



Home Office

The Lord Murray of Blidworth
Parliamentary Under Secretary of State

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TO:

The Lord Coaker
House of Lords
London
SW1A 0PW

18 May 2023

Dear Lord Coaker

ILLEGAL MIGRATION BILL: GOVERNMENT AMENDMENTS FOR COMMITTEE

I am writing to advise you of a small number of technical Government amendments I have tabled for the first day of Lords Committee. I aim to table further amendments for the subsequent days ahead of the Whitsun recess.

References to a person's home country (amendments to clauses 3, 4, 5, 37, 57 and 64)

The Bill, including the amendments to section 80A of the Nationality, Immigration and Asylum Act 2002 in clause 57, alternatively refers to a country of which a person is a *national* or to a country of which a person is a *national or citizen*. For consistency, these amendments provide that throughout the Bill (and section 80A of the 2002 Act) a reference to a *national*, includes a *citizen*.

Removal of persons to home country (amendments to clause 5)

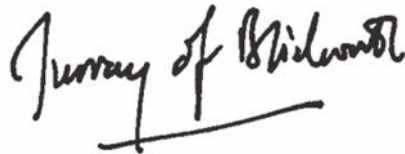
Clause 5 determines the country to which an illegal migrant may be removed to having regard to the bar on refoulment under the Refugee Convention.

Clause 5(4) provides that a *national* of a country listed in new section 80AA of the Nationality, Immigration and Asylum Act 2002 (the list covers EU and EEA countries plus Albania and Switzerland) who has made a protection or human rights claim may not be removed to their home country (that is, the country of which they are either a national or have a passport or other identity document), and exceptional circumstances prevent their removal there. In such a case, they may instead be removed to the country from which they embarked or to a safe country where they will be admitted. These amendments apply the same approach to a person who holds a passport or identity document in respect of a section 80AA country. In other words, a person who holds such a passport or identity document will be subject to removal to

that section 80AA country unless they make a protection or human rights claim and exceptional circumstances prevent their removal there. The amendments would enable, for example, an Indian national with a French identity document to be returned to France notwithstanding that they make a protection claim in relation to France and there are no exceptional circumstances that prevent their removal there.

I am copying this letter to Lord Ponsonby of Shulbrede, Lord Paddick, Baroness Hamwee, Baroness Ludford, the Earl of Kinnoull, Stephen Kinnock MP and Alison Thewliss MP. A copy will also be placed in the House library, and on the Bill page on gov.uk.

Yours sincerely,

A handwritten signature in black ink, reading "Murray of Blidworth". The signature is written in a cursive style and is underlined with a single horizontal stroke.

**The Lord Murray of Blidworth
Parliamentary Under Secretary of State**