

LORDS AMENDMENTS TO THE
IMMIGRATION BILL

[The page and line references are to HL Bill 84, the bill as first printed for the Lords.]

Clause 1

1 Page 1, leave out lines 11 to 14 and insert –

“(2) Where a person (“P”) is liable to be or has been removed from the United Kingdom under subsection (1), a member of P’s family who meets the following three conditions may also be removed from the United Kingdom under the authority of the Secretary of State or an immigration officer, provided that the Secretary of State or immigration officer has given the family member written notice of the intention to remove him or her.

(2A) The first condition is that the family member is –

- (a) P’s partner,
- (b) P’s child, or a child living in the same household as P in circumstances where P has care of the child,
- (c) in a case where P is a child, P’s parent, or
- (d) an adult dependent relative of P.

(2B) The second condition is that –

- (a) in a case where the family member has leave to enter or remain in the United Kingdom, that leave was granted on the basis of his or her family life with P;
- (b) in a case where the family member does not have leave to enter or remain in the United Kingdom, in the opinion of the Secretary of State or immigration officer the family member –
 - (i) would not, on making an application for such leave, be granted leave in his or her own right, but
 - (ii) would be granted leave on the basis of his or her family life with P, if P had leave to enter or remain.

(2C) The third condition is that the family member is neither a British citizen, nor is he or she entitled to enter or remain in the United

Kingdom by virtue of an enforceable EU right or of any provision made under section 2(2) of the European Communities Act 1972.

(2D) A notice given to a family member under subsection (2) invalidates any leave to enter or remain in the United Kingdom previously given to the family member.”

2 Page 2, line 16, at end insert –

“() paragraph 18B (detention of unaccompanied children);”

3 Page 2, leave out lines 23 and 24

4 Page 2, leave out lines 25 to 32 and insert –

“() the time period during which a family member may be removed under subsection (2);

() the service of a notice under subsection (2).”

5 Page 2, line 32, at end insert –

“() In this section “child” means a person who is under the age of 18.”

After Clause 1

6 Insert the following new Clause –

“Restriction on removal of children and their parents etc

After section 78 of the Nationality, Immigration and Asylum Act 2002, insert –

“78A Restriction on removal of children and their parents etc

(1) This section applies in a case where –

(a) a child is to be removed from or required to leave the United Kingdom, and

(b) an individual who –

(i) is a parent of the child or has care of the child, and

(ii) is living in a household in the United Kingdom with the child,

is also to be removed from or required to leave the United Kingdom (a “relevant parent or carer”).

(2) During the period of 28 days beginning with the day on which the relevant appeal rights are exhausted –

(a) the child may not be removed from or required to leave the United Kingdom; and

(b) a relevant parent or carer may not be removed from or required to leave the United Kingdom if, as a result, no relevant parent or carer would remain in the United Kingdom.

(3) The relevant appeal rights are exhausted at the time when –

(a) neither the child, nor any relevant parent or carer, could bring an appeal under section 82 (ignoring any possibility of an appeal out of time with permission), and

(b) no appeal brought by the child, or by any relevant parent or carer, is pending within the meaning of section 104.

- (4) Nothing in this section prevents any of the following during the period of 28 days mentioned in subsection (2) –
 - (a) the giving of a direction for the removal of a person from the United Kingdom,
 - (b) the making of a deportation order in respect of a person, or
 - (c) the taking of any other interim or preparatory action.
- (5) In this section –

“child” means a person who is aged under 18;
references to a person being removed from or required to leave the United Kingdom are to the person being removed or required to leave in accordance with a provision of the Immigration Acts.”

7 Insert the following new Clause –

“Independent Family Returns Panel

Before section 55 of the Borders, Citizenship and Immigration Act 2009, insert –

“54A Independent Family Returns Panel

- (1) The Independent Family Returns Panel is established.
- (2) The Secretary of State must consult the Independent Family Returns Panel –
 - (a) in each family returns case, on how best to safeguard and promote the welfare of the children of the family, and
 - (b) in each case where the Secretary of State proposes to detain a family in pre-departure accommodation, on the suitability of so doing, having particular regard to the need to safeguard and promote the welfare of the children of the family.
- (3) A family returns case is a case where –
 - (a) a child who is living in the United Kingdom is to be removed from or required to leave the United Kingdom, and
 - (b) an individual who –
 - (i) is a parent of the child or has care of the child, and
 - (ii) is living in a household in the United Kingdom with the child,is also to be removed from or required to leave the United Kingdom.
- (4) The Secretary of State may by regulations make provision about –
 - (a) additional functions of the Independent Family Returns Panel,
 - (b) its status and constitution,
 - (c) the appointment of its members,
 - (d) the payment of remuneration and allowances to its members, and
 - (e) any other matters in connection with its establishment and operation.

- (5) Regulations under this section must be made by statutory instrument.
- (6) An instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
 - “child” means a person who is under the age of 18;
 - “pre-departure accommodation” has the same meaning as in Part 8 of the Immigration and Asylum Act 1999;
 - references to a person being removed from or required to leave the United Kingdom are to the person being removed or required to leave in accordance with a provision of the Immigration Acts.”

Before Clause 3

8 Insert the following new Clause—

“Restrictions on detention of unaccompanied children

- (1) Schedule 2 to the Immigration Act 1971 (administrative provisions as to control on entry etc) is amended as follows.
- (2) In paragraph 16, after paragraph (2) insert—
 - “(2A) But the detention of an unaccompanied child under sub-paragraph (2) is subject to paragraph 18B.”
- (3) In paragraph 18, after sub-paragraph (1) insert—
 - “(1A) But the detention of an unaccompanied child under paragraph 16(2) is subject to paragraph 18B.”
- (4) After paragraph 18A (as inserted by paragraph 2 of Schedule 1) insert—
 - “18B(1) Where a person detained under paragraph 16(2) is an unaccompanied child, the only place where the child may be detained is a short-term holding facility, except where—
 - (a) the child is being transferred to or from a short-term holding facility, or
 - (b) sub-paragraph (3) of paragraph 18 applies.
 - (2) An unaccompanied child may be detained under paragraph 16(2) in a short-term holding facility for a maximum period of 24 hours, and only for so long as the following two conditions are met.
 - (3) The first condition is that—
 - (a) directions are in force that require the child to be removed from the short-term holding facility within the relevant 24 hour period, or
 - (b) a decision on whether or not to give directions is likely to result in such directions.
 - (4) The second condition is that the immigration officer under whose authority the child is being detained reasonably believes

that the child will be removed from the short-term holding facility within the relevant 24 hour period in accordance with those directions.

- (5) An unaccompanied child detained under paragraph 16(2) who has been removed from a short-term holding facility and detained elsewhere may be detained again in a short-term holding facility but only if, and for as long as, the relevant 24 hour period has not ended.
- (6) An unaccompanied child who has been released following detention under paragraph 16(2) may be detained again in a short-term holding facility in accordance with this paragraph.
- (7) In this paragraph –
 - “relevant 24 hour period”, in relation to the detention of a child in a short-term holding facility, means the period of 24 hours starting when the child was detained (or, in a case falling within sub-paragraph (5), first detained) in a short-term holding facility;
 - “short-term holding facility” has the same meaning as in Part 8 of the Immigration and Asylum Act 1999;
 - “unaccompanied child” means a person –
 - (a) who is under the age of 18, and
 - (b) who is not accompanied (whilst in detention) by his or her parent or another individual who has care of him or her.”

9 Insert the following new Clause –

“Pre-departure accommodation for families

- (1) Part 8 of the Immigration and Asylum Act 1999 (removal centres and detained persons) is amended as follows.
- (2) In section 147 (interpretation) –
 - (a) after the definition of “custodial functions” insert –
 - ““detained children” means detained persons who are under the age of 18;”;
 - (b) after the definition of “escort monitor” insert –
 - ““pre-departure accommodation” means a place used solely for the detention of detained children and their families for a period of –
 - (a) not more than 72 hours, or
 - (b) not more than seven days in cases where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975);”;
 - (c) in the definition of “removal centre”, after “facility,” insert “pre-departure accommodation,”;
 - (d) in the definition of “short-term holding facility”, at the end insert –
 - “but which is not pre-departure accommodation.”
- (3) In section 155 (custodial functions and discipline), in subsection (2), at the end insert “and in pre-departure accommodation”.

- (4) After section 157 insert—

“157A Pre-departure accommodation

- (1) The following provisions of this Part apply to pre-departure accommodation as they apply to removal centres—
- (a) section 149 (contracting out of certain removal centres);
 - (b) section 150 (contracting out functions at directly managed removal centres);
 - (c) section 151 (intervention by Secretary of State).
- (2) In the application of those provisions to pre-departure accommodation—
- (a) references to a removal centre contract are to be read as a contract made under section 149(1) for the provision or running of pre-departure accommodation;
 - (b) references to a contracted out removal centre are to be read as references to pre-departure accommodation in relation to which a contract under section 149(1) is in force;
 - (c) references to a directly managed removal centre are to be read as references to pre-departure accommodation in relation to which there is no contract under section 149(1) in force;
 - (d) references to removal centre rules are to be read as references to rules made under subsection (4).
- (3) The Secretary of State may by regulations extend to pre-departure accommodation any other provision made by or under this Part in relation to removal centres.
- (4) The Secretary of State may make rules for the regulation and management of pre-departure accommodation.””

Clause 11

- 10 Page 9, line 42, leave out from “84” to “, and” in line 44

After Clause 11

- 11 Insert the following new Clause—

“Report by Chief Inspector on administrative review

- (1) Before the end of the period of 12 months beginning on the day on which section 15 comes into force, the Secretary of State must commission from the Chief Inspector a report that addresses the following matters—
- (a) the effectiveness of administrative review in identifying case working errors;
 - (b) the effectiveness of administrative review in correcting case working errors;
 - (c) the independence of persons conducting administrative review (in terms of their separation from the original decision-maker).
- (2) On completion of the report, the Chief Inspector must send it to the Secretary of State.

- (3) The Secretary of State must lay before Parliament a copy of the report received under subsection (2).
- (4) In this section—
- “administrative review” means review conducted under the immigration rules;
 - “case working error” has the meaning given in the immigration rules;
 - the “Chief Inspector” means the Chief Inspector established under section 48 of the UK Borders Act 2007;
 - “immigration rules” has the same meaning as in the Immigration Act 1971.”

Clause 27

12 Page 24, line 19, leave out subsection (6) and insert—

- “(6) The code (or revised code)—
- (a) may not be issued unless a draft has been laid before Parliament, and
 - (b) comes into force in accordance with provision made by order of the Secretary of State.”

Clause 28

13 Page 24, line 37, leave out from “draft” to end of line 39

14 Page 24, line 39, at end insert—

- “() The code (or revised code)—
- (a) may not be issued unless a draft has been laid before Parliament (prepared after considering representations under subsection (4)(b) and with or without modifications to reflect the representations), and
 - (b) comes into force in accordance with provision made by order of the Secretary of State.”

15 Page 24, line 43, leave out subsection (6)

Before Clause 60

16 Insert the following new Clause—

“Child trafficking guardians for all potential child victims of trafficking in human beings

- (1) If a relevant child has arrived in the United Kingdom and is a potential victim of trafficking in human beings, an independent child trafficking guardian shall be appointed to represent the best interests of that child.
- (2) The child trafficking guardian shall have the following responsibilities to—
 - (a) advocate that all decisions relating to the child are made in the child’s best interest;
 - (b) ascertain the child’s wishes and feelings in relation to those decisions;
 - (c) advocate for the child to receive appropriate care, safe accommodation, medical treatment, including psychological

- assistance, education, translation and interpretation services as required;
- (d) assist the child to access legal and other representation where necessary, including, where appropriate, to appoint and instruct legal representatives on all matters relevant to the interests of the child;
 - (e) consult with, advise and keep the child informed of legal rights;
 - (f) keep the child informed of all relevant immigration, criminal, compensation, community care, public law or other proceedings;
 - (g) contribute to identification of a plan to safeguard and promote a durable solution for the child based on an individual assessment of that child's best interests;
 - (h) provide a link between the child and various statutory and other bodies who may provide services to the child, accompanying the child to any relevant meetings;
 - (i) assist in establishing contact with the child's family, where the child so wishes and it is in the child's best interests;
 - (j) where appropriate liaise with an immigration officer handling the child's case in conjunction with the child's legal representative;
 - (k) accompany the child to all interviews with the police, the immigration authorities and care proceedings;
 - (l) accompany the child to any court proceedings; and
 - (m) accompany the child whenever the child moves to new accommodation.
- (3) A child trafficking guardian must have completed the training required in subsection (7) and may be—
- (a) an employee of a statutory body except for an employee of a local authority;
 - (b) an employee of a recognised charitable organisation; or
 - (c) a volunteer for a recognised charitable organisation.
- (4) A person discharging duties as a child trafficking guardian shall not discharge any other statutory duties in relation to a child for whom they are providing assistance under this section.
- (5) Where a child trafficking guardian is appointed under subsection (1), the authority of the child trafficking guardian in relation to the child shall be recognised by any relevant body.
- (6) In subsection (5), a "relevant body" means a person or organisation—
- (a) which provides services to the child; or
 - (b) to which a child makes an application for services; or
 - (c) to which the child needs access in relation to being a victim of human trafficking; or
 - (d) any court or tribunal that a child engages with.
- (7) The Secretary of State shall by order—
- (a) set out the arrangements for the appointment of a child trafficking guardian immediately after a child is identified as a potential victim of trafficking in human beings;
 - (b) set out requirements for the training courses to be completed before a person may exercise functions as a child trafficking guardian;

- (c) set out the arrangements for the supervision of persons discharging duties as a child trafficking guardian;
 - (d) set out the arrangements for the provision of support services for persons discharging duties as a child trafficking guardian; and
 - (e) designate organisations as a “recognised charitable organisation” for the purpose of this section.
- (8) A person’s appointment as a child trafficking guardian for a particular child under this section shall come to an end if –
- (a) the child reaches the age of 21; or
 - (b) the child leaves the United Kingdom.
- (9) In this section, a child is considered to be a “potential victim of trafficking in human beings” when a referral has been made to a competent authority for a determination under the identification process required by Article 10 of the Trafficking Convention (Identification of Victims) and there has not been a conclusive determination that the individual is not such a victim.
- (10) For the purposes of subsection (9), an individual will not be considered to have received a conclusive determination that the individual is not a victim of trafficking in human beings if –
- (a) an individual is appealing or seeking judicial review of the conclusive determination; and
 - (b) the appeal or judicial review is not completed.
- (11) In this section –
- “competent authority” means a person who is a competent authority of the United Kingdom for the purposes of the Trafficking Convention;
 - “relevant child” means a person who is under the age of 18 and who –
 - (a) requires leave to remain in the United Kingdom whether or not such leave has been granted; or
 - (b) is a national of an EEA state other than the United Kingdom;
 - “the Trafficking Convention” means the Council of Europe Convention on Action against Trafficking in Human Beings (done at Warsaw on 16 May 2005);
 - “trafficking in human beings” has the same meaning as in the Trafficking Convention.”

17 Insert the following new Clause –

“Persons unable to acquire citizenship: natural father not married to mother

After section 4D of the British Nationality Act 1981 insert –

“4E The general conditions

For the purposes of sections 4F to 4I, a person (“P”) meets the general conditions if –

- (a) P was born before 1 July 2006;
- (b) at the time of P’s birth, P’s mother –
 - (i) was not married, or
 - (ii) was married to a person other than P’s natural father;

- (c) no person is treated as the father of P under section 28 of the Human Fertilisation and Embryology Act 1990; and
- (d) P has never been a British citizen.

4F Person unable to be registered under other provisions of this Act

- (1) A person (“P”) is entitled to be registered as a British citizen on an application made under this section if—
 - (a) P meets the general conditions; and
 - (b) P would be entitled to be registered as a British citizen under—
 - (i) section 1(3),
 - (ii) section 3(2),
 - (iii) section 3(5),
 - (iv) paragraph 4 of Schedule 2, or
 - (v) paragraph 5 of Schedule 2,
 had P’s mother been married to P’s natural father at the time of P’s birth.
- (2) In the following provisions of this section “relevant registration provision” means the provision under which P would be entitled to be registered as a British citizen (as mentioned in subsection (1)(b)).
- (3) If the relevant registration provision is section 3(2), a person who is registered as a British citizen under this section is a British citizen by descent.
- (4) If the relevant registration provision is section 3(5), the Secretary of State may, in the special circumstances of the particular case, waive the need for any or all of the parental consents to be given.
- (5) For that purpose, the “parental consents” are—
 - (a) the consent of P’s natural father, and
 - (b) the consent of P’s mother,
 insofar as they would be required by section 3(5)(c) (as read with section 3(6)(b)), had P’s mother been married to P’s natural father at the time of P’s birth.

4G Person unable to become citizen automatically after commencement

- (1) A person (“P”) is entitled to be registered as a British citizen on an application made under this section if—
 - (a) P meets the general conditions; and
 - (b) at any time in the period after commencement, P would have automatically become a British citizen at birth by the operation of any provision of this Act or the British Nationality (Falkland Islands) Act 1983, had P’s mother been married to P’s natural father at the time of P’s birth.
- (2) A person who is registered as a British citizen under this section is a British citizen by descent if the British citizenship which the person would have acquired at birth (as mentioned in subsection (1)(b)) would (by virtue of section 14) have been British citizenship by descent.

- (3) If P is under the age of 18, no application may be made unless the consent of P's natural father and mother to the registration has been signified in the prescribed manner.
- (4) But if P's natural father or mother has died on or before the date of the application, the reference in subsection (3) to P's natural father and mother is to be read as a reference to either of them.
- (5) The Secretary of State may, in the special circumstances of a particular case, waive the need for any or all of the consents required by subsection (3) (as read with subsection (4)) to be given.
- (6) The reference in this section to the period after commencement does not include the time of commencement (and, accordingly, this section does not apply to any case in which a person was unable to become a British citizen at commencement).

4H Citizen of UK and colonies unable to become citizen at commencement

- (1) A person ("P") is entitled to be registered as a British citizen on an application made under this section if—
 - (a) P meets the general conditions;
 - (b) P was a citizen of the United Kingdom and Colonies immediately before commencement; and
 - (c) P would have automatically become a British citizen at commencement, by the operation of any provision of this Act, had P's mother been married to P's natural father at the time of P's birth.
- (2) A person who is registered as a British citizen under this section is a British citizen by descent if the British citizenship which the person would have acquired at commencement (as mentioned in subsection (1)(c)) would (by virtue of section 14) have been British citizenship by descent.

4I Other person unable to become citizen at commencement

- (1) A person ("P") is entitled to be registered as a British citizen on an application made under this section if—
 - (a) P meets the general conditions;
 - (b) P is either—
 - (i) an eligible former British national, or
 - (ii) an eligible non-British national; and
 - (c) had P's mother been married to P's natural father at the time of P's birth, P—
 - (i) would have been a citizen of the United Kingdom and Colonies immediately before commencement, and
 - (ii) would have automatically become a British citizen at commencement by the operation of any provision of this Act.
- (2) P is an "eligible former British national" if P was not a citizen of the United Kingdom and Colonies immediately before commencement and either—

- (a) P ceased to be a British subject or a citizen of the United Kingdom and Colonies by virtue of the commencement of any independence legislation, but would not have done so had P's mother been married to P's natural father at the time of P's birth, or
 - (b) P was a British subject who did not automatically become a citizen of the United Kingdom and Colonies at commencement of the British Nationality Act 1948 by the operation of any provision of it, but would have done so had P's mother been married to P's natural father at the time of P's birth.
- (3) P is an "eligible non-British national" if—
- (a) P was never a British subject or citizen of the United Kingdom and Colonies; and
 - (b) had P's mother been married to P's natural father at the time of P's birth, P would have automatically become a British subject or citizen of the United Kingdom and Colonies—
 - (i) at birth, or
 - (ii) by virtue of paragraph 3 of Schedule 3 to the British Nationality Act 1948 (child of male British subject to become citizen of the United Kingdom and Colonies if the father becomes such a citizen).
- (4) A person who is registered as a British citizen under this section is a British citizen by descent if the British citizenship which the person would have acquired at commencement (as mentioned in subsection (1)(c)(ii)) would (by virtue of section 14) have been British citizenship by descent.
- (5) In determining for the purposes of subsection 1(c)(i) whether P would have been a citizen of the United Kingdom and Colonies immediately before commencement, it must be assumed that P would not have—
- (a) renounced or been deprived of any notional British nationality, or
 - (b) lost any notional British nationality by virtue of P acquiring the nationality of a country or territory outside the United Kingdom.
- (6) A "notional British nationality" is—
- (a) in a case where P is an eligible former British national, any status as a British subject or a citizen of the United Kingdom and Colonies which P would have held at any time after P's nationality loss (had that loss not occurred and had P's mother had been married to P's natural father at the time of P's birth);
 - (b) in a case where P is an eligible non-British national—
 - (i) P's status as a British subject or citizen of the United Kingdom and Colonies mentioned in subsection (3)(b), and
 - (ii) any other status as a British subject or citizen of the United Kingdom and Colonies which P would have held at any time afterwards (had P's mother been married to P's natural father at the time of P's birth).

(7) In this section –

“British subject” has any meaning which it had for the purposes of the British Nationality and Status of Aliens Act 1914;

“independence legislation” means an Act of Parliament or any subordinate legislation (within the meaning of the Interpretation Act 1978) forming part of the law in the United Kingdom (whenever passed or made, and whether or not still in force) –

- (a) providing for a country or territory to become independent from the United Kingdom, or
- (b) dealing with nationality, or any other ancillary matters, in connection with a country or territory becoming independent from the United Kingdom;

“P’s nationality loss” means P’s –

- (a) ceasing to be a British subject or citizen of the United Kingdom and Colonies (as mentioned in subsection (2)(a)), or
- (b) not becoming a citizen of the United Kingdom and Colonies (as mentioned in subsection (2)(b)).

4J Sections 4E to 4I: supplementary provision

- (1) In sections 4E to 4I and this section, a person’s “natural father” is a person who satisfies the requirements as to proof of paternity that are prescribed in regulations under section 50(9B).
- (2) The power under section 50(9B) to make different provision for different circumstances includes power to make provision for the purposes of any provision of sections 4E to 4I which is different from other provision made under section 50(9B).
- (3) The following provisions apply for the purposes of sections 4E to 4I.
- (4) A reference to a person automatically becoming a British citizen, or a citizen of the United Kingdom and Colonies, is a reference to the person becoming such a citizen without the need for –
 - (a) the person to be registered as such a citizen by the Secretary of State or any other minister of the Crown;
 - (b) the birth of the person to be registered by a diplomatic or consular representative of the United Kingdom; or
 - (c) the person to be naturalised as such a citizen.
- (5) If the mother of a person could not actually have been married to the person’s natural father at the time of the person’s birth (for whatever reason), that fact does not prevent an assumption being made that the couple were married at the time of the birth.”

Clause 60

18 Page 47, line 29, leave out subsections (1) and (2) and insert –

- “(1) A Committee of members of both Houses of Parliament shall be established to consider and report on whether section 40 of the British Nationality Act 1981 (deprivation of citizenship) should be amended to enable the Secretary of State to deprive a person of their citizenship if –

- (a) the citizenship status results from the person's naturalisation, and
 - (b) the Secretary of State is satisfied that the deprivation is conducive to the public good because the person, while having that citizenship status, has conducted him or herself in a manner which is seriously prejudicial to the vital interests of the United Kingdom, any of the islands, or any British Overseas Territory,
- even if to do so would have the effect of making the person stateless.
- (2) The Committee shall consist of six members of the House of Lords nominated by the Chairman of Committees, and six members of the House of Commons nominated by the Speaker of the House of Commons, to be appointed on the passing of this Act to serve for the duration of the present Parliament.
 - (3) Any casual vacancy occurring by reason of the death, resignation or incapacity of a member of the committee shall be filled by the nomination of a member by the Chairman of Committees or the Speaker of the House of Commons, as the case may be.
 - (4) The quorum of the committee shall be two members of each House and the committee shall be entitled to sit and to transact business whether Parliament be sitting or not, and notwithstanding a vacancy in the membership of the committee.
 - (5) Subject to the above provisions, the committee may regulate its own procedure."

After Clause 64

19 Insert the following new Clause –

“Duty regarding the welfare of children

For the avoidance of doubt, this Act does not limit any duty imposed on the Secretary of State or any other person by section 55 of the Borders, Citizenship and Immigration Act 2009 (duty regarding the welfare of children).”

Clause 67

- 20 Page 52, line 5, leave out “or an order under section 38;” and insert –
 - “() an order under section 38, or under a section amended by such an order;”
- 21 Page 52, line 5, at end insert –
 - “(ca) the first regulations under section 45(1);
 - (cb) the first regulations under section 45(5);
 - (cc) the first regulations under section 46(3);
 - (cd) the first regulations under section 46(4);”
- 22 Page 52, line 6, at end insert “or (6)”
- 23 Page 52, line 9, at end insert –
 - “(g) an order under paragraph 2(3)(e) of Schedule 6.”

Clause 69

- 24 Page 53, line 7, after “54” insert “, section (*Child trafficking guardians for all potential child victims of trafficking in human beings*)”

Schedule 3

- 25 Page 61, line 32, leave out “comprises a hall of residence predominantly” and insert “is used wholly or mainly”
- 26 Page 62, line 1, leave out from second “is” to “hall” in line 4 and insert “a”
- 27 Page 62, line 5, after “paragraph” insert “and paragraph 11A”
- 28 Page 62, line 12, at end insert –
- “11A An agreement under which accommodation is provided to a student who has been nominated to occupy it by an institution or body of the kind mentioned in paragraph 11(2).”

Schedule 9

- 29 Page 103, line 18, at end insert –
- “Special Immigration Appeals Commission Act 1997 (c. 68)*
- In section 2 of the Special Immigration Appeals Commission Act 1997 (jurisdiction: appeals), in subsection (2), after paragraph (c) insert –
- “(ca) section 78A of that Act (restriction on removal of children and their parents),”.
- 30 Page 104, line 21, at end insert –
- “Prison Act 1952 (c. 52)*
- (1) Section 5A of the Prison Act 1952 (appointment and functions of Her Majesty’s Chief Inspector of Prisons) is amended as follows.
- (2) In subsection (5A) –
- (a) omit “and” at the end of paragraph (b);
- (b) after paragraph (b) insert –
- “(ba) in relation to pre-departure accommodation within the meaning of that section, and”.
- (3) In subsection (5B) –
- (a) in paragraph (a), after “facilities” insert “, accommodation”;
- (b) in paragraph (b)(i), after “facilities” insert “, pre-departure accommodation”.

- 31 Page 104, line 21, at end insert –

“Immigration Act 1971 (c. 77)

In Schedule 3 to the Immigration Act 1971 (supplementary provisions as to deportation), in paragraph 3, for “33” substitute “33A”.

- 32 Page 104, line 38, at end insert –

“Northern Ireland Act 1998 (c. 47)

In section 69C of the Northern Ireland Act 1998 (investigations: places of detention), in subsection (3)(g), for “or short-term holding facility” substitute “, a short-term holding facility or pre-departure accommodation”.

Immigration and Asylum Act 1999 (c. 33)

- (1) The Immigration and Asylum Act 1999 is amended as follows.
- (2) In Schedule 11 (detainee custody officers) –
 - (a) in the heading above paragraph 3, at the end insert “and pre-departure accommodation”;
 - (b) in paragraph 3 –
 - (i) in sub-paragraph (1), after “facility” insert “or in pre-departure accommodation”;
 - (ii) in sub-paragraph (2), after “facility” (in both places) insert “or accommodation”;
 - (c) in paragraph 4(c), after “facility” insert “or in pre-departure accommodation”;
 - (d) in paragraph 5(c), after “facility” insert “or in pre-departure accommodation”.
- (3) In Schedule 12 (discipline etc at removal centres) –
 - (a) in paragraph 4 (assisting detained persons to escape) –
 - (i) in sub-paragraph (1), for “or short-term holding facility” substitute “, a short-term holding facility or pre-departure accommodation”;
 - (ii) in the opening words of sub-paragraph (2), for “or short-term holding facility” substitute “, a short-term holding facility or pre-departure accommodation”;
 - (iii) in sub-paragraph (2)(a), for “or facility” substitute “, facility or accommodation”;
 - (iv) in sub-paragraph (2)(b), for “or facility” substitute “, facility or accommodation”;
 - (v) in sub-paragraph (2)(c), for “or facility” substitute “, facility or accommodation”;
 - (b) in paragraph 8 (notice of penalties) –
 - (i) in sub-paragraph (1), after “facility” insert “or contracted out pre-departure accommodation”;
 - (ii) in sub-paragraph (2), after “facility” insert “or pre-departure accommodation”.

33 Page 104, line 38, at end insert –

“Nationality, Immigration and Asylum Act 2002 (c. 41)

In section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State), in subsection (3), after paragraph (a) insert –

- “(aa) a reference in paragraph 18B of that Schedule to an immigration officer shall be read as a reference to the Secretary of State.”

34 Page 104, line 38, at end insert –

“Safeguarding Vulnerable Groups Act 2006 (c. 47)

In section 59 of the Safeguarding Vulnerable Groups Act 2006 (vulnerable adults), in subsection (7)(d), after “facility” insert “or in pre-departure accommodation”.

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

In section 2 of the Corporate Manslaughter and Corporate Homicide Act 2007 (meaning of “relevant duty of care”) –

- (a) in subsection (2)(b), for “or short-term holding facility” substitute “, a short-term holding facility or in pre-departure accommodation”;
- (b) in subsection (7), for “and “short-term holding facility”” substitute “, “short-term holding facility” and “pre-departure accommodation””.

UK Borders Act 2007 (c. 30)

In section 48 of the UK Borders Act 2007 (establishment of border and immigration inspectorate), in subsection (2A)(a), after “facilities” insert “and in pre-departure accommodation”.

35 Page 115, line 40, at end insert –

“PART 8A

PROVISION RELATING TO PERSONS UNABLE TO ACQUIRE NATIONALITY
BECAUSE NATURAL FATHER NOT MARRIED TO MOTHER

British Nationality Act 1981

- 1 (1) The British Nationality Act 1981 is amended as follows.
 - (2) In section 14 (meaning of “British citizen “by descent””), in subsection (1), after paragraph (d) insert –
 - “(da) the person is a British citizen by descent by virtue of section 4F(3), 4G(2), 4H(2) or 4I(4); or”.
 - (3) In section 41A (registration: requirement to be of good character), in subsection (1), after “5,” insert “4F, 4G, 4H, 4I”.

British Nationality (General) Regulations 2003

- 2 (1) In regulation 14 of the British Nationality (General) Regulations 2003 –
 - (a) after “4D(3)” insert “or 4G(3)”;
 - (b) after “section 4D” insert “or 4G”.
- (2) The provision inserted into regulation 14 by this paragraph may be amended or revoked by the exercise of the powers conferred by section 41 of the British Nationality Act 1981 as if that provision had been inserted by those powers.”

In the Title

- 36** Line 4, after “nationals;” insert “to make provision about the acquisition of citizenship by persons unable to acquire it because their fathers and mothers were not married to each other and provision about the removal of citizenship from persons whose conduct is seriously prejudicial to the United Kingdom’s vital interests;”

LORDS AMENDMENTS TO THE
IMMIGRATION BILL

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