



House of Commons

Tuesday 5 November 2013

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

IMMIGRATION BILL

NOTE

The amendments have been arranged in accordance with Order of the Committee [29 October 2013].

Mr David Hanson
Helen Jones
Phil Wilson

Clause 1, page 1, line 10, after ‘it’, insert ‘and the Secretary of State has given the person written notice of his liability to removal’. 15

Mr David Hanson
Helen Jones
Phil Wilson

Clause 1, page 2, line 32, at end add— 16
 ‘(7) Regulations under subsection (6)—
 (a) shall be made by statutory instrument, and
 (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.’

Dr Julian Huppert

Clause 1, page 2, line 32, at end add— 39
 ‘(7) The Secretary of State shall by order—
 (a) ensure that children are not detained for immigration purposes; and
 (b) ensure that if a child requires accommodation prior to departure for—
 (i) a minimal pre-departure period with their family, or

Immigration Bill, *continued*

- (ii) the period until they can leave the country, where a child arrives at a port of entry without a required visa, and makes no claim for visa or asylum on arrival,
such accommodation must be provided.
- (8) Accommodation set out in subsection (7) should be—
- (a) suitable so as to ensure the child's welfare needs can be met, and
 - (b) for the least amount of time practicably possible.
- (9) Where subsection (7)(b) applies, the officer responsible must ensure that children are only separated from their parents and carers for the purposes of child protection.'.

Mr David Hanson
Helen Jones
Phil Wilson

40

Clause 2, page 2, line 35, at end add—

- (2) The enforcement powers provided for in Schedule 1 are subject to oversight by—
- (a) the Chief Inspector of Borders and Immigration,
 - (b) the Independent Police Complaints Commission, and
 - (c) HM Inspector of Prisons.'.

Mr David Hanson
Helen Jones
Phil Wilson

29

Schedule 1, page 51, line 23, after 'premises', insert 'within 24 hours of application.'.

Mr David Hanson
Helen Jones
Phil Wilson

18

Clause 3, page 3, line 6, at end insert—

- (5) In deciding whether to give consent to bail the Secretary of State will consider whether the applicant is pregnant.'.

Dr Julian Huppert

32

Clause 3, page 3, leave out paragraph (3).

Immigration Bill, *continued*

Dr Julian Huppert
Clause 3, page 3, leave out paragraph (6). 33

Mr David Hanson
Helen Jones
Phil Wilson
Page 4, line 23, leave out Clause 5. 19

Dr Julian Huppert
Clause 6, page 4, line 36, at end insert— 34
‘(1ZA) Subsection 1(bza) does not apply to persons who were—
(a) born before 1 January 1983 outside the United Kingdom to a British mother; or
(b) born before 1 July 2006 outside the United Kingdom to a British father who was not married to their mother.’

Mr David Hanson
Helen Jones
Phil Wilson
Clause 6, page 5, line 10, after ‘citizen’, insert ‘or after three years’. 20

Mr David Hanson
Helen Jones
Phil Wilson
Clause 10, page 6, line 37, after ‘offence’, insert ‘for which, if convicted, the offender would be liable to a term of imprisonment exceeding eight weeks’. 21

Mr David Hanson
Helen Jones
Phil Wilson
Clause 10, page 7, leave out lines 1 to 3. 22

Immigration Bill, *continued*

Mr David Hanson
Helen Jones
Phil Wilson

24

Clause 11, page 10, line 1, at end insert—

- ‘(6) This section shall not come into force until a draft statutory instrument is laid before, and approved by resolution of, each House of Parliament.
- (7) An order under subsection (6) may not be made until—
- (a) a report by the Independent Chief Inspector of Borders and Immigration on entry clearance decision-making in the UK Border Agency for entry clearance and managed migration; and
 - (b) the Secretary of State is satisfied that decision-making for entry clearance and managed migration is—
 - (i) efficient;
 - (ii) effective; and
 - (iii) fair.’

Mr David Hanson
Helen Jones
Phil Wilson

23

Page 8, line 19, leave out Clause 11.

Mr Mark Harper

1

Clause 12, page 10, line 27, leave out ‘foreign criminals’ and insert ‘persons liable to deportation’.

Mr Mark Harper

2

Clause 12, page 11, line 13, leave out ‘foreign criminals’ and insert ‘persons liable to deportation’.

Mr Mark Harper

3

Clause 12, page 11, line 14, leave out from ‘where’ to end of line 15 and insert ‘a human rights claim has been made by a person (“P”) who is liable to deportation under—

- (a) section 3(5)(a) of the Immigration Act 1971 (Secretary of State deeming deportation conducive to public good), or
- (b) section 3(6) of that Act (court recommending deportation following conviction).’

Mr Mark Harper

4

Clause 12, page 11, line 18, leave out ‘C’ and insert ‘P’.

Mr Mark Harper

5

Clause 12, page 11, line 19, leave out ‘C’ and insert ‘P’.

Immigration Bill, *continued*

- Mr Mark Harper 6
 Clause 12, page 11, line 20, leave out ‘C’s’ and insert ‘P’s’.
- Mr Mark Harper 7
 Clause 12, page 11, line 24, leave out ‘C’ and insert ‘P’.
- Mr Mark Harper 8
 Clause 12, page 11, line 26, leave out ‘C’ and insert ‘P’.
- Mr Mark Harper 9
 Clause 12, page 11, line 28, leave out subsection (4).
-
- Dr Julian Huppert 35
 Clause 14, page 14, line 3, at end insert ‘or
 (c) was born in the United Kingdom and has always lived in the United Kingdom;’.
-
- Mr David Hanson
 Helen Jones
 Phil Wilson 49
 ★ Clause 15, page 15, line 7, after ‘Chapter’, insert ‘subject to the provisions set out in section [*Consultation with the devolved administrations*]’.
- Mr David Hanson
 Helen Jones
 Phil Wilson 50
 ★ Clause 15, page 15, line 7, after ‘Chapter’, insert ‘subject to the provisions set out in section [*Pilot of residential housing provisions*]’.
- Mr David Hanson
 Helen Jones
 Phil Wilson 25
 Clause 15, page 15, line 24, leave out ‘order’ and insert ‘regulations’.

Immigration Bill, *continued*

Mr David Hanson
Helen Jones
Phil Wilson

26

Clause 15, page 15, line 27, at end add—

- (8) Regulations under subsection (6)—
- (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.’

Mr David Hanson
Helen Jones
Phil Wilson

30

Schedule 3, page 55, line 22, after ‘hostel’, insert ‘night shelter or domestic women’s refuge’.

Mr David Hanson
Helen Jones
Phil Wilson

31

Schedule 3, page 56, line 35, leave out paragraph 8.

Paul Blomfield
Meg Hillier

59

★ Schedule 3, page 57, line 4, leave out from ‘building’ to the end of line 26 and insert ‘between—

- (a) a landlord, as defined in Clause 15(3); and
- (b) one of the following—
 - (i) an applicant for a Tier 4 visa holding a certificate of acceptance of studies issued by an authority-funded educational institution; or
 - (ii) an applicant for a student visitor visa for a period longer than six months.’

Mr Mark Harper

10

Clause 17, page 16, line 22, at end insert—

- () A landlord is to be taken to “authorise” an adult to occupy premises in the circumstances mentioned in subsection (1) if (and only if) there is a contravention of this section.’

Immigration Bill, *continued*

Mr Mark Harper

11

Clause 17, page 17, line 11, at end insert—

- () A contravention of this section does not affect the validity or enforceability of any provision of a residential tenancy agreement by virtue of any rule of law relating to the validity or enforceability of contracts in circumstances involving illegality.’
-

Paul Blomfield
Meg Hillier

52

★ Clause 19, page 18, line 9, at end insert ‘or

- (c) an “in time” application for leave to remain has been made and the agent has secured—
- (i) a letter confirming the application from an accredited legal representative, and
 - (ii) proof of delivery.’
-

Paul Blomfield
Meg Hillier

53

★ Clause 21, page 19, line 18, at end insert ‘or

- (b) an “in time” application for leave to remain has been made and the landlord has secured—
- (i) a letter confirming the application from an accredited legal representative, and
 - (ii) proof of delivery.’
-

Mr David Hanson
Helen Jones
Phil Wilson

27

Clause 24, page 21, line 42, leave out paragraph (c).

Mr David Hanson
Helen Jones
Phil Wilson

28

Clause 24, page 22, line 7, leave out paragraph (b).

Immigration Bill, *continued*

John Robertson

56

- ★ Clause 27, page 23, line 43, at end insert—
 ‘(ba) the responsibility for agents to inform landlords, where the agent takes over management of the property, that an agreement should be made over the responsible party for immigration checks.’.
-

Mr Mark Harper

12

- Clause 29, page 25, line 4, at end insert—
 ‘() If the draft of an instrument containing an order under or in connection with this Chapter would, apart from this subsection, be a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.’.
-

Dr Julian Huppert

37

- Clause 33, page 27, line 24, after ‘charge’, insert ‘for—
 (i) holders of tier 4 student visas and student visitor visas;
 (ii) a person who has made National Insurance payments for two financial years; and
 (iii) other groups that the Secretary of State may specify in the order.’.

Paul Blomfield
Meg Hillier

54

- ★ Clause 33, page 27, line 24, after ‘charge’, insert ‘for those needing treatment for HIV, TB and other communicable diseases as agreed by the Secretary of State for wider public health benefit.’.

Paul Blomfield
Meg Hillier

57

- ★ Clause 33, page 27, line 24, after ‘charge’, insert ‘including but not limited to—
 (i) applicants for a Tier 4 visa holding a certificate of acceptance of studies issued by an authority-funded educational institution; and
 (ii) applicants for student visitor visas for a period longer than six months.’.

Paul Blomfield
Meg Hillier

55

- ★ Clause 33, page 27, line 27, at end insert—
 ‘(g) exempt pregnant women from the charge.’.

 Immigration Bill, *continued*

Helen Jones
Mr David Hanson
Phil Wilson

51

★ Clause 33, page 27, line 30, at end insert—

‘The Government shall, 12 months from Royal Assent of this Act, lay before the House a report on the sums collected under this section and the expenditure thereof.’.

Paul Blomfield
Meg Hillier

58

★ Clause 33, page 27, line 34, at end insert—

“‘authority-funded’ has the meaning given by Regulation 4(a) of the Education (Student Support and European University Institute) (Amendment) Regulations 2013.’.

Mr Mark Harper

14

Schedule 8, page 93, line 22, at end insert—

‘Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19)

In section 8(7) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (claimant’s credibility; definitions), in paragraph (d) of the definition of “immigration decision”, omit “(1)(a), (b), (ba) or (c)”.’.

Dr Julian Huppert

36

Schedule 8, page 95, line 39, after ‘rules’, insert ‘by a senior officer independent of the original decision’.

Mr Mark Harper

48

★ Schedule 8, page 103, line 19, after ‘52(2)’, insert ‘(apart from paragraph 5(3)(d) of Schedule 5 to the Immigration and Asylum Act 1999)’.

Dr Julian Huppert

38

Clause 63, page 48, line 16, leave out from ‘subsection’ to end of line 17, and insert ‘may not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament’.

Immigration Bill, continued

Mr Mark Harper

13

Clause 63, page 48, line 22, after ‘purposes’ insert ‘or areas’.

*NEW CLAUSES**Consultation with the devolved administrations*

Mr David Hanson
Helen Jones
Phil Wilson

NC1

To move the following Clause:—

- ‘(1) Prior to the implementation of sections 15 to 32 the Secretary of State shall consult with the Scottish Government, the Northern Ireland Executive, and the Welsh Government on the implementation and principles of these sections.’

Pilot of residential housing provisions

Mr David Hanson
Helen Jones
Phil Wilson

NC2

To move the following Clause:—

- ‘(1) Sections 15 to 32 shall not come into force until—
- (a) a pilot of these measures has been undertaken in—
 - (i) one London borough;
 - (ii) one local authority in a county in England;
 - (iii) one local authority in a county in Wales;
 - (iv) one local authority in a county in Scotland; and
 - (v) one local authority in a county in Northern Ireland.
 - (2) Each pilot shall last for a period of six months.
 - (3) At the conclusion of each pilot, the Secretary of State must prepare and publish a report and must lay a copy of the report before Parliament.
 - (4) Each report shall contain an evaluation of the effects of sections 15 to 32 on the level of discrimination in the private rental housing sector.
 - (5) A Minister of the Crown must, not later than three months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.

Immigration Bill, continued

- (6) If a motion under subsection (5) has been approved by the House of Commons, the provisions of sections 15 to 32 come into force on whatever day or days the Secretary of State appoints by order made by statutory instrument.’

Police Ombudsman for Northern Ireland

Mr Mark Harper

NC3

★ To move the following Clause:—

After section 60ZA of the Police (Northern Ireland) Act 1998 insert—

“60ZB Immigration and customs enforcement functions

- (1) The Ombudsman and the Secretary of State may enter into an agreement to establish, in relation to the exercise of specified enforcement functions by relevant officials, procedures which correspond to or are similar to any of those established by virtue of this Part.
- (2) Where no such procedures are in force in relation to a particular kind of relevant official, the Secretary of State may by order establish such procedures in relation to the exercise of specified enforcement functions by that kind of relevant official.
- (3) “Relevant officials” means—
 - (a) immigration officers and other officials of the Secretary of State exercising functions relating to immigration or asylum;
 - (b) designated customs officials, and officials of the Secretary of State, exercising customs functions (within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009);
 - (c) the Director of Border Revenue exercising customs revenue functions (within the meaning of that Part of that Act), and persons exercising such functions of the Director;
 - (d) persons providing services pursuant to arrangements relating to the discharge of a function within paragraph (a), (b), or (c).
- (4) “Enforcement functions” includes, in particular—
 - (a) powers of entry,
 - (b) powers to search persons or property,
 - (c) powers to seize or detain property,
 - (d) powers to arrest persons,
 - (e) powers to detain persons, and
 - (f) powers to examine persons or otherwise to obtain information (including powers to take fingerprints or to acquire other personal data).
- (5) “Specified” means specified in an agreement under subsection (1) or an order under subsection (2).
- (6) “Immigration officer” means a person appointed under paragraph 1(1) of Schedule 2 to the Immigration Act 1971.

Immigration Bill, *continued*

60ZC Section 60ZB: supplementary

- (1) An agreement under section 60ZB may at any time be varied or terminated—
 - (a) by the Secretary of State, or
 - (b) by the Ombudsman, with the consent of the Secretary of State.
- (2) Before making an order under section 60ZB the Secretary of State must consult the Ombudsman and such persons as the Secretary of State thinks appropriate.
- (3) An agreement or order under section 60ZB may provide for payment by the Secretary of State to or in respect of the Ombudsman.
- (4) An agreement or order under section 60ZB must relate only to the exercise of enforcement functions—
 - (a) wholly in Northern Ireland, or
 - (b) partly in Northern Ireland and partly in another part of the United Kingdom.
- (5) An agreement or order under section 60ZB must relate only to the exercise of enforcement functions on or after the day on which the agreement or order is made.
- (6) An agreement or order under section 60ZB must not provide for procedures in relation to so much of any complaint or matter as relates to functions conferred by or under Part 8 of the Immigration and Asylum Act 1999 (detained persons & removal centres etc.).”

Domestic abuse and female genital mutilation

Paul Blomfield
Meg Hillier

NC4

★ To move the following Clause:—

- ‘No charge under section 33 may be imposed for health services—
- (a) relating to injuries sustained as a result of domestic abuse (as defined in Home Office Circular 003/2013 “New government domestic violence and abuse definition”), or
 - (b) relating to injuries sustained as a result of female genital mutilation (as defined in the Female Genital Mutilation Act 2003).’.
-

Immigration Bill, *continued**Impact on victims of domestic abuse and female genital mutilation*Paul Blomfield
Meg Hillier

NC5

★ To move the following Clause:—

‘Prior to implementation of section 33 the Secretary of State must publish an assessment of the projected impact on—

- (a) victims of domestic abuse (as defined in Home Office Circular 003/2013 “New government domestic violence and abuse definition”) or
 - (b) victims of female genital mutilation (as defined in the Female Genital Mutilation Act 2003).’
-

*Human trafficking*Paul Blomfield
Meg Hillier

NC6

★ To move the following Clause:—

- ‘(1) No charge under section 33 may be imposed on victims or suspected victims of human trafficking.
 - (2) The Secretary of State must—
 - (a) issue a code of practice for identifying suspected victims of human trafficking for the purposes of this chapter,
 - (b) from time to time review the code, and may revise and re-issue it following a review; and
 - (c) lay the code, and any revision of the code, before Parliament.’
-

*Review of appeals process*Mr David Hanson
Helen Jones
Phil Wilson

NC7

★ To move the following Clause:—

‘Following Royal Assent of this Bill the Secretary of State shall produce a review after 12 months to be laid in the Library of the House of the numbers of people successfully deported within a calendar year of the decision under sections 11 to 14.’

Immigration Bill, continued*Residence permit: domestic violence*

Mr David Hanson
 Helen Jones
 Phil Wilson

NC8

★ To move the following Clause:—

- ‘(1) A person (P) shall be entitled to a residence permit for three months for rest and reflection where—
- (a) P is married, in a civil partnership, or in a durable relationship with someone who is lawfully in the UK; and
 - (b) P is in the UK as a dependant of that other person; and
 - (c) the relationship breaks down as a result of domestic violence.
- (2) The residence permit shall be available to P and any dependants already in the UK with entitlement to work.’.

ORDER OF THE HOUSE [22 OCTOBER 2013]

That the following provisions shall apply to the Immigration Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 19th November 2013.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

ORDER OF THE COMMITTEE [29 OCTOBER 2013]

That—

- (1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 29 October) meet—
 - (a) at 2.00 pm on Tuesday 29 October;

Immigration Bill, continued

- (b) at 11.30 am and 2.00 pm on Thursday 31 October;
 (c) at 8.55 am and 2.00 pm on Tuesday 5 November;
 (d) at 11.30 am and 2.00 pm on Thursday 7 November;
 (e) at 8.55 am and 2.00 pm on Tuesday 12 November;
 (f) at 8.55 am and 2.00 pm on Tuesday 19 November;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 29 October	Until no later than 9.45 am	Professor J Meirion Thomas, The Royal Marsden; Jacqueline Bishop, Brighton and Sussex University Trust and co-chair of the Overseas Visitors Advisory Group, NHS
Tuesday 29 October	Until no later than 10.45 am	British Medical Association; Royal College of General Practitioners; Academy of Medical Royal Colleges
Tuesday 29 October	Until no later than 11.25 am	MigrationWatch UK
Tuesday 29 October	Until no later than 3.00 pm	National Landlords Association; Residential Landlords Association; UK Association of Lettings Agents
Tuesday 29 October	Until no later than 3.30 pm	Crisis
Tuesday 29 October	Until no later than 4.00 pm	Universities UK
Tuesday 29 October	Until no later than 4.30 pm	Immigration Law Practitioners' Association
Thursday 31 October	Until no later than 12.00 noon	JUSTICE
Thursday 31 October	Until no later than 12.30 pm	Liberty
Thursday 31 October	Until no later than 1.00 pm	Joint Council for the Welfare of Immigrants
Thursday 31 October	Until no later than 2.45 pm	Home Office

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 and 2; Schedule 1; Clauses 3 to 8; Schedule 2; Clauses 9 to 15; Schedule 3; Clauses 16 to 47; Schedule 4; Clauses 48 to 53; Schedule 5; Clauses 54 to 57; Schedule 6; Clause 58; Schedule 7; Clauses 59 to 62; Schedule 8; Clauses 63 to 66; new Clauses; new Schedules; remaining

Immigration Bill, *continued*

- proceedings on the Bill; and
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 19 November.
-