



House of Commons

NOTICES OF AMENDMENTS

given on

Thursday 31 October 2013

For other Amendment(s) see the following page(s):
Immigration Bill Committee 11-13

PUBLIC BILL COMMITTEE

IMMIGRATION BILL

Mr Mark Harper

Clause 12, page 10, line 27, leave out ‘foreign criminals’ and insert ‘persons liable to deportation’. 1

Mr Mark Harper

Clause 12, page 11, line 13, leave out ‘foreign criminals’ and insert ‘persons liable to deportation’. 2

Mr Mark Harper

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).’ 3

Mr Mark Harper

Clause 12, page 11, line 18, leave out ‘C’ and insert ‘P’. 4

Mr Mark Harper

Clause 12, page 11, line 19, leave out ‘C’ and insert ‘P’. 5

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).	
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.’.	
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.’.	
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.’.	
Mr Mark Harper	13
Clause 63, page 48, line 22, after ‘purposes’ insert ‘or areas’.	
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)”.

Immigration Bill, continued*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.’

Mr David Hanson
Helen Jones
Phil Wilson

15

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’.

Mr David Hanson
Helen Jones
Phil Wilson

16

Clause 1, page 2, line 32, at end add—

- ‘(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.’

Mr David Hanson
Helen Jones
Phil Wilson

17

Clause 2, page 2, line 35, at end add ‘(Schedule 1 is subject to existing regulatory systems under—

- (a) the Chief Inspector of Borders and Immigration,
- (b) IPCC, and
- (c) HM Inspector of Prisons.’

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.’

Mr David Hanson
Helen Jones
Phil Wilson

19

Page 4, line 23, leave out Clause 5.

Immigration Bill, *continued*

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

Mr David Hanson
Helen Jones
Phil Wilson

Page 8, line 19, leave out Clause 11.

23

Mr David Hanson
Helen Jones
Phil Wilson

Clause 11, page 8, line 20, at beginning 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 (3A) 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.’

24

Mr David Hanson
Helen Jones
Phil Wilson

Clause 15, page 15, line 24, leave out ‘order’ and insert ‘regulations’.

25

Mr David Hanson
Helen Jones
Phil Wilson

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

26

Immigration Bill, *continued*

- ‘(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

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

27

Mr David Hanson
Helen Jones
Phil Wilson

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

28

Mr David Hanson
Helen Jones
Phil Wilson

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

29

Mr David Hanson
Helen Jones
Phil Wilson

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

30

Mr David Hanson
Helen Jones
Phil Wilson

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

31

Pilot of residential housing provisions

Mr David Hanson
Helen Jones
Phil Wilson

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.

NC2

Immigration Bill, *continued*

- (2) Each pilot should 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.
- (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.’

- Dr Julian Huppert 32
 Clause 3, page 3, leave out lines 7 to 19.
- Dr Julian Huppert 33
 Clause 3, page 3, leave out lines 31 to 42.
- Dr Julian Huppert 34
 Clause 6, page 4, line 36, at end insert—
 ‘(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.’
- 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;’.
- Dr Julian Huppert 36
 Schedule 8, page 95, line 39, after ‘rules’, insert ‘by a senior officer independent of the original decision’.
- 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.’.
- Dr Julian Huppert 38
 Clause 63, page 48, line 16, leave out from ‘subsection’ to end of line 17, and insert

Immigration Bill, *continued*

‘may not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament’.

Dr Julian Huppert

39

Clause 1, page 2, line 32, at end add—

- ‘(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
 - (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 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.’.
