposes of the limitations in paragraph 18B (limitation on detention of unaccompanied children)."

*This amendment would remove the provision which enables a person of any age to be detained "in any place that the Secretary of State considers appropriate" and would reapply the existing statutory time and location restrictions on the detention of unaccompanied children.*

Amendment 65, page 14, line 38, at end insert

"provided that it is compliant with the Detention Centre Rules 2001 and that local residents who may be affected are properly consulted."

Amendment 71, page 14, line 38, at end insert

", except in the case of an unaccompanied child or where a relevant family member is aged under 18, in which case sub-paragraph (2H) applies.

(2H) Where this sub-paragraph applies, the Secretary of State must consult and take into account the advice of the Children's Commissioner as to whether—

(a) detention of the child or young person is compatible with the rights of the child or young person, and

(b) whether the place proposed for detention is suitable for ensuring the well-being of the child or young person.

(2I) The Secretary of State must lay before Parliament, subject to any appropriate redactions of personal data, advice received from the Children's Commissioner under sub-paragraph (2H)."

*This amendment is intended to give the Children's Commissioner (who has responsibility for the welfare of under-18s in reserved/ excepted matters across the UK) a role in ensuring that their rights are taken into account in the detention decision, and that any detention accommodation secures their welfare.*

Amendment 145, page 14, line 41, leave out subsection (4).

*This amendment would remove the provisions which disapply the existing statutory time and location restrictions on the detention of children and their families.*

Amendment 222, page 15, leave out lines 27 to 43.

Amendment 223, page 15, leave out from the beginning of line 44 to the end of line 34 on page 16.

Amendment 144, page 16, line 40, leave out lines 40 and 41 and insert—

"(2E) Detention under subsection (2A) or (2B) is to be treated as detention under sub-paragraph 16(2) of Schedule 2 to the Immigration Act 1971 (limitation on detention of unaccompanied children)."

*This amendment would remove the provision which enables a person of any age to be detained "in any place that the Secretary of State considers appropriate" and would reapply the existing statutory time and location restrictions on the detention of unaccompanied children.*

Amendment 147, page 16, line 40, leave out lines 40 and 41 and insert—

"(2E) Detention under subsection (2A) or (2B) is to be treated as detention under paragraph 16(2) of Schedule 2 to the Immigration Act 1971 for the purposes of the limitations in paragraph 18B of Schedule 2 of that Act."

*See explanatory statement for Amendment 146.*

Amendment 21, page 17, line 9, leave out subsection (11).

*This amendment seeks to remove the provisions which disapply existing statutory time limits on detention of pregnant women to people detained under powers set out in this clause.*

Clause 11 stand part.

Amendment 226, in clause 12, page 17, line 20, leave out

"in the opinion of the Secretary of State".

Amendment 227, page 17, line 24, leave out lines 24 to 28.

Amendment 228, page 17, line 42, leave out

"in the opinion of the Secretary of State".

Amendment 229, page 18, line 1, leave out "reasonably".

Amendment 230, page 18, line 2, leave out

"the Secretary of State considers to be".

Amendment 231, page 18, line 39, leave out

"in the opinion of the Secretary of State".

Amendment 232, page 19, leave out lines 1 to 4.

Amendment 233, page 19, leave out lines 11 to 20.

Clause 12 stand part.

Amendment 234, in clause 13, page 20, line 32, leave out subsection (3).

Amendment 124, page 21, line 3, leave out from beginning to end of line 11 on page 22.

*This amendment would remove the prohibition, for the first 28 days of detention, on the grant of immigration bail by the First-tier tribunal and the ouster of judicial review of detention.*

Amendment 235, page 21, line 12, leave out subsection (4).

Government amendments 170 and 171.

Clauses 13 and 14 stand part.

Amendment 238, in clause 15, page 22, line 30, at end insert—

"(1A) The power in clause (1) may only be exercised if the exercise of that power is in the best interests of the child, or children, being provided for."

Amendment 239, page 22, line 34, leave out "may" and insert

"must, as necessary to secure the best interests of the child,".

Clause 15 stand part.

Amendment 240, in clause 16, page 23, line 2, leave out "may" and insert "must".

Amendment 241, page 23, line 3, leave out

"on a certain date (the transfer date)"

and insert

"as soon as reasonably practical".

Amendment 242, page 23, line 10, leave out subsections (4) to (8).

Clause 16 to 18 stand part.

Amendment 246, in clause 19, page 24, line 27, at end insert

"but only with the consent of the Senedd Cymru, Scottish Parliament or Northern Ireland Assembly."

Clauses 19 and 20 stand part.

Amendment 247, in clause 21, page 25, line 17, leave out paragraphs (a) and (b) and insert

"grounds of public order prevent observation of the reflection and recovery period, or if it is found that victim status is being claimed improperly."

*This amendment seeks to align provisions in clause 21 relating to exclusion from trafficking protections to those in article 13 of the European Convention on Action Against Trafficking.*

Amendment 24, page 25, line 19, at end insert—

"(aa) the Secretary of State is satisfied that the person is a threat to public order, within the terms of section 63(3) of the Nationality and Borders Act 2022."

Amendment 125, page 25, line 20, leave out paragraph (b) and insert—

"(aa) grounds of public order prevent that person being provided with a recovery and reflection period in accordance with Article 13 of the Council of Europe Convention on Action against Trafficking."

*This amendment, together with Amendments 126 and 127, would ensure that the disapplication of modern slavery provisions extends only in accordance with the Council of Europe Convention on Action against Trafficking.*

Amendment 126, page 25, line 29, leave out paragraph (b).

*This amendment, together with Amendment 127, would ensure that the disapplication of modern slavery provisions extends only in accordance with the Council of Europe Convention on Action against Trafficking.*

Amendment 292, page 26, line 2, at end insert—

"(d) a decision has been made by a competent authority that there are reasonable grounds to believe that the person is a victim of sexual exploitation ("positive reasonable grounds decision")."

*This amendment seeks to remove potential victims of sexual exploitation from the provisions requiring them to be removed.*

Amendment 127, page 26, line 25, leave out subsections (7) to (9).

*This amendment, together with Amendment 126, would ensure that the disapplication of modern slavery provisions extends only in accordance with the Council of Europe Convention on Action against Trafficking.*

Amendment 291, page 26, line 36, at end insert—

"(9A) A person whose removal from the United Kingdom is enabled by subsection (2), shall only be removed to a state that is a signatory to—

the European Convention on Human Rights, and

the Council of Europe Convention on Action Against Trafficking."

*This amendment seeks to restrict the removal of victims of modern slavery to countries which are signatories to the European Convention on Human Rights and the Trafficking Convention.*

Clause 21 stand part.

Amendment 249, in clause 22, page 27, line 11, leave out paragraphs (a) to (c) and insert

"grounds of public order prevent observation of the reflection and recovery period or if it is found that victim status is being claimed improperly."

*This amendment seeks to align provisions in clause 21 relating to exclusion from trafficking protections to those in article 13 of the European Convention on Action Against Trafficking.*

Amendment 288, page 27, line 17, leave out subsection (2).

*This amendment seeks to remove the bill's restrictions on the provision of modern slavery support to those subject to the provisions in clause 2.*

Clause 22 stand part.

Amendment 289, in clause 23, page 27, line 30, leave out subsection (2).

*See explanatory statement for Amendment 288.*

Clause 23 stand part.

Amendment 290, in clause 24, page 29, line 13, leave out subsection (2).

*See explanatory statement for Amendment 288.*

Clause 24 stand part.

Amendment 250, in clause 25, page 30, line 34, leave out subsection (2).

*This amendment leaves out an exception to the general sunset provision relating to Scottish trafficking legislation.*

Amendment 251, page 30, line 39, leave out paragraphs (b) and (c).

*This amendment removes provisions allowing the Secretary of State, in regulations, to make certain provisions which would alter the operation of the two-year sunset clause in relation to clauses 21 to 24.*

Clause 25 stand part.

Amendment 252, in clause 26, page 31, line 26, leave out "25(3)(c)" and insert "25(3)(b) or (c)".

*This amendment seeks to ensure that certain regulations altering the operation of the two-year sunset clause in relation to clauses 21 to 24 require use of the draft affirmative procedure.*

Amendment 253, page 31, line 29, leave out subsections (2) to (6).

*This amendment would remove powers to allow revival of provisions excluding trafficking and slavery protections without using the draft affirmative procedure.*

Clauses 26 and 27 stand part.

Amendment 129, in clause 28, page 33, line 25, leave out "to deportation" and insert "for removal".

*The purpose of this amendment is to replace the term "deportation" with "removal".*

Amendment 130, page 33, line 25, at end, insert—

"(3A) The Secretary of State may by regulations amend any primary or secondary legislation relating to immigration, asylum, criminal justice and counter-terrorism, including this Act, in order to replace consistently the terms "deport" or "deportation" with "remove" or "removal"."

*The purpose of this amendment is to replace the terms "deport'" and "deportation" with "remove" and "removal" consistently across all relevant existing UK law.*

Clause 28 stand part.

Amendment 254, in clause 29, page 33, leave out lines 36 to 40.

Amendment 255, page 34, line 5, leave out "ever".

*This amendment, along with Amendment 256, would ensure persons were not excluded permanently from leave to enter or remain.*

Amendment 256, page 34, line 7, after "United Kingdom)" insert

"at any time in the last three years".

*See explanatory statement for Amendment 255.*

Amendment 257, page 34, leave out lines 8 to 12.

Amendment 258, page 34, line 13, after "(5)" insert

"and such other exceptions as may be set out in immigration rules".

Amendment 259, page 34, line 14, leave out "must" and insert "may".

Amendment 260, page 34, line 24, leave out "must" and insert "may".

Amendment 261, page 34, line 25, leave out "must" and insert "may".

Amendment 262, page 34, line 27, leave out "may" and insert "must".

*This amendment, along with Amendments 263 and 264, seeks to require the Home Secretary to admit a person to the United Kingdom, or allow them to remain, if necessary to comply with international obligations.*

Amendment 263, page 34, line 37, leave out "may" and insert "must".

*See explanatory statement for Amendment 262.*

Amendment 264, page 35, line 1, leave out "may" and insert "must".

*See explanatory statement for Amendment 262.*

Amendment 265, page 35, line 8, leave out lines 8 to 20.

Clause 29 stand part.

Amendment 304, in clause 30, page 35, line 31, leave out "has ever met" and insert

"is over the age of 18 at the time of entry into the United Kingdom and meets".

*This amendment seeks to exclude children, whether as unaccompanied children or as members of a family, from the disapplication of future grants of British citizenship.*

Amendment 266, page 35, line 34, leave out subsection (4).

*This amendment and Amendments 267 to 271 would remove provisions preventing children born in the United Kingdom from ever accessing UK citizenship, because their parents had at any point in the past met the conditions in section 2.*

Amendment 267, page 36, line 24, leave out subsection (8).

*See explanatory statement for Amendment 266.*

Clause 30 stand part.

Amendment 268, in clause 31, page 36, line 31, leave out paragraphs (a) to (d).

*See explanatory statement for Amendment 266.*

Amendment 269, page 37, line 3, leave out sub-paragraphs (i) and (ii).

*See explanatory statement for Amendment 266.*

Clause 31 stand part.

Amendment 270, in clause 32, page 37, line 17, leave out paragraphs (a) and (b).

*See explanatory statement for Amendment 266.*

Amendment 271, page 37, line 29, leave out sub-paragraph (i).

*See explanatory statement for Amendment 266.*

Clause 32 to 34 stand part.

Amendment 274, in clause 35, page 38, line 8, leave out "may" and insert "must".

Amendment 182, page 38, line 14, at end insert—

"(3) The Secretary of State may determine that the person is not to be an "ineligible person" for the purposes of sections 31 to 34 if the Secretary of State considers that there are compelling circumstances which apply in relation to the person which mean that it is appropriate to do so."

*This amendment would allow similar discretion to consider, exceptionally, applications for citizenship from those otherwise excluded as the Secretary of State will have in relation to applications for leave to remain, entry clearance and ETA under Clause 29.*

Clause 35 stand part.

Amendment 275, in clause 36, page 38, line 17, leave out subsections (2) to (4).

Amendment 276, page 39, line 12, leave out subsections (10) and (11).

Amendment 277, page 39, line 35, leave out subsections (15) and (16).

Clause 36 stand part.

Clauses 52 and 53 stand part.

Amendment 59, in clause 54, page 54, line 34, leave out paragraphs (c) to (h).

*This amendment is consequential on deleting clauses 21 to 28 relating to modern slavery.*

Amendment 175, page 55, line 9, leave out paragraph (k).

*This amendment is consequential on Amendment 174.*

Amendment 174, page 55, line 14, at end insert—

"(4A) Regulations under section 51 (cap on number of entrants using safe and legal routes) are subject to a special super-affirmative procedure (see subsections (4B) and (4C)).

(4B) The number specified in regulations under section 51 must be the number specified in a resolution of the House of Commons agreed as a result of an amendable motion moved by a Minister of the Crown.

(4C) Regulations under section 51 may not be made unless a draft of the instrument specifying the number agreed by the House of Commons in accordance with subsection (4B) has been laid before and approved by a resolution of each House of Parliament."

*The intention of this Amendment is that the target number of entrants using safe and legal routes to be specified in regulations under clause 51 should be amendable by Parliament.*

Clause 54 stand part.

Government amendment 172.

Clause 55 stand part.

Amendment 60, in clause 56, page 56, line 4, leave out subsections (2) to (4).

*This amendment is consequential on deleting clauses 21 to 28 relating to modern slavery.*

Clause 56 stand part.

Amendment 63, in clause 57, page 56, line 19, at end insert

"provided that the impact assessment required by section (impact assessment)has been laid before Parliament."

*This amendment is consequential on NC5.*

Government amendment 66.

Amendment 64, page 56, line 22, after "sections" insert "(impact assessment) and".

*This amendment is consequential on NC5.*

Amendment 61, page 56, line 32, leave out paragraphs (e) to (h).

*This amendment is consequential on deleting clauses 21 to 28 relating to modern slavery.*

Amendment 278, page 56, line 33, leave out paragraph (f).

Amendment 280, page 56, line 34, leave out paragraph (g).

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

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

Amendment 50, page 57, line 2, at end insert—

"(4A) The Secretary of State may by regulations under subsection (1) bring into force the provisions in sections 21 to 28 on modern slavery.

(4B) For the purposes of subsection (4A) above, the Secretary of State may not make regulations until after an Independent Anti-Slavery Commissioner has been—

(a) appointed; and

(b) consulted by the Secretary of State on the potential implications of the relevant sections."

*This amendment is intended to delay the entry into force of the Bill's provisions on modern slavery until such time as the Secretary of State has appointed and consulted with a new Independent Anti-Slavery Commissioner.*

Amendment 279, page 57, line 2, at end insert—

"(4A) Section 23 may come into force on such day as the Secretary of State may by regulations appoint, if the Scottish Parliament has indicated its consent to the section coming into force."

Amendment 281, page 57, line 2, at end insert—

"(4A) Section 24 may come into force on such day as the Secretary of State may by regulations appoint, if the Northern Ireland Assembly has indicated its consent to the section coming into force."

Amendment 74, 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 287, page 57, line 7, at end insert—

"(7) The Secretary of State must, within 30 days of this section coming into force, publish and lay before Parliament all relevant impact assessments carried out by the Government in relation to measures set out in this Act.

(8) For the purposes of subsection (7), "relevant impact assessments" includes, but is not limited to—

(a) assessments of the potential financial costs which may be incurred by the implementation of all measures set out in this Act;

(b) assessments of whether implementation of measures set out in each section of this Act could amount to a breach of any obligations of the United Kingdom under relevant domestic and international laws; and

(c) equality impact assessments."

*This amendment seeks to require the publication of a full set of impact assessments for the bill within 30 days of its coming into force.*

Clause 57 stand part.

Amendment 293, in clause 58, page 57, line 9, leave out "Illegal Migration" and insert

"Migration, Asylum and Modern Slavery (Removals)".

Clause 58 stand part.

New clause 1—*Limits on detention*—

"(1) No person under the age of 18 may be detained in asylum accommodation at any time.

(2) No person aged 18 or over may be detained in asylum accommodation for more than 28 days."

New clause 2—*Smuggling*—

"(1) Not less than six months before this Act comes into force, the Secretary of State must publish a report to Parliament regarding discussions with the governments and authorities of other countries, including those bordering the English Channel and the North Sea, concerning the steps taken or proposed to prevent or deter a person from—

(a) charging refugees for assistance or purported assistance in travelling to or entering the United Kingdom;

(b) endangering the safety of refugees travelling to the United Kingdom.

(2) The report must focus on steps other than the provisions of this Act."

*This new clause requires the Secretary of State to publish a report on the actions that are being taken to tackle people smugglers.*

New clause 5—*Impact assessment*—

"The Secretary of State must lay before Parliament an impact assessment regarding the expected effectiveness of the changes made by this Act in stopping, or reducing the number of, Channel crossings from France by asylum seekers."

New clause 8—*Immigration rules since December 2020: report on effects*—

"(1) Before bringing any provisions of this Act into force by regulations, the Secretary of State must commission and lay before Parliament an independent report on the effects of its immigration rules on the UK economy and public services since December 2020.

(2) The areas to be covered by the report must include but are not limited to—

(a) food supply;

(b) fuel supply;

(c) hospitality and tourism;

(d) the NHS;

(e) social care; and

(f) construction."

*This new clause would require the Government to commission and publish an independent report on the effects of its Immigration Rules on the UK economy and public services since December 2020.*

New clause 9—*Operational efficiency*—

"(1) Within six months of the date on which this Act is passed the Secretary of State must commission a management review, to be undertaken by management experts outside the Home Office, of—

(a) the efficiency of the processing by UK Visas and Immigration of applications, and

(b) the efficiency of the removal by Immigration Control of persons whose leave to remain has expired.

(2) For the purposes of this section—

(a) "efficiency" includes fairness, and

(b) the review must include information regarding the numbers of appeals and their success rate."

*This new clause requires the Secretary of State to commission an independent management review of the efficiency of UK Visas and Immigration in processing applications and the efficiency of the removal process for those whose leave to remain has expired.*

New clause 14—*Independent review of children's experiences of the asylum system*—

"(1) The Government must commission an independent review of children's experiences of the asylum system, including the support needs for young asylum seekers, failed asylum seekers, and refugees up to the age of 25.

(2) The report of the review under this section must be laid before Parliament within 6 months of the date on which this Act is passed."

*This new clause would give effect to a recommendation of the Home Affairs Select Committee in its report Channel crossings, migration and asylum (HC 199, 18 July 2022). It establishes a statutory duty on the government to commission an independent*

*review of children's experiences of the asylum system and ensure the presentation of its findings are presented to Parliament within 6 months of the Act.*

New clause 15—*Independent child trafficking guardian*—

"(1) The Secretary of State must make such arrangements as the Secretary of State considers reasonable to enable an independent child trafficking guardian to be appointed to assist, support and represent a child to whom subsection (2) applies.

(2) This subsection applies to a child if a relevant authority determines that—

(a) there are reasonable grounds to believe that the child—

(i) is, or may be, a victim of the offence of human trafficking, or

(ii) is vulnerable to becoming a victim of that offence, and

(b) no person in the United Kingdom is a person with parental rights or responsibilities in relation to the child."

*This new clause would give effect to a recommendation of the Home Affairs Select Committee in its report Channel crossings, migration and asylum (HC 199, 18 July 2022). It would oblige the Secretary of State to provide every asylum seeker under the age of 18 with an Independent Child Trafficking Guardian to support their interactions with immigration and asylum processes.*

New clause 16—*Child protection workers*—

"The Secretary of State must by regulations make provision for the training and deployment of child protection workers to work with child migrants on the French coast."

*This new clause would give effect to a recommendation of the Home Affairs Select Committee in its report Channel crossings, migration and asylum (HC 199, 18 July 2022).*

New clause 18—*Rights and wellbeing of children*—

"(1) In the exercise of duties and powers under this Act in relation to any individual who arrived in the UK as a child, the Secretary of State must have as the primary consideration the need to ensure and promote the best interests of the individual, including but not limited to—

(a) the right to a family life;

(b) the right to education;

(c) the safeguarding duties of public authorities;

(d) their safety, health, and wellbeing; and

(e) their physical, psychological and emotional development.

(2) In carrying out the duty under subsection (1) the Secretary of State must assure parity of treatment of all children under the age of 18 currently resident in the United Kingdom.

(3) The Secretary of State must lay before Parliament an annual report setting out details of how the Secretary of State has complied with the duties set out in this section."

*This new clause would confer a safeguarding duty on the Secretary of State in relation to all child asylum seekers (unaccompanied or not), including the need to ensure the parity of standards between safeguarding provisions for child asylum seekers and other children in the UK.*

New clause 21—*Organised immigration crime enforcement*—

"(1) The Crime and Courts Act 2013 is amended as follows.

(2) In section 1 after subsection (10) insert—

"(11) The NCA has a specific function to combat organised crime, where the purpose of that crime is to enable the illegal entry of a person into the United Kingdom via the English Channel.

(12) The NCA must maintain a unit (a "Cross-Border People Smuggling Unit") to coordinate the work undertaken in cooperation with international partners in pursuit of the function mentioned in subsection (11).""

*This new clause would give the National Crime Agency a legal responsibility for tackling organised immigration crime across the Channel, and to maintain a specific unit to undertake work related to that responsibility.*

New clause 22—*Asylum backlog: reporting requirements*—

"(1) The Secretary of State must, within three months of the date on which this Bill was published, and at intervals of once every three months thereafter, publish and lay before Parliament a report on the steps taken and progress made toward clearing the backlog of outstanding asylum claims, within the preceding three- month period.

(2) For the purposes of subsection (1) above, "the backlog of outstanding asylum claims" means the total number of asylum applications on which an initial decision had not yet been made as of 13 December 2022.

(3) In preparing the reports required by subsection (1) above, "progress toward clearing the backlog of outstanding asylum claims" may be measured with reference to—

(a) the number and proportion of applications on which an initial decision is made within six months of the submission of the application;

(b) changes to guidance for asylum caseworkers on fast-track procedures for straightforward applications;

(c) measures to improve levels of recruitment and retention of specialist asylum caseworking staff; and

(d) any other measures which the Secretary of State may see fit to refer to in the reports."

*This new clause seeks to require regular reports from the Secretary of State on progress toward eliminating the asylum backlog.*

New clause 27—*Accommodation: duty to consult*—

"(1) Section 97 of the Immigration and Asylum Act 1999 (supplemental) is amended as follows.

(2) After subsection (3A) insert—

"(3B) When making arrangements for the provision of accommodation under section 95 or section 4 of this Act, the Secretary of State must consult with representatives of the local authority or local authorities, for the area in which the accommodation is located.

(3C) The duty to consult in subsection (3B) also applies to any third party provider operating within the terms of a contract with the Secretary of State.""

*This new clause would add to the current law on provision of accommodation to asylum seekers a requirement to consult with the relevant local authorities when making the necessary arrangements.*

New clause 28—*Detention: impact assessment*—

"The Secretary of State must, within 30 days of the date on which sections 11 to 14 of this Act come into force, publish and lay before Parliament an assessment of any necessary expansion of the detention estate required as a consequence of the number of people detained under those sections, and any costs associated with that expansion."

*This new clause seeks to require the publication of an impact assessment for the bill's impact on the size and cost of the detention estate.*

New clause 29—*Nation of Sanctuary*—

"(1) The Secretary of State and Welsh Ministers must, within six months of the date on which this Act is passed, jointly publish guidance setting out how measures under this Act may be exercised in a way that secures compliance with—

(a) the Welsh Ministers' commitment to make Wales a "Nation of Sanctuary"; and

(b) the plan published by Welsh Ministers in January 2019 entitled "Nation of Sanctuary – Refugee and Asylum Seeker Plan".

(2) Before publishing the guidance, the Secretary of State and the Welsh Ministers must jointly—

(a) prepare and consult on draft guidance; and

(b) publish a response to the consultation.

(3) No guidance may be published under this section unless a draft of the guidance has been laid before and approved by Senedd Cymru."

*This new clause would require the UK and Welsh Governments to jointly produce guidance setting out how measures under this Act can be exercised in a way which is consistent with the Welsh Government's commitment of being a Nation of Sanctuary. No guidance can be published unless it has been approved by the Senedd.*

New clause 30—*Modern slavery decisions in immigration detention—*

"(1) Within 60 days of the passing of this Act the Secretary of State must, by regulation, make provision for the establishment of an expedited process to decide modern slavery cases, where the referral of a potential modern slavery case has been initiated while the potential victim of modern slavery is held in immigration detention pending removal.

(2) In this section "referrals" and "modern slavery decisions" refers to the process for identifying and supporting victims of modern slavery and trafficking set out in section 49 of the Modern Slavery Act 2015."

*This new clause seeks to require the Home Secretary to establish a process to fast-track modern slavery decisions made for the first time in immigration detention pending removal.*

New clause 32—*Refugee family reunion for unaccompanied children—*

"(1) The Secretary of State must, within 2 months of this section coming 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 provisions for regulation and control) to make provision for refugee family reunion for unaccompanied children, in accordance with this section, to come into effect after 21 days.

(2) The statement laid under subsection (1) must set out rules providing for leave to enter and remain in the United Kingdom for unaccompanied children who are the family member of a person—

(a) granted refugee status or humanitarian protection;

(b) resettled through Pathways 1 or 3 the Afghan Citizens Resettlement Scheme; or

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

(3) The rules under subsection (1) must—

(a) lay down no practice which would be contrary to the 1951 Convention relating to the Status of Refugees and the Protocol to that Convention; and

(b) apply equally in relation to persons granted any protection status.

(4) For the purposes of subsection (3), "protection status" means leave to enter or remain that is granted to a person for the purposes of compliance with the United Kingdom's obligations under—

(a) the 1951 Convention relating to the Status of Refugees and the Protocol to that Convention; or

(b) Article 3 of the European Convention on Human Rights.

(5) In this section, "unaccompanied children" includes a person—

(a) under the age of 18, who is—

(i) separated from both parents and other relatives, and

(ii) is not being cared for by an adult who, by law or custom, is responsible for doing so;

(6) In this section, "family member" include a person's—

(a) child, including adopted child;

(b) sibling, including adoptive sibling;

(c) 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.

(7) 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 is to be read in accordance with Article 3 of the 1989 UN Convention on the Rights of the Child."

*This new clause seeks to establish a passage for unaccompanied refugee children to be reunited with a family member who has been granted leave to enter and remain in the United Kingdom. This new clause would give effect to a recommendation of the Home Affairs Select Committee in its report Channel crossings, migration and asylum (HC 199, 18 July 2022).*

New clause 33—*Asylum claims by children—*

"Notwithstanding any other provision of this Act—

(a) a child may claim asylum whether or not the child has leave to enter and remain in the United Kingdom; and

(b) a child claiming asylum may not be removed from the United Kingdom until the asylum claim is resolved, whether or not that child is accompanied by an adult with care of the child."

*This new clause would make explicit that a child would be allowed to claim asylum, irrelevant of arrival method, and would be excluded from removal whether the child is unaccompanied or with an adult who has care of the child (such as a parent).*

Amendment 62, in clause 1, page 2, line 1, leave out paragraph (d).

*This amendment is consequential on deleting clauses 21 to 28 relating to modern slavery.*

Amendment 75, 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 184, page 2, line 14, leave out subsection (3).

Amendment 185, page 2, line 28, leave out subsection (5) and insert—

"(5) So far as it is possible to do so, provision made by or by virtue of this Act must be read and given effect in a way which is compatible with—

(a) the Convention rights,

(b) the Refugee Convention,

(c) the European Convention on Action Against Trafficking,

(d) the UN Convention on the Rights of the Child, and

(e) the UN Convention relating to the Status of Stateless Persons."

Amendment 1, page 2, line 28, leave out subsection (5).

*This amendment would remove the subsection which disapplies section 3 of the Human Rights Act 1998.*

Amendment 131, 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 181, page 2, line 29, at end insert—

"(6) Within one month of the passing of this Act, the Secretary of State must take such steps as are necessary to refer this Act to the European Commission for Democracy through Law, for the purposes of securing the opinion of the Commission as to whether this Act is compliant with the United Kingdom's obligations as a party to the European Convention of Human Rights."

Amendment 132, 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.*

Clause 1 stand part.

**Alison Thewliss:** The Scottish National party has tabled many amendments to the Bill, as we did yesterday, in a vain attempt to make it more palatable, although the Bill is so egregious as to be unamendable and unsupportable.

The aim of the Bill is reflected in a statement by the United Nations High Commissioner for Refugees, which said that it 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 genuine and compelling their claim may be, and with no consideration of their individual circumstances".

This is an extraordinary and extreme Bill. If it is passed, almost no one will be able to claim asylum in the UK—not children, not trafficked people or those at risk of persecution, and not survivors of torture. The Refugee Council has estimated that the Bill will result in as many as 250,000 people, including 45,000 children, being detained or left destitute in state-provided accommodation.

My colleagues and I have set out a range of exceptions to removal, and we have done so for a very clear reason: to humanise this brutal Bill, and talk about the specific impacts it will have. The Tories like to speak as if the people affected by the Bill are some kind of amorphous blob. They are not; each and every one of them is a real human being. They are people who have wept at my surgeries, and it is despicable that this Government care so little for their welfare, as well as for our international obligations. Names have been changed in a number of the examples and case studies I will use, but they are real people.

Amendment 188 is Hussein's amendment. It asks for the duty of removal not to apply to people who were under the age of 18 when they arrived in the UK. Hussein was flown over from Djibouti aged nine by a woman he had never met. His travel documents were faked and his identity changed. He was made to look after another family's children while still only a young child himself. It took him until adulthood to speak publicly about his case. Many of us will know him by his more famous name: Sir Mo Farah. Under the Bill, children such as Hussein Abdi Kahin would never have been given the opportunity to rebuild their life. They would have been denied citizenship, detained and removed. Unaccompanied children would not be supported, as they are through the excellent Scottish Guardianship Service run by Aberlour.

Scotland's Children and Young People's Commissioner, Bruce Adamson, has said:

"The UK is required to ensure that children seeking refugee status receive appropriate protection and humanitarian assistance, under article 22 of the UN Convention on the Rights of the Child (UNCRC). The UNCRC also requires the UK to ensure that children are protected from exploitation and abuse, and afforded support for recovery. This Bill violates those obligations and many others. Its enactment would place the UK in clear breach of its international law obligations under a range of human rights treaties."

I urge the Government to accept our amendment.

Amendment 189 would exempt Afghan nationals, and nothing said by the Minister for Veterans' Affairs in the House earlier has made any difference to how I feel about this issue. There are still many Afghan nationals whom we do not protect. I wonder whether it might be possible to call this Tobias's amendment, since the person in the case I will mention wishes to remain anonymous. *The Independent* reported:

"The air force lieutenant, who flew 30 combat missions against the Taliban and was praised by his coalition forces supervisor as a 'patriot to his nation', was forced into hiding and said it was 'impossible' to make his way to Britain via a safe route."

That sparked indignation from the right hon. Member for Bournemouth East (Mr Ellwood) who would appear to be entirely detached from the reality of what he has voted for in this Bill. He tweeted:

"This is clearly not who we are as a nation. And is not how our migration system should operate. I hope the Government will look at this case specifically and address the wider issue of how an Afghan (who supported UK Armed Forces) can safely apply for asylum in the UK."

Let me explain this to the right hon. Gentleman, and to all the others: if this Bill passes, which no doubt it will, that is exactly who this nation is. That is exactly how the UK migration system will operate. It is exactly what Conservative Members voted for in supporting this wicked Bill—no exceptions, no backsies, no fingers crossed behind their backs.

People such as that Air Force lieutenant, people who worked for the British Council, Afghan interpreters, educators, the widows and children of men who served with British troops, and the supplier of crockery to British Armed Forces, cannot sit and wait for the Taliban to find them and execute them. If they manage to get out, if they cross continents, step in a dingy and get across the channel, or even if they fly here via Pakistan on a visit visa obtained by pretending they will go back, the UK Government will not hear their case. They will put them on a flight to Rwanda. That is what inadmissibility means in practice, and the right hon. Member for Bournemouth East and his colleagues should catch themselves on.

Amendment 190 would exempt people who are refugees under the refugee convention or in need of humanitarian protection, because seeking asylum is not a crime.

*[Alison Thewliss]*

Amendment 191 exempts people at risk of persecution because of their sexual orientation. I will call this Yvette's amendment. I met her at the Rainbow Sisters drop-in last week. She is from Uganda, which has just brought in brutal anti-LGBT laws. Her statement to me last week was this: why would the UK Government send her back to neighbouring Rwanda? She would feel no safer there than in Uganda. Under the Bill, she would be offered no protection and sent back to her certain death.

Amendment 192 exempts people for whom there are reasonable grounds to suspect that they are victims of torture. I will call this Kolbassia's amendment. Kolbassia Haoussou MBE is a survivor of torture and founder of Survivors Speak OUT. He is an incredibly brave man. He is a torture survivor from Chad who was detained on claiming asylum. He has spoken powerfully about the impact that that detention had on him and the uncertainty he faced. He has said that he would have killed himself rather than be returned to the hands of his torturers. The Bill would allow that to happen to Kolbassia.

We tabled amendment 193 to exempt citizens of Ukraine—but wait; I was not sure that the amendment would be in order, because there is a safe and legal route for people from Ukraine. We will not find them coming over in a boat in the channel; they do not need to do that because a safe and legal route exists. That should be the option for anybody in their circumstances.

Amendment 282 exempts people who have HIV/AIDS, because the Bill puts them at risk of not receiving treatment or of being returned to a country where they would face stigma, risk and potentially death.

**Florence Eshalomi** (Vauxhall) (Lab/Co-op): The hon. Lady is making some powerful points. I declare an interest as a co-chair of the all-party parliamentary group on HIV/AIDS. Along with many other nations, the UK is working to end new HIV transmissions by 2030. The UK is also one of the co-founders of the Global Fund, which aims to ensure commitment and funding. Does she agree that, in denying help to people who are diagnosed with HIV/AIDS, the Bill runs contrary to all those aims?

**Alison Thewliss:** The hon. Lady—I am a member of that all-party parliamentary group—is absolutely correct to make that point. We have a responsibility here, but the way in which the Bill is drafted takes no account of people's health circumstances. It could put people at severe risk if they are sent back or denied treatment.

**The Minister for Immigration (Robert Jenrick)** *indicated dissent.*

**Alison Thewliss:** The Minister shakes his head, but the Home Office has form in denying people who receive medication to manage their condition the treatment they are entitled to in detention, which is where it wishes to place people. The National AIDS Trust highlighted for me a case of a person detained at Harmondsworth immigration removal centre who was denied access to the care that would meet clinical guidelines. He could not get his medication and then it was not given at the appropriate times—with food, as prescribed—because the staff had no experience of that and were not able to support him adequately. If the Government are going to deny people entry and detain them, what is the guidance? What guarantees can the Minister give that those with HIV/AIDS will be able to access the treatment that is keeping them alive?

Amendment 194 exempts people who have family members in the United Kingdom. There are many cases I could attribute to this amendment, but I will call it Ibrahim's amendment. He is here in the UK, but his wife, son and daughter are in Iran. They have been patiently waiting for over six months for a family reunion visa to be processed. In the meantime, his family are in danger. His daughter was followed home from school and raped by the Islamic Revolutionary Guard Corps. This is why people do not wait in-country for the Government to process their visas. They do not wait because they are at risk of persecution, rape, danger and torture. That is why people flee. People come here to join family because they are in danger. They are not prepared to wait for safe and legal routes, because in many cases they do not exist. Family reunion, in many cases that I see, is just too slow and not available to everybody who needs it.

Amendment 195 exempts people for whom there are reasonable grounds to suspect that they are victims of trafficking or slavery. I will call this Eva's amendment. Eva is a 28-year-old woman from south-eastern Europe who was referred to the TARA—Trafficking Awareness Raising Alliance—service in Glasgow by Police Scotland over the 2016 festive period. Through a relationship she believed was real, she ended up being assaulted, drugged, trapped in sex work and trafficked. She was later placed on a lorry and moved for three days. Eventually, she came to be in Scotland, where she was kept in a flat, isolated from the other women who were also being held. She was raped multiple times by men every day. She was able to escape and find her way to the police. Under the Bill, she would now get no support. Her trafficker will now threaten her: if she goes to the authorities, they will send her to Rwanda. They will keep her under control with the measures the Government are bringing forward in the Bill. In addition, she will not get the expert support that TARA provides in Glasgow. She will be at risk of re-trafficking and further exploitation. This is the reality of the Bill for Eva and many like her: a trafficker's charter.

Amendment 196 exempts people who meet the definition of an "adult at risk" in paragraph 7 of the 2016 Home Office guidance on adults at risk in immigration detention, including in particular people suffering from a condition or who have experienced a traumatic event, such as trafficking, torture or sexual violence, that would be likely to render them particularly vulnerable to harm. Let us call this Mohammed's amendment, after the experience of young people described by Freedom from Torture in its report "Fleeing A Burning House", which I commend to all Members on the Conservative Benches. Mohammed arrived in the UK via Libya. The report states:

> "In Libya, the treatment is so cruel. We have quite a few young people who were really traumatised...Smugglers were basically killing people on the journeys...I think that one of the most traumatic experiences is being raped or seeing the brutality of people."

The UK Government in this Bill are seeking not to assess the trauma that people arrive with, but to remove them without asking any questions. Putting people into immigration detention re-traumatises people. I visited Napier barracks. There is no privacy and no dignity. Diseases such as covid and scabies run rife. This model dehumanises. I have heard some people say that if it was good enough for troops it is good enough for refugees, but the reality is that these facilities have been abandoned by the Ministry of Defence for good reason: they were inadequate. For many fleeing trauma, it is that militaristic experience they are running from. It is entirely inappropriate for vulnerable people. We know from the Brook House inquiry that the Home Office has a sketchy history of supporting those who meet the definition of adults at risk. It should be reducing immigration detention, not expanding it.

Our list of exemptions is not exhaustive. We accept Labour's amendment 2, which mentions gender. It is not possible to detail every single possible category of person who should be exempt from the duty to remove, because every person who comes has their own story and their own circumstances. A Bill that treats all of them as a problem to be removed is not fit for purpose. The duty to remove is far too broad and currently has only minimal narrow exemptions. By including people such as victims of trafficking in the duty to remove, the Home Secretary is creating circumstances where traffickers have even more power over the people they are trafficking.

Amendment 197 removes the backdated element of the legislation. Many people who had already started their journeys will not have been aware of the legislation when they began. The legislation will impact people who have already accessed support arrangements here in the UK and who are, to all intents and purposes, in the asylum system. They could not have known the detail of the Bill, which had not been published when they made their journey, and it is particularly egregious that they should be punished for that.

Clause 3, on unaccompanied children regulations, gives power to the Home Secretary to remove unaccompanied children. There is no duty to do so, but it remains at her discretion. On Second Reading, the Home Secretary said that the duty to remove will not apply to unaccompanied asylum-seeking children and that "only in limited circumstances" would the power to remove unaccompanied children be used, such as for family reunion. However, there is no detail in the Bill itself of when such a power would be used. Given all I know about the Home Office, I certainly would not trust them as far as I could throw them.

The Children's Commissioner for England team told me that they recently met a boy who believes that his family were killed in Iran. He was brought to the UK by people smugglers. They stated:

> "He had no idea which country he was coming to and no choice in the matter. The Bill sets out that children like this boy who arrive in this country irregularly, whether alone or with their families, will essentially be denied the right to claim asylum in the UK. These are children who are fleeing persecution and then further exploited and abused by people smugglers. Any child arriving in the UK after these experiences must first and foremost be viewed as vulnerable, and in need of love and care. Many of these children will have been trafficked here against their will and must not be held accountable for the crimes of their adult exploiters."

Clause 4 makes applications under clause 2 inadmissible, so the UK Government will not consider the application at all, no matter how strong an application may be. Separated children will also have any claims deemed inadmissible.

Clause 5 details the Home Secretary's duty to remove people, which we would amend by including safeguarding clauses so that people cannot be removed to dangerous countries. Research for the Refugee Council has shown that around half the people who made the journey last year came from just five countries with high asylum grant rates. Those people cannot be sent back home. It is not possible to send an Afghan back to Afghanistan or a Syrian back to Syria—they are not included on the safe countries list.

2.30 pm

There are no alternatives arrangements in place to remove people, either. There is no agreement with the French Government or the EU, and the Rwanda scheme is beset by legal challenges. Even if it was working as the Government imagined, only a few hundred people per year would be expected to be removed. That leaves a situation where thousands of people—some with compelling and legitimate cases—who would currently be allowed to remain will be left in limbo indefinitely—forever. Any application they make will be inadmissible; they cannot go home and they cannot go anywhere else. The Home Secretary is creating a situation where thousands of people will be eligible to be detained. I wonder slightly whether Ministers hope that the people smugglers across the channel will set up in Dover to take people back, because they seem not to have any other plan to deal with the situation.

Clause 6 gives the Home Secretary powers to amend the schedule, which is the list of safe countries. Those countries are not safe for everybody. Albania is often talked about, but many people who are trafficked here, particularly for sexual exploitation, come from Albania. As I mentioned, if they return they may be at risk of re-trafficking. Women for Refugee Women and Rainbow Sisters set out the very clear risks for lesbians in the Bill. Gambia, Ghana, Kenya, Liberia, Malawi, Nigeria and Sierra Leone are listed "(in respect of men)". But in a number of those countries, such as Gambia, there are risks to women. Nigeria topped the LGBTQ danger index, but somehow is listed as a country to which people could be removed. Men face the death penalty by stoning in Nigeria, whereas women face whipping and imprisonment for being LGBT.

Are the Government really saying that an LGBT person whose case will not be assessed, because they will not talk to them and find out why they are at risk, will be returned to Nigeria to be whipped or stoned to death? That is what the Bill sets out. They are not considering the risk to individuals at all. They have made a list of safe countries that are clearly not safe for everybody, and have no understanding of what that will mean in practice for the people they are seeking to remove.

**Caroline Lucas** (Brighton, Pavilion) (Green): The hon. Lady is making an incredibly powerful case against this, frankly, rotten and disgusting Bill. Does she agree that without her amendment 186, clause 2 effectively shuts down pretty much the whole UK asylum system? It captures nearly all asylum applicants—not just those

*[Caroline Lucas]*

who come by boat but the nearly half of all people who do not arrive that way. Without her amendment, the asylum system in this country will no longer work in any shape or form.

**Alison Thewliss:** I absolutely agree. We accept that the Government have made an absolute hash of the asylum system. The asylum backlog is enormous and they should pay attention to it, but tackling the problem by denying anybody else asylum ever does not seem the legitimate way to deal with it.

Clauses 11 and 12 expand the power of detention. As chair of the all-party parliamentary group on immigration detention, I find that an incredibly worrying development. It includes people who cannot be removed to their country of origin. The UK Government have previously said that their policy was to decrease the immigration detention estate, but that will now be expanded dramatically. The harm done to people in detention facilities is immeasurable. It exacerbates existing trauma, tears families apart and has crushing impacts on mental and physical health. After the Home Secretary has removed the right to apply for bail, thousands more will be trapped in the system indefinitely.

The UK's detention system is already an international outlier, with people held indefinitely, out of line with provisions in the criminal law system. I received an email earlier from Elspeth Macdonald, who works for Medical Justice, on worrying and serious reports of a death at Colnbrook immigration removal centre. I would be grateful if the Minister stopped playing with his phone and confirmed whether the reports of the death there are true, because it is incredibly worrying. What steps are the Government taking to ensure that there will be an investigation, if the death did happen. There have been deaths in other immigration centres, and we do not want the Government repeating those dangerous errors. I would like to know what appropriate counselling and bereavement support have been made available to people in that detention centre, because that is a frightening experience for them.

It would be useful to know why the Home Office has stopped including the number of deaths in immigration detention from the official immigration statistics. They were published every year from 2017 to 2021, but in the latest statistics for 2022, deaths were not included. Immigration detention is bad for people. It is bad for their mental health. If there is to be further immigration detention—*[Interruption.]* The Minister shakes his head, but the evidence is incredibly clear that immigration detention is bad for people.

The Bill also expands detention criteria to include children, which rolls back on hard-won rights that the Glasgow girls and others fought for. Immigration detention is no place for anybody, and certainly not for children. Some of the detainees that the Minister wishes to hold will be pregnant. The British Medical Association has said that under the Illegal Migration Bill, the 72-hour time limit on the detention of pregnant women, introduced by the Government in 2016, will be denied to women who arrive by irregular means. Instead, pregnant women will be locked up indefinitely, while the Government attempt to remove them from the UK. They will not be allowed to apply for immigration bail for the first 28 days that they are detained or for juridical review of the lawfulness of their detention. Many pregnant women are likely to languish in detention for some time, since there are few returns agreements in place by which they could be removed from the UK.

I highlight a particular case study from Women for Refugee Women of a woman called Priya, a trafficking survivor detained in Yarl's Wood when she was 20 weeks pregnant and held there for almost two months before being released. Priya said:

> "I only had one hospital appointment while I was there, for my 20-week scan, and even then I was escorted by officers who took me 40 minutes late for my appointment. I felt frustrated that I wasn't able to speak to the midwife after my scan because there was no time. The officers just took me straight back to Yarl's Wood instead. It was not easy. I often felt weak and in pain; I'm anaemic and my blood pressure is very low. On one occasion I passed out in Yarl's Wood, but they just took me back to my room and left."

Pregnant women are being locked up in detention centres. What kind of message does that send to the rest of the world? It is inhumane.

Clause 12 amends the Immigration Act 1971, and specifies that determining what is a reasonable period to detain people is for the Secretary of State rather than the courts. Those changes would apply to existing detention powers as well as the new powers provided in clause 11. The amendment removes the considerable latitude given to the Home Secretary to decide what is reasonably necessary to enable examination or removal. Clause 13 amends the immigration bail provisions in schedule 10 to the Immigration Act and restricts the jurisdiction of the courts to review the lawfulness of a decision to detain or to refuse bail.

Clauses 15 to 20 deal with the provision of asylum accommodation for children by the Home Office rather than local authorities, which is entirely unacceptable. The Children's Commissioner for Scotland has condemned that move in the strongest terms, saying:

> "The Home Office's history of neglect renders it an unfit parent for vulnerable children."

The Children's Commissioner for England says:

> "The Bill as it stands leaves profound areas of uncertainty–for example, as to what form the accommodation provided to children by the Home Office will take–making proper scrutiny deeply challenging."

The Home Office has already lost children from the accommodation it has used, so we cannot trust it to look after things at present. Why would we give it more powers in this area? On Second Reading I spoke about treating people as we would like to be treated. We would not treat our own children in that way, so why do the Home Secretary, the Minister and this Government think that we should?

**Stella Creasy** (Walthamstow) (Lab/Co-op): The hon. Lady is giving incredibly powerful testimony. Will she consider supporting new clause 18, which would require that we treat every child on UK soil with the same care and that we safeguard every child equally, whether they are refugees or not?

**Alison Thewliss:** I absolutely support the hon. Lady's amendment and her work in this area. This Government forget, in their talking about people as though they were an amorphous blob, that we are talking about children, and they have rights under the UNCRC. Scotland has

done a lot of work on looked-after children with "the promise" and we should not treat those children any less well than we treat our own.

We would amend the Bill so that clause 23 shall not come into effect without the consent of the Scottish Parliament. Parliamentarians in both Scotland and the UK are human rights guarantors, and an important part of our role is to ensure that legislation is compliant with international human rights obligations. The incompatibility of the Bill with the European convention on human rights, the refugee convention, the convention on action against trafficking, and the convention on the rights of the child means that we as lawmakers are obliged to vote against it. The undermining of rights conveyed upon individuals by those agreements must be resisted by all spheres of government. If they are coming after this group now, it will be another group soon enough.

The Bill will negatively impact those seeking international protection in Scotland, as well as on the powers and duties of the Scottish Government, local authorities, and other public bodies under the devolution settlement. I strongly urge—I expect it, to be honest—the Scottish Parliament to withhold legislative consent for the Bill. I expect the UK Government to override that consent.

The SNP amendments to clause 25 would remove provisions that allow the Secretary of State to make regulations that would alter the operation of the two-year sunset clause in relation to clauses 21 to 24.

Clause 27 amends the Modern Slavery Act 2018 and removes provisions for leave to remain for victims of slavery or human trafficking. As protections will no longer be in place, it will be difficult for third-party agencies to encourage victims of trafficking to come forward, or to work with them should they do so. The Trafficking Awareness Raising Alliance in Glasgow has told me that it is increasingly difficult to reassure service users, who are victims of sex trafficking, that they will not be returned or sent to Rwanda for speaking up, and the Bill will mean that TARA cannot reassure them at all.

People who are trafficked were often in very vulnerable situations in their home countries, and those circumstances are exploited by traffickers—that is why they are here. The risk of being returned to those situations means that people will either stay in a dangerous situation or escape and go underground to other dangerous situations. If they are apprehended and returned, the risk of re-trafficking is high if the reasons for their vulnerability are not addressed. Third-party agencies have been clear that the Bill will fetter their ability to reach out to vulnerable groups, to support women, children and victims of torture, trafficking and all kinds of human rights abuses, and that there will be a sharp drop-off in the number of people seeking help, because they will fear doing so.

This Bill will not stop the boats. It will not fix the asylum backlog. It will do nothing other than put lives at risk. It is an anti-refugee Bill. It is a traffickers' charter. It rips up human rights. Scotland wants no part of it. We want an independent country in which we can stand up for human rights, not diminish them, as this UK Government seek to do.

**Mrs Theresa May** (Maidenhead) (Con): I will focus on an aspect of this Bill that the hon. Member for Glasgow Central (Alison Thewliss) touched on in her references to trafficking and modern slavery, covered in clauses 21 to 28.

The Modern Slavery Act 2018 was world leading. In many ways, it is still world leading. It ensures that people who are in slavery in the UK, be they British citizens or not, are supported when they escape their slavery. Crucially, there is an emphasis on identifying, catching and prosecuting the slave drivers, the traffickers, the perpetrators. My fear with this Illegal Migration Bill is that it will drive a coach and horses through the Modern Slavery Act, denying support to those who have been exploited and enslaved and, in doing so, making it much harder to catch and stop the traffickers and slave drivers.

It has been said several times by Ministers and, indeed, by others in this Chamber that the Modern Slavery Act is being abused, and it has been at least implied that there is a link between the number of people coming on small boats and the Modern Slavery Act. I have not seen evidence to support that claim. Indeed, as my right hon. Friend the Member for Chingford and Woodford Green (Sir Iain Duncan Smith) set out on Second Reading, in 2022 only 6% of people arriving on small boats made a modern slavery claim. I remind everybody that people do not just rock up and claim modern slavery and refer themselves to the national referral mechanism. That has to be done by a first responder, and the majority of first responders are officials employed by the Home Office. From the figures I have seen so far, an attack on the use of the Modern Slavery Act is not justified.

I have not tabled any amendments to this Bill, because I hope it will be possible to work with the Government, so I will set out the problems and suggest some possible solutions. I will not dwell on issues of legality in relation to international law or otherwise, but there is no doubt that serious concerns have been raised, not least in relation to incompatibility.

2.45 pm

**Sir Iain Duncan Smith** (Chingford and Woodford Green) (Con): I am grateful to my right hon. Friend for giving way. She is describing the journey that we need to go on. We should explain to the Government that the whole issue about modern slavery is that when people feel secure, they give evidence to the police, and the police then get after the traffickers. One of the big problems here is that, because 60% of the cases are within the UK, people may suddenly feel that they are about to get kicked out and then they will stop giving evidence.

**Mrs May:** My right hon. Friend is absolutely right. I will refer to that issue myself later on, because the Government have not thought through the implications for the numbers of traffickers and perpetrators caught as a result of this Bill.

I said that I was not going to dwell on the legal issues, but there are genuine questions of incompatibility with article 4 of the European convention on human rights, which is, of course, part of UK law through the Human Rights Act 1998, and with aspects of the Council of Europe convention on action against trafficking in human beings, such as articles 13 and 10.

*[Mrs May]*

However, the heart of the problem is, I believe, very simple. If someone is trafficked into the UK by illegal means, coming from a country where their life and liberty were not threatened, and is taken into slavery here in the UK, they will not be able to claim modern slavery or have the protection of the Modern Slavery Act. That would cover most of the men, women and children who are trafficked into slavery in the United Kingdom.

Let me let me give an example. A woman from, say, Romania, who is persuaded that there is a great job here for her in the UK, is brought here on false papers and put to work as a prostitute in a brothel. She has come here illegally from a safe country, but she is experiencing sexual exploitation and slavery here in the UK. That is just the sort of case, in addition to British nationals who have been enslaved here, that the Modern Slavery Act was intended to cover. Let us say that she manages to escape and meets some people willing to help. She is taken to the police, but the Government say, "You came here illegally. We're deporting you to Rwanda." Alternatively, the traffickers may fear that she is looking to escape, so they take her to one side and explain, "It's no good doing that, because all they'll do is send you to Rwanda." We could have handed the traffickers a gift—another tool in their armoury of exploitation and slavery.

The Government might say that it will be okay if the woman helps with an investigation, because the Bill contains that caveat, but that seriously misunderstands slavery and the impact of the trauma of slavery on victims. It can take some considerable time—weeks and weeks—for somebody to feel confident enough to give evidence against their slave drivers. Under this Bill, by the time they might have been able to get that confidence, they will have been removed from this country. As my right hon. Friend said, it will become harder to catch the traffickers and slave drivers.

I could give another example. Perhaps someone comes here illegally and works in the economy, which, sadly, people are able to do, but then finds themselves vulnerable on the streets and is picked up by slave drivers and taken into slavery. Again, even if they escape, perhaps after years of exploitation, the Government will shut the door on them and send them away under this Bill. I could give other examples, but the hon. Member for Glasgow Central has already given some and I think the point has been made.

There are a number of possible solutions. At the weaker end, the Government could delay the commencement of the Bill's modern slavery provisions; I note that the official Opposition have suggested doing so until a new Independent Anti-Slavery Commissioner is in place and has assessed the impact of the Bill. It would be good to have a commissioner in place and to hear their views on the Bill, but I think that there is more to consider.

First, the Government should not introduce the modern slavery provisions of the Bill until they have assessed the impact of the changes that they made in the Nationality and Borders Act 2022, the relevant provisions of which came into force at the end of January. They are piling legislation on legislation that they have already passed, and they have no idea whether it is going to work. This approach is therefore not necessary. Secondly, they need to assess the impact of the deal with Albania, because in recent times a significant number of people coming on the small boats have come from Albania. Thirdly, as my right hon. Friend the Member for Chingford and Woodford Green and I have both pointed out, they need to assess the Bill's impact on people's ability and willingness to come forward, to be identified as slaves and to give evidence against the traffickers and the slave drivers.

**Jess Phillips** (Birmingham, Yardley) (Lab): Has the right hon. Lady seen the letter from all the Home Office-funded providers of modern slavery support services that arrived yesterday from their overarching body, the Salvation Army? Literally every single one of the specialist support providers doing the exact work that the right hon. Lady has identified has clearly stated to the Government that the Bill will make it absolutely impossible for them to provide support and help to catch traffickers.

**Mrs May:** I am grateful to the hon. Lady for pointing that out, because I had not seen that letter, as it happens, but I am not surprised that those who are working directly in the field are making those points to the Government. Sadly, I must say to my right hon. Friend the Minister that I fear the modern slavery aspects of the Bill reveal a lack of proper consideration of slavery and what it means, of the experience of victims and survivors, of the need to catch the perpetrators if we are to stop it, and of the difficulties that the Bill will create. I think the Government should assess the Bill's impact on people's willingness to give evidence and therefore on our ability to catch the traffickers and slave drivers.

It would be of more benefit to our ability to catch slave drivers and support victims and survivors, however, if we ensured that people in slavery in the UK were excluded from the Bill. That would mean recognising the intention of the Modern Slavery Act: that those who have been in slavery in the UK should be protected by the Act regardless of their immigration status. Some of my colleagues may say, "Doesn't that mean an awful lot of people will want to stay here?" and worry about the numbers, but actually many people who are brought here into slavery want to go home. They do not want to stay here, but under the Bill I fear it is more likely that they will stay in the UK and stay in slavery.

I could say much more about the Bill and its implications, but in the interests of time I will not. I realise that I have already spoken for longer than I told the Whip I might—a black mark in the book!—but this is in our interests. I want to sit down with the Government and find a way through that does not deeply damage the Modern Slavery Act, abandon victims and make it harder to catch traffickers and slave drivers. I fear that the Bill will do all those things. Let us find a way to ensure that it does not. Let us find a way to maintain our world-leading reputation for supporting those who are the victims of slavery, and for the work that we do to catch the traffickers and perpetrators.

**The First Deputy Chairman of Ways and Means (Mr Nigel Evans):** I call the shadow Minister, who has indicated that he wishes to come in early.

**Stephen Kinnock** (Aberavon) (Lab): It is a great pleasure to follow the right hon. Member for Maidenhead (Mrs May), who spoke so powerfully about the issues at the heart of the Bill. I pay tribute to her outstanding work in the area of modern slavery and trafficking.

Here we are again, back for a second day of debate. Across the Committee, I think we all agree that we need to stop the dangerous small boat crossings and destroy the criminal industry at the heart of them, yet each of us knows, though perhaps not all of us admit it, that the Bill is a con and a sham that will only make a bad situation worse. The Government have no returns agreements with the EU to replace the one we were part of before Brexit, nor do they have a working deal with Rwanda. The Home Secretary failed last weekend in her mission to persuade Rwandan officials to state specifically that Rwanda can take thousands rather than hundreds of asylum seekers sent from the UK every year, although at least she got a photo op outside some houses being built for Rwandan citizens.

For a deterrent to be effective, it has to be credible. There is next to nothing in the Bill that is remotely credible, because it is about chasing headlines and government by gimmick when what we need is common sense, hard graft and quiet diplomacy so that we can really go after the people smugglers upstream and do a deal on returns and on family reunion. What we need is Labour's five-point plan, which will stop the small boat crossings, clear the Tory asylum backlog and re-establish a firm, fair and well-managed asylum system.

I said yesterday that the Bill was being rushed through Committee at such a speed as to make detailed consideration and debate almost impossible. That applies perhaps even more to today's sitting.

**Tom Hunt** (Ipswich) (Con): I note what the shadow Minister says about quiet diplomacy. Actually, it seems to me that the Prime Minister has a very good, cordial relationship with the President of France, but it is quite clear that that alone will not be enough to sort this problem out.

**Stephen Kinnock:** Well, the Conservative party has spent the past five or six years completely destroying our relationships with our European neighbours and partners, so any improvement on that is very welcome, but I feel that the Prime Minister has an uphill struggle on his hands, given the very low base from which he is starting.

**Mrs May:** The hon. Gentleman says that we have spent the past five or six years destroying our relationship with France. Perhaps he might like to reduce that by—I think—two.

**Stephen Kinnock:** May I say to the right hon. Lady that that is one of the best interventions I have ever taken? I am more than happy to stand corrected, and I hope that *Hansard* will correct the record accordingly. That has completely knocked me off my stride, but I was about to say that as a result of the Bill being rushed through, I will have to limit my remarks to the amendments and new clauses tabled on behalf of the Opposition.

Clauses 2 to 5 establish legal duties, which are sure to be unworkable, for the Secretary of State to ensure that every single person who arrives in the UK without prior authorisation is held in detention and then removed from the UK. I use the word "unworkable" advisedly, because the questions that I put to the Minister on Second Reading about where these people will be detained and where they will be removed to are still unanswered.

Likewise, we have no idea how much these proposals, if implemented, are likely to cost. We assume that impact assessments modelling the potential costs have been carried out, but since the Government have failed to publish those assessments, thus denying the House its democratic right to hold a fully informed debate on these matters, we have only the various leaks and briefings to the pro-Tory media to go on. We know from those briefings, along with independent third-party analysis, that the Bill's price tag is likely to be at least £3 billion a year—possibly more—but the fact that the impact assessments have not been made public suggests a deliberate attempt on the Government's part to limit the scope for parliamentary scrutiny and obfuscate their own calculations of what the British taxpayer will have to pay. What is the Minister afraid of? Why will he not publish this vital information? Not to do so is simply not good enough, either for Members of this House or for the constituents we represent.

As a result, the Opposition have had to table new clauses that would force the Government to publish within tight timescales the impact assessments that Ministers are clearly sitting on. All that our amendments 286 and 287 and new clause 28 ask is for Ministers to publish detailed assessments on the likely implications of the Bill on cost to the public purse, availability of adequate accommodation and detention capacity, so that we can have a fully informed debate.

Looking beyond detention capacity, we know that the asylum backlog alone means that for some time there will continue to be a need for accommodation to be provided to families who would otherwise face destitution. In recognition of that, new clause 27 would make it a legal requirement that local authorities be consulted as part of the process of accommodation being provided in their area. I know that there are strong feelings about this issue on both sides of the Committee, and on that basis I look forward to cross-party support for new clause 27 as we go through the Division Lobbies this evening.

3 pm

On the basis that sunlight is the best disinfectant, we are also calling, in amendment 284 and new clause 22, for the Secretary of State to be obliged to report regularly to Parliament on the Government's progress towards clearing the ballooning backlog of asylum cases, an issue that is not even mentioned in the Bill, and on the number of people removed from the UK under its provisions. We all know that the backlog is eight times as high now as it was when it was handed over to the Conservatives by the Labour Government in 2010, as has been confirmed by the UK Statistics Authority, and contrary to what Ministers have been claiming from the Dispatch Box. As of today, 166,000 cases are unresolved—only half of which relate to small boats, it must be said. It is an astonishing abdication of duty. If the Government truly believe that clearing the backlog is a priority, I can think of no good reason for them not to accept the reporting requirements in our amendments.

The scope of some of the Bill's key provisions, particularly those relating to detention and removal, is exceptionally broad. The Government are proposing to do away with virtually all the existing safeguards, many of which they have themselves established in law within just the last years, and which many of our amendments are designed

to protect. Amendment 148 would remove from the Bill the Secretary of State's powers to remove unaccompanied children from the UK. The Government say that they do not currently plan to use those powers, but if that is the case, what are the powers doing in the Bill in the first place? Amendment 21 would retain the current time limits for the detention of pregnant women, established by a Conservative Government in their own Immigration Act 2016. Ministers have not made any case, let alone a convincing one, for scrapping those limits and thus allowing pregnant women to be detained indefinitely.

Additional safeguards that we are calling for in our amendments include exemptions from the duty to remove when, as in amendment 285, there is no realistic prospect of a person's removal owing to the absence of the necessary returns agreements; in amendment 6, when the person's co-operation with law enforcement could help with efforts to tackle crimes such as people smuggling; and in amendment 13, when the person's removal is not possible without a violation of the refugee convention's prohibition of refoulement.

Removal to third countries designated "safe" is obviously a central part of the Government's plans, although no country other than Rwanda has so far expressed any interest whatsoever in being part of a similar deal with the UK. In the event of similar deals, however, we believe that there should be certain rules in place to prevent the Secretary of State from ignoring evidence of the dangers that some migrants may face if removed to the country in question, as has clearly been the case with Rwanda. For instance, amendment 17 would add to the Bill a requirement for the Secretary of State to consult with the United Nations High Commissioner for Refugees and other relevant experts when designating "safe" countries, rather than cherry-picking evidence that supports decisions that she has already made. Amendment 6 and new clause 21 form part of a package of new approaches intended to strengthen the Government's hand in securing the detection, prosecution and conviction of those guilty of people smuggling. Taking Ministers at their word that they are serious about dealing with these issues, I look forward to the Government's support for these amendments.

As I have said, the intention of most of our amendments and new clauses is to ensure that robust safeguards are in place to prevent the broad powers being given to the Home Secretary from being exercised completely arbitrarily. Amendment 18 would ensure that notices of removal issued to people are in a language they can understand. and with information about their rights and where they can gain access to advice.

Let me now turn to the modern slavery clauses. Let me start by reminding the Government of the words of the right hon. Member for Maidenhead, not just in the powerful speech that she has just made but on Second Reading, when she said:

> "Nobody wants to see our world-leading legislation being abused, but the Government have to set out the clear evidence if they are saying that there is a link between that Act and the small boats, and so far I have not seen that evidence."—[*Official Report*, 13 March 2023; Vol. 729, c. 592.]

I would add that she is not only one, as we on these Benches have also yet to see any evidence to that effect.

The right hon. Member also correctly pointed out that significant changes had been made to modern slavery legislation in the Nationality and Borders Act 2022—the relevant sections of which have come into force only within the last few weeks—and that further changes at this point were clearly unnecessary. That is the point we are making in a number of amendments to these parts of the Bill. For instance, amendment 24 would keep in place the definition of "public order" provided by the Nationality and Borders Act, which states that modern slavery protections do not apply to people who pose threats to public order, such as violent criminals or terrorists. The Bill seeks to extend the definition of such threats to literally anyone who arrives in a small boat. It is far from clear that this is what the authors of the Council of Europe convention on action against trafficking in human beings had in mind when providing for exemptions to the general requirement to make protections available to victims. For that same reason, we do not believe that support for victims should be withheld from people who would otherwise be subject to the "duty to remove" that the Bill establishes. Those provisions would be removed by our amendments 288, 289 and 290.

Amendments 291 and 292 are more targeted. They would provide specific exemptions for victims of sexual exploitation, and prevent the removal of victims who are not parties to the European convention on human rights and the convention against trafficking. New clause 30 recognises that potential victims of trafficking may be particularly vulnerable to serious harm if held in detention for indefinite periods. On that basis, it calls for the Government to implement special procedures to fast-track any cases of potential victims whose modern slavery referrals first arise while the person is being held in detention.

The Government have sprung these changes on us without any meaningful attempt at consultation. Amendment 50 serves as a reminder to them that, last year, Ministers made very specific promises not to try to make any changes to modern slavery laws without first appointing a new independent anti-slavery commissioner and consulting him or her on the potential implications of any proposals. That commitment has not been honoured, and amendment 50 goes no further than asking Ministers to keep their own promises. It would simply delay the entry into force of the relevant sections of the Bill until after a new commissioner had been appointed and consulted and his or her views taken into account. While we are on the topic of the modern slavery commissioner, it is of course worth noting that the former commissioner, Sara Thornton, has stated that those who remove support for modern slavery victims to come forward will make it harder to prosecute criminals.

I spoke earlier about attempting to amend the Bill to provide certain safeguards. Ultimately, however, all the safeguards in the world are unlikely to be any substitute for the requirement that measures should comply with basic human rights, as enshrined in the Human Rights Act 1998. The Secretary of State has been all over the place in various announcements in which she has seemed to contradict herself on the question of whether the Bill, if enacted, would be compliant with human rights law. Amendment 1 simply says that that requirement, which applies to all other legislation, should apply to this Bill as well. Ministers should have nothing to fear from the amendment, unless of course they doubt their own statements to the effect that they are confident in the Bill's compliance with human rights law. As it stands, the Bill is a traffickers' charter. We therefore

urge the Government to support our amendments and new clauses, so. that we can remain true to the values and principles that underpin the Modern Slavery Act.

Let me end with a few reflections on yesterday's debate, because I have to say that I found some of the comments made by Conservative Members deeply troubling. Many talk a good game on defending Ukraine and Hong Kong and other democracies around the world from authoritarian threats, but they are sometimes not quite as good at defending their own democracy; indeed, they seem to be focused on undermining it. I am yet to hear a specific definition of an "activist judge". From what I can work out, it is simply a judge who makes a ruling that the Government disagrees with. I am yet to hear any kind of definition of a "lefty lawyer", but I think it is someone who has picked apart and defeated the weak case that the Home Office may have put together, despite the thousands of experts it has at its disposal. And I am yet to understand how we define the Home Secretary's "civil service blob". Are these the people who work for her day in, day out, a number of whom are in junior low-paid roles, being asked by senior Ministers to make complex asylum decisions because of cuts made by the Conservatives 10 years ago?

I ask these questions because the separation of powers and the functioning of these powers are critical to our constitution and to our democracy, yet many Conservative Members are increasingly sounding like their right-wing counterparts in America, blaming every institution for their own failures, terrified of scrutiny from the media and unable to do their jobs within the law either because they do not understand the law or because they have been over-promoted. I am not a lawyer, and I am not making these points from a legalistic perspective, but I am a democrat and when I hear the tirade of abuse that those on the Conservative Benches hurl at our judiciary during debates such as the one that took place yesterday, I have to say that it leaves me fearing for the future of our democracy.

The separation of powers between the Executive and the judiciary is absolutely fundamental, and those powers and those checks and balances are axiomatic to our democratic values, so I urge Conservative Members to think long and hard before they launch any further assaults on our judiciary, because we do not want to live in a Trumpian version of Britain. We want to live in a vibrant democracy that is based on upholding the independence of the judiciary, defending the separation of powers and respecting the integrity of our institutions.

**Sir Iain Duncan Smith:** I am grateful for being called as early as this and I will try to be brief. I want to focus specifically on what my right hon. Friend the Member for Maidenhead (Mrs May) has talked about, which is the modern slavery elements of the Bill, and keep to a reasonable amount of time. I want to draw attention to the reality of what we sometimes seem to get mixed up. There is a fundamental difference between people who are trafficked and people who pay traffickers to come here for reasons that are economic or whatever—I do not want to dwell on that; the important thing is that we mix these terms up. There is a clear definition of being trafficked. It involves people who do not want to be here and who are brought here against their will and are then used for various services that they should not be used for. They are slaves.

The Centre for Social Justice brought forward an important paper on this, and my right hon. Friend the Member for Maidenhead, when she was Home Secretary, picked that up and turned it into legislation. We were the first country in the world to bring such legislation through, and although it may now be a little unfashionable to say it, I am very proud of that. I think that what we did is worth celebrating and protecting, and if there are faults in it, we need to correct them.

There is a problem in the Bill, and I know that the Minister for Immigration, my right hon. Friend the Member for Newark (Robert Jenrick), has been very accommodating and talked at length about this, and I thank him for that. I will make a few comments now about the problem and how we could possibly help, because we want to help to rectify this. I understand what the Government are trying to do, but I want to protect some of the modern slavery bits.

My first point relates to commencing the modern slavery clauses only after publishing an assessment of the problems and impacts. I understand that the Opposition have put down various tools to do this in their new clauses. The Government have argued that the Bill is needed to address illegal migration and that the modern slavery clauses are needed to address and prevent abuse of the modern slavery support system by false claims from people seeking to bypass removal. So the modern slavery clauses in the Bill should be targeted at the problem of false claims with a clear assessment made of the level of false claims and the impact on wider modern slavery policy.

The Government should therefore specify in the Bill that the modern slavery clauses—clauses 21 to 28—would be commenced only when a specific threshold of the false modern slavery claims and an increase in those claims is reached, demonstrated by evidence. I think that is fair. Alongside the false claims that would trigger the modern slavery clauses, the Government could commit to publishing evidence on the current level of false modern slavery claims and any increase or decrease in that level. Section 63 of the only recently passed Nationality and Borders Act 2022 would enable the collection of that data on bad faith claims since 30 January 2023.

The modern slavery clauses should not commence until an assessment has been published of the impact of the clauses disapplying modern slavery protections on the identification of victims, including their willingness to come forward, and on the prevention, detection, investigation and prosecution of slavery and human trafficking offences. This is important because, at the end of it all, we need to know whether there is evidence.

I understand the Government's fear that this will somehow be used as an alternative vehicle to escape a claim and to avoid being sent back, but we do not see any evidence of that. Only 6% to 7% of those who have come over on the boats have made a modern day slavery claim. That is a tiny number. They will know by now that they can do that, but the reality is that it has not happened. I bring that to the attention of the Government: there is no real evidence of it at the moment. I understand that the Government think we need to protect ourselves against that potential, but we need to see the evidence that that trend is being broken.

3.15 pm

**Jess Phillips:** I agree with everything the right hon. Gentleman is saying and I look forward to working with him to get some of the things that we all want to see. Does he agree, though, that there would be no risk of modern slavery victims—or those making fake modern slavery claims, who the Government seem to be convinced exist—being held up in the system and being allowed to stay here if it did not take an average of 553 days for them to be assessed? If we went back to the 45-day system that used to exist, which might be the case if more had been put into it over the years, there would be no risk that people might use it to stay in the country longer.

**Sir Iain Duncan Smith:** Clearly the faster the claims can be assessed, the better it is for everybody, as they can be discovered either to be illegal or to be genuine victims. That is the key thing.

Clear evidence of abuse of the system needs to be published, because it is important that the figures are there to be understood. A very small number are actually claiming it, and the 73% that we were told about on Second Reading in fact refers to those who are detained for removal after arrival. That amounted to 294 people. We need to get the figures in context, then we can understand what the problem is and how we deal with it. If the evidence shows that there is an increase, we will then be able to use parts of the Bill.

**Joanna Cherry** (Edinburgh South West) (SNP): The right hon. Gentleman and I have discussed the lack of an evidence base for this aspect of the Bill. When the former modern slavery commissioner, Professor Dame Sara Thornton, gave evidence to the Joint Committee on Human Rights recently about this issue, she suggested that because no replacement for her had been appointed for over a year, there was a lack of a proper evidence basis for the modern slavery aspects of the Bill. Does the right hon. Gentleman agree that she is right about that, and will he use his good offices with the Government to try to ensure that an anti-slavery commissioner is appointed?

**Sir Iain Duncan Smith:** I am flattered by the idea of my good offices with the Government, and I will take that at face value—thank you very much indeed. I will speak to the Government about that, and I accept that we need to get that replacement made very quickly.

The most important point is that we need to think about exempting any victims exploited in the UK from the disapplication of modern slavery protections. There is a very good reason why that is the case. As my right hon. Friend the Member for Maidenhead laid out clearly, if we do not do that, those who are affected will simply dismiss any idea of coming forward to give evidence, because they will fear that they will not be accepted and that they will therefore have to go. Many of them will not yet have given evidence to the police. The Bill suggests that the Secretary of State will be able to assess whether they have given evidence to the police, but this a longish process. This accounts for more than 60% of cases, and I really wish that the Government would think carefully about protecting them. I think the police will back us on this, because they want those people to give evidence.

The irony is that the more we help those people and the more they give evidence, the more traffickers we will catch and close down, which will probably result in fewer people coming across the channel on boats. This is all part of a circle of trust, identification and final prosecution, and it is really important. We should amend clause 21 to exempt victims exploited in the UK, and the new threshold for a positive reasonable grounds decision requiring objective evidence would prevent spurious claims. The whole point of this is to find a way.

I think we can agree on this. The work the UK has done on modern slavery, the evidence and all the rest of it, is now helping to prosecute the traffickers. If we lose that delicate flower of success, we will find ourselves in a worse position, with many more people being deliberately trafficked because we have become a soft touch on trafficking.

I fully understand why the Government are trying to deter the illegal use of these boats to cross the channel, both for people's safety and because it puts huge, unnecessary pressure on services here, but I beg my right hon. Friend the Minister for Immigration to accommodate these concerns about modern slavery and to make sure that we do something in the Bill to protect these people in the long run.

**Apsana Begum** (Poplar and Limehouse) (Lab): I support the amendments on the rights of children, because the Bill punishes children just for being refugees and puts unaccompanied children at risk. There is not enough time to go through every clause, but I will highlight some of the many cruelties.

The measures before the Committee today not only abolish the protections afforded to children but allow unaccompanied children to be routinely detained beyond the 24-hour time limit, and to be detained anywhere the Secretary of State considers appropriate. Detaining children for prolonged periods is utterly unacceptable and poses serious risks to their health, safety and protection.

Clauses 2 to 10 will create a large and permanent population of people, including children with families and unaccompanied children, living in limbo for the rest of their lives. Clause 3 could see a child who arrives alone, fleeing war and persecution, being allowed to integrate into UK society, only to be forcibly removed from the UK as soon as they turn 18.

Clauses 15 to 20 give the Secretary of State a range of astonishingly far-reaching powers, including the power to terminate a child's looked-after care status and the key legal protections provided by local authorities.

**Edward Timpson** (Eddisbury) (Con): I am pleased that the hon. Lady has raised these clauses. Having spoken to the Minister, I know he is keen to ensure that we have clarity on this issue so that when the Home Office provides appropriate accommodation for children, in addition to the other care and support required, we know what that means in practice. We also need to understand the justification and reasons for enabling the Home Secretary to remove a child from local authority care under the vice versa clause, clause 16. At the moment, the explanatory notes do not seem to give any reason why the power is needed.

**Apsana Begum:** I hope the Minister will address the hon. and learned Gentleman's point.

There is an array of evidence on the significant harm facing unaccompanied children who are accommodated by the Home Office in hotels. For vulnerable children, this Bill denies refugee and human rights protections and recovery from trafficking, and it prolongs their fears and insecurity by denying them the reassurance that they have found safety.

This Government are not only targeting children. They are removing almost all protections for victims of modern slavery and trafficking who are targeted for removal. As such, I also support the amendments on equalities and human rights, including my new clause 20, because the Bill will be disastrous for disabled and LGBTQ+ children and adults. Women fleeing persecution will be prevented from claiming asylum and will be detained indefinitely, with no exemption for those who are pregnant. Indeed, clause 11 will enable the Home Secretary to enforce the indefinite detention of children and pregnant women in camps such as Manston on a statutory basis. That goes back to what was happening before 2016, when pregnant women were being detained for weeks on end, and in some cases months, with no idea when they would be released. This is utterly disgraceful.

How can it be right that people are to have their human rights ripped away because they are from a different place? Surely human rights are inalienable and universal. Persecuting some of the most vulnerable people fleeing torture, war or oppression during a climate of increasing anti-migrant hostility, with attacks on hotels housing asylum seekers and a growth in far-right activity, is cowardly and dangerous.

The Illegal Migration Bill will be marked for years to come as an extraordinary and chilling attack on our values and way of life. Not in my name. I oppose the Government's clauses before the Committee today. I reject their purpose and principle in their entirety, because all human beings are born free and equal in dignity, and with rights. In the words of article 2 of the universal declaration of human rights:

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs".

**John Howell** (Henley) (Con): I rise to speak to amendment 181, which appears in my name. I ask the Minister to think about my request over the coming days. I am not asking for a commitment now, and I will not seek to divide the Committee on this question.

The purpose of amendment 181 is to get an opinion from the European Commission for Democracy through Law, otherwise known as the Venice Commission, which is part of the Council of Europe. It consists of lawyers from across wider Europe, including the UK, and its individual members include professors of public and international law and supreme and constitutional court judges. The UK members are Mr Timothy Otty and Mr Murray Hunt, who are both competent lawyers.

The Venice Commission exists, in part, to comment on whether and how legislation, in either draft or final form, is compliant with the UK's obligations as a party to the European convention on human rights. I have previously used its offices to comment on draft legislation before the Turkish Parliament. It can be quick. I believe the Turkish legislation took about a month to examine. France and Germany have also used the Venice Commission in reference to constitutional law. Incidentally, I am already negotiating hard with German socialists to stop a hostile motion being tabled against the UK.

How much better it would be to go to this organisation, as part of an international and multilateral community, than to be dragged there? I have ensured that any reference to the Venice Commission in my amendment does not hold up the Bill, as the amendment would come into force a month after the Bill's enactment.

I understand from the Minister that he has consulted other countries on this legislation. How much fuller and more expansive would it be to use this vehicle, with its wider remit, to get an opinion—not a guarantee but an opinion—that would mean no one had to guess the chances of the Bill meeting the requirements of the convention? I cannot see the harm in using this vehicle to do that, and I am very happy to be involved in helping to facilitate a reference to the Venice Commission.

I ask the Minister to consider this proposal further in the days ahead, and I am fully available to discuss it with him.

**Florence Eshalomi:** I rise to support the amendments in the name of my hon. Friend the Member for Aberavon (Stephen Kinnock). I am proud to speak on behalf of my Vauxhall constituents, many of whom have contacted me about this important issue. In my constituency—as in many others, to be fair—we celebrate diversity and welcome people from all over the world who are fleeing war and persecution. We stand in solidarity with them. I am sure that it is the same across the UK. Nobody in my constituency wants to see the continuation of the horrific scenes we are seeing across the channel.

Let us look at some of the statistics: 2022 saw an average of over 100 people a day—five times higher than the figure in 2020—take the perilous journey across the channel. More than 40 people attempted to cross the channel on a single day just before Christmas. The dinghy they were on contained Afghan nationals fleeing the Taliban, and a dozen unaccompanied children. Tragically, the dinghy capsized, resulting in the death of four people. The sad reality is that these people were ruthlessly exploited in their most vulnerable moments by people traffickers. It is right that we in this House come together and do everything in our power to stop the horrific loss of life.

3.30 pm

The Opposition believe that we must crack down on the criminal gangs that have made nearly £180 million in the last 12 months via the exploitation of vulnerable people, but let us be clear: this Bill is not the solution. It does more to criminalise vulnerable victims than to punish those responsible. In fact, the Bill in its current form solves no single problem driving this humanitarian emergency. It lacks any effective measures to tackle the criminal activity of people-smuggling gangs, and fails to eliminate the backlog of outstanding asylum cases, which I and many other MPs see in our caseloads on a weekly—sometimes daily—basis. The Bill will increase the number of people in temporary accommodation, including a hotel in my constituency that was initially designed to house only single men; we are now seeing families and young children housed in those hotels.

Most shamefully, the Bill leaves the victims of modern slavery without any protection. Never in my wildest dreams did I think that, having been elected, I would have to debate this issue. It really saddens me. Instead of cheap headlines, it would be so great to see the Home Secretary concentrating on reforming resettlement schemes to prevent the dangerous journeys from happening, and engaging in the hard work of diplomacy to get our international partners to provide support in working on this together. Britain cannot solve this alone; we have to work with the international community, and there is a clear pathway to do so, as outlined in some of the amendments to which many hon. and right hon. Member have spoken today.

The sharp spike in channel crossings that we are seeing has not happened in a vacuum. It has been exacerbated by a void of safe and legal routes into this country for those facing violence and persecution in their own countries. Of all the amendments and new clauses outlined today, I will focus on the important amendment 148, which has been touched on already. It cannot be right that unaccompanied children are risking their lives with no protection. Removing unaccompanied children, as the Bill proposes, will not stop that danger. Instead, it will prevent them from getting the support they need. How can the Minister think about the scenes I described earlier—a dozen children on a boat that capsizes in the channel, desperate in the cold December winter—and not recognise that we must do everything in our power to open up safe routes to those children? It is unacceptable and inhumane not to do that, so I urge everyone to support amendment 148.

Alongside that is the crucial work we must do with our international neighbours to establish safe routes for asylum seekers and really crack down on people smuggling. Sadly, what do we get with the current Government? We see measures that will prevent Sudanese and Afghan women subjected to sex trafficking in the UK from accessing support. As many hon. and right hon. Member have highlighted, the Bill will not clamp down on the abuse of modern slavery; it is a trafficker's charter. That is why we should also support amendment 288, which would remove the provision to restrict modern slavery support. Many organisations have highlighted that they are yet to see any evidence that that support system is being exploited, including Anti-Slavery International—one of the oldest human rights organisations, which is based in my constituency and works really hard to end and eliminate all forms of slavery.

The modern slavery support provisions not only help the victims of the most horrific crimes; they also help us to catch and identify the gangs. We know that modern slavery victims are subject to coercive control by their traffickers, and that coming forward to report their experience takes considerable courage. Again, I reference the meeting last week of the Women for Refugee Women and the Rainbow Sisters. There were powerful testimonies from a number of women who shared their experiences and spoke about their fear of being sent back into the hands of the people who had abused them. A blanket ban on anyone arriving here to accessing the only statutory system that helps identify and support victims is wrong. The Bill seeks to deny them basic support, which is shameful. No sensible migration policy should actively make it easier for criminals to avoid accountability—that is what we would have. That is what is in front of us now. Moreover, granting the Home Office powers to detain women, children, those who are pregnant and those who are disabled in prison-like settings just for seeking asylum is wrong.

I hope that the Minister will listen and that he will have some compassion, some empathy, for those who are reaching out to us as constituency MPs with their cases—these are people who are speaking out on behalf of people who do not have a voice. I urge the Government to change tack on the Bill, to abandon their grandstanding and to support tangible solutions to solve this desperately sad situation before it is too late and before we see more lives lost.

**Sir Jeremy Wright** (Kenilworth and Southam) (Con): I rise to speak to amendment 182 in my name and the names of other hon. and right hon. Members. It makes a simple point, which I hope the Minister can accept.

The Bill focuses on those who arrive in the United Kingdom in the circumstances described in clause 2 of the Bill. Essentially, it is those who arrive in the UK after 7 May this year without leave to do so and who have passed through safe countries on the way. The Bill not only provides for their removal and detention, but imposes lifelong consequences on those who enter in this way, including permanent exclusion from the granting in future of various types of short-term entry into the UK, of indefinite leave to remain and of citizenship—all set out in clauses 29 to 34.

Despite the Bill's clear and important deterrence objective, its effect is not as simple as, "break the rules and you're banned for life". It recognises, rightly in my view, that exceptions have to be made for exceptional cases. In relation to all the future applications that I have mentioned, the Bill provides for the Secretary of State to be able to grant the application, if it is necessary to do so, to comply with the UK's obligations under the European convention on human rights, or under other international agreements to which the UK is a party.

Given the focus of yesterday's discussions on removing the ECHR from decision making in other parts of the Bill, I will not dwell on the significance of the ECHR in this part of it. However, I will perhaps say in passing that the Government may want to reflect on how attitudes to ECHR obligations in different parts of the Bill now fit together.

My focus though is on the other ground for allowing, in exceptional cases, the granting of a shorter-term entry clearance to those otherwise excluded from that because they had previously entered the UK under the terms of this Bill. That is when the Secretary of State considers that

"there are compelling circumstances which apply in relation to the person which mean that it is appropriate to do so."

That is in proposed new section 8AA of the Immigration Act 1971 introduced through clause 29(3)(3).

In relation to circumstances and applications for some entry clearances, the Government think that it is reasonable, beyond what is necessary to meet their international obligations, to allow some applications in "compelling circumstances" from those who would otherwise be refused. I think that that is very sensible. However, such provision for granting applications in "compelling circumstances" does not exist in relation to applications for citizenship, and it seems to me that that is not sensible.

Incidentally, I must confess that I have noticed too late that the "compelling circumstances" exception is also not in the Bill in relation to applications for indefinite leave to remain, and I should really have tabled an amendment to the same effect regarding them at clause 29(3)(5). I hope the Minister will indulge me and consider that point, too.

My amendment 182 would add the ability for the Secretary of State to grant, exceptionally, an application for citizenship where there are "compelling circumstances". So, what might such "compelling circumstances" be? As I say, the consequences of an entry into the UK under the terms of the Bill are lifelong. The entry in question may take place at any age, which means that someone brought into the UK on a small boat within the terms of the Bill as a baby—something over which, of course, they would have had no say—would be excluded from entering and remaining in the UK, including as a citizen, at any age thereafter, except in the exceptional circumstances as defined in the Bill.

For example, that person who arrived first as a baby could not, 20 or 30 years later, become a naturalised UK citizen as a result of marriage to a UK national. Such a scenario would, I think, be likely to constitute compelling circumstances and the Secretary of State should have the power to grant citizenship in such cases.

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): The right hon. and learned Gentleman is making an interesting and worthwhile point, but in practical terms, knowing as we do the ruthless efficiency of the Home Office, how likely does he think it is that it would ever marry up that baby coming to this country without papers with the person seeking to come 20 years later?

**Sir Jeremy Wright:** The right hon. Gentleman makes a reasonable point, but I think we have to pass legislation in this place that assumes a degree of competence on the part of all Government Departments, and we must do that with straight faces throughout. In any event, it is important that Secretaries of State, as I know he would recognise, have the powers they need to do the right thing in the right circumstances. That is what I am seeking to provide the Secretary of State with here.

Of course it is right to say that such cases would be rare, but I believe the discretion should exist to deal with them when citizenship is applied for, or indeed when indefinite leave to remain is applied for, as it is when shorter-term leave to enter is sought. That is what my amendment will achieve, and I hope the Government will be able to accept the force of it.

Finally, let me say this: if this Bill is to succeed in its objectives, it must have both political and legal credibility. I agree with those who said yesterday that such credibility depends on having clearly available, safe and legal routes for entry to the UK in parallel with the sanctions this Bill imposes on those who do not use them. I look forward to what the Government will bring back on this point on Report, but the Bill's sanctions will only have credibility if they allow for the fair treatment of exceptional cases. I hope my amendment will improve the Bill in that regard.

**Mr Carmichael:** It is a pleasure to follow the right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright). To pick up on his last point, the truth of the matter is that we do not need legislation for safe and legal routes. If I thought for one second that the Government were acting in good faith when they made references to safe and legal routes, I would have a lot more time for the contents of this Bill, but I see no evidence of that good faith. He and his right hon. and hon. Friends may have to reflect on that when they consider their position at later stages of the Bill. Everything in this Bill is all about electioneering and politics; it has nothing to do with the creation of a safe and legal route or a workable system of migration, or indeed with stopping the small boats coming across the channel, as we all want to do.

I particularly enjoyed the contributions from the right hon. Members for Chingford and Woodford Green (Sir Iain Duncan Smith) and for Maidenhead (Mrs May). I served in government with the right hon. Lady for five years, and I do not think we need to wait for the 30-year release of papers to learn that relations between her and some in my party were not always easy in that time. Having said that, equally we do not need to wait for the 30-year release of papers to know that relations between her and some in her own party, possibly in the Treasury and No. 10, were not always easy in those years.

Of course, relationships in Government are not always easy. However, listening to the right hon. Lady's speech today and her forensic dissection of those parts of this Bill that impact on the Modern Slavery Act that she brought through, I found myself almost weeping with nostalgia for her time in the Home Office—for the intellectual rigour, the political substance and the determination to do what was right by some of the most vulnerable people living among us.

3.45 pm

When the right hon. Lady brought the Modern Slavery Bill—as it was then—to Cabinet, I remember thinking that she was talking about people who were, for all intents and purposes, invisible among our community. There were people living among us about whom we knew nothing. It would have been the easiest thing in the world for her and others to ignore them and simply pass on, but she did not, and that was enormously to her credit. She is absolutely right to express concern about provisions in the Bill that would drive a coach and horses through that legislation. She is also absolutely right that we should, by now, have appointed an independent anti-slavery commissioner.

The right hon. Member for Chingford and Woodford Green was right to say that the legislation, if it is ever implemented—which remains to be seen given that we have only just completed the implementation of the Nationality and Borders Act 2022—will push vulnerable victims of slavery back into the shadows and away from the protection that they most undoubtedly need and deserve.

**Sir Iain Duncan Smith:** And the evidence.

**Mr Carmichael:** And the evidence. The lack of evidence and impact assessments runs like a silver thread through the Bill. Have the impact assessments been done? Will they ever be done? If they have been done, will they be published? The hon. Member for Aberavon (Stephen Kinnock) made much of that in his speech, and he was absolutely right to do so. I was tempted to intervene on him to say, "Hold on a second here, man. You shouldn't be going so fast; you should allow the Minister to get to

*[Mr Carmichael]*

his feet and tell us the position." But the Minister did not do so then, and I suspect that he will not do so now, either. There have been times when I have seen Ministers on the Treasury Bench look more uncomfortable than the Minister for Immigration did when listening to the speeches of his right hon. Friends, but I am struggling to think of when that might have been.

The points that I will focus on relate to the question of detention and, in particular, the detention of children. The detention of children is something that I thought we had seen the back of. Although that initiative was driven by my former colleague, Sarah Teather, when she was the Minister with responsibility for young people, I again pay tribute to the right hon. Member for Maidenhead, who did so much to support it in the Home Office. It was an absolute stain on our country that we kept children locked up in immigration removal centres such as Dungavel in Scotland.

I remember visiting Dungavel—it must have been in 2007 or 2008. I also remember, I have to say, successive Home Office and Immigration Ministers in the then Labour Government standing up at the Dispatch Box and saying that I was a bleeding-heart liberal, and that this was just something that we had to live with and nothing could be done. Of course, as we know, there were things that could be done, and they ultimately were done—we did them five years later.

I think it tells us quite a lot about the journey that the Conservative party has been on since those years in 2011 and 2012 that the Government feel it necessary to reintroduce detention for children. We have had 10 years without it now, and what have the bad consequences of that been? I do not see any. Nobody is saying that it has caused a massive increase or spike in any particular problems, but now, for the sake of sheer political positioning, we are going to return to a situation in which children will be placed behind razor wire in places such as Dungavel.

**Robert Jenrick** *indicated dissent.*

**Mr Carmichael:** The Minister is sitting there shaking his head. If he wants to intervene and tell me I am wrong about this, I am more than happy to take his intervention.

**Robert Jenrick:** I would be happy to do so, or to answer more fully later when I make my remarks. It is undoubtedly true that we face a serious situation today where the number of unaccompanied minors coming into the country over the channel has increased fourfold since 2019. That places a great strain on our system, and we need ways to ensure that where those people are age-assessed and may ultimately be decided not to be minors, they are held in appropriate detained accommodation. That is one of the issues we are seeking to tackle with this part of the Bill.

**Mr Carmichael:** I hope that the Minister gets a hold of *Hansard* tomorrow, reads what he has just said and, as my mother used to say to me, takes a long, hard look at himself, because the idea that that is a justification for locking up children is absolutely disgraceful. For him to try to draw and to invent a causal link where none exists is a consistent line of the way this Government act. It is the same way that they tried to draw a causal link between the Modern Slavery Act and those coming in small boats—it just does not exist.

**Sir Stephen Timms** (East Ham) (Lab): I agree with what the right hon. Gentleman is saying. The current proposal in the Bill is that unaccompanied minors coming here to claim asylum will spend the balance of their childhood here knowing that the day they become 18, the Home Secretary will have an obligation to remove them from the country. Is that not an unconscionable way for any Government to treat children?

**Mr Carmichael:** "Unconscionable" is one of the more polite and measured terms that we could use about it. I reflect on the fact that when I visited Dungavel in 2007 or 2008, my own children were about six and 10 years old. The staff in Dungavel did a phenomenal job to mitigate the horrors of what they were dealing with, but at the end of the day, we were keeping children behind a razor wire, lockdown institution, and that was downright inappropriate and unacceptable. Nobody will ever persuade me that we should treat any child differently from the way in which we would want to treat our own.

**Stella Creasy:** The fact that the Minister has just said on the record that it is okay to incarcerate minors—another word being "children"—because we think some of them may not be children reflects why we need to clarify the safeguarding and welfare responsibilities of all public agencies that deal with these children. Everybody is a child until the age of 18 in international law. Will the right hon. Gentleman confirm that he supports new clause 18, to ensure parity in those responsibilities and put beyond doubt the direct responsibility of the Secretary of State and Ministers to look after every child equally well in this country?

**Mr Carmichael:** It will come as no great surprise to the hon. Lady that I do. That brings me to thinking about what we do here. There is a danger that those of us who follow the evidence and actually care about what will happen if this dreadful piece of legislation is ever implemented disappear down the rabbit hole of trying to improve, amend and mitigate it. We have all tabled dozens—hundreds, some of us—of amendments, but this piece of the Bill has simply to be excised. I will be seeking to divide the House on clause 11 stand apart, because, frankly, there is no mitigation and no polishing of this—I avoid the vulgarity, but everyone knows what I am talking about. There is no way we can polish and improve on something that is so fundamentally removed from the way we would tolerate our own children being treated.

Earlier, we were talking about returning people. I was privileged yesterday to meet a group of Hongkongers, who are among that privileged group of people who came here by a safe and legal route. They still have their problems, of course: their journey did not end when they arrived at Heathrow, and they still have to deal with the trauma of leaving friends, family and others behind in circumstances where they would ordinarily have chosen not to do so. However, I heard a quite remarkable story from one person who did not come through the safe and legal route because her arrival predated that visa scheme being opened up. She told me that her twin sister had been here, but had left the

country, and now she was being told that she would need to leave because the Home Office had confused her biometrics with those of her twin sister. That is the sort of ruthless efficiency of which the Home Office is capable. Are we seriously hearing now that we are going to start sending people back to Hong Kong because they happen to have come here before the start of the British national overseas visa scheme?

Dame Rosie, I feel that I have detained the House for long enough—that is probably a matter of consensus among Members—but when it comes to Divisions, we on the Liberal Democrat Benches will do everything that we can to improve the Bill. However, ultimately, there are pieces of it that simply cannot be left to stand.

**The First Deputy Chairman of Ways and Means (Dame Rosie Winterton):** I thank the right hon. Gentleman for coming to a conclusion. I am going to try to call people who did not get called yesterday, as well as those who have tabled amendments, but that will require a certain amount of brevity.

**David Simmonds** (Ruislip, Northwood and Pinner) (Con): It seems a long-standing conundrum of the immigration debate that most of our constituents express concern about the issue of immigration and its impact on our country, but at the same time tend to be very positive about their own personal experiences of people who have come to this country as migrants. I know that this is the case in the very diverse constituency in north-west London that I represent, but it is true in other parts of the country as well, where people's experience is that those people who come as immigrants are those who drive the buses, work in the local shops and their children's schools, and maintain the NHS. We are having this debate at a time when we must acknowledge that one of our biggest demographic challenges remains the fact that we have a declining working-age population, and data from the Office for National Statistics clearly shows that we, alongside much of the rest of the developed world, have a significant challenge in maintaining a workforce sufficient to support our population.

So far, this has been a very constructive debate. In particular, I highlight the comments of the hon. Member for Aberavon (Stephen Kinnock) about the need for a returns agreement. Professor Thom Brooks of Durham University recently did a very detailed study that highlighted that one of the biggest pull factors for those waiting to cross to the United Kingdom was the absence of a returns agreements with France or with the European Union. I also pay tribute to my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) for the work he has already done with Government in respect of safe and legal routes. As we heard from the evidence we took at the Joint Committee on Human Rights during the passage of the Nationality and Borders Act 2022, the existence of a safe and legal alternative for those who wish to claim asylum in the UK is one of the defences open to the Government in seeking to treat those who, for example, arrive here in a small boat with a less advantageous process.

However, I will focus my contribution on what I fear are some of the unintended consequences of a Bill whose objective we all support: to end the situation where people put their lives at risk as a consequence of seeking to come to the United Kingdom, facing death or serious injury in the English channel in order to lodge an asylum claim in our country. In particular, I will focus on the way in which the Bill interacts with some of the positive obligations on our public authorities that are created by other legislation: for example, the Children Act 1989 and all its allied legislation, such as the Children (Leaving Care) Act 2000, and—as my right hon. Friend the Member for Maidenhead (Mrs May) has outlined—the provisions contained in the Modern Slavery Act 2015.

My experience of this issue in local government is highlighted in particular by the Hillingdon judgment of 2003, which concerned the Children Act responsibilities of local authorities in respect of unaccompanied asylum-seeking children. That judgment clarified that the immigration status of a child is irrelevant to the local authority's obligations to provide support to that child, both under the Children Act when they are under 18, and as they enter adulthood through the Children (Leaving Care) Act 2000 and other legislation that we have passed in this House. When we considered the status of children in care, we were clear that we wanted them to enjoy support until they were at least 25 to ensure that they started out their lives in the most positive way.

4 pm

When spent some time during my days with the Local Government Association in a room with officials from the Home Office and the Department for Education, it became clear that the Home Office was aware and has always been aware that the challenge that legislation sets up is that when a direction is issued to a local authority to say, "This child is subject to immigration control and therefore needs to go through this different process", the next step that is likely to follow is that that child's lawyers will take the local authority to judicial review. The local authority will be found, as local authorities have been found umpteen times over the years, to be in breach of its Children Act obligations if it fails to pursue the best interests of the child and to provide the services it is obliged to under that legislation.

By the same token, I have a concern that stems partly from the evidence we took recently at the Joint Committee on Human Rights from the Salvation Army and others about modern slavery. Organisations that have first responder duties and that in the course of policing or local authority housing, or whatever it may be, come across someone who is possibly a victim of modern slavery have a duty—an obligation—to make a referral to the national referral mechanism so that their needs and circumstances can be considered. Nothing in this Bill as it stands removes that obligation. Similarly, we would expect to find compensation potentially having to be paid, because those public authorities have failed in those duties, despite the fact that they were doing so at the direction of the Home Office in compliance with a piece of immigration legislation.

I strongly urge the Government that we need to resolve that matter and ensure that we do not have a situation where the objectives of the Bill, which most of us share —that is, bringing about an end to the small boat crossings, having a more efficient system for supporting people who come to the UK to seek asylum and removing those who have no right to be here—are brought into disrepute by the fact that some of these provisions inevitably lead to an enormous tangle of judicial reviews

where public bodies may be required to pay compensation for failing in duties where those duties are in conflict with other legislation passed by this House.

Particularly in respect of unaccompanied children, we need to recall that the Children Act says that a local authority takes on responsibility for caring for an unaccompanied minor, not as would be the case if that child arose through being born in the UK and the subject of a care order, but by operation of law. That local authority therefore does not have discretion to decide whether it wishes to take that child into its care. By dint of the fact that that child is in that local authority's area and is not accompanied by an adult with legal or parental responsibility for them, they are in the care of that local authority. Even if that comes to light subsequently when that child is an adult and a care leaver, they are still subject to that legislation, and that matter has been established a number of times through judicial review.

The Home Office has no legal capacity to care for a child, so even a child who is in immigration detention pending removal by the Home Office will still be in the care of the local authority under the terms of the Children Act 1989. Once again, we need to make sure that we have clear sight of how those duties and responsibilities will be discharged. For example, will detention centres for children be regulated and inspected by Ofsted?

**Stella Creasy:** I recognise the hon. Gentleman's long expertise on this issue, but does he recognise the challenge of what we have seen over the past year in the treatment of unaccompanied and accompanied children? It is impossible for local authorities to undertake that safeguarding role and the duties under the Children Act without the direct involvement of the Home Office, which is discharging its duties by commissioning providers, for example, that do not then have clear safeguarding responsibilities. The decision to do that lies with the Home Office, which wrote contracts that did not include safeguarding provision for these children. Unless we are clear that everybody involved in the care of these children from start to finish has a responsibility for their welfare, including the Secretary of State, as new clause 18 does, that gap will remain. In that gap, we have seen some horrific examples of what happens to these children not just with their access to education, but with sexual assault and other serious offences.

**David Simmonds:** The hon. Member very clearly highlights the fact that this is sometimes to a degree a grey area. I completely understand the position of the Home Office in that, sometimes in the early days of an emergency situation when there is nowhere else for a child to go to have a roof over their head, the accommodation and support provided do not meet the standards that apply. However, ensuring, as our laws require, that we very swiftly move to a situation where they do seems to be a reasonable expectation, and certainly one that would be upheld by the courts.

That point draws attention to the situation of children in transit through the United Kingdom who come to be unaccompanied children because the adults with whom they are travelling are s arrested or found to have no direct responsibility for the child with whom they are travelling. As I know the right hon. Member for Hayes and Harlington (John McDonnell) will be aware, over the years at Heathrow airport, significant numbers of unaccompanied children have come into the care of a local authority not because they are seeking asylum, but, for example, because they are being trafficked into the sex trade on the continent from another country by way of the United Kingdom. Again, we need to ensure that appropriate care and support are provided for those children and young people, and that they are not simply placed into a process that is focused on immigration control when they being trafficked for nefarious purposes. All these issues are clearly fixable, and I am confident that the Government, once sighted on them, will be able to bring about their resolution.

I would like to finish with a note about the issue of "notwithstanding" clauses, which was much debated yesterday. One of the challenges I find is that in the case of a number of pieces of legislation, such as the Children Act and the Modern Slavery Act, it would be possible for the Government to say that, notwithstanding those provisions, they expect this Home Office process to be followed. Clearly, those are all matters within legislation of the United Kingdom passed by this sovereign Parliament, but it seems to me that there is a risk if we seek to introduce "notwithstanding" clauses to matters that are the subject of international law.

Any of us who has been the recipient of legal advice at any time in our working lives will be aware that, if we were to be offered a contract about which it was that said, "The other party has decided that, notwithstanding what it says in the contract, they don't have to follow it if they choose not to, after the event", we would not regard that as in any way sound. Therefore, it seems to me that there is a significant risk that, if we seek to apply "notwithstanding" clauses, we will get ourselves once again into a legal and reputational tangle. That would be more broadly addressed by looking at whether those international conventions are still fit for purpose.

**Jonathan Gullis** (Stoke-on-Trent North) (Con): My hon. Friend will understand that I am a signatory of amendment 131, which is obviously intended to make it very clear that our concern is about rule 39 interim measure orders. Yes, they are not legally binding and they were not part of any conventions signed back in the 1950s, but they are far too often taken into account by UK domestic courts when it comes to the deportation or removal of individuals. He can therefore understand why Members such as me have signed such an amendment to make it very clear to UK courts that these non-legally binding interim measures should not be taken into account.

**David Simmonds:** I entirely understand what my hon. Friend is seeking to achieve through the introduction of those "notwithstanding" clauses. We heard a great deal about this in the evidence to the Joint Committee on Human Rights on the Nationality and Borders Bill, on the issue of the margin of appreciation. This is the idea that the courts have perhaps gone further in interpreting the meaning of some conventions than was the case originally. That is often under pressure from parliamentarians, including British parliamentarians, who have argued in the Parliamentary Assembly of the Council of Europe, which supervises the operations of the European Court, that some of these laws needed to go further to take account of modern circumstances. The way to address that is not to say that we somehow

seek to set aside the obligations that we freely signed up to, but rather to go and have that wider debate with our international partners and, if necessary, say that we wish to see an end to this process to make sure that what we feel we originally intended to achieve is what is achieved by the Bill.

**Danny Kruger** (Devizes) (Con): Let me clarify the purpose of the "notwithstanding" provision. It is not to say that we will not comply with international obligations; it is to say that while those negotiations are going on—as my hon. Friend says, that is what happens when a judgement is made by the European Court of Human Rights against a Government—the policy shall proceed. It is to stop the idea that the Court's judgment would have direct effect and effectively ground the flights, as happened after the interim order was made. Whether it is an interim order or a substantive judgment, it should not immediately have direct effect to stop the policy. Does my hon. Friend accept that that is an appropriate way to proceed?

**David Simmonds:** That is an extremely good point. For many of us who had some involvement with the ECHR in the past, one of the frustrations at that point was that we recognised that interim orders are not legally binding when they are issued. However, as I understand it, the basis of that interim order was that our own UK courts had not completed their consideration of whether the policy was lawful or not. Therefore, the European Court of Human Rights was saying, "While you have not yet decided whether this is lawful, it is not appropriate to proceed against somebody in a way that would leave them without a remedy." There is a way of resolving this, but the route to that is through colleagues in the Parliamentary Assembly who have the ability to bring about a significant change.

I will conclude with something that I have called for before, and I will again suggest that the Government look at. It is that we extend the process we currently use in our resettlement schemes, where we have the United Nations High Commissioner for Refugees administering a process. We tell them how many people that we think we can accommodate as a country, and who we feel best able to support, in consultation with local authorities. Those people then travel to the UK knowing full well how they will be accommodated and supported from the point they leave to when they arrive. The process involves a number of people determined by this Parliament, with their circumstances vetted in advance before they arrive, and permission issued by the Government of the United Kingdom, in control of our borders. If we want to stop the boats and have a new asylum system that gives us control of our borders, we need an asylum visa system that operates in such a way, and that is robust, effective, and ensures that this Parliament, and our Government, are genuinely in control of our borders.

**Several hon. Members** *rose—*

**The First Deputy Chairman of Ways and Means (Dame Rosie Winterton):** Order. Once again, I urge a certain amount of brevity, as we are not doing brilliantly at the minute and we have to get everybody in.

**John McDonnell** (Hayes and Harlington) (Lab): I will be as brief as I can, Dame Rosie. There is much that I loathe in this Bill, but I will concentrate on children's detention. I speak in support the amendments tabled in my name, as well as new clause 18. I wish to speak on this issue because I am not sure how many Members have experience of having children locked up in their constituency in the way that the right hon. Member for Orkney and Shetland (Mr Carmichael) has, and it was the same in my constituency. For some years I was the house father of a small-unit children's home near Heathrow, and it is important that Members fully understand and appreciate the consequences of their actions in supporting the Bill.

I have two detention centres in my constituency—Harmondsworth and Colnbrook. Prior to 2012, children and their families were detained in Harmondsworth in particular. They were locked in; they were imprisoned. The last report from His Majesty's Inspectorate of Prisons described the setting in Harmondsworth as "bleak" and "prisonlike", and it is. The experience of the regime is harsh. We have had suicides, and we had another death in Colnbrook last Sunday—that has been referred to. At Harmondsworth the place has been burned down during riots, twice.

I visited when the children were there, like the right hon. Member for Orkney and Shetland. I will tell the story of one of my visits to Harmondsworth, where the children were detained. We had a small classroom to deal with children. They were of primary and secondary age, and it was heart-rending. On one occasion when I visited they had a poetry lesson, and they chose to write a poem on a subject of their choice. One of the young girls wrote on the subject of freedom. She wrote:

"Freedom is the sound outside the gate."

It broke my heart seeing those children locked up in that way, and all the experts I have spoken to—teachers, child psychologists, doctors—reported the impact that that was having in traumatising those children, often scarring them for life. We also demonstrated time and time again, from the various research reports on the children's experiences, that they suffered from post-traumatic stress disorder. Their experiences in detention exacerbated and piled on top of what many had already experienced in their country of origin which had forced them and their families to flee, and their experiences on the journey here. In one Children's Society report at the time, the expression "state-sponsored cruelty" was used.

4.15 pm

**Mr Carmichael:** I am grateful to the right hon. Gentleman for giving way, because this is so important. There are so few of us now who remember what it was like. When children come here, they are thrown into association with some of the worst people imaginable. Some of the people I saw in Dungavel absolutely needed to be in detention, but the idea of holding them in the same facility as children just took that inhumanity to another level.

**John McDonnell:** Exactly. In the children's home where I was a house father, we dealt with some of the children who had been coming from detention. We understood the traumas they had gone through.

Before 2010, just to remind the House, many of us, on a cross-party basis—Conservative, Labour, Liberals and others—campaigned to end child detention because the numbers were increasing year on year. Once a principle is established, it is interesting how the numbers

*[John McDonnell]*

increase. At one point, there was an estimated 1,000 children and families in Yarl's Wood. The campaigns made it an issue in the run-up to the 2010 general election and many of us signed a commitment to make this country a place of sanctuary. Thank God, what happened was that the people of this country woke up to what we were doing to children and the way children were being treated. Children's Society reports evidenced the individual experiences of children, as well as the research. We made the sanctuary pledge. Citizens UK, religious bodies, community groups and trade unions came together in one mass campaign.

We had a huge breakthrough after the election. David Cameron was convinced and was supported by, yes, Nick Clegg and—she is no longer in her place—the right hon. Member for Maidenhead (Mrs May). Over a decade ago, we ended, with unanimity in this House, the routine detention of children. No more children were imprisoned in Harmondsworth in my constituency, or in any other detention centre or prison-like facility. We took that pledge and we enacted it in legislation with cross-party support in 2014. There were some exceptions, obviously. I regretted some of them, but I could understand some reasons why. There were a small number where pre-departure accommodation was provided, but no child was left in a detention centre.

The Bill, whatever the Minister says, removes the protections we, cross-party, arrived at unanimously over a decade ago. My plea to this House is this: please do not take us back to those barbaric days. The lives of children are devastated. The estimate is that 8,000 children face detention under the proposals in the Bill. It will create lasting, almost irrecoverable damage to those children. I just appeal, in all humanity, for the House to reject the proposals.

**Jonathan Gullis:** I rise to speak to the amendments in my name: amendment 135, which intends to block courts from ordering individuals to be returned to the UK once removed; and amendment 136, which intends to restrict to the use of hotels. I put my name to other amendments that were debated yesterday, which I am proud to support.

First, I want to thank the Minister for Immigration, my right hon. Friend the Member for Newark (Robert Jenrick) for the assurances he gave yesterday evening at the Dispatch Box to meaningful engagement over the Easter recess to find a way forward on the amendments I signed or that are in my name. I look forward to working with him and colleagues, such as 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) and my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes). I will therefore not press any of my amendments to a Division this evening.

It is critical that the policy is delivered. In Stoke-on-Trent we understand generosity better than anyone, having 1,279 asylum seekers or illegal economic migrants in our great city. We have been a long-term member of the voluntary asylum dispersal scheme and now have 30% of that population purely in hotels in inappropriate places—directly opposite our railway station, right by levelling-up projects, undermining the work to regenerate and level up the great city of Stoke-on-Trent. It is abhorrent that this has been going on.

For far too long, Stoke-on-Trent has been at the forefront of stepping up and delivering. It was the fifth largest contributor to the asylum dispersal scheme and was voted the kindest city in the United Kingdom only last year. We as a city will do our fair share, but it is inappropriate that we continue to see more than 40,000 people illegally choose to put thousands of pounds in the hands of smuggling gangs when they are already in safe mainland France, to come across on small boats, needlessly risking their own lives and undermining our UK visa system, the rights of our borders and the democracy and sovereignty of this House. It is essential that we do everything we can.

When 73% of people voted to leave the European Union, they wanted to take back control of their laws and their borders. People in Stoke-on-Trent North, Kidsgrove and Talke were outraged to see only yesterday the Council of Europe's commissioner for human rights interfering in this place, giving their opinion from Strasbourg and Brussels, demanding that we vote this legislation down. Yet again, foreign dignitaries and foreign judges are trying to interfere with the democratic rights and processes of our great country. It is simply not acceptable. That is why it is so important that the amendment of my hon. Friend the Member for Devizes is taken seriously. I would like it be fully supported. Ultimately, we must deliver this important legislation.

**Stella Creasy:** Will the hon. Gentleman give way?

**Jonathan Gullis:** I will happily take an intervention at the end of my speech, as I promise to keep within the 10-minute limit that you have asked of me, Dame Rosie.

Amendment 135 is about the block on returns. If we are to ensure the offshoring of illegal migrants, we cannot see people return to our United Kingdom, because that will undermine the Rwanda policy and other world-leading schemes that I hope we will agree with other safe third countries. I support the Opposition wanting safe and legal routes and returns agreement. Like many, I was outraged that we gave £500 million of UK taxpayers' money without getting a returns agreement with France directly. I fully endorse that. It is essential that the law makes it clear that if someone tries to make a last-minute claim to an upper tribunal and they are removed, they have no right to return. They may win damages in court, but the right to return must not be granted. If it is, that will undermine everything. The imagery will be shocking, and will be used by smugglers across mainland Europe as an advert for what could happen if people were lucky.

It is essential that we deliver on the important policy of hotels. Rightly, the British public are livid at seeing £6 million a day of their hard-earned British taxpayers' money going to house people in hotels. It is totally unacceptable in places such as Stoke-on-Trent, where we have a thriving hospitality and tourism sector, which has been undermined by the use of the hotels. People are losing their jobs. At certain hotels, people have lost the ability to take their children to the swimming baths to learn how to swim. They are unable to go to the gym and other such facilities because, sadly, this abhorrent trade has carried on. In Staffordshire as a whole, nine

hotels have been taken up. It is not something that anyone in this House wants, and I hope my amendments get widespread support.

I thank the Minister for his engagement and for the fact that plans will come forward soon for alternative places to move people out of hotels. I was delighted that my petition to end Serco's abuse of Stoke-on-Trent, which I presented on the Floor of the House, gathered more than 2,000 signatures. We have seen continued movement from the Minister, the Prime Minister and the Home Secretary to find suitable accommodation in the short term until we implement, very soon I hope, the policy to get people deported to safe third countries such as Rwanda.

**Stella Creasy:** I will let the hon. Gentleman gather his breath. He made a strong case that he was concerned about the work of the European Court of Human Rights making judgments about overbearing Governments and trying to stand up for citizens. Does he, therefore, deplore the recent judgment by the European Court of Human rights—another rule 39 interim measure—in the cases of Pinner *v.* Russia and Ukraine and Aslin *v.* Russia and Ukraine? They concerned British nationals who were members of the armed forces in Ukraine, who had surrendered to Russian forces and been sentenced to death. The European Court of Human Rights got stuck in to stand up for British citizens. But by his logic, I assume that he would oppose that because he does not like such bodies standing up for citizens being oppressed by Governments.

**Jonathan Gullis:** Rule 39 interim measures were not part of the European convention on human rights when we signed it in 1950. While we have obligations under the convention, they should never trump the sovereignty of what happens in this Parliament. We are democratically elected parliamentarians who speak on behalf of our constituents—well, we do on the Government Benches—and that is important to understanding why we deliver such policies.

The hon. Lady talks about the European court of human rights, but let us not forget that 47% of ECHR judgments have not been complied with over the past 10 years. In Spain and Germany, it is 61% and 37% respectively. The UK is, I believe, at 18%, so we are better at upholding our ECHR obligations than most mainland European countries, of which I know the hon. Lady is a huge fan. She would love to see us return to the European Union, which she so avidly campaigned for and continues to make the case for privately, I am sure, within the parliamentary Labour party. I commend her bravery in taking that stance but, of course, the people of Stoke-on-Trent North, Kidsgrove and Talke simply said, "No. Go away. Bye-bye, Labour"—hopefully for decades to come—after 70 years of failure, neglect and under-investment in our great area.

Returning to the debate, I thank Professor Richard Ekins of the University of Oxford and Sir Stephen Laws KC for their work with the Policy Exchange and for helping me and other colleagues with the changes we proposed today. When people are losing their jobs at hotels and the hospitality and tourism sectors of our towns and cities are being damaged, that undermines public confidence in our ability to deliver this policy. There are disused Army bases, and I have no issue with the use of portakabins or tents. They are perfectly acceptable short-term accommodation, so long as we deliver on the policy of ensuring that people are removed after 28 days to a safe third country. Rwanda is perfectly safe and has so far welcomed the fact that the UK Government have been so successful at explaining in UK domestic courts that our world-leading policy is something to be celebrated.

Despite the shadow Minister suggesting that this Government are worried about compliance, the fact that they are winning court battles on other legislation that was deemed to be on the line shows that they are confident that they will be on that side again. He talked about a Labour plan, but I am still searching for something other than processing people quicker, which would mean we would still accept seven out of 10 people coming here—70% of 45,000 would be completely unacceptable to the people of the United Kingdom—and would lead to smugglers advertising a 70% success rate. That is why I am unable to support many of Labour's amendments today.

The only exception that intrigued me was the new clause—I forget the number—that proposed engagement with local authorities. However, the assurances that the Minister gave yesterday to one of my hon. Friends who tabled a similar amendment gave me confidence, and I will be unable to join Labour in the Lobby today. I am delighted that Councillor Abi Brown was brave enough to force this Government to remove the voluntary opt-in and ensure that all local authorities are part of the asylum dispersal scheme after threatening to legally withdraw from the scheme.

Thank you for the time, Dame Rosie, and apologies for going one minute over.

**Hywel Williams** (Arfon) (PC): I would have liked to say it was a pleasure to follow the hon. Member for Stoke-on-Trent North (Jonathan Gullis), but unfortunately I cannot.

I rise to speak to new clause 29, which stands in my name and in the name of right hon. and hon. Friends. I share the wish of hon. Members across the Committee to see an end to small boats crossing the channel, but the Bill is an affront to the values of my party and of so many people in Wales and across the UK. It is at odds with the objectives and the spirit of the international human rights treaties to which the UK is a signatory. It is contrary to the Welsh Government's wish for Wales to be a nation of sanctuary. It is contrary to the democratically expressed will of the people of Wales, and if we had our own way it would not apply in our country.

4.30 pm

My party has therefore tabled new clause 29, which would require the UK and Welsh Governments jointly to produce guidance setting out how measures under the Bill could be exercised consistently with the Welsh Government's commitment to make Wales a nation of sanctuary. It would also require that no such guidance be published unless approved by Senedd Cymru.

The Welsh Government have written to the UK Government to say that they believe legislative consent will most likely be needed for the Bill, as it will encroach on Welsh devolved law. That is just one example; the Bill also includes provisions to allow for the transfer of responsibility for children from local authorities to the

Home Office, which may well lead to children who are being cared for in Wales being summarily deported on turning 18. That would undermine the aims of Welsh legislation such as the Social Services and Well-being (Wales) Act 2014, which sets out the responsibilities of local authorities to unaccompanied asylum-seeking children in Wales.

We have a particular concern about clause 12, which would allow the Secretary of State to detain refugees and asylum seekers essentially indefinitely. The Government have made it clear that they will be looking to use military camps as one source of accommodation. There is evidence of the danger of detaining refugees en masse in that way, as we saw with the use of the Penally camp in Pembrokeshire: a substandard and run-down site was used to house hundreds of asylum seekers over the winter of 2020. There were appalling conditions for them, there was huge concern locally and it was a lightning rod for the very worst of the extreme right, who travelled to Penally from afar to demonstrate and cause huge disruption. Are the Government really heedless of this danger? *[Interruption.]* As heedless as the Minister is of my speech, apparently.

I pay tribute to the people of Llanilltud Fawr, also known as Llantwit Major, who turned out in their hundreds last weekend to assert our welcome for refugees in Wales and our abhorrence of the hard right. The people of Llanilltud Fawr peacefully saw off the pathetic rabble of about 20 right-wing strangers who had been bussed in, ostensibly to protest about housing Ukrainian refugees locally. The people of Llanilltud Fawr and the people of Wales are proud to live in a gwlad lloches—a country of refuge—and I applaud their peaceful demonstration to reject the vicious and unrepresentative few who seek to hijack the issue for their own political ends.

Contrary to the title of this Bill, nobody is illegal. Claiming asylum is an international human right. Desperate people arriving in the UK by whatever means they can, because there are no safe routes, should not be criminalised. I could say much more, but for now let me assure the Committee and the people listening and watching at home that my party will oppose this vicious, unfair and damaging Bill again in the Division Lobby tonight.

**Sir John Hayes** (South Holland and The Deepings) (Con): Several calumnies have found form in the contributions of Opposition Members in the course of our consideration of the Bill so far. Principal among them is that there is no factual basis that has provoked this legislation. That is simply not so.

Since 2018, some 85,000 people have entered Britain illegally, 45,000 of them in 2022 alone. Roughly 75%—in fact, I think it is 74%—are men under 40. Nearly nine in 10 of those arriving are male; 18% are Albanian—and, by the way, Albanians make up 10% of the foreign prisoner population, with some 2,000 of them—and 100% have travelled through safe countries in which they could have claimed asylum in order to get here. Accommodating these people is costing the British taxpayer £3 billion a year. That is why we need urgent action to deal with the channel crossings but also, more fundamentally still, to reform our asylum system to make it fit for purpose and to cut immigration—and, I say to the Minister, not just illegal immigration, because we will need to turn to legal immigration too during the course of this Parliament.

**Mr Carmichael:** Will the right hon. Gentleman give way?

**Sir John Hayes:** I hope the right hon. Gentleman will forgive me if I do not. I have great respect for him, but I promised you that I would be brief, Dame Rosie, and I know that if I take interventions that will not be true, and I will break my promise. You would never forgive me for that and, worse still, you would not call me again.

I shall speak to some of the amendments that stand in my name, which I hope will help the Government in that endeavour. My amendments, along with those tabled by my hon. Friends the Members for Stoke-on-Trent North (Jonathan Gullis) and for Stone (Sir William Cash), among others, are designed to improve the Bill rather than to frustrate the Government's efforts. Indeed, they are framed in order to make the Bill work—for the Bill must work.

The British people are at the end of their tether, tired of a liberal establishment blinded by its own prejudices which seems oblivious to the needs of working-class Britons but ever more indulgent towards economic migrants and anyone else who comes from abroad, for that matter. The British people demand and deserve something better than that. They deserve a Government who take their concerns seriously.

Just in case there is any doubt about those concerns, I refer Members to the work of Professor Matthew Goodwin, professor of politics at the University of Kent, who has studied these matters. He has revealed the opinions of an immense number of voters in so-called red wall constituencies. You will remember, Dame Rosie, that those are the seats that Labour hopes to win back, but it will not, because they are in the hands of very able Conservative Members of Parliament, many of whom take a view of the Bill that is similar to mine, including my hon. Friend the Member for Stoke-on-Trent North. Interestingly, 59% of people in those constituencies think that we

"should withdraw the right of asylum-seekers and illegal migrants who cross the Channel illegally in small boats to appeal against their deportation."

That number

"jumps to more than three-quarters"

of 2019 Conservative voters and 39% of Labour voters. A large majority, six in 10, support

"stopping migrants in small boats from illegally crossing the Channel using any means necessary".

Benjamin Disraeli said that

"justice is truth in action."

My amendment 283 is designed to restore justice to our asylum system by affirming the truth. Little epitomises the anger felt by my constituents and many others about the unfairness of the system more than those economic migrants with no legal right to be here who arrive in Dover claiming to be younger than they are in order to game our asylum rules. As my right hon. Friend the Member for Witham (Priti Patel) pointed out when she was Home Secretary, in two thirds of age dispute cases, it has been found that an individual claiming to be a child is over—sometimes considerably over—the age of 18. This is a widespread problem.

Amendment 283 would introduce a scientific age assessment to ensure that those under 18 who need to seek shelter here can do so, as well as to find out those over 18 who lie to cheat our rules. The amendment is in

keeping with the practices used in Europe by countries that verify the ages of those crossing their borders. The scientific age assessments used in many European countries for these purposes include dental and wrist X-rays in France, Finland and Norway, and CT or MRI scans in Sweden, Denmark and elsewhere.

I would be amazed if anyone who believed in the integrity of our asylum system opposed such an amendment, and I hope the Minister will confirm when he sums up that the Government intend to adopt it. Without such a change, we cannot properly break the business model of the people smugglers. These vile traffickers will simply tell the people whose lives they are risking to lie about their age to prevent them from being removed.

My amendments 129 and 130 would strengthen the Bill by ensuring that those who have no right to be here are swiftly removed. At present, the language in the Bill promises to "deport". However, deportation is a distinct legal process from removal. Deportation is reserved for those who are a "risk to the public good"—typically foreign national offenders. By contrast, removal is a legal term for a process by which certain people may be removed from the UK, usually because they have breached immigration rules by remaining here illegally, but who do not necessarily pose a public risk or danger by so doing. Again, I hope that the Minister will enter into a discussion with me about how we can improve the Bill in that way and make it more effective.

I know, too, that the Minister will look at the amendments that aim to toughen the Bill further in terms of its language. Amendment 135, which stands in the name of my hon. Friend the Member for Stoke-on-Trent North, is vital as it will block courts from ordering that individuals who have been removed be return to the UK. If those removed to Rwanda were allowed to return to the UK following legal challenges, the deterrent gained from successfully sending them there would be diluted or lost altogether, so it is essential that those who want to join the small boats and the smugglers who organise their dangerous journeys know that the deterrent is credible.

Amendment 132 would ensure that other provisions of the Human Rights Act were disapplied. Right hon. and hon. Members know my view on the Human Rights Act: I would repeal it. And they know my view on the convention: I would leave it. But that is not what we are debating today, and it is not what these amendments seek to do. They simply aim to ensure that the Government's policy, which has found form in this Bill which I hope is soon to be an Act, is not once again mired in appeals to foreign potentates and powers who will frustrate the will of the Government, this House and, more fundamentally, the British people.

I will not comment on amendments 139 and 140 in the name of my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton), except to say that they are arguably well-intentioned, but not necessarily so. A report last year, as my hon. Friend must know, showed that nearly two thirds of asylum seekers suspected of lying when they were unaccompanied children were found to be over 18. Of course care and sentiment matter, but we must exercise sense to avoid being naive about this subject.

For the sake of brevity, Dame Rosie, I will not say much more, except to conclude in this way: the British people want to deal with the boats. They want to restore order to our borders. They believe in the integrity of a system that determines whether someone is a genuine seeker of asylum in fear of persecution and in profound need or an economic migrant gaming the system in respect of their age. That is what the British people want, and that is what this Bill will do. By the way, just a quick word about judicial activism: it is a well-established concept and I would advise the hon. Member for Aberavon (Stephen Kinnock) to read about it in more detail, as he does not seem to have heard of it.

I say to the Minister that we must avoid listening to the bleats and cries of a bourgeois liberal establishment who will go out of their way to stop the Government doing what is just and right. I look forward to further engagement with him and, assuming that he says something sufficiently generous—indeed, slightly more than that; I would like to feel flattery—I will not press the amendments that stand in my name.

**Stella Creasy:** It is a pleasure to follow the right hon. Member for South Holland and The Deepings (Sir John Hayes), a knight of the realm, lecturing us all on being in touch with the people and on class warfare. What a dystopian vision he paints of this country. I will confine my remarks to the three amendments in my name, because he does not speak for the majority in this country with his callous disregard for people seeking sanctuary, and in his callous disregard for the evidence and facts.

Amendment 293 reflects the challenge set by the right hon. Gentleman and by the hon. Member for Stoke-on-Trent North (Jonathan Gullis), who complains about people with visas. He must be disappointed that the Illegal Migration Bill does nothing about people who overstay their visa, which is clearly illegal. If this Bill were actually about things that are illegal in our asylum system, it would tackle visa overstayers. The Bill says nothing about people traffickers, and it contains no further sanctions and makes no further efforts to catch organised crime gangs. I now realise why it does not, having heard how the hon. Member for Stoke-on-Trent North objects to the European Court of Human Rights standing up for British citizens who face the death penalty—he could not even say that stopping people being sent to their death for standing up to Putin is a good thing.

4.45 pm

The Bill says nothing about the liaison with Europe we would need to catch these organised crime gangs. I tabled amendment 293 because this House should not be running the Government's election campaign, and it should not pass legislation that is not about anything illegal—it is not illegal to seek asylum. We will keep reminding the British public of that. This Bill is just about the Conservative party getting its leaflets done on the cheap, by getting them done in this House. Amendment 293 would remove the word "Illegal" from the Bill's title, because the Bill does not cover illegal behaviour or, indeed, the illegal elements of our asylum system that we should address, and that I am sure Conservative Members would want to address.

Amendment 138 is about safe routes. We discussed this yesterday, and the Immigration Minister was outraged when I suggested that there are no safe and legal routes. After all, if we have a Bill about illegal behaviour, we need a legal system that underpins it. The Minister, in direct response to my question, claimed that 6,000 people

from Iran have claimed asylum here via a safe and legal route. If a safe and legal route exists, surely it should be part of the decision-making process on asylum. The amendment simply sets out that a person's asylum claim can be rejected if they can be shown the safe and legal route they should have taken to come here.

Let us look at the Minister's figures. He said, on the record, that

"the UK has taken more than 6,000 Iranians directly for asylum purposes."—[*Official Report*, 27 March 2023; Vol. 730, c. 747.]

The Home Office's figures show that 59 people from Iran have been granted asylum via a safe and legal route since 2015, not 6,000—that is the number of people from Iran who have used the family reunion route. Family reunion is not a safe and legal route. The Immigration Minister does not understand, so I will put it in layman's terms. A safe and legal route would mean that a person in Tehran who is standing up to the Iranian Government—Conservative Members want to stand with these people—is able to leave. A safe and legal route is not for people with the wherewithal to marry and to get their spouse to leave the country ahead of them, while they campaign for democracy.

If the Immigration Minister does not understand that family reunion visas are not the same as a safe and legal route, what hope is there for this Bill? What hope do we have that he is being open with Parliament about the number of people this Government have helped? If he thinks family reunion is a safe and legal route, he does not even understand the Ukrainian system, which he is supposed to be overseeing. Amendment 138 says that, if a safe and legal route exists, it should be part of the decision-making process. That might seem relatively straightforward but, given that the Government do not know what a safe and legal route is, I can understand why they might object to the amendment.

Let me turn to new clause 18, which really ought to be a no-brainer if we are a decent, possibly liberal society—although I would just say British and patriotic—that does not like to see children suffer for the decisions that their parents make. The new clause is about safeguarding duties. I can see that the Minister is not going to look me in the eye on this, because he and I have had several meetings about his failure to oversee the safeguarding of children in hotels—and they are indeed children—whether they are accompanied by their parents or carers, or whether they are unaccompanied.

I am talking about children who have experienced sexual assault because of the failures of safeguarding in hotels in this country; children who have not had education places; children who have not had clothes on their back, apart from those they fled with, to cope with the British weather; and hundreds of children who have gone missing and not been found. The Government will point to the Children Act 1989 and say this is all about local government, but the safeguarding of these children cannot be done without the active involvement of the Home Office. What we have seen to date shows that very clearly, because those children have gone missing, have experienced sexual assault and have not been in school. I am sure that even the hon. Member for Stoke-on-Trent North would agree that it would be a good thing for any child to be in school and learning.

**Jonathan Gullis:** Will the hon. Lady give way?

**Stella Creasy:** I will happily give way to the hon. Gentleman, as long as he will clarify on the record that his comments about me were mistaken. I am sure that he would not wish to malign somebody's good reputation, even if he disagreed with them.

**Jonathan Gullis:** I do not remember seeing the hon. Lady on the streets of the west midlands, campaigning to vote leave in the 2016 referendum, so I feel confident that my comments about her being a pro-European are perfectly acceptable.

When the Minister came to the Dispatch Box with regard to the 200 missing children, he said that 95% of them were 16 to 17 years old—smugglers encourage people who they think can get away with looking that age—and 88% were Albanians. Why would any parent spend £4,500 on sending their child here illegally on a small rubber boat, when they could go on an aeroplane for £30? Also, it is important to understand that the Minister made clear that there was no evidence that any of those 200 had been kidnapped—they left of their own accord.

**Stella Creasy:** When the Immigration Minister was dismissing concerns about locking children up, suggesting that they probably were not children because of concerns about age verification, the right hon. Member for Orkney and Shetland (Mr Carmichael)—I am sorry that he is no longer in his place—used a gentle phrase that his mother might say: "Have a long look in the mirror." Well, I suggest that the hon. Member for Stoke-on-Trent North gives his head a wobble for what he has just said about children who have gone missing; 16 and 17-year-olds are children—*[Interruption.]* He is chuntering from a sedentary position. If those children turn up, I hope to goodness that they all turn up safe and well, because if they do not, what the hon. Member has just said will come back to haunt him—*[Interruption.]* He can keep shouting all he likes, but the vast majority of the British public are horrified by the idea that 200-plus children have gone missing from hotels that the Home Office was supposed to be overseeing.

There is due to be a public inquiry into the Manston centre. The Government have accepted that because of possible article 3 breaches—basically, concerns about how we were treating pregnant women and young children going into Manston—but that investigation has not yet happened and cannot yet inform this legislation. Clause 11 extends detention for families and pregnant women, and clause 14 removes the duty to consult the independent family returns panel about the treatment of children. Children are under the age of 18; we accept that in law.

We have provisions in law—on, for example, the use of bed and breakfasts—that have not been mirrored to date in our treatment of children who have come in through this system. I can hear why in the callous disregard of the hon. Member for Stoke-on-Trent North, but I go back to this simple principle: whatever we think of the parents of these children, we should not be punishing children by agreeing in law that they have second-class citizenship. That is what this legislation will do to refugee children.

**Robert Jenrick** *indicated dissent.*

**Stella Creasy:** The Minister is shaking his head, but there is a very simple answer, because all new clause 18 does is commit to parity. It says that we should treat every single child on UK soil with the same concerns. We could safeguard every single child.

**Alexander Stafford** (Rother Valley) (Con): Will the hon. Lady give way?

**Stella Creasy:** I will happily give way, but then I want to finish because I promised Dame Rosie that I would be brief.

**Alexander Stafford:** Everyone wants children to be safe: nobody wants a child to be living in a hotel; and, fundamentally, nobody wants a child to make a very dangerous crossing in a small boat. The safest place for a child is not to make that crossing. There are safe and legal routes, which we should try to focus on, rather than encouraging people smugglers to take children on the channel. Does the hon. Lady agree that that is the worst thing for a child?

**Stella Creasy:** Nobody is encouraging the smugglers. Given the heat that has been generated in this Chamber, it is important to recognise that nobody across the House supports the smugglers. Equally, there are no safe and legal routes. The example of Iran proves that very clearly. The fact that the Minister does not seem to understand that is troubling. If a child does come here, what happens to them? New clause 18 would provide parity of treatment for all children resident in the United Kingdom—for example in the rules around bed and breakfasts and putting a child in with a single adult. If the hon. Gentleman were to find that happening in his constituency, he would probably, rightly, challenge his local authority about it. Why are we saying that, because a child has refugees as parents, it does not matter how they are treated? That is what this legislation is saying. All new clause 18 is looking for is parity. The hon. Member for Stoke-on-Trent North may disregard those children, but I wager that there are other Members in this Chamber who recognise that when it comes to children, we have responsibilities and obligations.

I hope that, in his summing up, the Minister will say on the record that, yes, absolutely, the same standards of safeguarding will apply. The Home Office failed to put safeguarding in the contracts. I had to use a freedom of information request to get the contract from his Department to be able to check it. I did check it, because the Minister does not do his own homework, so somebody else has to. The contract very clearly does not mention it. *[Interruption.]* It is not a fantasy. What is a fantasy are the figures that the Home Secretary and the Minister just came up with on the safe and legal routes from Iran. Perhaps the Minister might want to reflect on that and on what the UK Statistics Authority said about the Home Office's relationship with the truth when it comes to the numbers and to asylum.

I wish to finish simply by urging the Government to stay on the record. If I am wrong, they should correct me. They could say that every single child in this country will be covered by safeguarding, and that the Home Office itself will take a direct safeguarding duty for these children. It would not be that difficult.

**Jonathan Gullis** *rose—*

**Stella Creasy:** I will not give way. The hon. Gentleman has made his feelings clear, even if he has taken the Shelley's grandmother approach to communicating any sense about them. What matters now is that this Government speak up for every single child, because, if they do not, I promise that there are people in this House who will continue to do it no matter how much barracking we get, because every child matters.

**Ben Bradley** (Mansfield) (Con): It is a pleasure to serve under your chairmanship today, Dame Rosie. I would like to echo what my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes) said earlier about how strongly people feel about this issue. He provided the statistics to back that up. Some 35% of all policy inquiries to my office last week related to this issue of illegal migration and small boats. People often say to me, "You are in the middle of the country in Mansfield, so why do people care?" It is a simple matter of fairness. It is a massive Government commitment. One of the Prime Minister's key pledges to the people of this country was to tackle the issue of small boats.

The people of Mansfield are generous, but they believe in the rules and they believe in law and order. They are happy to help those people who follow the rules, but when they are struggling and when they see people facing genuine safeguarding and personal safety issues, they feel the unfairness when they see others coming from the safe country of France and jumping the queue. When they are sat on housing waiting lists and unable to get a home, but someone who has no legal right to be here is able to get accommodation, they feel that unfairness. It is very easy for us in this Chamber, none of whom, I would imagine, rely heavily on our public services, to say that there is no negative impact to all of this. In reality, though, if a person is on that housing waiting list and unable to get a permanent home for themselves or their family, if they are struggling to access primary care, if they are told that they cannot get the help that they need, if they are sacked from their job at a hotel because it has become a migrant accommodation, or if they are seeing public funds intended to support people in this country being diverted to support people who have no legal right to be here, then, of course, they feel the unfairness. To suggest that that is not a problem is to deny the experience of many of my constituents, and of many people around the country, who feel that very strongly.

**Jonathan Gullis:** The hon. Member for Walthamstow (Stella Creasy) was talking about safeguarding. Does my hon. Friend, who is a local authority leader, agree that we all have a duty to safeguard the young people of our country, as opposed to those who do not have any documentation to prove the age that they claimed when they arrived on the shores of this United Kingdom illegally? Therefore, until age verification can be guaranteed, we have to make sure that those alleged children—and alleged until we can prove it—are not mixing with genuine, birth certificate-holding UK residents who we know are under the age of 18.

**Ben Bradley:** My hon. Friend is right: I do have that role, and it does present significant safeguarding risks and resource challenges. The hon. Member for Walthamstow said earlier that everyone should have a right to education, but I do not know where she thinks those school places

*[Ben Bradley]*

just emerged from. We cannot plan for hundreds of school places when 40,000 people arrive in one year. I have British children in my county unable to access a school place near their home because of the sheer volume of genuine asylum seekers who have come through genuine routes who are accessing those places instead.

5 pm

**David Simmonds:** The Refugee, Asylum and Migration Policy Project, which funds a researcher in my office, has done a lot of work on this issue. Does my hon. Friend acknowledge that, where a young person is of statutory school age, it is an absolute legal obligation on a local authority to ensure that they have that education and, if it fails to do so, that child is eligible for compensation that is paid out in a dedicated school grant, thus affecting the budgets of all schools in that area? Does he agree that it is vital that in this Bill we clarify exactly what the position of child asylum seekers is so that we know whether they are within that legislation or whether they somehow fall outside it?

**Ben Bradley:** I fully take on my hon. Friend's earlier point about who holds the responsibility for applying those duties and how they mix together. That is a complex issue and one that I cannot answer today, but he is right that we need to ensure that we safeguard children and offer them all the support we can, recognising that we have a duty to British citizens and British children to supply school places. It cannot be right, as I said to the hon. Member for Walthamstow, to suggest that all of a sudden schools, school places and opportunities will just appear, because they will not.

**Stephen Kinnock** *rose—*

**Ben Bradley:** I have given way twice already and I am very conscious of time, but I will give way one last time.

**Stephen Kinnock:** The hon. Gentleman is making a valid point about the important role that local authorities play. Will he therefore be supporting our new clause 27 when we put it to the vote this evening, stating that it should be a legal requirement for the Home Office to consult with local authorities before making any arrangements on accommodation for asylum seekers?

**Ben Bradley:** That is a challenge that I raised in the House myself last year, but I have since had many conversations with the Department and feel reassured that that communication has been far better recently. I feel more confident now that that relationship is better, but it certainly was a challenge at the start, and I am grateful to my right hon. Friend the Minister for having dealt with that.

I will make some progress, because I know you are keen to crack on, Dame Rosie. I want to touch on a couple of the amendments and demonstrate some of the challenges in the system. There are several amendments that would effectively prevent deportation or removal at all costs, blocking the entire premise of our being able to control our borders. In preventing us from controlling our borders or removing people with no right to be here, the amendments would dissolve our national self-determination and national identity and degrade our ability to decide for ourselves, taking away some of the significant powers that we should have and hold in this country. As Ronald Reagan said, if you cannot control your borders, you are not a nation state.

For example, under amendment 138 someone could not be removed unless there was a safe and legal route, as the hon. Member for Walthamstow mentioned. To me, that says that, if there is not a safe and legal route, people have carte blanche to arrive here through whatever means they like. There cannot be a safe and legal route for everybody around the world who could be eligible to come here. There are 100 million displaced people around the world; we have to draw a line somewhere to say what is reasonable for us as a country to be able to resource. Local authorities are tasked with looking after many of the people who come, with limited resources and limited capacity. To be fair both to asylum seekers in genuine need and to UK citizens who rely on public services, we must draw a line. It cannot possibly be right to implement an amendment that would prevent us from removing anyone.

Under amendment 121, a person cannot be removed until we have exhausted a million appeals, through every court in the land, forever and ever. That will actively encourage the kinds of scenes that we have seen in recent years, with late appeals being lodged and people being dragged off flights. We will not be able to enact any of the Bill if hon. Members try to implement such amendments, which defeat its entire object. Perhaps that is what Opposition Members are trying to achieve in tabling them.

We need to stop the exploitation of children, and my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes) is right to say that age verification is important in that. Important as it is to ensure that we implement a system that is tough on the rules for adults, if we want to implement a system that also has a duty to safeguard children and young people, we must be able effectively to decide who children are and to show that the system is not being exploited in that way.

If, under the Bill, all children have the same rights as British children and will not be removed at 18 years old, we are effectively saying, "You will be able to come and live here as a British citizen with a right to stay for ever." Inevitably, more and more children will arrive on small boats. We would be actively encouraging people traffickers to exploit more vulnerable, unaccompanied children, put them on boats and push them off into the sea—a horrendous outcome.

My constituents voted by 71%—one of the highest proportions in the country—to leave the EU. They voted for self-determination; they voted to remove the control and overriding decision making of European institutions. Amendments 131 and 132 in the names of my hon. Friend the Member for Devizes (Danny Kruger) and my right hon. Friend the Member for Middlesbrough South and East Cleveland (Mr Clarke) would ensure that the rules are decided, implemented and applied here in the UK, regardless of the views of those in Strasbourg on removal flights or of provisions in the ECHR that might overreach or be open to exploitation. While we get to a place where we can work out a functioning asylum system, most of my constituents will expect us at the very least to be able to make our own rules and decisions, and determine compliance

with those rules, here in the United Kingdom. That played a huge part in people's choosing to leave the European institutions.

My Mansfield constituents absolutely expect to see a dramatic fall in the number of people crossing the channel illegally, people moved out of hotels and into secure accommodation, and removal flights taking people with no legal right to be in this country somewhere else. I again ask the Minister and the Home Secretary to do everything in their power to ensure that we keep that promise to the British people.

**Stephen Farry** (North Down) (Alliance): In following the hon. Member for Mansfield (Ben Bradley), I want to point out the dangers of framing this as a "them vs. us" competition for scarce resources, and of the notion that there are 100 million people in the world who all wish to come to the UK. Of course, we should invest in resources for everyone across the UK, and have some degree of perspective, because although there may be 100 million refugees or internally displaced people in the world, only a small fraction of them are seeking to come to the UK. Even if we expand the range of safe and legal routes, most of them will want to stay close to their original homes, with the intention of returning there some day.

I will offer support to other Opposition amendments, but in focusing on my amendment 70, I am somewhat self-conscious and humbled, because it is a very specific, niche issue in the overall context of a Bill that lacks compassion and humanity towards people fleeing war and persecution, breaches international law in the refugee convention and the European convention on human rights, and denies the lack of viable safe and legal routes to the UK. It is none the less important that I place these concerns on the record.

Once again, Home Office legislation fails to take into account the realities of the common travel area and particularly movements on the island of Ireland. Although there is an open border with no routine immigration checks, UK immigration law continues to apply, and people who cross into the UK, particularly on the island of Ireland, remain at risk of immigration enforcement and legal jeopardy if they are found to be in breach of any immigration rules. Under clause 2, someone who enters the UK via Northern Ireland risks potential detention, deportation to a third country or their home country, and even a ban on ever returning. I welcome the Home Office's recent guidance on electronic travel authorisation, in so far as it gives an exemption for third-country nationals living in the Republic of Ireland who do not require a visa to enter the UK, to come to the UK without the need for an ETA. That is sensible and pragmatic, but it does not go far enough. I wish to highlight two categories of people in connection to the Bill, as clause 2 significantly raises the jeopardy for people who are not covered by that exemption.

The first is those residents of Ireland who currently do require a visa to enter the UK, which obviously includes Northern Ireland. The visa itself is not the issue in this particular debate, but the change in their legal jeopardy very much is. Let me give a couple of examples. A woman from Kenya who is living legally in County Donegal crosses the border—a simple bridge across the border—from Lifford to Strabane to do the weekly shopping. Somehow she ends up interacting with the state authorities and therefore comes to the attention of immigration control. She could end up in a situation where she is deported not just back to her home in Ireland but all the way back to Kenya. A Nigerian man is simply travelling between two points in the Republic of Ireland, Clones and Cavan town, on a road that famously crosses the border in Northern Ireland in County Fermanagh about six times. He has no intention of doing any business in the UK but unfortunately has a traffic accident and comes to the attention of the state. Under clause 2 of the Bill, he, too, could be deported not just back to his home in Ireland but all the way back to Nigeria.

Secondly, let us look at the issue in terms of tourism. At present, Northern Ireland is marketed internationally as part of a single entity: the island of Ireland. That is an outworking of the Good Friday agreement. Furthermore, most international visitors to Northern Ireland arrive in the Republic of Ireland through Dublin airport and then travel northwards. It is currently intended that those individuals would require an ETA to access the United Kingdom. I want to have a separate discussion with the Home Office about the impact of that requirement on the tourist sector, but today I want to focus on the immigration aspect.

There are safeguards to ensure that anyone entering the UK via a seaport or airport has the requisite papers, but that will not be the case with what is an open land border in Ireland, so there is the potential for many thousands of tourists to innocently and unwittingly come to Northern Ireland without an electronic travel authorisation and therefore be placed in legal jeopardy, even if they do not have the intention to stay in the UK, because they are simply tourists. Under the Bill, they, too, are at risk of detention, deportation and a ban on ever coming back to the UK. Is that seriously the message we want to send to the rest of the world in terms of UK tourism?

**Simon Hoare** (North Dorset) (Con): I agree with the point that the hon. Gentleman makes. The Government should note that this argument finds unanimity across the political parties of Northern Ireland, and that, in itself, should speak volumes to the Government.

**Stephen Farry:** I am grateful to the Chair of the Northern Ireland Affairs Committee for that intervention. He is right: we are taking a pragmatic approach to this across the political spectrum in Northern Ireland, because we are very sensitive to the importance of tourism to our economy. There are particular concerns about the need for an ETA in terms of tourist movements, and today we are highlighting the issue of enhanced legal jeopardy for someone who travels without that documentation and the potential risks of that.

I want to briefly make a few other points in relation to the implications for Northern Ireland. The Bill has the potential to run contrary to the requirements of article 2 of the Northern Ireland protocol, now renamed the Windsor framework, alongside the wider issue of its adherence to the European convention on human rights. I am not sure that the Government have done proper due diligence in that regard. This relates to the non-diminution of rights, and of course asylum seekers are as much part of the community in Northern Ireland as anyone else.

*[Stephen Farry]*

Finally, I place on record my concern that the Bill potentially allows the Secretary of State to make modern slavery regulations that apply to the devolved regions and nations, and may encroach upon devolved matters. Those powers will be struck without the consent of the devolved authorities, including in Northern Ireland, where we do not currently have a functioning Executive and Assembly.

5.15 pm

**Janet Daby** (Lewisham East) (Lab): I rise to speak in favour of amendments 148, 285, 288 and 292 and new clauses 18, 21, 22, 27, 28 and 30, because my constituents and I are deeply concerned about so many aspects of the Bill. Specifically on clauses 2 and 4, the United Nations High Commissioner for Refugees has stated that the Bill would

"deny protection to many asylum-seekers in need of safety and protection, and even deny them the opportunity to put forward their case."

Over the years, I have worked with refugees and asylum seekers, unaccompanied minors, children and families, and the stories I have heard about them travelling to the UK involve brutal and gruesome treatment at the hands of people smugglers. They are always left deeply traumatised. I have heard stories of male children being raped. I have heard the story of a young person travelling with his brother, who was separated from him along the journey; he never saw him again, and was left worried and concerned that maybe he never even survived that journey. I have heard the story of a husband who was handed his child and saw his wife being repeatedly gang-raped—these are terrifying incidents. I have heard stories of guns being placed to children's and adults' heads.

These people are terrified, and have endured unimaginable conditions on their journey to the UK, yet when we hear about refugees and asylum seekers from the Government and from Members on the Government Benches, their experiences of crossing the channel to flee persecution are rarely ever mentioned. I find that utterly shameful. This Government have demonised these people, including children; they forget that these people are human, just like all of us across this Chamber. Refugees who come by boat or in lorries do so because of the lack of safe routes to the UK. They are completely vulnerable and at the mercy of the people smugglers. It is those people smugglers and criminal gangs that the Government should be focusing all their efforts on, in order to stop these illegal and criminal acts. That is why I am backing new clause 22, which would enshrine in law a new National Crime Agency unit to crack down on people smugglers and gangs.

As the MP for Lewisham East, I have talked a lot in this Chamber about my pride and joy in the fact that Lewisham Council was the first in the country to become a borough of sanctuary. Local authorities are heavily involved in the housing of asylum seekers, which is why I urge colleagues to vote for new clause 27, which would force the Home Secretary to consult local authorities when opening up asylum accommodation and hotels in their area. We have a hostel and asylum accommodation in my constituency, and when I have been there to speak to some of my constituents, I am appalled by the conditions that they are having to live in. They are not able to cook for themselves and their families, and they are not able to make the choices that families would want to. They want to provide for their families, to have their visas, to be able to work, and to have a home and to care. I am finding that so many people who are in this country as asylum seekers or refugees are beginning to suffer from mental health problems because of the process they have endured and how long it is taking, while the Government allow them to remain in those unsatisfactory conditions.

At national level, the small boats failure exists due to the Tory Government's incompetence. It was this Government's deal to leave the European Union without a returns agreement in place that led to a huge increase in the number of dangerous crossings and the backlog in asylum cases. I am not sure why that backlog has not been resolved; obviously the Government do not have the appetite to really push forward to make that happen.

I am further outraged that this Bill breaches the refugee convention and gives the Home Secretary power to remove unaccompanied children. My hon. Friend the Member for Walthamstow (Stella Creasy) has spoken eloquently about new clause 18, and I absolutely support the reasons that she gave and her persistence on making sure that children are treated equally and fairly and are the Government's paramount concern.

It is clear that the Government are risking the welfare and safeguarding of vulnerable children. I therefore back amendment 148, which would remove from the Bill the Home Secretary's power to remove unaccompanied children. I trust that many Members from across the House will back it, too. Most people want stronger border security and a caring and effective asylum system, but at the moment we have neither and the Bill does little to achieve them. Labour has a plan to prevent dangerous channel crossings and to reduce the asylum and refugee backlog. To improve this shameful piece of legislation, we must pass all the amendments I have mentioned in my speech.

Lastly, I mention the work of Together With Refugees, a coalition of more than 550 national and local organisations calling for an effective, fairer and humane approach to supporting refugees. I urge the Government to listen to it.

**Joanna Cherry:** I rise to speak to amendments 121 and 123 to 127, which are tabled in my name, and in support of amendment 1, tabled in the name of the hon. Member for Aberavon (Stephen Kinnock), who speaks for the official Opposition, and to which I have added my name. I tabled my amendments as Chair of the Joint Committee on Human Rights. I will not press them to a vote, because the Joint Committee has only just commenced our legal scrutiny of this Bill. That is not because we are dilatory in any way, 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 House of Lords. At that point, I hope we will be able to recommend some detailed amendments with the backing of the whole Committee.

I did wonder whether it was worth my while spending hours in the Chamber this afternoon waiting to speak in detail to any of these amendments, as after six hours of debate yesterday, the Minister made no attempt whatever to address any of the detailed points raised by

those speaking to Opposition amendments. We do not expect the Minister to agree with us, but we expect him at least to do us the courtesy of addressing what we have bothered to say, not just on behalf of our constituents, but on behalf of civic society and so on. That is how democratic scrutiny works.

There is no point in Government Members banging on about the sovereignty of this Parliament when the Government ignore most or all of the substantive points raised by Opposition Members during legislative scrutiny. That is not how a Bill Committee is supposed to work, and I appeal to the Minister to remember his duties not just to the Government and his political party, but to this Parliament and the constitution of this so-called parliamentary democracy. The way we are legislating in this House at the moment is an absolute disgrace. A Bill Committee is supposed to be line-by-line scrutiny. This fairly lengthy Bill raises huge issues in respect of our international legal obligations, as well as huge moral issues, but we have not conducted anything like line-by-line scrutiny.

If I am supposed to keep my comments to 10 minutes, I will barely scrape the surface of the amendments that I have tabled, which have not been dreamt out of thin air, but are informed by detailed legal scrutiny of the Bill by the lawyers who advise my Committee. Many of the amendments are informed by the existing unanimous report of the Joint Committee on Human Rights on the Bill of Rights. This Bill sneaks in some of the things that were going to be in the Bill of Rights.

Yesterday, I spent a long time addressing in some detail the legal reasons, under reference to the convention and case law of the European Court of Human Rights, why it would breach the convention for the Government to ignore interim orders of the Court. I also explained how very rarely interim orders are passed in respect of the United Kingdom. The Minister just completely and crassly ignored every single point I sought to make. Frankly, his behaviour in failing to address any of the Opposition amendments makes a mockery of this Parliament and it makes a mockery of all their singing and dancing and fuss about the sovereignty of this Parliament.

**Simon Hoare:** Yesterday, my hon. Friend the Member for Stone (Sir William Cash) set out a compelling argument about the sovereignty of this place, but I share the hon. and learned Lady's concern that I think that speaks to an earlier time of how laws were made, when it was done in a far a more leisurely way, and when this place made far fewer laws and took its time. There were no programme motions, and people could take as long as they wished to. I take her point entirely, and does that not speak to the importance of scrutiny in the other place, but also of some oversight of the courts, so that if there is error in our lawmaking, the courts can point it out and we can rectify it, as and where necessary? I fundamentally agree with the point that she makes about the importance of court oversight.

**The Chairman of Ways and Means (Dame Rosie Winterton):** Order. Before the hon. and learned Lady responds, I would just say that I gave some guidance. As she knows, it is not possible to impose a time limit, but guidance was to try to get in as many people as possible.

**Joanna Cherry:** I am very grateful to you for making that clear, Dame Rosie.

Just to answer the hon. Gentleman's points, yes, I do think that in our civilised, balanced, modern democracy, in which we have proper separation of powers, the role of the courts is very important, but the role of this Chamber is also very important. I am not too bothered about the other place. It is not elected; it does not represent people. I got elected—I went to the trouble of getting elected three times—to represent my constituents, and what I have to say about this Bill is an awful lot more important than what some unelected peer has to say. I say that with all due respect to many of the peers who I think do a fantastic job in trying to fill in the holes of the absolutely appalling way in which the Government seek to pilot legislation through this Parliament.

**Simon Hoare:** I fear I was not clear, because I was trying to support the hon. and learned Lady in what she was saying. I referenced the other place as, in a bicameral system, those in the second House provide time to reflect and give us their views, which can then consider again. However, the fundamental point, on which I thought or hoped was helpfully agreeing with the hon. and learned Lady, was the point she makes, as do others, about the importance of being able to have court oversight because we are inclined to rush our legislation in this place. Therefore, if we do get things wrong—we are only human, after all—it is important to have space for the courts to reflect, to hear evidence, and to advise and guide.

**Joanna Cherry:** I know the hon. Gentleman was trying to assist me, and I agree with him that court scrutiny is important—of course I do; I am a lawyer—but I am not going to let the Government off the hook on the absolutely woeful scrutiny that goes on, week in and week out, in this place. I am totally in favour of the bicameral system. When Scotland eventually becomes independent, which I hope will be during my lifetime, I would like to see a bicameral system in Scotland, because I like to see checks and balances, and I do not like Governments who throw their weight about and do not allow proper legislative scrutiny. That is my point and why I am spending some time on it now, because the way this has been conducted is, frankly, a disgrace. It really is a disgrace.

**Dame Diana Johnson** (Kingston upon Hull North) (Lab): I am very grateful that the hon. and learned Lady is raising these points because, as the Chair of the Home Affairs Committee, I know that we were very keen to carry out some prelegislative scrutiny of the Bill to assist the House when it came before us, but that was not possible because it had to be rushed through, it seems, so we have had no opportunity to have evidence sessions or to do any of the work that would really help the Government. Why are the Government so frightened of proper scrutiny of this Bill, which we all recognise is so important?

**Joanna Cherry:** I agree with the right hon. Lady, and I can tell her why the Government are afraid of proper scrutiny. It is because proper line-by-line scrutiny of this Bill would illustrate that it breaches our international obligations under the ECHR, breaches our obligations under the refugee convention and breaches our obligations under the Council of Europe convention on action against trafficking. That is to mention just three, but there is also the international convention on the rights

*[Joanna Cherry]*

of the child, and I could go on and on. That is why they do not want the scrutiny. What really infuriated me yesterday was that, when some of us were actually trying to make arguments based on evidence and the law, the Minister was far more interested in parroting the populist slogans coming from his Back Benchers, which really had no basis in law and no basis in evidence, than in addressing the amendments we are trying to make.

I will spend a bit of time talking about the amendments I have tabled, because I think they are important. It is not just that I think they are important, but they reflect issues that have been widely raised in briefings from home-based organisations, such as the Equality and Human Rights Commission, the Scottish Human Rights Commission, the Law Society of England and Wales, and the Law Society of Scotland. I assure Conservative Members that the Law Society of Scotland is not a bastion of lefty lawyers—I wish it was, but it is not.

5.30 pm

Amendment 1 would prevent section 3 of the Human Rights Act from being disapplied under the Bill, because if that happens, the courts will be prevented from interpreting the Bill to avoid human rights incompatibilities in provisions, unless those provisions are ambiguous. The court will then be far more likely to issue declarations of incompatibility instead—*[Interruption.]* I notice that, despite everything I have said, the Minister is now conducting a lengthy and casual conversation with the chap sitting beside him. This is not how we should be conducting ourselves in this place. In my previous job, if I sat and held a conversation with the barrister or advocate sitting beside me when the other advocate was speaking, I would have got a telling off from the judge. It is nothing to do with me; it is wholly disrespectful to the process of parliamentary scrutiny. This is really important.

The Human Rights Act was passed by this Parliament. All responses to the Government's consultation on the Bill of Rights, and the vast majority of responses to the consultation by the Joint Committee on Human Rights on the Bill of Rights, showed that people thought section 3 of the Human Rights Act was working well, and that it does not undermine parliamentary sovereignty because it can be brought into play only where provisions are ambiguous. Despite all that evidence and scrutiny, the Government want to go ahead with disapplying section 3 of the Human Rights Act in the Bill, and by tabling amendment 1, I want to know the basis for that. How can the Government be so confident that their view is right when it is in direct opposition to the weight of responses to their own consultation and the responses to my Committee? We all know the answer. They are not confident that their view is right; they just want to drive it through on a wave of populist rhetoric.

Amendment 123 would seek to ensure that the United Kingdom will comply with its obligations under article 31 of the Refugee Convention. The Government have not explicitly addressed the Bill's compatibility with that convention in the documents that accompany the Bill, but I understand that their argument is that protections under the refugee convention apply only to those who fall within the group of those who cannot be penalised under article 31—that is those who "come directly" to the United Kingdom. The Government rely on that phrase to justify their interpretation that asylum seekers should claim asylum in the first safe country they reach, as reflected in clause 2(5), which states,

"a person is not to be taken to have come directly to the United Kingdom from a country in which their life and liberty were threatened…if, in coming from such a country, they passed through or stopped in another country outside the United Kingdom where their life and liberty was not so threatened."

In practice, that would exclude any asylum seeker who travels to the UK by any means other than a direct mode of transport from the persecuting state, and that is clearly not the intention of the refugee convention.

The Government's definition of coming "directly" as set out in clause 2(5) is inconsistent with the interpretation of article 31 of the refugee convention, as set out by experts assembled by the UNHCR in 2001. Following analysis of the travaux préparatoires, they concluded that the drafters of the refugee convention

"only intended that immunity from penalty should not apply to refugees who found asylum or were settled, temporarily or permanently, in another country."

The Government's position is also inconsistent with the similar interpretations of article 31 made by the English High Court in the case of R (Adimi and others) *v.* CPS and Secretary of State for the Home Department. The interpretation was discussed by the House of Lords, by no less than Lord Bingham, who confirmed, in another case, involving Asfaw, that "a short stopover" in another country on the way to claiming asylum in the UK does not preclude reliance on article 31 of the refugee convention. So there is binding authority from the highest court in England that the Government's interpretation of article 31 of the refugee convention is wrong.

It is also noteworthy that the interpretation of "coming directly" in the Bill is much stricter than the interpretation set out in the Nationality and Borders Act 2022, which states that individuals will not be considered to have come directly only if they "stopped" in another country and could not reasonably have been expected to claim asylum there. It is therefore worthy of comment that the Government have substantially altered their understanding of the legal meaning of a well-established international treaty in the space of a year on the basis, I think, that they are trying to say there is some sort of evolving interpretation. But if we look at the interpretation by both our domestic courts and in the convention, the Government are wrong and the interpretation I set out is correct.

Amendment 124 removes the prohibition for the first 28 days of detention on the grant of immigration bail by the first-tier tribunal and the ouster of judicial review detention. I will not go into the detail of that because it is quite complicated, but the Government's contention that to fall back on habeas corpus would fulfil our article 5 commitments under the ECHR is highly dubious. I hope the Minister, or perhaps his boss the Home Secretary, will come before my Committee so that we can discuss these matters in a bit more detail than we are able to do today.

Amendments 125 to 127 are designed to ensure that the disapplication of modern slavery provisions extend only in accordance with the Council of Europe's convention on action against trafficking. That has been spoken to in some detail already by a couple of Conservative Members, so I will not take up more time talking about that.

I want to end with one or two other comments. During the debate, several hon. Members spoke about the plight of women in Iran and Afghanistan. I am not really quite sure how the Government think a woman who is fleeing the persecution of women in Iran or Afghanistan can come legally to this country, particularly in the case of Iran. I would be really interested to hear the answer to that, because it concerns me that clause 2(4) states:

"The third condition is that, in entering or arriving as mentioned in subsection (2), the person did not come directly to the United Kingdom from a country in which the person's life and liberty were threatened by reason of their race, religion, nationality, membership of a particular social group or political opinion."

I just wonder why sex is missing from that list. Some of the most serious persecution going on in the world today is against women on the grounds of their sex. I mentioned Afghanistan and Iran. We also know about the weaponisation of rape against women in war zones. People talk about Ukraine, but it is happening in Africa all the time.

Amendment 2, in the name of the hon. Member for Aberavon (Stephen Kinnock), adds the word "gender" to that list, but I think the word should be "sex". Gender is a social construct. These women are not being persecuted on the basis of a social construct; they are being persecuted on the basis of their sex. Something on which I think the Minister and I can agree is that the United Kingdom should be very alive in its global outreach to protect women's rights, so I ask the Government to consider adding sex to that list.

My hon. Friend the Member for Glasgow Central (Alison Thewliss) said that we should add sexual orientation to that list. I completely agree with her on that because of what has happened in Uganda in particular, but there are many other countries in the world where it is not legal to be gay. It is not legal to be gay in Iran. They still hang people from cranes in Iran for being gay. So I think we need to think about that. The Minister may say that membership of a particular social group is traditionally interpreted to include LGB and trans people, but it does not include sex. We need to add sex to the list and be clear that it includes LGBT people as well. I will just leave it there for now.

**Simon Lightwood** (Wakefield) (Lab/Co-op): I rise in support of new clauses 22 and 27 tabled by the shadow Front Bench. Just before my election last year, the Nationality and Borders Act became law. The Government claimed that it would resolve the asylum backlog, with the then Home Secretary promising a

"long-term plan that seeks to address the challenge of illegal migration head on."—[*Official Report*, 8 December 2021; Vol. 705, c. 445.]

Here we are, nearly a year on, with no real progress on tackling this crisis. In fact, things have only got worse.

I strongly welcome new clause 22, which would enshrine the Home Secretary's accountability in law. It would require her to regularly report on how her Department is eliminating the huge backlog of cases. It should not be a controversial amendment. The initial decision backlog has increased by 60% compared with 2021, rising to a record high of 160,000. Shockingly, less than 1% of last year's claims from those arriving on small boats have been decided. We would not think so given the Home Secretary's rhetoric, but asylum delays are getting even longer and the Home Office is taking 10,000 fewer decisions a year than in 2015. That has led to a record number of asylum seekers being housed long term in hotels and contingency accommodation.

That brings me to new clause 27. Some 37,000 people now reside in hotels, at a staggering cost to the taxpayer of £5 million every day. Decisions are still being made to use more. Local authorities, which have already faced significant funding cuts under successive Conservative Governments, are having those proposals forced on them without any say. That is the story in my own constituency. Two hotels are currently being used to accommodate asylum seekers, with plans for a third. New clause 27 would finally tackle this issue, placing a legal requirement on the Home Office to consult the local authority when considering new sites. Increasingly cash-strapped councils are having to step in to provide intensive support for vulnerable asylum seekers. They cannot plan to do that if there is no interaction with the Home Office.

There is no doubt that the asylum system is in chaos, and that this is a mess of the Conservative Government's making. Tory MPs who vote against new clause 27 tonight will make the situation even worse for our councils. We need new clauses 22 and 27 for some much needed accountability, because of this Government's woeful track record: promising to speed up claims, but delivering the opposite; promising to end the use of hotels, but instead seeing their use soar; and promising to return those deemed inadmissible, but returning only 21 people. We cannot accept yet another Bill that promises to do one thing but in practice does the opposite. That why I support new clauses 22 and 27, for accountability and transparency.

**Layla Moran** (Oxford West and Abingdon) (LD): It will surprise no one to know that the Liberal Democrats will eventually vote against the Bill. In Committee it feels as if we are polishing the absurd. We do not want to do it, and we do not want to be talking about this Bill. That is not the same as saying that we do not want to solve these problems.

I would like to start by trying to take a little of the heat out of the issue if I can. The suggestion that Members on the Opposition Benches do not want to tackle the small boats problem is categorically not true. I have heard no one on the Opposition Benches say that they agree that a criminal should be allowed to stay here. No one here is defending the traffickers or not supporting the Home Office in deporting people who deserve to be deported. In fact, we are saying that the Home Office should be doing it better and faster. We should start by recognising that.

We should also recognise that this Bill is partly about the local elections. People have asked, "Why are the Government so scared of scrutiny?". I do not think they are; I think they just want to get the Bill out now, because otherwise it will not make the printers for the local election leaflets that will drop in the next few weeks. I am sorry to be cynical, but that, I think, is what is happening here.

5.45 pm

The problem is that the big issues that need tackling are enormous, and I wish that the Government would grapple with them. I found myself agreeing with the

Home Secretary—it felt uncomfortable—when she said that the first issue is the global factors that are pushing people around the world: climate change and instability, which has increased over the past 20 years. A combination of those two things is the cause of global migration. Most people do not seek to leave their region. Many of them do not speak another language, for example. The majority of refugees are not even in Europe but in next-door countries. Just look at what has happened recently in the disaster zones in Syria and Turkey; they want to be in the surrounding areas. Then there is this tiny number that are coming over here in small boats, and boy do we not want that to happen. No one here wants that, so let us start with that point.

However, I put it to the Government that doing things such as reducing our aid spend from 0.7% to 0.5% or going backwards in any way on any of our climate change commitments will not help that aim. I also put it to them that they are partly responsible for this issue. It is about Home Office inefficiency. They want to blame the pandemic, but it is not just about that. It started before then and it has become worse and worse. The pandemic worsened the situation, but the Government need to accept that inefficiency is fundamentally part of the problem. There is a managerial aspect to this issue that needs to be addressed.

I will focus my remarks on something very local. I start by putting on the record my thanks to the Minister for meeting me about my concerns about Campsfield House, a detention centre in Kidlington which the local community campaigned to close. It was shut down in 2017 entirely due to a Government plan to reduce the size of the detention estate, but now the plan is to reopen it. I will get to my key points in a moment, but the main thing to remember is that there are people inside these centres. I cannot convey what they feel as well they can, so I want to tell Allan's story.

Allan was a refugee from Uganda who came to the UK and stayed at Campsfield House. He said:

"I was imprisoned in Campsfield for 9 months, though I did not know how long I would be held. One of the hardest parts of the detention is the uncertainty of not knowing how long you will be there. While you are there you are not treated like a human. Conditions at Campsfield were at times inhumane, with people resorting to hunger strikes, self-harm, and tragically even suicide.

You are given a number and referred to by that number rather than your name. When you meet people from outside the centre, you are perceived and treated as if you are a risk to society—a dangerous criminal—when all you are trying to do is reach safety and build a life.

While I was at Campsfield I saw many people struggle to cope with depression and a system designed to break people down. My way of coping was to join a legal reading group, where we taught ourselves immigration law and supported each other to appeal against our detention. I was eventually released from Campsfield in February 2015 when my legal battle was successful.

I was granted refugee status later that year, and I have since returned to being a carer in the community. My daughter is now at university".

Treated like a criminal, referred to by a number—that is the reality that I worry we are going back to.

I have had assurances from the Minister that things will not be like that, but I am yet to see anything concrete in the plans for Campsfield to suggest that. The horrible things that happened to those individuals leak out into the community. Every time we have a suicide, it is in the *Oxford Mail*, and my worried constituents write to me about the situation. While people may not be concerned right now, the proliferation of detention in this way will have a negative impact on my community. It also has an impact on the third sector and on my constituency casework—and I will take on those cases, because Oxford is proud to be a city of sanctuary.

I am an MP who will help those people regardless, because I think it is our job, but that is not going to solve the problem. If everyone who crossed the channel last year had been detained for 28 days, we would have had 9,161 people to house; Campsfield will house 400 and Haslar in Gosport can house another 600. The cost is eye-watering: Campsfield costs £170 million. I put it to the Minister that surely that money would be better spent on 700 Home Office caseworkers to process claims and make a dent in the backlog. I welcome the fact that the Government have started to do so; I do not understand why it took so long, but let us do more. Let us employ even more, because that is the answer.

If we are to have 1,000 more in detention, what will our new baseline detention rate be? How many people are we planning to have? What are we trying to do? Surely we want as many people processed and deported as quickly as possible. I am with the Minister when he wants to find the criminals. I am with the Government when they want to work out who should not be here and send them back, but I am so worried that that is not what will happen, because we have indefinite detention in this country. We are the only country in Europe that has it. My experience, having been the MP for an area with a detention centre, is that we do not keep to the 28 days, as we should. We do not even keep it to months; some people were there for five years.

I am afraid that I have no faith in this Government to deliver an efficient asylum system that will help those people. Let us focus on what they can get right, let us stop the political posturing and let us stop forgetting that these are real human beings. I genuinely think that on child detention, we are on the wrong side of history. It is a stain that it ever happened; it is a stain that it happens now. The fact that one third are children should be enough for the Minister to turn around and say that we will have a "do no harm" principle and assume that everyone is a child until proven otherwise. I do not want a single child to be held in detention, and I am rather shocked that the Government do not feel the same.

**Dame Diana Johnson:** I apologise for not being here earlier this afternoon. I had to go to the Liaison Committee's meeting with the Prime Minister.

I want to start by following up on a point made by the Chair of the Joint Committee on Human Rights, the hon. and learned Member for Edinburgh South West (Joanna Cherry). In yesterday's sitting, the issue of children and child refugees was raised more than 40 times by hon. Members across this Committee of the whole House. Many described their deep concern about how child refugees will be treated under the Bill. I have a great deal of respect for the Minister, but unfortunately he did not mention children once in his very short closing speech yesterday. It lasted just 13 minutes, which with 70 amendments before the Committee yesterday translates to about 10 seconds per amendment.

I agree with the hon. and learned Member for Edinburgh South West that the lack of scrutiny of the Bill is a huge concern, especially considering the importance of the

issues, the fact that the Government did not take up the Home Affairs Committee's offer of pre-legislative scrutiny, the lack of evidence sessions, the large sweep of amendments tabled, the rushed process of introduction and the lack of any impact assessment. I hope that we will get a much more detailed and productive response from the Minister this evening.

I have tabled 10 amendments in this group, which essentially fall under one umbrella: protection for refugee children. All my amendments have the full support of the Children's Commissioner and some arise from recommendations in the Home Affairs Committee's small boats report, which we published last year.

I turn first to amendment 295. The Government have excluded unaccompanied children from the removal provisions in the Bill. We know that children will often have made very difficult and perilous journeys, probably at the hands of traffickers or smugglers. However, the Bill will oblige the Home Secretary to remove those unaccompanied children from the United Kingdom when they turn 18.

In the year ending September 2022, the UK received 5,152 applications for asylum from unaccompanied children. Many of them came from Sudan, a country facing political instability following years of civil war, where child marriage is rife for girls as young as 10. Under the Bill, a 13-year-old Sudanese girl, for example, could claim asylum in the UK, be placed in the care of a local authority and be fostered, spend five years at school, make friends, learn English, get an education, build a life and become a member of society, only to face removal on her 18th birthday. If that were allowed to happen, the Home Office would be removing a young woman who had built her life here and might only know this country as home. The Bill also dramatically increases the risk of children fleeing the system and disappearing before their 18th birthday, in the knowledge that they face certain removal. My amendment would not grant an automatic right for these children to remain in the United Kingdom; it would simply prevent their mandatory removal when they become adults, so that each case can be decided on an individual basis.

Turning to amendments 299 and 301, the Children's Commissioner has raised concerns that under clause 3, the Home Secretary will still have the power to remove unaccompanied children. The explanatory notes state that this power will be used only in exceptional circumstances, but there is no further detail in the Bill about what that means. I tabled amendment 299 to establish the right of an unaccompanied child who makes a protection claim—including a claim to be a victim of slavery and human trafficking, as set out in section 69 of the Nationality and Borders Act—to have that claim considered before potential removal. I have also added my name to amendment 121, tabled by the hon. and learned Member for Edinburgh South West, which would strengthen the position further.

Although clause 5(4)(a) goes some way towards protecting such people by stopping their removal if they make a protection claim or a human rights claim, it is dependent on subsection (4)(b), which relies on the Secretary of State's considering this to be an exceptional circumstance. I understand that such a power is likely to be used in respect of unaccompanied children from a country listed in new section 80AA(1) of the Nationality, Immigration and Asylum Act 2002, under clause 50.

Without my amendment, the Home Secretary would, for example, decide the right of a 14-year-old unaccompanied asylum-seeking child from Albania to remain in the UK. Over recent months, there has been a growing view that Albanian boys are not in need of protection on their arrival in the UK. In fact, they are exceptionally vulnerable, having often been trafficked here without proper protection and pushed into forced labour or criminality. Again, hanging the threat of removal over these children's heads is a guaranteed way of ensuring that those who arrive here unaccompanied will try to go it alone—run away from care, and slip out of the system and into the arms of traffickers and abusers. Therefore, amendment 301 goes further by removing the power of the Secretary of State to make arrangements for the removal of an unaccompanied child.

The Home Affairs Committee's report on channel crossings, produced last year, raised grave concerns about the Home Office's record of safeguarding children, from failures to identify vulnerable children through screening and assessments to failures of communication when transferring safeguarding responsibilities from one agency to another. There is also the disastrous and unforgivable failure of children going missing on the Home Office's watch.

I greatly fear that the Home Office is simply not up to the job of keeping children safe and secure. That is why I ask the Minister to reconsider clauses 15 and 16, which set out how the Home Office would accommodate a child and would be given safeguarding responsibilities that currently sit with a local authority. These clauses are incredibly thin when it comes to such an essential issue as safeguarding children, and they make no provision for the state of the accommodation to be provided. Will the accommodation be regulated, which body will inspect it, how will decisions be made, and what support will be available for these children?

The Children's Commissioner has made it clear that she does not believe that the Home Office is the right body to oversee the safeguarding of children, and I completely agree. That is why I have supported amendments 143, 144 and 145, tabled by the hon. Member for East Worthing and Shoreham (Tim Loughton), to ensure that our current statutory time and location restrictions on the detention of unaccompanied children and children with families are not disregarded.

6 pm

I also want to speak about clause 14, which would remove the role of the independent family returns panel in the removal process. The independent family returns panel plays a vital role in safeguarding families and children from harm while awaiting removal, and in ensuring that they are returned to a country that is safe. It was introduced by the coalition Government to end the detention of children and provide advice on the welfare and safeguarding aspects of removal arrangements made for families. The "duty to remove" provisions proposed in the Bill will mean that the IFRP's overseeing of the handling of families at ports will become essential. If the Government are going to take us back a decade in safeguarding measures, will they please think again and put some mitigations in place, and will they please remove clause 14?

On the specific issue of removal provisions in the Bill regarding children and their families, I have tabled amendments 304 and 306. Under clause 30, a person

who has ever met the four conditions relating to removal from the UK would forever be ineligible for any route to British citizenship. It seems completely wrong that this applies to children who, by the nature of their age, are not making these decisions or journeys by themselves. It cannot be fair or reasonable that an eight-year-old child brought to the UK illegally by their parents should be ruled as ineligible for citizenship for life. That is illiberal and unjust, and to hold a child responsible for the acts of their parents seems fundamentally wrong. Accepting this amendment would not bestow any rights on a child to claim British citizenship, but it would ensure that nobody's rights were removed because of the actions of their parents.

Amendment 306 would solidify the rights of a family unit to be considered as a whole, rather than as individuals treated separately by the Home Office, when satisfying the removal provisions in clause 5. This amendment would make it explicitly clear on the face of the Bill that family members arriving in the United Kingdom would be removed only if it was safe for all family members to be removed to the same country. That would mean that a father or husband would not be removed to a country listed in the schedule as safe for men if it was not safe for all members of the family unit, including a wife and daughters.

I want to turn now to my amendments that build on the recommendations in the Home Affairs Committee's report on small boats, which were obviously reached on a cross-party basis. Our report found specific and serious concerns about child protection, including in the practice of placing unaccompanied asylum-seeking children in hotels, which has led, as we know, to hundreds of children disappearing. Currently, a child's asylum application will take on average 550 days. That is 100 days longer than an adult's application, and the issue of age verification and assessment is a very live one, with cases of children often being mistaken for adults. The Committee therefore recommended that the Government commission an independent review of children's experiences of the asylum system, including an examination of the support needs of young asylum seekers—including failed asylum seekers—and refugees up to the age of 25. I know that the Government are committed to securing the welfare of unaccompanied children and young adults in the asylum system, so I look forward to the Minister responding, hopefully positively, to new clause 14.

The Committee's report included many witness testimonies on the significant lack of support for vulnerable children who are left to navigate the asylum system alone, often with language and cultural barriers. That must be a terrifying and scarring experience for many of those children and young adults, so new clause 15 introduces a provision for each child to be provided with an independent child trafficking guardian. These provisions are already in place in Northern Ireland and Scotland, and would ensure greater consistency across the whole of the country and deliver independent legal guardianship to all separated children here in the UK. The Children's Commissioner fully supports this amendment based on the Home Affairs Committee's recommendation, and I hope that the Minister will do so too. While acknowledging the productive work the Government are doing with the French authorities, I ask the Minister to consider new clause 16, which would integrate the Select Committee's recommendation that trained child protection workers should work directly with vulnerable child migrants on the French coast.

New clause 33 is incredibly simple and would firmly establish the right of any child to claim asylum. I agree completely with the Children's Commissioner that children should continue to be allowed to claim asylum, however they arrived here. No vulnerable child should be turned away because of where they were born, because of decisions made by their parents or because of the actions of traffickers or smugglers. I cite the example of an Iranian boy who was trafficked to the UK alone. He believed his family had been killed, he had no concept of what England is and he had no English language, but he had been trafficked here by criminals. Under this unamended Bill, he would not be eligible to apply for leave to remain in the UK. I acknowledge that the Government want to stop the criminal gangs behind the small boats, but they must not do so by refusing to deal with such cases. A child can never, and should never, be used as a battering ram to punish criminals—it is just not right.

Establishing a safe and legal route for refugee children, akin to the Dubs amendment, or fulfilling the rights children had under the Dublin agreement, would go a long way towards ensuring that they do not fall into the hands of traffickers. I therefore tabled new clause 32, on refugee family reunion for unaccompanied children, in line with the Home Affairs Committee's recommendations in both 2018 and 2022. This amendment would establish safe passage for unaccompanied refugee children to be reunited with a family member who has already been granted leave to enter and remain in the United Kingdom, just as they had before the UK left the EU.

Without a safe and legal route to be reunited with their loved ones, children with family in the UK, who could have otherwise offered them a home and an opportunity for a normal life, will likely turn to traffickers and people smugglers. We cannot leave unaccompanied or separated children alone in camps or in other countries where they have no support system and where they are vulnerable to abuse, trafficking, criminality and worse.

The Bill, in its current form, does nothing to protect refugee children. The Minister did not mention children yesterday, yet there are children out there whom we can and must help and whose voices are missing from this Bill. I hope he will look closely at my amendments and ensure that the rights of refugee children are firmly protected.

**Tim Loughton** (East Worthing and Shoreham) (Con): I declare my registered interest as chairman of the safeguarding board of a children's group.

It is a pleasure to follow the right hon. Member for Kingston upon Hull North (Dame Diana Johnson), the Chair and fellow member of the Home Affairs Committee. I agree with many of her observations, particularly on the recommendations that have come out of various Home Affairs Committee reports.

The right hon. Lady mentioned the specific conundrum in which children—perhaps even babies—who are brought here by their parents, clearly beyond their own power if they are very young, will fall foul of the proposed regulations because they have entered illegally. They will effectively carry a black spot for life, through no making of their own. What would happen if that baby, when he or she grows up, marries a UK citizen? They would effectively not be able to come to their spouse's country of origin.

These are not completely hypothetical scenarios. They are very real problems that could occur. I was about to say that we should not throw the baby out with the bath water, because the Bill has unintended consequences that could seriously harm a young person's prospects, for a crime they had no part in committing.

I want to speak for a rather shorter time than I did yesterday, because I will focus on two aspects—how children are still able to be deported as children, and the problems around detention. I think there is a problem in the Bill with trying to adultify children. I acknowledge that there is a difficult situation regarding families and I have concerns about their treatment, but I have also seen—as has the Chair of the Home Affairs Committee—cases of people smugglers using children by matching them up with supposed relatives, so that they can come across. When we were last in Dover, we saw such a case; the supposed uncle and the child did not even speak the same language. We have to be cognisant of the fact that these criminals will use children to try to help the passage of other people who are paying them large quantities of money.

I am absolutely in favour of a much more robust and efficient age verification system, because it is a safeguarding issue. We have seen instances of people claiming to be children, who later turn out to be adults and who have actually attended school alongside school-age children—in positions of responsibility, alongside children. This is an important safeguarding issue. Many other European countries already have age verification techniques, which involve various medical interventions. We need to look seriously at age verification if we are to get this one right—but, again, it is a sensitive issue.

I have a good deal of sympathy with the concerns regarding the impact on modern day slavery legislation, which were mentioned by my right hon. Friends the Members for Maidenhead (Mrs May) and for Chingford and Woodford Green (Sir Iain Duncan Smith). I hope the Minister will look carefully at how we can preserve those principles while clamping down on some abuses that may have been happening.

Let me concentrate on amendments 139 to 145—those in my name and the names of my hon. and right hon. Friends—which would amend clauses 2, 3, 7 and 11.

**Richard Graham** (Gloucester) (Con): My hon. Friend made some very good points yesterday. Will he confirm how happy he was with the Minister's confirmation that safe and legal routes would, "if necessary", be brought forward

"with our intention being to open them next year"

while

"launching the local authority consultation on safe and legal routes at the same time"?—[*Official Report*, 27 March 2023; Vol. 730, c. 777.]

Does that give him and those of us who supported his amendment the reassurance needed on that score?

**Tim Loughton:** Sir Roger, if I do too much back-jobbing to yesterday's business, I am sure you will call me out of order, but let me tell my hon. Friend that there were some intensive discussions with the relevant bodies to get assurances. They were on the basis that I need to see some fairly convincing and robust action in the next few weeks before we get to Report, otherwise we will revisit those amendments and new clauses with a vengeance then. I have given the Government the benefit of the doubt at this stage, so I hope we can work constructively to achieve what I think the Prime Minister wants to achieve. It is what he has put on record that he wants to achieve, but some of us want to see more urgency and some clear undertakings on the face of the Bill.

That was yesterday's business; let us return to today's business. I do not intend at this stage to force my amendments to a vote, but I do want some assurances from the Minister. These are very important principles regarding very vulnerable children, and I want to see some concrete action when it comes to proceedings on Report. Frankly, if we do not get that, as with my case yesterday for safe and legal routes, the Bill will be much less easy to defend, and much more vulnerable to being pulled apart in another place and by lawyers. I want the Bill to go through, but I want it to be a balanced Bill that can work and that does not fall at the first hurdle.

The clauses that I am concerned with are those that place a duty on the Home Secretary to remove people, and those with an impact on children and that contain details on removal procedures. I am also concerned with the clause on the powers of detention: here, we must absolutely make sure that we do not adultify children; and they must be subject to the same safeguarding considerations as any other child already legally in the United Kingdom who is taken into custody or subject to some form of restriction on his or her liberty.

It is also worth repeating, and it has been said by several people, that no child rights impact assessment has been undertaken on the Bill, which is of concern. It would benefit the Government if they could back up the legislation with that sort of analysis. We also need justification for the removal of the duty to consult with the Independent Family Returns Panel. Those are the reasons why many children's organisations and, indeed, the Children's Commissioner have been vociferous on various aspects of the Bill.

6.15 pm

There is also the issue of the Home Office taking over the responsibility of accommodating unaccompanied children, and the Children's Commissioner has pronounced on that quite firmly. She said in her report:

"It is entirely unclear how these powers would sit alongside Local Authorities duties under s17 of the Children Act 1989 to safeguard any child in their area and take them into their care under s20 if the criteria for doing so are met. The Bill has the potential to make it harder for Local Authorities to fulfil their duties in the Children Act 1989 in relation to ensuring stability for children as their cooperate parent and to protect and support child victims of trafficking and exploitation."

The Children Act 1989 is clear that local authorities in England have a legal duty to safeguard and promote the welfare of children who are in need within their area, which begins as soon as the child is found in the local authority area. This Act applies to all children equally in the United Kingdom regardless of their nationality, their origins, their ethnicity or their immigration status. This has been a grey area, as we have found on the Home Affairs Committee when we have interviewed Ministers previously. Where it has gone wrong is over the placing of children arriving through Dover in certain hotels. There have been cases where Home Office staff have not informed the local authority, which is the legal body in place of the parent, but they have actually placed children there. There is some confusion among Home Office

officials over whether it is the Home Office or the local authority that has prime responsibility for deciding whether they are refugees coming here irregularly through Dover, or whether they are coming here on a resettlement scheme through Afghanistan, for example. We just need greater clarity on that. I am afraid that, with the changes here, it does not aid clarity.

**Sir Robert Buckland** (South Swindon) (Con): I am grateful to my hon. Friend for giving way. In his point about the interaction with the Children Act and Home Office responsibility, this is where we get to the nub of the problem. The characterisation of this debate has become extremely unfortunate, especially when we talk about issues such as detention, which I am sure that, in practice, the Government do not mean. This is really an issue of safeguarding first and foremost and of identifying genuine cases that require all the safeguarding measures that are underpinned by the Children Act. Does he agree that it is a shame, to say the least, that we are not focusing on children in that context, rather than in the context of detention, internment or whatever we want to call it? That language is not helpful.

**Tim Loughton:** I shall come on to detention in a minute, but I entirely agree with the principle of the point that my right hon. Friend is making, which is that, whatever we think about our immigration and asylum system, a child should be treated no differently, however he or she arrived in this country, than one who was born here and is in the care of parents or whatever. There are times in the Bill where it is unclear that that is the case.

All these terms need to be subject to the child welfare prioritisation in the Children Act 1989 and also have regard to the 1989 UN convention on the rights of the child of 1989. Under article 3.1, it says that

"the best interests of the child shall be a primary consideration".

That has been upheld in UK legislation, not least in the Borders, Citizenship and Immigration Act 2009.

In giving the Home Secretary the power to remove unaccompanied children when they reach the age of 18—and potentially before—the Bill could see a child arriving alone in the UK aged 10, for example, having fled war and persecution, and be allowed to integrate into UK society, develop friendships and attend school only to be forcibly removed from the UK as soon as they turn 18. There are concerns that a child approaching 18, a 17 and three quarters-year-old, could be encouraged to go under the radar and go underground for fear of that knock on the door when they reach 18. We need to treat that sensitively, because otherwise we are creating a greater problem and putting some of those children at greater risk than they might have been. A decade ago, the majority of unaccompanied children were granted temporary leave to remain, rather than refugee status, until they turned 18, and we know that the fear of removal forced many of those children to go underground and go missing, at extreme risk of exploitation.

My amendment 139 inserts a fifth condition in the Bill that must be met on the duty of the Home Secretary to remove someone from the United Kingdom. Amendment 140 details that the additional fifth consideration is that the person to be removed is either over 18 or a minor in the care of an adult, typically a family member. That would have the effect of ensuring that the Bill does not capture unaccompanied children. Amendments 141 and 142 are consequential amendments, due to the rewording of clauses 3 and 7. Amendment 141 removes subsections 3(1) to 3(4), and the anomalies in subsections (1) and (2) that still give the Home Secretary unrestricted powers.

Now, Ministers—*[Interruption.]* I am not sure if those on the Front Bench want to listen to this, Sir Roger; it is a little difficult to try to make a speech with people having conversations right in front of me. Ministers claim that there are exceptional circumstances only in which children would be removed from the United Kingdom, and have given examples of those exceptional circumstances, such as to reunite a child with family overseas. Okay—but a child who is to be reunited with family overseas can leave the UK of his or her own accord, or subject to the ruling of a judge, in the same way as we would release a child from care into adoption, for example. I do not see that as a necessary exceptional circumstance.

If the Government are really convinced that there are exceptional circumstances where that needs to be done, there should be more detail on the Bill, or at least explanation in the explanatory notes, because there is none. As things stand, the Home Secretary has the power to remove any child, at her whim, for reasons not specified in this Bill. That is a concern. If the Government have good reason for that, we deserve an explanation of those reasons, and it is for this House to judge on how credible and necessary those reasons are.

Under the amendments, children who arrive in the UK on their own and seek asylum would continue to have their asylum claims heard here, rather than being left in limbo until they reached 18 when, under the Bill, they would face detention and then removal. The amendments do not mean that every child who arrives here on their own will go on to get permission to stay. Instead, they mean that the Home Office must process their claims and, crucially, treat them as children rather than punishing them.

Amendments 143 to 145 deal with the issue of detentions and, along with the amendments I have already described, maintain the safeguards that were put in place under Conservative-led Governments to protect children from the harms of immigration detention. In 2009, more than 1,000 children were detained in immigration removal centres but, following changes made by the then Home Secretary, my right hon. Friend the Member for Maidenhead, over the next decade the average was 132 children per year.

What was more, those children could not be detained for longer than 24 hours if they were unaccompanied, or 72 hours if they were with their family members, extendable to a week if a Minister agreed it was necessary. We then legislated for those limits in the Immigration Act 2014, under a Conservative-led Government. Amendments 143 and 145 ensure that those safeguards continue to apply.

I am not asking for a change in the law; I am just asking that the safeguards that were deemed to be sensible and necessary back in 2014 still apply to the same sort of vulnerable children. They would prevent unaccompanied children from being locked up for more than 24 hours. Amendment 145 would ensure that children who were with their family members could still only be detained for a week at the very most and, when they were, that it would be in specific pre-departure accommodation, rather than anywhere the Home Secretary might wish, as the Bill envisages.

Under clause 11, the Home Secretary has wide powers to detain anyone covered by the four conditions in clause 2, which, without my earlier amendment, still includes unaccompanied children. There is no time limit for how long a child can be detained. That amounts effectively to indefinite detention of children of any age anywhere that the Home Secretary considers it appropriate. Under clause 12, the Home Secretary will have a significantly expanded power to decide what a reasonable length of detention is. It is all subject to the definition of what is reasonably necessary and severely restricts court scrutiny of whether that is reasonable or not. Surely that cannot be right for children. I am not seeking to challenge the increased restrictions on adults, but surely we are not going to throw all that out of the window—particularly after all the controversy on how we age-appropriately detain children who are already in this country—by adultifying migrant children, and some very vulnerable children at that.

There is also a practical consideration. If everyone who crossed the channel last year had been detained for 28 days, on 4 September 2022, no fewer than 9,161 people, including children, would have been detained. That amounts to four times the current detention capacity available in the United Kingdom. Where do the Government intend physically to place them—especially minors who need to be in age-appropriate accommodation?

I am also concerned about how the four Hardial Singh principles from 1983 apply to this part of the Bill. Those principles are that a person may be detained only for a period that is reasonable in all the circumstances, and that, if it becomes apparent that the Home Secretary will not be able to effect removal or deportation within a reasonable period, she should not seek to exercise the power of detention. The Government have to make up their mind about the grounds on which they think they need to detain children. Again, I understand the sensitivities—people claiming to be children may later turn out not to be and may abscond—but the Government need to have a clear idea about what they will do in a short space of time to justify detention when those people arrive. We do not have that level of detail or clarity in the Bill, so it is entirely incumbent on the Minister to give assurances to the Committee that children will not be disadvantaged in that way.

Amendment 143 would remove the provision enabling a person "of any age" to be

"detained in any place that the Secretary of State considers appropriate",

and would reapply the existing statutory time and location restrictions on the detention of unaccompanied children. That was good enough in 2014; I do not think that the way we should regard and treat vulnerable children has changed so that we need to change the law through the Bill.

Amendment 145 would remove the provisions that disapply the existing statutory time and location restrictions on the detention of children and their families. I do not think that unreasonable, but if the Government want to take issue with me, it is incumbent on them to say why they want to make the changes. I have gone along with most of the rest of the Bill. I have given the Government the benefit of the doubt on what they are going to do, on the detail that they will provide, and on the timing of safe and legal routes, but we need serious assurances by Report, and, I hope, some good signage from the Minister when he gets to his feet shortly, on why law on protections that children have been entitled to—safeguards that we have been proud to give them—needs to be changed in the way that the Government are proposing.

We all want to do the right thing by vulnerable children. Most of us would like to see safe and legal routes that, as I said yesterday, involve something equivalent to a Dubs II scheme, whereby genuinely unaccompanied minors in places of danger are brought to and given safe haven in the United Kingdom. I want to continue in that tradition. I want to ensure that we are offering safe passage and safe haven to genuinely vulnerable children. I do not want them to be penalised by the wording of the Bill in the way that they could be. I am happy to take assurances, but if I do not get them by Report, I do not think that I will be alone in wanting to press various amendments to force those assurances into the Bill.

**Tahir Ali** (Birmingham, Hall Green) (Lab): I stand today on behalf of the hundreds of constituents who have sent me emails and letters and on behalf of the children at St Dunstan's Catholic Primary School, which is a school of sanctuary.

6.30 pm

This Bill marks a new low for this Government in their continued attempts to treat asylum seekers with cruelty and contempt. As the TUC has made clear, if the Bill passes, it will effectively amount to an asylum ban. It is an attempt by this Government to turn their back on the most vulnerable people who are fleeing war and persecution around the world, and if passed, it will tarnish the reputation of the UK for decades to come.

Under clause 11, the Home Secretary will be given powers to detain children, whether accompanied or not, based on her own conclusions, for however long she deems necessary. What right does the Home Secretary have to judge the most vulnerable groups' situations and why they have arrived in this country illegally? Why does she get the right to make decisions, while diminishing court jurisdiction and going against laws of welfare and safeguarding? That is exactly what this deplorable Bill will accomplish, promoting not only failure but danger.

It is clear that the Bill will only worsen an already intolerable situation. This Government should not need reminding that asylum seekers crossing over to the UK illegally are often victims of human traffickers who profit from the exploitation of asylum seekers and are responsible for the deaths of countless innocent people crossing the channel. What exactly does the Bill do to help bring those human traffickers to justice? Nothing. In fact, far worse than nothing—the Bill disqualifies victims of human trafficking and modern slavery from the protections and services offered by the Council of Europe convention on action against trafficking in human beings. Instead, victims will be threatened with deportation.

It is obvious that in such circumstances, victims will simply not come forward, and human traffickers will get away with the continued exploitation of vulnerable people. By removing these protections and essentially criminalising victims of human trafficking, the Bill will push more and more asylum seekers into the informal economy, where employers will take advantage of their lack of legal status and no recourse to labour market inspectorates. Again, those who profit from human misery and exploitation will go untouched by the Bill, while their victims are made to suffer.

The Bill breaches international law, promotes human rights abuses, has serious implications for the safety of the most vulnerable groups in society, including children, and places an unacceptable amount of power in the hands of someone who has demonstrated that they are incapable of making appropriate decisions. It is for those reasons that I am resolutely opposed to the Bill, as are my constituents in Birmingham, Hall Green and the children at St Dunstan's Catholic Primary School. It will do lasting damage to the conscience and international reputation of our country. The Bill must be stopped before it does irreversible damage to hundreds of thousands of people who are seeking nothing more than an opportunity to live free from harm.

**Patrick Grady** (Glasgow North) (SNP): I start by congratulating Humza Yousaf on becoming Scotland's new First Minister, and wish him every success in taking Scotland forward to independence. He, of course, comes from a heritage beyond these shores, and that should be a matter of celebration and pride.

Once again, the amendments before us today show that this Bill pleases nobody. Opposition Members are trying on a cross-party basis to restore some basic elements of humanity and decency to the process and make sure that the UK actually continues to have something that resembles an asylum system, but it seems that for many Tory Back Benchers, the Bill does not go far enough: Tory extremists want to make it even more punitive. We see that, for example, in amendment 136, tabled by the hon. Member for Stoke-on-Trent North (Jonathan Gullis), who is no longer in his place. Attempting to ban the use of hotels for temporary accommodation is simply gesture politics. It is probably unworkable and is certainly impractical, and is likely to further increase, not reduce, the cost to the taxpayer. I wonder how often the hon. Member and many others who have spoken today have actually met with asylum seekers who are staying in such hotels—who, incidentally, I am happy to consider as constituents of mine who have a voice that needs to be represented in this place.

As my hon. Friend the Member for Glasgow Central (Alison Thewliss) said, too many Tory Back Benchers speak of asylum seekers as some sort of amorphous, dehumanised blob, which I think is completely inappropriate. The asylum seekers I have met, through the Maryhill Integration Network and elsewhere, do not want to live in hotels: they want to be able to work and contribute to society. The way to get asylum seekers out of hotels is to give them the right to work, the right to earn a living—which, by the way, is another fundamental human right—and to let them pay for their own accommodation and pay tax into the system. At the end of their asylum process, if their claim is rejected, there have always been processes for removal and return; however, if their claim is accepted, they will be much further down the road of community integration, and at far less cost to the taxpayer. Instead, this Bill and the amendment tabled by the hon. Member for Stoke-on-Trent North will channel yet more money into the hands of outsourcing companies such as Mears and Serco, and many of us will continue to hear stories at our constituency surgeries of substandard and unsuitable accommodation being paid for by taxpayers.

Today's group of new clauses and amendments really gets to the heart of what the Government say this Bill is trying to achieve. Many of us suspect that what the Government are actually trying to achieve is a fight, first with the House of Lords, then with the Supreme Court and then with the European Court of Human Rights, but much of that was covered yesterday. Clause 2 provides sweeping powers and duties that add up to what the United Nations High Commissioner for Refugees has described as a ban on asylum.

During the passage of the Nationality and Borders Act, many of us asked how the United Kingdom, which is surrounded by water, can ever be the first safe country of arrival for an undocumented migrant, an issue that my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) touched on. How can anyone traveling from Iran, Eritrea, Sudan, or practically anywhere else on the globe be expected to meet the third condition in clause 2(4) about not passing through a safe third country? Maybe there is some inventive way that the Minister can tell us about—he has paid so much attention to the debate. The hon. Member for East Worthing and Shoreham (Tim Loughton) should not have been surprised that the Minister was having conversations on the Front Bench, because he has spent most of the debate looking at his phone. I do not know whether there has been an update to Angry Birds or Candy Crush, or maybe it is just a particularly difficult Wordle today.

Nevertheless, what are the inventive ways in which people can reach this country without passing through a safe third country? If someone pushes off from the coast of Eritrea, navigates the horn of Africa, sails round the Cape of Good Hope, makes it up the north and south Atlantic ocean without straying into anybody else's territorial waters and lands on the south coast of England, will they be allowed to claim asylum under clause 2? In fact, will there even be a way of knowing? That person would not even be allowed to make a claim, so when would they get the chance to prove that that was the journey they had undertaken?

In order to mitigate these ridiculous restrictions, the SNP has tabled amendments 186 to 196. I pay tribute to my hon. Friend the Member for Glasgow Central for humanising the people affected in the way that she did. The amendments would offer protection to people who are under the age of 18; people already determined as refugees under the terms of the refugee convention; people who face discrimination because of their sexual orientation; people who are victims of torture; people who have been trafficked or face slavery; people who have HIV or AIDS; and people who have come from Ukraine or from Afghanistan. Given the outrage we have heard today from sections of the Conservative party about the treatment of asylum seekers from Afghanistan, I hope the Government will be prepared to accept our amendment 189, or they will face the prospect of their Members joining us in the Lobby in support of it later on.

I asked the Minister yesterday, and he did not bother to respond—again, I am not sure he was listening—where the evidence is for the deterrent effect that these powers and the threat of immediate deportation are supposed to have. Why has the Nationality and Borders Act 2022 not had that impact? Should those powers not have already started to work, because the powers in clause 2(3) are backdated to 7 March, when the Bill was introduced? Surely there should already be a slowdown in the number of arrivals. If there is a reduction in arrivals from Albania, it is because of a separate arrangement that the Government have come to. The reality is that this clause and these powers will not have a deterrent effect.

Freedom from Torture identifies four principal reasons for its clients undertaking perilous journeys to reach these shores. One is

"to join family or community that could offer security and support",

and another is

"because of familiarity with the UK's language, culture and institutions".

The UK Government spend thousands, probably millions of pounds promoting those things abroad, saying, "Britain is great. Come and get a Chevening scholarship. Come to the United Kingdom", except when someone actually tries to apply, they cannot, unless they have an awful lot of money. Another of the reasons is

"the hope of reaching a place where human rights are respected",

which is certainly ironic given the Bill in front of us and the clauses we are debating today. The final reason is

"a lack of safety in the countries they were passing through."

There is very little that the Government can do to address any of those pull factors through legislation. Several stakeholders make the point that many arriving here have little or no familiarity with the asylum rules, so the punitive measures in the Bill, particularly the powers in clause 2, will do nothing to change that.

Amendments 174 and 175, which I have tabled, relate more specifically to the debate we heard yesterday about the clauses on safe and legal routes. The amendments would ensure that this House has a meaningful say on what the cap or target for entrants under safe and legal routes should be. The current proposal for a statutory instrument drafted by Ministers with no room for amendment would mean really no say at all. Brexit was supposed to be about parliamentary sovereignty and this place taking back control of decision making, so why Conservative Back Benchers are so keen to hand over powers to the Executive is not clear at all.

I also welcome new clause 29 tabled by my right hon. Friend the Member for Dwyfor Meirionnydd (Liz Saville Roberts). The commitment of Welsh Ministers and Senedd Cymru to making their country a place of sanctuary is hugely encouraging, and she is right to seek to make sure that the clauses in the Bill recognise and do not interfere with that commitment. Perhaps nation of sanctuary status is something that our new First Minister and his team will consider for Scotland, because we already aspire to those ideals, even if we do not use that formal term.

In conclusion, it is worth reflecting that Greek philosophers figured out in about 500 BC that the world was round. That does not seem to have sunk in on the far reaches of the Tory Back Benches. We cannot just keep pushing people away in the expectation that they might fall off a cliff at the edge of a flat earth. If we keep pushing people around the globe, eventually they will come back to us. Migration is a global reality. It is part of human nature. Over the centuries, people had to flee these islands because their crops were devastated by blight or because they were forced from the land to make way for sheep. It is just as well that America, Canada and Australia were not implementing hostile environment immigration policies back then, and it is just as well that we have global treaties and conventions to protect human rights and regulate how refugees and asylum seekers are treated by countries of arrival. That is not for this Government, however.

The exceptionalist attitude displayed by some Tories, which first led to Brexit, and which we see in amendments that have been tabled to the Bill, now stretches beyond the European Union and the Council of Europe to key United Nations frameworks that have sought to keep everyone on this planet safe since the end of the second world war. Withdrawing from those frameworks might be their ambition, but it is not the ambition of people in Glasgow North or people across Scotland. If the Government continue down the road they are going, the international agreement we will be withdrawing from is the Treaty of Union 1707.

**Beth Winter** (Cynon Valley) (Lab): Having studied and listened to the entire debate today has only strengthened my resolve that we must oppose this rotten Bill in its entirety. It is inhumane. It is immoral, and it demonises and scapegoats the most vulnerable, desperate people who are fleeing violence, terror and poverty. We should be welcoming them with open arms.

As others have said, I have to express my concern at some of the inflammatory and inaccurate comments by some Conservative Members this afternoon. I also want to reiterate the concerns expressed about the lack of scrutiny: 10 or 12 hours to be considering in excess of 130 amendments is totally unacceptable. Notwithstanding my belief that the Bill should be thrown out in its entirety, I want to set out my concerns about some of the clauses and to speak in support of a number of amendments before the Committee.

6.45 pm

The clauses before us create a duty to remove, and powers to make asylum claims inadmissible, to ban appeals by those being held and to make detention the norm. As others have said, the Bill does breach international law, including the refugee convention. I am particularly concerned about the Government's willingness to conflict with the United Nations High Commissioner for Refugees. The UNHCR's commentary on the Bill says:

"The legislation, if passed, 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 genuine and compelling their claim may be, and with no consideration of their individual circumstances."

In detail on the clauses under the duty to make arrangements for removal, clause 2 aims to place a blanket duty, with limited exceptions, on the Home Secretary to remove people who have entered or arrived in the UK illegally. The Refugee Council has highlighted that

"half of the people who crossed the channel last year came from just five countries with high asylum grant rates."

The UNHCR has said:

"The Bill creates real and foreseeable risks of direct and indirect"

persecution of people subject to the removal duty. It says:

"Nothing in the Bill makes removal dependent on the receiving country having an effective asylum procedure, or agreeing to admit a person to it."

That is why I support the spirit of amendment 17 to clause 6, tabled by my hon. Friend the Member for Aberavon (Stephen Kinnock), which would add an explicit requirement for the Secretary of State to have regard to the UN High Commissioner for Refugees. That is something I would recommend the Home Secretary to do on all aspects of the Bill.

Under the theme of inadmissibility of claims and the duty to remove, I completely oppose the clause 4 requirement to treat protection claims from persons subject to the asylum ban as inadmissible with no right to appeal. That must be opposed, and I therefore support amendment 121, tabled by the hon. and learned Member for Edinburgh South West (Joanna Cherry).

On detention and bail, clauses 11 to 14, and unaccompanied children, clauses 15 to 20, Detention Action has argued that the Bill dramatically increases the number of people in detention and the length of time they would be detained, and that the Home Secretary is likely to hold people in detention for extremely long periods, far beyond the minimum 28 days that the Bill makes mandatory. I am concerned at the introduction of wide new powers for detaining persons, and the recent discussions about placing asylum seekers in camps on former military sites, presumably to better facilitate their removal. As others have said, the accounts of conditions at Manston in Kent last autumn and also at Penally in my country of Wales stay with me. The overcrowding, lack of facilities and the spread of disease are absolutely appalling. Detention camps are not the solution and are not the approach that we would expect of a civilised country.

I am also concerned that the proposals in this Bill will have severe consequences for the welfare of extremely vulnerable children. Others on the Opposition Benches have eloquently and movingly relayed individual stories of children who have experienced absolutely horrific circumstances. As others have said, and as the Refugee and Migrant Children's Consortium said, many have gone missing—hundreds have gone missing.

There are many amendments on detention and child asylum seekers that I wish to express my support for, including those of my right hon. Friend the Member for Hayes and Harlington (John McDonnell), my hon. Friend the Member for Aberavon, the hon. and learned Member for Edinburgh South West and the hon. Member for East Worthing and Shoreham (Tim Loughton), as well as the new clauses in the names of the right hon. Member for Orkney and Shetland (Mr Carmichael) and my hon. Friend the Member for Walthamstow (Stella Creasy). Between them, these would result in an improvement in access to immigration bail, restore limits on detention timeframes and increase the role for external scrutiny on the rights and wellbeing of children.

However, although I will support a number of amendments tonight, for me and many other Members, the Bill in its entirety is unsupportable. The Government are facing a growing backlash to their low-pay and poverty agenda, and the Bill is a tool to try to distract, demonise and divide people, and it seeks to isolate a group of vulnerable people on whom to divert that anger. We will not allow that to happen.

**Margaret Greenwood** (Wirral West) (Lab): My hon. Friend is making an excellent speech. I have just had an email from one of my constituents who works in the health service. She has spoken to me about the immense contribution that has been made by people who have come to this country fleeing persecution, been granted asylum, and are now working in the national health service. Does my hon. Friend agree that that is an important point? I have also had people writing to me about how damaging the Bill is to the reputation of this country as a safe haven, and to the values we stand up for.

**Beth Winter:** I fully agree—*[Interruption.]*

**The Second Deputy Chairman of Ways and Means (Sir Roger Gale):** Order. I am sorry to interrupt the hon. Lady. *[Interruption.]* Thank you. I would like the Committee to behave like that all the time. It is most discourteous for conversations to be taking place on the Back Benches, particularly among people who have not been in the Chamber for much of the debate. Some of us want to hear what Members have to say.

**Beth Winter:** Thank you, Chair. I appreciate your intervention.

In conclusion, there is an alternative, as is evident from the number of extremely progressive and positive amendments. We must clear the backlog, expand safe routes, and the amendment tabled by my hon. Friend the Member for Sheffield, Hallam (Olivia Blake), in co-operation with Care4Calais and the Public and Commercial Services Union on safe routes, was excellent. We must be welcoming vulnerable people to what I would describe as a nation of sanctuary.

I will finish by reflecting on the words of the First Minister of Wales. A week or two ago he spoke about,

"the basic belief that, in our brief lives, we owe a duty of care…to our family and friends, but also to strangers".

He said that that simple belief lies at the heart of

"our ambition to be a nation of sanctuary. To provide a warm welcome to families forced out of their homes…all of those who seek sanctuary from wherever, and however, they may come"

to our shores. Care, compassion, respect, dignity, humanity, inclusivity and kindness—those are the values that I hold dear, and those are the values and principles that we should seek to uphold. This Bill does not do that at all. We must reject it.

**Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is a pleasure to follow the hon. Member for Cynon Valley (Beth Winter). I share her concerns about the Bill, and indeed about the process that we have undergone in scrutinising it.

I want to make three short points. The first and most important one is to try to encourage a little more interest in clauses 30 to 36 that relate to citizenship. They were touched on by the Chair of the Home Affairs Committee and the former Attorney General, but they are incredibly important and quite alarming. It might seem slightly odd for an SNP MP to be rushing to rescue the concept of British citizenship, but citizenship is vital. It is a source of stability and other rights. Deprivation of citizenship, or blocking people from citizenship, as in the Bill, is something that should be looked at closely and seriously.

Clause 30 is entitled

"Persons prevented from obtaining British citizenship etc"

and it sets all the alarm bells ringing. Subsection (4) states:

"A person ("P") falls within this subsection if P was born in the United Kingdom on or after 7 March 2023, and either of P's parents has ever (whether before or after P's birth) met the four conditions in section 2."

That unbelievably broad clause means that children, and indeed some adults, will face being blocked from accessing the right to British citizenship not because of their own actions, but because of the actions of their

parents, potentially even decades ago. To me that is ludicrous overreach, even if someone is in the space of accepting the Government's premise of deterrence. In many cases, it could be children born here. One parent could become a British citizen and still that child, born in Britain, could be deprived of their own British citizenship. Or that child could be born here and spend the first 10 years of their life here, and be deprived of their British citizenship just because of the actions of one of their parents, potentially many years previously. It could be a child brought here at a young age and whose entire life has been built here. Surely, even to the Bill's most ardent supporters, depriving kids of British citizenship because of what one of their parents did is a step too far? That is absolutely wild, but that is precisely what clauses 30 to 36 do and that should be looked at again.

The second point I want to make is on the detention clauses. Like many Members have said today, fewer safeguards and protections with more detentions is another tragic and backward step. Other colleagues have set out most of the key concerns. I just want to repeat the point made on Second Reading and by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) today: any idea that the right of habeas corpus, or a petition to the nobile officium in Scotland, makes all of this fine is absolutely preposterous. These are much more limited procedures for challenging detention, confined to questions of authority to detain rather than errors in decision making. They are also infinitely less accessible and speedy compared with a bail application to the tribunal, especially for vulnerable people. This set of clauses is designed to stop people who should be freed from detention being able to secure their release from detention, and nothing else.

My third and final point relates to clause 4 and the permanent state of inadmissibility of claims. This is the problem at the heart of the Bill. It is a permanent ban on making certain claims, which our amendment 294 seeks to address. Permanent inadmissibility means that, over time, thousands of refugees and others who qualify for protection will be left in limbo, because the Government will not have the capacity to remove them all to Rwanda, but also, because of the Bill, quite simply will not be allowed to process and recognise their claims here. Refugees will end up spending year after year after year in hotels or in dismal former military barracks without any hope of being able to move on.

The penny that does not seem to have dropped right across the Committee is that it also means that many who are not refugees will also be left in limbo in the United Kingdom. Again, the Government will not have the capacity to remove them all to Rwanda and, because of this very Bill, the Government will not be able to remove them to their home countries. If you do not process their asylum claims, you cannot—with a few exceptions—remove the person to their home country. That is recognised in clause 5. So thousands of people will also be left in limbo forever. In fact, the Bill almost creates a perverse incentive. If you are an overstayer—one hon. Member spoke about overstayers—probably your best bet is to make an asylum claim and then be left in that permanent state of limbo. It is an absolutely mad Bill. It does not make any sense at all. That, I suspect, is why we have not seen the impact assessment—it will reveal most of that.

The Bill will not solve any backlog. The backlog is going to balloon. More people will be jammed into hotels and military barracks, not fewer. The backlog will essentially just be given a different name: inadmissibility. That is what the Bill achieves and nothing more. A different backlog and incredible cruelty—that is what the Bill is all about and that is all it is ever going to achieve if it is passed.

**Thangam Debbonaire** (Bristol West) (Lab): On a point of order, Sir Roger. I seek your guidance. The Bill is reaching the closing minutes of Committee stage. Last Thursday, in Business questions, the Leader of the House said in answer to my question as to the whereabouts of the Government's impact assessment of the Bill:

"I have spoken to the Home Office about the impact assessment; it is quite right that we publish it before Committee stage."—[*Official Report*, 23 March 2023; Vol. 730, c. 451.]

As the right hon. Lady has previously asserted her strong support for Parliament to have impact assessments in order for colleagues on all sides to scrutinise any Government properly, and I know her to be a woman of her word, I am baffled. I am sure it could not possibly be that the Government have found the impact to be the £3 billion cost to the taxpayer that the Refugee Council found. Sir Roger, could you tell me of any mechanism I can employ, even now, in these closing minutes, to enable, encourage or merely exhort the Minister to publish the Government's impact assessments?

**The Second Deputy Chairman of Ways and Means (Sir Roger Gale):** The shadow Leader of the House has been in the House long enough to know that it is the responsibility of the Government, not the Chair, to publish or not publish Government papers. However, she asked me a question and has placed her point on the record. I am about to call the Minister of State to reply, and he has heard what the hon. Lady has said.

**Robert Jenrick:** It has been a wide-ranging and interesting debate. I am grateful to all right hon. and hon. Members for their contributions. I will not detain the Committee by dwelling on the Government amendments as they are all, essentially, technical in nature. I will instead set out to respond to as many of the amendments and new clauses that have been debated as possible. I take issue with those who said that the Government provided insufficient time to debate. I note that both today and yesterday, the debates have concluded almost an hour before the allocated time.

7 pm

As the hon. Member for Glasgow Central (Alison Thewliss) has the lead amendment, I will start with some overarching remarks in response to her amendments. I will pick up on some of the points made in the amendments a little later, but I say now that she has a choice. Either we can legislate, as the Government propose, for a coherent and robust scheme that places an unambiguous duty on the Home Secretary to make arrangements for the removal of all those who entered the UK illegally on or after 7 March, with only a single and temporary exception for most unaccompanied children, or we can put into statute a scheme so riven with holes, exceptions and get-out clauses as to make the whole Bill unworkable. We know which of those the hon. Lady wants, but Government Members want to stop the boats, and that is what the Bill sets out to achieve.

**Mrs May:** I wonder if my right hon. Friend would clarify one point. He just said that the Government will act to deal with all people who have come here illegally. That is not what the Bill does. It has caveats—it deals only with those who have come here illegally through a third safe country. Could he just clarify that?

**Robert Jenrick:** My right hon. Friend is correct that the Bill does not seek to change the arrangements for those who come here directly and claim asylum from a place of danger. That is an important point and a principle of our long-standing asylum obligations. Let us be honest: the reason we are here today is because of those who pass through safe countries such as France. Last year, 45,000 people crossed the channel in small boats from a place of safety with a fully functioning asylum system. This scheme applies to those individuals, with certain carefully thought through mechanisms to protect those who would be placed in serious or irreversible harm should they be taken to a safe third country. It is essential that we pass this scheme as it is, rather than as the leaky sieve that the hon. Member for Glasgow Central wishes so that she can undermine the intent of this policy.

**Alison Thewliss:** The Minister says that people should come here directly. Will he tell me how many direct flights there are to Heathrow from Yemen, Afghanistan or Syria?

**Robert Jenrick:** People do come here directly from places of danger. The hon. Lady is incorrect. We have long-standing arrangements for those people who transit through other countries to come here, so her point is wrong.

The wider issue, which she and I have debated on many occasions, is that we have heard continuously from her and her SNP colleagues a kind of humanitarian nimbyism. They come to this Chamber to say how concerned they are for those in danger around the world, yet they take disproportionately fewer of those very people into their care in Scotland.

Let me turn to the serious questions that have been raised about children. We approach these issues with the seriousness that they deserve and from the point of view that the UK should be caring and compassionate to any minor who steps foot on these shores. These are not easy choices, but the challenge we face today is that large numbers of minors are coming to the United Kingdom at the behest of human traffickers or people smugglers, and we have to deter that. We must break the cycle of that business model.

Since 2019, the number of unaccompanied minors coming to the UK has quadrupled, meaning that thousands of unaccompanied minors have been placed in grave danger in dinghies and then brought to the UK, in some cases to enter the black economy and in others for even more pernicious reasons. I have met those children. I have seen them at Western Jet Foil, and I can tell the House that there is no dignity in that situation. As a parent, seeing children in dinghies risking their lives is one of the most appalling things one could see. I want to stop that. The measures we are bringing forward today intend to stop that.

We are going to do this in the most sensitive manner we can, and the powers that we are bringing forward under the Bill do just that. The duty to make arrangements for removal does not apply to unaccompanied children until they become adults. There is a power, not a duty, to remove unaccompanied children. As a matter of policy, the power to remove will be exercised only in very limited circumstances, such as for the purposes of family reunion, or if they are nationals of a safe country identified in clause 50 and can be safely returned to their home country. It is important to stress at this point that that power is already in law and is used on occasion when an unaccompanied child arrives and we are able to establish arrangements for their safe return. The Illegal Migration Bill simply expands the number of countries deemed safe for that removal.

**Stella Creasy:** The Government have accepted that they will be subject to an article 3 investigation to see whether there have been breaches of the Human Rights Act at Manston—basically the treatment of people in inhumane and degrading ways. The Government are resisting that being an independent inquiry. Why not wait until that inquiry happens? Why not learn the lessons of how they got into the mess at Manston before moving forward with this legislation, so that we do not risk again seeing pregnant women and unaccompanied children in the dinghies and in the devastation that the Minister just set out? Why press ahead without learning the lessons of his previous failures?

**Robert Jenrick:** Nobody could dispute the seriousness with which I took the situation at Manston in the autumn, or dispute that the situation we are in today is incomparably different. Manston is a well-run facility, led by a superb former Army officer, Major General Capps, and we are ensuring that the site is both decent and legal. Responsibility for the failures at Manston in the autumn of last year does not rest with the Government. It does not rest with the people who work at Manston. It rests with the people smugglers and the human traffickers. It was a direct result of tens of thousands of people coming into our country illegally in a short period of time.

I can tell the hon. Lady that the same thing will happen again if we do not break the cycle and stop the boats. More people will come later this year. She knows that the numbers are estimated to rise this year unless we take robust action. That is what this Bill sets out to achieve. If we take this action, fewer people will put themselves in danger and fewer children will be in this situation. That is what I want to see, and I think that is what the British public want to see as well.

**Edward Timpson:** On unaccompanied children, may I ask the Minister to address the point I raised about the power in clause 16 for the Secretary of State to remove a child from local authority care, when the Secretary of State does not have powers under the Children Act and the responsibilities that follow? Will he set out the reasons behind that—if not in full now, certainly before Report?

**Robert Jenrick:** I thank my hon. and learned Friend for that comment. As an important aside that relates to other issues he has raised, nothing in the Bill disapplies the Children Act, which will continue to apply in all respects with regard to the children we deal with in this situation. In answer to his particular point, we are taking this power so that in the very small number of judicious cases in which we set out to remove a child, we can take them from the care of the local authority into

the responsibility of the Home Office for the short period before they are removed from the country. I have given two examples of situations in which we would use that power, and I will happily give them again. I know that my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) is concerned about this point.

The first situation is where we are seeking to return a young person to their relatives in another country. I think it is incredibly important that we keep the ability to do so, because that does happen occasionally. It is obviously the right thing to do to return somebody to their mother, their father, their uncle or the support network that they have in another country.

The other situation is where we are removing somebody who has arrived as an unaccompanied minor to another safe country, where we are confident that they will be met on arrival by social services and provided with all the support that one would expect. That happens all the time here with unaccompanied minors; I think the right hon. Member for Hayes and Harlington (John McDonnell) mentioned, drawing on his experience as a local Member of Parliament around Heathrow, that it happens regularly. It is important that we continue to have that option, because we should not be bringing people into local authority care for long periods in the UK when we can safely return them home, either to their relatives or to their home country, where they can be safeguarded appropriately.

**Debbie Abrahams** (Oldham East and Saddleworth) (Lab): Will the Minister respond to the point raised by my hon. Friend the Member for Bristol West (Thangam Debbonaire)? Where is the impact assessment for the Bill?

**Robert Jenrick:** The impact assessment will be published in due course.

Let me continue with the points I was making. I return to a question that has been raised on several occasions about our policy on the detention of minors. Let me say, speaking as a parent, that of course we take this incredibly seriously. We do not want to detain children. We have to apply the highest moral standards when we take this decision.

The circumstance in which we would use that power is where there is an age assessment dispute about an unaccompanied minor. It is easy to dismiss that, but it happens all the time. My hon. Friend the Member for Mansfield (Ben Bradley) was correct to raise his experience as a local authority leader. There are a very large number of such disputes: between 2016 and December of last year, there were 7,900 asylum cases in which age was disputed and subsequently resolved. In almost half of those cases —49%—the people in question were found to be adults.

Where there is a live age assessment dispute, it would be wrong for the Government to place those people in the same accommodation as minors who are clearly children, creating safeguarding risks for them. I am not willing to do that. I want to ensure that those children are properly protected. When I visited our facilities at Western Jet Foil recently, I asked a member of staff who was the oldest person they had encountered who had posed as a minor. They said that that person was 41 years of age! Does anyone in this House seriously want to see a 41-year-old man placed with their children? I do not want to see it, and that is the circumstance in which we are going to take and use these very judicious powers.

My right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes) raised a number of important points in respect of his amendment on mandatory scientific age assessments. I can say to him that not only are those valid points, but the Government are considering carefully how we should proceed in this regard. The UK is one of the very few European countries that do not currently employ scientific methods of age assessment. In January, the Age Estimation Science Advisory Committee published a report on the issue. The Home Secretary and I are giving careful consideration to its recommendations, and I hope to be in a position to say more on Report.

7.15 pm

Referring to an amendment on this subject—to which, in different ways, other Members on both sides of the House also referred—my hon. Friend the Member for Stoke-on-Trent North (Jonathan Gullis) spoke of the frustration that he feels, and the British public feel, about the number of asylum seekers currently accommodated in hotels. It is absolutely right that we clear the hotels as soon as possible. The Government share the frustration of the general public, which is why the Home Secretary and I have set out intensively to seek more sustainable answers to the situation, and we will be saying more about that in the coming days.

**Alison Thewliss:** Will the Minister give way?

**Robert Jenrick:** I will give way one last time, but I want to bring my remarks to a close as soon as possible.

**Alison Thewliss:** I have constituents who have been waiting for 20 months in a hotel for the Home Office to conduct a substantive interview. Others have been waiting for 16 months, 18 months, two years or 40 months. If the Home Office processed those people, they would have no need to be in hotels.

**Robert Jenrick:** We are doing that. That is the plan that the Prime Minister set out in December, on which we are already making good progress.

Let me say two further things to the hon. Lady. First, the only way to reduce the number of people in the system is to stop the boats. No system, even the most efficient system in the world, could cope with 45,000 people breaking into our country against our laws and then seeking asylum. Secondly, the hon. Lady knows that the way to get people out of hotels is for all parts of the United Kingdom to step up and provide the accommodation that is required, but she and her SNP colleagues consistently decline to do that.

My right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright) made a thoughtful and important point in his amendment 283, relating to the citizenship provisions in the Bill. I note his concerns, and we will reflect on them and come back to him. I look forward to engaging with him, but let me make this point. There is a route towards entering the United Kingdom, even for someone who, at some earlier stage, had entered illegally and been caught by the provisions of the Bill. We specifically included that to ensure that we continue to meet our international law obligations.

*[Robert Jenrick]*

My right hon. and learned Friend was right to say that there is a different route and standard with respect to achieving citizenship. The reason that we did that was our belief that British citizenship is a special privilege which is not something that should be given lightly, but that if someone breaks into our country and breaches our laws, there should be a higher standard to be applied before that person gains citizenship of our country.

**Joanna Cherry** *rose—*

**Robert Jenrick:** I am not going to give way again. *[Interruption.]* I am not going to give way to the hon. and learned Lady. Let me turn to—*[Interruption.]* Let me turn—

**The Second Deputy Chairman of Ways and Means (Sir Roger Gale):** Order. Twenty-seven Members have taken part in the debate this afternoon, and there are rather more Members present who are speaking but who did not take part in the debate. The 27 who were here, taking part in the debate, have a right to hear what the Minister has to say, and it would be good if they could do it without interruption. That means without interruption from either side of the House.

**Robert Jenrick:** Thank you, Sir Roger. The hon. and learned Member for Edinburgh South West (Joanna Cherry) does not like the Bill. She is going to vote against the Bill and she does not want to stop the boats. She has tabled a whole raft of amendments with her colleagues, and we all know what the purpose of those amendments really is.

**Joanna Cherry:** On a point of order, Sir Roger. Is it in order for the Minister to so misrepresent my position? I tabled my amendments as the Chair of the Joint Committee on Human Rights, not on behalf of the Scottish National party, and the point I wish to make is that he has not answered a single point raised by anyone who spoke from the Opposition Benches. It is a farce—a farce!

**The Second Deputy Chairman of Ways and Means (Sir Roger Gale):** Order. That is an observation, not a point of order. The hon. and learned Lady is fully aware that Members are responsible for their own remarks on the record. They have to take responsibility for that.

**Robert Jenrick:** Sir Roger, it is an observation but it is also incorrect, because I have already spoken about the many questions around children that have been raised.

Before I wind up my remarks, I want to address the issues regarding modern slavery that have been raised by my right hon. Friends the Members for Maidenhead (Mrs May) and for Chingford and Woodford Green (Sir Iain Duncan Smith). All of us in Government look forward to engaging with them and learning from their unrivalled expertise and experience in this field as we ensure that the Bill meets the standards that we want it to meet. A number of hon. and right hon. Members said there was no evidential basis for taking action with regard to modern slavery. I do not think that that is fair. Let me just raise a few points of clarification. When the Modern Slavery Act was passed in 2015, the impact assessment envisaged 3,500 referrals a year, but last year there were 17,000 referrals. The most referred nationality in 2022 was citizens of Albania, a safe and developed European country, a NATO ally and, above all, a signatory to the European convention against trafficking.

**Jess Phillips:** Will the Minister give way?

**Robert Jenrick:** I am not going to give way on this occasion.

In 2021, 73% of people who arrived on small boats and were detained for removal put forward a modern slavery claim.

**Mrs May:** Will my right hon. Friend give way?

**Robert Jenrick:** I would be pleased to give way to my right hon. Friend.

**Mrs May:** I am grateful to my right hon. Friend for giving way and for repeating the figures that have been set out previously. The fact that the number of referrals to the national referral mechanism has increased does not mean that there is abuse of the system. It means, actually, that we may just be recognising more people who are in slavery in our country. That 73% was 294 people, and of those who have had their cases looked at by the NRM, nearly 90% are found to be correct cases of slavery.

**Robert Jenrick:** With great respect to my right hon. Friend, I do not think it is correct to denigrate the concern that 73% of those people who arrived on small boats and were detained for removal put forward a modern slavery claim. I think that figure suggests that, were we to implement the scheme in the Bill—and it is absolutely essential that we do—a very large number would claim modern slavery. That would make it almost impossible for us to proceed with the scheme. The evidence, I am afraid—

**Jess Phillips:** Will the Minister give way?

**Robert Jenrick:** I am not going to give way. I am going to bring my remarks to a close, because I think I have spoken long enough.

**Sir Iain Duncan Smith** *rose—*

**Robert Jenrick:** But I will give way to my right hon. Friend.

**Sir Iain Duncan Smith:** Can I gently suggest to my right hon. Friend that the whole purpose of raising this issue was not to bandy the figures? There is a real disregard for some of the real figures here. He is quite right to say that the Government are concerned that there will be an exponential rise, as an alternative to coming across illegally. We should bear in mind that these people are trafficked; that is the key difference. All we are asking the Government to do is to look carefully at this and not take the power until they can see and show the evidence. After all, we have yet to see the impact of the Nationality and Borders Act 2022. All I am asking of him, gently, is please just to accept that the Government will think about that before the Bill comes back on Report.

**Robert Jenrick:** As I have previously said to my right hon. Friend, I look forward to listening and engaging with him and like-minded colleagues. However, we come to this issue with a serious concern that there is mounting evidence of abuse of the system, and we want to ensure that the scheme we bring forward works and does the job.

**Jess Phillips:** Will the Minister give way?

**Robert Jenrick:** I will not give way, because I am about to bring my remarks to a close.

**Jess Phillips:** He's scared of me!

**Robert Jenrick:** I will happily give way, then. I am certainly not scared of the hon. Lady.

**Jess Phillips:** The Immigration Minister says there is mounting evidence. Which agency does it come from? Is it Border Force? Is it the National Crime Agency? Is it local authorities? Which of the agencies that make modern slavery referrals is responsible for the most fraudulent referrals? Is it one that the Home Office manages, or is it somebody else?

**Robert Jenrick:** I gave way to the hon. Lady against my better judgment, and what she says is not the point. The point is that three quarters of people on the verge of being removed from this country claim modern slavery. I am afraid that is wrong, and we need to bring it to a close.

With that, I fear I have run out of time. I look forward to engaging with colleagues, particularly those I have referenced this evening. I encourage colleagues on both sides of the House to continue supporting this incredibly important piece of legislation.

**Alison Thewliss:** If you will allow, Sir Roger, I understand that Members can speak twice in Committee of the whole House.

What we have heard from the Minister is utterly disgraceful. He has not presented any evidence to back up his claims or to back up this legislation. We have no evidence. There is no evidence. He has not presented any evidence. He has not presented even so much as an impact assessment of this legislation, yet he and his Conservative colleagues are about to vote against all our worthy amendments without a shred of evidence to support them. *[Interruption.]* He did not give the evidence. With the greatest of respect to the Minister, the hon. Member for Birmingham, Yardley (Jess Phillips) asked for evidence and he was unable, or unwilling, to present that evidence to the Committee. Which is it—unable or unwilling?

The Committee will vote to demonise, to stigmatise and to remove victims of modern slavery and trafficking from this country, on the basis of no evidence whatsoever.

**Joanna Cherry:** In addition to the lack of evidence, does my hon. Friend agree that the Minister has failed to put forward any analysis and has completely failed to engage with any of the legal analysis that I and others put forward on the problems posed by the Bill for our obligations under the ECHR, under the Council of Europe convention on action against trafficking in human beings and under the refugee convention? Does she agree that it is a case not just of no evidence but of no analysis? In fact, it is downright ignorance and is no way to scrutinise a Bill.

**The Second Deputy Chairman of Ways and Means (Sir Roger Gale):** Order. Before we go any further, I remind Members that we are in Committee. In Committee, Members are entitled to speak more than once. The hon. Member for Glasgow Central (Alison Thewliss) is entirely in order in seeking to speak again, and the Committee has until 8.12 pm to complete this debate.

**Alison Thewliss:** Thank you, Sir Roger, for that clarification; I am sure that other hon. Members may also find it of interest.

A Bill would usually go upstairs for Committee stage and be scrutinised line by line. Every one of the more than 150 amendments to this Bill would have been discussed and we would have had the opportunity to vote on them all. We would have scrutinised the Minister in significant detail on each and every amendment, and each would have been properly discussed. He would have had to work to get this Bill through the House if it had gone upstairs to Committee rather than being discussed in this farce of a process today.

It is also important for those watching this at home to understand that no evidence has been taken on this Bill. Usually when we would go upstairs to a Bill Committee, we would be allowed to take evidence from experts in the field. The experts in this field have done their absolute utmost to get that evidence to us, and I am holding in front of me just some of the evidence I have received from organisations, which I have tried to present through the many amendments that I have tabled.

7.30 pm

**The Second Deputy Chairman of Ways and Means (Sir Roger Gale):** Order. I now do have to call the hon. Lady to order, because she is making a general speech. She is well aware that a series of amendments is under discussion and that we are not having a general debate like on Second Reading. Perhaps she would like to return to the amendments under discussion.

**Alison Thewliss:** Thank you very much, Sir Roger. I would be glad to return to the topics of the Bill.

At the back of the Bill is the schedule, which may be of interest to hon. Members, as it contains a list of 57 countries, including countries from which people are known to be trafficked into sex slavery in this country. The Republic of Albania is the first on the list. We know, because the evidence supports it, that there are people—women—being trafficked to this country to be held in facilities where they are raped repeatedly by men. Those women will now not be able to ask for safety, because if they do, they will be putting themselves at risk of being deported to Rwanda. As we know, traffickers will hold that over women as a threat; this Bill is a traffickers' charter.

I had a look through the Human Rights Watch profiles of some of the countries on the list of 57 that Ministers deem to be safe countries to which people can be removed, and I had a long conversation with Rainbow Sisters about the difficulties for lesbian and bisexual women being returned to these countries. Men are also mentioned in the list, which reads:

> Gambia (in respect of men)…Ghana (in respect of men)…Kenya (in respect of men)…Liberia (in respect of men)…Malawi (in respect of men)…Nigeria (in respect of men).”

*[Alison Thewliss]*

Men can be removed to these countries, but Gambia, Jamaica, Kenya, Liberia, Malawi, Mauritius, Nigeria and Sierra Leone—which are in this list—all outlaw same-sex relations. Ministers are not going to ask when somebody arrives in this country in a dinghy or on a plane—however they arrive—anything about the circumstances of those people. They will quite simply put them on a plane and send them back, if they can. If they cannot, those people will be in limbo in this country forever because there will be no means of removing them.

**Patrick Grady:** I am sure that lots of Members in the House and lots of people watching at home will want my hon. Friend to continue the line-by-line scrutiny of the Bill in the time that is available by the order agreed to by the House. She mentions Malawi as an example. I am proud to chair the all-party parliamentary group on Malawi. Is not precisely the point that the individual circumstances of any asylum seeker who comes here need to be assessed? We cannot arbitrarily make decisions about individuals, because we do not know their individual cases. But the clauses in this Bill, and the schedule that she is talking about—

**The Second Deputy Chairman:** Order. I know that this measure arouses strong opinions, but we do have a process in this House: we have to stick to the amendments. There are no amendments to the schedule and the hon. Gentleman was not referring, so far as I can see, to any amendment. In the remaining stages of this debate, can we please now confine our arguments to what is on the amendment paper, not to what is not on the amendment paper?

**Alison Thewliss:** Yes; my hon. Friend would be referring to amendment 191—in clause 2, page 2, line 33—which would disapply the section

"where there is a real risk of persecution or serious harm on grounds of sexual orientation"

if a person

"is removed in accordance with this section."

This is important. We think that people's individual rights and risks ought to be assessed by the Government, but that is not happening; the Government are not looking at individual risk.

It was interesting to find Nigeria on the list, because if LGBTQ people are returned to Nigeria, they are at significant risk. Nigeria topped a danger index of countries for LGBT people. Men would face the death penalty by stoning and women whipping and imprisonment if they were found to be LGBT. So the very real risk that we are trying to prevent through this amendment is to prevent people being returned to these countries. Jamaica is No.18 on that same danger list, but it is listed here as a country that the Home Secretary is perfectly happy to return LGBT people to, even if it is to an uncertain future where they would be outlawed from living their life and expressing the rights that they have.

Sir Roger, there are many amendments that we could speak to, because all of this Bill is an assault on human rights. We believe that human rights should belong to everybody. The Home Secretary should not get to deny them to a group of people just because of how they happened to arrive in this country. We know that there are many people who will flee very dangerous circumstances and will try to reunite with a family member who is already here—that family member might be the very last person in their family who is alive. They could have seen the rest of their family killed in front of them, and have an uncle here in the UK, but if they cannot get here by any safe or legal routes to that uncle, to that last remaining family member, as is referred to in our amendments, then how will they possibly be able to live their life?

We are sentencing people to a life in limbo—a life that they will no longer be able to live. The Government have not thought through the full consequences of the Bill. What will happen to these people who are forever left in limbo?

I wish to mention amendment 246, which says that these measures can be put forward only with the consent of the Welsh Senedd, the Scottish Parliament and the Northern Ireland Assembly. The Government will not get legislative consent for these measures. I have a letter signed by a significant number of Members of the Scottish Parliament who do not give consent for this, who do not accept the Bill, and who do not think that it is something that they want to see. It is an affront to our human rights in Scotland. It is not the kind of country that we wish to build. I was very proud to see Humza Yousaf become our new First Minister in Scotland. Humza's family—

**The Second Deputy Chairman:** Order. Let us try again. The new First Minister of Scotland, however honourable he may be, is not part of this legislation. Will the hon. Lady please stick to the amendments that are on the Order Paper? Otherwise I shall have to ask her to take her place.

**Alison Thewliss:** This matter is certainly pertinent to the amendments that we have tabled. Humza's grandparents came here as immigrants. Under this Bill, they would not be able to find their way here in the same way. That is true of many people in this country who have come here and built their lives. Some of them have ended up as legislators in this place and are drawing the ladder up behind them. Humza has made it incredibly clear how grateful he is that he has this opportunity. His grandparents could not have imagined, when they came to the UK with very little and with no money in their pockets, that they could work their way up through society and that their grandson could aspire to achieve the highest position in Scotland—to be the First Minister of Scotland.

Instead of demonising immigrants, instead of demonising the people who come to this country, instead of saying to people such as Mo Farah that they would not get to come here in the future, we should listen to the experiences of people who have come here, who have made their lives here. We should thank those people for what they have contributed. We should thank them for doing us the honour of choosing to come to this country and making their home and life here. When we do not recognise that contribution, when Ministers pull the ladder up behind them, and when they prevent people from coming here, it makes this country poorer.

**Patrick Grady:** Is that not the importance of my hon. Friend's amendment 189, which we are discussing today? She humanised each amendment she tabled by giving

them different names; she said that perhaps 189 should be called Tobias's amendment, because it is specifically to exempt Afghan asylum seekers. Should not every Conservative Member who got up today to express their outrage at the way Afghan refugees and asylum seekers have been treated in this country be expected to join us in the Lobby shortly—or in about half an hour's time, when we reach the knife—to vote for amendment 189?

**Alison Thewliss:** They should indeed. Amendment 189 recognises not just the plight of Afghans facing a terrible situation, but the contribution of Afghans such as Abdul Bostani, a councillor in Glasgow who came here as a refugee and now represents the city of Glasgow. It also recognises the contribution of people such as Sabir Zazai, the chief executive of the Scottish Refugee Council, who came here as a child in the back of a lorry. Under this Bill he would be demonised and removed to Rwanda if he came here in similar circumstances.

**Patrick Grady:** Am I not right in thinking that Sabir Zazai has been made an Officer of the Most Excellent Order of the British Empire? That is what asylum seekers can achieve in this country if they are allowed to flourish. That is what our amendment—

**The Second Deputy Chairman:** Order. Hon. Members are in danger of abusing the House. I am being scrupulously fair and trying to ensure that everything that is said remains in order. The hon. Gentleman was out of order. Now, will the hon. Member for Glasgow Central please conclude her remarks so that the Minister, if he wishes to, may respond? We will then move to the Divisions.

**Alison Thewliss:** With reference to amendment 189 and the contribution of Afghans, Sabir Zazai tells a story of when he was given a letter from the Home Office saying, "You are a person liable to be detained and removed." More recently, at a celebration to mark his being awarded an OBE, he said he had received a different letter telling him he was being awarded this great honour of the British state. He said he would put those two letters on the wall next to one another, because they show that, regardless of the circumstances by which someone came to these islands, there ought to be nothing they cannot achieve.

There ought to be nothing—but this Bill pulls up the drawbridge. It makes this country smaller, it makes this country meaner and it makes this country crueller—for every Sabir Zazai, for every Abdul Bostani, for every person that the right hon. Member for Bournemouth East (Mr Ellwood) is outraged about. People can come here and make a contribution. They could live a dull, boring, ordinary life, they could be an OBE, they could be the First Minister of a country, but they have a contribution to make and they deserve to get to make that contribution without the UK Government pulling up the drawbridge and saying that they are unwelcome.

**Debbie Abrahams:** On amendment 189, which deals with Afghan citizens, it is striking that the Minister for Veterans' Affairs said this afternoon that there are no safe routes for Afghans to come to this country. Those Afghans have protected many of us as citizens and protected our armed forces, yet there are no safe routes for them to come here. Does the hon. Lady not think that is an absolute disgrace, given the promises made to them in 2021?

**Alison Thewliss:** I absolutely agree with the hon. Lady. I sat through many phone calls at the time with Ministers and with constituents who were terrified for their family members. Many of them still do not know whether they will get to safety at all, despite having applied through the process. They are waiting with an uncertain future in Afghanistan, where their lives are under threat, where their daughters cannot go into education and where they are pursued by the Taliban day in, day out. The point about Afghans in this Bill is particularly serious.

However, there are other nationalities of whom we could equally say that: Iraqis who helped to support British forces, and other people from other countries where Britain has a footprint. Many people come here because of the footprint Britain has had in the world, and we have a particular responsibility to those people. The Afghan interpreters in their exhibition used the phrase, "We are here because you were there." That speaks also to the legacy of empire, the legacy of the English language and the legacy of Britain around the world. That is why people seek to come here.

I believe very firmly that we have a duty and a responsibility to people around the world. This Government renege on that responsibility. That is what the Bill is all about. My real fear is that, having seen Britain do it, other countries will pull up the drawbridge; that they will renege on their international obligations, saying, "If Britain can do it, other countries can do it, too. If Britain will not stand up for human rights, why do we need to bother? If Britain does not stand up for the refugee convention, why should we? If Britain does not stand up for the UN convention on the rights of the child, why should we bother either? Let's get children back into slavery to be trafficked all over the place."

This Government are not protecting children. That is why we have tabled these amendments: we seek to protect people who are being trafficked and exploited. This Government, by ignoring our amendments, seek to refuse people that protection, that human dignity, the rights that they have under our international obligations. We have those rights because of the things that we have done in the past. We should no longer have to put up with this Government. Scotland needs independence. It cannot trust this Government to look after it.

**The Second Deputy Chairman of Ways and Means (Sir Roger Gale):** Does the Minister wish to respond?

**Robert Jenrick** *indicated dissent.*

**The Second Deputy Chairman:** Does the hon. Lady wish to press the amendment to a Division?

**Alison Thewliss** *indicated dissent.*

*Amendment, by leave, withdrawn.*

*Amendment proposed*: 189, page 2, line 33, at end insert—

> "(1A) This section does not apply to a person ("A") who is an Afghan national where there is a real risk of persecution or serious harm to A if returned to that country."—*(Alison Thewliss.)*

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 242, Noes 309.

**Division No. 203]** **[7.46 pm**

**AYES**

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, rh Jonathan
Bardell, Hannah
Beckett, rh Margaret
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Bradshaw, rh Mr Ben
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
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, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creasy, Stella
Cruddas, Jon
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
Davey, rh Ed
David, Wayne
Davies, Geraint
Davies-Jones, Alex
Day, Martyn
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
Duffield, Rosie
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
Flynn, Stephen
Foord, Richard
Fovargue, Yvonne
Foxcroft, Vicky
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Grady, Patrick
Grant, Peter
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Mrs Paulette
Hanna, Claire
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
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, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
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
Malhotra, Seema
Maskell, Rachael
Mc Nally, John
McCabe, Steve
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)*
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Nichols, Charlotte
Nicolson, John *(Proxy vote cast by Brendan O'Hara)*
Norris, Alex
O'Hara, Brendan
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Oswald, Kirsten
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
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thomson, Richard
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:**
**Marion Fellows and Gavin Newlands**

**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
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett

Barclay, rh Steve
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack
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
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donaldson, rh Sir Jeffrey M.
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
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
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Nick
Foster, Kevin
Fox, rh Dr Liam
Frazer, rh Lucy
Freeman, George
Freer, Mike
French, Mr Louie
Fuller, Richard
Fysh, Mr Marcus
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Girvan, Paul
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
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
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, Tom
Jack, rh Mr Alister
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, Fay
Jones, rh Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Kearns, Alicia
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
Lockhart, Carla
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
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
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
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Robinson, Gavin
Rowley, Lee
Russell, Dean
Sambrook, Gary
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shannon, Jim
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
Wilson, rh Sammy
Wright, rh Sir Jeremy
Young, Jacob
Zahawi, rh Nadhim

**Tellers for the Noes:**
**Julie Marson and**
**Mike Wood**

*Question accordingly negatived.*
*Clause 2 ordered to stand part of the Bill.*
*Clauses 3 to 5 ordered to stand part of the Bill.*
*Schedule agreed to.*
*Clause 6 ordered to stand part of the Bill.*

### Clause 7

FURTHER PROVISIONS ABOUT REMOVAL

*Amendments made:* 165, page 9, line 13, after "immigration officer" insert "or the Secretary of State".

*This amendment enables the Secretary of State, as well as an immigration officer, to require a person who has been placed on board a ship, aircraft or train or vehicle for removal under the Bill to be prevented from disembarking.*

Amendment 166, page 9, line 19, at end insert—

"(9A) Paragraph 17A of Schedule 2 to the Immigration Act 1971 (period of detention) applies in relation to detention under subsection (8)(b) on board a ship, aircraft, train or vehicle as it applies in relation to detention on board a ship or aircraft under paragraph 16(4) of that Schedule."

*This amendment applies new paragraph 17A of Schedule 2 to the Immigration Act 1971 (as inserted by clause 12(1)(b)) on periods of detention to detention under clause 7(8)(b).*

Amendment 167, page 9, line 25, at end insert—

"(12) In this Act "immigration officer" means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971."—*(Robert Jenrick.)*

*This amendment adds a definition of "immigration officer" to the Bill.*

*Clause 7, as amended, ordered to stand part of the Bill.*

### Clause 8

REMOVAL OF FAMILY MEMBERS

*Amendment made:* 168, page 10, line 3, leave out "(9)" and insert "(9A)".—*(Robert Jenrick.)*

*This amendment is consequential on Amendment 166.*

*Clause 8, as amended, ordered to stand part of the Bill.*
*Clauses 9 and 10 ordered to stand part of the Bill.*

### Clause 11

POWERS OF DETENTION

*Amendment made:* 169, page 14, line 34, leave out "or (2)" and insert ", (2), (3) or (4)".—*(Robert Jenrick.)*

*This amendment makes it clear that, if a person may be detained under the new powers in the Bill, they may no longer be detained under paragraph 16(3) or (4) of Schedule 2 to the Immigration Act 1971.*

*Question put,* That the clause, as amended, stand part of the Bill.

*The Committee divided:* Ayes 302, Noes 242.

**Division No. 204] [8.1 pm**

**AYES**

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
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack
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
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
Drummond, Mrs Flick
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
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
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
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, Tom
Jack, rh Mr Alister
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Jenrick, rh Robert

Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, Fay
Jones, rh Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Kearns, Alicia
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
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
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
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Rowley, Lee
Russell, Dean
Sambrook, Gary
Saxby, Selaine
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 Ayes:**
**Julie Marson and Mike Wood**

**NOES**

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, rh Jonathan
Bardell, Hannah
Beckett, rh Margaret
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
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
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
Carmichael, rh Mr Alistair
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creasy, Stella
Cruddas, Jon
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
Davey, rh Ed
David, Wayne
Davies, Geraint
Davies-Jones, Alex
Day, Martyn
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
Duffield, Rosie
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
Flynn, Stephen
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
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
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, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz

Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
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
Malhotra, Seema
Maskell, Rachael
Mc Nally, John
McCabe, Steve
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)*
McMahon, Jim
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
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Oswald, Kirsten
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
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thomson, Richard
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
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

**Tellers for the Noes:**
**Liz Twist and**
**Mary Glindon**

*Question accordingly agreed to.*

*Clause 11, as amended, ordered to stand part of the Bill.*

*Clause 12 ordered to stand part of the Bill.*

8.12 pm

*Six hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 13 March).*

*The Chair put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).*

## Clause 13

POWERS TO GRANT IMMIGRATION BAIL

*Amendments made:* 170, page 21, line 41, leave out "any other prerogative remedy" and insert—

"(b) in Scotland, apply to the Court of Session for suspension and liberation."

*This amendment clarifies that in relation to Scotland inserted paragraph 3A of Schedule 10 to the Immigration Act 2016 (detention decisions) does not affect any right of a person to apply to the Court of Session for suspension and liberation. It also resolves an inconsistency in the paragraph by omitting a reference to other prerogative remedies.*

Amendment 171, page 22, leave out lines 9 to 11 *—(Robert Jenrick.)*

*This amendment is consequential on Amendment 170.*

*Clause 13, as amended, ordered to stand part of the Bill.*

*Clauses 14 to 21 ordered to stand part of the Bill.*

## Clause 22

PROVISIONS RELATING TO SUPPORT: ENGLAND AND WALES

*Amendment proposed*: 288, page 27, line 17, leave out subsection (2)*—(Stephen Kinnock.)*

*This amendment seeks to remove the Bill's restrictions on the provision of modern slavery support to those subject to the provisions in clause 2.*

*The Committee divided:* Ayes 248, Noes 299.

**Division No. 205] [8.14 pm**

**AYES**

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, rh Jonathan
Bardell, Hannah
Beckett, rh Margaret
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Bradshaw, rh Mr Ben
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Brown, rh Mr Nicholas
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, rh Yvette
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creasy, Stella
Cruddas, Jon
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
Davey, rh Ed
David, Wayne
Davies, Geraint
Davies-Jones, Alex
Day, Martyn
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Dixon, Samantha

Docherty-Hughes, Martin
Dodds, Anneliese
Donaldson, rh Sir Jeffrey M.
Doogan, Dave
Dorans, Allan *(Proxy vote cast by Brendan O'Hara)*
Doughty, Stephen
Dowd, Peter
Duffield, Rosie
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
Flynn, Stephen
Foord, Richard
Fovargue, Yvonne
Foxcroft, Vicky
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Girvan, Paul
Grady, Patrick
Grant, Peter
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Mrs Paulette
Hanna, Claire
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
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, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lavery, Ian
Law, Chris
Leadbeater, Kim
Lightwood, Simon
Linden, David
Lloyd, Tony *(Proxy vote cast by Chris Elmore)*
Lockhart, Carla
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacAskill, Kenny
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Maskell, Rachael
Mc Nally, John
McCabe, Steve
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)*
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, James
Nandy, Lisa
Newlands, Gavin
Nichols, Charlotte
Nicolson, John *(Proxy vote cast by Brendan O'Hara)*
Norris, Alex
O'Hara, Brendan
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Oswald, Kirsten
Owatemi, Taiwo
Owen, Sarah
Paisley, Ian
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
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thomson, Richard
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
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
Wilson, rh Sammy
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

**Tellers for the Ayes:**
**Liz Twist 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
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack
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
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
Drummond, Mrs Flick

Duddridge, Sir James
Duguid, David
Duncan Smith, rh Sir Iain
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
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
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
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, Tom
Jack, rh Mr Alister
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, Fay
Jones, rh Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Kearns, Alicia
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
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
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
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
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Rowley, Lee
Russell, Dean
Saxby, Selaine
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 22 ordered to stand part of the Bill.*

*Clauses 23 to 36 and 52 to 54 ordered to stand part of the Bill.*

### Clause 55

DEFINED EXPRESSIONS

*Amendment made:* 172, page 55, line 35, at end insert—

| | |
|---|---|
| "immigration officer | section 7(12)" |

*—(Robert Jenrick.)*

*This amendment is consequential on Amendment 167.*

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

*Clause 56 ordered to stand part of the Bill.*

### Clause 57

COMMENCEMENT

*Amendment made:* 66, page 56, line 22, leave out subsection (3) and insert—

"(3) The following provisions come into force on the day on which this Act ispassed—

(a) section (Judges of First-tier Tribunal and Upper Tribunal);

(b) sections 52 to 56;

(c) this section;

(d) section 58."*—(Robert Jenrick.)*

*This amendment provides for the new clause inserted by NC11 to come into force on the day on which this Act is passed.*

*Clause 57, as amended, ordered to stand part of the Bill.*

*Clause 58 ordered to stand part of the Bill.*

## New Clause 21

ORGANISED IMMIGRATION CRIME ENFORCEMENT

"(1) The Crime and Courts Act 2013 is amended as follows.

(2) In section 1 after subsection (10) insert—

'(11) The NCA has a specific function to combat organised crime, where the purpose of that crime is to enable the illegal entry of a person into the United Kingdom via the English Channel.

(12) The NCA must maintain a unit (a "Cross-Border People Smuggling Unit") to coordinate the work undertaken in cooperation with international partners in pursuit of the function mentioned in subsection (11).'"—*(Stephen Kinnock.)*

*This new clause would give the National Crime Agency a legal responsibility for tackling organised immigration crime across the Channel, and to maintain a specific unit to undertake work related to that responsibility.*

*Brought up.*

*Question put*, That the clause be added to the Bill.

*The Committee divided:* Ayes 249, Noes 301.

**Division No. 206] [8.25 pm**

### AYES

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, rh Jonathan
Bardell, Hannah
Beckett, rh Margaret
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
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
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, rh Yvette
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creasy, Stella
Cruddas, Jon
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
Davey, rh Ed
David, Wayne
Davies, Geraint
Davies-Jones, Alex
Day, Martyn
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Dixon, Samantha
Docherty-Hughes, Martin
Dodds, Anneliese
Donaldson, rh Sir Jeffrey M.
Doogan, Dave
Dorans, Allan *(Proxy vote cast by Brendan O'Hara)*
Doughty, Stephen
Dowd, Peter
Duffield, Rosie
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
Flynn, Stephen
Foord, Richard
Fovargue, Yvonne
Foxcroft, Vicky
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Girvan, Paul
Grady, Patrick
Grant, Peter
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Mrs Paulette
Hanna, Claire
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
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, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lavery, Ian
Law, Chris
Leadbeater, Kim
Lewis, Clive
Lightwood, Simon
Linden, David
Lloyd, Tony *(Proxy vote cast by Chris Elmore)*
Lockhart, Carla
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacAskill, Kenny
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Maskell, Rachael
McCabe, Steve
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)*
McMahon, Jim
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 John Nicolson)*
Norris, Alex
O'Hara, Brendan
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Oswald, Kirsten
Owatemi, Taiwo
Owen, Sarah
Paisley, Ian
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
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thomson, Richard
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
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
Wilson, rh Sammy
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

**Tellers for the Ayes:**
**Liz Twist 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
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack
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
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
Drummond, Mrs Flick
Duddridge, Sir James
Duguid, David
Duncan Smith, rh Sir Iain
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
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
Fuller, Richard
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
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
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, Tom
Jack, rh Mr Alister
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, Fay
Jones, rh Mr Marcus
Jupp, Simon
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
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
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
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
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Rowley, Lee
Russell, Dean

Sambrook, Gary
Saxby, Selaine
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 27

ACCOMMODATION: DUTY TO CONSULT

"(1) Section 97 of the Immigration and Asylum Act 1999 (supplemental) is amended as follows.

(2) After subsection (3A) insert—

'(3B) When making arrangements for the provision of accommodation under section 95 or section 4 of this Act, the Secretary of State must consult with representatives of the local authority or local authorities, for the area in which the accommodation is located.

(3C) The duty to consult in subsection (3B) also applies to any third party provider operating within the terms of a contract with the Secretary of State.'"—*(Stephen Kinnock.)*

*This new clause would add to the current law on provision of accommodation to asylum seekers a requirement to consult with the relevant local authorities when making the necessary arrangements.*

*Brought up.*

*Question put*, That the clause be added to the Bill.

*The Committee divided:* Ayes 248, Noes 301.

**Division No. 207] [8.37 pm**

**AYES**

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, rh Jonathan
Bardell, Hannah
Beckett, rh Margaret
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
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
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, rh Yvette
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creasy, Stella
Cruddas, Jon
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
Davey, rh Ed
David, Wayne
Davies, Geraint
Davies-Jones, Alex
Day, Martyn
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Dixon, Samantha
Docherty-Hughes, Martin
Dodds, Anneliese
Donaldson, rh Sir Jeffrey M.
Doogan, Dave
Dorans, Allan *(Proxy vote cast by Brendan O'Hara)*
Doughty, Stephen
Dowd, Peter
Duffield, Rosie
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
Flynn, Stephen
Foord, Richard
Fovargue, Yvonne
Foxcroft, Vicky
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Girvan, Paul
Grady, Patrick
Grant, Peter
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Mrs Paulette
Hanna, Claire
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
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, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lavery, Ian
Law, Chris
Leadbeater, Kim
Lewis, Clive
Lightwood, Simon
Linden, David
Lloyd, Tony *(Proxy vote cast by Chris Elmore)*
Lockhart, Carla
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacAskill, Kenny
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Maskell, Rachael
Mc Nally, John
McCabe, Steve
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)*
McMahon, Jim
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
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Oswald, Kirsten
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
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
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thomson, Richard
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
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
Wilson, rh Sammy
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

**Tellers for the Ayes:**
**Liz Twist 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
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack
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
Crosbie, Virginia
Crouch, Tracey
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
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
Drummond, Mrs Flick
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
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
Fuller, Richard
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
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
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, Tom
Jack, rh Mr Alister
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, Fay
Jones, rh Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Kearns, Alicia
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
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
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
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
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Rowley, Lee
Russell, Dean
Sambrook, Gary
Saxby, Selaine
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 1 ordered to stand part of the Bill.*

*The Deputy Speaker resumed the Chair.*

*Bill, as amended, reported.*

*Bill to be considered tomorrow.*

# Business without Debate

## DELEGATED LEGISLATION

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

### Building and Buildings

That the draft Building (Public Bodies and Higher-Risk Building Work) (England) Regulations 2023, which were laid before this House on 28 February, be approved.—*(Joy Morrissey.)*

*Question agreed to.*

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

### Merchant Shipping

That the draft Merchant Shipping (Fire Protection) Regulations 2023, which were laid before this House on 3 March, be approved.—*(Joy Morrissey.)*

*Question agreed to.*

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

### Banks and Banking

That the Amendments of the Law (Resolution of Silicon Valley Bank UK Limited) Order 2023, dated 13 March 2023, a copy of which was laid before this House on 13 March, be approved.—*(Joy Morrissey.)*

*Question agreed to.*

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

### Licences and Licensing

That the draft Licensing Act 2003 (Coronation Licensing Hours) Order 2023, which was laid before this House on 6 March, be approved.—*(Joy Morrissey.)*

*Question agreed to.*

## HOME AFFAIRS

*Ordered,*

That Stuart C McDonald be discharged from the Home Affairs Committee and Alison Thewliss be added.—*(Sir Bill Wiggin, on behalf of the Committee of Selection.)*

## JUSTICE

*Ordered,*

That Angela Crawley and Kate Hollern be discharged from the Justice Committee and Tahir Ali and Stuart C McDonald be added.—*(Sir Bill Wiggin, on behalf of the Committee of Selection.)*

## PETITION

### Anglian Water

8.50 pm

**Dame Andrea Leadsom** (South Northamptonshire) (Con): The petition states:

"The petition of the residents of Weedon Lois, Weston, Maidford, Whittlebury, Cogenhoe, Adstone, Eydon and Towcester,

Declares that Anglian Water should adequately address the very many ongoing concerns and poor service across South Northamptonshire including with pressure fluctuations and burst water mains in Maidford; persistent sewage odours and broken sewage mains in Whittlebury; frequent occurrences of low pressure and no water in Weston, Weedon Lois, Adstone and Towcester; sewage released into the River Nene at Cogenhoe; closure of the St Loys CEVA Primary Academy due to no water, notes that

*[Dame Andrea Leadsom]*

residents in the village of Eydon have experienced a series of burst water mains that have cut off the water supply to the village for a protracted period…

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 that water companies provide a satisfactory service for their customers.

And the petitioners remain, etc."

*Following is the full text of the petition:*

*[The petition of the residents of Weedon Lois, Weston, Maidford, Whittlebury, Cogenhoe, Adstone, Eydon and Towcester,*

*Declares that Anglian Water should adequately address the very many ongoing concerns and poor service across South Northamptonshire including with pressure fluctuations and burst water mains in Maidford; persistent sewage odours and broken sewage mains in Whittlebury; frequent occurrences of low pressure and no water in Weston, Weedon Lois, Adstone and Towcester; sewage released into the River Nene at Cogenhoe; closure of the St Loys CEVA Primary Academy due to no water, notes that residents in the village of Eydon have experienced a series of burst water mains that have cut off the water supply to the village for a protracted period; further notes that replacement to the pipework have been delayed, causing additional, prolonged disruption to supply and residents remain concerned about the impact this will have on their daily lives, further declares that Anglian Water should address the difficulties that residents have experienced in contacting them to resolve this issue and receive adequate compensation for the disruption and discomfort they have faced.*

*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 that water companies provide a satisfactory service for their customers.*

*And the petitioners remain, etc.]*

[P002817]

## Pro-Innovation Regulation of Technologies Review and the Computer Misuse Act 1990

*Motion made, and Question proposed,* That this House do now adjourn.—*(Joy Morrissey.)*

8.51 pm

**Dr Jamie Wallis** (Bridgend) (Con): Before I begin, I draw Members' attention to my entry in the Register of Members' Financial Interests, and in particular to my stakeholding in a firm that has historically offered digital forensic services, but which I understand does not currently and does not plan to offer such services for the next five years.

I am grateful for having secured this debate in order to highlight the importance of the Government's recent commitment to implementing the recommendations in Sir Patrick Vallance's pro-innovation regulation of technologies review, which included the introduction of a statutory public interest defence to the Computer Misuse Act 1990. I also thank the CyberUp Campaign, which has worked closely with me and other colleagues to champion the reform to the outdated CMA.

I am certain that the Minister will be aware that I previously stressed the reasons as to why we urgently need to reform the CMA in a Westminster Hall debate almost a year ago. In that debate, I argued, alongside insightful contributions from other hon. Members, that the 33-year-old Act needs further reform to bring our cyber-security capabilities into the 21st century.

The primary issue with the CMA, as it is currently written, is that British cyber-security professionals are at risk of being taken to court for obtaining actionable intelligence. Such is the scale of this concern, that a report by the CyberUp Campaign and techUK found that four out of five cyber-security professionals worry about breaking the law when conducting essential research in good faith. Currently, the only protections in the Act, beyond a few cases where a warrant is obtained, are extendable only to actions undertaken with explicit authorisation. Consequently, reform should include a legal mechanism and clarify legal ambiguities in order to put professionals at ease.

In 2022, the methods used by cyber criminals and cyber-security professionals are often very similar—sometimes the same. Individuals who work in cyber-security are frequently required to perform actions for which explicit authorisation is difficult, if not impossible, to obtain. Legitimate instances of unauthorised access include gathering proportionate threat intelligence; responsible vulnerability research and disclosure; active scanning; enumeration; use of open directory listings; identification; and, of course, honeypots.

Currently, we find ourselves in a perverse situation where industry specialists who are acting in the public interest—often dealing with issues that are critical to our national security infrastructure—are at risk of being designated a criminal. ENISA, the European cyber-security agency, notes that the threat of prosecution can have a "chilling effect" on cyber researchers which "adversely affects security". The upshot of this is that we are dissuading vital research from being conducted at a time when countries such as Russia and China are increasingly deploying hostile technologies against us and our allies.

**Jim Shannon** (Strangford) (DUP): I commend the hon. Gentleman for securing this debate. Does he not agree that the balance must be found to allow for new research and development while ensuring that there is protection in place, not simply in an individual setting, but in terms of security for our nation from cyber warfare? That is a delicate balance to find, as he has said. With the growing reputation of Belfast as a cyber-security hub, we should, with any legislation, be regulating and encouraging development in British-controlled companies in the safest way possible in the future.

**Dr Wallis:** Yes, I agree wholeheartedly with the hon. Gentleman. I think that I go on to elaborate exactly how we might be able to do that.

We are now almost two years on from when the former Home Secretary announced a review of the CMA. In those two years, the technological landscape has only further drastically altered with heightened cyber-security risks becoming endemic to an increasingly uncertain geopolitical world. Recent Government announcements surrounding TikTok only serve to prove this point.

In the case of TikTok, Government cyber-security experts have conducted a thorough review of evidence since November and have uncovered a potential risk in the way sensitive Government data is accessed. This conclusion has been corroborated by the United States, Canada and the European Union. The review highlights TikTok's data collection methods, which include the collection of user contact lists, accessing of calendars, scanning of hard drives, including external ones, and hourly geolocation of devices.

With this in mind, to protect against the increasing cyber threats in the UK and to combat online fraud, it is imperative to safeguard vulnerability and threat intelligence research related to defensive measures. The Office for National Statistics reported a concerning 77% rise in cyber threats in 2022, while online fraud increased by a third over the past two years. According to the Department for Digital, Culture, Media and Sport, data breaches survey in July 2022, 39% of companies have experienced a cyber-attack or data breach in the prior 12 months. In order to address these concerns, researchers play a vital role in identifying product and service vulnerabilities, working with manufacturers and vendors to fix them, detecting cyber-attacks, and gaining insight into attackers and victims. By doing so, they can decrease the impact of incidents and use horizon scanning to prevent future ones. The UK Government's National Cyber Strategy recognises the crucial nature of this work and is committed to building valuable and trusted relationships with security researchers to reduce vulnerabilities. Thus, reforming the CMA will be a significant step in developing co-operation with professionals.

The introduction of a statutory defence is not only essential for giving UK security professionals legal protections and peace of mind when responding to the increasing number of cyber threats, but will help to encourage innovation and influence the evolution of international regulatory frameworks to give us an economic advantage over our competitors. As the Chancellor clearly enunciated in his spring Budget statement, we must be on the front foot in shaping the evolution of regulation and standards in this key growth sector.

In his review, Sir Patrick agreed with me that

> "amending the Computer Misuse Act 1990 to include a statutory public interest defence that would provide stronger legal protections for cyber security researchers and professionals...would have a catalytic effect on innovation in a sector with considerable growth potential."

Such a defence would allow our technology professionals to compete on a level playing field with their counterparts in Israel, France and the United States who are already protected in statute.

As things stand, our digital economy is being held back by a law that came into existence when less than half a per cent of the population used the internet. Cyber-security industries in the UK now employ more than 52,000 people across 1,800 firms and a survey of such firms representing more than half of the sector found that, on average, respondents expected a 20% increase in revenue as a result of reforming the CMA.

CMA reform is expected to bring benefits to the entire digital sector and wider economy. According to a recent report by the Audiovisual Anti-Piracy Alliance, copyright-infringing internet protocol television providers in Europe generated more than £1.4 billion of unlawful revenue in 2021, causing significant damage to the UK film and television industry. CMA reform would allow cyber-security professionals to efficiently take down such illegal streaming platforms, providing yet another example of the economic advantages of this initiative. MakeUK also found that half of manufacturing businesses in the country had experienced cybercrime in the year to May 2021, with 63% saying they had lost at least £5,000 and 6% that they had lost over £100,000.

Recognising the importance of modernising cyber-security laws to foster growth, system owners such as internet service providers understand the need to support such regulations. Zen Internet, for instance, acknowledges its responsibility for maintaining cyber-security functions as an ISP. However, the current legislation poses limitations for security service providers that aim to ensure the safety of their staff, customers, and suppliers.

During the Westminster Hall debate that I secured on the CMA, the former Minister for Security and Borders, my right hon. Friend the Member for East Hampshire (Damian Hinds), suggested that,

> "we cannot put in place measures that would act as a mechanism for criminals and state actors to hide behind". —[*Official Report,* 19 April 2022; Vol. 712, c. 19WH.]

I completely agree with that sentiment. However, having liaised with industry experts, I know that it is possible to give the reassurances that professionals want without necessarily legalising what is obviously criminal activity. In order to ensure that there are appropriate safeguards so that any new legislation does not inadvertently create a legal loophole to be abused by bad actors, I recommend engaging with stakeholders such as CyberUp to implement a relevant defence framework.

Legal safeguards for good faith cyber-security activities could be established through a defence framework that would provide a set of principles for the courts to assess the validity of actions. Those principles would cover factors such as the harm-benefit balance, proportionality, intent and competence of the actor. The Belgian approach offers examples of such safeguards, which apply to activities meeting specific criteria, while identifying unacceptable

*[Dr Wallis]*

activities such as distributed denial of service attacks, password thefts, or hack backs that disrupt or damage the targeted systems.

From Charles Babbage and Ada Lovelace to Alan Turing and Tim Berners-Lee, as a nation we have a proud history of innovation in this area. With the Chancellor confirming in the Budget that all nine of Sir Patrick Vallance's digital technology pro-growth recommendations will be implemented, I know that this Conservative Government share my ambition to ensure that the UK cyber-security and digital sectors remain world leading.

To that end I am keen, along with cyber-security researchers up and down the country, to understand the timeline and process for the Home Office, working with His Majesty's Treasury, to introduce a statutory defence to the CMA. The sooner a well-considered defence is added to the CMA, the sooner we can unlock the great potential that such changes would entail for the economy. I hope the Minister will be able to provide some clarity on that point today.

9.1 pm

**The Minister for Security (Tom Tugendhat):** I thank my hon. Friend the Member for Bridgend (Dr Wallis) for securing this debate and for his continued interest in this issue. This is not the first time he has raised it with me—in fact, the first time he raised it with me was many years ago—but it is perhaps the first time that I may be able to assist.

In my role as Security Minister, I see evidence every day of the scale of the threat from cyber-crime that affects our citizens, businesses and Government services. There were an estimated 690,000 incidents of computer misuse in England and Wales in the year to September 2022, of which 577,000 were related to unauthorised access to personal information. I have seen the effects of criminals targeting businesses and individuals online—the businesses that suffer financial losses because of ransomware attack and their inability to carry on their businesses, and the individuals who lose personal information, including highly personal information, and can suffer harassment and blackmail because of it.

It is because of such criminal activity that protecting the country in cyber-space is such a key priority for the Government. It is essential that we ensure the UK has the powers and legislation to allow our law enforcement agencies to take action to tackle this threat. The Computer Misuse Act dates from 1990, before almost anybody had an email address—certainly before I did. Today, we could not only research the law online, but one of the large language model artificial intelligences we now see frequently used online could actually draft large parts of it too.

That is why this Government have launched a call for information, asking for different views on whether the 1990 Act and the powers used by law enforcement agencies to investigate the offences in that Act need to be enhanced.

In February, we launched a consultation in which we set out proposals for new powers for law enforcement agencies to improve their ability to take action to tackle crime online. Those proposals include a power to allow law enforcement agencies to take control of domains and internet protocol addresses to help tackle a wide range of offences, including fraud; a power to require the preservation of computer data; and a power to take action against a person possessing or using data obtained by another person through a CMA offence. In the consultation, we committed to further considering the question raised by my hon. Friend of whether the Act needs to be amended to provide defences to CMA offences.

As the Government set out in our response to the pro-innovation regulation of technologies review by Sir Patrick Vallance, the Home Office is taking forward work to consider the merits and risks of introducing changes to the Act in relation to the defences. That is a complex issue that requires significant further discussion with a wide range of stakeholders. The Computer Misuse Act is based fundamentally on the principle that the owner of the system is responsible for the operation of the system and its data, and bears the cost in securing it. It is right that they have the protection of the law from those who obtain or attempt to obtain unauthorised access to computers and their data.

It is important that we consult those who actually own the systems for their views on that. In particular, we need to ensure that any changes that we make to the Act support the continued improvement to the UK's cyber-security while ensuring that system owners continue to have the right to determine who may access their systems and data. That in itself feeds into the growth agenda. System owners need to know that the Government take unauthorised access to their systems seriously and will support them in tackling those who attempt to commit such offences.

Let me clear about some of the issues that we need to address in relation to introducing defences. The proposals would potentially allow a defence for the unauthorised access by a person to another person's property—in this case, their computer systems and data—without their knowledge or consent. We will therefore need to define what constitutes legitimate cyber-security activity, where a defence might be applicable and under what circumstances, and how such unauthorised access can be kept to a minimum.

We will also need to consider who should be allowed to undertake such activity, what professional standards they will need to comply with, and what reporting or oversight will be needed. Of course, we must make no changes that would prevent law enforcement agencies from investigating, prosecuting and pursuing those who commit cyber-crimes. I am sure Members would agree that, in the light of those issues, any changes must be considered very carefully indeed.

As we set out in the consultation, we have committed to working with law enforcement agencies, prosecutors, the cyber-security industry and system owners to consider proposals and reach a consensus on the best way forward. That work is under way, and the Government would welcome any contributions from those with an interest in this area.

*Question put and agreed to.*

9.7 pm

*House adjourned.*

# Westminster Hall

*Tuesday 28 March 2023*

[Sir Christopher Chope *in the Chair*]

## 25 Years of Devolution in Wales

9.30 am

**Rob Roberts** (Delyn) (Ind): I beg to move,

That this House has considered the matter of 25 years of devolution in Wales.

It is a pleasure to serve under your chairmanship once again, Sir Christopher.

Before I address the motion, may I speak on behalf of the House for the first time, and likely for the last time, in sending our condolences to the Welsh First Minister, Mark Drakeford, on the recent sudden passing of his wife, Clare? I never met Mrs Drakeford, but by all accounts she was a kind-hearted and compassionate lady, and I cannot begin to imagine how the First Minister and his family are feeling. I know that our thoughts are with them at this sad time.

I thank the Backbench Business Committee for finding time for the debate. I submitted the application last July in the hope of holding the debate in September. The eagle-eyed among us will note that although the debate is entitled "25 Years of Devolution in Wales", the 25th anniversary of the establishment of the National Assembly for Wales—the Senedd—will be next May. However, 18 September 2022 was 25 years since the day of the referendum that brought about devolution and led us to this point. Sadly, the debate could not held then because of the sad passing of Her late Majesty. I am grateful to the Committee for finding time for the debate today.

As you well know, Sir Christopher, Wales is a small but proud country, with a unique identity and an unusual degree of political continuity. It ought to have been able to develop and introduce unique policies, implemented in ways that just were not possible prior to devolution. But the record goes to show that in so many measurable ways, devolution has simply not delivered in terms of its impact on the lives of our constituents. It is not good enough to keep blaming Whitehall 25 years on.

In the almost 25 years of devolution, Wales has fallen behind the rest of the Union in nearly all of its devolved policy areas, and has continuously fallen short on UK-wide priorities. Devolution has not resulted in a new form of politics, as proponents had hoped. Far from reinvigorating democracy, voters are underwhelmed by devolution.

What of the increased democratic representation that we were promised? The Assembly was established on a 50.2% turnout of the people of Wales, with an outcome of 50.3% in favour and 49.7% against. From a situation in which 25.3% of the people of Wales voted in favour of establishing devolution, Wales was thrust into a project of seismic proportions, which would change the constitutional make-up of the UK irrevocably. It is ironic that we had uproar and claims of illegitimacy about the recent 52% to 48% vote on the B-word, yet the 50.3% to 49.7% result, which has led to nothing positive in Wales, went ahead unquestioned and, crucially, with no subsequent assessment of whether it is actually working.

Since 1998, turnout in elections to the Welsh Assembly—subsequently renamed the Senedd at great but pointless expense—has declined continuously, reaching as low as 38.2% and never exceeding 46%. That woeful figure only goes to prove that voters have become apathetic and disengaged with the Welsh Government. Can we blame them?

My constituent Mikey Connolly pointed out to me recently that 23 out of the 40 Senedd constituency seats and three out of the five regional areas are covered by people who live in the Cardiff and Swansea regions. No matter what happens, or how bad things may get for people living in the remaining 75% of the country, even if every single one of those individuals voted for the same alternative party in every single election, Labour would never be voted out of power, so long as the majority of voters in Cardiff and Swansea are kept happy.

As Mr Connolly rightly asks,

"what incentive is there then for Labour in Wales to improve the quality of life of those in Mid and North Wales, or even create policies that adequately account for the vast differences in culture, population, needs and quality of life between the South and the rest of Wales"?

He is 100% correct: it is a flawed system that will leave the people of north Wales in particular with a permanent democratic deficit and feeling, as we already do, not like the poor relations, but like the forgotten relations.

The cost of the Senedd in 2021-22 was £62.9 million. There are proposals to increase the number of Members from 60 to 96, which would take an already inflated cost up by another £12.5 million, giving less value for money for the people of Wales time and again.

Recently, we saw a report saying that the buildings of the Betsi Cadwaladr health board in north Wales are only 62% operationally safe, with some £350 million needed just to bring existing structures up to scratch, without talking about any new ones. Now, the health board has been placed in special measures, which are special in name only, because this has been the case for the past eight years, with no noticeable improvement in service for the long-suffering people of north Wales. Had we not been paying the money for a devolved Administration for the past 25 years, we could have ensured that every one of our hospitals across Wales was properly maintained, not falling down around the ears of our dedicated and hard-working NHS staff.

Routinely in this Parliament, Labour MPs attack the Government on a range of perceived issues—rightly so; as Opposition Members, it is their duty to do that—but in Wales Labour has been front and centre since 1999, and failing to deliver since 1999. Since the advent of devolution, Welsh Labour has been virtually unopposed in government. Never having won an outright majority, Labour relies heavily on the support of Plaid Cymru and the Liberal Democrats, which are both seemingly as reluctant as Labour to accept the part they have played in mismanagement on a colossal scale.

Interestingly, on a visit to Llandudno last year, the Leader of His Majesty's Opposition, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), said that

*[Rob Roberts]*

"a Welsh Labour government is the living proof of what Labour in power looks like. How things can be done differently and better… A blueprint for what Labour could do across the UK."

What exactly does Welsh Labour have to show for almost a quarter of a century in power as a blueprint for the rest of the UK?

I want to examine some of the areas of life in Wales that have been devolved, and how they have developed and progressed over the period of devolution. First, let me consider the issue that is probably closest to most people's hearts and most important in their lives—the health service. As we know, the Labour party in this Parliament relies heavily on scaremongering and unfounded soundbites such as, "Only Labour can save the NHS," and, "The Tories will sell off the NHS," while simultaneously going out of its way to ignore the scale of the crises in Wales, and pointing out everything that is wrong in England but never doing anything to fix the even worse issues in Wales.

**Jim Shannon** (Strangford) (DUP): I commend the hon. Gentleman for bringing this debate to the House, but I am aware that each region should have the opportunity to express its own ideas. I am sure he is not saying any different, but does he agree that the beauty of this United Kingdom is the ability to express our British strength through the lens of our individual nations, and that devolution and the ability for local issues to be determined locally by locally elected representatives are always goals that should be striven for? Will he join me in urging the Government to strive towards those goals, rather than the goal of appeasing the European Union, which we voted to leave, but which is determining the devolution process itself?

**Rob Roberts:** As always, the hon. Gentleman makes some excellent points. I agree with the sentiment of what he is trying to get to and trying to achieve, and that it is important for local areas and the regions to have their say on a hyper-local basis, but I am much more focused on outcomes. From my point of view, when we are having these debates and making decisions closer to home, the most important thing is whether people in those areas are benefiting from that process. I hope to go on to prove that they are not.

Especially in this place, we tend to get a little caught up on process and form, and on how we do things. We do not necessarily focus on what we have done, what the outcome is, and how that benefits the people we are here to serve. The hon. Gentleman's points are well made. I hope I can show that devolution is not necessarily working in the way that it should. Hopefully we can improve it—let us see—but it is certainly not going exactly as it was planned.

Health boards are in special measures. As I mentioned, Betsi Cadwaladr University Health Board, which serves my Delyn constituency in north Wales, has been in special measures for eight years, except for a conveniently short period just before the most recent Senedd election. It was brought out of special measures in the run-up to the campaign period, despite there having been no actual changes, and then, interestingly, put back into a regime of targeted interventions shortly after the election. I am sure that was just a coincidence; I would not want to read anything sinister into that.

Labour's rhetoric on the NHS hits closer to home than it would ever care to admit. Despite no modern-day Conservative Government ever having cut the NHS, Welsh Labour cut it in 2015. The King's Fund expertly demonstrated that recently. It reported that under the Conservatives the NHS has had a budget increase of 39% in real terms since 2010, with planned spending for the Department of Health and Social Care in England at £180.2 billion. Welsh Labour has failed the NHS. A blueprint for what Labour can do across the UK? I hope not.

Secondly, Wales has the lowest achievement and poorest educational outcomes in the entire UK. Across the period, school spending per pupil has been consistently highest in Scotland and generally lower in Northern Ireland. In 2021-22, spending per pupil totalled £7,600 per head in Scotland, £6,400 in Northern Ireland, about £6,700 in England and £6,600 in Wales. Given the nature of the funding formulas, the funding in Wales should be a lot closer to that of Scotland because, for every £1 spent on services in England, there is around £1.20 for that service going to Wales—a significant uplift, yet Welsh schools are consistently underfunded. Again, Labour is turning its back on students and barely holding up an already struggling education system.

In 2019, it was discovered that out of the £2.5 billion earmarked for schools in Wales's education budget, at least £450 million never even made it. Where has the money gone? It has been swallowed up by a wasteful bureaucracy and the inefficient spending that lies at the heart of devolution. That proves that Labour's devolution plans were not fully thought through. A blueprint for what Labour can do across the UK? I certainly hope not.

Thirdly, in a 2019 Cabinet meeting the Welsh Government declared a climate emergency. It was not a priority—they just slipped it in under any other business at the end of the meeting. No real policy action was ever taken. In fact, their preservation of the natural environment is also flawed. In October 2018, Labour AMs voted against stopping the dumping of nuclear mud in Cardiff bay. They failed to invest in proper flood defences. They presided over a 28% increase in cattle slaughtering at the end of August 2019 due to a rise in bovine tuberculosis, causing huge damage to our agricultural sector.

Finally on the environment, a 2018 Senedd research briefing found that pollution was causing 2,000 deaths a year in Wales. Imagine pollution causing deaths in Wales, a land of nothing but fields, trees and wide open spaces. It beggars belief. Despite the UK as a whole being the fastest decarbonising nation in the G7, and despite Welsh Labour's trumpeting—quite rightly—the amount of recycling done in Wales, Labour has cut carbon emissions in Wales by only half the rate of the UK. On climate and the environment, devolution has categorically failed. How can Welsh Labour be so far behind UK targets and still blame Westminster for its failings?

I will move on to housing, which is immensely important to my constituents and communities across Wales. As recently as the 2019 general election, the leader of the Labour party, who leads the official Opposition to the Government in Westminster, pledged 100,000 new council houses every year. It sounds like a wonderful figure, but we have to remember that the Welsh Government, under Labour management, released data detailing a

meagre 57 builds by local authorities in 2019. I am lucky enough to say that 39 of them were in my constituency—but still.

Data from the National House Building Council confirms that, in 2020, there were 125 new homes built in my constituency. In 2021 there were 109, and in 2022 there were a massive 42 new houses. Bearing in mind that those are all new-build private properties rather than social housing, where are all the houses that the Leader of the Opposition pledged would be built under Labour? The Welsh Government have every opportunity to build them in Wales, but they do not materialise. Concurrently, there has been a 45% increase in rough sleeping in Wales under Labour. A blueprint for what Labour can do across the UK? I hope not.

When we delve deeper into the management of the Welsh economy, we see the failure of devolution for voters in Wales. Some £157 million has been wasted on reports and reviews on the much-needed M4 relief road in Newport—a policy that was shelved by the Welsh Government in 2019, despite the astonishing amount of money spent on it. If south Wales had that relief road, it would ease congestion and unlock a new era of opportunities in the area, allowing more people to travel in and out of Wales to work and set up businesses.

Other Members will know much more about that than I do, given that I am from north Wales, but there is a similar situation in the north, with millions of pounds having been wasted on new road plans—red routes, blue routes, purple polka-dotted routes and all sorts of things, such as compulsory purchasing of properties and unfinished road-building projects. I used to refer to one of the Welsh Government's previous Ministers for the Economy and Transport as the "Minister for Documentation", as his Department seemed to produce report after report, study after study and consultation after consultation, but never actually did anything to improve things in north-east Wales.

On the subject of business and transport, the Welsh Labour Government and Plaid Cymru want to deliver a hammer blow to our vital tourism and hospitality sector with a tourism tax for Wales. Just when the industry is building back from the pandemic, it needs our support, not to be punished. Thousands of jobs are at risk if we do not stop the tax on tourism. Opposition from the Wales Tourism Alliance and others, including over 400 responses from the tourism industry, has been completely ignored by the Welsh Government, which is frustrating the industry, as it continues to be sidelined and ignored. It is just not good enough. My constituency of Delyn in north Wales relies heavily on our tourism industry, and the Welsh Labour Government's tourism tax proposals will be a tax on Welsh hotels, Welsh hospitality and Welsh jobs at a time when we need to be taking measures to tackle our cost of living crisis, not to contribute to it.

The Welsh Government are rolling out a 20 mph speed limit across Wales, which will—pardon the pun—slow the economy even further. It denies local bodies the ability to make policy decisions affecting their community on a more local basis, not to mention that the roll-out will cost over £32 million and increase emissions. It is just a bizarre policy.

The correlation between increased legislative powers and decreased political engagement is a sign of resentment and apathy, and it is incredibly disappointing compared with the rest of the UK. The Welsh Government seem hellbent on the ideals of high tax and state expansion, when they have been failing in Wales for a quarter of a century.

Every week we sit on the green Benches for Prime Minister's questions as Opposition Members shout, "You have been in charge 13 years; why haven't you changed anything?" The Welsh Government have been in place for nearly 25 years, with nothing but downward spirals and declining services, but that is okay, they never shout about that. They are not here today, interestingly, to shout that the Senedd is not doing its job, but they are more than happy to yell across the Chamber at the UK Government.

The Welsh Government's insistence on raising council tax by pulling those on lower incomes into higher council tax bands, and their decision to pursue a tourism tax, despite one in seven Welsh jobs relying on that sector, show why Wales is consistently failing on UK-wide priorities.

In education, the OECD and the PISA—programme for international student assessment—scores ranked Wales the lowest of all devolved members of the Union in every educational standards category between 2006 and 2018. Running with the same theme, our economic data make for challenging reading. Wales is unique with around 20% of the workforce relying on public-sector employment. That alone is not necessarily a bad thing, but considering that the private sector is equally reliant on Government, it is a harsher picture.

Subsidies and grants mask Wales's real economic value, and suppress competition, innovation and entrepreneurship. Our micromanaged economy is stifling any chance of increased investment in Wales, which is crucial to any self-reliant economy. The Welsh Government's inaction in tackling business rates continues to devastate the Welsh high street, where shop after shop has been boarded up and abandoned. To add insult to injury, in 2021 the UK Government provided Wales with the largest annual funding settlement since devolution began, but the mismatch between revenue and properly directed public spending remains a heavily unbalanced picture.

Indeed, only yesterday we found out that the Welsh Government, at a time when there are problems all over Wales with creaking public services, in the middle of covid had to give £155 million back to the Treasury, because they did not spend it in the correct financial year. They sat on £155 million in the middle of the pandemic, when that could—and should—have been used for improving our hospitals and our response to covid, along with other crucial infrastructure. That money was squandered by the Welsh Government. Devolution is failing the Welsh economy. A

"blueprint for what Labour could do across the UK,"

the Leader of the Opposition said. I do hope not.

Another sad but prime example of the Welsh Government's recklessness with money is the purchase of Cardiff airport for £52 million in 2013. In March 2021, it was announced that the airport was being given another £42 million of taxpayers' cash, while the £42.6 million that it already owed in debt to the Welsh Government was being written off altogether. That was a total spend of almost £100 million in nearly a decade for an airport that is said to be now worth £15 million, less than a third of what the Welsh Government paid for it 10 years ago.

*[Rob Roberts]*

We continue to be told that it will be used to connect Wales with the rest of the world. I have not found a single record of any current Welsh Government Minister having used it for foreign visits. It has cost the Welsh economy millions by failing to keep scheduled flights to Qatar in the middle east. An estimated £200 million of good taxpayer money has been completely and utterly wasted. It would have repaired almost the entire health board estate in north Wales.

As I have touched on the subject of the coronavirus pandemic, it is worth mentioning the abject failure of the Welsh Government, their handling of the pandemic and their outright refusal—inexplicably—to have a covid inquiry on the matter, safe in the knowledge that any UK-wide inquiry will secure media scrutiny only of the actions of the UK Government, and the decisions taken by Labour in Wales mean they will escape scot-free, so they need to answer almost nothing, despite repeatedly saying that every decision was specific and unique to Wales.

The exercise of a range of emergency powers that curtailed the liberty and closed the economy of Wales and its people was bad enough, but for the Welsh Government then to avoid accountability at all costs through an inquiry that focuses on how decisions were made has never been and will never be a tenable position. Under Labour, the fact is that Wales experienced the highest covid death rate per capita of all UK nations, despite a population density significantly lower than other parts, and economically cruel and unnecessary restrictions were imposed. Those measures must be properly scrutinised in an independent inquiry.

The First Minister went on social media at every possible opportunity, every time the right hon. Member for Uxbridge and South Ruislip (Boris Johnson) was on the TV, and every time he said, "These measures are England only. The Prime Minister does not speak for Wales." He kept on saying that. If he and the Welsh Government are so confident about their actions and the steps they took, why are they against their being examined in a Wales-specific inquiry? The very nature of devolution means that those in power are held accountable locally for the decisions made: ducking that is shameful and cowardly. That is what people will be saying, when the UK and Scottish leaders have ordered investigations into their own handling of the pandemic.

As discussions are being had by a noisy minority in support of more devolution and even the ludicrous notion of independence for Wales, we must all be bold enough to look at these failures and ensure that above all else, Wales is not handed more powers by this UK Parliament without proper scrutiny from this House. That is not to talk down Wales, as I will now doubtless be accused of doing; it is the harsh reality of the situation.

Wales is subsidised by England—it is. There is no point denying it or getting away from it. The total tax revenue in Wales is exceeded by far by the amount of spending there. The difference comes, quite rightly, from the UK Government, because we are firmly and comfortably part of a United Kingdom, but where do these shouters for independence think they will get the money to pay for everything? None of the public services in Wales work. Where will the funds come from for Wales to have its own courts, police, emergency services, welfare systems, state pension, defence, infrastructure and everything that an independent state would need? It is absolutely pie in the sky.

Whatever participants in this debate think, and wherever they sit on the political spectrum, as I mentioned to the hon. Member for Strangford (Jim Shannon), outcomes should be their priority. What makes the lives of the people in Wales better? The people of Delyn do not give two hoots about idealism or political shenanigans or things that go on in this place or in Cardiff; they do give two hoots about being able to put food on their table. They give two hoots about having jobs and opportunities, being able to provide their children with a better start in life and being able to rely on a health service to help them in their most difficult times.

Finally—hon. Members will be happy to hear—a short mention for the proposed expansion of the Senedd from 60 to 96 Members. I do not even know where to start. It is quite astonishing that an institution that already has 60 people for a country of 3.1 million—one for every 52,000 constituents—would need another 36 elected representatives. What is it going to do with them? England has 56 million people and 533 MPs. That is one for every 105,000 people: double what we have in Wales. London has almost 10 million people and the London Assembly scrapes by with just 25 members.

The ridiculous situation does not end there. Not only do those in favour want to add another 36 Members to the Senedd, but they want to further strip them of accountability. We currently have a bunch of constituency Senedd Members who are elected on a first-past-the-post basis, as happens here. We also have regional Senedd Members: some across north Wales, south Wales, central south Wales, west Wales and so on. They will do away with the constituency ones altogether—or kind of—and introduce a proportional representation system for the whole thing. We will not vote for an individual any more but for a party, and then the party will fill the seats it wins with whoever is top of its list. Each constituency will have multiple Members, and no people will be elected, only parties, with the seats filled from their internal lists. Call me a cynic, and something of a traditionalist—as I know you are, Sir Christopher—but I think that is an affront to democracy, as people will not be able to vote for the person they want and just have a bunch of people forced on to them by political parties without the first clue as to who they might be.

I have probably spoken for long enough. There is a great discussion going on in the Cabinet Office and the Department for Levelling Up, Housing and Communities about regional devolution deals across England. I caution hon. Members who call for increased localism in decisions that having those decisions made closer to the source does not automatically translate into better outcomes. If there is one thing we can learn from the failed devolution experiment in Wales, that is surely it. I have said it before and I say it again: it is my abiding hope that the Minister in his winding-up speech will confirm that there are plans to let the people of Wales have their say: not on whether there should be enhanced powers or more devolution, but on whether devolution should be allowed to carry on at all, so we can redirect the money wasted on a failed institution into providing better services for the people of Wales.

With all due respect, it shows how much value is placed on debating the institution and the issue that, sadly, virtually none of my Welsh MP colleagues are in

the room to discuss the nature of the Senedd today—which is fundamental and one of the most important things to have ever happened in the lives of our constituents in Wales. That just goes to show the contempt that both the people in Wales and, potentially, the people in this House hold for the Senedd as an institution.

10.4 am

**Dame Nia Griffith** (Llanelli) (Lab): I really do not recognise a lot of what the hon. Member for Delyn (Rob Roberts) has laid out. One great thing about devolution is that there has been far greater transparency and that enables him to make some of his analyses. Every region and council in England has things that have not always gone exactly as they should, and which could have been done better. That is obviously the case for Wales as well. People are not always going to get everything right first time. They are not always going to do everything the best way. However, the point is that they are democratically elected and closer to their communities, and they have the opportunity to improve and change things.

I want to put on record the remarkable progress that Wales has made over the last 25 years. Setting up the Senedd—or the Assembly as it was then—from scratch and gaining greater powers has been done in a remarkably short time. Considering that we were faced with the consequences of a world banking crisis seven years after it was set up it has not been an easy time.

In Wales, we have the opportunity to use powers imaginatively and to do things differently. Right from the start, we in the Labour party looked at who was going to represent us. We decided to go for a twinning process and put constituencies together so that we would have an even number of Labour women and men standing for election in winnable seats. Too often, women were confined to less winnable seats. That provided a strong degree of gender equality in the Assembly, which coloured debate. Why is it that Wales led on childcare provision? We have had a strong tradition of women speaking up in the Senedd. Why is it that Wales spends more on social care? Why does it provide better social care and a living wage for all in the care sector? That has been delivered by the Welsh Labour Government because we believe it is very important. Why have those issues been raised? It is because we have more women taking part. There has been a real shift in focus, and a real determination to do things differently within the powers we have. We do not have all the powers, but we use them imaginatively. For example, how did we ban fracking in Wales? We banned fracking through the planning laws, because that is where we have powers.

In Wales, we have taken up long-term issues such as preventive medicine, the results of which will not be seen for a very long time. We were the first to bring in a smoking ban. Smoking is at record lows in Wales. That is good, but it will be years before the long-term benefits to health outcomes are seen. We have concentrated on the foundation phase of education. Again, it may be a considerable time before we see the full benefit of that investment because we are starting with the youngest children. We have a very innovative curriculum.

What is important about devolution is the closeness of the Administration and the Ministers to the people they serve. Time and time again, whether it is business groups, trade unions or stakeholder groups, people in Wales feel that they can access the Welsh Government. They can have meetings with Ministers or officials. They are involved in consultations.

Take the recent consultation on business rates. People have talked about reform of business rates forever and a day across the UK, but the Welsh Government have got on and started consulting. No one thinks that finding a solution will be easy because there will always be winners and losers, but the important thing is having the consultation and the fact that people in Wales feel they have an opportunity to contribute. A good example occurred during covid, when Julie James, a Member of the Senedd who was then in charge of local government, had regular meetings with council leaders across Wales. Even Opposition party leaders recognised the value of that: nothing was a shock for those councils. Local authorities were under stress, having to deliver everything during covid: providing school meals during lockdown, ensuring social distancing in the workplace and preparing schools for reopening, to name but a few—not to mention the delivery of the test and trace programme, which cost so much less and was so much more effective in Wales because it was delivered by local authorities who knew their people well.

**Rob Roberts:** The hon. Lady used the words, "far greater transparency". I mentioned the covid inquiry; from what she is saying, in Wales, everything was run quite well and all the Ministers made excellent decisions. Is it not therefore incomprehensible that Wales should not have its own bespoke covid inquiry to scrutinise whether those decisions were actually as good as she is making them out to be?

**Dame Nia Griffith:** I find that comment surprising from somebody who purports to want to save money. We can do what the hon. Gentleman suggests at one fell swoop, with one covid inquiry. It can have specific studies of what happened in Scotland, Northern Ireland and Wales; there is absolutely no reason why that should not be the case. The National Audit Office gave Wales a clean bill of health on the way it purchased personal protective equipment throughout covid, whereas we have seen some shocking figures on UK Government money that went astray, and some dreadful accusations of cronyism in who won various contracts; companies in my part of Wales missed out because their emails were never even opened by the Department of Health. I can cite one company that, despite being a trusted supplier to the Ministry of Defence, police forces and health service in Wales, did not even get a look in from the NHS in England.

Getting back to the point, the Minister in Wales talked to the leaders of local councils; they knew that councils were facing the stress of having to deliver measures under covid, so they made sure that councils knew what was coming down the line. That contrasted very sharply with what happened in England; leaders in the north of England found out that their whole areas were being put under covid restrictions literally a couple of hours before it was announced on local radio. That was an utter disgrace. The situation in Wales reflects what can be achieved in a more devolved situation, where people can have greater access. We cannot expect people to have that same sort of access in a UK Government situation, in which we would clearly be dealing with a

*[Dame Nia Griffith]*

much larger country. However, there could have been a great deal more co-operation on covid restrictions and with councils.

There was a shocking disregard for the powers of the devolved Governments during covid. They were often not apprised of what was happening at Cobra meetings and found out about things very last minute. There could have been much better consultation, much better dialogue and actual interaction on how things could be done better. The same situation was repeated in the United Kingdom Internal Market Act 2020; instead of constructing a situation in which there would be proper consultation and discussion, the UK Government pushed through legislation that effectively ignores devolution and rides roughshod over the devolution settlement.

That has likewise happened in the distribution of levelling-up funding and the shared prosperity fund. It is quite extraordinary, because nobody logical would ever think of missing out the Welsh Government when deciding how to use the levelling-up fund and the shared prosperity fund. The Welsh Government have been central in the distribution of European funding, and they already have established partnerships with the local authorities. It is absolutely bizarre; there can only be a political motivation. Nobody in their right mind would think of missing out a layer of Government as important as the Welsh Government when managing those funds.

The other thing that the Welsh Government are prepared to do is step in. Again, that is one of the benefits of their being close to people, and being transparent. A Government can step in when they can see what is happening and what is not going right. In Ynys Môn, for example, the Welsh Government stepped in because the local council was failing. The Welsh Government have stepped in with Betsi Cadwaladr. The important thing is that they are being proactive and getting in there. Nobody pretends that everything is perfect; the important thing is that a Government be prepared to act and do something. They should not wait 20 years for somebody to produce a report on how terrible things are, particularly with hospitals. It is important to get in there now and work with the people there to improve things.

**Rob Roberts** *rose—*

**Dame Nia Griffith:** I think the hon. Gentleman has said enough on that issue; I am going to have my say. Perhaps I will let him come in on another topic.

I will move on to the situation that we are in now. We are clearly facing a major climate crisis. What are the Welsh Government doing? We are moving forward. We are moving forward on renewables very quickly, and we have set up a company to help drive investment in renewables because we recognise the challenge. We also recognise that we have some of the heaviest and dirtiest industry in the UK, so we have an even greater challenge. Of course we in Wales will find it more difficult to reduce our carbon footprint than areas without those challenges will, but we are motoring ahead.

I want to draw the attention of the hon. Member for Delyn to the Advanced Manufacturing Research Centre in north Wales. The Welsh Government plan to encourage investment in it. Most importantly, the Welsh Government are trying hard to work with people in Wales; we are trying to consult them and take them with us. That is why we have had fewer strikes in Wales than in England. Railway workers have not gone on strike in Wales because they have already managed to agree something, whereas they have carried on with strike action in England. Likewise, we have had a more constructive approach to workers in the health service; we recognise that standards can be raised only through partnership with everybody involved. That is important.

We could score points forever, looking at what is good in one place and better in another. The fact is that England is a large place. Many rural parts of England have similar challenges and difficulties to Wales; in those places, it is difficult to attract specialist staff. Difficult decisions have to be made about how to provide ultra-specialist services when there is not the population to support the models we have in places such as London, where lots of specialist hospitals are very close together. There are huge challenges, not just in Wales, but in parts of rural England. The same can be said about rural transport.

Let us be clear about some of the things we have done in Wales. We were the first UK health service in Europe to put nurse staffing levels into law, making a real difference to patient outcomes, experiences and quality of care. We were the first country in the UK to introduce a single cancer pathway, making sure everyone gets the best possible care and treatment, and cancer survival rates in Wales are increasing. We were the first part of the UK to introduce special, non-invasive tests for babies before they are born, helping to reduce the risk of miscarriage, and we were the first UK health service to commit to ending new cases of HIV by 2030. As I have mentioned, Wales was the first to ban smoking in public places, and the first to change the law for presumed consent for organ donation. Of course, we championed prescriptions, which continue to remain free in Wales despite many economic pressures.

I could go on, but the important point is that co-operation and consultation matter. We have a new curriculum in Wales. It is imaginative and different. It is not so focused on a narrow set of examination results; it is a much broader education. It reflects a lot of what is going on in many other European countries. It will take time for us to see its results, but it has been developed with teachers, pupils, communities and, most importantly, business and industry, looking at the rounded skills that are so often needed in addition to straight examination results.

As we move forward into the next decade and the challenges that it will produce, the important thing is that people have an opportunity to make their views known at the polls—to elect the people they want to serve them in Wales and on their local councils. To roll back on devolution—to try to centralise things—will not serve people's best interests.

10.21 am

**Richard Thomson** (Gordon) (SNP): It is a great pleasure to serve under your chairmanship, Sir Christopher. I congratulate the hon. Member for Delyn (Rob Roberts) on finally securing the debate, and I echo his sentiment that all our thoughts continue to be with the Drakeford family at this difficult time.

It was something of a shock to me when I realised that I had started being able to measure my involvement in politics not in years or decades but in quarter centuries—and perhaps even in greater increments. Among the first political campaigns that I was involved in, as a university student, were the 1997 devolution referendum campaigns. Obviously, I had been involved in political campaigns before that, but what I found inspiring about the campaign in Scotland was its cross-party nature. Whether people supported devolution or independence, and irrespective of which party people supported—there were even a few intrepid souls from the Conservative and Unionist party who wanted to see a Scottish Parliament of some kind—the ability to set partisan political and policy differences aside allowed us to build a campaign for, win the consent for and then establish that institution.

The referendums in Scotland and Wales were a week apart. It was such a relief to get the thumping result that we achieved in Scotland, and it was with some trepidation that we waited the next few days to see what would transpire in Wales. I remember watching the results that night; I went to bed quite despondent at the way that it looked like things would pan out, only to wake up and find that the good voters of Carmarthen had turned out in such numbers as to take the result over the line and deliver a yes.

It is fair to say that, for different reasons, devolution in Scotland and Wales got off to a slightly shaky start. London imposed a Welsh First Minister who was not perhaps the choice of the governing party in Wales; that was not the wisest piece of party management. That was perhaps an early lesson, for those prepared to take it, that excessive interference in Welsh politics from the London end of the M4 is not the way to go, and that it is best to leave it to the people in Wales to decide for themselves.

After that, the Welsh Government got on with a pretty solid programme of delivery. The hon. Member for Llanelli (Dame Nia Griffith) gave a comprehensive list of their measures; I would add that it was the first part of the UK to introduce a charge for single-use plastic bags. There were the predictable squeals of outrage from the usual suspects, but the charge is now regarded as the norm right across the UK. There was the abolition of prescription charges, and the provision of school breakfasts. Wales was an early adopter of a children's commissioner to stand up for the rights of young people who often find themselves without a voice in institutional settings. There were also a range of other policy measures taken to address social and economic inequalities. I have to say, having viewed all that from several hundred miles away in Scotland, that it seemed to me for a time that although Wales had a less powerful version of devolution, the Government in Wales were doing so much with so little, while our Government in Scotland appeared to be doing so little with so much.

As I say, a lot was done in Wales with limited powers. Since then, devolution has evolved, and further powers have been devolved. I was very taken by the child poverty figures. Child poverty outcomes in the UK show us that child poverty rates are far too high. They are far too high in Scotland, at 21%. However, now that Scotland has used its devolved powers, its child poverty rate is much lower than the rate anywhere else in the UK, as a result of measures such as the introduction of the pioneering baby box. I am sure that we will see further push-down on that figure as a result of the increase of the Scottish child payment to £25 a week. I must pose a question: how much more might the Welsh Government be able to do if they had resources at their disposal, and the power to use them?

There is a similarity between much of what I heard the hon. Member for Delyn say this morning and what some of his counterparts in Scotland say. It comes down to a "What have the Romans ever done for us?" style of argument, if I can characterise it thus. I hear echoes of Michael Forsyth, as he was in old money; he is now Lord Forsyth of Drumlean. This is going back 25 years. When I was a student at Stirling University, he was for a short time my Member of Parliament, and in the lead-up to the 1997 general election, he said that devolution would create a costly and unnecessary tier of government. I am sure that the hon. Member for Delyn would agree with that assessment. I almost agreed with it at the time; it is just that, as a supporter of Scottish independence, I took a slightly different view about which tier of Government was the costly and unnecessary one. The argument used to be made: "What could devolved Governments do that an engaged Secretary of State couldn't?" I would say that, first of all, there would have to be an engaged Secretary of State, which we did not always have, or they might not be engaged in a way that we liked. However, the fundamental point is about democracy; it is about people in Wales and Scotland always getting the Government that they vote for, and their being able to hold that Government to account, however they think best.

It is telling that despite people voting for devolution in Wales by a very slim margin in 1997, when the opportunity came along to empower the Welsh Assembly with legislative powers to make it a proper Parliament—the Senedd—people in Wales voted decisively for that. That showed that the institution had won its spurs, and that Welsh self-government had very firmly come of age.

**Rob Roberts:** The hon. Member is making some excellent points. However, I am interested in the idea that this thumping margin in 2011, when there was a vote for increased powers, somehow made things legitimate. The turnout in Senedd elections has never been more than 46%. How can he possibly say that such elections have legitimised the institution in the eyes of the people of Wales, when more than half of the country does not even turn out to vote in elections to the Senedd?

**Richard Thomson:** If turnout is low in Wales, then politicians there—perhaps even including the hon. Member—need to look at the prospectuses and the arguments that they are offering. If they cannot inspire people to turn out to vote, that is perhaps as much a reflection of some of the politicians and the quality of the debate being held as it is of anything else. Certainly, however, decisions in a democracy are taken by those who turn out, and there was a difference between the vote in 1997 and the vote to empower the Senedd; for me, a very clear message came out of the latter vote.

We have heard today a litany of woes about the alleged shortcomings of this quarter-century of various Welsh Governments. As a Front Bencher for the Scottish National party, I am certainly not here to defend the Labour party in any way, but my response to that charge is twofold. First, many of the complaints we

*[Richard Thomson]*

have heard have been about the enactment and delivery of policies, rather than about the institution of the Welsh Government. Secondly, it really does not say a great deal for the Conservative party in Wales that, if things really are as dreadful as we are invited to believe, it has not been able to persuade enough people in Wales that it offers a compelling alternative to replace the Government. For all we have heard about Swansea and Cardiff, I know that Cardiff has elected Conservative representatives in the past. It is simply a question of providing a compelling prospectus, which is quite clearly not something that has been done.

We hear a similar refrain in Scotland from some quarters, which is to attack the institution and the party in power without offering a great deal that is positive in return. That is perhaps one of the reasons why the last time such arguments were put forward at a Scottish election, people in Scotland chose to re-elect my party to Government and came within a hair's breadth of sacking the Conservatives as the official Opposition. I think that that is part of the political failure that goes some way toward explaining the current centralising tendencies in Westminster. As we have heard, there has been a power grab through the United Kingdom Internal Market Act, which was designed purely to undermine the democratic choices made directly by people in Scotland, Wales and elsewhere, and to make sure that the priorities they vote for are not the priorities they will necessarily get—all this led by a Conservative party in London that is incapable of persuading voters to elect it in sufficient numbers to govern in either Wales or Scotland.

Looking to the future, it is clear that devolution still has some significant shortcomings, despite the way that the institutions have developed. In Wales, I find it bizarre that a major infrastructure project such as High Speed 2 can go ahead without the consequentials feeding through to Wales for investment in Welsh infrastructure; and the failure to devolve the Crown Estate in Wales, as has happened in Scotland to great effect, is inexplicable. It seems to be a complete disjoint and mismatch in terms of the strategic nature of government. Given the apparent determination of the UK Government to reassert themselves in direct, day-to-day governance of devolved matters in Wales, it is absolutely bizarre that Ministers should be content to see the number of Welsh MPs elected to this place reduced from 40 to 32, further marginalising the voice of the people of Wales in this place.

I will address as independently and as gently as I can the argument from the hon. Member for Delyn against expanding the size of the Senedd, even though the Senedd currently has fewer Members than many local authorities in Scotland. Broadly speaking, the Members of any democratic institution can be subdivided into four categories across parties: those who are running it, those who could run it, those who used to run it, and those who we would not want anywhere within a million miles of ever being able to run it. Sadly, sometimes people in that last category even get to be Prime Minister. I am sure that each of us knows which category we would like to fall in; if we are very fortunate, perhaps our friends and colleagues might even agree with us.

My fundamental point is that the success of self-government, wherever it is, depends very much on the three Ps: the powers that you have, the policies that you enact, and the personnel who are elected. Perhaps unlike the hon. Member for Delyn, I have full confidence in the people of Wales to continue making what they see to be the best choices across each of these categories.

10.34 am

**Gerald Jones** (Merthyr Tydfil and Rhymney) (Lab): It is a pleasure to serve under your chairmanship, Sir Christopher. I congratulate the hon. Member for Delyn (Rob Roberts) on securing the debate, and I associate myself with his condolences to First Minister Mark Drakeford and his family.

It is a shame that the hon. Member has used the debate as an opportunity to talk down devolution. It seems he has done so to score political points, which is such a shame. His view is also at odds with the views of the vast majority of the people of Wales. A large number of surveys on devolution have consistently confirmed that people across Wales support devolution and, in some cases, the devolution of further powers. Those who support rolling back devolution or, at the other extreme, independence, are very much polarised on the margins. The vast majority of people are supportive; they can see the benefits and the evidence of what devolution has delivered for Wales under the stewardship of Welsh Labour.

The Labour party is the party of devolution. The UK Tory Government have no respect for devolution or devolved Government, and have taken every opportunity to undermine the devolution settlement. Devolution is one of the proudest achievements of the last Labour Government. Unlike the Tories, a UK Labour Government would respect devolution and the Sewel convention. In a report by the commission on the UK's future, led by the former Prime Minister Gordon Brown, Labour proposes ways of modernising and updating our constitutional arrangements, improving the process of intergovernmental relations and putting more power in people's hands. The Tories have overridden the Sewel convention on several occasions in recent years, disrespecting the devolution settlement.

Tory attacks on Wales and on Welsh Labour are born from desperation. They are fiddling while Rome burns in order to deflect attention from the shambles at Westminster, their failure to tackle the cost of living crisis effectively and their mismanagement of the economy. Historic underfunding of Wales has torn billions of pounds out of the Welsh budget, while the Tory-made economic crisis has only brought greater costs.

The spring Budget makes no provision for public sector pay and includes no funding for health or social care. The Budget was the Tories' chance to use their financial levers and capacity to provide comprehensive and meaningful support, as well as to invest in public services, public sector pay and economic growth.

**Rob Roberts:** I thank the shadow Minister for proving my point succinctly: we have already had 25 years of saying that everything in Wales is London's fault, so can we not have another 25 minutes saying it is all Westminster's fault and instead address some of the points of the debate? What are the Welsh Government doing? How is devolution working? What are the outcomes for people in Wales and how are they making our lives better? It is not working.

**Gerald Jones:** Yet again the Conservatives have fallen woefully short, failing the people of Wales. We know the Tories promised Wales would not be a penny worse off, with EU regeneration funds replaced in full, but that is far from the case, with huge uncertainty over the shared prosperity fund leaving Wales worse off, while the scandal of levelling up for Wales has meant a Tory smash-and-grab, wrapped up in a sustained attack on devolution, instead of collaborative work with the Welsh Government and local authorities in Wales.

In his opening speech, the hon. Member focused on health, so let me inform him about some of the things the Welsh Government are doing across Wales and the difference a Labour Welsh Government have made. They will always invest to protect health and social care. We spend 14% more per person on health and social care in Wales than in England. While 13 years of Tory Government have been ruining and running our public services into the ground, we have been taking difficult decisions to provide a higher level of NHS funding per head in Wales, where we know the population is older, sicker and less well off.

The NHS is facing similar challenges across the UK, yet performance at major accident and emergency departments has been better in Wales than in England for the last five months. Waiting lists are growing faster in England than in Wales. In the six months to December 2022, waiting lists increased 0.4% in Wales and by 6% in England.

**Rob Roberts:** On that point, will the hon. Gentleman give way?

**Gerald Jones:** I think the hon. Gentleman has said quite enough for now. In the last 12 months, waiting lists have increased by 7% in Wales and by 19% in England.

With the industrial action taking place, Welsh Labour Ministers have got around the table with trade unions, taking tough decisions to find whatever resources they can to negotiate a resolution to the current pay dispute. There is not enough money in the budget for a fully consolidated pay offer, but the Tories have not provided an adequate level of funding for years.

Welsh Labour is training more doctors and nurses year on year. As my hon. Friend the Member for Llanelli (Dame Nia Griffith) said, Welsh Labour has implemented the real living wage for social care workers, and has ensured that prescriptions and hospital parking are free, and care charges capped. Prescriptions are free in Wales, but people in England are being forced to go without medication they desperately need because they can no longer afford it. The NHS bursary was axed in England in 2016, but has been protected in Wales because of Labour's values. In England, the 40% drop in student nurse applications over subsequent years has been widely attributed to the axing of the bursary.

In transport, despite having 5% of the UK population, 11% of track miles and 20% of level crossings, Wales receives only between 1% and 2% of rail enhancement funding. That is not a fair funding settlement.

The reality is that only Labour will devolve economic power and control out of Westminster. The next Labour Government will return power over its economic destiny to Wales, and the decision-making role for the Welsh Government on structural funds will be restored.

There is a number of examples of businesses in Wales receiving more support during the recent pandemic. Vaccination rates were higher, and delivery in Wales was consistently faster than in England. PPE procurement was transparent and cost-effective, in stark contrast to the experience at Westminster under the Tories. Welsh Labour's trusted decision making protected lives and livelihoods, which was without doubt reflected in Welsh Labour's historic 2021 Senedd election victory.

To work even more effectively, devolution needs a strong partnership between the Welsh Government and a United Kingdom Labour Government, working together to deliver the priorities of the people of Wales and ensuring that Wales has a strong part to play in a strong United Kingdom. I hope we will not have too long to wait for that, depending on when the Prime Minister calls the next general election.

10.41 am

**The Parliamentary Under-Secretary of State for Wales (Dr James Davies):** It is a pleasure to serve under your chairmanship, Sir Christopher. I congratulate my hon. Friend the Member for Delyn (Rob Roberts) on securing the debate, which has triggered a wide-ranging discussion on Welsh devolution.

As we have heard throughout the debate, devolution in Wales has evolved considerably since the incredibly close referendum in 1997, when I was still in school—quite possibly, my hon. Friend was too. Successive UK Governments have devolved further powers to Cardiff Bay in an attempt to place the settlement on a firmer footing and to put more responsibility and accountability at its heart. That has included providing powers to make primary legislation in devolved areas, and powers to introduce replacements for stamp duty land tax and landfill tax in Wales, as well as the introduction of a new Welsh rate of income tax and powers for Welsh Ministers to borrow to fund capital expenditure.

Nowadays, the devolution settlement is based on the reserved powers model, in line with that in place in Scotland. The devolved Administration have greater powers to manage their own affairs, as well as matters relating to elections, transport and natural resources. There has been a great deal of debate this morning about the future of Welsh devolution and whether the current boundary between devolved and reserved powers is correct. It is clear that different views exist, and we must acknowledge that they are reflected among the people of Wales.

In the debate, my hon. Friend the Member for Delyn focused on disappointing policy outcomes with reference to Betsi Cadwaladr University Health Board, education, transport and so on. He also talked of the north-south divide in Wales, and the sad disengagement with politics—turnout at the last devolved election was just under 47%, compared with 67% at the general election.

The hon. Member for Strangford (Jim Shannon) intervened to talk about his desire to see local representation wherever possible, and more positive comments came from the hon. Members for Gordon (Richard Thomson), for Llanelli (Dame Nia Griffith) and for Merthyr Tydfil and Rhymney (Gerald Jones). The hon. Member for Llanelli talked about the importance of the accessibility of Ministers at all levels of government, and co-operation too.

*[Dr James Davies]*

I am firmly of the opinion that the overwhelming priority of the people of Wales is not an incessant, one-way transfer of powers down the M4, or a route to more separatism, but delivery on the important matters of the day, such as health, the cost of living and education. Sadly, we continue to see poor levels of interest and awareness of the roles of our various and different levels of Government, and therefore often limited democratic accountability.

In the context of Wales, it is important to remember that 50% of the population of Wales live within 25 miles of the border with England, which does influence how many people view the devolved settlement. Bringing decision making on devolved issues closer to people affected by them is one of the real opportunities of the devolution agenda, but it would be remiss of me, as we reflect on the last 25 years of devolution in Wales, not to acknowledge that there are legitimate concerns among many in Wales about devolution and the direction of travel that has been taken in Cardiff Bay.

All too often, we have seen attempts to centralise decision making within the Welsh Government, which goes against the concept of true devolution. Contrary to some of the arguments that have been made today, it has been particularly pleasing to me to see this Government deliver on our promises of true devolution in the allocation of shared prosperity funding. I have seen that at first hand in Denbighshire, my own county, as a member of the county's shared prosperity fund partnership group, which allows new and refreshing approaches to local problems and opportunities, driven by local people.

**Rob Roberts:** The Minister makes a good point. It reminded me of the point the hon. Member for Strangford (Jim Shannon) made about local decision making. About two years ago, the First Minister appeared in front of the Welsh Affairs Committee. I remember asking him whether he was going to devolve more powers to the regions—specifically, to north Wales—as he had previously said that he thought that was a good idea. I asked him when those powers were going to come and what powers they were going to be, as none had materialised. I think the First Minister was a little bit indignant at the question. Does the Minister agree that the current arrangement of devolution is not working, and a potential solution might be to give more autonomy to north Wales to make some decisions for itself?

**Dr Davies:** My hon. Friend makes a strong argument. In fact, he will be aware that one of the Labour Members in the Senedd called for greater powers and autonomy for north Wales in response to the recent roads review, and today a representative of the business community in north Wales has called for a directly elected mayor for north Wales. It comes back to my point that devolution should be true in nature; it should be led by local people and local representatives, which is not always the case at present.

Under the Welsh Labour Government, the economy in Wales is growing at a slower rate than in the rest of the UK. In education, Wales is, sadly, at the bottom of the PISA rankings compared with other parts of the UK. In the health service, we see abysmal performance and outcomes data, and we also see what I regard as very detrimental policies on road building and tourism. All of that is despite the UK Government providing the Welsh Government with record funding, which is, as we have heard, higher per head of population than in England.

The UK Government have a duty of care towards all British citizens and it is important that UK-wide comparable data is used to justify and learn from different policy approaches across the country. The days of "devolve and forget" have to be over. I am deeply concerned that, despite the challenges the Welsh economy faces and failing devolved public services in Wales, the Welsh Government's unrelenting focus is often on constitutional matters, including increasing the number of politicians in Cardiff Bay and changing its voting system, which some have suggested would be at a cost of £100 million over five years.

Devolution in Wales means that Wales has two Governments. Both should be fully focused on the issues that really matter: levelling up our economy, creating jobs and supporting people with the cost of living. The UK Government's investment to address those priorities, through initiatives such as the levelling-up fund and our support with energy costs, highlights the benefits that Wales enjoys from being part of the United Kingdom.

I want to emphasise something that is not always said. A very clear majority in Wales believe in the United Kingdom and are proud to be part of it, and this place—Parliament—will always have a critical role in delivering for Wales and its people. Our approach to devolution is underpinned by our commitment to work collaboratively with the Welsh Government and all the devolved Administrations.

**Gerald Jones:** On the point about collaboration with the Welsh Government, does the Minister think the way the UK Government clawed back funding from the Welsh Government is unacceptable? My understanding is that issues around switching between revenue and capital have been agreed many times before. The level of underspend is significantly below that of some other UK Departments. Does he agree that was a pretty poor show by the UK Government?

**Dr Davies:** The hon. Gentleman puts that in an interesting way. The other side of the story is that all who are entrusted with spending public money should do so carefully, and should make efforts to comply with the rules and arrangements around that money. The other way of looking at that is that the Welsh Government failed in their duty to spend wisely the money that was available to them.

Moving on from that, the landmark agreement reached last year between the UK and devolved Governments further strengthens our intergovernmental structures. The new structures provide a firm foundation to deepen our partnership working. Our joint work on city and growth deals in Wales, as well as our announcement last week that we will establish two freeports in Wales, following agreement with the Welsh Government, exemplify our approach to collaboration.

Over the past 25 years, we have seen dramatic changes in the way in which Wales is governed. It is clear that a wide range of views exists over how that might change

in future, but I urge all to focus not on the constitutional debate, but on delivering on the real priorities for the people of Wales.

10.52 am

**Rob Roberts:** I thank all hon. Members, from all parts of the House, for their constructive approach to the debate. I would like to pick up briefly on a couple of points. The hon. Member for Llanelli (Dame Nia Griffith) spoke passionately and well about the Welsh Government, the Senedd and the structures. She said on a number of occasions that the Welsh Government have taken action. With the north Wales health board being eight years in special measures, taking action will sound a little hollow to my constituents, unfortunately.

The shadow Minister accused me of using the debate for nothing more than scoring points. I asked him about outcomes, but he ignored the point and did not address anything. He covered exactly the ground that I had mentioned in my opening remarks. His entire contribution was about what happens here, and nothing to do with the nature of devolution or what the Welsh Government do. I thank him for proving my point so perfectly.

The shadow Minister used the word "vast" several times: a "vast" number of people in Wales—a "vast" majority are supportive of the Senedd. In fact, 35% of people turned out in 2011 for the referendum that the hon. Member for Gordon (Richard Thomson) mentioned, with regard to increasing powers. That is hardly a shining example of legitimacy for an institution of which people are vastly supportive.

I am in danger of rehashing all the points I made earlier, so I will not do so. It is sad that the Minister was not able to commit to giving the people of Wales another say on whether that institution should persist. It should be okay; I am sure the Labour party would support it, because after all, the "vast majority" of people in Wales are in favour of the Senedd—I suspect not.

I thank everybody for their contributions. I hope this will be the start of a series of discussions on the constitutional future not only of Wales, but of Scotland and Northern Ireland. That is something we do not often debate, although it is so important to the outcomes, the lives and the day-to-day activities of the people we are sent here to serve.

*Question put and agreed to.*

*Resolved,*

That this House has considered the matter of 25 years of devolution in Wales.

10.55 am

*Sitting suspended.*

## Hospital Provision: Tees Valley

11 am

**Jill Mortimer** (Hartlepool) (Con): I beg to move,

That this House has considered hospital provision in the Tees Valley.

It is an absolute pleasure to serve under your chairmanship, Sir Christopher. I start by thanking all the hard-working staff of the three main hospitals in the Tees Valley: the University Hospital of North Tees, the University Hospital of Hartlepool and the James Cook University Hospital, south of the Tees. They include my son, who I am proud to say is a student nurse at one of those hospitals.

While we have had some welcome new additions to provision in the Tees Valley, for example the new diagnostic and mental health care hubs in Stockton, in the light of the state of disrepair at the North Tees hospital, we are still in need of improved hospital facilities. The trust and the wider Tees Valley are experiencing severe challenges around current estate capacity, which is not suitable for the needs of the population it will serve over the next 10 to 20 years. For example, a significant volume of elective surgical procedures are performed within the private sector because of a shortage of resources within our NHS trust.

It is my contention that the University Hospital of Hartlepool could fill that provision gap, and that it is underutilised in providing services to the people of the Tees Valley. Not only can it play a greater part in delivering these services, but it can take some of the pressure off the other hospitals, which are undergoing renovations. It can do both those things with a relatively small amount of investment.

It should be pointed out that, in its heyday, Hartlepool hospital served not only the people of Hartlepool, but all the communities north of the Tees. Its position in the north of the trust's geographical area meant that it also provided vital health services to the mining villages to the north and west, in County Durham, which saw Hartlepool hospital as their local hospital, too. It has provided much-needed healthcare to all those communities since it was founded in the late 19th century. The hospital's generous 28-acre site has a lot of potential, with a significant amount of cleared land that we should use to build more services for the people of Hartlepool, of the Tees Valley to the south and of the ex-mining communities to the north.

**Alex Cunningham** (Stockton North) (Lab): I am grateful to my next-door neighbour for giving way. I congratulate her on securing the debate and her son on his role in the NHS. Does she remember that it was her Government who cancelled our new hospital 13 years ago without a plan for future health delivery? Recently, the Health Minister, who is in his place, wrote to the Labour candidate for Hartlepool, Jonathan Brash, turning down the funding for a centre of excellence in the town despite cross-party support, including from the Conservatives in Hartlepool. Does she have any thoughts about how we might change the Minister's mind and deliver for Hartlepool and wider Teesside?

**Jill Mortimer:** I am delighted that the hon. Gentleman has brought that up, because he has mentioned two things that I want to address. I will talk about the new

*[Jill Mortimer]*

super-hospital later in my speech. I think we dodged a bullet there, because it would have created another private finance initiative like the unsustainable one at James Cook University Hospital.

**Alex Cunningham:** It was not a PFI.

**Jill Mortimer:** It was. The other thing I want to say is that this is an extremely good example of Labour putting politics above the people of Hartlepool. The Labour candidate in Hartlepool, the councillor Jonathan Brash, has had no interest in the hospital. He has had no interest in anything in Hartlepool for a long time. However, every time it looks like I am going to succeed in bringing something forward for the people of Hartlepool, Jonathan Brash is there, ready to have a photo opportunity or write a magic letter to try and take the credit. I am grateful to hon. Gentleman for raising that so I can clarify the situation.

Some may wonder why there is a need to invest in new services. If the hospital had been properly loved and maintained, there would be no need to do so. Sadly, Hartlepool has not been championed by my predecessors —the Labour MPs who went before me—resulting in a significantly lower amount of investment compared with surrounding regions. The Labour centralisation policy of the mid-2000s meant that it became Labour party policy to close down Hartlepool hospital. Indeed, the candidate who stood against me in the by-election, Dr Paul Williams, co-authored the report that recommended that critical care and other services be taken away from the hospital and moved elsewhere. As I have said, there was Labour talk of a new super-hospital, to be funded by one of Labour's public-private finance initiatives, and we have seen the issues that have arisen from that at James Cook—a prime example of the huge amount of money that the schemes now leech from our NHS.

**Matt Vickers** (Stockton South) (Con): Labour's health legacy on Teesside is a dodgy Labour PFI deal that still costs James Cook hospital £1 million every single week. Does my hon. Friend agree that that money would have been better spent on doctors and nurses supporting our residents?

**Jill Mortimer:** I totally agree with my hon. Friend. In fact, less than a year's-worth of the £1 million a week that goes into propping up James Cook's PFI deal—£40 million—would be enough to upgrade and put in the services that we want Hartlepool.

Sadly, my constituents got caught in the political crossfire and were left with a shell of a hospital at Hartlepool and faced with long journeys to North Tees and James Cook for many hospital services. When the accident and emergency unit was closed down in 2011, local opposition was so strong that roughly a third of the population of Hartlepool signed a petition organised by the "save our hospital" campaign. It was incredible—there were more than 30,000 signatures, and there were marches through the town.

I was elected in 2021 on a promise of bringing positive change. That includes bringing education, skills, jobs and prosperity to the town, but there was also an overriding call on the doorsteps for the return of services to our much-loved Hartlepool hospital. I set about trying to find a solution for this long-standing and ignored issue. I have therefore been working directly alongside North Tees and Hartlepool NHS Foundation Trust and its excellent chief executive, Julie Gillon, for in excess of 18 months. During that time, I have built a strong working relationship with Julie. Sadly, she has recently announced her decision to retire from her role and pursue other things, but she intends to dedicate the next six months to championing our proposals for Hartlepool. She will be a sad loss to health provision in the Tees Valley, and I will be one of many who will miss her. She is a competent leader and a good, strong woman—the sort we excel at in the north-east.

**Alex Cunningham:** Will the hon. Lady give way?

**Jill Mortimer:** I need to make some progress.

The first plan that Julie and I favoured was an upgrade and return of services to Hartlepool, new diagnostic hubs in Hartlepool and Stockton, and a new hospital closer to the A19 in Hartlepool, which would be the major trauma centre. This was a bold new model. It would allow people to access diagnostic and out-patient facilities very locally and to travel to the true central point of all the communities in the Tees Valley for major procedures in a state-of-the-art new facility. Sadly, with the huge pull on public funds created by the pandemic, the war in Ukraine and the rising cost of living, it has become clear that that project will not be possible in the near future.

Undeterred, Julie and I returned to the drawing board with a plan to upgrade Hartlepool further and maximise the return of services to that site. I mentioned that there is not enough capacity for the significant volume of elective surgical procedures in Tees Valley NHS sites. The upgrade at Hartlepool, with a proposed 40% increase in operating theatres, would address that lack of resources and increase capacity to perform those elective procedures in a new centre of excellence. That would be alongside a new, much-needed primary care hub and a community hub, which would enable patients to be fully rehabilitated before being discharged. That would free up hospital beds on wards.

I also point out to the Minister that, like most things that I inherited in my constituency, hospital services had not been championed by predecessor Labour MPs for too long.

**Peter Gibson** (Darlington) (Con): My hon. Friend is a fantastic champion for Hartlepool and is doing incredible work to secure the hospital. Representing as she does the former lands of Mandelson, Milburn, Mowlam and Blair—all who are here today represent such places—does she agree that there is very little to show in our region for their years in office, save for costly PFI deals?

**Jill Mortimer:** I totally agree with my hon. Friend. The fact that we are here now is the proof of the pudding; people got tired of being ignored by Labour MPs who took the heartlands for granted.

**Peter Gibson:** They took the north for granted for years.

**Jill Mortimer:** Exactly. The Minister might be surprised to learn that the trust has not received significant capital investment to improve its services since its initial

construction more than 50 years ago, while neighbouring trusts have received funding more recently. That results in a significantly lower per capita spend for the population served by the trust—around £60 per head in the region, compared with neighbouring trusts that receive more than 11 times that amount, at £680 per head. I am sure I do not need to point out to him that positive change means productivity and prosperity. Those things are limited by a high local prevalence of chronic disease.

Our local population has a higher prevalence of 17 out of 21 chronic conditions recorded on the quality and outcomes framework in 2020-21. Both long-term and temporary sickness are cited as the main reason for unemployment in Hartlepool; at 33%, that is higher than the national rate of 25%, suggesting that poor health outcomes are the main driver of unemployment in the region and underlining the significant need for a return of good health services locally.

**Peter Gibson:** I am grateful to my hon. Friend for giving way once again; she is being incredibly generous with her time. We were all elected on a mission to level up, and levelling up is about delivering on those health outcomes. Does she agree that levelling up health inequalities in the north-east is a key part of why we are here?

**Jill Mortimer:** Absolutely. It is incredibly important because, without levelling up health disparities, we cannot get growth or productivity, so it is very important to make sure that we have a happy, healthy population.

The historic lack of prosperity means that a disproportionately high percentage of the local population is in the lowest 10% for deprivation in England, based on the index of multiple deprivation. That puts Hartlepool in the bottom 10 of 147 local authorities nationally. High levels of deprivation also contribute to the fact that life expectancy in Hartlepool and throughout the Tees Valley is considerably lower than the national average in the most deprived areas.

It is the lack of prosperity and the deprivation that I was elected to fight. The people of Hartlepool voted for me to bring positive change. They wanted an MP who finally listened and did something about it. I will not rest until we get the local health services that we deserve and have been so cruelly deprived of. We have been ignored for too long. Will the Minister commit to meeting Julie Gillon and me to discuss the matter further?

11.12 am

**The Minister for Health and Secondary Care (Will Quince):** It is a pleasure to serve under your chairmanship, Sir Christopher. I congratulate my hon. Friend the Member for Hartlepool (Jill Mortimer) on securing this important debate about hospital provision in the Tees Valley. I know the issue is important to her and that she works tirelessly for the people of Hartlepool on not just healthcare but many other issues. As she knows, responsibility for the new hospital programme sits not with me but with Lord Markham, a fellow Minister at the Department of Health and Social Care. I am, however, hugely grateful to her for giving me the opportunity to update the House about the ongoing work in this area.

**Jill Mortimer:** I have been trying to meet Lord Markham for many weeks. Will my hon. Friend commit to helping me secure a meeting as soon as possible?

**Will Quince:** I absolutely guarantee and assure my hon. Friend that I will get that meeting with Lord Markham arranged as soon as is practically possible, but certainly in the next few days.

I am grateful to my hon. Friend for giving me the opportunity to highlight how the Government are prioritising capital spend in our NHS in order to transform and improve healthcare outcomes for people and put healthcare financing on a sustainable footing. She understandably and rightly focused on the North Tees and Hartlepool NHS Foundation Trust, her local trust, and of course the University Hospital of North Tees in Stockton, which serves many of her constituents. I will, of course, turn to that, but before I do I will briefly reference our capital funding plans more broadly, because the context is important.

We have already provided record sums to upgrade NHS buildings and facilities so that trusts up and down the country can continue to provide the best possible quality of care. Currently, the Department's capital budget is set to reach upwards of £36 billion for 2022-23 through to 2024-25—a record capital settlement—and we are using that level of investment to address current care delays.

My hon. Friend made a strong case for why new hospitals are important. As important as they are, the broader health economy is, of course, about far more than that. It is about surgical hubs; it is about community diagnostic centres such as the one in Stockton, as she rightly pointed out; it is about ambulance hubs, and it is about discharge lounges. It is about all those value-adding capital projects too. As part of our urgent and emergency care recovery plans, the 5,000 extra beds that are being added to existing NHS hospitals ahead of next winter are also hugely important.

As I said, new hospitals are, of course, important, and we are aware of the need for further investment in the NHS estate. We are investing an extra £1.7 billion to 2025 for more than 70 hospital upgrades. As my hon. Friend alluded to, the Government have committed to building 40 new hospitals, backed by an initial £3.7 billion for the first four years of the new hospital programme.

**Matt Vickers:** We are incredibly grateful for the £40 million invested recently in the North Tees and James Cook hospitals, and for Stockton's new diagnostic hospital and mental health crisis hub, but the incredible, committed, dedicated, grade-A workforce at North Tees deserve grade-A facilities. Will the Minister ensure that North Tees's bid to rebuild and upgrade the hospital is given the fullest attention?

**Will Quince:** I thank my hon. Friend for his question. I know from his persistence in campaigning for the community diagnostic centre that his continued persistence in campaigning for a new hospital and upgrades will not have been missed by the relevant Minister, Lord Markham. I will come on to talk about the new hospital programme and the selection of the next eight hospitals.

As I said, the Government are committed to building 40 hospitals, backed by an initial £3.7 billion. Two schemes are already complete and five are currently

*[Will Quince]*

under construction. The programme is delivering facilities that are at the very cutting edge of modern technology. Critically, it is engaging with clinical staff to ensure that we provide a better working environment for them. We know that enables increased efficiency; importantly, it also promotes staff wellbeing and improves retention.

**Alex Cunningham:** First, I apologise to the Minister—he was not, in fact, the Minister who turned down the funding for the centre of excellence in Hartlepool. I pay tribute to Julie Gillon, with whom I have worked for 16 years; she is a tremendous officer and I am sorry she is moving on. I very much welcome the diagnostic centre in Stockton, which is the result of many years of work between the local authority and the health trusts. We heard a tale of woe from the hon. Member for Hartlepool (Jill Mortimer), who spoke of a lack of capacity, difficult buildings, buildings falling down—all manner of problems after 13 years of Conservative rule. Does the Minister agree that we should work together to secure what we need: new hospital facilities to serve our communities on Teesside?

**Will Quince:** I agree with the hon. Gentleman that we need to invest in new facilities up and down the country. From spending time in Hartlepool speaking to residents, certainly during the by-election, I know how frustrated they are with public services more generally—or certainly they were, because they did not feel like they had a champion at the heart of Government making their case. However, they now have that champion in my hon. Friend the Member for Hartlepool, whose dogged persistence in campaigning for not just better health infrastructure locally, but broader investment in Hartlepool, is critical. My hon. Friend is making that case today, and I know she will continue to do so. On his point, the hon. Member for Stockton North (Alex Cunningham) is absolutely right that we need to work together to deliver better services for people.

Turning specifically to my hon. Friend's constituency, I am pleased to say that we have received an expression of interest from the North Tees and Hartlepool NHS Foundation Trust for the University Hospital of North Tees in Stockton to be one of the next eight hospitals to be included in the new hospital programme. I can confirm that we have assessed the expressions of interest we have received, and the Government aim to make an announcement in due course.

I am sure my hon. Friend will understand, because we have had many such conversations in the run-up to the debate, that I cannot comment on individual bids while the selection is ongoing. However, she has made her case very articulately and eloquently, and certainly very strongly, and she has put it firmly on the record. I will ensure that her representations are brought to the attention of both the Secretary of State and Lord Markham, and that she secures the meeting for which she has been waiting too long.

If my hon. Friend will permit me to digress for a moment, I will take a couple of minutes to highlight some of the significant funding that North Tees and Hartlepool NHS Foundation Trust has been allocated recently, largely down to her campaigning efforts. The funding includes £23.9 million for a community diagnostic centre in Stockton-on-Tees—I note the nods from my hon. Friends the Members for Cleethorpes (Martin Vickers) and for Darlington (Peter Gibson); they too have been champions of that centre—£3.9 million as part of the targeted investment fund for elective recovery, which is really important because too many of our constituents are on waiting lists for surgery and out-patient appointments; £8.4 million from our community diagnostic fund; £6.5 million as part of the critical infrastructure risk fund to address some of the backlog maintenance issues in our hospitals; and £3 million from our A&E upgrades fund.

In addition, the Tees, Esk and Wear Valleys NHS Foundation Trust has been allocated £3.4 million from the mental health crisis fund to improve urgent and emergency care facilities for mental health, as mentioned by my hon. Friend the Member for Hartlepool. That is really important for taking the pressure off our accident and emergency departments. I know that my hon. Friend will agree that this investment has been invaluable in updating outdated infrastructure and ensuring that modern and sustainable facilities are available for both staff and patients.

Once again, I want to put on the record my sincere thanks to my hon. Friend for all the work that she is rightly doing to support her hospital and, more broadly, hospital and health provision in Tees Valley. She is absolutely right to champion the needs of her constituents and to hold me, Lord Markham and the Department to account on this important issue. Let me take this opportunity to reassure her that the Government are committed to delivering our improvement programmes and upgrades to hospitals and, importantly, to our NHS estate across the country. We very much look forward to delivering the step change in the quality and efficiency of care that we have promised.

*Question put and agreed to.*

11.23 am

*Sitting suspended.*

# Bereaved Children: Registry

[Sir Gary Streeter *in the Chair*]

2.30 pm

**Christine Jardine** (Edinburgh West) (LD): I beg to move,

That this House has considered the potential merits of a registry of bereaved children.

It is a pleasure to serve under your chairmanship, Sir Gary. I thank the House for this opportunity to discuss an issue that is very close to my heart. I also thank the Minister; when we spoke recently, she understood exactly why this issue is so important, not just to me but to so many people and families, and why I feel almost personally driven to highlight it. There are a variety of reasons for that, many of which I have only recently come to fully appreciate, along with the impact on my own family of something that happened several decades ago. That is why I feel that I need to do everything I can, and we need to do everything we can, to protect our current and future generations of children, not with a new service but, as I will explain, with a simple administrative change—a process to ensure that children benefit from the many services that are there for them.

First, I would like to explain why and how I came to this point—my own journey. As a 20-year-old, I lost my father suddenly from a heart attack one Saturday morning. I thought that I was an adult and that I was okay, and I focused on my two sisters, who were just eight and 13. I thought that they were doing well. For decades, I thought that we had all come through the trauma—because there was a trauma—remarkably unscathed. Gradually, though, I realised that perhaps I had not been as aware of what had happened to me—what had happened to us all—as I thought at the time, and that perhaps things had not been as smooth as they seemed.

It was only when my own daughter was eight, and I watched her and her dad and saw how they enjoyed reading "Harry Potter" together and playing, that I realised, probably for the first time, just how huge the trauma of suddenly not having the dad she idolised at that age had been for my youngest sister. I saw the trauma that she had been through in a very different light. Then, when my daughter was 13, I thought about my middle sister, and saw for the first time how the inescapable insecurities of your teenage years must be so much more complicated when the ground is shifted beneath the family and everything becomes uncertain, and the security that you knew is suddenly gone.

I think it was only when, by the cruellest twist of fate, my own husband died when my daughter was 20—exactly the age I had been—that I realised for the first time not only that I had been much less of an adult that I thought, but the impact that my dad's death had had on me, not just then but now. I realised that everything I have done—everything that has driven me, and the sense of insecurity and uncertainty, and very often fear about the future, that I have felt throughout my life—stems from that Saturday morning.

I talked about that to my youngest sister, who pointed out that perhaps it was because none of us—myself included—had had any outside professional support. Yes, the girls' schools were great, our family was wonderful and my mum—well, she just dealt with everything that life had thrown at her. But we never heard from any of the services that were probably available to us at the time. We were never offered any counselling, advice, befriending services or trips away—not because the available organisations did not care or want to help, but because they did not know and we did not know that we needed them. We had never been in contact with social services, so, bluntly, they did not know that we existed. We just got on with it. My sisters, I felt, were too young to realise. I thought that I was okay, and that my family were coping with their own grief and making sure that we were safe and looked after, like every family do. In so many ways, we were lucky, but maybe—just maybe—we could have benefited from something else.

I would love to stand here and say how many children are in that position today—how many children wake up every morning to the pain of knowing that the person they loved, and who cared for them, is not there. I would love to say that all the services that are available to them are getting to them, and that they have that support. But I cannot, because we do not know.

We do not know how many children there are, and we do not know where they are. That is not because the services are not available; of course they are. Schools, social services and fantastic organisations such as Winston's Wish do a wonderful job of helping youngsters every day—but only the children they know about. They have no way of knowing, as I have no way of knowing—none of us does—how many young people need or would benefit from their help. They cannot reach out and offer them support. They do not know where they are.

Sadly, the reality for a child suffering grief is still that, unless their family has been in contact with social services, or social services have a reason to be in contact with them, they may not be able to benefit from all the help and support that we all want them to have. Schools do a fantastic job, but what if a child moves because their main carer has died? A new school might not know, and how many children really want to be different at school? How many children want to be singled out and for everyone to know how upset they are—to know that they are struggling, because someone has been taken from them, with the anxiety that grips their poor wee hearts every time they leave home about whether everyone they love will still be there at the end of the day? That is their reality.

In the past few months, I have spoken to the voluntary sector, written to the Scottish Government and sat down with the Minister who is here today to discuss the issue. Without exception, they have been supportive. Everyone recognises that there is a problem, wants to help and outlines the wonderful services that are there. But the problem is still that we do not know who needs them and where they are. Pinning down the solution—how to do it—is the issue that everyone seems to grapple with, but it should not be difficult.

In this country, we have registers and statistics for just about everything. A digital society makes a lot of things easier; it is often too easy to keep track of things. I can go online now and check my MOT, my car insurance, my postcode and my council tax. My medical records are online to make it easier for the NHS to know who I am and what I might need if I collapse somewhere away from home. I hate to think exactly what information could be scanned from my passport

*[Christine Jardine]*

or my national insurance number. A quick Google search tells us a lot. But if, God forbid, anything were to happen to any of us in this room and we had children, there would be no way of checking if they were there and if they were okay—if they were safe, looked after, coping, or maybe just needing someone to talk to.

I have not met anyone in this place who does not want to address this problem and does not recognise its significance. There is no political issue. There is no divide over whether or not we should be supporting our children. We all want to do it, so what is stopping us? All we need to do, and all I ask the Government to do, is invest some time, thought and care into coming up with what really is an administrative solution and identifying which Department can best administer it and the easiest way to do it. Yes, there may be problems with GDPR and privacy, but we can overcome those.

The solution may be as simple as introducing a system whereby, when someone registers a death, they also register whether there are children who could be affected—upset by the death of a parent, carer, sibling or grandparent—and then sending out the available information, in a leaflet or a letter, to tell them where they can turn for support, checking that they have got it and making sure that the organisations know they are there. It would be a process—a way of collecting data, which we have become very good at in this country recently. It would be a way of making sure that we know where those children who may need the help that is available are, and making sure that we can reach out and offer it. It is the least they deserve.

2.40 pm

**Jim Shannon** (Strangford) (DUP): Thank you, Sir Gary, for giving me the chance to speak in the debate. I am very pleased to serve under your chairmanship.

I thank the hon. Member for Edinburgh West (Christine Jardine) for raising this issue. She did the House proud in the compassionate way that she introduced the debate. I am grateful for the spirit behind the debate, which she showed, and I am thankful that she has chosen to use her own familial pain so openly to help others. She is very much deserving of our respect and gratitude.

The topic of the debate is very emotional—we all know that; it is hard not to be moved by it—and sensitive. I discussed with Naomi, my assistant, our approach to the research for this debate. I know that I keep her busy when it comes to speeches in Westminster Hall and elsewhere, but do we talk the matters through, because we like to be able to bring a local angle—a Northern Ireland angle—to debates. I will do so today by giving an example that we are aware of, which will hopefully add to the hon. Lady's introduction and to the contributions by the Members who will follow me.

Naomi raised the very real and raw scenario of a little girl who comes to her children's church. That little girl happens to be eight years old, the same age as the hon. Lady said her sister was, and her grandfather brings her to church on a Sunday. She is only eight, but her daddy was murdered by paramilitaries. She came back to children's church a few weeks later. Outwardly, she appeared to be the same happy child for the most part. However, during the prayer time, she asked for prayers for her granny, who is always so sad. The little one lost her daddy in dreadful circumstances and yet is also carrying the burden of worrying over her granny, who is sad.

Of course the leaders in the church are sensitive to the wee girl, yet it is clear that, although they can and do pour in love, she needs more help. What is not clear is how to get her that help. Referrals to child and adolescent mental health services in Northern Ireland rose from 8,719 in 2020-21 to 10,675 in 2021-22—a 25% increase—yet capacity has not increased at all. Will we put this little one on the waiting list, with a nine-month wait to be seen initially? How do we provide a link to help for this little girl who is grieving, and watching her granny grieve, and who just wants her family to be happy again?

We all need to think about that question, as it affects us all in each constituency in the United Kingdom. It has been estimated that around 26,900 parents die each year in the UK, leaving dependent children. That is one parent every 20 minutes. By the age of 16, 4.7%—around one in 20—young people will have experienced the death of one or both of their parents.

The Childhood Bereavement Network has come very succinctly to the crux of the issue, saying:

> "No-one knows exactly how many children are bereaved each year. Data is collected each year on the number of children affected by the divorce of their parents, but not on the number affected by the death of a parent."

As I say, I think that is the crux of the matter. The Childhood Bereavement Network continued:

> "This information is urgently needed, to plan for service development and to make more sense of research on the impact of bereavement on children's lives."

The hon. Member for Edinburgh West made that point very clearly, and I make it too.

I look to the Minister for a response. I do not think that it is impossible to collect the data and try to help. If we do not know who and where these children are, how can we get them the help and support that they so desperately need? The answer is that we cannot. I have a request for the Minister. I know that she is a lady of compassion; we are all compassionate in this House, and we all bring our own individual stories to this Chamber. I ask the Minister very respectfully and gracefully to take our request on board, if she can, because these are things that we should be doing and we need to do.

The surviving parent or relation can take the step of asking the school. The school can ask the parent if they have spoken to a GP. The GP can ask if the school is providing counselling. But the fact is that none of those bodies has a duty to do those things. My fear is that children like the little one I have mentioned are simply lost in their grief if they are not acting out and drawing attention. In other words, we may not see the pain of that wee eight-year-old and others—the hon. Member for Edinburgh West referred to her sisters. We may believe that they are good and must be handling it all okay, but very often that is not the case.

Any child that is grieving needs to be given support without having to ask for it. That is why I thank the hon. Lady for her speech, offer my support and ask the Minister to make the change so that we have a registry and the automatic action that should come with that. I know the grief that I felt as a grown man over the death of my father. Life gave me that experience when

I was much older, allowing me to acknowledge and deal with the pain in a healthy manner. Some of these children have no chance when it comes to that process, and that is why I believe help must be offered.

Again, I ask the Minister to do what I know she still wants to do, and what I believe she will do: to start off the support process with a registry of bereaved children. I support the hon. Member for Edinburgh West and sincerely thank her for bringing this issue to our attention. I look to the Minister to reach out and help bereaved children, who we all know really need that extra little bit of help. I know that families and friends are there in most cases, but sometimes we need to reach deeper; on many occasions, more is needed. Will the Minister respond in the positive fashion that I believe we all want her to?

2.46 pm

**Carol Monaghan** (Glasgow North West) (SNP): It is a pleasure to speak in this important debate on a subject that I think many of us had not considered. I thank the hon. Member for Edinburgh West (Christine Jardine) for bringing the debate forward, and for drawing the House's attention to what is clearly a very big issue. I also thank her for talking about her personal experience. It is when hon. Members talk personally or, indeed, as the hon. Member for Strangford (Jim Shannon) said, talk about people we are aware of that we start to get a sense of how such issues affect the people we serve. He summed the subject up when he talked about the eight-year-old who was more worried about her granny than herself. That internalisation of grief will obviously have an impact on the little ones we are talking about, so we need to start looking at this subject properly.

Bereavement affects many aspects of our lives and we have to put proper care and support in place for those who are bereaved; that is crucial for the health and wellbeing of anyone who is grieving, but particularly for children. It is difficult to get the statistics on this issue, as has been mentioned, but it is reckoned that by the age of 10, 60% of children and young people have experienced the loss of a family member in some way. Perhaps it is not a very close family member; possibly it is a grandparent, aunt or cousin. By the age of 16, between 4% and 7% of children in the UK will have lost a parent. That is quite a stark statistic. That will affect children from low-income households more than those who are born into wealthier ones. They may lose a parent or a sibling. The key factor for a grieving child is having a supportive adult in their life. Some parents might not be in a position to provide that support if they are overwhelmed by their own grief, so other adults, such as teachers and support workers, can do that.

In Scotland, we have done a lot of work with care-experienced children and young people; we have identified them and made sure that support is in place, but that was possible only because we identified them. We have to do the same for bereaved children, so that we can unlock available services. The Scottish Government have awarded the charitable organisation includem a contract to deliver the national childhood bereavement project, which will develop a curriculum in bereavement. It was created to improve support for those who are bereaved during their childhood.

During the pandemic, many children and young people not only suffered major disruption to their life and potentially lost a parent or grandparent prematurely, but were affected by social distancing measures that did not allow them the normal grief they would have had. Limits were put on numbers of people attending funerals, and there were barriers to the usual support. Even simple things such as getting hugs from family members were not possible. The project has tried to understand the experiences of children, young people and young adults in Scotland. The hon. Member for Edinburgh West mentioned that a 20-year-old is an adult. Is an adult really ready to cope with everything life can throw at them? In most cases, no. It is important that we look at how the issue impacts young adults as well.

To ensure that support is available to all young people who experience a bereavement, we need to know who those young people are. Schools have an important role to play. They are often aware of young people's bereavement, and they will have a guidance teacher to whom the young person can speak, or pupil support assistants will be assigned to that young person to ensure the support is there. Schools are probably where there is good support, but are we sure it is always provided? We need to be careful about that. Ensuring that high-quality, person-centred care and support is available requires us to know who has to access it, and how do we sort that?

I have been dealing with a case over the last few months. I will not mention a great deal of detail, but this young person was bereaved as he was about to sit his exams. He actually did incredibly well in them, apart from one, in which he did not do so well. Often, exam boards do not properly take into account the impact of grief and bereavement, and the process that young people go through to get themselves back up and running. Of course, exam results can determine future chances, so it is not just schools and social services that should be aware. A register of the kind that the hon. Member for Edinburgh West is talking about would ensure that when young people were sitting exams, there was a flag or highlighter to show that they have gone through—and are still going through—a traumatic experience.

I have been involved in school records in Glasgow. When parents are filling in start-of-year information, there is now a box to tick to show whether the child or young person comes from an armed forces or veteran family. That allows support to be put in place, if required, for that young person. It would be easy to add another tick-box on the school register. I know that the hon. Lady is talking about far more than that, but it would be an easy, simple thing to do at the start of the year, so that we know that the issue is definitely recorded. With the best will in the world, while the school might be aware of the death of a parent, other family members can also have an important role in a young person's life. This is about getting support in place, and being a voice for young people who would not necessarily have that voice themselves.

Finally, I pay tribute to the hon. Member for Edinburgh West for the work she has done. I was not aware of how important this issue was until I started looking into it. As she said, this change should be a straightforward, easy thing to do. We can register people to vote in elections; we can register people with GPs; and we collect all sorts of information, so let us get that tick added to the box for these young people, to ensure that support is available when and however they need it.

2.55 pm

**Stephen Morgan** (Portsmouth South) (Lab): It is a pleasure to see you in the Chair, Sir Gary. I thank the hon. Member for Edinburgh West (Christine Jardine) for securing this important debate, which I believe should have cross-party support. This should be a win-win solution for children. I pay tribute to the work done in support of bereaved children by charities and campaigners, which do such important work helping those in need.

The hon. Member for Edinburgh West spoke with real passion and insight about her experience. We are all very grateful to her for sharing her personal story of the trauma, uncertainty and insecurity of losing a loved one as a child, and the impact that has on someone throughout their life. I pay my respects and tribute to her for her constant campaigning on this issue. The hon. Member for Strangford (Jim Shannon) also shared his insight and his concern about the challenges faced by bereaved children, and spoke of the need for mental health support in Northern Ireland. I thank him, and am grateful for his important contribution; his constituents will be proud of him today.

Losing a loved one can be devastating for any child, but unfortunately it happens to young people every day. While there are no official statistics on the number of children bereaved in the UK, according to the charity Winston's Wish, one in 29 children—around one in every classroom—has experienced the death of a parent or sibling. A report by researchers at Cambridge University's faculty of education found that those bereaved in childhood have an increased risk of being unemployed at age 30, and are more likely to report that they

"never get what they want out of life."

The study found that although schools say bereavement support is a high priority, provision is "patchy", with staff admitting that they lack the skills and capacity to help grieving children.

That is why it is so important that support structures are in place for struggling children, particularly when they lose a loved one, so that someone is there to talk to them, provide the support that is needed, and let them know that they are not alone in dealing with their loss. As we know, teachers are often the people children turn to when they do not know where else to go. It is therefore crucial that schools provide a truly compassionate culture for our children, and that teachers know how to speak with struggling children in a way that is sympathetic, careful, caring and helpful. On the whole, teachers and school support staff do an incredible job of that. Sadly, owing to the pandemic and the cost of living crisis, they have gained more experience of speaking with struggling children in recent years. We should not forget that school staff are not mental health staff; they are not bereavement or trauma experts, and we should not expect them to be.

The Government rightly ask that teachers direct struggling children towards expert resources in their community to help them deal with serious concerns and issues such as bereavement. However, for that system to work, those resources must be properly funded and actually accessible to those who need them. We need only speak to any teacher or school leader to know that, unfortunately, that is not the case. Right now, many children are dealing with loss and struggling with their mental health. They are struggling without support, unable to see a GP, stuck on a CAMHS waiting list for years, and left in limbo without support.

Mental health support teams are reaching only a fraction of the children whom they could benefit. No child should be left without the support that they need to be happy and healthy. That is why Labour has committed to giving children access to professional mental health counsellors in every school. We will ensure that children are not stuck waiting for referrals, unable to get support, and that children struggling with bereavement have someone to turn to—a specialist in that support. Teachers would not be expected to provide expert mental health services that they are not trained to deliver. We will make sure that every child knows that help is at hand.

For those young people for whom accessing support in school is not the right choice, we will deliver a new model of open-access youth mental health hubs, building on the work already under way in Birmingham, Manchester and elsewhere. That will provide an open door for all young people. All that means getting support to children early, preventing problems from escalating, improving young people's mental health and not just responding when they are in crisis.

Alongside that investment in children's mental health, Labour will oversee an expansion in the mental health workforce, resulting in more than 1 million more people receiving support each year. Labour will set a new NHS target to ensure that patients start receiving appropriate treatment, not simply an initial assessment of needs, within a month of referral.

For many children, losing a loved one can be an overwhelming loss. As we have heard, for some children that sadly spirals into more problems in the immediate and longer term. It is therefore essential that support is in place to help those children, and to ensure that the safety net is ready to catch every child in every school in every corner of the country, should they need that. Sadly, in recent years the Government have failed to provide that safety net for so many, with thousands of children across the country waiting far too long for support. We have set out our plan to make mental health treatment available to all in less than a month. In her response, I hope that the Minister will outline when her Department will start treating the matter with the urgency that it deserves. I hope that it will put a plan in place to ensure that all struggling young people, including bereaved children, receive its support.

3.2 pm

**The Parliamentary Under-Secretary of State for Education (Claire Coutinho):** It is a pleasure to serve under your chairmanship, Sir Gary.

I thank the hon. Member for Edinburgh West (Christine Jardine) for securing this debate on an important subject. I know that she has had personal experience of the issue, which is very close to her heart. I thank her very much for sharing that with us. I also thank the hon. Member for Strangford (Jim Shannon), who spoke movingly and eloquently about his own experiences with bereaved children. I know that many of us here will have experienced that and we share that profound sympathy for anyone going through bereavement.

The Government take the issue of supporting children and young people very seriously. As the hon. Member for Edinburgh West rightly pointed out, different elements of that support fall across Whitehall. I have a particular responsibility for children's social services, which the hon. Member mentioned in her speech. Responsibility for responding to the needs of bereaved children ranges across the Department of Health and Social Care and the Home Office, and I will touch on that in my response. I should point out that the provision of support for bereaved children in Scotland is primarily a matter for the Scottish Government, and I am grateful to the hon. Member for Glasgow North West (Carol Monaghan) for her contribution. My response will primarily focus on support provided in England, however, and I will reference the figures and policies that apply to England.

Losing a parent is heart-wrenching experience for anyone. I have experienced that as an adult, but it is profoundly disturbing for children to lose a parent. I welcome the work of Winston's Wish—funnily enough, my father was called Winston—and that of many other people. How families, children and young people respond to the loss of a loved one is very personal to them. As a Government we recognise the deep impact that bereavement can have on a child's life and the far-reaching consequences it may have on their mental health, which has been touched on, their wellbeing and their academic performance, which might require additional support.

The hon. Member for Edinburgh West is right that there are no official statistics that record the number of bereaved children in the UK. The Childhood Bereavement Network—it too has been mentioned and I welcome its work on the issue—has estimated that 26,900 parents die each year in the UK, leaving approximately 46,300 dependent children aged zero to 17. Those figures are based on sources such as the census and mortality statistics in the absence of other data, so they can provide only a rough estimate.

Not all children will need access to services when they experience bereavement, which is largely testament to the wider family network support that so many children receive. Where additional support is needed, the Government are committed to ensuring that it is provided. It is important that we draw on all arms of Government, including the Department of Health and Social Care, to provide mental health support and services, as well as many other Government Departments working on programmes for families, which includes the Department for Work and Pensions and the Department for Levelling Up, Housing and Communities, to ensure that we provide that joined-up support.

We are always looking at how we can improve support for bereaved children. As a result, the Government are committed to ongoing engagement with the voluntary sector and across Government to assess how we can provide further support for children who have been bereaved. Before coming to the issue of the register, I want to set out some of that support. One of the most important ways we can support bereaved children is through providing support for their family. Early help services play a pivotal role in supporting families, and can be used in some cases to support children through bereavement.

We have taken a number of actions to prioritise such services. "Stable Homes, Built on Love", published earlier this year, sets out our bold and ambitious plans to reform children's social care. Family help reforms are central to delivering our vision of a reformed system, will provide effective and meaningful support for families and will feature multi-disciplinary teams, bringing all those different partners together to meet the whole needs of a family. We are providing more than £45 million of additional funding to pathfind family help.

That builds on our wider support for families, including the £695 million supporting families programme, which this year sees its 10th anniversary. It has helped more than 650,000 vulnerable families by supporting the whole family to achieve positive and sustainable outcomes. The Government have also invested more than £300 million to establish family hubs and transform Start for Life services in 75 local authorities. Those family hubs will provide mental health support for parents and young people, with guidance on where to reach more access to mental health and emotional wellbeing support. Further, the statutory guidance, "Working Together to Safeguard Children", is clear that local areas should have a comprehensive range of effective evidence-based services in place to address needs early.

I want to turn to mental health support, which has been rightly mentioned today. Hon. Members will be aware that that falls under the Department of Health and Social Care, but we are looking at expanding the help that young people can get in schools via the Department for Education. We are expanding specialist mental health support by investing an additional £2.3 billion a year into mental health services by 2023-24, so that 345,000 more children and young people a year will be accessing mental health support by then.

In schools, we are introducing mental health support teams, which will offer support to children experiencing common mental health issues such as anxiety and low mood, and will offer smoother access to external specialist support that we know can be so helpful. They cover 26% of pupils in England, a year earlier than originally planned. That will increase to 399 teams, covering about 35% of pupils, by April 2023, with more than 500 planned to be up and running by 2024.

More than 11,700 schools and colleges have received senior mental health lead training grants so far, which includes more than six in 10 state-funded secondary schools, backed by £10 million this year. In May 2021, £7 million was invested in our wellbeing for education recovery programme, building on the success of our 2020-21 £8 million wellbeing for education return programme. More than 14,000 state-funded schools and colleges in England benefited from the two programmes, which provided free expert training, support and resources for staff dealing with children and young people experiencing additional pressures from covid-19, which included a focus on supporting pupils with bereavement.

We have announced £1.3 billion recovery premium funding for the 2021-22 and 2023-24 academic years for schools, which on top of pupil premium can be used to support pupil mental health and wellbeing. That can include counselling and other therapeutic services. As part of the support we offered in response to the covid-19 pandemic, we have provided a list of resources for schools to draw on in supporting pupils' mental health and wellbeing, which includes signposting to the Childhood Bereavement Network, Hope Again, and resources from the Anna Freud Centre.

*[Claire Coutinho]*

Bereavement is also considered in our thinking on the mental health and wellbeing part of the relationships, sex education and health curriculum, so that can be taught in schools. We are all aware that attendance is an issue post pandemic, and it is in our minds that bereaved pupils might find it harder than others to attend school, and to think about how schools and partners should work together with pupils, parents and carers to remove any barriers.

As the hon. Member for Edinburgh West is aware from our recent meeting, responsibility for the registry of bereaved children sits primarily with colleagues from the Home Office. The Home Office has recently confirmed there are no plans to change the law in that respect, but I would encourage the hon. Member to continue having such conversations with the Under-Secretary of State for the Home Department, my hon. Friend the Member for Derbyshire Dales (Miss Dines), who is the Minister responsible for safeguarding. Everyone will agree that support for bereaved children is incredibly important. I know the hon. Member has already had some good conversations, and there is a lot of sympathy for the work that she talks about. I look forward to working with her, and continuing to talk about how we can best support children who have experienced profound loss, across the whole of Government.

I thank the hon. Member for her eloquent and emotional speech, and for securing a debate on this important subject. Loss, and other traumatic experiences, have a profound impact on children, and I pay tribute to the children and their families who are dealing with unimaginable grief. The Government are committed to providing support through early help services as required. That is more effective in promoting the welfare of children than reacting later, as has been mentioned. I look forward to the further work we can do in this area.

**Sir Gary Streeter (in the Chair):** I call Christine Jardine to have the final say.

3.10 pm

**Christine Jardine:** I thank the Minister for her comments, and everyone for their contributions. The thing that I take away from the debate is that we all agree. There is no dispute about the need to get the support that the Government are providing to those who need it. The family hub sounds like an excellent idea. The mental health support is there. Charities and organisations such as Winston's Wish, as we have all mentioned, are doing tremendous work. They are running special camps for children to help support them; they are doing everything they possibly can. There is just one missing link in the chain, which is knowing where the children are.

We have learnt a lot of lessons from covid. As the hon. Member for Strangford (Jim Shannon) mentioned to me, one of them is about safeguarding. As the hon. Member for Glasgow North West (Carol Monaghan) said, children were deprived of hugs at a time when, for many of them, hugs were what they needed most. From today's debate I have taken away a great deal of comfort, reassurance and belief that we will manage to do this. I will take the Minister's advice and speak to the Minister responsible for safeguarding at the Home Office, and hopefully we will move on and achieve what we all want to achieve.

*Question put and agreed to.*

*Resolved,*

That this House has considered the potential merits of a registry of bereaved children.

3.12 pm

*Sitting suspended.*

# P&O Ferries Redundancies

*[Relevant document: Oral evidence taken before the Transport Committee and the Business, Energy and Industrial Strategy Committee on 24 March 2022, on P&O Ferries, Session 2021-22, HC 1231.]*

4 pm

**Sir Gary Streeter (in the Chair):** In a moment, I will call Ian Lavery to move the motion. I will then call the Minister to respond to the debate, but I think that in between the two Mr McDonald will make a very short speech. There will not be an opportunity for the Member in charge to wind up, as is the convention in our 30-minute debates.

**Ian Lavery** (Wansbeck) (Lab): I beg to move,

That this House has considered lessons learned from redundancies at P&O Ferries.

I refer to my entry in the Register of Members' Financial Interests, with regard to my trade union membership. It is a pleasure, as always, to speak under your chairmanship, Sir Gary.

It is worth looking back at what actually happened to the 786 staff who were dismissed by P&O Ferries and DP World on 17 March 2022. We remember watching staff on the television who reported being sacked in a pre-recorded Zoom call, without prior warning or indeed any consultation whatsoever. P&O had callously prepared beforehand, recruiting handcuff-trained private security guards in balaclavas to frogmarch employees off the P&O vessels.

The P&O chief executive, Peter Hebblethwaite, admitted to the Transport Committee that the company had deliberately ignored the law and that some of the agency crew replacing those sacked would be paid below the minimum wage; and astonishingly, he said that the company would do it again, given the opportunity.

**Jim Shannon** (Strangford) (DUP): Will the hon. Gentleman give way on that point?

**Ian Lavery:** The hon. Gentleman will have to be very brief.

**Jim Shannon:** I commend the hon. Gentleman for securing this debate. Does he not agree that the disgraceful treatment of P&O Ferries staff, which he outlined, has reminded this House of the importance of employment legislation, that any loopholes must be sealed, and that no one should be able treat decent and hardworking people so contemptuously, with no redress and complete legal impunity? As I say, I commend the hon. Gentleman; he does well and congratulations to him on securing this debate.

**Ian Lavery:** I thank the hon. Gentleman very much for that intervention; I will cover the points he has raised.

To get back to Mr Peter Hebblethwaite: Minister, how on earth is he still in position? I must ask that, as my first and probably most interesting question. A man who agreed that he was breaking the law; a man who said that he would not expect the trade unions to agree with what he was doing; a man who said, despite the fact that he was breaking the law, he would do it again —and he is still in position. Why? That is the question.

The right hon. Member for Uxbridge and South Ruislip (Boris Johnson), the former Prime Minister, claimed from the Dispatch Box on 23 March last year that the Government were taking legal action against P&O Ferries, but they have not done so as yet. So my next question to the Minister must be: why has no action been taken against P&O for how it acted back on 17 March 2022? Parliament must correct that injustice. The purpose of today's debate is to learn the right lessons from P&O's breathtaking act of corporate aggression against British workers, and to take the right actions, particularly where they are missing from the Government's response.

My concern and that of colleagues is that the Government's responses to date will neither close loopholes nor, crucially, challenge the anti-trade union mindset at the heart of P&O and DP World's despicable actions. Ex-P&O seafarers and their trade unions—the National Union of Rail, Maritime and Transport Workers, and Nautilus—are increasingly frustrated at the Government's failure to penalise P&O Ferries, DP World or the flag states involved in this injustice, as early-day motion 954 highlights. As a result, UK seafarers and trade unions across the maritime industry cannot be certain that a similar assault on jobs and employment rights will not happen again.

The first anniversary of the Government's nine-point plan in response to P&O Ferries is on Thursday. Although the Seafarers' Wages Act 2023 is welcome, it is unnecessarily narrow and will not come into full legal effect until next year. The Transport Committee has correctly observed that, on its own, the Act

"will not be sufficient to ensure proper treatment of seafarers."

I ask the Minister: where is the review of the Equality Act 2010 (Work on Ships and Hovercraft) Regulations 2011, which provide limited protection for seafarers from nationality-based pay discrimination? That is what P&O, Irish Ferries and Condor Ferries and other businesses base their model on. That review was supposed to have started by the end of 2020. Minister, when will it start?

For all other employment conditions, including tackling roster patterns of up to 17 weeks on P&O's fleet, the Government propose a voluntary seafarers charter. The agreement was to base standards in the charter on the collective agreements between the RMT, Nautilus International, Stena Line and DFDS. The charter still has not been agreed, and there are very real concerns among the unions that it is not fit for purpose. Repeated efforts to amend the Seafarers' Wages Bill to give the charter legal force were defeated by the Government on the grounds that it would effectively mandate collective bargaining. In reality, that is what we need now, and not another review in a year's time.

As the Transport Committee's excellent report on the "Maritime 2050" strategy observes of the seafarers' charter,

"the Government's current plan to ask operators to sign up voluntarily will not give the assurances and protections that seafarers want and deserve. We therefore call on the Government to make signing up to the charter a mandatory requirement for all UK maritime operators."

Labour's prescription of mandatory rights and standards cuts to the heart of the problem. Restoring trade union collective bargaining agreements, safe roster patterns and dislodging the supply of cheap agency labour on flag of convenience vessels is the way forward and will increase seafarer jobs in this country.

*[Ian Lavery]*

I would like to ask the Minister a whole number of questions. Forgive me; I am sure he will not have the time to respond to every one from the Dispatch Box, but I will put them in writing so that we can get a written response. When will the Government make the seafarers' charter a mandatory requirement for all other operators in the ferry sector? Will the Minister give the trade unions a formal role in assessing the compliance of operators' policies with the standards in the charter? What assurances can he give that the charter will not undermine existing collectively agreed terms and conditions in the ferry industry? When will the independent research on roster patterns from the Department for Transport report to Ministers?

The P&O scandal affects the 19,000 mainly retired seafarers in the merchant navy ratings pension fund, a multi-employer scheme to which P&O Ferries owes around about £130 million. It is a liability that it is trying to avoid. What are the Government doing to ensure that DP World meets its liabilities to the members of the MNRPF?

P&O Ferries knowingly and unashamedly breached section 188 of the Trade Unions and Labour Relations (Consolidation) Act 1992. It has benefitted from weaknesses elsewhere in the Act, especially in the Government's interpretations of sections 193, 194 and 285. Section 285 was cited in the Insolvency Service's decision not to proceed from the evidential test to the public interest test of prosecuting P&O Ferries for criminal offences, because it was said that section 285, in the judgment of the Insolvency Service, provided only an "even chance" of a successful prosecution. Yet there is nothing in the nine-point plan to close the loopholes in the 1992 Act, despite the urgent need to equalise redundancy rights, as a starter, for land-based workers and seafarers.

The protections that P&O breached were introduced in 2018, with the support of the trade unions, with the express intention of strengthening seafarers' basic employment rights. There were no protections before, which is why P&O Ferries' decision to breach them must be the start of a fightback against this despotic approach to industrial relations in the ferry industry. Will the Government therefore commit today to strengthening the Trade Union and Labour Relations (Consolidation) Act 1992 by amending section 188 to ensure that it clearly applies to seafarers working regularly from UK ports on international routes, and commit to outlawing ex gratia payments to employees connected with an intentional breach of section 188 of the Act ?

Will the Government amend section 193A(2) to legally require employers to notify the Secretary of State for Transport, regardless of the flag of the vessel, of an intention to make more than 20 seafarers redundant, and amend section 194(3) to ensure that the definition of "body corporate" applies to overseas owners, such as DP World? Will they also amend section 285 to provide these protections against instant dismissal for all seafarers working regularly from a UK port, regardless of nationality or the flag of the vessel? Will the Minister make absolutely sure that the Retained EU Law (Revocation and Reform) Bill does not strike out these minimal protections for seafarers in the 1992 Act?

I return to the shocking decision of the Insolvency Service not to pursue criminal damages and charges against P&O Ferries, effectively letting the company and its chief executive Peter Hebblethwaite off absolutely scot-free. It is essential that we get to the bottom of this chronic regulatory failure, so will the Minister commit to looking at that? Will the Minister commit to reforming the Insolvency Service so that a public interest test informs the evidential tests in cases like P&O where a company director blatantly breaks the law to dismiss directly employed seafarers in collective bargaining agreements, and even say they would do the same again? When do the Government expect the Insolvency Service's civil investigation of P&O Ferries to conclude? The RMT estimates that UK seafarers hold around only half of the 5,300 ratings jobs on cargo and passenger ferries regularly working on a number of international routes, including Crown dependencies. The union believes we are heading in the wrong direction.

The picture across all sectors of shipping is still worse. The Government's own impact assessment for the Seafarers' Wages Act 2023 observed that over the past decade UK-resident seafarers have held, on average, 17% of the total number of ratings jobs across the UK shipping industry. That is a national scandal. This rampant profiteering from exploitative crewing contracts is a fundamental lesson from the P&O scandal, and it has serious safety implications. We need to know what action has been taken to assess seafarer fatigue levels on the P&O Ferries fleet, and what the Maritime and Coastguard Agency is doing to monitor the effectiveness of DP World's safety incident reporting tool, H-SEAS?

P&O Ferries moved its fleet of six ROPAX—roll-on roll-off passenger—ferries from the UK ship register to the Cyprus register in 2019. The Cyprus register has said nothing on the unlawful sackings, in a clear indication of the effects of deregulated shipping registers on decent employment standards. Will the Minister tell us why the Government have signed an agreement with the Shipping Deputy Ministry of Cyprus to co-operate on shipping matters, including seafarer employment and welfare conditions? The Cyprus register is increasingly popular with ferry operators, which is a real source of concern for those UK seafarers working on Cyprus-registered vessels. Is the Minister promoting the Seafarers' Wages Act 2023 and the seafarers' charter as part of this agreement?

It is hard to square that with the ambition in the nine-point plan to grow the UK ship register, unless Ministers intend to further deregulate the red ensign. Earlier this month, DP World reported record profits with £3 billion in dividend payments and £15 million in bonuses to directors, including those at P&O Ferries. It is a scandal that the £11.5 million that P&O Ferries received in furlough payments from the UK taxpayer has not been repaid and that DP World will benefit from lucrative Thames Freeport contracts. I also ask the Minister to investigate urgently the delay in P&O Ferries Ltd submitting accounts for the year to 31 December 2020-21, as my hon. Friend the Member for Sheffield, Heeley (Louise Haigh) raised in a written question.

The future of the UK as a maritime nation, with secure ferry operations supporting full seafarer employment, is at stake here. P&O is introducing new sailings and ferries, and others, such as Cobelfret, are introducing new services that are likely to fall outside the scope of the Seafarers' Wages Act. How can anyone have faith that the correct lessons will be learned from last year's scandal while this injustice is allowed to persist?

4.15 pm

**Andy McDonald** (Middlesbrough) (Lab): I refer the House to my entry in the Register of Members' Financial Interests. I thank the Minister and my hon. Friend the Member for Wansbeck (Ian Lavery) for his forensic speech, and for granting me permission to say a few words about the appalling redundancies of those 800 seafarers, and the lessons that have not been learned from the experience.

My hon. Friend outlined the outrage we all felt when Peter Hebblethwaite, the CEO, made an incredibly shocking admission in Parliament that he knowingly decided to break the law. I was on the Joint Committee when he told us:

"There is absolutely no doubt that we were required to consult with the unions. We chose not to do so."

They made a calculated decision to break the law because they reckoned, rightly, that the unions would not accept an offer that would slash workers' wages. They considered it more expedient to absent themselves from their legal obligations and price in the cost of law-breaking, and engage agency staff on pay as low as £1.80 an hour. They did that safe in the knowledge that any compensation that they would have to hand out to former unionised workers would be offset by the benefits of paying poverty wages to their replacements. They belong in the pages of a Dickens novel, not in 21st-century Britain. The fact that Mr Hebblethwaite remains in post at P&O is staggering. He should be disqualified from being a company director.

**Margaret Greenwood** (Wirral West) (Lab): Does my hon. Friend share my concern that agency crews are working unsafe roster patterns, being at sea for up to 17 weeks? That has implications for everybody who travels on those ferries.

**Andy McDonald:** My hon. Friend is absolutely right. It is utterly staggering that those are the terms and conditions that these major companies are prepared to inflict on workers. It does not matter whether they are from Britain, Poland or wherever in the world. That they would treat human beings in that way is beyond barbaric. Sadly, the Government have simply not learned the lessons from that scandal. The action taken has been insufficient. The Secretary of State passed the buck to the Insolvency Service, which, after months of prevarication, said it would take no further action.

In lieu of that, Ministers could have imposed an unlimited fine on the company. The Opposition made it clear that we would have supported any necessary changes to legislation, but the Tories let P&O off the hook, I am afraid. Thanks to that inaction, we are witnessing a race to the bottom, which is likely spelling the end of any residual UK maritime workforce. All the while, P&O's parent company, DP World, announced earlier this month that it had received record profits and a £3 billion final dividend for 2022. It also gets financial help from the Government for the berth at London Gateway.

I fear it is not just companies in the maritime industry that will follow suit; there will be others. Businesses across the economy will know that they can blithely commit such crimes of corporate thuggery, and decimate workers' rights and protections in the process. I am going to finish, because I want to give the Minister the opportunity to respond. The events of the P&O Ferries scandal serve to underscore how much we need reform of employment rights and protections in this country.

4.19 pm

**The Parliamentary Under-Secretary of State for Business and Trade (Kevin Hollinrake):** It is a pleasure to speak with you in the Chair, Sir Gary. I thank the hon. Member for Wansbeck (Ian Lavery) for bringing forward this important debate.

G. K. Chesterton said:

"Too much capitalism does not mean too many capitalists but too few capitalists".

I absolutely agree with that. I think there is agreement across the House that the vast majority of employers are decent people who treat their employees properly. However, some of the egregious behaviour we have seen in this case, and in others as well, happens when there is too much power in the hands of a few very large operators that dominate certain sectors. The title of this debate is absolutely right, in that there are lessons we can learn from the case of P&O.

The hon. Member for Wansbeck made lots of points. He said to me before that he did not expect me to respond to them all today, and I probably cannot, but I will write to him about the ones I do not pick up on. Some are dealt with by other Departments such as DFT, but I am keen to facilitate responses on all his points where I can. We are in total agreement here: the behaviour of P&O and its chief executive was disgraceful and gratuitous, running roughshod over UK legislation, as I saw in the testimony referred to by the hon. Member for Middlesbrough (Andy McDonald). That is absolutely appalling, and we must deal with it. Yes, we need to learn the lessons, and we have learned some already. We are determined to look at this issue carefully and to go further where we need to. I think the hon. Member for Wansbeck knows that we have taken some action already, but I fully understand that he might want us to go further.

So much attention has been drawn to this appalling behaviour because it is very unusual. I was an employer for 30 years, and most employers would never have considered not carrying out the requirements around consulting the workforce. That is because it was the right thing to do and because we wanted to have a good reputation as an employer with our existing staff and any staff who would join us in future. There is something fundamentally wrong when an employer can set aside the clear requirements to consult the workforce in these instances.

It is fair to say that the Government were very clear in their condemnation early on. The Secretary of State wrote to P&O to ask it to reverse its decision and asked the Insolvency Service to investigate whether the law was complied with. That investigation has not yet concluded. The criminal side of the investigation has reported back. A senior prosecution barrister looked at the matter and decided there were not sufficient grounds to take forward a criminal prosecution. The civil investigation is still live, and it is important we give it the opportunity to run its course.

We all believe in the principle of due process in these cases. Certainly, there is still a chance, as the hon. Member for Middlesbrough noted, of an up to 15-year ban of a director if there are sufficient grounds, so we should let the Insolvency Service conduct its work. Like others,

*[Kevin Hollinrake]*

I urge the service to do that work as quickly as possible so that it can come to a resolution and more lessons will hopefully be learned. Indeed, if lessons are learned, I am keen to take further action where necessary to clamp down on such behaviour.

**Andy McDonald:** Does the Minister accept that we were told that action would be taken urgently and it was not? In that vacuum, there is no reason why DFDS, Stena and other ferry services could not do the exact same thing and more seafarers could lose their jobs.

**Kevin Hollinrake:** The hon. Gentleman raises an important point. I do not accept that no action has been taken, and we are consulting on some things now to try and beef up the requirements in terms of consultation. We have already done some things.

The hon. Member for Wansbeck referred to the Seafarers' Wages Act and the requirement to pay a minimum wage in UK waters. He is right to say that the seafarers' charter is a voluntary code for now, and we want to see how that operates. I fully respect his perspective that this should be mandatory across the piece, but when there is a proportionate approach—we do not feel at this point that it is. Nevertheless, we have legislated in that area. That legislation has received Royal Assent and is now law, but the hon. Member for Wansbeck is right that some secondary legislation is required for it to be fully and effectively implemented.

On the Thames freeport, let me clear: we have not given any money to DP World, but we have given money to Thurrock Council. However, some of the land needed to operate a Thames freeport includes land owned by DP World. It would be cutting off noses to spite faces if we said, "You can't use that land, because of its ownership," and we do not believe in compulsory purchase, except in certain circumstances. I think that would be the wrong—

**Andy McDonald:** You've just done that on Teesside!

**Kevin Hollinrake:** Well, that is a slightly different case.

It was interesting that none of the contributions suggested that we would ban fire and refire. Interestingly, the deputy leader of the Labour party, the right hon. Member for Ashton-under-Lyne (Angela Rayner), said Ministers would not ban the behaviour, judging that it is "acceptable in some circumstances". So I think we are probably all on the same page in terms of making sure the bar is high on the requirements for anybody using these kinds of tactics and making sure that people cannot just run roughshod over them.

New guidelines from ACAS in 2021 were clear that this kind of action should be taken only as a last resort. In terms of a statutory code of practice, there is a 12-week consultation from January 2023. The principle behind that is that there is a 25% compensation uplift in employment tribunals if consultation requirements are not adhered to. We think that sets a sensible balance between the two. Having said that, I am keen to go further, where we can, and to look at the different provisions we can put in place to make sure that the requirements on employers work in practice. It is clear that has not been the case in this case, which is why we have gone further.

To conclude, I thank the hon. Member for Wansbeck again. He knows I am as incensed as he is by the actions of this employer because they bring into disrepute the good name of many other employers, which cannot be right.

**Andy McDonald:** Just briefly, on fire and rehire, we have to be clear about what we are talking about here. This was not firing and rehiring the same workers; this was firing workers and replacing them with cheaper workers. That is the point that concerns us. If companies get into financial difficulties, there has to be a proper mechanism for protecting people if they have to have lower terms and conditions. That is the point we are making.

**Kevin Hollinrake:** We are totally on the same page. The fire element is the worry here. Setting aside the consultation requirements, hon. Members will remember the case of British Airways, which threatened fire and rehire during the pandemic. It did not go ahead with that tactic, as P&O did, but consulted the workforce and found a way through. That shows why the consultation period is so important. Making sure that the provisions we have work in practice is key.

As I say, we already have the Seafarers' Wages Act. We will keep the issue under review. We are keen to see the outcome of the Insolvency Service investigation and, as far as I am concerned, where action can be taken, it will be taken. We should bear it in mind that we want to act in a proportionate way. Most employers do the right thing. I have never heard of a case like this one before. Most employers do adhere to consultation requirements. We should celebrate the good employers we have in this country, as well as clamping down on the bad ones, and I am determined that we do so.

*Question put and agreed to.*

# Medical Technology Regulations and the NHS

4.30 pm

**Dame Caroline Dinenage** (Gosport) (Con): I beg to move,

That this House has considered medical technology regulations and the NHS.

It is a great pleasure to serve under your chairmanship, Sir Gary, and to talk about the importance of medical innovation and medical technology in our NHS. We know that the NHS faces significant challenges, but medical technology—or health tech, as it is often called—holds many of the solutions that are necessary to achieve things such as delivering improved patient outcomes and facilitating the transition to more sustainable models of health and care delivery. It also has massive potential to drive economic growth.

Health tech includes everything from laboratory tests to wound care dressings, mental health apps, implantable defibrillators and critical technology—everything that is absolutely fundamental to the diagnosis and treatment of health conditions. Life-saving and life-enhancing health technologies, such as cardiac pacemakers and artificial knees and hips, are already highly regulated products. While we were part of the EU, UK-based health tech was subject to CE marking, but now there is a need to develop sovereign regulatory arrangements that provide equal levels of patient safety while protecting timely access to global life-saving and life-enhancing health technologies.

The Medicines and Healthcare products Regulatory Agency is solely responsible for regulating the UK's medical devices market and is mandated to ensure that patient safety is protected, irrespective of where a product is manufactured. The MHRA has a huge responsibility on its shoulders, and it is for that reason that I welcome the Chancellor's commitment in the spring Budget to reform regulations around medicines and medical technologies. In fact, that was the thrust of why I asked for this debate, so it is lovely to be able to welcome that announcement rather than to be pushing for it. It is a much more comfortable position for me to be in.

The Chancellor confirmed that the MHRA will receive £10 million of extra funding over two years to maximise its use of Brexit freedoms and accelerate patient access to treatments. He also confirmed that the MHRA is moving to a new model, which will allow near automatic sign-off for medicines and technologies that have already been approved by trusted international partners in places such as the USA, Japan and Europe. That is important, because the US Food and Drug Administration—the FDA—is recognised as delivering high-quality, innovative health tech to its citizens in a timely manner while maintaining high standards of patient safety. Those product regulation-equivalent routes, which recognise the decisions of trusted jurisdictions that have already looked at medicines and technologies very carefully, can protect NHS patients' access to high-quality products and allow our own regulator to focus resources on where they can make the most impact.

**Jim Shannon** (Strangford) (DUP): I thank the hon. Lady for bringing this issue forward, and I apologise to her and others for not being able to stay—I have another meeting at 5 o'clock, as I mentioned to you, Sir Gary.

I am my party's health spokesperson, so I am very aware that regulation is essential to our health service. I strongly believe that regulation and demand should go hand in hand on health. Regulating the use of apparatus, instruments, tools, scanners, drugs and monitors is one thing, but does the hon. Lady agree that accessing them is another? It is imperative that we ensure that patients can make use of life-saving treatments. Aspiration is good, but delivery is better.

**Dame Caroline Dinenage:** It is always a great pleasure to see the hon. Gentleman, who always make very sensible interventions on these issues. He is absolutely right: we need the right regulation in place, but we also need to have the facilities to make sure that, once technology and treatments have been approved, they are easily and quickly accessible to those who most need them.

I will be the first to admit that I was not the biggest advocate of Brexit. However, the freedoms afforded by Brexit allow us the opportunity to recognise approvals from any jurisdiction that we deem appropriate. Of course, any products that enter the UK market via regulatory equivalence routes from trusted international jurisdictions will need to be approved by the MHRA and to be subject to strict vigilance and post-market surveillance requirements, so a number of checks and balances are in place for British patients. However, this new system post Brexit gives the UK more control to determine what products can be placed on the market.

As the hon. Member for Strangford (Jim Shannon) said, we must ensure that the regulatory system is robust but also prevent the UK from becoming a secondary market, where patients and clinicians have less access to technologies. The right system not only increases the UK's access to the newest innovations but increases patient safety by maintaining access to the widest possible range of thoroughly regulated and already available health technology from around the world.

Therefore, my first question to my hon. Friend the Minister—I should warn him I have two or three—is whether he can confirm the timescales for the new model to ensure continued patient access to health tech and whether there will be a sense of urgency about this. The Minister and you, Sir Gary, will know that the pandemic, through the early innovation of the vaccines and the remarkable work done by British scientists, demonstrated the UK's ability to be a real science and technology superpower. However, there is an urgent need for action to ensure that we do not lose the opportunity to impact patients' lives and effectively deliver on this ambition and this ability.

We have the potential to make the United Kingdom the most attractive place in the world for innovation and, in particular, medical innovation. We know that medical technology helps to deliver better patient outcomes, improves care pathways, drives cost savings in the NHS, reduces the burden on the workforce and, critically, can help to reduce the backlogs. This matters to people's lives. In the Hampshire and Isle of Wight integrated care board area, more than 54,000 people are waiting to start treatment. The average time people are waiting in my local area to start their treatment is 16.9 weeks, with 47% of patients waiting more than 18 weeks. That is why we need to capture the potential of every way possible of ensuring that people get access to treatments as effectively and quickly as possible.

*[Dame Caroline Dinenage]*

In Gosport, 1,500 people have a dementia diagnosis. Dementia is one of the biggest healthcare challenges facing us as a nation, but there are some exciting and innovative developments there too. The EDoN—Early Detection of Neurodegenerative diseases—project will use wearable tech to detect signs of dementia even 10 to 15 years before symptoms appear. Too often, a dementia diagnosis comes far too late—once symptoms are already well advanced. This technology could be game changing by allowing people to make advance lifestyle interventions that might minimise the impact of the condition. However, it will also enable scientists to make a huge contribution to research and clinical trials of drugs and interventions that will work, inevitably in the long term, through to treatments and cures.

This is also an area where we need to see the rapid approval of new treatments as they become available. In January, the FDA—the US regulator—approved the first treatment shown to slow degeneration in dementia. Two drugs are currently on trial in the UK, and the people conducting the trials expect to publish their findings later this year. Neither drug has an easy name to pronounce: donanemab and lecanemab. Can the Minister please assure me that the MHRA stands ready to accelerate the approval of these schemes as soon as they become available—it sounds as though one is imminent; it may be in the next couple of months—so they can start supporting patients at the earliest opportunity?

If I may just flag one issue with the Minister, one obstacle to these drugs being available on the NHS is the National Institute for Health and Care Excellence guidelines, which often approve medicines based on their cost-effectiveness. In this case, it will be remaining years of healthy lifespan versus the cost to the NHS. The cost of dementia is of course largely not borne by the NHS—the cost to it is only about £1.5 billion a year, compared with the £26 billion borne by the adult social care system and the informal care sector.

Will the Minister kindly agree to meet Alzheimer's Research UK to discuss how we can best ensure that UK patients get swift access to the best possible dementia drugs as soon as they are available and that the systems designed to offer checks and balances, such as NICE, do not prove to be an obstacle to that?

Will the Minister assure us that every effort will be made to engage with the global health tech industry to ensure that the UK proactively seeks innovations for the benefit of UK patients while encouraging UK-based innovation? There is a lot of innovative practice going on right under our noses. Health tech will play such a key role in driving not only UK national economic growth but great amounts of regional growth. There is an organisation called SIGHT, or Supporting Innovation and Growth in Healthcare Technologies, which is a business support programme developed by the University of Portsmouth to provide help and guidance to small and medium-sized businesses in the healthcare technology sector. In the Wessex region, which is where Gosport sits, 10% of the workforce is employed in the health economy, and more than 300 health and life sciences companies are focused on medical technological innovation. The SIGHT process will provide an important boost to the regional economy through its support for the sector. What steps is the Minister taking to encourage local innovation and entrepreneurship in the medical technology sector, and how can he enable the implementation of innovation in the local care system, which can sometimes be quite risk averse?

To maintain the NHS's access to the 600,000 currently available CE-marked products, it will be important not to add unnecessary burdens on to manufacturers that already supply a relatively small market, so transitional arrangements provide for a dual regulatory regime, with the unilateral recognition of CE marking in place until July 2024, subject to legislative approval. That recognition could be continued and expanded for the benefit of the NHS and patients across the country. Perhaps the Minister could talk a bit about that.

We need to act fast. A recent survey by the Association of British HealthTech Industries—the ABHI—shows that one in five products is expected to be removed from the market over the next five years, and one in 10 companies is halting all innovation activity. That has been driven by persistent uncertainty, constrained capacity in the system and increasing costs. The ABHI survey also highlighted that 67% of the health tech industry expect a delay in bringing innovation to the UK, and the figure rises to 86% for those manufacturing in vitro diagnostic medical services.

The right kind of regulation will be key in setting the standard as to whether the UK is an attractive place to do business and promote innovation. It will ensure that UK patients continue to receive world-class technologies such as surgical robots and digitally enabled remote care, and it will protect our ability to react swiftly and effectively to any further pandemics by developing the latest diagnostic tests.

In addition, I understand that the Government are already committed to a medical device information system. That will collect key details of the implementation of all devices, which will be linked to a specific register to research and audit patient outcomes. That will deliver a system that allows the UK to record and access device safety and patient outcomes. That medical device roadmap lays out an ambitious vision for how the UK can become world leading in this space and a real global superpower in digitally enabled health tech. Will the Minister assure us that its delivery will be prioritised to ensure that we build on the positive reaction to its publication?

There are concerns that existing capacity constraints may impact the MHRA's ability to deliver and most effectively use the additional funding that the Chancellor has made available. Making the most of expertise and capabilities across the ecosystem will be crucial. As well as the development of more product regulation equivalence routes to allow for the recognition of approvals in other trusted jurisdictions, we must explore all other options to ensure the expansion of existing capacity, including by reviewing the role that the MHRA can take in direct regulation, providing it with both the resource and political impetus to increase UK regulatory ambition, and enabling the development of recognition and innovation systems.

The recent commitment by the Chancellor and the Prime Minister is welcome, and it indicates that the Government truly recognise the need to ensure that there is appropriate focus and support for the ambitious innovation programme that supports clinical and patient need, availability, and choice. It is by investing in developing

the skills required that we can ensure that the UK continues to be a leader in regulating the technologies of the future.

The freedoms afforded by Brexit allow us to seize the once-in-a-generation opportunity to deliver a best-in-class regulatory system and enable the health tech industry to support the drive for the UK to become, and continue to be, a global science and technology superpower.

4.45 pm

**Martyn Day** (Linlithgow and East Falkirk) (SNP): I am grateful to the hon. Member for Gosport (Dame Caroline Dinenage) for securing today's debate, and for the manner in which she summarised the case. I may disagree with her optimism on the Brexit side, but I think there is a lot here that we can agree on.

This issue is of great concern to all our nations. Medical devices are used in the diagnosis, treatment and management of a wide range of diseases and conditions. Across these islands, it is estimated that one in 25 people has an implanted medical device. The regulation of medical devices is reserved to the UK Parliament and regulator, and the Medicines and Healthcare products Regulatory Agency covers all medicines and medical devices used in the diagnosis and treatment of illnesses. Under the current UK regulations, manufacturers must report any adverse issues involving medical devices to the MHRA.

In the Scottish context, Health Facilities Scotland assists the MHRA in providing technical and operational support to the Scottish Government health and social care directorate, and to NHS Scotland. In February 2018, the independent medicines and medical devices safety review was launched to investigate how the health system responds to concerns about the safety of treatments. The review, chaired by Baroness Cumberlege, focused on vaginal mesh, sodium valproate and hormone pregnancy tests. The review's report, published in July 2020, made nine recommendations. My colleagues in the Scottish Government have committed to implementing all the recommendations of Baroness Cumberlege's review, including the appointment of a Scottish patient safety commissioner.

As we have heard, patients, families and campaigners brought to light those horrific medical disasters: the use of the hormone pregnancy test Primodos; the use of the antiepileptic drug sodium valproate in pregnancy; and the use of vaginal mesh. It is clear that the same underlying issues have driven all three disasters. There were four main features: a failure of licensing and regulation in the first place, particularly regarding implantable devices, such as vaginal mesh; a lack of accurate information to enable doctors to discuss the risks of those devices and allow patients to give informed consent; a weak system for doctors or patients to report the adverse events, which would have resulted in action; and, in some cases, a failure of doctors to listen to the affected women who raised concerns.

Health technology, medical devices and equipment are crucial in delivering services in NHS Scotland, and they must meet clinical and information governance requirements to minimize the risk of adverse events. To provide high-quality patient care, medical technology must be procured, managed and maintained appropriately. Although the regulation of medicines and medical devices is currently a reserved matter for the UK Government, the Scottish Government support ongoing reform of the assessment of medical device safety. However, there are concerns that the UK Government intend to compound the Brexit harms in the NHS by removing many European standards and regulations from the statute book with their Retained EU Law (Revocation and Reform) Bill.

The Scottish Government are concerned about the impact of the UK's departure from the EU on the regulation of medicines and medical devices. The Scottish Government believe that regulatory reform must include the systematic incorporation of patients' experiences in decision making. There have been shortages of medicines since the UK's departure from the single market, and they have resulted in price increases and the use of serious shortage protocols. It will come as no surprise that the SNP opposes the Retained EU Law (Reform and Revocation) Bill, which could remove important protections, such as food labelling, animal welfare, and environmental controls. Scotland wants to maintain EU standards for medication safety and controls.

4.49 pm

**Andrew Gwynne** (Denton and Reddish) (Lab): It is a pleasure, as always, to serve under your chairmanship, Sir Gary, especially now that this radiator down at my ankles is working. It is also a pleasure to contribute on behalf of the Labour Front Bench in this important debate.

I commend the way in which the hon. Member for Gosport (Dame Caroline Dinenage) presented the case for medical technology. She is absolutely right, because whether it is diagnostic or surgical devices or the digital tools that assist us in making healthcare more accessible, medical technology underpins much of the work that the NHS does. It is also, as has been highlighted in this debate, a key contributor to the UK economy. Medtech generates an annual turnover of over £27 billion and provides around 138,000 jobs. The importance of supporting and, indeed, turbocharging this sector cannot be overstated.

Labour has been clear that it wants to see Britain leading medical science and technology on the world stage. That ambition will be at the heart of our 10-year plan for change and modernisation, which will revolutionise care in this country, transforming our healthcare system from one that just treats the symptoms of illness to one that addresses the root cause of ill health. Imagine a country where we could get out into communities and harness new technology to spot cancer cases early or support individuals at potential risk of developing rare diseases—a country where, using genomics, we do not just treat illnesses such as cancer, diabetes and heart disease, but predict and prevent those conditions.

All that might sound a little far-fetched or sci-fi, but the technology to do it exists in British laboratories and research centres today, and it is ready and waiting to be realised fully. It is therefore extremely welcome that the Government have finally published their medical technology strategy. That is an important step in better utilising this sector, but it must be followed up by concrete action. Crucially, it must come alongside targeted work to reduce waiting times and the elective care backlog. I note that the strategy states that medtech will help the NHS to use

"fewer resources…through informing effective healthcare purchasing, championing sustainability, embracing innovative technology and improving health data".

*[Andrew Gwynne]*

I do not disagree. We must maximise the use of medtech across the NHS. It is not a party political point; it is a common sense one for the future.

For medtech to realise its full potential, we need staff—an area on which the Government have had little to say. I am hoping that something will come in the weeks ahead. In fact, the Government have the opportunity to nick Labour's workforce strategy; they did not do it in the spring Budget, but I am sure the Minister is on the case.

Put simply, there is no one silver bullet to solve the crisis in our NHS—we need a whole-system approach—but medtech has a massive role to play in the future. What does a whole-system approach mean? It means giving the NHS the tools, staff and reform it needs to survive. Without all three, we will not be able to rebuild our health system, which is sadly under enormous pressure right now.

With regard to the strategy, I would appreciate some clarity on a few points from the Minister in his response. The first relates to the adoption routes for new technologies. The Health Tech Alliance estimates that it takes approximately 17 years for a device to be adopted into the NHS. The Government strategy mentions adoption rates, but it is relatively light on detail. If new technology is safe and effective, we should be doing everything we can to get it into the hands of NHS clinicians. What further work is he planning to undertake in that respect, and will he provide more detail on how he plans to improve technology adoption rates?

I will touch on regulatory requirements, which the hon. Member for Gosport mentioned, and the speed with which we get new treatments to patients. Last year, we had an agonising to and fro over the pre-exposure prophylaxis Evusheld. The drug was designed to protect those who are acutely vulnerable to covid-19 and still shielding, but the process for approving it for use in the NHS took far too long. By the time the drug had been fully reviewed, it no longer responded as effectively to covid variants, and it was therefore not recommended for use.

NICE recognised that fact in recently published guidance, and it has committed to developing a new review process to streamline approval for covid-19 treatments. Has the Minister had any discussions with NICE on the timeline of that process, and what action is he taking to ensure that future safe and effective treatments and technologies do not face similar regulatory delays? Similarly, with unwelcome reports that the antivirals taskforce is being wound up at the end of this week, what steps is he taking to ensure that suitable provision of those essential treatments continues?

Finally, I will press the Minister on small and medium-sized enterprises. A recent study found that up to 24% of UK-based health tech SMEs are now looking to launch their innovations outside the United Kingdom. That would be a travesty, and I am sure it concerns him as much as it concerns me, the hon. Member for Gosport and the SNP spokesperson, the hon. Member for Linlithgow and East Falkirk (Martyn Day). The UK should be empowering home-grown tech, not missing out on it because of neglect and miscommunication. Despite the problem, the medical technology strategy made little reference to SMEs, aside from saying that the Government would support improved management of SMEs and upskilling of workers. That is just not good enough for companies that make up 85% of the medtech sector.

What more is the Minister doing to ensure that SMEs are sufficiently supported to launch their innovative new products here in the United Kingdom? I appreciate that he will be required to work across Departments to ensure that this growing sector, which has so much potential to grow further, is as supported as we would expect. What more can be done to streamline the regulatory processes that many SMEs are grappling with?

To close, we need to ensure that Governments of whatever political colours are not too slow to harness the medical technology sector. If we are, ultimately it is patients—the people we are sent here to represent as Members of Parliament—who pay the price. We need to build an NHS that is fit for the future, where patients are seen on time and technology is employed to tackle ill health and inequalities. That is something that I and the Labour party support, and I suspect the Government will say they support it too. Let us just get on with it.

4.58 pm

**The Minister for Health and Secondary Care (Will Quince):** It is a pleasure to serve under your chairmanship, Sir Gary. I congratulate my hon. Friend the Member for Gosport (Dame Caroline Dinenage) on securing this important debate. I am grateful for the opportunity to update her and the House on the subject, and I am proud to showcase the investments that the Government are putting into life sciences.

My hon. Friend showed eloquently and articulately that medical technology is of huge importance to the UK and its health and care system. As she rightly said, the regulations that govern medtech have to protect patients and ensure public safety. It is also important that they encourage investment and drive innovation in the sector. The NHS spends an estimated £10 billion a year on medical tech, and the sector is an essential provider of jobs and specialist skills across the UK. The hon. Member for Denton and Reddish (Andrew Gwynne) set out the value of medtech to UK plc; there are no fewer than 138,000 jobs in the sector in this country.

My hon. Friend the Member for Gosport rightly highlighted how the UK's decision to leave the EU, coupled with huge advances in life sciences and diagnostics —many of which the hon. Member for Denton and Reddish set out—has presented a great opportunity for us to reform our medical devices regulatory regime. We are well placed to do that, and we have to seize the opportunity.

We have a dynamic and pioneering medtech sector and a world-renowned regulator in the Medicines and Healthcare products Regulatory Agency, which most people know as the MHRA. I know that there have been challenges with the MHRA, as my hon. Friend the Member for Gosport set out, and I will come to that in a moment. Before I do, I want to touch on the work that the MHRA is doing to update the medical devices regulatory regime.

The first set of changes will be delivered this year—in fact, by the summer. The updated regime will deliver improved patient safety, greater transparency and closer alignment with international best practice, as my hon. Friend rightly pointed out, and it will ensure that regulation is proportionate. I am still very much alive to the scale

of change and the huge importance of giving the sector—as the hon. Member for Denton and Reddish set out, many of its businesses are small and medium-sized enterprises—the time that it needs to adapt. Certainty of supply and access to medical devices in the NHS is critical, so we will intentionally phase in the regulatory changes in stages to give industry certainty.

I want to touch on two other areas, both of which are really important to the industry: artificial intelligence and new routes to market. In both cases, the new regulations will support innovation in the UK's life sciences sector and, importantly, accelerate access to innovative medical devices for UK patients.

We are improving the regulation of novel and growing areas such as AI to ensure that our systems are responsive to technological advances. We have to ensure that we continue to be best in class and world class in this space. I want us to be world leaders in the regulation of new technologies and new approaches, such as AI. At the heart of that ambition is our desire for patients here in our United Kingdom to have access to the very latest innovations in medical technology. I want them to have that as quickly as possible, and agility is key to ironing out the bureaucratic processes that historically have caused delay.

New routes to market are important because they will enhance the supply of devices, including the most cutting-edge products. The regulations will introduce a new pathway to support the use of real-world evidence in the conformity assessment process, with proportionate regulatory oversight for these devices. To be absolutely clear, though, because we cannot lose sight of this, the focus of the MHRA must be patient safety. That must remain paramount.

Importantly for UK plc—I turn directly to the point made by the hon. Member for Denton and Reddish—I believe that these improvements will help to create opportunities for small and medium-sized enterprises, including by ensuring that UK businesses have the ability to supply their UK-made and UK-developed products to the NHS and get them in use for patients more quickly.

I mentioned that my Department's priority is to ensure that innovative, safe and effective devices reach patients as quickly as possible. That is an area of real focus and one where I want us to improve. Our inaugural medtech strategy, which was published last month, has been mentioned by everybody who has spoken. The strategy is key, because it recognises many of the systemic challenges to adopting innovative products that hon. Members across the Chamber have set out. It sets out a clear ambition to provide a streamlined pathway from pre-registration through to adoption in the NHS, which the hon. Member for Strangford (Jim Shannon) rightly pointed out. Importantly, it will ensure rapid progression for priority innovative products, including drugs, as my hon. Friend the Member for Gosport rightly said. The medtech strategy sets out our ambition and clear signals as to what we want to achieve.

Both my hon. Friend and the hon. Member for Denton and Reddish asked how we identify the products needed for the future, so that we can set innovators off to design products that tackle the challenges we face. We are working closely with senior clinicians across the NHS. It is our ambition to set out the big challenges in the health and care system, and then to give those challenges to innovators—ideally, but not exclusively, in this country—and set their minds, businesses, organisations and capital to work to design the products and devices that we need. That will allow us to introduce novel products to the NHS, and therefore our patients, faster.

I genuinely believe that medtech has the most enormous potential to improve patient outcomes, and I know that my hon. Friend the Member for Gosport does too, as a former Health Minister and a former Digital Minister—two areas that are very much combined in this debate. I see that potential already on my visits around the country —from a particular type of plaster that enables a wound to heal faster, to robotic surgery equipment that costs many millions of pounds. They have very different functions, but both fall under medtech regulations. It is therefore vital that we work more closely with industry to ensure that we have a robust pipeline of innovations that can be adopted at pace and scale, and can then support the delivery of our and the NHS's key priorities.

The inaugural medtech strategy is an important milestone, but it is also important to back it with funding. As my hon. Friend rightly pointed out, the Government recognise the opportunities that we have before us and the importance of this topic. That is exactly why, in the Budget—the evidence is there—the Chancellor of the Exchequer announced £10 million of additional funding for the MHRA over the next two years. That will help us to bring innovative medicines and medtech to patients more quickly. It will support the development of a shortened but still thorough approval process for cutting-edge treatments such as cancer vaccines, which is an area that we are investing in considerably alongside industry. There is also AI-based technology. I know that I have mentioned AI a number of times, but it is the most exciting area of medtech. For example, the relatively new AI-based app Sleepio, which provides tailored therapy for insomnia at the touch of a button, is the kind of technology that will transform the lives of patients in our NHS.

My hon. Friend rightly mentioned international recognition, which I recognise is so important and is one of the Brexit opportunities that has come about. The funding will also be used to establish an international recognition framework, which will allow the MHRA to fast-track the approval of medicinal products that have been approved in other trusted countries. That will address the unnecessary duplication of regulatory processes from countries with the same standards as us and therefore reduce the time it takes for essential products to reach our market. It will make the most of the MHRA's resources. Finally and critically, the additional funding put in by the Chancellor only a week or so ago will ensure that the MHRA has the resource and infrastructure more broadly to deliver on our ambitious vision for UK patients, by increasing the availability of life-saving medtech devices on the UK market while maintaining proportionate regulatory oversight to protect patients.

My hon. Friend asked three specific questions. The first was about the timescale and the fact that we need to act fast. She is absolutely right. We have published the medtech strategy, which has largely been welcomed by industry. The first set of changes will come in this summer. Then there will be a transition period for CE-marked devices into law. Later this year, we will

*[Will Quince]*

introduce post-market surveillance requirements. Other updates will follow, but I am acutely aware that industry must have sufficient notice, and I will ensure that it has that throughout.

My hon. Friend's second question was in relation to dementia and Alzheimer's drugs. I will look very carefully at that. Understandably, the MHRA and NICE are independent, but of course I would be very happy to meet representatives of Alzheimer's Research UK, because I understand the importance of potential new drugs. If a drug has received FDA approval, we would want to look very carefully at it and consider how it might benefit patients here.

The third question was about the global tech industry. I covered that off a little by saying how we plan to set out our big challenges and then say, "This is the innovation that we need you to come up with." Of course we want to drive local innovation too, so if there are particular local challenges, we want to empower integrated care systems and integrated care boards to encourage local businesses and local innovators to come up with solutions to supply their local NHS.

My hon. Friend's final question was about the ability of the MHRA to deliver. I referred to the £10 million. We have also recently increased the fees for the MHRA, which come directly from industry, because it is largely self-funding. I keep a real watchful eye on this. I regularly meet the chief executive officer and others from the MHRA. I have also visited the MHRA twice, which was fascinating. If anyone has not done so, I encourage them to arrange a visit with Dr June Raine; I know she would be very happy to set that up. It is an absolutely fascinating place, based in South Mimms.

In conclusion—I am conscious of time and I know that my hon. Friend would like some time to respond—I again thank my hon. Friend for securing this important debate. Dare I say that this is probably not an issue being discussed widely around dinner tables across the country? Nevertheless, it is of vital importance to UK plc, it is hugely important to our NHS, and of course it is really important to patients, too.

This afternoon, my hon. Friend has drawn on her personal experience as a former Health Minister and a former Digital Minister to highlight the importance of medtech, and in doing so she has done her constituents and patients across the UK a huge service. I very much look forward to working with her and others to seize the opportunities and break down the barriers, so that we can bring the very latest innovation to patients as quickly and as safely as possible.

**Sir Gary Streeter (in the Chair):** Dame Caroline indeed has the final say.

5.12 pm

**Dame Caroline Dinenage:** Thank you, Sir Gary—I will be very brief.

I start by thanking the Minister for so comprehensively answering all my many questions and for showing his huge commitment to and understanding of this issue. It is a bit technical, as he said, but it is very reassuring to know that we have a Minister in place who gets it. It is also reassuring to know that we have a Chancellor in place who, like myself, was in a digital role and in a health role for many years, and really understands this issue and has a desire to put the weight of the Government behind it to make sure that we get it right.

The medtech strategy is a great starting point; we just have to make sure that we do not let it lose impetus. We have to build on it and make sure that it really delivers its potential in terms of saving lives, improving people's quality of life and health outcomes, and immeasurably impacting people's experiences in our NHS. However, as the Minister and the Opposition spokesman, the hon. Member for Denton and Reddish (Andrew Gwynne), both said, the strategy also has massive potential for our economy, nationally and regionally.

In fact, the Opposition spokesman summed things up really well when he talked about some of the technology; is seems almost unimaginable or something from a sci-fi movie, but it is out there already, and we need to be nimble and agile, and lean in to harness its potential. We just have to do everything we can to ensure that all the obstacles that would stand in the way are removed. We all know that prevention is better than cure, and we now have technology on our side that can really ensure that that prevention happens.

The Minister said that this is not a subject for conversation around dinner tables. I know that it is wildly technical, but some of its implications are the sorts of things that people talk about around their dinner tables. If one was able to predict whether one might be susceptible to developing dementia, would one want to know? Those are the sort of moral and ethical questions and conversations that people have. In many ways, people may feel that they would not want to know. In other ways, however, if people could make lifestyle interventions that would prevent or delay the onset of dementia, they might want to know. And if we could then monitor those people and conduct the clinical trials and observations that may lead us to find cures that change immeasurably the lives of both those living with dementia and their families, that must be worth embracing.

One of my big concerns is that we just do not adopt these technologies and innovations early enough, and that we certainly do not get them into the NHS early enough. There is a whole raft of issues around risk aversion and proving cost-effectiveness, and local areas wanting to be early adopters of innovation. We have a load of obstacles to overcome, but I am really grateful to the Minister for setting out his stall and articulating how we are going to tackle this issue.

*Question put and agreed to.*

*Resolved,*

That this House has considered medical technology regulations and the NHS.

5.15 pm

*Sitting adjourned.*

# Written Statements

*Tuesday 28 March 2023*

## CABINET OFFICE

### Correction to Written Statement HLWS648

**The Parliamentary Secretary, Cabinet Office (Alex Burghart):** The Minister of State, Baroness Neville-Rolfe DBE CMG, has today made the following statement:

In order to take account of the Easter recess and the bank holiday for the celebration of the Coronation, the period of the consultation on the effectiveness of the Digital Economy Act 2017 Debt and Fraud Powers has been extended. It will now run until 11 May 2023.

Further to this change, the following text outlines the Government's approach, updating the approach outlined in the written statement that I made on 22 March 2023:

I am pleased to announce the launch of a consultation on the effectiveness of the Digital Economy Act 2017 Debt and Fraud Powers.

The Debt and Fraud Powers, as contained in Chapter 3 and Chapter 4 of the Digital Economy Act 2017 respectively, allow specified public authorities to disclose information for the purpose of managing and reducing debt owed to a public authority or to the Crown and combating fraud against the public sector.

These powers must be reviewed, three years after their operation, for the purpose of deciding whether they should be retained, amended or repealed. As part of this review, I am required to consult certain persons and publish a report on the review's outcomes.

As part of this consultation, I shall engage with:

the Information Commissioner,

the Scottish Ministers,

the Welsh Ministers,

the Department of Finance in Northern Ireland,

members of the Home Affairs Committee,

bodies which have used the Debt and Fraud Powers of the Digital Economy Act 2017; and members of the Digital Economy Act Debt and Fraud Information Sharing Review Board.

The Consultation is now open and will end on 11 May 2023.

[HCWS681]

## EDUCATION

### Further Education Colleges

**The Minister for Skills, Apprenticeships and Higher Education (Robert Halfon):** I am today announcing a further investment of £286 million of capital funding in condition improvement of the FE college estate. An allocation of £286 million will be provided in financial years 2023-24 and 2024-25 to eligible FE colleges and designated institutions, as part of the FE Capital Transformation Programme which seeks to upgrade the FE college estate.

The allocation has been developed to prioritise and support FE colleges and designated institutions that have poor condition remaining, taking into account the investment FE colleges have secured through previous rounds of the programme. This will allow these colleges to invest in the condition improvement priorities across their estates.

The allocation is part of the FE Capital Transformation Programme, which delivers the Government's £1.5 billion commitment to upgrade the FE college estate in England, promoting parity of esteem between FE and other routes. Improving the condition of FE colleges is important in ensuring students have the opportunity to develop their skills in high quality buildings and facilities, in order to meet skills gaps in local economies.

Through the FE Capital Transformation Programme we have already agreed approximately £1.2 billion of investment in FE colleges and designated institutions. All colleges received a share of an initial £200 million allocation provided in September 2020 to undertake immediate condition improvement works, at the same time providing a boost to the economy. We have awarded funding for 74 condition improvement projects through a competitive bidding round, with colleges now delivering these projects in their localities. The DfE is working in partnership with a further 16 colleges to address some of the worst condition college sites in England.

This funding is part of the Government's investment of over £2.8 billion of capital investment in skills over this spending review period, ensuring our skills system can deliver the skills that the economy needs.

This investment is a key part of our skills reforms, which is providing a ladder of opportunity that enables young people and adults to get good jobs and progress in their careers. This begins with the opportunities and social justice needed to access excellent education and skills training, which lead to positive work outcomes.

Ultimately, we will help more people to achieve secure, sustained and well-paid employment, and provide opportunities for individuals to progress in their careers. This will help build the skilled workforce that businesses need, boost productivity and our economy, seize the opportunities of technological change and our net zero agenda, and level up across the country.

[HCWS677]

### School System Update: Academies Regulatory and Commissioning Review

**The Minister for Schools (Nick Gibb):** Today my noble Friend, the Parliamentary Under Secretary of State for the School System and Student Finance (Baroness Barran) has made the following statement.

Today, 27 March, the Department for Education has published the "Academies Regulatory and Commissioning Review". The report sets out a framework for how we move forward with growing the academies system to ensure that we continue to nurture the power of highly effective leadership for the benefit of all children. The review sets out how we aim to grow the number of effective trusts so that we can continue to raise educational standards, create more opportunities and support for staff and build a more resilient education system. Together with the publication of the review, we are also publishing trust development statements for each Education Investment Area (EIA) and to support the implementation of local priorities, the Trust Capacity Fund, worth £86 million in 2022-2025, will be open to new applications from 3 April. We are also confirming the allocations to priority education investment areas under the £42 million Local Needs Fund. Finally, we are publishing the content for a new MAT CEO leadership programme to help develop the pipeline of outstanding leaders required to lead a large trust effectively and support improvement in EIA and other areas of need across the country.

The academies programme has grown considerably since 2010, improving outcomes for children and unlocking the hard-earned expertise of teachers and school leaders. What started off as reforms designed to turn around a small number of the most challenging schools in England, has grown to the point where multi academy trusts (MATs) are now spreading excellence across every type of school, in every type of community. The review has considered the regulatory approach that the Department sets for trusts, the choices it makes about how the school landscape evolves, the support it provides to executive and non-executive trust leaders, and how it can best work with other actors in the system to ensure every pupil is receiving an excellent education.

The review sets out three key areas where the Department will work differently in future:

We will implement a simple, proportionate regulatory approach, which focuses on the right risks and the right level of accountability.

We will make better and more transparent commissioning decisions, informed by a clearer articulation of what it means to be a high-quality trust.

We will offer support which spreads sector expertise and increases overall capacity to keep improving schools and build a truly resilient educational system through multi academy trusts.

We want to develop a dynamic, self-improving system with the expertise of trust leaders at the centre of our approach. The report also recognises the important role of trusts in supporting all children to achieve their potential, including those with special educational needs and disabilities (SEND) and in alternative provision (AP), in line with the approach outlined in the SEND and Alternative Provision Improvement Plan on gov.uk.

The review is centred on delivering practical change, focusing in the near-term on policies and programmes that will enable and embed best practice across the school system, and in the medium term on strategic direction. The review has benefitted greatly from the input of our Expert Advisory Group and the views of a wide range of stakeholders. We will keep working with executive and non-executive trust leaders, teachers, dioceses and others to shape this approach and ensure the changes are implemented successfully. The full review conclusions, "Academies Regulation and Commissioning Review", can be found at gov.uk (publishing.service.gov.uk).

The review report's findings will make a particularly strong impact in areas which face some of the biggest educational and social challenges. These have been identified as Education Investment Areas (EIA).

Today, for the first time, we have published trust development statements. These statements set out our priorities in each EIA for developing a trust landscape led by high-quality trusts to transform standards locally and turn around underperforming schools.

To support the implementation of trust development statements, I am delighted to confirm that the Trust Capacity Fund 2023-25, worth £86 million in 2022-2025, will be open to new applications from 3 April. This two year fund will prioritise EIAs and will provide funding to support high-quality trusts, and high-quality schools forming new trusts, to take on underperforming schools.

Growing great trusts is central to our strategy to improve schools. To do that we also need to develop the pipeline of outstanding leaders. We are therefore publishing today the content of new training for our MAT CEO development programme. This framework sets out the knowledge, skills and behaviours required to lead a large trust effectively to ensure that every pupil is receiving an excellent education. The programme will help build leadership capacity to support improvement in EIAs and other areas of need across the country.

Finally, as set out in our Schools White Paper, we are investing an additional £42 million through the new Local Needs Fund. Today we are confirming allocations to each of the 24 priority EIAs—EIAs with high rates of disadvantaged pupils and very low educational outcomes at Key Stage 2 and Key Stage 4—to help them to access evidence-based programmes that will boost literacy and numeracy.

[HCWS679]

### Schools: Capital Funding

**The Minister for Schools (Nick Gibb):** Today the Minister for the School System and Student Finance, my noble Friend Baroness Barran, has made the following statement:

Today I am announcing capital funding to support the creation of new school places and improve the condition of the school estate. This investment will support the Government's priority to ensure that every child has the opportunity of a place at a good school.

I am announcing £1.8 billion of capital funding for the 2023-24 financial year to improve school buildings. This will support local authorities, academy trusts and other bodies responsible for school buildings to ensure that the estate is safe and well-maintained. This includes:

£1.1 billion in school condition allocations (SCA) for local authorities, large multi-academy trusts and large voluntary-aided school bodies—such as dioceses—to invest in improving the condition of their schools.

£0.5 billion for the condition improvement fund (CIF) programme. This is an annual bidding round for essential maintenance projects at schools in small and stand-alone academy trusts, small voluntary-aided bodies and sixth-form colleges. Outcomes of the 2023-24 bidding round will be announced in due course.

£0.2 billion of devolved formula capital (DFC) funding allocated directly for schools to spend on their capital priorities.

This funding is part of the total £19.4 billion of capital funding announced at the 2021 spending review to support the education sector between 2022-23 and 2024-25.

I am also announcing £487 million for the 2025-26 financial year to fund local authorities to create school places needed for September 2026.

These funding allocations will allow local authorities and other responsible bodies to plan ahead with confidence, to invest strategically to ensure they deliver good school places for every child who needs one, and to maintain and improve the condition of the school estate to support effective education.

Full details have been published on the Department for Education section on the www.gov.uk website.

[HCWS680]

## HOME DEPARTMENT

### Crypto-assets: Codes of Practice Consultation

**The Minister for Security (Tom Tugendhat):** The Proceeds of Crime Act (POCA) 2002 contains a comprehensive package of measures designed to make the recovery of unlawfully held assets more effective. The operation of certain powers within POCA are subject to guidance in various codes of practice issued by the Home Secretary, the Attorney General and the Advocate General for Northern Ireland, the Department of Justice Northern Ireland and Scottish Ministers.

Three existing codes of practice need to be updated and one new code of practice made, to reflect possible changes made to POCA by the Economic Crime and Corporate Transparency (ECCT) Bill, which subject to being passed by Parliament and receiving Royal Assent will amend and insert new civil forfeiture powers into POCA, to increase the recovery of crypto-assets.

It is intended that the new civil forfeiture crypto-asset powers will be replicated in schedule 1 to the Anti-Terrorism Crime and Security Act 2001 (ATCSA) and Schedule 6 to the Terrorism Act 2000 (TACT). The equivalent code of practice also needs to be updated.

POCA and TACT provide that before a code of practice is issued, I must consider any representations made, modify the codes as appropriate, and subsequently lay the codes before Parliament for approval.

I intend to consult on changes to the following codes of practice:

Code of practice issued under section 47S of the Proceeds of Crime Act 2002—Search, Seizure and Detention of Property (England and Wales).

Code of practice issued under section 195S of the Proceeds of Crime Act 2002—Search, Seizure and Detention of Property (Northern Ireland).

Code of practice issued under the proposed section 303Z25 of the Proceeds of Crime Act 2002 (as inserted by schedule 7 to the ECCT Bill) - Recovery of Crypto-assets and Related Items: Search Powers (NEW CODE).

Code of practice issued under section 377 of the Proceeds of Crime Act 2002—Investigations.

Code of practice for officers acting under schedule 1 to the Anti-Terrorism, Crime and

Security Act 2001—amended through powers under Schedule 14 to TACT.

In tandem the Attorney General's Office will also launch a consultation on its equivalent code of practice.

I will arrange for a copy of the consultation document and the five draft codes to be placed in the Libraries of both Houses.

Following this consultation, I intend to lay a statutory instrument to issue these updated codes of practice under the Proceeds of Crime Act 2002 (POCA) to reflect changes as a result of both the Economic Crime, Transparency and Enforcement Act, and the Economic Crime and Corporate Transparency Bill.

[HCWS682]

## NORTHERN IRELAND

### Northern Ireland Security

**The Secretary of State for Northern Ireland (Chris Heaton-Harris):** The threat level to Northern Ireland from Northern Ireland-related terrorism is constantly monitored and is subject to a regular, formal review. This is a systematic, comprehensive and rigorous process, based on the very latest intelligence and analysis of factors which drive the threat. The threat level review takes into account a range of factors and analysis of recent incidents.

The decision to change the threat level is taken by MI5, independently of Ministers.

MI5 has increased the threat to Northern Ireland from Northern Ireland-related terrorism from "substantial", an attack is likely, to "severe", an attack is highly likely.

The public should remain vigilant, but not be alarmed, and continue to report any concerns they have to the Police Service of Northern Ireland.

Over the last 25 years, Northern Ireland has transformed into a peaceful society. The Belfast/Good Friday agreement demonstrates how peaceful and democratic politics improve society. However, a small number of people remain determined to cause harm to our communities through acts of politically motivated violence.

In recent months, we have seen an increase in levels of activity relating to Northern Ireland-related terrorism, which has targeted police officers serving their communities and also put at risk the lives of children and other members of the public. These attacks have no support, as demonstrated by the reaction to the abhorrent attempted murder of DCI Caldwell.

I pay tribute to the tremendous efforts of the Police Service of Northern Ireland and security partners, and the determination and resilience of the Northern Ireland people, who are making Northern Ireland a safer place to live and work. The political future of Northern Ireland rests with the democratic will of the people and not the violent actions of the few. Together we will ensure there is no return to the violence of the past.

[HCWS683]

## WORK AND PENSIONS

### Universal Credit

**The Minister for Employment (Guy Opperman):** Since its introduction in 2013, universal credit has protected the most vulnerable in society, supported households through periods of financial uncertainty, and helped people progress in work and move into better-paid jobs. A dynamic benefit that reflects people's needs from month to month, universal credit successfully supports millions of people, and ensures that individuals are provided with the support they need to increase their earnings and move into better-paid, quality jobs.

In April 2022, the Government set out their plan to complete the move to universal credit and published "Completing the move to Universal Credit", learning from the pilot that was paused in 2020.

In May 2022, we commenced our discovery phase. Initially, we issued 500 migration notices to households in Bolton and Medway. This notification letter sets out the requirement to make a claim to universal credit in order to continue to receive financial support from the Government. It advises that they have a minimum of three months to make their claim and provides details of the support available.

Following these initial notifications, we expanded the discovery phase to Truro and Falmouth in July 2022, Harrow in August 2022, Northumberland in September 2022, and more recently all postcodes in Cornwall during February 2023.

In January 2023, we published our learning from the earliest testable service, which set out our initial learnings from the discovery phase. It also set out the Department's plans for the move to universal credit in 2023-24 and 2024-25.

We are now preparing to increase the numbers of migration notices issued and will expand into additional areas, bringing in the whole of Great Britain during 2023-24—social security is a transferred matter in Northern Ireland.

Through 2023-24, our focus will be on notifying households that receive tax credits only, increasing volumes incrementally each month. As we move into 2024-25, all cases with tax credits—including those on both employment support allowance and tax credits—all cases on income support and jobseeker's allowance (income-based) and all housing benefit cases, including combinations of these benefits, will be required to move to universal credit.

At the point of moving over to universal credit—for those claimants moving through the managed migration process—legacy benefit claimants will be assessed for transitional protection and paid where appropriate. The aim of this temporary payment is to maintain benefit entitlement at the point of transition so that claimants will have time to adjust to the new benefit system.

In line with the 2022 autumn statement, the Government are delaying the managed migration of claimants on income-related employment support allowance—except for those receiving child tax credit—to universal credit. Employment support allowance claimants, however, are still able to make a claim for universal credit if they believe that they will be better off.

This Government remain committed to making this a smooth and safe transition. As we move to the next phase of the move to universal credit, we will continue to build on our learning to ensure that the service continues to meet the needs of those required to make the move to universal credit.

[HCWS678]

# Petition

*Tuesday 28 March 2023*

## PRESENTED PETITIONS

*Petition presented to the House but not read on the Floor*

### Storm overflow spillage

*The petition of the residents of the United Kingdom*

Declares that residents are prevented from safely swimming in the sea and enjoying the beach environment, around Bexhill and Hastings, due to recent and ongoing sewage spillages from Southern Water after heavy rain; further notes that these spillages create a risk to human health; notes that the under the Government's Storm Overflow Discharge Reduction plan water companies will have to improve all storm overflows spilling into or near every designated bathing water and improve 75% of overflows spilling into high priority nature sites by 2035.

The petitioners therefore request that the House of Commons urge the Government to bring forward overflow spilling targets from the Government's Storm Overflow Discharge Reduction Plan and take further action to stop the spillages happening by the summer of 2023.

And the petitioners remain, etc.—*[ Presented by Sally-Ann Hart . ]*

[P002821]

# ORAL ANSWERS

**Tuesday 28 March 2023**



# WRITTEN STATEMENTS

**Tuesday 28 March 2023**



# PETITION

**Tuesday 28 March 2023**

No proofs can be supplied. Corrections that Members suggest for the Bound Volume should be clearly marked on a copy of the daily Hansard - not telephoned - and *must be received in the Editor's Room, House of Commons,*

**not later than**
**Tuesday 4 April 2023**

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**Volume 730**
**No. 143**

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