



House of Commons

Tuesday 27 October 2015

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

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

Amendments tabled since the last publication: 69-82 and NC6

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This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end.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
Kate Hollern
Mrs Emma Lewell-Buck
Sue Hayman

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

55

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

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

Member’s explanatory statement

To ensure that the functions of the Director of Labour Market Enforcement are exercised for the purpose of protecting those vulnerable to labour market exploitation and to make this explicit on the face of the Bill.

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

57

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

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

Member’s explanatory statement

To ensure that the labour market enforcement strategy sets out an assessment of the threats and obstacles to effective labour market enforcements and the remedies secured by victims of labour rights infringements and labour market offences.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

58

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

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

Member’s explanatory statement

To ensure that the functions of the Director of Labour Market Enforcement are exercised for the purpose of enforcing all existing labour market standards, rather than prioritising a limited number of areas, and to link the Director’s strategy with his or her assessment of non-compliance with labour market standards.

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

56

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

- “(3) The proposal mentioned in subsection (2)(b) must set out the resources required to—
 - (a) address the non-compliance in the labour market,

Immigration Bill, *continued*

- (b) overcome the threats and obstacles identified under subsection 2(b)(ia),
- (c) improve the provision of remedies for victims of non-compliance in the labour market.”

Member’s explanatory statement

To oblige the Director of Labour Market Enforcement to provide an assessment of the resources required for effective labour market enforcement and remedies for victims, rather than simply to determine how currently available resources should be allocated.

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

59

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

“(3A) Nothing in the strategy shall—

- (a) restrict, or
- (b) reduce the resources allocated to

the labour market enforcement functions as defined in Section 3(2) of this Act.”

Member’s explanatory statement

To clarify the relationship between the Director of Labour Market Enforcement and the UK’s existing labour inspection agencies, ensuring the current role, remit and resources of labour inspectorates are safeguarded.

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

60

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

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

Member’s explanatory statement

To expressly require engagement between civil society and the Director of Labour Market Enforcement in the development of the labour market enforcement strategy.

Immigration Bill, *continued*

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

65

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

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

Member’s explanatory statement

To include the remit of the Director of Labour Market Enforcement to cover functions relating to health and safety at work and child labour, functions carried out for the most part by local authorities.

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

66

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

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

Member’s explanatory statement

This a consequential amendment to amendment 65.

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

63

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

Immigration Bill, continued

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

64

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

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

Member’s explanatory statement

To ensure that labour market offences committed against all workers are included within the scope of the Director of Labour Market Enforcement’s work, irrespective of immigration status (as under subsection 2 of section 26 of the Gangmasters (Licensing) Act 2004).

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

Stuart C. McDonald Anne McLaughlin Gavin Newlands

62

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

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

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

Member’s explanatory statement

To ensure the Director of Labour Market Enforcement’s Annual Report links with his or her assessments about non-compliance in the labour market (and assessment of the remedies secured by victims and threats and obstacles to effective enforcement).

Immigration Bill, continued

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

61

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

Member’s explanatory statement

To prompt debate about the information hub proposed in Clause 6 of the Bill.

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

68

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

Member’s explanatory statement

To provide for a defence against the offence of illegal working.

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

67

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

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

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

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

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

(i) is invalid,

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

Immigration Bill, continued

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

Member’s explanatory statement

To adopt a test of recklessness rather than negligence for the offence of employing an illegal worker, so as to avoid discriminatory employment practices by employers.

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

40

Page 7, line 26, leave out Clause 10

Member’s explanatory statement

This would omit the new licensing/illegal working scheme for the Bill and maintain the status quo.

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)—

- (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”;

Immigration Bill, continued

- (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—

“() 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.

Immigration Bill, continued

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.

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

41

Page 46, line 2, leave out Schedule 1

Member’s explanatory statement

The proposed amendment would omit the new licensing/illegal working scheme for the Bill and maintain the status quo.

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

42

Page 8, line 4, leave out Clause 11

Member’s explanatory statement

The proposed amendment will remove bill provisions as to illegal working closure notices and illegal working orders.

James Brokenshire

11

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

Immigration Bill, continued

“() 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
- (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.

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

43

Page 57, line 33, leave out Schedule 2

Member’s explanatory statement

The proposed amendment will remove bill provisions as to illegal working closure notices and illegal working orders.

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

71

★ Clause 12, page 8, line 31, at end insert—

- “(d) the landlord has commenced action under sections 33D or 33E within two months of becoming aware that the adult mentioned in subsections (2) was disqualified as a result of their immigration status.”

Member’s explanatory statement

This amendment would provide a defence for landlords who are being prosecuted under Clause 12 if they can show they commenced eviction procedures within 2 months of becoming aware that the tenant was disqualified because of their immigration status.

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

72

★ Clause 12, page 9, line 37, at end insert—

- “(6) The agent does not commit an offence under subsection (2) or (4) if the agent is also a resident of the property in subsection (1).”

Member’s explanatory statement

This amendment aims to ensure that co-tenants (who would normally be described as house

Immigration Bill, continued

sharers), who also act as agent, cannot be held liable for their landlord's contravention of Section 22 of the Immigration Act 2014.

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.

Sarah Champion

Keir Starmer

Paul Blomfield

Sue Hayman

Kate Hollern

Mrs Emma Lewell-Buck

★ Clause 12, page 11, line 6, at end insert— 73

“(3) Before implementing measures under subsection (2), the Secretary of State must prepare a report on the likely impact of the measures and lay it before each House of Parliament.

(4) A report under subsection (3) must include:

(a) The likely impact of measures contained within this Section on individuals who have a protected characteristic as defined in Part 2, Chapter 1 of the Equality Act 2010.

(b) The likely impact of measures contained within this Section on British Citizens who do not hold a Passport or UK Driving Licence.”

Member's explanatory statement

This amendment would require the Home Secretary to lay a report before Parliament on the likely impact of Clause 12 on (a) minority groups and (b) British citizens without passports or driving licences before the provisions came into force.

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.

Immigration Bill, continued

James Brokenshire

69

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

“() The notice may be given—

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

(b) by leaving it at the premises,

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

(d) in any other prescribed manner.”

Member’s explanatory statement

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

James Brokenshire

15

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

Member’s explanatory statement

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

James Brokenshire

16

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

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

Member’s explanatory statement

See the explanatory statement for amendment 15

James Brokenshire

17

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

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

(v) section 33D, and

(vi) section 33E.”

Member’s explanatory statement

See the explanatory statement for amendment 13.

James Brokenshire

18

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

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

Member’s explanatory statement

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

Immigration Bill, continued

James Brokenshire

19

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

Member’s explanatory statement

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

James Brokenshire

20

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

Member’s explanatory statement

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

James Brokenshire

21

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

Member’s explanatory statement

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

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

78

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

Member’s explanatory statement

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

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

79

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

Member’s explanatory statement

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

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

80

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

Member’s explanatory statement

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

Immigration Bill, continued

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

81

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

Member's explanatory statement

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

Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

82

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

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

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

Member's explanatory statement

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

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

75

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

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

Member's explanatory statement

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

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

76

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

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

Member's explanatory statement

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

Immigration Bill, continued

- James Brokenshire 44
- Clause 17, page 20, line 33, leave out “as to whether” and insert “not”
Member’s explanatory statement
This amendment and amendment 45 clarify that a vehicle must be released where a decision is taken not to institute criminal proceedings for the offence of driving when unlawfully in the United Kingdom.
- James Brokenshire 45
- Clause 17, page 20, line 35, leave out “have been” and insert “are”
Member’s explanatory statement
See the explanatory statement for amendment 44.
- James Brokenshire 46
- Clause 17, page 20, line 45, at end insert—
“() A power in subsection (1) or (3) may be exercised by a senior officer or constable at any place at which the senior officer or constable is lawfully present.”
Member’s explanatory statement
This amendment makes clear that a vehicle can be detained by a senior officer or constable at any place they are lawfully present.
- Sarah Champion
Keir Starmer
Paul Blomfield
Sue Hayman
Kate Hollern
Mrs Emma Lewell-Buck 74
- ★ Clause 17, page 21, line 30, at end insert—
“(10A) Before laying regulations to bring Section 24D into force, the Secretary of State must ensure a pilot of the arrangements takes place.
(10B) Following the completion of the pilot mentioned in subsection (10A) the Secretary of State must prepare a report and lay it before each House of Parliament.
(10C) The pilot mentioned in subsection (1) must take place in a minimum of two police force areas and last for a minimum of six months.”
Member’s explanatory statement
This amendment would ensure that the Home Secretary conducted a pilot of the proposed powers to allow police forces to confiscate the cars of suspected illegal immigrants before the measures were introduced.
- James Brokenshire 47
- Clause 17, page 21, line 32, at end insert—
“24DA Powers to enter premises to detain motor vehicle
(1) A senior officer or a constable may enter and search any premises for the purposes of detaining a vehicle under section 24D.
(2) The power in subsection (1) may be exercised—
(a) only to the extent that it is reasonably required for that purpose, and

Immigration Bill, continued

- (b) only if the senior officer or constable knows that a vehicle which may be detained under section 24D is to be found on the premises.
- (3) The power in subsection (1) may be exercised—
 - (a) by a senior officer (“S”) only if S produces identification showing that S is an immigration officer (whether or not S is asked to do so);
 - (b) by a constable (“C”) only if C produces identification showing that C is a constable (whether or not C is asked to do so).
- (4) Subsection (5) applies if, on an application by a senior officer or constable, a justice of the peace is satisfied that there are reasonable grounds for suspecting that a vehicle which may be detained under section 24D may be found on premises mentioned in subsection (6).
- (5) The justice of the peace may issue a warrant authorising any senior officer or constable to enter, if need be by force, the premises for the purpose of searching for and detaining the vehicle.
- (6) The premises referred to in subsection (4) are—
 - (a) one or more sets of premises specified in the application, or
 - (b) subject to subsection (10), any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an “all premises warrant”).
- (7) If the application is for an all premises warrant, the justice of the peace must also be satisfied—
 - (a) that there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application in order to find the vehicle, and
 - (b) that it is not reasonably practicable to specify in the application all the premises which the person occupies or controls and which might need to be searched.
- (8) Subject to subsection (10), the warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which the justice issues the warrant.
- (9) If it authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.
- (10) A justice of the peace in Scotland may not issue—
 - (a) an all premises warrant under this section authorising entry on premises by a constable, or
 - (b) a warrant under this section authorising multiple entries by a constable.
- (11) In the application of this section to Scotland, references to a justice of the peace are to be read as references to the sheriff or a justice of the peace.
- (12) In this section “senior officer” means an immigration officer not below the rank of chief immigration officer.”

Member’s explanatory statement

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

Immigration Bill, continued

James Brokenshire

48

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

- “() In section 16(2A)(b) of the Police and Criminal Evidence Act 1984 (powers of persons accompanying constables in execution of warrants) after “seizure” insert “or detention”.
- () In Article 18(2A)(b) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (SI 1989/1341 (NI 22)) (powers of persons accompanying constables in execution of warrants) after “seizure” insert “or detention”.
- () In section 146(2) of the Immigration and Asylum Act 1999 (use of reasonable force) before paragraph (a) insert—
 - “(za) section 24DA(1) (powers to enter premises to detain motor vehicle),”.

Member’s explanatory statement

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

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.

Immigration Bill, continued

- James Brokenshire 49
- Schedule 4, page 75, line 40, after “section” insert “24DA(6)(b),”
Member’s explanatory statement
This amendment and amendments 50 to 53 ensure that the provisions regarding warrants in sections 28J and 28K of the Immigration Act 1971 as amended by Schedule 4 also apply to a warrant obtained for entering premises to detain a vehicle.
- James Brokenshire 50
- Schedule 4, page 75, line 43, after “section” insert “24DA(8),”
Member’s explanatory statement
See the explanatory statement for amendment 49.
- James Brokenshire 51
- Schedule 4, page 76, line 5, after “seizure” insert “or detention”
Member’s explanatory statement
See the explanatory statement for amendment 49.
- James Brokenshire 26
- Schedule 4, page 76, line 23, after “(8B)” insert “Subject to subsection (8C),”
Member’s explanatory statement
This amendment and amendment 27 reflect Scottish criminal law by removing the requirement for immigration search warrants obtained in Scotland to be returned to the clerk of the district court or the sheriff clerk after they have been executed, allowing for them to be retained for use by the Procurator Fiscal in court.
- James Brokenshire 27
- Schedule 4, page 76, line 28, at end insert—
“(8C) Subsection (8B) does not apply to a warrant issued by a justice of the peace in Scotland or by the sheriff if the warrant has been executed.”
Member’s explanatory statement
See the explanatory statement for amendment 26.
- James Brokenshire 28
- Schedule 4, page 76, line 33, leave out from “warrant” to end of line 35 and insert
“which is not an all premises warrant;”
Member’s explanatory statement
See the explanatory statement for amendment 24.
- James Brokenshire 52
- Schedule 4, page 76, line 37, after “section” insert “24DA(6)(b),”
Member’s explanatory statement
See the explanatory statement for amendment 49.

Immigration Bill, continued

- James Brokenshire 53
- Schedule 4, page 76, line 40, after “section” insert “24DA(8),”
Member’s explanatory statement
See the explanatory statement for amendment 49.
- James Brokenshire 29
- Schedule 4, page 77, line 8, leave out from “application” to “, or” in line 10
Member’s explanatory statement
See the explanatory statement for amendment 24.
- 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 54
- Schedule 5, page 84, line 9, at end insert—
“() Sections 28J and 28K of the Immigration Act 1971 (warrants: application and execution) apply, with any necessary modifications, to warrants under subparagraph (3).”
Member’s explanatory statement
This amendment provides for the supplementary provisions about warrants in sections 28J and 28K of the Immigration Act 1971 to apply to warrants issued under Schedule 5 for entry into premises to search for and arrest named persons.
- 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 33
- Schedule 5, page 88, line 30, leave out “(2)(a)” and insert “(1)(a)”
Member’s explanatory statement
See the explanatory statement for amendment 32.
- James Brokenshire 32
- Schedule 5, page 88, line 41, at end insert—
“ Paragraph 4(2)(d) (arrangements under electronic monitoring condition) has effect as if for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”.

Immigration Bill, continued

Paragraph 5(5) (payment of sum under financial condition) has effect as if for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”.

Member’s explanatory statement

The Bill already makes provision for bail conditions to be applied by both the First-tier Tribunal and the Special Immigration Appeals Commission. This amendment inserts some further consequential provision to give this full effect.

James Brokenshire

34

Schedule 5, page 89, line 1, leave out “(5), (6), (7) and (8)” and insert “(4), (6), (7), (8) and (9)”

Member’s explanatory statement

See the explanatory statement for amendment 32.

James Brokenshire

35

Schedule 5, page 89, line 4, leave out “(5) and (9)” and insert “(4), (6) and (10)”

Member’s explanatory statement

See the explanatory statement for amendment 32.

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.

NEW CLAUSES

Richard Fuller

NC1

To move the following Clause—

“Detention of persons – exempted persons

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

“(5) A person may not be detained under this paragraph if they are a member of one or more of the following groups of person—

- (a) Pregnant women;
- (b) Victims of trafficking;
- (c) Victims of torture;
- (d) Victims of sexual violence;
- (e) Any other group as may be prescribed by the Secretary of State.”

Member’s explanatory statement

This amendment would provide that pregnant women, victims of trafficking, torture and sexual

Immigration Bill, continued

violence, and any other group prescribed by the Secretary of State, may not be detained pending an examination or decision by an immigration officer.

Richard Fuller

NC3

To move the following Clause—

“Time limit on detention

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

- “(5) Subject to regulations under subsection (6), a person detained under this paragraph must be released on bail in accordance with Schedule 5 to the Immigration Act 2016 after no later than the twenty-eighth day following that on which the person was detained.
- (6) The Secretary of State may by regulations make provision to vary by category of person the time limit under subsection (5).”
-

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

NC4

To move the following Clause—

“Extension of the Gangmasters Licensing Authority remit

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

Member’s explanatory statement

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

Immigration Bill, continued

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)
 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.

Immigration Bill, continued

- (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.

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.

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.

Immigration Bill, continued

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.

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.

Sarah Champion

Keir Starmer

Paul Blomfield

Sue Hayman

Kate Hollern

Mrs Emma Lewell-Buck

77

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

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

Member’s explanatory statement

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

ORDER OF THE HOUSE [13 OCTOBER 2015]

That the following provisions shall apply to the Immigration Bill:

Committal

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

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously

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concluded) be brought to a conclusion on Tuesday 17 November 2015.

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

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

Other proceedings

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

ORDER OF THE COMMITTEE [20 OCTOBER 2015]

That—

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

Immigration Bill, continued

<i>Date</i>	<i>Time</i>	<i>Witness</i>
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
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.

Immigration Bill, *continued*

NOTICES WITHDRAWN

The following Notices were withdrawn on 15 October:

NC2
