



House of Commons
NOTICES OF AMENDMENTS

given on
Friday 24 January 2014

*For other Amendment(s) see the following page(s) of Supplement to Votes:
 1289, 1305, 1321, 1343 1355, 1567-73 and 1581-95*

CONSIDERATION OF BILL

IMMIGRATION BILL, AS AMENDED

Right of appeal: Impact assessment

Mr David Hanson

NC13

To move the following Clause:—

‘Before the Secretary of State makes an order under section 65 (commencement) to bring into force section 11 (Right of appeal to First-tier Tribunal) he must—

- (a) undertake an impact assessment of—
 - (i) the number of appeals effected by the provisions of section 11; and
 - (ii) the costs attributable to appeals to First-tier Tribunals; and
- (b) lay a copy of a report on that impact assessment before Parliament.’.

Sarah Teather

56

Clause 3, page 2, line 41, at end insert—

‘(1A) In paragraph 16 (detention of persons liable to examination or removal) after paragraph (4) insert—

“(5) A person detained under this paragraph must be released on bail in accordance with paragraph 22 after no later than the twenty-eighth day following that on which the person was detained.”’.

Sarah Teather

57

Clause 3, page 3, line 10, leave out subsection (3) and insert—

‘(3) In paragraph 22 (bail) at end insert—

“(4) The following provisions apply if a person is detained under any provision of this Act—

Immigration Bill, *continued*

- (a) The Secretary of State must arrange a reference to the First-tier Tribunal for it to determine whether the detained person should be released on bail;
 - (b) The Secretary of State must secure that a first reference to the First-tier Tribunal is made no later than the eighth day following that on which the detained person was detained;
 - (c) If the detained person remains in detention, the Secretary of State must secure that a second reference to the First-tier Tribunal or Commission is made no later than the thirty-sixth day following that on which the detained person was detained;
 - (d) The First-tier Tribunal hearing a case referred to it under this section must proceed as if the detained person had made an application to it for bail; and
 - (e) The First-tier Tribunal must determine the matter—
 - (i) on a first reference, before the tenth day following that on which the person concerned was detained; and
 - (ii) on a second reference, before the thirty-eighth day following that on which he was detained.
- (5) For the purposes of this paragraph, “First-tier Tribunal” means—
- (a) if the detained person has brought an appeal under the Immigration Acts, the chamber of the First-tier Tribunal dealing with his appeal; and
 - (b) in any other case, such chamber of the First-tier Tribunal as the Secretary of State considers appropriate.
- (6) In case of a detained person to whom section 3(2) of the Special Immigration Appeals Commission Act 1997 applies (jurisdiction in relation to bail for persons detained on grounds of national security) a reference under sub-paragraph (3)(a) above, shall be to the Commission and not to the First-tier Tribunal.
- (7) Rules made by the Lord Chancellor under section 5 of the Special Immigration Appeals Commission Act 1997 may include provision made for the purposes of this paragraph.”’.

Sarah Teather

58

Clause 14, page 13, leave out lines 19 to 39 and insert—

- ‘(3) The promotion of the best interests of children is in the public interest.’

Sarah Teather

59

Clause 15, page 16, line 2, after ‘if’, insert—

‘P is—

- (a) an asylum seeker or the dependant of an asylum-seeker as defined in section 94 of the Immigration and Asylum Act 1999 (c. 33);
- (b) a person provided with accommodation under section 17 of the Children Act 1989 or otherwise under that Act;
- (c) a person accommodated in a refuge as a survivor of domestic violence;
- (d)
 - (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.

Immigration Bill, *continued*

- (e) a person who is resident outside the UK and is studying English in the UK who is accommodated in Homestay accommodation.
- (f) ‘.

Sarah Teather

Schedule 1, page 54, line 13, leave out paragraph (5).

60

Sarah Teather

Clause 65, page 50, line 27, at end insert—

- ‘() Section 1 and Part II of this Act shall come into force on a day to be appointed, being no earlier than the day on which an order made by the Lord Chancellor under section 9(2)(a) of the Legal Aid, Sentencing and Punishment of Offenders Act 2013 in respect of civil legal services in connection with removal under section 1 and appeals under Part II comes into effect.’.

61

Support for prescribed groups

Sarah Teather

To move the following Clause:—

NC14

- ‘(1) Section 4 of the Immigration and Asylum Act 1999 (Accommodation) is amended as follows.
- (2) In subsection (1), for “facilities for the accommodation” substitute “support”.
- (3) In subsection (2), for “facilities for the accommodation” substitute “support”.
- (4) In subsection (3), for “facilities for the accommodation of a dependant of a person for whom facilities” substitute “support of a dependant of a person for whom support”.
- (5) In subsection (5)—
 - (a) in paragraph (a), for “accommodation” substitute “support” in both occurrences; and
 - (b) in paragraph (b), for “accommodation” substitute “support” in both occurrences.
- (6) In subsection (6)—
 - (a) in paragraph (a), for “accommodation” substitute “support”;
 - (b) in paragraph (b), for “accommodation” substitute “support”; and
 - (c) in paragraph (c), for “accommodation” substitute “support” in both occurrences.
- (7) For subsections (10) and (11) substitute—
 - “(10) “support” means—
 - (a) accommodation appearing to the Secretary of State to be adequate for the needs of the supported person and his dependants;
 - (b) food or other essential items;
 - (c) the means to enable the supported person to meet what appear to the Secretary of State to be expenses (other than legal expenses or other expenses of a prescribed description) incurred in connection with his claim for asylum or leave to remain in the UK;

Immigration Bill, continued

- (d) the means for the supported person and his dependants to attend bail proceedings in connection with his detention under any provision of the Immigration Acts; or
 - (e) the means to enable the supported person and his dependants to attend bail proceedings in connection with the detention of a dependant of his under any such provision.
- (11) If the Secretary of State considers that the circumstances of a particular case are exceptional, such other resources as he considers necessary to enable the supported person and his dependants to be supported.”.

Exceptions to automatic deportation

Mr Dominic Raab
 Mr David Blunkett
 Nick de Bois
 Hazel Blears
 Nick Herbert
 Ms Gisela Stuart

Mr Crispin Blunt
 Mr Frank Field
 Mr Andrew Mitchell
 Jackie Doyle-Price
 Mrs Anne Main
 Andrea Leadsom
 Tim Loughton
 Henry Smith
 Andrew Bingham
 Jonathan Lord
 Mr David Ruffley
 Mr Graham Stuart
 Sir Richard Shepherd
 Dr Phillip Lee
 Nadine Dorries
 Gordon Henderson
 Mr Peter Bone
 Mr Bernard Jenkin
 Mark Reckless
 Mr Jonathan Djanogly
 Jeremy Lefroy
 Richard Drax
 Mr Brooks Newmark
 Mr Philip Hollobone
 Mr Christopher Chope
 Dan Byles
 Glyn Davies
 Sir Paul Beresford
 Caroline Dinéage
 Guto Bebb
 Craig Whittaker
 Heather Wheeler
 Mr Julian Brazier

Kate Hoey
 Tracey Crouch
 Mr Graham Brady
 Derek Twigg
 Bob Blackman
 Mr John Whittingdale
 Mr Douglas Carswell
 Andrew Percy
 Philip Davis
 Mr Andrew Turner
 Andrew Rosindell
 Mr James Gray
 Karl McCartney
 Mr Nigel Evans
 Mike Weatherley
 Caroline Nokes
 Nigel Mills
 Richard Graham
 Mr John Redwood
 Simon Reeve
 Steve Baker
 Chris Heaton-Harris
 Sir Edward Leigh
 Mr John Baron
 Mr Brian Binley
 Mr William Cash
 Karen Lumley
 Simon Hart
 Conor Burns
 Mr Mark Field
 Dr Matthew Offord
 Bob Stewart
 Martin Vickers

Anne Marie Morris
 Siobhian McDonagh
 Mr Nigel Dodds
 Stephen Barclay
 Charlotte Leslie
 Mr David Davis
 Dr Sarah Wollaston
 Sir Gerald Howarth
 Mr Adam Holloway
 Dr Julian Lewis
 Mr Stewart Jackson
 Mark Pritchard
 Mr David Nuttall
 David T. C. Davies
 Mr Charles Walker
 Mr Gary Streeter
 Mr David Amess
 Mr James Clappison
 Mr Aidan Burley
 Stephen McPartland
 Zac Goldsmith
 Patrick Mercer
 Chris Kelly
 George Freeman
 Bill Wiggin
 Angie Bray
 Mr Peter Lilley
 Jacob Rees-Mogg
 Alec Shelbrooke
 Nicholas Soames
 Andrew Bridgen
 David Tredinnick

NC15

To move the following Clause:—

- ‘(1) The UK Borders Act 2007 is amended as follows.

Immigration Bill, *continued*

- (2) In section 33 (Exceptions), in subsection (2)(a), for “Convention rights”, substitute “rights under Articles 2 or 3 of the Convention”.
- (3) In section 33, after subsection (6A), insert—
- “(6B) Exception 7 is where the Secretary of State thinks, taking into account all the circumstances of the case including the seriousness of the offence, that removal of the foreign criminal from the United Kingdom in pursuance of a deportation order would cause such manifest and overwhelming harm to his children that it overrides the public interest in removal.”.
- (4) In section 38 (Interpretation)—
- (a) after subsection (3), insert—
- “(3A) In section 32, “Convention rights” has the same meaning as in the Human Rights Act 1998 (c. 42).”;
- (b) omit paragraph (4)(b);
- (c) after subsection (4) insert—
- “(4A) In section 33, “rights under Articles 2 or 3 of the Convention” means Articles 2 or 3 of “the Convention” as defined in the Human Rights Act 1998 (c. 42).”.

Mr Dominic Raab
 Mr David Blunkett
 Nick de Bois
 Hazel Blears
 Nick Herbert
 Ms Gisela Stuart

Mr Crispin Blunt
 Mr Frank Field
 Mr Andrew Mitchell
 Jackie Doyle-Price
 Mrs Anne Main
 Andrea Leadsom
 Tim Loughton
 Henry Smith
 Andrew Bingham
 Jonathan Lord
 Mr David Ruffley
 Mr Graham Stuart
 Sir Richard Shepherd
 Dr Phillip Lee
 Nadine Dorries
 Gordon Henderson
 Mr Peter Bone
 Mr Bernard Jenkin
 Mark Reckless
 Mr Jonathan Djanogly
 Jeremy Lefroy
 Richard Drax
 Mr Brooks Newmark

Kate Hoey
 Tracey Crouch
 Mr Graham Brady
 Derek Twigg
 Bob Blackman
 Mr John Whittingdale
 Mr Douglas Carswell
 Andrew Percy
 Philip Davis
 Mr Andrew Turner
 Andrew Rosindell
 Mr James Gray
 Karl McCartney
 Mr Nigel Evans
 Mike Weatherley
 Caroline Nokes
 Nigel Mills
 Richard Graham
 Mr John Redwood
 Simon Reeve
 Steve Baker
 Chris Heaton-Harris
 Sir Edward Leigh

Anne Marie Morris
 Siobhian McDonagh
 Mr Nigel Dodds
 Stephen Barclay
 Charlotte Leslie
 Mr David Davis
 Dr Sarah Wollaston
 Sir Gerald Howarth
 Mr Adam Holloway
 Dr Julian Lewis
 Mr Stewart Jackson
 Mark Pritchard
 Mr David Nuttall
 David T. C. Davies
 Mr Charles Walker
 Mr Gary Streeter
 Mr David Amess
 Mr James Clappison
 Mr Aidan Burley
 Stephen McPartland
 Zac Goldsmith
 Patrick Mercer
 Chris Kelly

Immigration Bill, continued

Mr Philip Hollobone	Mr John Baron	George Freeman
Mr Christopher Chope	Mr Brian Binley	Bill Wiggin
Dan Byles	Mr William Cash	Angie Bray
Glyn Davies	Karen Lumley	Mr Peter Lilley
Sir Paul Beresford	Simon Hart	Jacob Rees-Mogg
Caroline Dinéage	Conor Burns	Alec Shelbrooke
Guto Bebb	Mr Mark Field	Nicholas Soames
Craig Whittaker	Dr Matthew Offord	Andrew Bridgen
Heather Wheeler	Bob Stewart	David Tredinnick
Mr Julian Brazier	Martin Vickers	

62

Clause 14, page 13, leave out lines 14 to 39 and insert—

‘117C Cases involving Foreign Criminals

- (1) No decision of the Secretary of State under section 33(6B) (Exceptions) of the UK Borders Act 2007 may be questioned except on appeal to the High Court.
- (2) For the purposes of determining whether to give permission to appeal and determining any such appeal under subsection (1) the High Court must apply the procedures and principles which would be applied by it on an application for judicial review.’.

Sarah Teather

63

Page 15, line 3, leave out Clauses 15 to 32.

Sarah Teather

64

Clause 64, page 49, line 31, leave out paragraph (a).

Sarah Teather

65

Clause 64, page 50, line 5, leave out ‘30(3)’.

Sarah Teather

66

Clause 64, page 50, line 6, leave out subsections (6) and (7).

Sarah Teather

67

Page 54, line 17, leave out Schedule 2.