



House of Commons

Tuesday 27 October 2015

PUBLIC BILL COMMITTEE PROCEEDINGS

IMMIGRATION BILL

[FIFTH AND SIXTH SITTINGS]

Keir Starmer
Sarah Champion
Paul Blomfield
Kate Hollern
Mrs Emma Lewell-Buck
Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands
Negatived on division **55**

Clause 1, page 1, line 6, after subsection (1) insert—

“(1A) The primary purpose of the Director of Labour Market Enforcement is to secure the enforcement of labour market legislation, as defined in Section 3(3) of this Act.”

Clause agreed to.

Keir Starmer
Sarah Champion
Paul Blomfield
Kate Hollern
Mrs Emma Lewell-Buck
Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands
Withdrawn **57**

Clause 2, page 2, line 9, at end insert—

“(ia) the threats and obstacles to effective labour market enforcement,
(ib) the remedies secured by victims of non-compliance in the labour market,”

Immigration Bill, *continued*

Keir Starmer
 Sarah Champion
 Paul Blomfield
 Kate Hollern
 Mrs Emma Lewell-Buck
 Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

Not called 58

Clause 2, page 2, line 12, leave out paragraph (b) and insert—

- “(b) contains a proposal for the year to which the strategy relates setting out—
- (i) how the non-compliance outlined in the assessment required by subsection (2)(a) (i) and (ii) is to be addressed,
 - (ii) how the threats and obstacles identified under subsection (2)(ia) are to be overcome, and
 - (iii) how the provision of remedies for victims of non-compliance in the labour market identified under subsection 2(a)(ib) is to be improved.”

Keir Starmer
 Sarah Champion
 Paul Blomfield
 Kate Hollern
 Mrs Emma Lewell-Buck
 Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

Not called 56

Clause 2, page 2, line 24, leave out subsection (3) and insert—

- “(3) The proposal mentioned in subsection (2)(b) must set out the resources required to—
- (a) address the non-compliance in the labour market,
 - (b) overcome the threats and obstacles identified under subsection 2(b)(ia),
 - (c) improve the provision of remedies for victims of non-compliance in the labour market.”

Keir Starmer
 Sarah Champion
 Paul Blomfield
 Kate Hollern
 Mrs Emma Lewell-Buck
 Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

Not called 59

Clause 2, page 2, line 26, at end insert—

- “(3A) Nothing in the strategy shall—
- (a) restrict, or
 - (b) reduce the resources allocated to
- the labour market enforcement functions as defined in Section 3(2) of this Act.”

Immigration Bill, *continued*

Keir Starmer
 Sarah Champion
 Paul Blomfield
 Kate Hollern
 Mrs Emma Lewell-Buck
 Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

Withdrawn 60

Clause 2, page 2, line 26, at end insert—

“(3A) The Director must engage with civil society in the development of his or her labour market enforcement strategy.”

Clause agreed to.

Keir Starmer
 Sarah Champion
 Paul Blomfield
 Kate Hollern
 Mrs Emma Lewell-Buck
 Sue Hayman

Not called 65

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

- “(da) any function of the Health and Safety Executive and the Health and Safety Executive for Northern Ireland;
- (db) any function of local authorities in relation to the “relevant statutory provisions” as defined in Part 1 of the Health and Safety at Work etc. Act 1973;
- (dc) any function of local authorities under the Children and Young Persons Act 1933 and by-laws made under that Act, the Management of Health and Safety at Work Regulations 1999, and the Children (Protection at Work) (Scotland) Regulations 2006.”

Keir Starmer
 Sarah Champion
 Paul Blomfield
 Kate Hollern
 Mrs Emma Lewell-Buck
 Sue Hayman

Not called 66

Clause 3, page 3, line 12, at end insert—

- “(ca) Part 1 and The Health and Safety at Work etc. Act 1973;
- (cb) Sections 3 and 4 and Part 2 of the Children and Young Persons Act 1933.”

Immigration Bill, *continued*

Keir Starmer
Sarah Champion
Paul Blomfield
Kate Hollern
Mrs Emma Lewell-Buck
Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

Not called **63**

Clause **3**, page **3**, line **31**, before “in this section”, insert “Subject to subsection 6A,”

Keir Starmer
Sarah Champion
Paul Blomfield
Kate Hollern
Mrs Emma Lewell-Buck
Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

Not called **64**

Clause **3**, page **3**, line **33**, at end insert—

“(6A) A person is not prevented from being a worker, or a person seeking work, for the purposes of this section by reason of the fact that he has no right to be, or to work, in the United Kingdom.”

Clause agreed to.

Keir Starmer
Sarah Champion
Paul Blomfield
Kate Hollern
Mrs Emma Lewell-Buck
Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

Not called **62**

Clause **4**, page **3**, line **42**, leave out paragraph (a) and insert—

“(a) An assessment of the extent to which the strategy developed under section 2 of this Act has—

- (i) addressed the non-compliance identified under Section 2 (2)(a)(i),
- (ii) improved the provision of remedies for victims of non-compliance in the labour market identified under 2 (2)(a)(ia), and
- (iii) overcome the threats and obstacles identified under 2 (2)(a)(ib)”.

Clause agreed to.

Clause 5 agreed to.

Immigration Bill, continued

Keir Starmer
 Sarah Champion
 Paul Blomfield
 Kate Hollern
 Mrs Emma Lewell-Buck
 Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

Withdrawn **61**

Clause **6**, page **4**, line **31**, after “market” insert “to facilitate the labour market enforcement functions as defined in Section 3 of this Act”.

Clause agreed to.

Clause 7 agreed to.

Keir Starmer
 Sarah Champion
 Paul Blomfield
 Kate Hollern
 Mrs Emma Lewell-Buck
 Sue Hayman

Negated on division **68**

Clause **8**, page **5**, line **6**, after “if”, insert “without reasonable excuse”

Clause agreed to on division.

Keir Starmer
 Sarah Champion
 Paul Blomfield
 Kate Hollern
 Mrs Emma Lewell-Buck
 Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

Withdrawn **67**

Clause **9**, page **7**, line **6**, leave out subsection 1 and insert—

“(1) In section 21 of the Immigration, Asylum and Nationality Act 2006 (offence of knowingly employing an illegal worker), delete subsection (1) and substitute—

“(1) A person commits an offence if he knowingly or recklessly employs an adult subject to immigration control, where—

(a) this adult has not been granted leave to enter or remain in the United Kingdom, or

(b) this adult’s leave to enter or remain in the United Kingdom—

(i) is invalid,

(ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or

Immigration Bill, continued

- (iii) is subject to a condition preventing him from accepting the employment.”

Clause agreed to.

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

Not selected 40

Page 7, line 26, leave out Clause 10

Clause agreed to on division.

James Brokenshire

Agreed to 1

Schedule 1, page 49, line 38, leave out sub-paragraph (6) and insert—

“() After subsection (5) insert—

- “(5A) Where an interim authority notice is cancelled under subsection (3)(b)(ii), the licensing authority must also give a copy of the notice under subsection (4) to the Secretary of State.””

James Brokenshire

Agreed to 2

Schedule 1, page 51, line 27, at end insert—

“() In subsection (5)—

- (a) omit the “and” at the end of paragraph (a);
(b) at the end of paragraph (b) insert “and
(c) the applicant having been required to pay any immigration penalty,”.”

James Brokenshire

Agreed to 3

Schedule 1, page 53, line 11, leave out sub-paragraph (3) and insert—

“() In subsection (3)—

- (a) in paragraph (a)—
(i) for “applicant” substitute “licence holder”;
(ii) for “, and” substitute “which occurred before the end of the application period,”;
(b) in paragraph (b), after “relevant offence” insert “and which occurred before the end of the application period”;
(c) at the end of paragraph (b) insert “and
(c) the licence holder having been required before the end of the application period to pay any immigration penalty,”;

Immigration Bill, continued

- (d) in the words after paragraph (b), omit “which occurred before the end of the application period.”

James Brokenshire

Schedule 1, page 53, line 20, leave out “applicant” and insert “licence holder” *Agreed to* 4

James Brokenshire

Schedule 1, page 53, line 22, leave out “applicant” and insert “licence holder” *Agreed to* 5

James Brokenshire

Schedule 1, page 53, line 26, leave out “applicant” and insert “licence holder” *Agreed to* 6

James Brokenshire

Schedule 1, page 54, line 7, leave out sub-paragraph (6) and insert—
 “() After subsection (5) insert—
 “(5A) Where the authority revokes or decides not to revoke a licence under subsection (4)(b)(ii) it must also notify the Secretary of State of the decision and its reasons for making it.”” *Agreed to* 7

James Brokenshire

Schedule 1, page 56, line 24, at end insert—
 “ In section 10 of the Licensing Act 2003, (sub-delegation of functions by licensing committee etc), in subsection (4)(a), in sub-paragraphs (v), (vi) and (x), omit “police”.” *Agreed to* 8

James Brokenshire

Schedule 1, page 57, line 17, at end insert—
 “ In the Police Reform and Social Responsibility Act 2011, omit sections 109(9) and (10) and 111(3) and (5).” *Agreed to* 9

James Brokenshire

Schedule 1, page 57, line 19, at end insert—
 “ The amendments of sections 13, 16, 42, 47 and 120 of the Licensing Act 2003 made by paragraphs 3, 4, 6, 9 and 15 respectively of this Schedule do not apply in relation to applications made, or interim authority notices given, before the coming into force of the respective paragraph.” *Agreed to* 10

[Adjourned until Thursday at 11.30am