



House of Commons

Tuesday 12 November 2013

PUBLIC BILL COMMITTEE PROCEEDINGS

IMMIGRATION BILL

[NINTH AND TENTH SITTINGS]

Meg Hillier

Withdrawn 97

Clause 34, page 28, line 8, at end insert—

‘(1A) NHS charging provisions may make reference to the need to safeguard public health with particular reference to the prevention of infectious diseases, maternal death and infant mortality for those persons who require leave to enter or remain in the United Kingdom.’.

Clause agreed to.

Clauses 35 to 42 agreed to.

Mr David Hanson
Helen Jones
Phil Wilson

Withdrawn 98

Clause 43, page 34, line 35, at end insert—

‘(6A) In the absence of a referral under paragraphs (1)(a) or (b) of this section, the Secretary of State may decide to investigate.’.

Clause agreed to.

Clause 44 agreed to.

Mr Mark Harper

Agreed to 60

Clause 45, page 35, line 39, at end insert—

‘(2A) A relevant party must comply with a requirement specified in regulations made under section 46(4) if—

Immigration Bill, continued

- (a) the section 43 notice given to the relevant party states that he or she must do so, or
 - (b) the Secretary of State subsequently notifies the relevant party (orally or in writing) that he or she must do so;
- and the relevant party must comply with that requirement in the manner stated in the section 43 notice or in the Secretary of State's notification (if such a manner is stated there).'

Mr Mark Harper

- Agreed to* **61**
- Clause 45, page 36, line 31, leave out from 'by' to end of line 32 and insert 'or in accordance with—
- (a) subsection (2A);'

Clause, as amended, agreed to.

Mr Mark Harper

- Agreed to* **62**
- Clause 46, page 36, line 43, at end insert—
- '(ba) notice that a relevant party may be required to comply with one or more requirements imposed by the Secretary of State subsequently in accordance with section 45(2A); and'

Mr Mark Harper

- Agreed to* **63**
- Clause 46, page 37, line 11, leave out from 'regulations,' to end of line 12 and insert 'specify requirements relating to the conduct of investigations which may be imposed on a relevant party by the section 43 notice or by the Secretary of State subsequently in accordance with section 45(2A).'

Mr Mark Harper

- Agreed to* **64**
- Clause 46, page 37, line 13, leave out 'impose' and insert 'specify'.

Mr Mark Harper

- Agreed to* **65**
- Clause 46, page 37, line 14, at end insert—
- '(za) a requirement to make contact with a particular person or description of persons in a particular way (including by telephoning a particular number) within a particular time period;'

Mr David Hanson
Helen Jones
Phil Wilson

- Withdrawn* **96**
- Clause 46, page 37, line 20, at end insert—
- '(5A) Requirements made under this section must have due regard to—
 - (a) the existence of any childcare responsibilities or arrangements; and
 - (b) the existence of any responsibilities as a carer.'

Immigration Bill, continued

Clause, as amended, agreed to.

Clause 47 agreed to.

Mr Mark Harper

Schedule 4, page 59, line 14, leave out '(2) to (4)' and insert '(4) or (5A)'. *Agreed to 66*

Mr Mark Harper

Schedule 4, page 60, line 7, first column, leave out from beginning to 'is' in line 13 and insert— *Agreed to 67*

(a) The usual address of each party to the proposed marriage
(b) If the usual address of a party'.

Mr Mark Harper

Schedule 4, page 61, line 6, leave out from beginning to end of line 8. *Agreed to 68*

Mr Mark Harper

Schedule 4, page 62, line 12, at end insert— *Agreed to 69*

(5A) If subsection (2) or (3) applies to the notice, and the notice is not accompanied by the specified evidence required by that subsection, the notice must be accompanied by—

- (a) specified photographs (within the meaning of section 27E) of each of the parties to the proposed marriage;
- (b) the usual address of each party to the proposed marriage;
- (c) specified evidence that the usual address of a party provided in accordance with paragraph (b) is that party's usual address; and
- (d) if the usual address of a party provided in accordance with paragraph (b) is outside the United Kingdom, an address in the United Kingdom at which that party can be contacted by post.'

Mr Mark Harper

Schedule 4, page 62, line 41, after '(6)' insert 'or 28C(5A)'. *Agreed to 70*

Mr Mark Harper

Schedule 4, page 62, line 45, after '(6)' insert 'or 28C(5A)'. *Agreed to 71*

Mr Mark Harper

Schedule 4, page 63, line 3, leave out 'or 27E' and insert ', 27E or 28C'. *Agreed to 72*

Immigration Bill, *continued*

Mr Mark Harper

Agreed to 73

Schedule 4, page 63, line 16, leave out 'or 27E' and insert ', 27E or 28C'.

Mr Mark Harper

Agreed to 74

Schedule 4, page 64, line 27, after '(3)' insert 'in relation to a party to the proposed marriage'.

Mr Mark Harper

Agreed to 75

Schedule 4, page 64, line 29, leave out from 'that' to second 'is' in line 30 and insert 'that party to the proposed marriage'.

Mr Mark Harper

Agreed to 76

Schedule 4, page 65, line 36, leave out from 'apply' to end of line 2 on page 66 and insert 'unless and until one of the following events occurs.

(1A) Event 1 occurs if—

- (a) the Secretary of State gives the superintendent registrar the section 43 notice, and
- (b) that notice is of a decision not to investigate whether the referred marriage is a sham.

(1B) Event 2 occurs if—

- (a) the relevant statutory period ends, and
- (b) the Secretary of State has not given the superintendent registrar the section 43 notice.

(1C) Event 3 occurs if—

- (a) the Secretary of State gives the superintendent registrar the section 43 notice,
- (b) that notice is of a decision to investigate whether the referred marriage is a sham,
- (c) the Secretary of State gives the superintendent registrar the section 45 notice, and
- (d) that notice is of a decision that both of the parties to the referred marriage have complied with the investigation.

(1D) Event 4 occurs if—

- (a) the 70 day period ends, and
- (b) the Secretary of State has not given the superintendent registrar the section 45 notice.

(1E) Event 5 occurs if the Secretary of State gives the superintendent registrar notice that the duty under section 31(2) is applicable.

(1F) The Secretary of State may give a notice for that purpose only if—

- (a) the Secretary of State has given the superintendent registrar the section 43 notice,
- (b) that notice is of a decision to investigate whether the referred marriage is a sham,
- (c) the Secretary of State has given the superintendent registrar the section 45 notice, and
- (d) that notice is of a decision that one or both of the parties to the referred marriage have not complied with the investigation.'.

Immigration Bill, continued

Mr Mark Harper

Agreed to 77

Schedule 4, page 66, line 5, at end insert—

‘(5) In this paragraph—

- “70 day period” has the same meaning as in section 45 of the 2014 Act;
- “relevant statutory period” has the same meaning as in section 43 of the 2014 Act;
- “section 43 notice” means notice under section 43(7) of the 2014 Act;
- “section 45 notice” means notice under section 45(6) of the 2014 Act.’.

Mr Mark Harper

Agreed to 78

Schedule 4, page 69, line 7, leave out sub-paragraph (1) and insert—

‘(1) Section 35 (marriage in registration district in which neither party resides) is amended in accordance with sub-paragraphs (1A) and (1B).

(1A) After subsection (3) insert—

“(3A) In a case where one or both of the persons to be married (“the couple”) are not relevant nationals, a superintendent registrar may issue a certificate for the solemnization of a marriage in a qualifying church or chapel, notwithstanding that it is not within a registration district in which either of the couple resides.

(3B) In subsection (3A) “qualifying church or chapel” means a church or chapel which is not the usual place of worship of the couple but in which it would be possible—

- (a) (if section 5(3)(a) were disregarded) for the marriage of the couple to be solemnized in accordance with section 5(1)(a) (marriage after publication of banns), or
- (b) (if section 5(3)(b) were disregarded) for the marriage of the couple to be solemnized in accordance with section 5(1)(c) (marriage on authority of common licence).”.

(1B) After subsection (5) insert—

“(6) Where a marriage is intended to be solemnized on the authority of certificates of a superintendent registrar issued under subsection (3A), each notice of marriage given to the superintendent registrar and each certificate issued by the superintendent registrar shall state, in addition to the description of the church or chapel in which the marriage is to be solemnized, that it would be possible for the marriage of the couple to be solemnized in that church or chapel after the publication of banns or on the authority of a common licence (if section 5(3) were disregarded).”.

Mr Mark Harper

Agreed to 79

Schedule 4, page 69, line 23, leave out ‘national’ and insert ‘citizen’.

Mr Mark Harper

Agreed to 80

Schedule 4, page 71, line 3, first column, leave out from beginning to ‘is’ in line 9 and insert—

Immigration Bill, *continued*

‘(a) The usual address of each party to the proposed civil partnership
(b) If the usual address of a party’.

Mr Mark Harper

Schedule 4, page 72, line 1, leave out from beginning to end of line 3. *Agreed to* 81

Mr Mark Harper

Schedule 4, page 72, line 16, leave out ‘been married or formed a civil partnership’ and insert ‘formed a civil partnership or been married’. *Agreed to* 82

Mr Mark Harper

Schedule 4, page 72, line 18, leave out ‘marriage or civil partnership’ and insert ‘civil partnership or marriage’. *Agreed to* 83

Mr Mark Harper

Schedule 4, page 72, line 39, at end insert— *Agreed to* 84
‘(5A) If subsection (2) or (3) applies to the notice, and the notice is not accompanied by the specified evidence required by that subsection, the notice must be accompanied by—
(a) specified photographs (within the meaning of section 8A) of each of the parties to the proposed civil partnership;
(b) the usual address of each party to the proposed civil partnership;
(c) specified evidence that the usual address of a party provided in accordance with paragraph (b) is that party’s usual address; and
(d) if the usual address of a party provided in accordance with paragraph (b) is outside the United Kingdom, an address in the United Kingdom at which that party can be contacted by post.’.

Mr Mark Harper

Schedule 4, page 73, line 20, after ‘(6)’ insert ‘or 9A(5A)’. *Agreed to* 85

Mr Mark Harper

Schedule 4, page 73, line 24, after ‘(6)’ insert ‘or 9A(5A)’. *Agreed to* 86

Mr Mark Harper

Schedule 4, page 73, line 28, leave out ‘or 8A’ and insert ‘, 8A or 9A’. *Agreed to* 87

Mr Mark Harper

Schedule 4, page 73, line 41, leave out ‘8 or 8A’ and insert ‘8A or 9A’. *Agreed to* 88

Immigration Bill, continued

Mr Mark Harper

Schedule 4, page 74, line 40, leave out '(2) to (4)' and insert '(4) or (5A)'. *Agreed to 89*

Mr Mark Harper

Schedule 4, page 76, line 1, after '(3)' insert 'in relation to a party to the proposed civil partnership'. *Agreed to 90*

Mr Mark Harper

Schedule 4, page 76, line 3, leave out from 'that' to second 'is' in line 4 and insert 'that party to the proposed civil partnership'. *Agreed to 91*

Mr Mark Harper

Schedule 4, page 77, line 6, leave out from 'apply' to end of line 16 and insert 'unless and until one of the following events occurs. *Agreed to 92*

(1A) Event 1 occurs if—

- (a) the Secretary of State gives the registration authority or authorities the section 43 notice, and
- (b) that notice is of a decision not to investigate whether the referred civil partnership is a sham.

(1B) Event 2 occurs if—

- (a) the relevant statutory period ends, and
- (b) the Secretary of State has not given the registration authority or authorities the section 43 notice.

(1C) Event 3 occurs if—

- (a) the Secretary of State gives the registration authority or authorities the section 43 notice,
- (b) that notice is of a decision to investigate whether the referred civil partnership is a sham,
- (c) the Secretary of State gives the registration authority or authorities the section 45 notice, and
- (d) that notice is of a decision that both of the parties to the referred civil partnership have complied with the investigation.

(1D) Event 4 occurs if—

- (a) the 70 day period ends, and
- (b) the Secretary of State has not given the registration authority or authorities the section 45 notice.

(1E) Event 5 occurs if the Secretary of State gives the registration authority or authorities notice that the duty under section 14(1) is applicable.

(1F) The Secretary of State may give a notice for that purpose only if—

- (a) the Secretary of State has given the registration authority or authorities the section 43 notice,
- (b) that notice is of a decision to investigate whether the referred civil partnership is a sham,
- (c) the Secretary of State has given the registration authority or authorities the section 45 notice, and
- (d) that notice is of a decision that one or both of the parties to the referred civil partnership have not complied with the investigation.'

Immigration Bill, *continued*

Mr Mark Harper

Agreed to 93

Schedule 4, page 77, line 19, at end insert—

‘(5) In this paragraph—

“70 day period” has the same meaning as in section 45 of the 2014 Act;

“relevant statutory period” has the same meaning as in section 43 of the 2014 Act;

“section 43 notice” means notice under section 43(8) of the 2014 Act;

“section 45 notice” means notice under section 45(6) of the 2014 Act.’.

Schedule, as amended, agreed to.

Mr Mark Harper

Agreed to 94

Clause 48, page 38, line 3, leave out from ‘person’ to end of line 6.

Mr Mark Harper

Agreed to 95

Clause 48, page 38, line 32, leave out from beginning to end of line 33.

Clause, as amended, agreed to.

Clauses 49 to 53 agreed to.

Schedule 5 agreed to.

Clauses 54 to 57 agreed to.

Meg Hillier

Not selected 99

★ Schedule 6, page 84, line 29, at end insert ‘; and

‘() require the fee for organisations which are charities, or which do not charge fees to clients, or which operate as not-for-profit organisations.’.

Meg Hillier

Not selected 100

★ Schedule 6, page 85, line 25, at end insert—

‘4B (1) When the Commissioner cancels a person’s registration, she must ensure that the case files of all the people represented by that person are—

(a) returned to the individual represented;

(b) transferred to another person with the consent of the individual represented; or

(c) passed to the Commissioner to arrange secure storage and the possibility of retrieval for the files for a period of at least six years.

Immigration Bill, continued

- (2) The Commissioner must make such arrangements as she sees fit to ensure that individuals are aware of the cancellation of the registration of their adviser and how they may retrieve their files.
- (3) After files have been kept in such storage for six years, the Commissioner may make arrangements for them to be securely destroyed.’.

Schedule agreed to.

Clause 58 agreed to.

Schedule 7 agreed to.

Meg Hillier

Not selected 101

- ★ Clause 59, page 45, line 32, at end insert—
 ‘() the quality of decision-making on the types of application for which the fee is charged and whether decisions are made within performance targets.’.

Meg Hillier

Not selected 102

- ★ Clause 59, page 45, line 34, leave out ‘may’ and insert ‘must’.

Meg Hillier

Not selected 103

- ★ Clause 59, page 45, leave out line 38 and insert—
 ‘() Regulations may make provision about—’.

Meg Hillier

Not selected 104

- ★ Clause 59, page 45, line 41, at end insert—
 ‘() Fees regulations must provide for the refund of a fee paid to lodge an appeal against an immigration decision when the Secretary of State withdraws the decision appealed against before the appeal is heard.’.

Clause agreed to.

Clauses 60 to 62 agreed to.

Mr Mark Harper

Agreed to 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*

Dr Julian Huppert

Withdrawn **36**

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

Mr Mark Harper

Agreed to **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)’.

Schedule, as amended, agreed to.

Dr Julian Huppert

Negated on division **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’.

Mr Mark Harper

Agreed to **13**

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

Clause, as amended, agreed to.

Clauses 64 to 66 agreed to.

NEW CLAUSES

Consultation with the devolved administrations

Mr David Hanson
Helen Jones
Phil Wilson

Not called **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.’
-

Immigration Bill, continued*Pilot of residential housing provisions*

Mr David Hanson
Helen Jones
Phil Wilson

Negatived on division 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.
 - (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

Added 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;

Immigration Bill, *continued*

- (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.

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.).”

[Adjourned until Tuesday 19 November at 8.55 am