



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 27 November 2015

New Amendments handed in are marked thus ★

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

CONSIDERATION OF BILL (REPORT STAGE)

IMMIGRATION BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

NEW CLAUSES

Secretary Theresa May

NC3

To move the following Clause—

“Transfer of responsibility for relevant children

- (1) This section applies in relation to a local authority in England (“the first authority”) if—
 - (a) the authority has functions under any of the provisions of or made under Part 3, 4 or 5 of the Children Act 1989 (support for children and families and care, supervision and protection of children) (“the relevant provisions”) in relation to a relevant child, or
 - (b) functions under any of the relevant provisions may be conferred on the authority in relation to a relevant child.
- (2) The first authority may make arrangements with another local authority in England (“the second authority”) under which—

Immigration Bill, *continued*

- (a) if this section applies to the authority by virtue of paragraph (a) of subsection (1), the functions mentioned in that paragraph become functions of the second authority in relation to the relevant child, and
 - (b) if this section applies to the authority by virtue of paragraph (b) of subsection (1), the functions mentioned in that paragraph become functions that may be conferred on the second authority in relation to the relevant child.
- (3) The effect of arrangements under this section is that, from the time at which the arrangements have effect in accordance with their terms—
- (a) functions under the relevant provisions cease to be functions of, and may not be conferred on, the first authority in relation to the relevant child (“C”),
 - (b) any of the relevant provisions which immediately before that time applied in relation to C as a result of C’s connection with the first authority or the area of the first authority have effect as if C had that connection with the second authority or the area of the second authority (if that would not otherwise be the case), and
 - (c) C is to be treated for the purposes of the relevant provisions as if C were not and had never been ordinarily resident in the area of the first authority (if that would otherwise be the case).
- (4) Subsection (3)(b) is subject to any change in C’s circumstances after the time at which the arrangements have effect.
- (5) Nothing in subsection (3) affects any liability of the first authority in relation to C for any act or omission of the first authority before the time at which the arrangements have effect.
- (6) The Secretary of State may by regulations make further provision about the effect of arrangements under this section.
- (7) Arrangements under this section may not be brought to an end by the first or second authority once they have come into effect.
- (8) In this section “local authority” means a local authority within the meaning of the Children Act 1989 (see section 105(1) of that Act).
- (9) In this section “relevant child” means—
- (a) a person under the age of 18 who is unaccompanied and has made a protection claim which has not been determined, or
 - (b) a person under the age of 18 who is unaccompanied and who—
 - (i) requires leave to enter or remain in the United Kingdom but does not have it, and
 - (ii) is a person of a kind specified in regulations made by the Secretary of State.
- (10) The Secretary of State may by regulations make provision about the meaning of “unaccompanied” for the purposes of subsection (9).
- (11) In subsection (9)—
- (a) “protection claim” has the meaning given by section 82(2) of the Nationality, Immigration and Asylum Act 2002, and
 - (b) the reference to a protection claim having been determined is to be construed in accordance with section 94(3) of the Immigration and Asylum Act 1999.”

Member’s explanatory statement

This new clause creates a mechanism in England to transfer responsibility for caring for particular

Immigration Bill, continued

categories of unaccompanied migrant children, including unaccompanied asylum seeking children, from one local authority to another.

Secretary Theresa May

NC4

To move the following Clause—

“Duty to provide information for the purposes of transfers of responsibility

- (1) The Secretary of State may direct a local authority in England to provide information of the kind specified in subsection (2) to the Secretary of State for the purposes of enabling—
 - (a) arrangements to be made under section (*Transfer of responsibility for relevant children*), or
 - (b) the Secretary of State to exercise functions under section (*Scheme for transfer of responsibility for relevant children*).
- (2) The information mentioned in subsection (1) is—
 - (a) information about the support or accommodation provided to children who are looked after by the local authority within the meaning of the Children Act 1989;
 - (b) such other information as may be specified in regulations made by the Secretary of State.
- (3) A local authority which is directed to provide information under this section must provide it—
 - (a) in such form and manner as the Secretary of State may direct, and
 - (b) before such time or before the end of such period as the Secretary of State may direct.
- (4) In this section “local authority” has the same meaning as in section (*Transfer of responsibility for relevant children*).”

Member’s explanatory statement

This new clause enables the Secretary of State to direct local authorities in England to provide information about the support and accommodation provided to children in their care. This will inform arrangements made for the transfer of particular categories of unaccompanied migrant children from one local authority to another.

Secretary Theresa May

NC5

To move the following Clause—

“Request for transfer of responsibility for relevant children

- (1) Subsection (2) applies if—
 - (a) a local authority in England (“the first authority”) requests another local authority in England (“the second authority”) to enter into arrangements under section (*Transfer of responsibility for relevant children*), and
 - (b) the second authority does not comply with the first authority’s request.

Immigration Bill, continued

- (2) The Secretary of State may direct the second authority to provide the first authority and the Secretary of State with written reasons for its failure to comply with the request.
- (3) In this section “local authority” has the same meaning as in section (*Transfer of responsibility for relevant children*).

Member’s explanatory statement

This new clause enables the Secretary of State to direct the provision of written reasons as to why a local authority in England refuses to comply with a request to accept responsibility for an unaccompanied migrant child from another local authority.

Secretary Theresa May

NC6

To move the following Clause—

“Scheme for transfer of responsibility for relevant children

- (1) The Secretary of State may prepare a scheme for functions of, or which may be conferred on, a local authority in England (“the first authority”) to become functions of, or functions which may be conferred on, another local authority in England (“the second authority”) in accordance with arrangements under section (*Transfer of responsibility for relevant children*).
- (2) The scheme—
 - (a) must specify the local authorities to which it relates, and
 - (b) unless it relates to all relevant children who may be the subject of arrangements under that section between those authorities, must specify the relevant child or children, or descriptions of relevant children, to which it relates.
- (3) The Secretary of State may direct the first authority and the second authority to comply with the scheme.
- (4) A direction may not be given under subsection (3) unless the Secretary of State is satisfied that compliance with the direction will not unduly prejudice the discharge by the second authority of any of its functions.
- (5) Before giving a direction under subsection (3) to a local authority, the Secretary of State must give the authority notice in writing of the proposed direction.
- (6) The Secretary of State may not give a direction to a local authority before the end of the period of 14 days beginning with the day on which notice under subsection (5) was given to it.
- (7) The local authority may make written representations to the Secretary of State about the proposed direction within that period.
- (8) The Secretary of State may modify or withdraw a direction under subsection (3) by notice in writing to the local authorities to which it was given.
- (9) A modification or withdrawal of a direction does not affect any arrangements made under section (*Transfer of responsibility for relevant children*) pursuant to the direction before it was modified or withdrawn.
- (10) Subsections (5) to (7) apply to the modification or withdrawal of a direction as they apply to the giving of a direction, but as if—
 - (a) the reference to the proposed direction were to the proposed modification or proposal to withdraw the direction, and
 - (b) subsection (6) permitted the Secretary of State to withdraw the direction before the end of the 14 day period with the agreement of the local authorities to which it applies.

Immigration Bill, continued

- (11) In this section “local authority” and “relevant child” have the same meanings as in section (*Transfer of responsibility for relevant children*).

Member’s explanatory statement

This new clause creates a mechanism for the Secretary of State to require local authorities in England to co-operate in the transfer of particular categories of unaccompanied migrant children from one local authority to another.

Secretary Theresa May

NC7

To move the following Clause—

“Extension to Wales, Scotland and Northern Ireland

- (1) The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate for enabling any of the provisions of sections (*Transfer of responsibility for relevant children*) to (*Scheme for transfer of responsibility for relevant children*) to apply in relation to Wales, Scotland or Northern Ireland.
- (2) The Secretary of State may by regulations make provision which—
 - (a) has a similar effect to any of the provisions mentioned in subsection (1), and
 - (b) applies in relation to Wales, Scotland or Northern Ireland.
- (3) Regulations under subsection (1) or (2) may—
 - (a) amend, repeal or revoke any enactment (including an enactment contained in this Act);
 - (b) confer functions on any person (including a power to make regulations).
- (4) Regulations under subsection (1) or (2) may not confer functions on—
 - (a) the Welsh Ministers,
 - (b) the Scottish Ministers,
 - (c) the First Minister and deputy First Minister in Northern Ireland,
 - (d) a Northern Ireland Minister, or
 - (e) 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 or Measure of the National Assembly for Wales;
 - (c) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
 - (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation.”

Member’s explanatory statement

This new clause enables the Secretary of State to make regulations to extend any of the provisions made by NC3 to NC6 to Wales, Scotland and Northern Ireland. By virtue of amendment 5, such regulations will be subject to the draft affirmative procedure.

Immigration Bill, *continued*

Yvette Cooper
Tim Farron
Stuart C. McDonald
Caroline Lucas
Mr Alistair Carmichael
Shabana Mahmood

Tom Brake
Greg Mulholland

Mr George Howarth

Ms Karen Buck

NC1

To move the following Clause—

“Extended criteria for refugees joining refugee sponsors

- (1) Rules made by the Secretary of State under section 3 of the Immigration Act 1971, shall make provision for persons outside the United Kingdom to apply for family reunion with persons recognised as refugees in the United Kingdom, or granted humanitarian protection in the United Kingdom on or after 30 August 2005, who are their children, grandchildren, parents, grandparents, spouses, civil or unmarried partners or siblings.
- (2) Rules made under subsection (1) may—
 - (a) make provision for dependants of the persons therein mentioned;
 - (b) make provision for a person who the Secretary of State is satisfied was a dependant of the refugee or person granted humanitarian protection or a member of their household at the time the refugee or person granted humanitarian protection left the country of his habitual residence;
 - (c) restrict provision for siblings applying to join family in the UK to those who have not formed their own independent family unit outside of the UK.
- (3) Family members seeking leave to enter or remain in the United Kingdom must—
 - (a) be applicants who would not be excluded from protection by virtue of article 1F of the United Nations Convention and Protocol relating to the Status of Refugees if he were to seek asylum in his own right;
 - (b) be applicants who would not be excluded from humanitarian protection for any reason in the immigration rules in the United Kingdom.

Member’s explanatory statement

This amendment would allow those separated from their family, and who have refugee or humanitarian protection status in the UK, to sponsor family members beyond spouses or under-18 children to join them. It would also remedy an anomaly that prevents children with refugee status in the UK from sponsoring their parents to join them.

Immigration Bill, continued

Mr David Burrowes
Philip Davies
Mr Philip Hollobone

NC2

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) substitute “12” for “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.

Richard Fuller
Mr David Burrowes

NC8

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) a woman who—
 - (i) states that she is pregnant, where this is confirmed to be the case or,
 - (ii) is reasonably suspected to be pregnant by an immigration officer;
 - (b) a person whose initial claim for asylum to the United Kingdom was based on being a victim of one of the following:
 - (i) human trafficking;
 - (ii) torture;
 - (iii) sexual violence;
 - (c) a member of any other group as may be prescribed in regulations by the Secretary of State.”

Member’s explanatory statement

This amendment would provide that pregnant women, people who claimed asylum as victims of trafficking, torture or 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.

Immigration Bill, *continued*

Richard Fuller
Mr David Burrowes

NC9

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 subsection (6), no person shall be detained under this paragraph for more than 28 days.

(6) Subsection (5) shall not apply where the person detained under this paragraph has a criminal conviction with a sentence of imprisonment for three months or more.””

Member’s explanatory statement

This amendment provides that people shall not be detained pending an examination/a decision by an immigration officer for more than 28 days, unless they have a criminal conviction.

Mr Christopher Chope

NC10

☆ To move the following Clause—

“Offence of presence in the United Kingdom without legal authority

- (1) Any person who is present in the United Kingdom after 1 June 2016 without legal authority shall be guilty of an offence.
- (2) Any person who after 1 June 2016 enters or attempts to enter the United Kingdom without legal authority shall be guilty of an offence.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction—
 - (a) to imprisonment for a term not exceeding six months;
 - (b) to a fine which in Scotland or Northern Ireland may not exceed £5,000, or to both.
- (4) Any person who is convicted of an offence under subsection (1) shall be subject to a deportation order unless the Secretary of State deems such a deportation order to be against public interest.
- (5) For the purposes of subsection (2) above, a deportation order shall be deemed to be in the public interest unless a certificate to the contrary has been submitted by the Secretary of State to the court.”

Member’s explanatory statement

This new clause makes provision for criminal sanctions including deportation orders against those who have entered the United Kingdom illegally or who remain in the United Kingdom without legal authority. It adds to the existing offences under Section 24 of the Immigration Act 1971.

Immigration Bill, *continued*

Andy Burnham
Keir Starmer
Yvette Cooper
Paul Blomfield
Sarah Champion
Kate Hollern

Mrs Emma Lewell-Buck

Sue Hayman

Caroline Lucas

NC11

☆ To move the following Clause—

“Review of rules relating to refugee family reunion

- (1) The Secretary of State must undertake a review of the current rules on refugees or those granted humanitarian protection reuniting with close family members in the UK.
- (2) The review under subsection (1) must consider—
 - (a) the failure to implement Dublin Convention III, which allows for spouses or children under 18 with refugee status or those granted humanitarian protection to be reunited with family members in the UK;
 - (b) options for allowing British citizens to sponsor close family members recognised as refugees or granted humanitarian protection; and
 - (c) options for extending the criteria for family reunion to include children, grandchildren, parents, grandparents, spouses, civil or unmarried partners or siblings who have refugee status or have been granted humanitarian protection and have close family members in the UK.
- (3) This review under subsection (1) must be completed and a copy must be laid before Parliament within six months of this Act receiving Royal Assent.”

Mr Christopher Chope

NC12

☆ To move the following Clause—

“Right of residence: registration certificates

- (1) Section 7 of the Immigration Act 1988 is repealed.
- (2) Notwithstanding the provisions of the European Communities Act 1972, or any other enactment, any non-UK citizen resident in the United Kingdom without authority to remain in the United Kingdom provided by a valid visa, visa waiver, residence permit or other official permission must apply for a registration certificate to confirm their right of residence in the United Kingdom.
- (3) The Secretary of State shall by regulations prescribe the content of application forms for registration certificates and for the grounds on which an application made may be granted or refused and arrangements for appeals and final adjudications.
- (4) The Secretary of State shall establish the registration certificate scheme, comprising the matters mentioned in subsection (3) and such other matters as he thinks necessary and expedient, by 30 November 2016.
- (5) Any person present in the United Kingdom after 31st December 2016 without legal authority or without having applied on or before 31st December 2016 for a registration certificate under subsection (2) above shall be guilty of an offence.

Immigration Bill, *continued*

- (6) Any person who, after 31st December 2016, enters or attempts to enter the United Kingdom without legal authority shall be guilty of an offence.
- (7) A person guilty of an offence under subsections (5) or (6) is liable on summary conviction—
 - (a) to imprisonment for a term not exceeding six months; or
 - (b) to a fine which in Scotland or Northern Ireland may not exceed £5,000; or
 - (c) to both.
- (8) Any person who is convicted of an offence under subsections (5) or (6) shall be subject to a deportation order unless the Secretary of State deems such a deportation order to be against the public interest.
- (9) For the purposes of subsection (8) above, a deportation order shall be deemed to be in the public interest unless a certificate to the contrary has been submitted by the Secretary of State to the Court.
- (10) Any power to make regulations under this section is exercisable by statutory instrument.
- (11) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Mr David Burrowes
 Richard Fuller
 Paul Blomfield
 Andy Burnham
 Keir Starmer
 Sarah Champion

Stuart C McDonald
 Jess Phillips
 Paula Sheriff
 Dr Rupa Huq
 Mr Alistair Carmichael

Mrs Emma Lewell-Buck
 Mr Andrew Smith
 Louise Haigh
 Kate Hollern
 Caroline Spelman

Margaret Ferrier
 Chris Stephens
 Kate Osamor
 Sue Hayman

NC13

☆ To move the following Clause—

“Review of Immigration Detention

- (1) Before the end of the period of three months beginning on the day on which subsection (1) of section 32 comes into force, the Secretary of State must commission a report on detention under paragraph 16 of Schedule 2 to the Immigration Act 1971 that addresses the following matters—
 - (a) the process for, and detail of, introducing a statutory maximum limit of 28 days on the length of time an individual can be detained under that paragraph;
 - (b) how to reduce the number of people detained under that paragraph;
 - (c) how to minimise the length of time an individual is detained under that paragraph;
 - (d) the effectiveness of detention in meeting the Secretary of State’s objectives; and
 - (e) the effectiveness of procedures to review decisions to detain and to continue to detain.
- (2) The Report must be published by a panel appointed by the Secretary of State.

Immigration Bill, continued

- (3) The panel appointed under subsection (2) must be independently chaired.
- (4) On completion of the report, the Chair of the panel must send it to the Secretary of State.
- (5) The Secretary of State must lay before parliament a copy of the report received under subsection (4).”

Member’s explanatory statement

Reflecting the unanimous agreement of the House of Commons to the recommendations of the joint APPG on Refugees and APPG on Migration inquiry into immigration detention, the new clause requires the Secretary of State to appoint an independently-chaired panel to consider the issues raised therein and report to Parliament within three months of Schedule 7 to the Bill coming into force.

Mr Alistair Carmichael

NC14

☆ To move the following Clause—

“Minimum income requirement for partner visas

- (1) The Secretary of State shall within six months after this Act receives Royal Assent amend the Immigration Rules regarding a person applying for entry clearance to, leave to remain in or indefinite leave to remain in the UK as the non-EEA national partner or dependent child of a person who is—
 - (a) a British citizen; or,
 - (b) present and settled in the UK; or
 - (c) in the UK with refugee leave or humanitarian protection
 to make provision as set out in this section.
- (2) The minimum annual income requirement—
 - (a) for the sponsor of the partner shall be the equivalent of one year’s full-time salary (net of tax and national insurance contributions, and allowing for four week’s holiday) at the rate of the National Minimum Wage as it applies to that individual;
 - (b) for the first child in addition to the partner the additional sum of £2,500;
 - (c) for each further child the additional sum of £2000.
- (3) The minimum annual income requirement as specified in subsection (b) may include financial support from third parties.
- (4) In this section “full-time” will mean 35 hours a week.”

Mr Alistair Carmichael

NC15

☆ To move the following Clause—

“Adult dependant relative visas

- (1) The Secretary of State shall within six months after this Act receives Royal Assent amend the Immigration Rules regarding Entry Clearance in respect of an adult dependant relative of a person who is—
 - (a) a British Citizen; or,

Immigration Bill, *continued*

- (b) a person settled in the UK; or
 - (c) in the UK with refugee leave or humanitarian protection to make provision as set out in this section.
- (2) The Immigration Rules for persons specified in subsection (a) must not require as condition for entry that in the country where they are living—
- (a) the required level of care is not available;
 - (b) there is no person in that country who can reasonably provide the required level of care;
 - (c) the required level of care is not affordable.
- (3) The applicant shall be adequately maintained, accommodated and cared for in the UK by the sponsor without recourse to public funds for five years.”

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

NC16

☆ To move the following Clause—

**“Compensation for an illegal working closure notice where order is cancelled/
no compliance order is made**

- (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—

Immigration Bill, continued

- (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.”

Angus Robertson
 Stuart C. McDonald
 Anne McLaughlin
 Gavin Newlands

NC17

☆ 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.”

Andy Burnham
 Keir Starmer
 Paul Blomfield
 Sarah Champion
 Kate Hollern
 Mrs Emma Lewell-Buck

Sue Hayman
 Anne McLaughlin

Angus Robertson
 Gavin Newlands

Stuart C. McDonald

18

☆ Clause 1, page 1, line 9, at end insert—

“(3A) The matters to which the Director must have regard in pursuance of his or her functions include the provision of assistance and support to victims of non-compliance in the labour market, as defined under subsection (3)(1).”

Member’s explanatory statement

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

Immigration Bill, continued

of the Bill, mirroring section 41 of the Modern Slavery Act in respect of the Anti-Slavery Commissioner established by that Act.

Andy Burnham
Keir Starmer
Paul Blomfield
Sarah Champion
Kate Hollern
Mrs Emma Lewell-Buck

Sue Hayman
Anne McLaughlin

Angus Robertson
Gavin Newlands

Stuart C. McDonald

19

☆ Page 5, line 2, leave out Clause 8

Member's explanatory statement

To omit the clause on the new illegal working offence and maintain the status quo.

Andy Burnham
Keir Starmer
Paul Blomfield
Sarah Champion
Kate Hollern
Mrs Emma Lewell-Buck

Sue Hayman

20

☆ Clause 8, page 5, line 9, after “if” insert “without reasonable cause”

Member's explanatory statement

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

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

33

☆ Clause 9, page 7, line 11, leave out subsection (1) and insert—

“(1) In section 21 of the Immigration, Asylum and Nationality Act 2006 (offence of knowingly employing a legal worker), leave out 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.””

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

- ☆ Clause 10, page 7, line 36, leave out “Scotland or”

47

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

- ☆ Clause 10, page 7, leave out line 41

48

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

- ☆ Clause 10, page 8, line 5, leave out “an Act of the Scottish Parliament or”

49

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

- ☆ Clause 10, page 8, line 6, leave out “under such an Act or”

50

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

- ☆ Clause 11, page 8, line 13, leave out “Scotland or”

51

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

- ☆ Clause 11, page 8, leave out line 18

52

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Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

53

☆ Clause 11, page 8, line 25, leave out paragraph (b)

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

35

☆ Page 9, line 4, leave out clauses 13 to 16

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

46

☆ Clause 13, page 9, line 31, at end insert—

“(5A) A landlord will not commit an offence under subsection (1) if—

- (a) the landlord enters a residential tenancy agreement with an organisation or person who is supporting an adult mentioned in in subsection (2);
- (b) the rental payment received by the landlord as a result of this tenancy does not significantly exceed the costs that are incurred by the landlord for having the adult occupy the premises.”

Andy Burnham
Keir Starmer
Paul Blomfield
Sarah Champion
Kate Hollern
Mrs Emma Lewell-Buck

Sue Hayman

22

☆ Clause 13, page 10, line 4, at end insert—

“(8A) A landlord does not commit an offence under this section during the period of 28 days specified in section 33D (4).”

Member’s explanatory statement

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

Immigration Bill, *continued*

Andy Burnham
Keir Starmer
Paul Blomfield
Sarah Champion
Kate Hollern
Mrs Emma Lewell-Buck

Sue Hayman

23

- ☆ Clause 14, page 12, line 1, leave out subsection (2)
Member's explanatory statement
To remove the provisions providing for summary eviction.

Andy Burnham
Keir Starmer
Paul Blomfield
Sarah Champion
Kate Hollern
Mrs Emma Lewell-Buck

Sue Hayman

24

- ☆ Clause 14, page 13, line 18, leave out “Sections 33D and” and substitute “Section”
Member's explanatory statement
See explanatory note for amendment 23.

Andy Burnham
Keir Starmer
Paul Blomfield
Sarah Champion
Kate Hollern
Mrs Emma Lewell-Buck

Sue Hayman

25

- ☆ Clause 14, page 13, leave out line 24
Member's explanatory statement
See explanatory note for amendment 23.

Andy Burnham
Keir Starmer
Paul Blomfield
Sarah Champion
Kate Hollern
Mrs Emma Lewell-Buck

Sue Hayman

26

- ☆ Clause 14, page 13, line 26, leave out subsections (5) to (7)
Member's explanatory statement
See explanatory note for amendment 23.
-

Immigration Bill, *continued*

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

☆ Clause 16, page 17, line 7, leave out “, Scotland”

54

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

☆ Clause 16, page 17, line 10, leave out “, Scotland”

55

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

☆ Clause 16, page 17, leave out line 17

56

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

☆ Clause 16, page 17, line 27, leave out paragraph (c)

57

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

☆ Clause 20, page 25, line 18, at end insert—

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

39

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

☆ Clause 25, page 32, leave out lines 20 to 23

36

Immigration Bill, continued

Secretary Theresa May

3

Clause 25, page 32, line 20, leave out “strip” and insert “full”

Member’s explanatory statement

This amendment and amendment 4 replace the term “strip” search with “full” search to reflect more appropriately the nature of the power.

Secretary Theresa May

4

Clause 25, page 33, line 10, leave out “strip” and insert “full”

Member’s explanatory statement

See the explanatory statement for amendment 3.

Andy Burnham
Keir Starmer
Paul Blomfield
Sarah Champion
Kate Hollern
Mrs Emma Lewell-Buck

Sue Hayman
Anne McLaughlin

Angus Robertson
Gavin Newlands

Stuart C. McDonald

27

☆ Page 39, line 6, leave out Clause 34

Andy Burnham
Keir Starmer
Paul Blomfield
Sarah Champion
Kate Hollern
Mrs Emma Lewell-Buck

Sue Hayman

28

☆ Clause 34, page 39, line 19, at end insert—

“(5A) After subsection (3) insert new subsection—

“(3A) Before a decision is taken to certify a human rights claim the Secretary of State must obtain a multi-agency best interests assessment in relation to any child whose human rights may be breached by the decision to certify.””

Member’s explanatory statement

To make sure that before a decision is made to certify any claim for out of country appeal, the best interests of any child affected by this decision must be considered.

Immigration Bill, *continued*

Andy Burnham
Keir Starmer
Paul Blomfield
Sarah Champion
Kate Hollern
Mrs Emma Lewell-Buck

Sue Hayman
Anne McLaughlin

Angus Robertson
Gavin Newlands

Stuart C. McDonald

29

☆ Page 40, line 14, leave out Clause 37

Secretary Theresa May

5

Clause 57, page 49, line 24, at end insert—

“() regulations under section (*Extension to Wales, Scotland and Northern Ireland*)(1) or (2),”

Member’s explanatory statement

This amendment provides that regulations made under the new clause inserted by NC7 will be subject to the draft affirmative procedure.

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

41

☆ Clause 57, page 50, line 4, at end insert—

“(7) Regulations made under—

- (a) section 10;
- (b) section 11; or
- (c) section 16

of this Act shall not come into force in Scotland without the consent of the Scottish Parliament.”

Andy Burnham
Keir Starmer
Paul Blomfield
Sarah Champion
Kate Hollern
Mrs Emma Lewell-Buck

Sue Hayman

21

☆ Clause 58, page 50, line 9, at end insert—

“(2A) Section 13 shall come into force subject to the conditions set out subsection (2B).

(2B) The Secretary of State must prepare and publish an evaluation of the national implementation of provisions contained in sections 20 to 37 and Schedule 3 to the Immigration Act 2014, and must lay a copy of the report before Parliament.

Immigration Bill, continued

- (2C) The report in subsection (2B) must include an assessment of the impact of those provisions on—
- (a) individuals who have a protected characteristic as defined in Part 2, Chapter 1 of the Equality Act 2010, and
 - (b) British citizens who do not hold a passport or UK driving licence.”

Member’s explanatory statement

This amendment would require the Secretary of State to lay before Parliament an evaluation of the national roll out of the 2014 Right to Rent Scheme before the new offences in clause 13 come into force.

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

34

- ☆ Clause 58, page 50, line 11, at end insert—

“(3A) Part 7 shall not come into force in Scotland without the consent of the Scottish Parliament.”

Secretary Theresa May

6

- Clause 59, page 50, line 17, at end insert—

“() “Sections (*Transfer of responsibility for relevant children*) to (*Scheme for transfer of responsibility for relevant children*) extend to England and Wales only.”

Member’s explanatory statement

This amendment provides that the new clauses inserted by NC3 to NC6 extend to England and Wales only. Regulations made under the new clause inserted by NC7 may be used to apply the provisions in Wales.

Gavin Robinson
Lady Hermon
Ian Paisley
Jim Shannon
David Simpson
Sammy Wilson

Mr Nigel Dodds

1

- Clause 59, page 50, line 18, leave out subsection (2).
-

Immigration Bill, *continued*

Angus Robertson
 Stuart C. McDonald
 Anne McLaughlin
 Gavin Newlands

37

☆ Schedule 7, page 97, line 9, at end insert—

- “() The following provisions apply if a person is detained under any provisions set out in paragraph (current paragraph 1(1))—
- (a) the Secretary of State must arrange a reference to the First-tier Tribunal for it to determine whether the detained person should be released on bail;
 - (b) the Secretary of State must secure that a first reference to the First-tier Tribunal is made no later than the eighth day following that on which the detained person was detained;
 - (c) if the detained person remains in detention, the Secretary of State must secure that a second reference to the First-tier Tribunal or Commission is made no later than the thirty-sixth day following that on which the detained person was detained and every twenty-eighth day thereafter;
 - (d) the First-tier Tribunal hearing a case referred to it under this section must proceed as if the detained person had made an application to it for bail; and
 - (e) the First-tier Tribunal must determine the matter—
 - (i) on a first reference, before the tenth day following that on which the person concerned was detained; and
 - (ii) on a second and subsequent reference, before the thirty-eighth day following that on which he was detained.
- () For the purposes of this paragraph, “First-tier Tribunal” means—
- (a) if the detained person has brought an appeal under the Immigration Acts, the chamber of the First-tier Tribunal dealing with his appeal; and
 - (b) in any other case, such chamber of the First-tier Tribunal as the Secretary of State considers appropriate.
- () In the case of a detained person to whom section 3(2) of the Special Immigration Appeals Commission Act 1997 applies (jurisdiction in relation to bail for persons detained on grounds of national security) a reference under sub-paragraph (3)(a) above, shall be to the Commission and not to the First-tier Tribunal.
- () Rules made by the Lord Chancellor under section 5 of the Special Immigration Appeals Commission Act 1997 may include provision made for the purposes of this paragraph.”

Immigration Bill, *continued*

Andy Burnham
Keir Starmer
Paul Blomfield
Sarah Champion
Kate Hollern
Mrs Emma Lewell-Buck

Sue Hayman
Stuart C McDonald
Mr Andrew Smith
Louise Haigh
Mr Alistair Carmichael
Anne McLaughlin

Mr David Burrowes
Margaret Ferrier
Chris Stephens
Kate Osamor
Caroline Lucas
Gavin Newlands

Richard Fuller
Jess Phillips
Paula Sheriff
Dr Rupa Huq
Angus Robertson

32

☆ Schedule 7, page 97, line 22, at end insert—

“(2A) The Secretary of State must grant a person bail if a person is detained under a provision mentioned in sub-paragraph (1) after no later than the 28 day following that on which the person was detained.”

Member’s explanatory statement

To introduce a 28 day time limit on the amount of time a person can be kept in immigration detention.

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

38

☆ Schedule 7, page 102, line 9, leave out sub-paragraphs (1) to (3) and insert—

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

Andy Burnham
Keir Starmer
Paul Blomfield
Sarah Champion
Kate Hollern
Mrs Emma Lewell-Buck

Sue Hayman
Anne McLaughlin

Angus Robertson
Gavin Newlands

Stuart C. McDonald

31

☆ Schedule 8, page 109, line 29, leave out from “(6)” to end of line 30 and insert—
“, for “section 4 or 95” substitute “section 95”;

(iii) in subsection (7) for “section 4 or 95” substitute “section 95 or 95A”.”

Member’s explanatory statement

See explanatory statement for amendment 30.

Immigration Bill, *continued*

Angus Robertson
 Stuart C. McDonald
 Anne McLaughlin
 Gavin Newlands

40

☆ Schedule 8, page 112, line 37, leave out sub-paragraphs (5)

Andy Burnham
 Keir Starmer
 Paul Blomfield
 Sarah Champion
 Kate Hollern
 Mrs Emma Lewell-Buck

Sue Hayman
 Anne McLaughlin

Angus Robertson
 Gavin Newlands

Stuart C. McDonald

30

☆ Schedule 8, page 113, line 13, at end insert—

“(2A) If the Secretary of State decides not to provide support to a person or not to continue to provide support to them, under this section, the person may appeal to the First Tier Tribunal.”

Member’s explanatory statement

To reinstate a right of appeal against Home Office decisions to provide support (under Section 95 or new 95A).

Mr Alistair Carmichael

2

Schedule 8, page 119, line 21, at end insert—

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

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

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

(11) Rules must provide for persons seeking asylum, within the meaning of the rules, to apply to the Secretary of State for permission to take up employment (including self-employment and voluntary work) 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.””

Immigration Bill, *continued*

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

☆ Schedule 9, page 121, line 26, leave out paragraph 2 42

Secretary Theresa May

Schedule 9, page 121, line 40, at end insert—
“ After paragraph 1 insert—

7

“1A (1) A person to whom this paragraph applies is not eligible for assistance under section 23C(4)(b), 23CA(4) or 24B(2)(b) of the Children Act 1989 (grants to meet expenses connected with education or training) which consists of a grant to enable the person to meet all or part of the person’s tuition fees.

(2) The duty in section 23C(4)(b) or 23CA(4) of that Act and the power in section 24B(2)(b) of that Act may not be exercised or performed in respect of a person to whom this paragraph applies so as to make a grant to enable the person to meet all or part of the person’s tuition fees.

(3) This paragraph applies to a person in England who is aged 18 or over and who—

- (a) has leave to enter or remain in the United Kingdom which has been granted for a limited period,
- (b) is an asylum-seeker, or
- (c) has made an application for leave to enter or remain in the United Kingdom which has not been withdrawn or determined.

(4) In this paragraph “tuition fees” means fees payable for a course of a description mentioned in Schedule 6 to the Education Reform Act 1988.””

Member’s explanatory statement

This amendment prevents local authorities in England from paying the higher education tuition fees of adult migrant care leavers deemed to be overseas students because of their immigration status. Instead, to obtain such support, the person will be required to qualify under the Student Support Regulations.

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

☆ Schedule 9, page 122, leave out lines 16 to 34

43

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

☆ Schedule 9, page 122, line 46, at end insert “and,
(c) he entered the UK as an adult.”

44

Immigration Bill, continued

Secretary Theresa May

8

Schedule 9, page 123, leave out lines 10 and 11 and insert—

“(c) who is not a relevant failed asylum seeker, and”

Member’s explanatory statement

This amendment and amendment 9 define those who are or may be supported under section 95A of the Immigration and Asylum Act 1999 and who therefore may not be supported under the regulations made under paragraph 10A of Schedule 3 to the Nationality, Immigration and Asylum Act 2002.

Secretary Theresa May

9

Schedule 9, page 123, line 12, at end insert—

“() A person is a “relevant failed asylum seeker” for the purposes of sub-paragraph (1)(c) if the person is a failed asylum seeker within the meaning of Part 6 of the Immigration and Asylum Act 1999 and—

- (a) the person is receiving support under section 95A of that Act,
- (b) the person has made an application for such support which has not been refused, or
- (c) there are reasonable grounds for believing such support would be provided to the person if an application by the person for such support were made.”

Member’s explanatory statement

See the explanatory statement for amendment 8.

Secretary Theresa May

10

Schedule 9, page 123, line 23, after “82(1),” insert—

“() the appeal is not one that, by virtue of section 92(6), must be continued from outside the United Kingdom,”

Member’s explanatory statement

This amendment excludes appeals which must be pursued from outside the UK under section 92(6) of the 2002 Act from the reference in paragraph 10A(3)(b) to an appeal pending within the meaning of section 104 of that Act.

Secretary Theresa May

11

Schedule 9, page 123, line 29, after “that” insert “a person specified in regulations under this paragraph is satisfied that”

Member’s explanatory statement

This amendment clarifies that the local authority or another person specified in the regulations is to be satisfied that condition D in sub-paragraph 10A(5) of Schedule 3 to the 2002 Act is met in order for support to be provided under that sub-paragraph.

Secretary Theresa May

12

Schedule 9, page 123, line 30, at end insert—

“() Regulations under this paragraph may specify—

- (a) factors which a person specified by virtue of sub-paragraph (5) may or must take into account in making a determination under that sub-paragraph;

Immigration Bill, continued

- (b) factors which such a person must not take into account in making such a determination.”

Member’s explanatory statement

This amendment provides that the regulations made under paragraph 10A of Schedule 3 to the 2002 Act may specify factors which a local authority or another person may or must, or must not, take into account in determining whether condition D in sub-paragraph 10A(5) is met.

Angus Robertson
Stuart C. McDonald
Anne McLaughlin
Gavin Newlands

45

- ☆ Schedule 9, page 124, leave out from line 11 to line 13 on page 125 and insert—
“10B The Secretary of State shall provide adequate funding to local authorities to enable them to meet their duties under the Children Act 1989 to persons who do not have leave to enter or remain and are not asylum seekers.”

Secretary Theresa May

13

- Schedule 9, page 124, leave out lines 16 and 1 and insert—
“(b) who is not a relevant failed asylum seeker, and”

Member’s explanatory statement

This amendment and amendment 14 define those who are or may be supported under section 95A of the Immigration and Asylum Act 1999 and who therefore may not be supported under the regulations made under paragraph 10B of Schedule 3 to the Nationality, Immigration and Asylum Act 2002.

Secretary Theresa May

14

- Schedule 9, page 124, line 18, at end insert—
“() A person is a “relevant failed asylum seeker” for the purposes of sub-paragraph (1)(b) if the person is a failed asylum seeker within the meaning of Part 6 of the Immigration and Asylum Act 1999 and—
(a) the person is receiving support under section 95A of that Act,
(b) the person has made an application for such support which has not been refused, or
(c) there are reasonable grounds for believing such support would be provided to the person if an application by the person for such support were made.”

Member’s explanatory statement

See the explanatory statement for amendment 13.

Secretary Theresa May

15

- Schedule 9, page 124, line 31, after “82(1),” insert—
“() the appeal is not one that, by virtue of section 92(6), must be continued from outside the United Kingdom,”

Member’s explanatory statement

This amendment excludes appeals which must be pursued from outside the UK under section 92(6) of the 2002 Act from the reference in paragraph 10B(3)(c) to an appeal pending within the meaning of section 104 of that Act.

Immigration Bill, *continued*

Secretary Theresa May

16

Schedule 9, page 124, line 36, at end insert—

“() Regulations under this paragraph may specify—

- (a) factors which a person specified by virtue of paragraph (b) of sub-paragraph (4) may or must take into account in making a determination under that paragraph;
- (b) factors which such a person must not take into account in making such a determination.”

Member’s explanatory statement

This amendment provides that the regulations made under paragraph 10B of Schedule 3 to the 2002 Act may specify factors which a local authority or another person may or must, or must not, take into account in determining whether support needs to be provided under sub-paragraph 10B(4).

Secretary Theresa May

17

Schedule 9, page 125, line 19, at end insert—

“(1) Paragraph 15 (power to amend Schedule 3) is amended as follows.

(2) After paragraph (a) insert—

“(aa) to modify any of the classes of person to whom paragraph 1 applies;”.

(3) In paragraph (c) after “remove” insert “, or modify the application of,”.

(4) After paragraph (c) insert—

“(d) to enable regulations to be made providing for arrangements to be made for support to be provided to a class of person to whom paragraph 1 applies;

(e) to apply paragraph 1A in relation to Wales;

(f) to make provision which has a similar effect to paragraph 1A and which applies in relation to Scotland or Northern Ireland.”

In paragraph 16(2)(d) (power for regulations or order under Schedule to make consequential provision) after “amending” insert “, repealing or revoking”.

Member’s explanatory statement

This amendment amends paragraphs 15 and 16 of Schedule 3 to the 2002 Act so that regulations made under them may apply, or make equivalent provision for, the changes made to that Schedule by Schedule 9 in Wales, Scotland and Northern Ireland.

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.

Immigration Bill, *continued*

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.
-