



House of Commons

Thursday 29 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*

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This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end.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

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.

Immigration Bill, continued

James Brokenshire

11

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

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

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

Immigration Bill, continued

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

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

Anne McLaughlin

Gavin Newlands

85

☆ Clause 12, page 10, line 25, leave out paragraphs (4) to (6) and insert—

“(4) Sections 33A to 33C do not apply in relation to a residential tenancy agreement or a renewed agreement entered into before the coming into force of section 12 of the Immigration Act 2014.”

Member’s explanatory statement

To ensure that none of the criminal offences are committed in respect of tenancies entered into (or, in the case of renewed tenancies, first entered into) before the offences come into force and thus to ensure that there is no retrospective element to these criminal penalties.

James Brokenshire

12

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

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

13

Clause 12, page 10, line 38, leave out “, and”

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

73

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

“(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:

Immigration Bill, continued

- (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.

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

Anne McLaughlin

Gavin Newlands

84

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

Member’s explanatory statement

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

James Brokenshire

14

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

Member’s explanatory statement

See the explanatory statement for amendment 13.

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

Anne McLaughlin

Gavin Newlands

86

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

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

Member’s explanatory statement

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

James Brokenshire

69

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

“() The notice may be given—

- (a) by delivering it to the tenant or tenants,
(b) by leaving it at the premises,

Immigration Bill, continued

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

(d) in any other prescribed manner.”

Member’s explanatory statement

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

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

Anne McLaughlin

Gavin Newlands

87

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

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

Member’s explanatory statement

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

James Brokenshire

15

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

Member’s explanatory statement

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

James Brokenshire

16

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

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

Member’s explanatory statement

See the explanatory statement for amendment 15

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

Anne McLaughlin

Gavin Newlands

88

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

Member’s explanatory statement

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

Immigration Bill, continued

James Brokenshire

17

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

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

“(v) section 33D, and

(vi) section 33E.”

Member’s explanatory statement

See the explanatory statement for amendment 13.

James Brokenshire

18

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

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

Member’s explanatory statement

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

Sarah Champion

Keir Starmer

Paul Blomfield

Sue Hayman

Kate Hollern

Mrs Emma Lewell-Buck

Anne McLaughlin

Gavin Newlands

89

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

Member’s explanatory statement

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

James Brokenshire

19

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

Member’s explanatory statement

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

James Brokenshire

20

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

Member’s explanatory statement

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

Immigration Bill, continued

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.

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—

Immigration Bill, continued

“(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

Anne McLaughlin

Gavin Newlands

90

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

Member’s explanatory statement

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

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

75

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

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

Member’s explanatory statement

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

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

76

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

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

Member’s explanatory statement

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

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

- “() 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.

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

Anne McLaughlin

Gavin Newlands

91

☆ Page 22, line 24, leave out Clause 18.

Member’s explanatory statement

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

James Brokenshire

22

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

Member’s explanatory statement

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

James Brokenshire

23

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

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

Member’s explanatory statement

See the explanatory statement for amendment 22.

Immigration Bill, *continued*

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

Anne McLaughlin

Gavin Newlands

93

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

“(8A) The Secretary of State shall provide any individual she determines to be a disqualified person with the information resulting from her checks under 40C(1) that led to this determination.

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

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

Anne McLaughlin

Gavin Newlands

94

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

“40HA Compensation

(1) This section applies where—

- (a) a person is determined by the Secretary of State (following a check under 40C(1)) to be a disqualified person;
- (b) the Secretary of State provides notification to the bank that the person is a disqualified person under section 40C(3) or 40D(7);
- (c) the bank closes an account or prevents an account being operated in compliance with section 40G; and
- (d) the determination by the Secretary of State under 40C(1) is found to have been incorrect.

(2) Where subsection (1) applies, the Secretary of State shall pay compensation to—

- (a) a person incorrectly determined to be a disqualified person;
- (b) any person or body by or for whom the relevant account is operated.

(3) No payment of compensation under this section shall be made unless an application for such compensation has been made to the Secretary of State before the end of the period of two years beginning with the date on which the information resulting from its checks under 40C(1) is provided to the person incorrectly determined to be the disqualified person.

(4) But the Secretary of State may direct that an application for compensation made after the end of that period is to be treated as if it had been made within that period if the Secretary of State considers that there are exceptional circumstances which justify doing so.

(5) The question whether there is a right to compensation under this section shall be determined by the Secretary of State.

Immigration Bill, continued

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

Member’s explanatory statement

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

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

Anne McLaughlin

Gavin Newlands

92

- ☆ Page 67, line 29, leave out Schedule 3.

Member’s explanatory statement

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

James Brokenshire

24

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

Member’s explanatory statement

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

James Brokenshire

25

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

Member’s explanatory statement

See the explanatory statement for amendment 24.

James Brokenshire

49

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

Member’s explanatory statement

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

James Brokenshire

50

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

Member’s explanatory statement

See the explanatory statement for amendment 49.

Immigration Bill, continued

- 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.
- 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.

Immigration Bill, continued

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”.
 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.

Immigration Bill, continued

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

Richard Fuller

NC3

To move the following Clause—

“Time limit on detention

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

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

Immigration Bill, continued

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

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

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

NC4

To move the following Clause—

“Extension of the Gangmasters Licensing Authority remit

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

Member’s explanatory statement

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

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

Stuart C. McDonald

Anne McLaughlin

Gavin Newlands

NC5

To move the following Clause—

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

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

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

Member's explanatory statement

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

Immigration Bill, continued

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

NC6

To move the following Clause—

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

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

Member’s explanatory statement

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

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

Anne McLaughlin

Gavin Newlands

NC7

☆ To move the following Clause—

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

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

Member’s explanatory statement

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

Immigration Bill, continued

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

Anne McLaughlin Gavin Newlands

NC8

☆ To move the following Clause—

“Persons with a right to rent

- (1) The Immigration Act 2014 is amended as follows.
- (2) In section 21(2)(a) after “have it,” insert “subject to subsection (2A)”.
- (3) After section 21(2) insert—

“(2A) P retains a right to rent under this section:

- (a) for 90 days after P’s leave to enter or remain comes to an end; or
- (b) until the end of the one year beginning with the date on which P’s landlord last complied with the prescribed requirements in respect of P, whichever is longer.”

- (4) After section 21(4) (b) insert—

“(c) a person who has retained a right to rent under subsection (2A).”

Member’s explanatory statement

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

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

Anne McLaughlin Gavin Newlands

NC9

☆ To move the following Clause—

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

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

Member’s explanatory statement

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

Immigration Bill, continued

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

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

Anne McLaughlin

Gavin Newlands

NC10

☆ To move the following Clause—

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

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

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

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

Member’s explanatory statement

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

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

NC11

☆ To move the following Clause—

“Eligibility for housing and homelessness assistance

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

Immigration Bill, continued

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

NC12

☆ To move the following Clause—

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

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

Member’s explanatory statement

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

James Brokenshire

37

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

Member’s explanatory statement

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

James Brokenshire

38

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

Member’s explanatory statement

See the explanatory statement for amendment 37.

James Brokenshire

39

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

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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 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

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brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

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

ORDER OF THE COMMITTEE [20 OCTOBER 2015]

That—

- (1) the Committee shall (in addition to its first meeting at 9.30 am on Tuesday 20 October) meet—
- (a) at 2.00 pm on Tuesday 20 October;
 - (b) at 11.30 am and 2.00 pm on Thursday 22 October;
 - (c) at 9.30 am and 2.00 pm on Tuesday 27 October;
 - (d) at 11.30 am and 2.00 pm on Thursday 29 October;
 - (e) at 9.30 am and 2.00 pm on Tuesday 3 November;
 - (f) at 11.30 am and 2.00 pm on Thursday 5 November;
 - (g) at 9.30 am and 2.00 pm on Tuesday 10 November;
 - (h) at 9.30 am and 2.00 pm on Tuesday 17 November;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 20 October	Until no later than 10.15 am	Still Human, Still Here; the Refugee Council; Scottish Refugee Council
Tuesday 20 October	Until no later than 10.45 am	The Migration Advisory Committee
Tuesday 20 October	Until no later than 11.25 am	The Recruitment and Employment Confederation; the National Association of Licensing and Enforcement Officers; Focus on Labour Exploitation
Tuesday 20 October	Until no later than 2.30 pm	The Confederation of British Industry
Tuesday 20 October	Until no later than 3.00 pm	Migration Watch UK
Tuesday 20 October	Until no later than 3.45 pm	National Landlords Association; the Residential Landlords Association; the British Bankers Association

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<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 20 October	Until no later than 4.15 pm	The Metropolitan Police; Sandwell Metropolitan Borough Council
Tuesday 20 October	Until no later than 5.00 pm	The Children's Society; Coram Children's Legal Centre; the Office of the Children's Commissioner
Thursday 22 October	Until no later than 1.00 pm	The Immigration Law Practitioners' Association; Manjit Gill Q.C., Colin Yeo, barrister; the Detention Forum; Migrants' Rights Network
Thursday 22 October	Until no later than 2.45 pm	The Local Government Association; the Association of Directors of Children's Services
Thursday 22 October	Until no later than 3.30 pm	The UNHCR; the British Red Cross
Thursday 22 October	Until no later than 4.30 pm	The Joint Council for the Welfare of Immigrants; Amnesty International; the Equality and Human Rights Commission; Liberty

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

NOTICES WITHDRAWN

The following Notices were withdrawn on 15 October:

NC2