

Research Briefing

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Border Security, Asylum and Immigration Bill: Progress of the bill



Summary

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Summary

The [Border Security, Asylum and Immigration Bill](#) has completed Commons committee stage. The committee made no significant changes to the bill other than to add two new clauses proposed by the government.

The bill was [granted a second reading on 10 February 2025](#) by 333 votes to 109. Committee scrutiny took place over six days, including oral and written evidence.

There was no significant opposition to some aspects of the bill, such as law enforcement access to customs data and measures carried over from a Conservative criminal justice bill. Areas of dispute included:

- The powers of the Border Security Commander, which Conservative MPs on the committee felt were not strong enough.
- New immigration offences: Conservative MPs queried whether they would be effective in relation to conduct overseas, whereas the Scottish National Party's Pete Wishart worried about criminalising asylum seekers.
- Powers to seize mobile phones from migrants: Conservative MPs felt they did not go far enough, whereas the SNP and Liberal Democrats thought they were too broad and lacked safeguards.
- Repealing the Safety of Rwanda (Asylum and Immigration) Act 2024, which Conservative MPs voted against.
- Repealing most of the Illegal Migration Act 2023, which the Conservative and SNP MPs voted against (the SNP proposing repeal of the entire act).

Opposition MPs also proposed various new clauses which were not approved. These included Conservative proposals for stricter rules on legal migration and Liberal Democrat / SNP proposals for humanitarian routes of entry for asylum seekers.

The two new clauses approved at committee stage were about [ankle tags for migrants with criminal convictions](#) and [legal complexity in post-Brexit residence rights](#). The government has [announced that it will propose more new clauses for debate at Commons report stage](#), which is scheduled for Monday 12 May 2025.

1 Background

1.1 Overview of the bill

The Border Security, Asylum and Immigration Bill was introduced in the Commons on 30 January 2025. Second reading took place on 10 February and committee stage over six days between 27 February and 18 March.

Report stage and third reading are scheduled for [Monday 12 May](#). The annex to this briefing explains the different stages.

The bill is intended to improve the UK's border security against a backdrop of asylum seekers continuing to make unauthorised journeys across the English Channel in small boats. Proposed measures include making the existing post of Border Security Commander a statutory role and new powers for law enforcement agencies. The government hopes that better enforcement will 'smash the gangs' responsible for unauthorised immigration, which it views as a form of serious organised crime.

In addition, the bill would repeal most of the Illegal Migration Act 2023, passed under the Conservative government. This legislation, if brought into force, would have placed a legal duty on the Home Office to ignore asylum claims lodged by people arriving illegally and remove them from the UK.

The Library's [briefing on the bill as introduced](#), published on 6 February 2025 ahead of second reading, has detailed information on the main clauses and policy background.

1.2 Second reading debate

Home Secretary Yvette Cooper said the bill's purpose was to strengthen UK border security, restore order to the immigration and asylum systems and bring in "counter-terror-style powers" for law enforcement. These powers, she argued, would enable earlier intervention against smuggling gangs. The Home Secretary praised the contribution of the Border Security Commander, Martin Hewitt, and criticised the record of the Conservative government which "completely lost control of our borders".¹

The Shadow Home Secretary, Chris Philp, was a junior minister in that government. He attacked the repeal of Conservative asylum measures as a

¹ [HC Deb 10 February 2025 cc58-67](#)

“shocking move” that left the UK without a deterrent for unauthorised journeys. While supporting some aspects of the bill, including the new criminal offences, Chris Philp criticised the Border Security Commander provisions: “he cannot actually command anything... no clear powers, merely an ability to publish documents and reports”.²

Lisa Smart, for the Liberal Democrats, said it was right to tackle smuggling gangs but that the bill was missing opportunities for other reforms such as expanding legal routes into the UK for asylum seekers.³

The Conservative [reasoned amendment](#) urged the House to decline to give the bill a second reading and argued it would increase illegal and legal immigration.⁴ It was rejected by 354 votes to 115.⁵

The bill was then granted a second reading by 333 votes to 109.⁶ Almost all votes were from Labour (for) and Conservative (against). No votes for or against the motion were recorded from any members of the Liberal Democrats, SNP, DUP, Greens, Plaid Cymru, SDLP or Alliance.⁷

² [HC Deb 10 February 2025 cc67-74](#)

³ [HC Deb 10 February 2025 cc75-78](#)

⁴ [HC Deb 10 February 2025 c67](#)

⁵ HC Deb 10 February 2025 cc133-135 ([Division 97](#))

⁶ HC Deb 10 February 2025 cc136-139 ([Division 98](#))

⁷ Votes in Parliament, Border Security, Asylum and Immigration Bill: Second Reading, [Votes By Party](#), 10 February 2025

2 Committee stage

The committee sat for twelve sessions across February and March. The first two sittings took oral evidence from invited external organisations and individuals. [Submissions of written evidence to the committee](#) are available from the publications section of the bill's pages on the Parliament website.

Three of the clauses were subject to a stand part division (a vote on whether to include them in the bill). None of the amendments or new clauses proposed by members of opposition parties were approved for addition to the bill.

2.1 Government amendments

The committee added two new clauses proposed by the government. These are not directly related to the main thrust of the bill, but are significant in their own right:

- [New clause 30](#) would allow for migrants to be fitted with ankle tags to monitor their location ('electronic monitoring'). This is already permitted as a condition of immigration bail, but the clause would allow it as a condition attached to a grant of permission to enter or remain in the UK. In addition to electronic monitoring, the Home Secretary would be allowed to impose conditions requiring the person to stay in a particular place or area, and such other conditions as they see fit.

The government has said these powers are only intended to be used against "foreign criminals whose removal we are pursuing, but that we are presently unable to deport".⁸

- [New clause 31](#) would address a legal complexity in post-Brexit residence rights for EU citizens and their family members. Not everyone covered by the UK's EU Settlement Scheme is covered by the UK-EU Withdrawal Agreement. As a result, people with seemingly identical immigration status may have different legal rights.⁹ The clause would address this by providing that all EU citizens and their family members with EU Settlement Scheme rights also have Withdrawal Agreement rights.

⁸ "[Foreign criminals to face Home Office tagging](#)", BBC News, 14 March 2025

⁹ See the3million, [One less barrier towards equal treatment for EU citizens in the UK](#), 13 March 2025

The EU citizens' rights watchdog has welcomed the amendment.¹⁰ But it notes that the change does not cover certain people within the EU Settlement Scheme: those whose original right to live in the UK was under the Zambrano or Surinder Singh rulings. That means there will still be an 'extra cohort' of people covered by the EU Settlement Scheme but not the Withdrawal Agreement.

The government has announced that it will propose more new clauses during report stage.¹¹

2.2

Clause-by-clause scrutiny: The Border Security Commander

Chapter 1 of the bill sets out some of the arrangements underpinning the Border Security Commander role. The bill specifies this must be a civil service position. In practice, it is a Director-General post in the Home Office.

Status, powers and functions

Matt Vickers, Shadow Minister for Crime, Policing and Fire, proposed several amendments which he said would strengthen the Border Security Commander's independence, powers and accountability.¹² He said the Official Opposition favours a Border Security Commander who is "independently empowered to make meaningful changes... rather than another civil servant muted by political oversight".¹³

Dame Angela Eagle, Minister for Border Security and Asylum, argued the amendments were unnecessary and inappropriate.¹⁴ She said it is "logical" for the Border Security Commander to be employed as a civil servant, noting that this doesn't preclude external recruitment. She disagreed that being independent of government could make them more effective, reasoning that the purpose of the role is "to convene and cohere and to strategically focus, across Government Departments".¹⁵

Some opposition members said the bill provides insufficient detail about the Commander's functions, powers and responsibilities, and characterised the role as being a 'coordinator' not a 'commander'.¹⁶ Dame Angela Eagle said

¹⁰ Independent Monitoring Authority, [IMA Welcomes Amendments to Proposed Immigration Legislation](#), 11 March 2025

¹¹ Home Office press release, [Sex offenders to be stripped of refugee protections](#), 28 April 2025

¹² Discussed in committee as [amendments 10 – 14 and new clause 21](#)

¹³ [PBC Deb 4 March 2025 c94](#)

¹⁴ [PBC Deb 4 March 2025 cc73-5](#)

¹⁵ [PBC Deb 4 March 2025 c74](#)

¹⁶ [PBC Deb 4 March 2025 c82; cc84-5; c95](#)

the clauses are intended to support collaboration and respect partner agencies' operational independence.¹⁷

The minister confirmed that “the functions outlined in these clauses are not the sole capabilities of the commander’s role”.¹⁸ However she disagreed with a new clause proposed by the Conservative Party, which would have specified some objectives and strategic priorities related to unauthorised sea crossings, speed of immigration decision-making and removal agreements.¹⁹ Dame Angela argued that it would broaden the Commander’s role to the point of “overreach” and would reduce their flexibility to respond to evolving threats.²⁰

Matt Vickers pressed most of the Official Opposition’s amendments to votes, arguing that “If we are to have a Border Security Commander, we want an effective one”.²¹ They were all rejected by three votes to 12.²²

2.3

Clause-by-clause scrutiny: New law enforcement powers

Offences relating to articles or information for use in immigration crime

Clauses 13 and 14 would create two new criminal offences of supplying or handling an item which the person knows or suspects is to be used to facilitate an illegal entry or facilitation offence.²³ Clause 16 would create another new criminal offence of collecting, possessing, viewing or otherwise accessing by the internet information likely to be useful for an unauthorised journey, where there is a reasonable suspicion that the information would be used by the person or any other person to organise or prepare for an unauthorised journey.

Clause 17 specifies that each of the offences would be extraterritorial: they would apply to acts done inside or outside the UK by people of any nationality. Domestic courts would have jurisdiction over offences committed outside the UK.

Might asylum seekers be criminalised?

Pete Wishart (SNP) proposed two amendments which would have exempted asylum seekers from the offences of supplying or handling articles for use in

¹⁷ [PBC Deb 4 March 2025 c92; cc109-110](#)

¹⁸ [PBC Deb 4 March 2025 c110](#)

¹⁹ [New clause 21 as considered in committee](#)

²⁰ [PBC Deb 4 March 2025 c95](#)

²¹ [PBC Deb 4 March 2025 c98](#)

²² [PBC 4 March 2025, divisions 1 to 4](#)

²³ Specifically, an offence under [section 24](#) or [section 25](#) of the Immigration Act 1971

immigration crime in clauses 13 and 14.²⁴ He expressed concerns that the offences are inappropriately broad and will lead to prosecutions of asylum seekers more than people associated with smuggling gangs.²⁵

Dame Angela Eagle argued strongly against providing exemptions for asylum seekers, saying that would enable people involved in supply chains to evade prosecution by claiming asylum.²⁶ In response to Mr Wishart's concerns about the drafting of the clauses, Dame Angela emphasised that "their purpose is not to criminalise every asylum seeker, or even the vast majority of asylum seekers".²⁷ She said that investigations of the offences would be "intelligence-led" and targeted at people who law enforcement agencies believe are working with organised criminal networks.²⁸ Pete Wishart pressed one of his amendments to a vote, saying that although he accepted the minister's assurances, they aren't reflected in the drafting of the bill.²⁹ The amendment was rejected without a division.

Dame Angela gave similar assurances about the intended focus of the offence of collecting information likely to be useful for organising an unauthorised journey to the UK (clause 16). She acknowledged that the clause covers a broad range of information but said "the idea of this offence is to focus specifically on organised immigration criminality, not the individuals who may be asylum seekers or may be being trafficked".³⁰

The minister also contended that the statutory defences within clause 16 (subsections 6 and 7) give sufficient protection to individual migrants and to relatives trying to help family members. She noted subsection (8), paragraph (b)(iv), which provides a reasonable excuse of acting to prepare for or carry out a rescue of a person from danger or serious harm, saying it "may—depending on the circumstances—protect the families of refugees wanting to help their loved ones flee".³¹

Challenges associated with extra-territorial jurisdiction

Another recurring theme of debates on clauses 13 to 17 concerned potential difficulties gathering evidence in support of prosecutions and doubts about how useful the new offences would be in practice.

Speaking for the Official Opposition, Katie Lam asked the minister for information about any existing dual criminality (meaning, equivalent offences) in relevant partner countries.³² She reminded committee members that the Crown Prosecution Service had identified a need for dual criminality

²⁴ Considered in committee as [amendment 3](#) and [amendment 4](#)

²⁵ [PBC Deb 4 March 2025 c116](#)

²⁶ [PBC Deb 4 March 2024 c128](#)

²⁷ [PBC Deb 4 March 2025 c126](#)

²⁸ [PBC Deb 4 March 2025 cc127-8](#)

²⁹ [PBC Deb 4 March 2025 c130](#)

³⁰ [PBC Deb 4 March 2025 c132](#)

³¹ [PBC 4 March 2025 c132](#)

³² [PBC Deb 4 March 2025 c133](#)

as one of the challenges to securing cooperation from foreign authorities that can arise with extraterritorial offences.³³

Dame Angela Eagle didn't directly address that point, but said that organised criminal networks, and people who work with smuggling gangs, exist in the UK.³⁴ She further commented "people should not underestimate how often people who... would fall foul of this increase in jurisdiction come to visit the UK" and said "It is possible that we could pick them up and charge them here and, in some instances, follow them and wait for them when they arrive".³⁵

Endangering another during a sea crossing

Clause 18 would insert into [section 24 of the Immigration Act 1971](#) a new criminal offence of endangering another person during an unauthorised sea crossing to the UK. The maximum penalty would be five years' imprisonment (or six where the underlying offence is entry in breach of a deportation order).

Doubts about the likely impact of the proposed new offence

As with the debates on the previous clauses, the Conservative Party questioned the likely impact of the proposed offence. Matt Vickers queried whether France, Belgium and the Netherlands have comparable offences, and asked what guarantees the government had received that French authorities would support investigations of potential offences committed outside the UK.³⁶

Pete Wishart also speculated that gathering evidence to support prosecutions would be challenging and reiterated his view that attempts to deter people who want to come to the UK through legislation are misguided.³⁷

Call to widen the scope of the offence and increase the maximum penalty

Matt Vickers proposed three amendments to clause 18 which he said would make the bill a more effective deterrent to unauthorised Channel crossings.³⁸ They would have increased the maximum penalties for the endangerment offence to fourteen years and broadened the scope of the offence, so that it targeted the act of travelling to the UK in an unsafe vessel, rather than acting in a way which caused or created a risk of death or serious injury.³⁹

Dame Angela Eagle said the proposed maximum penalties for the endangerment offence are consistent with the sentence thresholds for existing section 24 offences and would support "the deterrence aim of the policy" without being so high that they discouraged prosecutors from

³³ [PBC Deb 27 March 2025 c33](#)

³⁴ [PBC 6 Deb 2025 c128; c134](#)

³⁵ [PBC Deb 4 March 2025 c134](#)

³⁶ [PBC Deb 6 March 2025 c142](#)

³⁷ [PBC Deb 6 March 2025 c144; cc146-7](#)

³⁸ [PBC Deb 6 March 2025 cc142-3](#)

³⁹ Discussed in committee as [amendments 15, 16](#) and [17](#)

bringing charges.⁴⁰ She cited the previous government's change to the maximum sentence for a facilitation offence under section 25 of the Immigration Act 1971 (from 14 years to life imprisonment) as an example of how increased sentence thresholds can be counter-productive, saying "prosecutors think that for a sentence of that length, more obvious evidence has to be accrued, so they charge fewer people".⁴¹

The minister and some other members of the committee criticised the Conservatives' proposal to criminalise everyone arriving by small boat as inappropriate and unworkable.⁴² Matt Vickers pressed the Official Opposition's amendments to votes; they were each rejected by three votes to 13.⁴³

Call to exempt asylum seekers from the endangerment offence

A probing amendment proposed by Pete Wishart would have exempted all asylum seekers from the endangerment offence.⁴⁴ Dame Angela Eagle said doing so would make clause 18 "unworkable and pointless", since most people arriving by small boat claim asylum.⁴⁵

Pressed to comment on some stakeholders' concerns that parents and guardians travelling with their children could be prosecuted, Dame Angela repeated the government's expectation that "in general" they wouldn't be, but said decisions would be made on a case-by-case basis.⁴⁶ She further commented "I would not expect a large cohort of people to fall within the purview of the new offences".

Several Labour members spoke in support of clause 18.⁴⁷ Chris Murray (Lab) emphasised that "people are doing these things" and said that Article 31 of the Refugee Convention, which provides that refugees shouldn't be penalised for illegal entry, doesn't provide refugees immunity from any criminal act committed in the process of travelling to the UK.⁴⁸

Dame Angela Eagle agreed, saying "the approach cannot simply be to say that whatever happens on the boat, stays on the boat".⁴⁹ In line with previous comments she had made in committee, that some people connected with organised criminal networks also travel to the UK on small boats, the minister said "some of the people who come across on these boats are innocent asylum seekers, but others are certainly not".⁵⁰

⁴⁰ [PBC Deb 6 March 2025 cc156-7](#)

⁴¹ [PBC Deb 6 March 2025 c156](#)

⁴² [PBC Deb 6 March 2025 c144](#); [c157](#)

⁴³ [PBC Deb 6 March 2025, divisions 5 to 7](#)

⁴⁴ [Amendment 5](#) as discussed in committee

⁴⁵ [PBC Deb 6 March 2025 c158](#)

⁴⁶ [PBC Deb 6 March 2025 c161](#)

⁴⁷ [PBC Deb 6 March 2025 c148](#); [c153](#)

⁴⁸ [PBC Deb 6 March 2025 c153](#)

⁴⁹ [PBC Deb 6 March 2025 c159](#)

⁵⁰ [PBC Deb 4 March 2025 c128](#); [PBC Deb 6 March 2025 c157](#)

Call to specify dangerous behaviours in the bill

Pete Wishart criticised the drafting of clause 18 for being too broad.⁵¹ He said people who acted in self-protection or tried to help others but inadvertently put other people at risk could come within its scope.⁵²

Mr Wishart pressed the minister to explain why the new offence is needed, and who it is intended to apply to. He observed that a range of existing offences have been used successfully to prosecute people arriving by small boat and questioned the appropriateness of prosecuting those who assume responsibility for steering the vessels.⁵³

Dame Angela Eagle said the new offence is a response to changing patterns of behaviour and “addresses specific acts that create or cause a risk of serious injury or death to others during a journey”.⁵⁴ She provided some examples. They included physical aggression towards other people; intimidating and controlling behaviour on the boats, preventing people from disembarking or calling for help; physical acts while boarding or during the journey; and pilots of boats continuing journeys despite fatalities or serious harm on board. She also cited dangerous practices affecting women and children; specifically, dangling children over the side of a boat and compelling women and children to sit in the middle, where they are at risk of suffocation and fuel burns.

Pete Wishart didn’t press his amendment to a vote but called on the government to amend clause 18 to specify such behaviours. He commented “none of us would want people to get away with that behaviour, but the Bill does not refer to such activity, and there is nothing in the guidance or the explanatory notes”.⁵⁵

Powers of search in relation to electronic devices

Clauses 19 – 26 provide powers to search people who make unlawful journeys to the UK, where there is a reasonable suspicion that the person has an electronic device which might have information relevant to an offence of facilitating unlawful immigration.⁵⁶ The powers would be exercisable by “authorised officers”; that is, immigration officers and police constables, and any other people designated in regulations (clause 19; clause 25).

Call for the powers to go further

As with debates on clauses 13 to 17, Dame Angela Eagle said exercise of these powers would be intelligence-led and focused on targeting organised immigration crime and facilitation offences.⁵⁷ She drew attention to

⁵¹ [PBC Deb 6 March 2025 c144](#)

⁵² [PBC Deb 6 March 2025 c145; c160](#)

⁵³ [PBC Deb 6 March 2025 c145-6](#)

⁵⁴ [PBC Deb 6 March 2025 c158](#)

⁵⁵ [PBC Deb 6 March 2025 cc159-160](#)

⁵⁶ Immigration Act 1971, [section 25](#), [section 25A](#)

⁵⁷ [PBC Deb 6 March 2025 c167; c171](#)

“safeguards” in the clauses and emphasised “there must be reasonable grounds to suspect and that is not a blanket thing”.⁵⁸

The Official Opposition expressed its support for the clauses and signalled a preference for the powers to go further, so that information could be gathered to support decision-making in individual immigration cases.⁵⁹ It also proposed a new clause which would have enabled law enforcement to access mobile phone location data for people who enter the UK illegally.⁶⁰

Dame Angela Eagle disagreed that wider powers to gather and use information held on migrants’ devices would be beneficial. She said that the comparable powers in the Illegal Migration Act 2023 (which haven’t been commenced and would be repealed by the bill) “are far too blanket to be useful”. The minister added “building the sheer capacity to take everyone’s phones off them and download the contents and analyse what was on all of them defeated the powers that be, and the technical ability to do so has not yet been developed”.⁶¹

Concerns about the breadth of the powers, their possible extension to the private sector, and the absence of guidance

In contrast, Pete Wishart and Will Forster (Lib Dem) expressed discomfort with the scope of the clauses, respectively contending that the threshold for exercising the powers is “excessively broad” and that provision for oversight of use of the powers is insufficient.⁶² They noted the government has said it will issue guidance but criticised the absence of a requirement for statutory guidance and the lack of information about how the powers would be exercised.⁶³

Will Forster called on the government to agree to issue guidance before report stage, saying this could provide some reassurance about the possible extension of the powers to the private sector.⁶⁴ Dame Angela Eagle didn’t give any indication of the timing of issuing non-statutory guidance. She said the ability to extend the powers to other authorised people was necessary to ensure the Home Office had flexibility to use contractors and external expertise if necessary.⁶⁵ She confirmed that they would be subject to the same data protection requirements as direct Home Office employees.

⁵⁸ [PBC Deb 6 March 2025 c167; c171](#)

⁵⁹ [PBC Deb c168; c172](#)

⁶⁰ Considered in committee as [new clause 22](#)

⁶¹ [PBC Deb 6 March 2025 c171](#)

⁶² [PBC Deb 6 March 2025 cc169-170; c178](#)

⁶³ [PBC Deb 6 March 2025 c170](#)

⁶⁴ [PBC Deb 6 March 2025 c178](#)

⁶⁵ [PBC Deb 6 March 2025 c178](#)

Possession or supply of certain items for use in serious crime

Clauses 43 and 44 would it make a crime to possess, make or supply certain listed items for use in a serious criminal offence. The listed items would be: 3D printer firearms templates; vehicle concealments; pill presses; encapsulators.

Katie Lam said the new offences seemed “broadly reasonable” but pointed out that they reversed the usual burden of proof for securing a conviction. Someone who argues that that they did not intend or suspect that the item was being used in connection with serious crime would have to prove that to the court in order to raise the defence, rather than being acquitted if the prosecution failed to prove intent/suspicion.

Dame Angela said this was because such items do not have legitimate uses. That being so, “we think that placing the evidential burden on the defence to explain why on earth the person charged with possessing them has them is wholly reasonable”.

Tom Hayes (Lab) also spoke in favour of the clauses but there was no further discussion.⁶⁶

Serious crime prevention orders

Clauses 46 to 50 would make changes to the existing scheme of serious crime prevention orders.⁶⁷

Electronic monitoring

The first such change would be power to require electronic monitoring of people given a serious crime prevention order. The bill would not define electronic monitoring and Will Forster asked the minister to define it. Dame Angela Eagle offered the following explanation:

Clearly, tagging is about being able to check where people are, while electronic monitoring can also apply to other activity. It will apply in a particular context to a particular person for disruption reasons, so there is not one definition of electronic tagging.

The clause was added to the bill, with the Official Opposition expressing support for the measure.⁶⁸

Interim orders

Clause 47 and schedule 2 would provide for interim serious crime prevention orders, a new concept. Dame Angela said a court could impose these “within hours” to impose such restrictions as travel, internet and mobile phone bans.

⁶⁶ [PBC Deb 11 March 2025 cc237-241](#)

⁶⁷ [Serious Crime Act 2007, part 1](#); Home Office press release, [Serious crime laws to be overhauled to combat people-smuggling gangs](#), 2 January 2025

⁶⁸ [PBC Deb 11 March 2025 c240-243](#)

She noted that interim orders are already a feature in other contexts, such as sexual risk orders and modern slavery orders.⁶⁹

Encouraging more use of orders

At present, almost all serious crime prevention orders are made by a criminal court following a conviction. Between 2011 and 2021, there were two applications to the High Court for an order in the absence of a conviction, compared to over 1,000 in the Crown Court post-conviction.⁷⁰

Clause 48 would expand the list of agencies allowed to apply to the High Court for an order or interim order.⁷¹ Dame Angela Eagle said this would “ge[t] rid of a gateway process that has proven to be so tight that it has not allowed very many of these orders to go forward at all”.⁷²

Similarly, under clause 50, the Crown Court would be allowed to impose an order following an acquittal at trial or on appeal (rather than just after a conviction). It would apply the same test as the High Court in a standalone application. This requires the court to be satisfied both that the person has been involved in serious crime, and that the order would protect the public by stopping the person’s involvement in criminality.

Katie Lam said that a judge might be reluctant to find that a person is involved in crime if that person has just been acquitted in their court. She argued that the test of public protection should be sufficient to justify imposing the order. Dame Angela noted that a judge would be entitled to decide that someone is involved in crime even if their liability for a given offence was not proven beyond a reasonable doubt.⁷³

2.4

Clause-by-clause scrutiny: Sharing customs data

Clauses 27 to 29 would give government departments and agencies easier access to customs data, which HM Revenue and Customs cannot disclose unless there is a specific legal basis for it to be shared.

There was relatively little discussion of these provisions. Katie Lam said that the Official Opposition welcomed the new data-sharing powers: “From a law enforcement perspective and from ours, the more customs information that can be shared with UK and other Government agencies, the better”.⁷⁴

⁶⁹ [Sexual Offences Act 2003, section 122E](#); [Modern Slavery Act 2015, section 28](#)

⁷⁰ PQ 21774 [on [Serious Crime Prevention Orders](#)], answered on 13 January 2025

⁷¹ [Serious Crime Act 2007, section 8](#) (“limited class of applicants for making of orders”)

⁷² [PBC Deb 11 March 2025 cc244](#)

⁷³ [PBC Deb 11 March 2025 cc246-249](#)

⁷⁴ [PBC Deb 6 March 2025 cc180-181](#)

The Conservative Party did propose a new clause to remove data protection safeguards from migrants who have committed a criminal offence or entered the UK illegally.⁷⁵ Katie Lam said this was tabled in the same spirit of support for enhanced data-sharing.⁷⁶

Dame Angela Eagle said that such a clause would over-complicate data protection law: “we would always have to keep an eye on who is a foreign national criminal or an immigration offender, over time as well as in the moment”. The government preferred “proportionate safeguards” under the existing data protection framework, rather than blanket disapplication to certain groups of people.⁷⁷ Ms Lam did not press the amendment.

The Official Opposition similarly supported clauses 30-31, which would allow the Transport Secretary to pass trailer registration information to the Home Office and law enforcement agencies.⁷⁸

2.5

Clause-by-clause scrutiny: Repeal of previous asylum legislation

All of the Safety of Rwanda Act 2024

Clause 37 would repeal the [Safety of Rwanda \(Asylum and Immigration\) Act 2024](#). This was passed under the Conservative government to make its plan to send asylum seekers to Rwanda legal under UK law, following an adverse Supreme Court judgment.⁷⁹

Dame Angela Eagle noted that the Labour government did not proceed with the Rwanda arrangements and no enforced removals ever took place. The government also intends to pull out of the UK-Rwanda treaty with which the 2024 act is connected. Repeal in full was therefore appropriate.⁸⁰

Matt Vickers said the Conservative Party continued to believe in a third country deterrent, given the difficulty of removing some unauthorised migrants to their home countries. Scrapping the Rwanda scheme before it had started was a “terrible mistake”. If people were not sent to Rwanda, he suggested, they might instead be sent to Redcar, Romford or Richmond (to stay in asylum accommodation).⁸¹

Several Labour members spoke in favour of the clause, including Chris Murray who argued that demand for Channel crossings is inelastic: “the demand will

⁷⁵ Considered in committee as [new clause 23](#)

⁷⁶ [PBC Deb 6 March 2025 c181](#)

⁷⁷ [PBC Deb 6 March 2025 cc181-182](#)

⁷⁸ [PBC Deb 6 March 2025 c184](#)

⁷⁹ See Commons Library briefing CBP-9918, [Safety of Rwanda \(Asylum and Immigration\) Bill 2023-24](#)

⁸⁰ [PBC Deb 11 March 2025 cc193-196](#)

⁸¹ [PBC Deb 11 March 2025 cc196-200](#)

not wax and wane hugely in response to Government policy, which tells us that deterrence will have only limited use. That is the conceptual flaw at the heart of the Rwanda plan”.⁸² Pete Wishart, for the SNP, also backed repeal.

Dame Angela clarified in her closing remarks that the government does not rule out third country asylum processing as such, but it is opposed to one-way removal with no possibility of return.⁸³

The committee voted to approve the clause by 11 votes to three.⁸⁴

Most of the Illegal Migration Act 2023

Clause 38 would repeal the core provisions of the [Illegal Migration Act 2023](#). This was also a Conservative measure, designed to deter unauthorised migration by refusing to accept asylum claims from people entering the UK illegally and requiring their removal to a third country (in practice, Rwanda).⁸⁵ The Labour government has not implemented it, saying the system is unworkable.⁸⁶

Matt Vickers, for the Official Opposition, noted that there was an exception in the act for people entering the UK directly from a place of danger. But the act would have applied to people coming from France, “a safe country where no one is being persecuted and which has a perfectly well-functioning asylum system”. He challenged the minister to say whether the government believed that people entering illegally should be permitted to remain in the UK.⁸⁷

Much of the discussion concerned the six sections of the Illegal Migration Act that the clause would not repeal. The government has, in effect, been arguing for those provisions as though they were being newly introduced under this bill. Dame Angela Eagle said the six sections selected for retention have “operational utility and benefit”.⁸⁸

Pete Wishart spoke to a SNP amendment that would have repealed these six clauses along with the rest of the 2023 act. He was most opposed to [section 29](#), which strengthens the disqualification from modern slavery protections for migrants who have committed criminal offences or are otherwise considered a threat to public order. Some people with criminal convictions, he argued, have been “coerced into committing crimes as part of their exploitation” and could now face removal from the UK rather than going into the modern slavery support system.⁸⁹

⁸² [PBC Deb 11 March 2025 c212](#)

⁸³ [PBC Deb 11 March 2025 c215](#)

⁸⁴ [PBC Deb 11 March 2025, division 8](#)

⁸⁵ See Commons Library briefing CBP-9747, [Illegal Migration Bill 2022-23](#)

⁸⁶ Achieved through the [Illegal Migration Act 2023 \(Amendment\) Regulations 2024, SI 2024/815](#)

⁸⁷ [PBC Deb 11 March 2025 c217](#)

⁸⁸ [PBC Deb 11 March 2025 c225](#)

⁸⁹ [PBC Deb 11 March 2025 c220-221](#)

Chris Murray (Lab) said that retention of this section was important to tackle “perpetrators of trafficking” trying to use the modern slavery support system to evade prosecution.⁹⁰ Dame Angela, the minister, emphasised that public order disqualification would still be done on a case-by-case basis, at least insofar as there would be an exception for “compelling circumstances. She noted that all other changes to the modern slavery regime within the Illegal Migration Act were being repealed.⁹¹

The committee voted to approve the clause by 10 votes to four.⁹²

2.6 New clauses proposed by the opposition

Opposition MPs proposed various new clauses not covered above, including:

- [New clause 1](#) (SNP) and [new clause 6](#) (Lib Dem) were both aimed at facilitating safe and legal routes of entry for asylum seekers.⁹³
- [New clause 5](#) (SNP) and [new clause 13](#) (Lib Dem) were both aimed at changing a [rule against granting British citizenship to people who enter the UK illegally](#), including those given refugee status.⁹⁴
- [New clause 24](#) (Con) would have required the first-tier immigration tribunal to publish all its judgments.⁹⁵
- [New clause 25](#) (Con) would have increased the standard qualification period for permanent residence in the UK from five to ten years.⁹⁶
- [New clause 26](#) (Con) would have required the government to approve scientific methods for age assessment of asylum seekers.⁹⁷
- [New clause 32](#) (Con) would have revoked the permanent residence of, among others, migrants claiming benefits.⁹⁸
- [New clause 40](#) (Con) would have required the Home Secretary to set an annual quota for non-visitor visas issued.⁹⁹

None were approved for addition to the bill.

⁹⁰ [PBC Deb 11 March 2025 c223](#)

⁹¹ [PBC Deb 11 March 2025 cc225-227](#)

⁹² [PBC Deb 11 March 2025, division 9](#); see also [PBC Deb 11 March 2025, division 10](#)

⁹³ [PBC Deb 13 March 2025 cc270-281](#)

⁹⁴ [PBC Deb 13 March 2025 cc293-300](#)

⁹⁵ [PBC Deb 13 March 2025 cc329-337](#)

⁹⁶ [PBC Deb 13 March 2025 cc337-349](#)

⁹⁷ [PBC Deb 13 March 2025 cc349-365](#)

⁹⁸ [PBC Deb 13 March 2025 cc375-385](#)

⁹⁹ [PBC Deb 13 March 2025 cc401-411](#), debated alongside [new clause 35](#) and [new clause 39](#)

Appendix 1: Membership of the public bill committee

The chairs were Dawn Butler, Dame Siobhain McDonagh, Dr Andrew Murrison and Graham Stuart.

Members of the committee were:

- Sarah Bool (South Northamptonshire) (Con)
- Jade Botterill (Ossett and Denby Dale) (Lab)
- Dame Angela Eagle (Minister for Border Security and Asylum)
- Will Forster (Woking) (LD)
- Becky Gittins (Clwyd East) (Lab)
- Tom Hayes (Bournemouth East) (Lab)
- Katie Lam (Weald of Kent) (Con)
- Martin McCluskey (Inverclyde and Renfrewshire West) (Lab)
- Seema Malhotra (Parliamentary Under-Secretary of State for the Home Department)
- Margaret Mullane (Dagenham and Rainham) (Lab)
- Chris Murray (Edinburgh East and Musselburgh) (Lab)
- Susan Murray (Mid Dunbartonshire) (LD)
- Kenneth Stevenson (Airdrie and Shotts) (Lab)
- Mike Tapp (Dover and Deal) (Lab)
- Matt Vickers (Stockton West) (Con)
- Jo White (Bassetlaw) (Lab)
- Pete Wishart (Perth and Kinross-shire) (SNP)

Appendix 2: How bills go through parliament

Bills can be introduced in either the House of Commons or the House of Lords. They can be amended but the entire text has to be agreed by both Houses before they can receive Royal Assent and become law. In both Houses, bills go through the same stages although there are slight differences in the practices of the two Houses.

Commons stages

A bill that is introduced in the House of Commons will go through the following stages.

- First reading sees the formal introduction of a bill, when a clerk reads out the name of the bill in the Commons chamber. This bill had its first reading on 30 January 2025. There is no debate at this stage. Bills cannot be published before their introduction. Government bills are usually published immediately after introduction.
- Second reading debate is the first time MPs debate a bill. They discuss the purpose of the bill. Debates are usually scheduled to take a full day (five to six hours). This bill had its second reading on 10 February. At the end of the debate, MPs decide whether it should pass to the next stage. Sometimes a ‘reasoned amendment’, which sets out the reasons to reject a bill, is tabled. If this is agreed to, or if the bill is simply voted down, the bill cannot make any further progress. No amendments are made to the bill itself at this stage.
- Committee stage is usually conducted by a small number of MPs (usually 17) in a public bill committee but sometimes bills can be considered in detail in the Commons Chamber by all MPs in a Committee of the whole House. The committee debates and decides whether amendments should be made to the bill and whether each clause and schedule should be included.
- Report stage takes place in the Commons Chamber and involves MPs considering the bill as agreed at committee stage. MPs can also propose further amendments which can be voted on.
- Amendments at committee and report stage can leave out words, substitute words and add words, including whole clauses and schedules.

They can be proposed by backbench and frontbench MPs. The Speaker or the chair of the committee selects and groups amendments to debate.

- Third reading, usually on the same day as report stage, is the final chance for MPs to debate the contents of a bill before it goes to the House of Lords. It's usually a short debate and changes cannot be made at this stage in the Commons. At the end of the debate, the House decides whether to approve the bill and therefore pass it onto the House of Lords.

Lords stages

Bills introduced in the Lords go through the same process, completing all stages in the Lords before being sent to the Commons.

The House of Lords respects the Commons' primacy on financial matters and does not usually amend Finance Bills (those that implement the Budget) or money bills.

Members of the House of Lords debate the bill, going through the same stages as in the Commons. Key differences between the two Houses are that in the Lords, committee stage usually takes place on the floor of the House and a bill can be amended at third reading.

Most bills are considered by a committee of the whole House in the House of Lords. Some are referred to the Lords Grand Committee – which all members can attend. However, divisions (votes) are not permitted in the Grand Committee and any amendments made have to be agreed to without a division.

The Lords can also make amendments to a bill. Major points of difference should have been resolved before third reading but amendments to “tidy-up” a bill are permitted.

No party has a majority in the House of Lords and government defeats are not uncommon. For bills that have started in the House of Commons, the Lords is essentially asking MPs to think again about the subject of the amendment.

‘Ping pong’

If the Lords amend a bill that was sent from the Commons, the amendments are returned to the Commons and MPs debate the amendments proposed by the Lords. This is potentially the start of “ping-pong”, a process whereby amendments and messages about the amendments are sent backwards and forwards between the two Houses until agreement is reached.

Once agreement has been reached, the Bill receives Royal Assent, becoming law when both Houses have been notified that Royal Assent has been granted.

Amendments

MPs can submit amendments, via the Public Bill Office (PBO), at three different stages of a bill: committee stage, report stage, and when a bill is returned from the Lords. Once the PBO accepts the amendment, it has been 'tabled'. If an MP wants to amend a bill during committee stage but is not a member of the committee, they will need a committee member to 'move' it for debate on their behalf.

In order to be debated, the amendment must be selected by the chair. Similar amendments may be grouped for debate to avoid repetition. For committee stage, selection and grouping is carried out by MPs from the panel of chairs chosen to chair the committee. If there is a Committee of the Whole House, the chair is the Chairman of Ways and Means (the principal Deputy Speaker). For report stage, it is the Speaker.

Amendments might not be selected for debate if they are, for example, outside the scope of a bill, vague, or tabled to the wrong part of a bill. The PBO can advise on whether an amendment is likely to be selected.

Further information on bill procedure

The [MPs' Guide to Procedure](#) has a [section on bills](#).

MPs who have questions about the procedure for bills or want advice on how to amend them should contact the [Public Bill Office](#).

The Library can provide information on the background and potential impact of a bill and of amendments but cannot help MPs with drafting amendments.

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