



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Tuesday 20 October 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: 12-21, 37-39, S1-11, S22-36

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This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end.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

James Brokenshire

1

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

“() After subsection (5) insert—

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

Member’s explanatory statement

This amendment requires a licensing authority to notify the Secretary of State of its decision to cancel an interim authority notice where the Secretary of State has given notice under section 48(2B) of the Licensing Act 2003 that granting the interim authority notice would be prejudicial to the prevention of illegal working.

James Brokenshire

2

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

“() In subsection (5)—

Immigration Bill, continued

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

Member’s explanatory statement

This amendment ensures that a chief officer of police may have regard to an applicant being required to pay an immigration penalty when considering whether granting a personal licence would undermine the crime prevention objective.

James Brokenshire

3

- ★ Schedule 1, page 53, line 11, leave out sub-paragraph (3) and insert—
 - “() In subsection (3)—
 - (a) in paragraph (a)—
 - (i) for “applicant” substitute “licence holder”;
 - (ii) for “, and” substitute “which occurred before the end of the application period.”;
 - (b) in paragraph (b), after “relevant offence” insert “and which occurred before the end of the application period.”;
 - (c) at the end of paragraph (b) insert “and
 - (c) the licence holder having been required before the end of the application period to pay any immigration penalty.”;
 - (d) in the words after paragraph (b), omit “which occurred before the end of the application period.”.

Member’s explanatory statement

See the explanatory statement for amendment 2.

James Brokenshire

4

- ★ Schedule 1, page 53, line 20, leave out “applicant” and insert “licence holder”
 - Member’s explanatory statement**
 - This amendment and amendments 5 and 6 substitute “licence holder” for “applicant” to be consistent with the other amendments to section 124 of the Licensing Act 2003.*

James Brokenshire

5

- ★ Schedule 1, page 53, line 22, leave out “applicant” and insert “licence holder”
 - Member’s explanatory statement**
 - See the explanatory statement for amendment 4.*

James Brokenshire

6

- ★ Schedule 1, page 53, line 26, leave out “applicant” and insert “licence holder”
 - Member’s explanatory statement**
 - See the explanatory statement for amendment 4.*

James Brokenshire

7

- ★ Schedule 1, page 54, line 7, leave out sub-paragraph (6) and insert—

Immigration Bill, continued

“() After subsection (5) insert—

“(5A) Where the authority revokes or decides not to revoke a licence under subsection (4)(b)(ii) it must also notify the Secretary of State of the decision and its reasons for making it.””

Member’s explanatory statement

This amendment requires a licensing authority to notify the Secretary of State of its decision whether or not to revoke a personal licence where the Secretary of State has served an immigration objection notice under section 124(3B) of the Licensing Act 2003.

James Brokenshire

8

★ Schedule 1, page 56, line 24, at end insert—

“ In section 10 of the Licensing Act 2003, (sub-delegation of functions by licensing committee etc), in subsection (4)(a), in sub-paragraphs (v), (vi) and (x), omit “police”.”

Member’s explanatory statement

This amendment makes consequential amendments to section 10 of the Licensing Act 2003.

James Brokenshire

9

★ Schedule 1, page 57, line 17, at end insert—

“ In the Police Reform and Social Responsibility Act 2011, omit sections 109(9) and (10) and 111(3) and (5).”

Member’s explanatory statement

This amendment makes consequential amendments to sections 109 and 111 of the Police Reform and Social Responsibility Act 2011.

James Brokenshire

10

★ Schedule 1, page 57, line 19, at end insert—

“ The amendments of sections 13, 16, 42, 47 and 120 of the Licensing Act 2003 made by paragraphs 3, 4, 6, 9 and 15 respectively of this Schedule do not apply in relation to applications made, or interim authority notices given, before the coming into force of the respective paragraph.”

Member’s explanatory statement

This amendment makes transitional provision to the effect that the amendments to sections 13, 16, 42, 47 and 120 of the Licensing Act 2003 do not apply in relation to applications made, or interim authority notices given, before the coming into force of the respective paragraph of Schedule 1 making the amendment.

James Brokenshire

11

★ Schedule 2, page 58, line 20, at end insert—

“() Where a person is on immigration bail within the meaning of Part 1 of Schedule 5—

(a) the person is to be treated for the purposes of sub-paragraph (3) as if the person had been granted leave to enter the United Kingdom, but

Immigration Bill, continued

- (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."

Member's explanatory statement

This amendment ensures that individuals on immigration bail who are granted permission to work in the United Kingdom are not considered illegal workers for the purposes of illegal working closure notices and compliance orders. The amendment reflects the approach to immigration bail taken elsewhere in the Bill – for example in new section 24B(8) of the Immigration Act 1971 as inserted by clause 8.

James Brokenshire

- ★ Clause 12, page 10, line 26, leave out "33C (offences: landlords and agents)" and insert "33E (offences and eviction)" 12

Member's explanatory statement

Transitional measures in the Immigration Act 2014 limited the right to rent scheme to tenancy agreements entered into after the right to rent scheme had been commenced. This amendment clarifies that these transitional measures do not apply to sections 33D and 33E inserted by the Bill.

James Brokenshire

- ★ Clause 12, page 10, line 38, leave out ", and" 13

Member's explanatory statement

Section 37(4) of the Immigration Act 2014 makes provision for certain references in the Act to a "landlord" to mean any landlord where two or more persons jointly constitute the landlord. This amendment and amendments 14 and 17 amend section 37(4) to give the term "landlord" this meaning in new sections 33D and 33E as inserted by clause 13.

James Brokenshire

- ★ Clause 13, page 11, line 9, leave out "and (3)" and insert "to (3A)" 14

Member's explanatory statement

See the explanatory statement for amendment 13.

James Brokenshire

- ★ Clause 13, page 11, line 37, leave out "an adult" and insert "a person" 15

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.

James Brokenshire

- ★ Clause 13, page 11, leave out lines 39 to 41 and insert— 16

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

Member's explanatory statement

See the explanatory statement for amendment 15

Immigration Bill, continued

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.

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.

Immigration Bill, continued

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.

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

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.

Immigration Bill, continued

- 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 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.
- James Brokenshire 30
- ★ 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.
-
- 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.
- 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 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 34
- ★ Schedule 5, page 89, line 1, leave out “(5), (6), (7) and (8)” and insert “(4), (6), (7),

Immigration Bill, continued

(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.

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.

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—

Immigration Bill, continued

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

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.

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.

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.

Immigration Bill, continued

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;
 - (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

Immigration Bill, continued

<i>Date</i>	<i>Time</i>	<i>Witness</i>
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
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:

NC2