



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Friday 6 November 2015**

*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: 247-252*

### PUBLIC BILL COMMITTEE

### 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**This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end.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].**

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”.*

Immigration Bill, *continued*

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.*

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

**Immigration Bill, continued**

(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.*

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.

**Immigration Bill, continued**

- (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 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.*

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**Immigration Bill, continued**

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.*

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.*

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**Immigration Bill, continued**

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

229

☆ Schedule 8, page 109, line 35, at beginning insert—

“( ) Hot pursuit can only be commenced when a ship is in United Kingdom waters.”

**Member’s explanatory statement**

*Probing amendment to provide the Minister with an opportunity to confirm that hot pursuit will only start when the ship is in territorial waters, as required by Article 111 of the UN Convention on the Law of the Sea.*

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.*

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

236

☆ Schedule 8, page 113, line 29, at end insert—

“(3A) If in the course of questioning or otherwise a person expresses to or in the presence of an immigration officer, a fear of return that may be a claim for asylum then the person shall be taken to the UK for that case to be considered.”

**Member’s explanatory statement**

*Probing amendment to seek assurances the powers granted in the Bill will not be used to push back asylum seekers at sea.*

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

230

☆ Schedule 8, page 114, line 9, leave out “elsewhere” and insert “, at port or as conveniently as possible thereafter”

**Member’s explanatory statement**

*To limit powers of search to the ship, the port and as conveniently as possible thereafter, not anywhere in the country.*

Immigration Bill, *continued*

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.*

Keir Starmer

Sarah Champion

Paul Blomfield

Kate Hollern

Mrs Emma Lewell-Buck

Sue Hayman

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

233

☆ Schedule 8, page 114, line 22, leave out “elsewhere” and insert “, at port or as conveniently as possible thereafter”

***Member’s explanatory statement****See explanatory note for Amendment 230.*

Keir Starmer

Sarah Champion

Paul Blomfield

Kate Hollern

Mrs Emma Lewell-Buck

Sue Hayman

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

247

★ Schedule 8, page 115, line 4, leave out “elsewhere” and insert “, at port or as conveniently as possible thereafter”

***Member’s explanatory statement****See explanatory note for Amendment 230.*

Keir Starmer

Sarah Champion

Paul Blomfield

Kate Hollern

Mrs Emma Lewell-Buck

Sue Hayman

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

250

★ Schedule 8, page 115, line 41, leave out “elsewhere” and insert “, at port or as conveniently as possible thereafter”

***Member’s explanatory statement****See explanatory note for Amendment 230.*

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**Immigration Bill, continued**

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

**239**

- ☆ Schedule 8, page 116, leave out lines 4 to 6

***Member's explanatory statement***

*To prevent persons accompanying immigration officers carrying out searches in accordance with this part of the Bill.*

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

**242**

- ☆ Schedule 8, page 116, leave out lines 13 to 18

***Member's explanatory statement***

*To remove the immunity from prosecution and civil suit for constables and enforcement officers exercising powers under the Bill.*

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

**237**

- ☆ Schedule 8, page 118, line 7, at end insert—

“(3A) If in the course of questioning or otherwise a person expresses to or in the presence of an immigration officer, a fear of return that may be a claim for asylum then the person shall be taken to the UK for that case to be considered.”

***Member's explanatory statement***

*See explanatory note for Amendment 236.*

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**Immigration Bill, continued**

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

**231**

- ☆ Schedule 8, page 118, line 32, leave out “elsewhere” and insert “, at port or as conveniently as possible thereafter”

*Member’s explanatory statement*

*See explanatory note for Amendment 230.*

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.*

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

**234**

- ☆ Schedule 8, page 118, line 45, leave out “elsewhere” and insert “, at port or as conveniently as possible thereafter”

*Member’s explanatory statement*

*See explanatory note for Amendment 230.*

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

**248**

- ★ Schedule 8, page 119, line 26, leave out “elsewhere” and insert “, at port or as conveniently as possible thereafter”

*Member’s explanatory statement*

*See explanatory note for Amendment 230.*

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**Immigration Bill, continued**

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

**251**

- ★ Schedule 8, page 120, line 19, leave out “elsewhere” and insert “, at port or as conveniently as possible thereafter”

*Member’s explanatory statement*

*See explanatory note for Amendment 230.*

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

**240**

- ☆ Schedule 8, page 120, leave out lines 26 to 28

*Member’s explanatory statement*

*See explanatory note for Amendment 239.*

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

**243**

- ☆ Schedule 8, page 120, leave out lines 35 to 40

*Member’s explanatory statement*

*See explanatory note for Amendment 242.*

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.*

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**Immigration Bill, continued**

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

**238**

☆ Schedule 8, page 122, line 29, at end insert—

“(3A) If in the course of questioning or otherwise a person expresses to or in the presence of an immigration officer, a fear of return that may be a claim for asylum then the person shall be taken to the UK for that case to be considered.”

***Member’s explanatory statement***

*See explanatory note for Amendment 236.*

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

**232**

☆ Schedule 8, page 123, line 9, leave out “elsewhere” and insert “, at port or as conveniently as possible thereafter”

***Member’s explanatory statement***

*See explanatory note for Amendment 230.*

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.*

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

**235**

☆ Schedule 8, page 123, line 22, leave out “elsewhere” and insert “, at port or as conveniently as possible thereafter”

***Member’s explanatory statement***

*See explanatory note for Amendment 230.*

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**Immigration Bill, continued**

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

249

- ★ Schedule 8, page 124, line 4, leave out “elsewhere” and insert “, at port or as conveniently as possible thereafter”

*Member’s explanatory statement*

*See explanatory note for Amendment 230.*

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

252

- ★ Schedule 8, page 124, line 41, leave out “elsewhere” and insert “, at port or as conveniently as possible thereafter”

*Member’s explanatory statement*

*See explanatory note for Amendment 230.*

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

241

- ☆ Schedule 8, page 125, leave out lines 4 to 6

*Member’s explanatory statement*

*See explanatory note for Amendment 239.*

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

Anne McLaughlin

Gavin Newlands

Stuart C. McDonald

244

- ☆ Schedule 8, page 125, leave out lines 13 to 18

*Member’s explanatory statement*

*See explanatory note for Amendment 242.*

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**Immigration Bill, continued**

Stuart C. McDonald  
Anne McLaughlin  
Gavin Newlands

246

- ☆ Clause 43, page 39, line 23, at end insert—  
“(4) This Part does not apply to Scotland.”

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*NEW CLAUSES*

James Brokenshire

NC14

- ☆ To move the following Clause—

**“Private hire vehicles etc**

- (1) Schedule (*Private hire vehicles etc*) (private hire vehicles etc) has effect.
- (2) The Secretary of State may by regulations make provision which—
  - (a) has a similar effect to the amendments made by Schedule (*Private hire vehicles etc*), and
  - (b) applies in relation to Scotland or Northern Ireland.
- (3) Regulations under subsection (2) may—
  - (a) amend, repeal or revoke any enactment;
  - (b) confer functions on any person.
- (4) Regulations under subsection (2) may not confer functions on—
  - (a) the Scottish Ministers,
  - (b) the First Minister and deputy First Minister in Northern Ireland,
  - (c) a Northern Ireland Minister, or
  - (d) a Northern Ireland department.
- (5) In this section “enactment” includes—
  - (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
  - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
  - (c) an enactment contained in, or in an instrument made under, Northern Ireland legislation.”

***Member’s explanatory statement***

*This new clause inserts a new Schedule NS1 which amends the licensing regimes for taxis and private hire vehicles in England and Wales. It also contains a regulation-making power to amend the legislation in Scotland and Northern Ireland to equivalent effect as that Schedule.*

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**Immigration Bill, *continued***

James Brokenshire

NC15

☆ To move the following Clause—

**“Supply of information to Secretary of State**

- (1) Section 20 of the Immigration and Asylum Act 1999 (supply of information to Secretary of State) is amended in accordance with subsections (2) to (10).
- (2) For the heading substitute “Power to supply information etc to Secretary of State”.
- (3) In subsection (1) for paragraphs (a) to (f) substitute—
  - “(a) a public authority, or
  - (b) any specified person, for purposes specified in relation to that person.”
- (4) In subsection (1A) in each of paragraphs (a) and (b) for “a person listed in subsection (1) or someone acting on his behalf” substitute “a public authority or someone acting on behalf of a public authority”.
- (5) After subsection (1A) insert—
  - “(1B) This section does not apply to—
    - (a) information which is held by the Crown Prosecution Service, or
    - (b) a document or article which comes into the possession of, or is discovered by, the Crown Prosecution Service, or someone acting on behalf of the Crown Prosecution Service,
 if section 40 of the UK Borders Act 2007 applies to the information, document or article.”
- (6) After subsection (2A) insert—
  - “(2B) Subsection (2A)(a) does not affect any other power of the Secretary of State to retain a document or article.”
- (7) In subsection (3) after paragraph (d) insert—
  - “(da) anything else that is done in connection with the exercise of a function under any of the Immigration Acts;”.
- (8) After subsection (3) insert—
  - “(3A) “Public authority” means a person with functions of a public nature but does not include—
    - (a) Her Majesty’s Revenue and Customs,
    - (b) either House of Parliament or a person exercising functions in connection with proceedings in Parliament,
    - (c) the Scottish Parliament or a person exercising functions in connection with proceedings in the Scottish Parliament,
    - (d) the National Assembly for Wales or a person exercising functions in connection with proceedings in that Assembly, or
    - (e) the Northern Ireland Assembly or a person exercising functions in connection with proceedings in that Assembly.”
- (9) Omit subsection (4).
- (10) After subsection (6) insert—
  - “(7) Nothing in this section authorises information, a document or an article to be supplied if to do so would contravene a restriction on the disclosure of information (however imposed).”

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**Immigration Bill, *continued***

(11) After section 20 of the Immigration and Asylum Act 1999 insert—

**“20A Duty to supply nationality documents to Secretary of State**

- (1) This section applies to a nationality document which the Secretary of State has reasonable grounds for believing is lawfully in the possession of a person listed in Schedule A1.
- (2) The Secretary of State may direct the person to supply the document to the Secretary of State if the Secretary of State suspects that—
  - (a) a person to whom the document relates may be liable to removal from the United Kingdom in accordance with a provision of the Immigration Acts, and
  - (b) the document may facilitate the removal.
- (3) A person to whom a direction is given must, as soon as is practicable, supply the document to the Secretary of State.
- (4) If the document was originally created in hard copy form and the person possesses the original document, it must be supplied to the Secretary of State unless it is required by the person for the performance of any of the person’s functions.
- (5) If the original document is required by the person for the performance of any of the person’s functions—
  - (a) the person must, as soon as is practicable, supply a copy of the document to the Secretary of State, and
  - (b) if subsequently the person no longer requires the original document, the person must supply it to the Secretary of State as soon as is practicable after it is no longer required.
- (6) Subsection (5)(b) does not apply if the Secretary of State notifies the person that the original document is no longer required.
- (7) If subsection (5) applies the person may make a copy of the original document before supplying it to the Secretary of State.
- (8) The Secretary of State may retain a nationality document supplied under this section while the Secretary of State suspects that—
  - (a) a person to whom the document relates may be liable to removal from the United Kingdom in accordance with a provision of the Immigration Acts, and
  - (b) retention of the document may facilitate the removal.
- (9) Subsection (8) does not affect any other power of the Secretary of State to retain a document.
- (10) The Secretary of State may dispose of a nationality document supplied under this section in such manner as the Secretary of State thinks appropriate.
- (11) Nothing in this section authorises or requires a document to be supplied if to do so would contravene a restriction on the disclosure of information (however imposed).
- (12) The Secretary of State may by regulations amend Schedule A1 so as to add, modify or remove a reference to a person or description of person.
- (13) Regulations under subsection (12) may not amend Schedule A1 so as to apply this section to—

**Immigration Bill, continued**

- (a) either House of Parliament or a person exercising functions in connection with proceedings in Parliament,
  - (b) the Scottish Parliament or a person exercising functions in connection with proceedings in the Scottish Parliament,
  - (c) the National Assembly for Wales or a person exercising functions in connection with proceedings in that Assembly, or
  - (d) the Northern Ireland Assembly or a person exercising functions in connection with proceedings in that Assembly.
- (14) In this section “nationality document” means a document which might—
- (a) establish a person’s identity, nationality or citizenship, or
  - (b) indicate the place from which a person has travelled to the United Kingdom or to which a person is proposing to go.”
- (12) In section 166 of the Immigration and Asylum Act 1999 (regulations and orders)—
- (a) after subsection (5) insert—
    - “(5A) No regulations under section 20A(12) which amend Schedule A1 so as to—
      - (a) add a reference to a person or description of person, or
      - (b) modify a reference to a person or description of person otherwise than in consequence of a change of name or transfer of functions,
 are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.”,
 and
    - (b) in subsection (6), before the “or” at the end of paragraph (a) insert—
      - “(ab) under section 20A(12) and which falls within subsection (5A).”.
- (13) Before Schedule 1 to the Immigration and Asylum Act 1999 insert the Schedule A1 set out in Schedule (*Duty to supply nationality documents to Secretary of State: persons to whom duty applies*.)”

**Member’s explanatory statement**

*This amendment expands the information gateway in section 20 of the Immigration and Asylum Act 1999 for the voluntary supply of information to the Secretary of State for immigration purposes. It also places a duty on authorities listed in new Schedule A1 to that Act (see NS2) to supply nationality documents to the Secretary of State where directed to do so.*

James Brokenshire

NC16

☆ To move the following Clause—

**“Detention etc. by immigration officers in Scotland**

- (1) Section 26B(1) of the Criminal Law (Consolidation) (Scotland) Act 1995 (interpretation of Part 3) is amended as follows.
- (2) In the definition of “immigration offence”—
  - (a) after “means” insert “— (a)”, and

**Immigration Bill, continued**

- (b) at the end of paragraph (a) insert “, or  
 (b) (insofar as it is not an offence within paragraph (a)) an offence under the Immigration Acts or in relation to which a power of arrest is conferred on an immigration officer by the Immigration Acts;”.
- (3) In the definition of “immigration enforcement offence”, omit paragraph (a).”

**Member’s explanatory statement**

*This amendment ensures that the Scottish powers of detention prior to arrest and of arrest without warrant apply to all immigration offences contained in, or for which an immigration officer has a power of arrest under, the Immigration Acts. It ensures consistency in the immigration-related criminal investigation powers of immigration officers across the United Kingdom.*

Richard Fuller  
Paul Blomfield

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  
Paul Blomfield

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

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**Immigration Bill, *continued***

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

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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.*

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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
  - (b) no illegal working compliance order is made (whether or not an application is made for such an order)

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**Immigration Bill, *continued***

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.*

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**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.*

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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.*

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**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.*

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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*

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**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.*

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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.”

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**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.*

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Mr David Burrowes

NC13

☆ To move the following Clause—

**“Automatic deportation under the UK Borders Act 2007**

- (1) Section 32 of the UK Borders Act 2007 is amended as follows.
- (2) In subsection (2) leave out “12” and insert “6”.

***Member’s explanatory statement***

*This amendment would require that non-British citizens who commit offences and are sentenced to 6 months in prison are deported automatically.*

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**Immigration Bill, continued***NEW SCHEDULES*

James Brokenshire

NS1

☆ To move the following Schedule—

## “PRIVATE HIRE VEHICLES ETC

*Metropolitan Public Carriage Act 1869 (c. 115)*

- 1 The Metropolitan Public Carriage Act 1869 is amended as follows.
- 2 In section 8(7) (driver’s licence to be in force for three years unless suspended or revoked) for “A” substitute “Subject to section 8A, a”.
- 3 After section 8 insert—

**“8A Drivers’ licences for persons subject to immigration control**

- (1) Subsection (2) applies if—
  - (a) a licence under section 8 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”),
  - (b) the person’s leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision), and
  - (c) apart from subsection (2), the period for which the licence would have been in force would have ended after the end of the leave period.
- (2) Transport for London must grant the licence for a period which ends at or before the end of the leave period.
- (3) Subsection (4) applies if—
  - (a) a licence under section 8 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period, and
  - (b) the person’s leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
- (4) Transport for London must grant the licence for a period that does not exceed six months.
- (5) A licence under section 8 ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person’s immigration status from driving a hackney carriage.
- (6) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return to Transport for London—
  - (a) the licence,
  - (b) the person’s copy of the licence (if any), and
  - (c) the person’s driver’s badge.

**Immigration Bill, continued**

- (7) A person who, without reasonable excuse, contravenes subsection (6) is guilty of an offence and liable on summary conviction—
- (a) to a fine not exceeding level 3 on the standard scale, and
  - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.
- (8) For the purposes of this section a person is disqualified by reason of the person's immigration status from driving a hackney carriage if the person is subject to immigration control and —
- (a) the person has not been granted leave to enter or remain in the United Kingdom, or
  - (b) the person's leave to enter or remain in the United Kingdom—
    - (i) is invalid,
    - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
    - (iii) is subject to a condition preventing the individual from driving a hackney carriage.
- (9) Where a person is on immigration bail within the meaning of Part 1 of Schedule 5 to the Immigration Act 2016—
- (a) the person is to be treated for the purposes of this section as if the person had been granted leave to enter the United Kingdom, but
  - (b) any condition as to the person's work in the United Kingdom to which the person's immigration bail is subject is to be treated for those purposes as a condition of leave.
- (10) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.”

*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

- 4 The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.
- 5 (1) Section 51 (licensing of drivers of private hire vehicles) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) after “satisfied” insert “—(i)”, and
  - (b) for the “or” at the end of paragraph (a) substitute “and
    - (ii) that the applicant is not disqualified by reason of the applicant's immigration status from driving a private hire vehicle; or”.
- (3) After subsection (1) insert—
- “(1ZA) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant's immigration status from driving a private hire vehicle, a district council must have regard to any guidance issued by the Secretary of State.”
- 6 In section 53(1) (drivers' licences for hackney carriages and private hire vehicles)—
- (a) in paragraph (a) for “Every” substitute “Subject to section 53A, every”, and

**Immigration Bill, continued**

- (b) in paragraph (b) after “1889,” insert “but subject to section 53A,”.  
 7 After section 53 insert—

**“53A Drivers’ licences for persons subject to immigration control**

- (1) Subsection (2) applies if—
- (a) a licence within section 53(1)(a) or (b) is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”);
  - (b) the person’s leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision); and
  - (c) apart from subsection (2), the period for which the licence would have been in force would have ended after the end of the leave period.
- (2) The district council which grants the licence must specify a period in the licence as the period for which it remains in force; and that period must end at or before the end of the leave period.
- (3) Subsection (4) applies if—
- (a) a licence within section 53(1)(a) or (b) is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period; and
  - (b) the person’s leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
- (4) The district council which grants the licence must specify a period in the licence as the period for which it remains in force; and that period must not exceed six months.
- (5) A licence within section 53(1)(a) ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person’s immigration status from driving a private hire vehicle.
- (6) A licence within section 53(1)(b) ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person’s immigration status from driving a hackney carriage.
- (7) If subsection (5) or (6) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return the licence and the person’s driver’s badge to the district council which granted the licence.
- (8) A person who, without reasonable excuse, contravenes subsection (7) is guilty of an offence and liable on summary conviction—
- (a) to a fine not exceeding level 3 on the standard scale; and
  - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.”
- 8 (1) Section 55 (licensing of operators of private hire vehicles) is amended as follows.
- (2) In subsection (1)—
- (a) after “satisfied” insert “—(a)”, and

**Immigration Bill, continued**

- (b) at the end of paragraph (a) insert “; and
    - (b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant’s immigration status from operating a private hire vehicle.”
  - (3) After subsection (1) insert—
    - “(1A) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant’s immigration status from operating a private hire vehicle, a district council must have regard to any guidance issued by the Secretary of State.”
  - (4) In subsection (2) for “Every” substitute “Subject to section 55ZA, every”.
- 9 After section 55 insert—

**“55ZA Operators’ licences for persons subject to immigration control**

- (1) Subsection (2) applies if—
  - (a) a licence under section 55 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”);
  - (b) the person’s leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision); and
  - (c) apart from subsection (2), the period for which the licence would have been in force would have ended after the end of the leave period.
- (2) The district council which grants the licence must specify a period in the licence as the period for which it remains in force; and that period must end at or before the end of the leave period.
- (3) Subsection (4) applies if—
  - (a) a licence under section 55 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period; and
  - (b) the person’s leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
- (4) The district council which grants the licence must specify a period in the licence as the period for which it remains in force; and that period must not exceed six months.
- (5) A licence under section 55 ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person’s immigration status from operating a private hire vehicle.
- (6) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return it to the district council which granted the licence.
- (7) A person who, without reasonable excuse, contravenes subsection (6) is guilty of an offence and liable on summary conviction—
  - (a) to a fine not exceeding level 3 on the standard scale; and

**Immigration Bill, continued**

- (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.”
- 10 (1) Section 59 (qualification for drivers of hackney carriages) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) after “satisfied” insert “—(i)”, and
- (b) for the “or” at the end of paragraph (a) substitute “and
- (i) that the applicant is not disqualified by reason of the applicant’s immigration status from driving a hackney carriage; or”.
- (3) After subsection (1) insert—
- “(1ZA) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant’s immigration status from driving a hackney carriage, a district council must have regard to any guidance issued by the Secretary of State.”
- 11 In section 61(1) (suspension and revocation of drivers’ licences) before the “or” at the end of paragraph (a) insert—
- “(aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty;”.
- 12 In section 62(1) (suspension and revocation of operators’ licences) before the “or” at the end of paragraph (c) insert—
- “(ca) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty;”.
- 13 In section 77 (appeals) after subsection (3) insert—
- “(4) On an appeal under this Part of this Act or an appeal under section 302 of the Act of 1936 as applied by this section, the court is not entitled to entertain any question as to whether—
- (a) a person should be, or should have been, granted leave to enter or remain in the United Kingdom; or
- (b) a person has, after the date of the decision being appealed against, been granted leave to enter or remain in the United Kingdom.”
- 14 After section 79 insert—

**“79A Persons disqualified by reason of immigration status**

- (1) For the purposes of this Part of this Act a person is disqualified by reason of the person’s immigration status from carrying on a licensable activity if the person is subject to immigration control and —
- (a) the person has not been granted leave to enter or remain in the United Kingdom; or
- (b) the person’s leave to enter or remain in the United Kingdom—
- (i) is invalid;
- (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise); or
- (iii) is subject to a condition preventing the individual from carrying on the licensable activity.

**Immigration Bill**, *continued*

- (2) Where a person is on immigration bail within the meaning of Part 1 of Schedule 5 to the Immigration Act 2016—
  - (a) the person is to be treated for the purposes of this Part of this Act as if the person had been granted leave to enter the United Kingdom; but
  - (b) any condition as to the person's work in the United Kingdom to which the person's immigration bail is subject is to be treated for those purposes as a condition of leave.
- (3) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.
- (4) For the purposes of this section a person carries on a licensable activity if the person—
  - (a) drives a private hire vehicle;
  - (b) operates a private hire vehicle; or
  - (c) drives a hackney carriage.

**79B Immigration offences and immigration penalties**

- (1) In this Part of this Act “immigration offence” means—
  - (a) an offence under any of the Immigration Acts;
  - (b) an offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence within paragraph (a); or
  - (c) an offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence within paragraph (a).
- (2) In this Part of this Act “immigration penalty” means a penalty under—
  - (a) section 15 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”); or
  - (b) section 23 of the Immigration Act 2014 (“the 2014 Act”).
- (3) For the purposes of this Part of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty if—
  - (a) the person is excused payment by virtue of section 15(3) of that Act; or
  - (b) the penalty is cancelled by virtue of section 16 or 17 of that Act.
- (4) For the purposes of this Part of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
  - (a) the period for giving a notice of objection under section 16 of that Act has expired and the Secretary of State has considered any notice given within that period; and
  - (b) if a notice of objection was given within that period, the period for appealing under section 17 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.
- (5) For the purposes of this Part of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty if—

**Immigration Bill, continued**

- (a) the person is excused payment by virtue of section 24 of that Act; or
  - (b) the penalty is cancelled by virtue of section 29 or 30 of that Act.
- (6) For the purposes of this Part of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
- (a) the period for giving a notice of objection under section 29 of that Act has expired and the Secretary of State has considered any notice given within that period; and
  - (b) if a notice of objection was given within that period, the period for appealing under section 30 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.”

*Private Hire Vehicles (London) Act 1998 (c. 34)*

- 15 The Private Hire Vehicles (London) Act 1998 is amended as follows.
- 16 In section 1(1) (meaning of “private hire vehicle” etc)—
- (a) omit the “and” at the end of paragraph (a), and
  - (b) at the end of paragraph (b) insert “; and
  - (c) “operate”, in relation to a private hire vehicle, means to make provision for the invitation or acceptance of, or to accept, private hire bookings in relation to the vehicle.”
- 17 (1) Section 3 (London operator’s licences) is amended as follows.
- (2) In subsection (3) for the “and” at the end of paragraph (a) substitute—
- “(aa) if the applicant is an individual, the applicant is not disqualified by reason of the applicant’s immigration status from operating a private hire vehicle; and”
- (3) After subsection (3) insert—
- “(3A) In determining for the purposes of subsection (3) whether an applicant is disqualified by reason of the applicant’s immigration status from operating a private hire vehicle, the licensing authority must have regard to any guidance issued by the Secretary of State.”
- (4) In subsection (5) for “A” substitute “Subject to section 3A, a”.
- 18 After section 3 insert—
- “3A London PHV operator’s licences for persons subject to immigration control**
- (1) Subsection (2) applies if—
- (a) a London PHV operator’s licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”);
  - (b) the person’s leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision); and
  - (c) apart from subsection (2), the period for which the licence would have been granted would have ended after the end of the leave period.

**Immigration Bill, continued**

- (2) The licence must be granted for a period which ends at or before the end of the leave period.
- (3) Subsection (4) applies if—
- (a) a London PHV operator’s licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period; and
  - (b) the person’s leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
- (4) The licence must be granted for a period which does not exceed six months.
- (5) A London PHV operator’s licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person’s immigration status from operating a private hire vehicle.
- (6) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return it the licensing authority.
- (7) A person who, without reasonable excuse, contravenes subsection (6) is guilty of an offence and liable on summary conviction—
- (a) to a fine not exceeding level 3 on the standard scale; and
  - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.”
- 19 (1) Section 13 (London PHV driver’s licences) is amended as follows.
- (2) In subsection (2) for the “and” at the end of paragraph (a) substitute—
- “(aa) the applicant is not disqualified by reason of the applicant’s immigration status from driving a private hire vehicle; and”
- (3) After subsection (2) insert—
- “(2A) In determining for the purposes of subsection (2) whether an applicant is disqualified by reason of the applicant’s immigration status from driving a private hire vehicle, the licensing authority must have regard to any guidance issued by the Secretary of State.”
- (4) In subsection (5) at the beginning of paragraph (c) insert “subject to section 13A,”.
- 20 After section 13 insert—

**“13A London PHV driver’s licences for persons subject to immigration control**

- (1) Subsection (2) applies if—
- (a) a London PHV driver’s licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”);
  - (b) the person’s leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision); and
  - (c) apart from subsection (2), the period for which the licence would have been granted would have ended after the end of the leave period.

**Immigration Bill, continued**

- (2) The licence must be granted for a period which ends at or before the end of the leave period.
- (3) Subsection (4) applies if—
- (a) a London PHV driver's licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period; and
  - (b) the person's leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
- (4) The licence must be granted for a period which does not exceed six months.
- (5) A London PHV driver's licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person's immigration status from driving a private hire vehicle.
- (6) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return the licence and the person's driver's badge to the licensing authority.
- (7) A person who, without reasonable excuse, contravenes subsection (6) is guilty of an offence and liable on summary conviction—
- (a) to a fine not exceeding level 3 on the standard scale; and
  - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction."

21 (1) Section 16 (power to suspend or revoke licences) is amended as follows.

(2) In subsection (2) before the "or" at the end of paragraph (a) insert—

“(aa) the licence holder has, since the grant of the licence, been convicted of an immigration offence or required to pay an immigration penalty;”.

(3) In subsection (4) at the end of paragraph (a) insert—

“(aa) the licence holder has, since the grant of the licence, been convicted of an immigration offence or required to pay an immigration penalty;”.

22 In section 25 (appeals) after subsection (7) insert—

“(8) On an appeal under this Act to the magistrates' court or the Crown Court, the court is not entitled to entertain any question as to whether—

    - (a) a person should be, or should have been, granted leave to enter or remain in the United Kingdom; or
    - (b) a person has, after the date of the decision being appealed against, been granted leave to enter or remain in the United Kingdom.”

23 After section 35 insert—

**“35A Persons disqualified by reason of immigration status**

(1) For the purposes of this Act a person is disqualified by reason of the person's immigration status from carrying on a licensable activity if the person is subject to immigration control and —

**Immigration Bill, *continued***

- (a) the person has not been granted leave to enter or remain in the United Kingdom; or
  - (b) the person's leave to enter or remain in the United Kingdom—
    - (i) is invalid;
    - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise); or
    - (iii) is subject to a condition preventing the individual from carrying on the licensable activity.
- (2) Where a person is on immigration bail within the meaning of Part 1 of Schedule 5 to the Immigration Act 2016—
- (a) the person is to be treated for the purposes of this Part as if the person had been granted leave to enter the United Kingdom; but
  - (b) any condition as to the person's work in the United Kingdom to which the person's immigration bail is subject is to be treated for those purposes as a condition of leave.
- (3) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.
- (4) For the purposes of this section a person carries on a licensable activity if the person—
- (a) operates a private hire vehicle; or
  - (b) drives a private hire vehicle.

**35B Immigration offences and immigration penalties**

- (1) In this Act “immigration offence” means—
- (a) an offence under any of the Immigration Acts;
  - (b) an offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence within paragraph (a); or
  - (c) an offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence within paragraph (a).
- (2) In this Act “immigration penalty” means a penalty under—
- (a) section 15 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”), or
  - (b) section 23 of the Immigration Act 2014 (“the 2014 Act”).
- (3) For the purposes of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty if—
- (a) the person is excused payment by virtue of section 15(3) of that Act; or
  - (b) the penalty is cancelled by virtue of section 16 or 17 of that Act.
- (4) For the purposes of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
- (a) the period for giving a notice of objection under section 16 of that Act has expired and the Secretary of State has considered any notice given within that period; and

**Immigration Bill, continued**

- (b) if a notice of objection was given within that period, the period for appealing under section 17 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.
- (5) For the purposes of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty if—
- (a) the person is excused payment by virtue of section 24 of that Act; or
- (b) the penalty is cancelled by virtue of section 29 or 30 of that Act.
- (6) For the purposes of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
- (a) the period for giving a notice of objection under section 29 of that Act has expired and the Secretary of State has considered any notice given within that period; and
- (b) if a notice of objection was given within that period, the period for appealing under section 30 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.”

24 In section 36 (interpretation) at the appropriate place insert—  
 ““operate” has the meaning given in section 1(1).”

**Member’s explanatory statement**

*This amendment amends the licensing regimes for taxis and private hire vehicles in England and Wales to prevent illegal working in these sectors. It includes the addition of requirements for licence grant to be conditional on leave and for licence length to be limited by a person’s leave duration.*

James Brokenshire

NS2

☆ To move the following Schedule—

“DUTY TO SUPPLY NATIONALITY DOCUMENTS TO SECRETARY OF STATE: PERSONS TO WHOM DUTY APPLIES

25 This is the new Schedule A1 to the Immigration and Asylum Act 1999 referred to in section (*Supply of information to Secretary of State*)—

“SCHEDULE A1

Section 20A

PERSONS TO WHOM SECTION 20A APPLIES

*Law enforcement*

- 1 The chief officer of police for a police area in England and Wales.
- 2 The chief constable of the Police Service of Scotland.
- 3 The Chief Constable of the Police Service of Northern Ireland.

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**Immigration Bill, *continued***

- 4 The Chief Constable of the British Transport Police Force.
- 5 A Port Police Force established under an order made under section 14 of the Harbours Act 1964.
- 6 The Port Police Force established under Part 10 of the Port of London Act 1968.
- 7 A Port Police Force established under section 79 of the Harbours, Docks and Piers Clauses Act 1847.
- 8 The National Crime Agency.

*Local government*

- 9 A county council or district council in England.
- 10 A London borough council.
- 11 The Greater London Authority.
- 12 The Common Council of the City of London in its capacity as a local authority.
- 13 The Council of the Isles of Scilly.
- 14 A county council or a county borough council in Wales.
- 15 A council constituted under section 2 of the Local Government etc (Scotland) Act 1994.
- 16 A district council in Northern Ireland.

*Regulatory bodies*

- 17 The Gangmasters Licensing Authority.
- 18 The Security Industry Authority.

*Health bodies*

- 19 An NHS trust established under section 25 of the National Health Service Act 2006 or under section 18 of the National Health Service (Wales) Act 2006.
- 20 An NHS foundation trust within the meaning given by section 30 of the National Health Service Act 2006.
- 21 A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.
- 22 A National Health Service Trust established under section 12A of the National Health Service (Scotland) Act 1978.
- 23 A Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (SI 1991/194 (NI 1)).

*Registration officials*

- 24 The Registrar General for England and Wales.

**Immigration Bill, continued**

- 25 A superintendent registrar of births, deaths and marriages.
- 26 A registrar of births, deaths and marriages.
- 27 A civil partnership registrar within the meaning of Chapter 1 of Part 2 of the Civil Partnership Act 2004 (see section 29 of that Act).
- 28 The Registrar General for Scotland.
- 29 A district registrar within the meaning of section 7 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965.
- 30 A senior registrar within the meaning of that section.
- 31 An assistant registrar within the meaning of that section.
- 32 The Registrar General for Northern Ireland.
- 33 A person appointed under Article 31(1) or (3) of the Marriage (Northern Ireland) Order 2003 (SI 2003/413 (NI 3)).
- 34 A person appointed under section 152(1) or (3) of the Civil Partnership Act 2004.

*Other bodies: Northern Ireland*

- 35 The Northern Ireland Housing Executive.”

**Member’s explanatory statement**

*This amendment inserts a new Schedule A1 into the Immigration and Asylum Act 1999 listing the bodies which are subject to the duty to provide nationality documents to the Secretary of State under the new section 20A for that Act (see NC15).*

James Brokenshire

Clause 53, page 44, line 15, after “State” insert “or the Chancellor of the Duchy of Lancaster” 37

**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

☆ Clause 53, page 44, line 23, at end insert— 245

“( ) regulations under section (*Private hire vehicles etc*)(2),”

**Member’s explanatory statement**

*This amendment provides for regulations making provision regarding taxis and private hire vehicles in Scotland and Northern Ireland to be subject to the affirmative resolution procedure.*

James Brokenshire

Clause 53, page 44, line 39, after “State” insert “or the Chancellor of the Duchy of 38

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**Immigration Bill, continued**

Lancaster”

**Member’s explanatory statement**

*See the explanatory statement for amendment 37.*

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.*

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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 housing 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.*

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**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.*

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**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.

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**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.

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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 15 October:*

NC2

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