CONSIDERATION OF LORDS AMENDMENTS

IMMIGRATION BILL [LORDS]

On Consideration of Lords Amendments to the Immigration Bill [Lords]

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The Lords Amendments have been arranged in accordance with the Immigration Bill [Lords] Programme (No. 3).

Lords Amendment No. 87

Secretary Theresa May

To move, That this House disagrees with the Lords in their Amendment.
Secretary Theresa May

To move, That this House disagrees with the Lords in their Amendment.

---

Lords Amendment No. 84

Secretary Theresa May

To move, That this House disagrees with the Lords in their Amendment.

Secretary Theresa May

To move the following Amendment to the Bill in lieu of the Lords Amendment No. 84:—

(a) Page 108, line 7, at end insert—

“Duty to arrange consideration of bail

(1) Subject as follows, the Secretary of State must arrange a reference to the First-tier Tribunal for the Tribunal to decide whether to grant bail to a person if—

(a) the person is being detained under a provision mentioned in paragraph 1(1)(a) or (c), and

(b) the period of six months beginning with the relevant date has elapsed.

(2) In sub-paragraph (1)(b) “the relevant date” means—

(a) the date on which the person’s detention began, or

(b) if a relevant event has occurred in relation to the person since that date, the last date on which such an event has occurred in relation to the person.

(3) The following are relevant events in relation to a person for the purposes of sub-paragraph (2)(b)—

(a) consideration by the First-tier Tribunal of whether to grant immigration bail to the person;

(b) withdrawal by the person of an application for immigration bail treated as made by the person as the result of a reference under this paragraph;

(c) withdrawal by the person of a notice given under sub-paragraph (6)(b).

(4) The reference in sub-paragraph (3)(a) to consideration of whether to grant immigration bail to a person—

(a) includes such consideration regardless of whether there is a hearing or the First-tier Tribunal makes a determination in the case in question;

(b) includes the dismissal of an application by virtue of provision made under paragraph 9(2).
(5) The reference in sub-paragraph (3)(a) to consideration of whether to grant immigration bail to a person does not include such consideration in a case where—
   (a) the person has made an application for bail, other than one treated as made by the person as the result of a reference under this paragraph, and
   (b) the First-tier Tribunal is prevented from granting bail to the person by paragraph 3(4) (requirement for Secretary of State’s consent to bail).

(6) The duty in sub-paragraph (1) to arrange a reference does not apply if—
   (a) section 3(2) of the Special Immigration Appeals Commission Act 1997 (persons detained in interests of national security etc) applies to the person, or
   (b) the person has given to the Secretary of State, and has not withdrawn, written notice that the person does not wish the person’s case to be referred to the First-tier Tribunal under this paragraph.

(7) A reference to the First-tier Tribunal under this paragraph in relation to a person is to be treated for all purposes as an application by that person for the grant of bail under paragraph 1(3)."

Lords Amendment No. 85

Secretary Theresa May

To move, That this House disagrees with the Lords in their Amendment.

Secretary Theresa May

To move the following Amendments to the Bill in lieu of the Lords Amendment No. 85:—

★ Page 38, line 7, at end insert the following new Clause—

```
Guidance on detention of vulnerable persons

(1) The Secretary of State must issue guidance specifying matters to be taken into account by a person to whom the guidance is addressed determining—
   (a) whether a person (“P”) would be particularly vulnerable to harm if P were to be detained or to remain in detention, and
   (b) if P is identified as being particularly vulnerable to harm in those circumstances, whether P should be detained or remain in detention.

(2) In subsection (1)“detained” means detained under—
   (a) the Immigration Act 1971,
   (b) section 62 of the Nationality, Immigration and Asylum Act 2002, or
   (c) section 36 of the UK Borders Act 2007,
   and “detention” is to be construed accordingly.

(3) A person to whom guidance under this section is addressed must take the guidance into account.

(4) Before issuing guidance under this section the Secretary of State must lay a draft of the guidance before Parliament.
```
(5) Guidance under this section comes into force in accordance with regulations made by the Secretary of State.

(6) The Secretary of State may from time to time review guidance under this section and may revise and re-issue it.

(7) References in this section to guidance under this section include revised guidance.”

(b) Page 38, line 7, at end insert the following new Clause—

“Limitation on detention of pregnant women

(1) This section applies to a woman if the Secretary of State is satisfied that the woman is pregnant.

(2) A woman to whom this section applies may not be detained under a relevant detention power for a period of—

(a) more than 72 hours from the relevant time, or

(b) more than seven days from the relevant time, in a case where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).

(3) In subsection (2) “the relevant time” means the later of—

(a) the time at which the Secretary of State is first satisfied that the woman is pregnant, and

(b) the time at which the detention begins.

(4) A woman to whom this section applies who has been released following detention under a relevant detention power may be detained again under such a power in accordance with this section.

(5) This section does not apply to the detention under paragraph 16(2) of Schedule 2 to the Immigration Act 1971 of an unaccompanied child to whom paragraph 18B of that Schedule applies.

(6) In this section—

“relevant detention power” means a power to detain under—

(a) paragraph 16(2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal),

(b) paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation),

(c) section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal), or

(d) section 36(1) of the UK Borders Act 2007 (detention pending deportation);

“woman” means a female of any age.

(7) The Immigration Act 1971 is amended in accordance with subsections (8) and (9).

(8) In paragraph 16 of Schedule 2 (detention of persons liable to examination or removal) after sub-paragraph (2A) insert—

“(2B) The detention under sub-paragraph (2) of a person to whom section (Limitation on detention of pregnant women) (limitation on detention of pregnant women) of the Immigration Act 2016 applies is subject to that section.”

(9) In paragraph 2 of Schedule 3 (detention or control pending deportation) after sub-paragraph (4) insert—

“(4ZA) The detention under sub-paragraph (1), (2) or (3) of a person to whom section (Limitation on detention of pregnant women) (limitation on
Consideration of Lords Amendments: 21 April 2016

Immigration Bill [Lords], continued

detention of pregnant women) of the Immigration Act 2016 applies is subject to that section.”

(10) In section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State) after subsection (7) insert—

“(7A) The detention under this section of a person to whom section (Limitation on detention of pregnant women) (limitation on detention of pregnant women) of the Immigration Act 2016 applies is subject to that section.”

(11) In section 36 of the UK Borders Act 2007 (detention) after subsection (2) insert—

“(2A) The detention under subsection (1) of a person to whom section (Limitation on detention of pregnant women) (limitation on detention of pregnant women) of the Immigration Act 2016 applies is subject to that section.”

Lords Amendment No. 57

As an Amendment to the Lords Amendment:—

Stuart C. McDonald

★ Leave out subsection (b)

(a)

Member’s explanatory statement
This amendment limits the power proposed for the Secretary of State to make regulations relating to illegal working and licensing extend to Scotland, so that any such regulations cannot amend, repeal or revoke Acts of the Scottish Parliament, or instruments made under them.

Lords Amendment No. 59

Secretary Theresa May

To move, That this House disagrees with the Lords in their Amendment.
Immigration Bill [Lords], continued

IMMIGRATION BILL [LORDS] (PROGRAMME) (NO. 3)

Secretary Theresa May

That the following provisions shall apply to the Immigration Bill for the purpose of supplementing the Orders of 13 October 2015 (Immigration Bill (Programme)) and 1 December 2015 (Immigration Bill (Programme) (No. 2)):

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement at today’s sitting.

2. The Lords Amendments shall be considered in the following order: Nos. 87 to 101, 60, 84 to 86, 183 to 215, 1 to 59, 61 to 83, 102 to 182 and 216 to 254.

Subsequent stages

3. Any further message from the Lords may be considered forthwith without any Question being put.

4. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.