



Home Office

The Lord Murray of Blidworth
Parliamentary Under Secretary of State
for Migration and Borders

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Lord German
House of Lords
London
SW1A 0PW

26 June 2023

Dear Lord German,

ILLEGAL MIGRATION BILL: HOUSE OF LORDS COMMITTEE STAGE

I am writing to follow up the debate in the Lords on day three of Committee (Official Report, 7 June, column 1401 and 1408) where I said I would write to you on the hypothetical scenario you provided of a female from South Sudan travelling via Kenya to the UK.

I cannot speculate on a hypothetical case, without knowledge of the specific facts involved. Therefore, I cannot be definitive about how such a case would be treated under the Bill. However, if the person did not come directly to the UK from a country in which their life and liberty were threatened for a Refugee Convention reason, they will meet condition three under clause 2 of the Bill, and if the other three conditions are met, the duty will apply to them. Whether or not that condition is considered to have been met will depend on the facts of the specific case.

If the person is considered to meet the duty, but the person disagrees that they meet the conditions set out in clause 2, they will be able to raise a factual suspensive claim. If they are successful in that claim, the duty and the other provisions in the Bill will no longer apply to them.

I am copying this letter to Baroness Hamwee, Lord Davies of Brixton, Baroness Jones of Moulsecoomb, Lord Bach, Lord Balfe, Lord Paddick, Lord Ponsonby of Shulbrede, and Lord Coaker. I will also place a copy of this letter in the library of the House.

Yours sincerely,

The Lord Murray of Blidworth

**Parliamentary Under Secretary of State
for Migration and Borders**