



House of Commons

Tuesday 3 November 2015

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 222 to 228

IMMIGRATION BILL

NOTE

This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [20 October 2015].

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

Anne McLaughlin

Gavin Newlands

84

Page 8, line 10, leave out Clauses 12 to 15

Member's explanatory statement

Together with NC 7 [Residential tenancies: repeal of provisions of the Immigration Act 2014], this amendment removes the residential tenancies provisions from both the Immigration Act 2014 and the current Bill.

James Brokenshire

Clause 13, page 11, line 9, leave out “and (3)” and insert “to (3A)”

Member's explanatory statement

See the explanatory statement for amendment 13.

14

Immigration Bill, *continued*

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

Anne McLaughlin Gavin Newlands

86

Clause 13, page 11, line 22, at end insert—

“(c) confirm that no occupier of the premises is under 18 years of age.”

Member’s explanatory statement

To provide protection to families with children from summary eviction under these provisions.

James Brokenshire

69

Clause 13, page 11, line 29, at end insert—

“() The notice may be given—

(a) by delivering it to the tenant or tenants,

(b) by leaving it at the premises,

(c) by sending it by post to the tenant or tenants at the address of the premises, or

(d) in any other prescribed manner.”

Member’s explanatory statement

This amendment clarifies how a landlord may serve a notice terminating the tenancy on the tenant(s). Provision is made to allow for service by electronic means if prescribed in regulations at a future point.

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

Anne McLaughlin Gavin Newlands

87

Clause 13, page 11, line 33, at end insert—

“(6A) A landlord does not commit an offence under s 33A of this Act during the period of 28 days specified in subsection 4.”

Member’s explanatory statement

To protect a landlord/landlady from prosecution for renting to a person without a right to rent during the period for which they are prohibited from evicting the tenant under subsection 33D(4).

James Brokenshire

15

Clause 13, page 11, line 37, leave out “an adult” and insert “a person”

Member’s explanatory statement

The condition in section 33D(2) is met once the landlord has received one or more notices covering all tenants, anyone else named in the agreement and anyone else occupying the premises. The definition of “occupier” is amended to ensure all these persons are adequately described.

Immigration Bill, continued

James Brokenshire

16

Clause 13, page 11, leave out lines 39 to 41 and insert—

“() any other person who the landlord knows is occupying the premises.”

Member’s explanatory statement

See the explanatory statement for amendment 15

Sarah Champion

Keir Starmer

Paul Blomfield

Sue Hayman

Kate Hollern

Mrs Emma Lewell-Buck

Anne McLaughlin

Gavin Newlands

88

Clause 13, page 12, line 1, leave out section 33E

Member’s explanatory statement

To remove the provision which implies into any residential tenancy agreement that the landlord or landlady may terminate the tenancy if the premises are occupied by an adult who is disqualified from renting because of their immigration status.

James Brokenshire

17

Clause 13, page 12, line 29, at end insert—

“(3A) In section 37(4)(a) (provisions in which references to the landlord are to any of them) after sub-paragraph (iv) (inserted by section 12(5)(b)) insert—

“(v) section 33D, and

(vi) section 33E.””

Member’s explanatory statement

See the explanatory statement for amendment 13.

James Brokenshire

18

Clause 13, page 13, line 3, at end insert—

“() The amendments made by subsections (4) and (5) apply in relation to a tenancy or (in the case of subsection (4)) a licence entered into before or after the coming into force of this section.”

Member’s explanatory statement

This amendment makes clear that the provisions relating to evictions and other procedures for a landlord to obtain possession of their property will apply regardless of whether the tenancy agreement was entered into before or after the implementation of the Bill’s measures.

 Immigration Bill, *continued*

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

Anne McLaughlin

Gavin Newlands

89

Clause 14, page 13, line 6, leave out “must” and insert “may”

Member’s explanatory statement

To provide a court with a discretion as to whether or not it orders possession of a dwelling house on the grounds that the Secretary of State has issued a notice confirming that a person does not have a right to rent.

James Brokenshire

19

Clause 14, page 13, line 12, after “landlord” insert “or, in the case of joint landlords, one or more of them”

Member’s explanatory statement

This amendment provides for a notice from the Secretary of State to be given to one or more landlords where there are joint landlords.

James Brokenshire

20

Clause 14, page 15, line 14, after “landlord” insert “or, in the case of joint landlords, one or more of them”

Member’s explanatory statement

This amendment provides for a notice from the Secretary of State to be given to one or more landlords where there are joint landlords.

James Brokenshire

21

Clause 14, page 15, line 39, leave out “under an assured” and insert “which is for the time being let on a protected tenancy or subject to a statutory”

Member’s explanatory statement

This is a minor drafting amendment so as to better reflect the terminology employed in the Rent Act 1977, which this Clause amends.

Stuart C. McDonald
 Anne McLaughlin
 Gavin Newlands

78

Clause 15, page 16, line 6, leave out “Scotland”

Member’s explanatory statement

This amendment would limit the ‘right to rent’ provisions of this Bill so that they do not apply to Scotland.

Immigration Bill, continued

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

79

Clause 15, page 16, line 9, leave out “Scotland”

Member’s explanatory statement

This amendment would limit the ‘right to rent’ provisions of this Bill so that they do not apply to Scotland.

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

80

Clause 15, page 16, line 16, leave out paragraph (4)(b)

Member’s explanatory statement

This amendment would limit the ‘right to rent’ provisions of this Bill so that they do not apply to Scotland.

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

81

Clause 15, page 16, line 26, leave out paragraph 5(c).

Member’s explanatory statement

This amendment would limit the ‘right to rent’ provisions of this Bill so that they do not apply to Scotland.

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

82

Clause 15, page 16, line 31, at end insert—

“(5A) The Immigration Act 2014 is amended as follows, after section 76(3) insert—

“(3A) Sections 20 to 37 and Schedule 3 shall not apply to Scotland.”

Member’s explanatory statement

This amendment would limit the ‘right to rent’ provisions in the Immigration Act 2014 so that they do not apply to Scotland.

Immigration Bill, continued

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

Anne McLaughlin Gavin Newlands

90

Page 16, line 33, leave out Clauses 16 and 17.

Member's explanatory statement

To remove from the Bill the provisions on driving licences and thus maintain the status quo.

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

75

Clause 17, page 19, line 39, at end insert—

“(1A) A person does not commit an offence under subsection (1) if they had a reasonable belief that they had legal right to remain in the United Kingdom and acted in good faith.”

Member's explanatory statement

This amendment would provide a defence for those prosecuted for driving while illegally in the UK if they can show that they had a reason to believe that they did have legal right to be in the UK.

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

76

Clause 17, page 20, line 6, at end insert—

“(3A) Nothing in this Section shall prejudice the validity of insurance relating to motor vehicles.”

Member's explanatory statement

This amendment would ensure that the introduction of an offence of driving while illegally in the UK would not interfere with the validity of motor insurance.

James Brokenshire

44

Clause 17, page 20, line 33, leave out “as to whether” and insert “not”

Member's explanatory statement

This amendment and amendment 45 clarify that a vehicle must be released where a decision is taken not to institute criminal proceedings for the offence of driving when unlawfully in the United Kingdom.

Immigration Bill, continued

James Brokenshire

45

Clause 17, page 20, line 35, leave out “have been” and insert “are”
Member’s explanatory statement
See the explanatory statement for amendment 44.

James Brokenshire

46

Clause 17, page 20, line 45, at end insert—
 “() A power in subsection (1) or (3) may be exercised by a senior officer or constable at any place at which the senior officer or constable is lawfully present.”
Member’s explanatory statement
This amendment makes clear that a vehicle can be detained by a senior officer or constable at any place they are lawfully present.

Sarah Champion

Keir Starmer

Paul Blomfield

Sue Hayman

Kate Hollern

Mrs Emma Lewell-Buck

74

Clause 17, page 21, line 30, at end insert—
 “(10A) Before laying regulations to bring Section 24D into force, the Secretary of State must ensure a pilot of the arrangements takes place.
 (10B) Following the completion of the pilot mentioned in subsection (10A) the Secretary of State must prepare a report and lay it before each House of Parliament.
 (10C) The pilot mentioned in subsection (1) must take place in a minimum of two police force areas and last for a minimum of six months.”
Member’s explanatory statement
This amendment would ensure that the Home Secretary conducted a pilot of the proposed powers to allow police forces to confiscate the cars of suspected illegal immigrants before the measures were introduced.

James Brokenshire

47

Clause 17, page 21, line 32, at end insert—

“24DA Powers to enter premises to detain motor vehicle

- (1) A senior officer or a constable may enter and search any premises for the purposes of detaining a vehicle under section 24D.
- (2) The power in subsection (1) may be exercised—
 - (a) only to the extent that it is reasonably required for that purpose, and
 - (b) only if the senior officer or constable knows that a vehicle which may be detained under section 24D is to be found on the premises.
- (3) The power in subsection (1) may be exercised—
 - (a) by a senior officer (“S”) only if S produces identification showing that S is an immigration officer (whether or not S is asked to do so);
 - (b) by a constable (“C”) only if C produces identification showing that C is a constable (whether or not C is asked to do so).
- (4) Subsection (5) applies if, on an application by a senior officer or constable, a justice of the peace is satisfied that there are reasonable grounds for suspecting

Immigration Bill, continued

that a vehicle which may be detained under section 24D may be found on premises mentioned in subsection (6).

- (5) The justice of the peace may issue a warrant authorising any senior officer or constable to enter, if need be by force, the premises for the purpose of searching for and detaining the vehicle.
- (6) The premises referred to in subsection (4) are—
 - (a) one or more sets of premises specified in the application, or
 - (b) subject to subsection (10), any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an “all premises warrant”).
- (7) If the application is for an all premises warrant, the justice of the peace must also be satisfied—
 - (a) that there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application in order to find the vehicle, and
 - (b) that it is not reasonably practicable to specify in the application all the premises which the person occupies or controls and which might need to be searched.
- (8) Subject to subsection (10), the warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which the justice issues the warrant.
- (9) If it authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.
- (10) A justice of the peace in Scotland may not issue—
 - (a) an all premises warrant under this section authorising entry on premises by a constable, or
 - (b) a warrant under this section authorising multiple entries by a constable.
- (11) In the application of this section to Scotland, references to a justice of the peace are to be read as references to the sheriff or a justice of the peace.
- (12) In this section “senior officer” means an immigration officer not below the rank of chief immigration officer.”

Member’s explanatory statement

This amendment provides the police and immigration officers with the power to enter premises in order to detain a relevant vehicle. This ensures that an illegal migrant who commits the offence of driving when unlawfully present in the United Kingdom cannot frustrate seizure by keeping the vehicle on private land.

James Brokenshire

48

Clause 17, page 22, line 22, at end insert—

- () In section 16(2A)(b) of the Police and Criminal Evidence Act 1984 (powers of persons accompanying constables in execution of warrants) after “seizure” insert “or detention”.
- () In Article 18(2A)(b) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (SI 1989/1341 (NI 22)) (powers of persons accompanying constables in execution of warrants) after “seizure” insert “or detention”.

Immigration Bill, continued

- () In section 146(2) of the Immigration and Asylum Act 1999 (use of reasonable force) before paragraph (a) insert—

“(za) section 24DA(1) (powers to enter premises to detain motor vehicle),”.

Member’s explanatory statement

This amendment ensures that a person accompanying a constable in the execution of a warrant may detain a vehicle and that a constable may use reasonable force in order to detain a vehicle.

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

Anne McLaughlin

Gavin Newlands

91

Page 22, line 24, leave out Clause 18.

Member’s explanatory statement

To remove from the Bill the restrictions on access to bank accounts and thus maintain the status quo.

James Brokenshire

22

Schedule 3, page 70, line 35, leave out “or a court of summary jurisdiction”

Member’s explanatory statement

This amendment and amendment 23 change the definition of “relevant appeal court” for appeals in Northern Ireland. The effect is that an appeal against a decision by a court of summary jurisdiction in Northern Ireland to make a freezing order is made to a county court instead of the Crown Court.

James Brokenshire

23

Schedule 3, page 70, line 38, at end insert—

“(c) a county court, where the decision appealed against is a decision of a court of summary jurisdiction.”

Member’s explanatory statement

See the explanatory statement for amendment 22.

Immigration Bill, *continued*

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

Anne McLaughlin

Gavin Newlands

93

Schedule 3, page 72, line 8, at end insert—

- “(8A) The Secretary of State shall provide any individual she determines to be a disqualified person with the information resulting from her checks under 40C(1) that led to this determination.
- (8B) The Secretary of State shall provide an individual she determines to be a disqualified person, and any person or body by or for whom the relevant account is operated, with compensation in accordance with [New Clause: 40HA Compensation], where that determination is found to have been incorrect.”

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

Anne McLaughlin

Gavin Newlands

94

Schedule 3, page 72, line 8, at end insert—

“40HA Compensation

- (1) This section applies where—
- (a) a person is determined by the Secretary of State (following a check under 40C(1)) to be a disqualified person;
 - (b) the Secretary of State provides notification to the bank that the person is a disqualified person under section 40C(3) or 40D(7);
 - (c) the bank closes an account or prevents an account being operated in compliance with section 40G; and
 - (d) the determination by the Secretary of State under 40C(1) is found to have been incorrect.
- (2) Where subsection (1) applies, the Secretary of State shall pay compensation to—
- (a) a person incorrectly determined to be a disqualified person;
 - (b) any person or body by or for whom the relevant account is operated.
- (3) No payment of compensation under this section shall be made unless an application for such compensation has been made to the Secretary of State before the end of the period of two years beginning with the date on which the information resulting from its checks under 40C(1) is provided to the person incorrectly determined to be the disqualified person.
- (4) But the Secretary of State may direct that an application for compensation made after the end of that period is to be treated as if it had been made within that period if the Secretary of State considers that there are exceptional circumstances which justify doing so.
- (5) The question whether there is a right to compensation under this section shall be determined by the Secretary of State.

Immigration Bill, continued

- (6) If the Secretary of State determines that there is a right to such compensation, the sum of £10,000 is paid.”

Member’s explanatory statement

To make provision for statutory compensation from the Secretary of State to compensate the holder of a bank account where their account is closed or suspended by their bank in reliance on incorrect information provided by the Secretary of State as to the status of the account holder as a disqualified person.

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

Anne McLaughlin

Gavin Newlands

92

Page 67, line 29, leave out Schedule 3.

Member’s explanatory statement

To remove from the Bill the restrictions on access to bank accounts and thus maintain the status quo.

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

209

Clause 19, page 23, line 10, at end insert—

“(2A) in paragraph 2(2) after “examine” insert “at the point of entry into the United Kingdom.”

Member’s explanatory statement

To limit the power contained in Schedule 2, paragraph 2 of the Immigration Act 1971 to examination at the point of entry, as intended by Parliament.

Immigration Bill, continued

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

219

Page 25, line 11, leave out Clause 20

Member's explanatory statement

To remove powers to search any premises for documents which might be of assistance in determining whether an employer or a landlord/landlady is liable to the imposition of a civil penalty, to seize and retain those documents.

James Brokenshire

95

Clause 22, page 27, line 36, after "If" insert "the immigration officer has reasonable grounds for believing that"

Member's explanatory statement

This amendment clarifies that where an immigration officer is not absolutely certain that an item which has been seized under clause 21 is also evidence of an immigration offence, the immigration officer still has discretion to retain it rather than being under a duty to pass it to another investigating authority.

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

197

Clause 24, page 30, leave out lines 13 to 16

Member's explanatory statement

To remove the power to conduct a strip search from detainee custody officers.

Immigration Bill, *continued*

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

198

Clause 24, page 30, line 45, leave out from “which” to end of line 2 on page 31 and insert “establishes a person’s nationality or citizenship.”

Member’s explanatory statement

To narrow the definition of nationality document to mean a passport or identity card for the purposes of custody officers, prison officers and prison custody officers who are given powers to search for nationality documents.

James Brokenshire

24

Schedule 4, page 73, line 17, leave out from “application” to “, or” in line 19

Member’s explanatory statement

This amendment and amendments 25 and 28 to 30 are to clarify that the definition of “specific premises warrant” in section 28K(13A) of the Immigration Act 1971 inserted by paragraph 5(8) of Schedule 4 to the Bill applies to any warrant under that Act which is not an all premises warrant.

James Brokenshire

25

Schedule 4, page 74, line 14, leave out from “application” to “, or” in line 16

Member’s explanatory statement

See the explanatory statement for amendment 24.

James Brokenshire

49

Schedule 4, page 75, line 40, after “section” insert “24DA(6)(b),”

Member’s explanatory statement

This amendment and amendments 50 to 53 ensure that the provisions regarding warrants in sections 28J and 28K of the Immigration Act 1971 as amended by Schedule 4 also apply to a warrant obtained for entering premises to detain a vehicle.

James Brokenshire

50

Schedule 4, page 75, line 43, after “section” insert “24DA(8),”

Member’s explanatory statement

See the explanatory statement for amendment 49.

James Brokenshire

51

Schedule 4, page 76, line 5, after “seizure” insert “or detention”

Member’s explanatory statement

See the explanatory statement for amendment 49.

Immigration Bill, *continued*

- James Brokenshire 26
- Schedule 4, page 76, line 23, after “(8B)” insert “Subject to subsection (8C),”
Member’s explanatory statement
This amendment and amendment 27 reflect Scottish criminal law by removing the requirement for immigration search warrants obtained in Scotland to be returned to the clerk of the district court or the sheriff clerk after they have been executed, allowing for them to be retained for use by the Procurator Fiscal in court.
- James Brokenshire 27
- Schedule 4, page 76, line 28, at end insert—
“(8C) Subsection (8B) does not apply to a warrant issued by a justice of the peace in Scotland or by the sheriff if the warrant has been executed.”
Member’s explanatory statement
See the explanatory statement for amendment 26.
- James Brokenshire 28
- Schedule 4, page 76, line 33, leave out from “warrant” to end of line 35 and insert
“which is not an all premises warrant;”
Member’s explanatory statement
See the explanatory statement for amendment 24.
- James Brokenshire 52
- Schedule 4, page 76, line 37, after “section” insert “24DA(6)(b),”
Member’s explanatory statement
See the explanatory statement for amendment 49.
- James Brokenshire 53
- Schedule 4, page 76, line 40, after “section” insert “24DA(8),”
Member’s explanatory statement
See the explanatory statement for amendment 49.
- James Brokenshire 29
- Schedule 4, page 77, line 8, leave out from “application” to “, or” in line 10
Member’s explanatory statement
See the explanatory statement for amendment 24.
- Keir Starmer
Paul Blomfield
Sarah Champion
Mrs Emma Lewell-Buck
Kate Hollern
Sue Hayman 220
- Schedule 4, page 77, line 33, at end insert—
“(1) The Immigration and Asylum Act 1999 is amended as follows—
(2) in section 145(1) for “may” substitute “must”.”
Member’s explanatory statement
Makes mandatory the issuing a code of practice that immigration officers must follow.

Immigration Bill, continued

James Brokenshire

Schedule 4, page 78, line 1, leave out from “application” to “, or” in line 3
Member’s explanatory statement
See the explanatory statement for amendment 24.

30

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

Clause 29, page 33, line 8, leave out “Immigration bail” and insert “Temporary admission”
Member’s explanatory statement
To rename immigration bail temporary admission.

113

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

Clause 29, page 33, line 9, leave out “immigration bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

114

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

Clause 29, page 33, line 13, leave out “bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

115



Immigration Bill, *continued*

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

116

Schedule 5, page 78, line 25, leave out “Immigration Bail” and insert “Temporary admission”

Member’s explanatory statement*See explanatory statement for Amendment 113.*

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

199

Schedule 5, page 78, line 28, at end insert—

“() The following provisions apply if a person is detained under any provisions set out in paragraph (current Schedule 5 paragraph 1(1))—

- (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 and every twenty-eighth day thereafter;
 - (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 and subsequent reference, before the thirty-eighth day following that on which he was detained.
- () 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.
- () In the 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.

Immigration Bill, continued

- () 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.”

Member's explanatory statement

To make provision for automatic bail hearings, after eight days, 28 days and every 28 days thereafter.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

Schedule 5, page 78, line 29, leave out “bail” and insert “temporary admission” **117**

Member's explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

Schedule 5, page 78, line 40, leave out “bail” and insert “temporary admission” **118**

Member's explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

Schedule 5, page 79, line 2, leave out “bail to a person, grant that person bail” and insert “temporary admission to a person, grant that person temporary admission” **119**

Member's explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **120**

Schedule 5, page 79, line 11, leave out “immigration bail, in relation to a person, are to the grant of bail” and insert “temporary admission, in relation to a person, are to the grant of temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **121**

Schedule 5, page 79, line 14, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **122**

Schedule 5, page 79, line 15, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **200**

Schedule 5, page 79, line 22, leave out paragraph 1(6)

Member’s explanatory statement

To remove from the Bill the power for the Secretary of State to detain an individual granted bail by the Tribunal without just cause.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
123

Schedule 5, page 79, line 22, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
124

Schedule 5, page 79, line 24, leave out “immigration bail from when a grant of immigration bail” and insert “temporary admission from when a grant of temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
125

Schedule 5, page 79, line 26, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
126

Schedule 5, page 79, line 38, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
210
Schedule 5, page 79, line 42, leave out “, occupation or studies” and insert “or occupation”

Member’s explanatory statement

Probing amendment to understand why restriction on a person’s studies is to be included in the list of conditions to which a person may be subject when on immigration bail.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
211
Schedule 5, page 80, leave out lines 1 and 2

Member’s explanatory statement

Probing amendment to ascertain what additional conditions are envisaged to be imposed on immigration bail.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
127
Schedule 5, page 80, line 1, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
128
Schedule 5, page 80, line 3, leave out “Immigration bail” and insert “Temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
201

Schedule 5, page 80, line 5, leave out sub-paragraphs (3) to (5)

Member's explanatory statement

To remove the provision which would allow the Secretary of State to override a decision of the Tribunal with regard to electronic monitoring or residence conditions placed on immigration bail.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
129

Schedule 5, page 80, line 5, leave out “immigration bail” and insert “temporary admission”

Member's explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
130

Schedule 5, page 80, line 11, leave out “bail” and insert “temporary admission”

Member's explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
131

Schedule 5, page 80, line 15, leave out ““bail condition”, in relation to a person on immigration bail, means a condition to which the person’s bail is subject.” and insert ““temporary admission condition”, in relation to a person on temporary admission bail, means a condition to which the person’s temporary admission is subject.”

Member's explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
132

Schedule 5, page 80, line 20, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
133

Schedule 5, page 80, line 21, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
134

Schedule 5, page 80, line 23, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
135

Schedule 5, page 80, line 28, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

136

Schedule 5, page 80, line 30, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

212

Schedule 5, page 80, line 32, leave out “in that person’s interests or”

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

213

Schedule 5, page 80, line 33, leave out “and”

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

214

Schedule 5, page 80, line 34, leave out sub-paragraph (f) and insert—

“(f) whether the person’s removal from the UK is imminent, and

(g) such other matters as the Secretary of State or the First-tier Tribunal thinks relevant.”

Member’s explanatory statement

To remove a requirement that that the Tribunal or the Secretary of State have regard to - when considering a grant of bail - whether continuing immigration detention is necessary in a person’s best interests.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
137

Schedule 5, page 80, line 37, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
138

Schedule 5, page 80, line 40, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
139

Schedule 5, page 80, line 46, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
140

Schedule 5, page 81, line 2, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
141
Schedule 5, page 81, line 7, leave out “immigration bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
142
Schedule 5, page 81, line 9, leave out “immigration bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
143
Schedule 5, page 81, line 10, leave out “bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
144
Schedule 5, page 81, line 11, leave out “immigration bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
145

Schedule 5, page 81, line 13, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
146

Schedule 5, page 81, line 43, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
147

Schedule 5, page 81, line 44, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
148

Schedule 5, page 82, line 3, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
149

Schedule 5, page 82, line 9, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
150

Schedule 5, page 82, line 10, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
151

Schedule 5, page 82, line 35, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
152

Schedule 5, page 82, line 41, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **153**

Schedule 5, page 82, line 43, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **202**

Schedule 5, page 83, line 4, leave out sub-paragraph (5)

Member’s explanatory statement

To remove the provision which would allow the Secretary of State to override a decision of the Tribunal with regard to electronic monitoring or residence conditions placed on immigration bail.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **154**

Schedule 5, page 83, line 9, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **203**

Schedule 5, page 83, line 12, leave out sub-paragraphs (8) to (10)

Member’s explanatory statement

To remove the provision which would allow the Secretary of State to override a decision of the Tribunal with regard to electronic monitoring or residence conditions placed on immigration bail.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

Schedule 5, page 83, line 22, leave out sub-paragraph 7(1), (2), and (3) and insert— **204**

“7 (1) The Secretary of State must provide, or arrange for the provision of, facilities for the accommodation of persons released on immigration bail.”

Member’s explanatory statement

To restore the power, provided by section 4(1)(c) of the Immigration and Asylum Act 1999, for the Secretary of State to provide such accommodation pursuant to a detainee’s application for bail to the Tribunal.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

Schedule 5, page 83, line 22, leave out “immigration bail” and insert “temporary admission” **155**

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

Schedule 5, page 83, line 25, leave out “immigration bail” and insert “temporary admission” **156**

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **206**

Schedule 5, page 83, line 29, at end insert—

“(2A) If the Secretary of State decides that the applicant does not qualify for support under sub-paragraph (2), the applicant may appeal to the First-Tier Tribunal (Asylum Support).”

Member’s explanatory statement

To provide a right of appeal to the First-tier Tribunal (Asylum Support) where the Secretary of State decides not to provide support or to discontinue support under this Part to enable a person to meet bail conditions.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **205**

Schedule 5, page 83, leave out lines 30 to 32

Member’s explanatory statement

To remove the purported limitation on the use of the power to provide support to persons to enable them to meet bail conditions to circumstances where the Secretary of State considers that there are “exceptional circumstances” justifying its use.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **157**

Schedule 5, page 83, line 33, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, *continued*

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **158**

Schedule 5, page 83, line 35, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **159**

Schedule 5, page 83, line 41, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **160**

Schedule 5, page 83, line 43, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **161**

Schedule 5, page 84, line 2, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

James Brokenshire

54

Schedule 5, page 84, line 9, at end insert—

“() Sections 28J and 28K of the Immigration Act 1971 (warrants: application and execution) apply, with any necessary modifications, to warrants under subparagraph (3).”

Member’s explanatory statement

This amendment provides for the supplementary provisions about warrants in sections 28J and 28K of the Immigration Act 1971 to apply to warrants issued under Schedule 5 for entry into premises to search for and arrest named persons.

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

207

Schedule 5, page 84, line 34, leave out from “(a)” to “otherwise”

Member’s explanatory statement

To provide that a person arrested without a warrant and detained because it is considered that they are likely to breach any of their bail conditions or that there are reasonable grounds for suspecting that they have done so must be brought before the First-tier Tribunal.

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

162

Schedule 5, page 84, line 34, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

163

Schedule 5, page 84, line 41, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
164
Schedule 5, page 84, line 43, leave out “bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
165
Schedule 5, page 84, line 47, leave out “bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
166
Schedule 5, page 85, line 2, leave out “bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
167
Schedule 5, page 85, line 3, leave out “bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
168

Schedule 5, page 85, line 23, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
169

Schedule 5, page 85, line 25, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
170

Schedule 5, page 85, line 37, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
171

Schedule 5, page 86, line 5, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

James Brokenshire

31

Schedule 5, page 86, line 6, at end insert—

“() In this paragraph “specified” means specified in regulations under section 52(1).”

Member’s explanatory statement

This amendment clarifies that transitional arrangements will be detailed in regulations.

Keir Starmer

Paul Blomfield

Sarah Champion

Mrs Emma Lewell-Buck

Kate Hollern

Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

172

Schedule 5, page 86, line 15, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Keir Starmer

Paul Blomfield

Sarah Champion

Mrs Emma Lewell-Buck

Kate Hollern

Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

173

Schedule 5, page 86, line 18, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Keir Starmer

Paul Blomfield

Sarah Champion

Mrs Emma Lewell-Buck

Kate Hollern

Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

174

Schedule 5, page 86, line 36, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, *continued*

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **175**

Schedule 5, page 87, line 2, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **176**

Schedule 5, page 87, line 12, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **177**

Schedule 5, page 87, line 31, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **178**

Schedule 5, page 87, line 32, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **179**

Schedule 5, page 87, line 35, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **180**

Schedule 5, page 87, line 38, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **181**

Schedule 5, page 87, line 42, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **182**

Schedule 5, page 87, line 43, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, *continued*

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **183**

Schedule 5, page 87, line 45, leave out “bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **184**

Schedule 5, page 88, line 1, leave out “immigration bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **185**

Schedule 5, page 88, line 17, leave out “immigration bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **186**

Schedule 5, page 88, line 19, leave out “immigration bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

Immigration Bill, *continued*

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
187
Schedule 5, page 88, line 23, leave out “Bail” and insert “Temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

James Brokenshire
33
Schedule 5, page 88, line 30, leave out “(2)(a)” and insert “(1)(a)”
Member’s explanatory statement
See the explanatory statement for amendment 32.

James Brokenshire
32
Schedule 5, page 88, line 41, at end insert—
“
Paragraph 4(2)(d) (arrangements under electronic monitoring condition) has effect as if for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”.
Paragraph 5(5) (payment of sum under financial condition) has effect as if for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”.”
Member’s explanatory statement
The Bill already makes provision for bail conditions to be applied by both the First-tier Tribunal and the Special Immigration Appeals Commission. This amendment inserts some further consequential provision to give this full effect.

James Brokenshire
34
Schedule 5, page 89, line 1, leave out “(5), (6), (7) and (8)” and insert “(4), (6), (7), (8) and (9)”
Member’s explanatory statement
See the explanatory statement for amendment 32.

James Brokenshire
35
Schedule 5, page 89, line 4, leave out “(5) and (9)” and insert “(4), (6) and (10)”
Member’s explanatory statement
See the explanatory statement for amendment 32.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
188
Schedule 5, page 89, line 23, leave out “immigration bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
189
Schedule 5, page 89, line 26, leave out “immigration bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

James Brokenshire

36
Schedule 5, page 89, line 29, leave out from “(2)” to “the” in line 32 and insert “for the words from “unless” to the end of the subsection substitute”
Member’s explanatory statement
This amendment clarifies how the immigration bail powers will operate in respect of a person where a deportation order has been made in accordance with the UK Borders Act 2007.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
190
Schedule 5, page 89, line 32, leave out “immigration bail” and insert “temporary admission”
Member’s explanatory statement
See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
191

Schedule 5, page 89, line 34, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
192

Schedule 5, page 89, line 37, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
193

Schedule 5, page 89, line 38, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands
194

Schedule 5, page 90, line 1, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **195**

Schedule 5, page 90, line 3, leave out “immigration bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **196**

Schedule 5, page 90, line 5, leave out “bail” and insert “temporary admission”

Member’s explanatory statement

See explanatory statement for Amendment 113.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands **216**

Clause 30, page 33, line 28, after “decision” insert—

- “(a) leave out “and” at the end of subsection 1(b);
- (b) leave out subsection 1(c);
- (c) in subsection (2) for “The leave is extended by virtue of this section” substitute “The leave is extended from the day on which it would otherwise have expired”

Member’s explanatory statement

To ensure that a person whose application is refused before their original leave expires and is still in time to bring an appeal or has brought an appeal by the time their original leave expires, benefits from the protection of 3C leave in the same way as they would had they been refused by the Secretary of State only after their original leave had expired.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

217

Clause 30, page 33, line 28, after “decision)” insert—

“(a) in subsection 3C(1)(c) after “decided” insert “or declared invalid”

(b) in subsection 3C(2)(a) after “withdrawn” insert “nor declared invalid”

Member’s explanatory statement

To ensure that a person who makes an “in time” application which is later determined to be invalid benefits from “3C leave” for the period, if any, between the expiry of their original leave and the Secretary of State’s notification to them that the application is invalid and thus to give effect to the interpretation of the law for which counsel for the Secretary of State argued in the case of R(Iqbal v SSHD) [2015] EWCA 838.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

215

Page 33, line 26, leave out Clause 30

Member’s explanatory statement

To remove from the Bill the power to cancel leave extended under section 3C of the Immigration Act 1971.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

208

Page 34, line 3, leave out Clause 31

Member’s explanatory statement

To remove an extension of “deport first, appeal later provisions” to include all human rights appeals.

Immigration Bill, continued

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

218Page **32**, line **20**, leave out Clause 32**Member's explanatory statement**

To ensure there is provision for administrative review where a person's leave is curtailed or revoked.

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

222★ Schedule **6**, page **90**, leave out lines 28 to 30 and insert—

- “(i) in subsection (2A) for “accommodation” each time it occurs substitute “support” and for “section 4” each time it occurs substitute “section 95A”, and
- (ii) in subsections (6) and (7), for “section 4 or 95” substitute “section 95 or section 95A””

Member's explanatory statement

To provide a right of appeal against decisions of the Home Office to refuse or discontinue support under new section 95A for asylum seekers at the end of the process who are unable to leave the UK.

James Brokenshire

96Schedule **6**, page **91**, line **2**, after “(2)” insert “, (5), (6)”**Member's explanatory statement**

This is a minor and technical amendment. It is consequential on the repeal of section 4 of the Immigration and Asylum Act 1999. Section 43(5) and (6) of the Immigration, Asylum and Nationality Act 2006 contain provision about tenancies granted to provide accommodation under section 4 of the 1999 Act.

Immigration Bill, continued

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

223

★ Schedule 6, page 91, line 7, at end insert—

“(2A) Schedule 3 to the Nationality, Immigration and Asylum Act 2002 (withholding and withdrawal of support) is amended as follows.

(a) in paragraph 6(1), after “person” insert “who entered the United Kingdom as an adult”

(b) in paragraph 7, after “person” insert “who entered the United Kingdom as an adult””

Member’s explanatory statement

To ensure that all care leavers—including young asylum-seekers and migrants who came to the UK as children—are given the support they need while they are in the UK by amending Schedule 3 of the Nationality, Immigration and Asylum Act 2002 so it does not apply to people who initially came to the UK as children. It will not create an automatic right to support but make sure that a young person is not discriminated against on the basis of his or her immigration status.

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

224

★ Schedule 6, page 91, line 37, leave out “before the end of such period as may be prescribed.”

Member’s explanatory statement

To remove provision for a period to be prescribed in regulations, made under section 94(3) of the Immigration and Asylum Act 1999, during which an individual may be left destitute before qualifying for section 95 support on the basis of having lodged “further qualifying submissions”.

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

225

★ Schedule 6, page 92, line 6, leave out from “, or” to end of line 8

Member’s explanatory statement

To prevent section 95 support from terminating immediately on notification of a decision on further qualifying submissions if no period for support terminating is prescribed in regulations made under section 94(3) of the Immigration and Asylum Act 1999.

Immigration Bill, continued

James Brokenshire

97

Schedule 6, page 92, line 41, leave out “VI” and insert “VI and section 141”

Member’s explanatory statement

This is a minor and technical amendment. Paragraph 4(c) of Schedule 6 amends section 167 of the Immigration and Asylum Act 1999 to remove the reference to Part VI, as the term “claim for asylum” will no longer occur in that Part. The same change is needed in respect of section 141 of that Act.

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

226

★ Schedule 6, page 93, line 37, leave out sub-paragraph (5)

Member’s explanatory statement

To allow destitute refused asylum seeking families to continue receiving basic support (just over £5 a day for their essential living needs with housing provided for those with nowhere to live) until their case is finally concluded, as is currently the case. This aims to protect vulnerable children from being left destitute; ensure immigration controls are not undermined because the Home Office has lost contact with families who are appeal rights exhausted; and to avoid a substantial transfer of costs to local authorities.

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

227

★ Schedule 6, page 93, line 38, leave out from “provided)” to end of line 39, and insert—

“(a) the heading becomes “Support for asylum-seekers, etc”, and

(b) insert after subsection (8)—

“(8A) The weekly cash payment set out in Regulation 2(2) of the Asylum Support (Amendment No.3) Regulations 2015 No. 1501 for each individual is increased to no less than 60% of the rate of Income Support payable to single adults aged 25 or over.”

Member’s explanatory statement

To ensure asylum seekers have the support they need to pay for food, clothing, toiletries, travel and other necessities and thereby try to help ensure that they can properly meet their essential living needs and pursue their asylum applications. The amendment works by amending section 95 of the Immigration and Asylum Act 1999 which is the overarching section under which support for person seeking asylum is provided.

Immigration Bill, continued

James Brokenshire

98

Schedule 6, page 96, line 4, at end insert—

“() After subsection (7) insert—

“(8) A tenancy is not a Scottish secure tenancy (within the meaning of the Housing (Scotland) Act 2001 (asp 10)) if it is granted in order to provide accommodation under section 95A.

(9) A tenancy which would be a Scottish secure tenancy but for subsection (8) becomes a Scottish secure tenancy if the landlord notifies the tenant that it is to be regarded as such.”

Member’s explanatory statement

This is a minor and technical amendment. Under housing law in Scotland, those supported under section 4 of the Immigration and Asylum Act 1999 are not treated as though they have a secure tenancy. The amendment ensures that the same applies to those supported under the new section 95A of that Act.

James Brokenshire

99

Schedule 6, page 98, line 15, leave out from beginning to “Omit” in line 21 and insert “In the Immigration, Asylum and Nationality Act 2006,”

Member’s explanatory statement

This is a minor and technical amendment, consequential on amendment 96.

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

228

★ Schedule 6, page 100, line 16, at end insert—

“(43A) The Immigration Act 1971 is amended as follows.

(43B) After section 3(9) (general provisions for regulation and control) insert—

“(10) In making rules under subsection (2), the Secretary of State must have regard to the following.

(11) Rules must provide for persons seeking asylum, within the meaning of the rules, to apply to the Secretary of State for permission to take up employment and that permission must be granted if—

(a) a decision has not been taken on the applicant’s asylum application within six months of the date on which it was recorded, or

(b) an individual makes further submissions which raise asylum grounds and a decision on that fresh claim or to refuse to treat such further submissions as a fresh claim has not been taken within six months of the date on which they were recorded.

(12) Permission for a person seeking asylum to take up employment shall be on terms no less favourable than those upon which

Immigration Bill, continued

permission is granted to a person recognised as a refugee to take up employment.””

Member’s explanatory statement

This proposed amendment would provide for asylum seekers to be able to work if their claim is not determined within the Home Office target time of six months.

James Brokenshire

100

Schedule 6, page 100, line 31, at end insert “, and

() any dependant of a person within paragraph (a), (b) or (c).”

Member’s explanatory statement

The amendment ensures that the transitional arrangements allowing certain persons to continue to be supported under section 4 of the Immigration and Asylum Act 1999 also apply to their dependants.

James Brokenshire

101

Schedule 6, page 100, line 38, at end insert—

“() On and after the day on which paragraphs 1 and 2 come into force, section 4 of the Immigration and Asylum Act 1999 has effect in relation to persons within sub-paragraph (1) as if in subsection (11)(b) the word “not” were omitted.”

Member’s explanatory statement

This amendment provides the flexibility to provide in regulations for those who continue to be supported under section 4 of the Immigration and Asylum Act 1999 under the transitional arrangements to receive support in the form of cash or vouchers.

James Brokenshire

102

Schedule 6, page 100, line 38, at end insert—

“() In this paragraph “dependant” has the same meaning as in Part 6 of the Immigration and Asylum Act 1999 (see section 94 of that Act).”

Member’s explanatory statement

This amendment is consequential on amendment 100.

James Brokenshire

103

Schedule 6, page 101, line 5, at end insert “, and

() any dependant of a person within paragraph (a), (b) or (c).”

Member’s explanatory statement

The amendment ensures that the transitional arrangements allowing certain failed asylum-seekers to continue to be supported under section 95 of the Immigration and Asylum Act 1999 also apply to their dependants.

Immigration Bill, continued

- James Brokenshire 104
- Schedule 6, page 101, line 11, at end insert—
 “() In this paragraph “dependant” has the same meaning as in Part 6 of the Immigration and Asylum Act 1999 (see section 94 of that Act).”
Member’s explanatory statement
This amendment is consequential on amendment 103.
-
- James Brokenshire 105
- Schedule 8, page 107, line 34, leave out sub-paragraphs (ii) and (iii)
Member’s explanatory statement
This amendment makes minor drafting changes by omitting the unnecessary alterations to the conjunctions in section 25B(3) Immigration Act 1971.
- James Brokenshire 106
- Schedule 8, page 108, line 9, leave out “28A” and insert “28A(3)”
Member’s explanatory statement
This minor amendment substitutes “28A” for “28A(3)” to correct the reference to which paragraph requires amending.
- James Brokenshire 107
- Schedule 8, page 109, line 26, after “before” insert “an immigration officer,”
Member’s explanatory statement
This amendment ensures that immigration officers must seek authorisation from the Secretary of State prior to exercising the maritime powers in relation to a foreign ship or a ship registered under the law of a relevant territory, within UK territorial waters adjacent to Northern Ireland. This aligns the provision with the equivalent provisions applicable to UK territorial waters adjacent to England, Wales and Scotland.
- James Brokenshire 108
- Schedule 8, page 111, leave out lines 21 to 24
Member’s explanatory statement
This amendment removes the superfluous definition of “home state” and has no substantive effect.
- James Brokenshire 109
- Schedule 8, page 114, line 17, leave out “detain” and insert “retain”
Member’s explanatory statement
This amendment and amendments 110 and 112 are minor drafting changes for consistency with language used elsewhere in the Schedule and have no substantive effect.
- James Brokenshire 110
- Schedule 8, page 118, line 40, leave out “detain” and insert “retain”
Member’s explanatory statement
See the explanatory statement for amendment 109.

Immigration Bill, continued

James Brokenshire

111

Schedule 8, page 122, line 6, leave out “(in England and Wales or elsewhere)” and insert “in the United Kingdom”

Member’s explanatory statement

This amendment is a minor drafting change for consistency with the language used in the equivalent provisions for England, Wales and Scotland.

James Brokenshire

112

Schedule 8, page 123, line 17, leave out “detain” and insert “retain”

Member’s explanatory statement

See the explanatory statement for amendment 109.

NEW CLAUSES

Richard Fuller

NC1

To move the following Clause—

“Detention of persons – exempted persons

In paragraph 16 of Schedule 2 to the Immigration Act 1971 after subsection (4) insert —

- “(5) A person may not be detained under this paragraph if they are a member of one or more of the following groups of person—
- (a) Pregnant women;
 - (b) Victims of trafficking;
 - (c) Victims of torture;
 - (d) Victims of sexual violence;
 - (e) Any other group as may be prescribed by the Secretary of State.”

Member’s explanatory statement

This amendment would provide that pregnant women, victims of trafficking, torture and sexual violence, and any other group prescribed by the Secretary of State, may not be detained pending an examination or decision by an immigration officer.

Richard Fuller

NC3

To move the following Clause—

“Time limit on detention

In paragraph 16 of Schedule 2 to the Immigration Act 1971 after subsection (4) insert—

- “(5) Subject to regulations under subsection (6), a person detained under this paragraph must be released on bail in accordance with Schedule 5 to the

Immigration Bill, continued

Immigration Act 2016 after no later than the twenty-eighth day following that on which the person was detained.

- (6) The Secretary of State may by regulations make provision to vary by category of person the time limit under subsection (5).”

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

NC4

To move the following Clause—

“Extension of the Gangmasters Licensing Authority remit

- (1) The Secretary of State shall undertake a review of the Gangmasters Licensing Authority’s remit with regard to section 2 of the Gangmasters (Licensing) Act 2004 and the necessity and evidence for an extension of work covered by this Act and the additional resources required for any additional work, and lay a report in both Houses of Parliament within one year of this Bill obtaining Royal Assent.
- (2) The Secretary of State may by order amend section 3 of the Gangmasters (Licensing) Act 2004 to include other areas of work where the Secretary of State believes abuse and exploitation of workers may be taking place, and must allocate additional resources accordingly.”

Member’s explanatory statement

To extend the remit of the Gangmasters Licensing Authority with appropriate resourcing, to better enforce labour standards in high risk sectors beyond agriculture, gathering shellfish, processing and packaging.

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

NC5

To move the following Clause—

**“Compensation for a illegal working closure notice where order is cancelled/
no compliance order is given**

- (1) Where an illegal working closure notice is issued and—
- (a) is subsequently cancelled in accordance with paragraph 3 of Schedule 3 to this Act, or

Immigration Bill, *continued*

- (b) no illegal working compliance order is made (whether or not an application is made for such an order)
the Secretary of state shall pay compensation to the persons listed in subsection (2).”
- (2) The Secretary of State shall pay compensation under subsection (1) to—
- (a) the person to whom the notice was issued or, if he is dead, to his personal representatives;
 - (b) a person who lives on the premises (whether habitually or not);
 - (c) any person who has an interest in the premises.
- (3) No payment of compensation under this section shall be made unless an application for such compensation has been made to the Secretary of State before the end of the period of two years beginning with the date on which the notice is issued.
- (4) But the Secretary of State may direct that an application for compensation made after the end of that period is to be treated as if it had been made within that period if the Secretary of State considers that there are exceptional circumstances which justify doing so.
- (5) The question whether there is a right to compensation under this section shall be determined by the Secretary of State.
- (6) If the Secretary of State determines that there is a right to such compensation, the amount of the compensation shall be assessed by an assessor appointed by the Secretary of State.
- (7) In assessing so much of any compensation payable as is attributable to suffering, harm to reputation or similar damage, the assessor must have regard in particular to—
- (a) the conduct of the person to whom the notice was given;
 - (b) the conduct of the immigration officer.
- (8) If, having had regard to any matters falling within subsection (9)(a) or (b), the assessor considers that there are exceptional circumstances which justify doing so, the assessor may determine that the amount of compensation payable is to be a nominal amount only.
- (9) The total amount of compensation payable must not exceed the overall compensation limit. That limit is—
- (a) £10,000 in a case in which there is no element for loss of earnings;
 - (b) £50,000 in any other case.
- (10) The Secretary of State may by order made by statutory instrument amend subsection (9) so as to vary overall compensation limit.
- (11) No order may be made under subsection (9) unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

To provide for statutory compensation to the person to whom an illegal working closure notice is issued and anyone living on the premises or with an interest in the premises in the event that the order is cancelled or that no application is subsequently made to a court for a compliance order, or such an application is made but the court refuses to grant it.

Immigration Bill, continued

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

NC6

To move the following Clause—

“Additional Measures in relation to Victims of Domestic Violence or Human Trafficking

- (1) The Immigration Act 2014 is amended in accordance with subsection (2)
- (2) In Section 21 after sub-section (4) insert—
 - “(4A) P is to be treated as having a right to rent in relation to premises (in spite of subsection (2)) if they are in the process of applying for leave to remain under Paragraph 289 of the Immigration Rules as a victim of domestic violence.
 - (4B) P is to be treated as having a right to rent in relation to premises (in spite of subsection (2)) if they have received a reasonable grounds decision from UK Visas and Immigration that they are a victim of human trafficking.””

Member’s explanatory statement

This new clause would enable suspected victims of human trafficking or domestic violence, who do not have a final visa giving them leave to remain, the right to enter into a tenancy.

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

Anne McLaughlin

Gavin Newlands

NC7

To move the following Clause—

“Residential tenancies: repeal of provisions of the Immigration Act 2014

- (1) The Immigration Act 2014 is amended as follows.
- (2) Omit sections 20-37, 74(2)(a) and Schedule 3.

Member’s explanatory statement

Together with amendment 84, this amendment removes the residential tenancies provisions from both the Immigration Act 2014 and the current Bill.

Immigration Bill, continued

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

Anne McLaughlin Gavin Newlands

NC8

To move the following Clause—

“Persons with a right to rent

- (1) The Immigration Act 2014 is amended as follows.
- (2) In section 21(2)(a) after “have it,” insert “subject to subsection (2A)”.
- (3) After section 21(2) insert—
 - “(2A) P retains a right to rent under this section:
 - (a) for 90 days after P’s leave to enter or remain comes to an end; or
 - (b) until the end of the one year beginning with the date on which P’s landlord last complied with the prescribed requirements in respect of P, whichever is longer.”
- (4) After section 21(4) (b) insert—
 - “(c) a person who has retained a right to rent under subsection (2A).”

Member’s explanatory statement

To amend the Immigration Act 2014 to provide protection for landlords and landlords from prosecution when their tenant’s leave comes to an end.

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

Anne McLaughlin Gavin Newlands

NC9

To move the following Clause—

“Immigration Act 2014: Premises shared with the landlord or a member of his family

- (1) The Immigration Act 2014 is amended in accordance with subsection (2).
- (2) In Clause 20 (Residential tenancy agreement), omit the “and” at the end of subparagraph (b), and insert—
 - “(ba) is not an agreement granting a right of occupation of premises shared with the landlord, licensor or a member of his family, and”

Member’s explanatory statement

To exclude from the definition of a residential tenancy agreement those agreements relating to accommodation shared with a landlord or a member of his family, so that individuals who rent out

Immigration Bill, continued

rooms or take lodgers into their homes, as opposed to renting out a whole flat or house, are not part of the right to rent provisions.

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

Anne McLaughlin

Gavin Newlands

NC10

To move the following Clause—

“Persons disqualified by immigration status or with limited right to rent

- (1) The Immigration Act 2014 is amended in accordance with subsections (2) to (3).
- (2) Omit section 21(3) and insert—

“(3) But P is to be treated as having a right to rent in relation to premises (in spite of subsection (2)) if:

- (a) the Secretary of State has granted P permission for the purposes of this Chapter to occupy premises under a residential tenancy agreement; or
- (b) P has been granted immigration bail; or
- (c) P is to be treated as having been granted immigration bail.”

Member’s explanatory statement

To ensure that persons seeking asylum who can afford to rent privately, persons with outstanding applications and persons with outstanding appeals or judicial reviews are able to rent.

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

NC11

To move the following Clause—

“Eligibility for housing and homelessness assistance

The Secretary of State shall make provision by regulations to ensure that a person granted leave to enter or remain under section 3 of the Immigration Act 1971, whether under rules made under that section or otherwise, who is eligible for public funds shall also be eligible for housing and homelessness services.”

Immigration Bill, continued

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

NC12

To move the following Clause—

“Immigration Act 2014: Extension to Wales, Scotland and Northern Ireland

- (1) The Immigration Act 2014 is amended as follows.
- (2) In section 76(2) insert—
 - “(2A) Sections 20 to 37 and Schedule 3 extend to England only unless an order is made under this section but no order may be made under this section—
 - (a) Extending the provisions to Scotland without the consent of the Scottish Ministers;
 - (b) Extending the provisions to Wales without the consent of the Welsh Assembly;
 - (c) Extending the provisions to Northern Ireland without the consent of the Northern Ireland Assembly.”

Member’s explanatory statement

To remove the power to extend by regulation the provisions of this Act on residential tenancies beyond England and to restrict the provisions of the Immigration Act 2014 pertaining to England unless the devolved administrations consent to their further extension.

James Brokenshire

37

Clause 53, page 44, line 15, after “State” insert “or the Chancellor of the Duchy of Lancaster”

Member’s explanatory statement

Part 7 of the Bill currently requires the Secretary of State or the Chancellor of the Duchy of Lancaster to prepare a code of practice in respect of the English language requirement for public sector workers. The code comes into force in accordance with regulations. This amendment and amendments 38 and 39 ensure that clause 53 applies to regulations made by either the Secretary of State or the Chancellor of the Duchy of Lancaster under Part 7.

James Brokenshire

38

Clause 53, page 44, line 39, after “State” insert “or the Chancellor of the Duchy of Lancaster”

Member’s explanatory statement

See the explanatory statement for amendment 37.

Immigration Bill, continued

James Brokenshire

39

Clause 53, page 44, line 42, after “State” insert “or the Chancellor of the Duchy of Lancaster”

Member’s explanatory statement

See the explanatory statement for amendment 37.

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

221

Clause 54, page 45, line 9, at end insert—

“(3A) Sections 19 to 28 shall come into force on a day to be appointed, that day being no earlier than the day on which the Secretary of State gives a direction under s 145 of the Immigration Act 1999 and lays before parliament the codes specified in that direction.”

Member’s explanatory statement

To delay the entry into force of the provisions in Part 3 Enforcement under the subheading “powers of immigration officers” until such time as the Secretary of State has made a direction under s 145 of the Immigration and Asylum Act 1999 and has laid the codes specified in that direction before both houses of parliament.

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

70

Clause 54, page 45, line 11, at end insert—

“(4A) Section 12 shall not come into force before 1 January 2018.”

Member’s explanatory statement

This amendment would defer the implementation of Clause 12 until January 2018.

Immigration Bill, continued

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

77

Clause 54, page 45, line 11, at end insert—

“(4A) A statutory instrument containing regulations under subsection (1) in relation to Section 18 shall only be made after having been laid in draft before each House of Parliament and approved by a resolution of each House.”

Member’s explanatory statement

This amendment would require the regulations bringing into force Clause 18 to be subject to debate and approval by the House of Commons and the House of Lords.

ORDER OF THE HOUSE [13 OCTOBER 2015]

That the following provisions shall apply to the Immigration Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 17 November 2015.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

ORDER OF THE COMMITTEE [20 OCTOBER 2015]

That—

- (1) the Committee shall (in addition to its first meeting at 9.30 am on Tuesday 20 October) meet—
 - (a) at 2.00 pm on Tuesday 20 October;
 - (b) at 11.30 am and 2.00 pm on Thursday 22 October;
 - (c) at 9.30 am and 2.00 pm on Tuesday 27 October;
 - (d) at 11.30 am and 2.00 pm on Thursday 29 October;

Immigration Bill, *continued*

- (e) at 9.30 am and 2.00 pm on Tuesday 3 November;
 - (f) at 11.30 am and 2.00 pm on Thursday 5 November;
 - (g) at 9.30 am and 2.00 pm on Tuesday 10 November;
 - (h) at 9.30 am and 2.00 pm on Tuesday 17 November;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 20 October	Until no later than 10.15 am	Still Human, Still Here; the Refugee Council; Scottish Refugee Council
Tuesday 20 October	Until no later than 10.45 am	The Migration Advisory Committee
Tuesday 20 October	Until no later than 11.25 am	The Recruitment and Employment Confederation; the National Association of Licensing and Enforcement Officers; Focus on Labour Exploitation
Tuesday 20 October	Until no later than 2.30 pm	The Confederation of British Industry
Tuesday 20 October	Until no later than 3.00 pm	Migration Watch UK
Tuesday 20 October	Until no later than 3.45 pm	National Landlords Association; the Residential Landlords Association; the British Bankers Association
Tuesday 20 October	Until no later than 4.15 pm	The Metropolitan Police; Sandwell Metropolitan Borough Council
Tuesday 20 October	Until no later than 5.00 pm	The Children's Society; Coram Children's Legal Centre; the Office of the Children's Commissioner
Thursday 22 October	Until no later than 1.00 pm	The Immigration Law Practitioners' Association; Manjit Gill Q.C., Colin Yeo, barrister; the Detention Forum; Migrants' Rights Network
Thursday 22 October	Until no later than 2.45 pm	The Local Government Association; the Association of Directors of Children's Services
Thursday 22 October	Until no later than 3.30 pm	The UNHCR; the British Red Cross

Immigration Bill, *continued*

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Thursday 22 October	Until no later than 4.30 pm	The Joint Council for the Welfare of Immigrants; Amnesty International; the Equality and Human Rights Commission; Liberty

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 10; Schedule 1; Clause 11; Schedule 2; Clauses 12 to 18; Schedule 3; Clauses 19 to 27; Schedule 4; Clauses 28 and 29; Schedule 5; Clauses 30 to 34; Schedule 6; Clause 35; Schedule 7; Clause 36; Schedule 8; Clauses 37 to 50; Schedule 9; new Clauses; new Schedules; Clauses 51 to 56; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 17 November.

NOTICES WITHDRAWN

The following Notices were withdrawn on 15 October:

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