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House of Commons
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BY EMAIL ONLY

11 March 2025

Dear Dame Siobhan, Dr Andrew and Graham Stuart,

**BORDER SECURITY, ASYLUM AND IMMIGRATION BILL: GOVERNMENT
AMENDMENTS AT PUBLIC BILL COMMITTEE**

I am writing to update you on amendments to the Border Security, Asylum and Immigration Bill, which I tabled yesterday.

The Bill is at the heart of the Government's approach to strengthening our border security, which is one of the foundations of the Plan for Change. It introduces new powers and tools to enable faster, earlier disruption of border threats, including organised immigration crime, which facilitates dangerous small boat crossings. It also makes changes to ensure an effective immigration and asylum system.

The Bill, as introduced, was comprehensive and provides new tools, including new offences and powers, and measures to strengthen the immigration and asylum system. I am now tabling a small number of amendments which build upon this to provide additional measures in line with the Bill's aims. These amendments are set out below.

1. Immigration Powers where an individual cannot be removed but is deemed a threat to the public (Gov NC30)

People who pose a risk to the security of the UK are exempted from the principle of non-refoulement under Article 33(2) of the Refugee Convention. However, the UK's obligations under the European Convention on Human Rights (ECHR) mean that there are several countries, to which it is not currently possible to return people to, even when doing so would not contravene the Refugee Convention.

Where a person is not protected by the Refugee Convention but cannot be removed because of these ECHR obligations, they must be granted permission to enter or stay. However, the conditions that can be imposed, including to protect the public and the communities within which the individual resides, are limited. For example, it is not possible to impose electronic monitoring, a curfew or a requirement that they do not go into a specified area, irrespective of the threat posed by the person. These are all conditions that can be imposed while an application for permission to stay from a person that has arrived in the UK without a required entry clearance is being considered.

Therefore, I intend to enhance the ability to protect the public from migrants who

cannot be removed but pose a threat by amending section 3(1)(c) of the Immigration Act 1971 to enable electronic monitoring, curfews, inclusion zones, exclusion zones and any conditions the Secretary of State sees fit. Decisions to impose such conditions will be made on a case-by-case basis and would only be taken in respect of high-harm cases. Where conditions potentially affect a person's ECHR rights, an ECHR proportionality analysis would be undertaken and maintained.

Our policy already provides for a curfew as a condition of immigration bail. The power to impose "such other conditions as the person granting immigration bail thinks fit" is relied upon to impose curfews. Curfews as a condition of leave will be explicit, therefore for consistency, I intend on mirroring this language in Schedule 10 to the Immigration Act 2016. This amendment will not affect our operational approach.

2. Amendment to treat all EU citizens and their family members with EU Settlement Scheme (EUSS) status as if they are Withdrawal Agreement (WA) beneficiaries (Gov NC31; Gov 22; Gov 25)

I have tabled an amendment seeking to provide legal clarity to all EU citizens and their family members with status under the EUSS that the WA is the source of their rights in the UK.

To be in scope of the WA, an EU citizen needed to be residing in the UK in accordance with EU law at the end of the transition period. However, the UK chose, as a matter of domestic policy, which greatly simplified the scheme for applicants and caseworkers, not to test under the EUSS whether EU citizen applicants were so resident, instead granting them EUSS status on the basis of simple residence in the UK at the end of the transition period. This means that two cohorts of EU citizens (and their family members) have status under the EUSS: the majority 'true cohort' who derive their rights from the WA, and a small 'extra cohort' who are not in scope of the WA but derive their rights from domestic legislation.

Primary legislation is required to ensure that, as a matter of domestic law, the rights of the 'extra cohort' are equivalent to the rights of 'true' beneficiaries of the WA going forward.

The amendment will ensure equal treatment between 'true' beneficiaries of the WA and the 'extra cohort' where they have status under the EUSS. The amendment provides that any EU citizen who was resident in the UK before the end of the transition period, or their family member, with status under residence scheme immigration rules – i.e. the rules for the EUSS – is entitled to rely on rights contained in Titles I, II and IV of Part Two of the WA, subject to the limitations and conditions set out therein, irrespective of whether they are within the Personal Scope of Article 10 of the WA. (Title III is excluded as it concerns reciprocal arrangements for social security co-ordination.)

The proposed amendment will apply in the same way to Norwegian, Icelandic, Liechtenstein and Swiss citizens, and their family members, covered by the equivalent citizens' rights agreements with those states.

3. Permissive Extent Clause (Gov 21; Gov 23; Gov 24)

I have tabled amendments to clause 55 of the Bill. Clause 55(4) provides a Permissive Extent Clause (PEC) for the Isle of Man, which makes provisions for

certain provisions to be extended by Order in Council. The amendment I have tabled makes the same provision for the Bailiwick of Jersey and the Bailiwick of Guernsey. This follows engagement with the Crown Dependencies during development of the Bill and the Home Office receiving their confirmation that such a PEC should be included. This confirmation had already been received from the Isle of Man before the Bill was introduced, which is why that provision had already been made.

I am copying this letter to all members and the clerks of the Public Bill Committee. I am also placing a copy of this letter in the library of the House.

Yours sincerely,

A handwritten signature in blue ink that reads "Angela Eagle". The signature is written in a cursive style with a period at the end.

Dame Angela Eagle DBE MP
Minister for Border Security & Asylum