Clause 1 agreed to on division.

Schedule 1 agreed to.

Stuart C. McDonald
Gavin Newlands

Clause 2, page 1, line 11, at end insert—
“(1A) After section 2A insert—

“2B Family members of Irish citizens

Nothing in the Immigration Rules (within the meaning of this Act) shall lay down any practice that treats or provides for the family members of Irish citizens differently to the treatment or provision made for the family member of British citizens.”
Clause 2, page 2, line 13, at end insert—
“(6) The Secretary of State may not conclude that the deportation of an Irish citizen is conducive to the public good under section 3(5)(a) unless he concludes that a higher threshold is reached whereby deportation is in the public interest because there are exceptional circumstances.

(7) No person of any nationality is liable for deportation under section 3(5)(b) where he belongs to the family of an Irish citizen who is or has been ordered to be deported, unless subsection (6) is satisfied in respect of that Irish citizen.

(8) No Irish citizen is liable for deportation under section 3(6) where recommended for deportation by a court empowered under this Act to do so unless, thereafter, the Secretary concludes that his deportation is conducive to the public good in accordance with subsection (6).

(9) An Irish citizen may not be deported or excluded from the United Kingdom if they are among the “people of Northern Ireland” entitled to identify as Irish citizens by virtue of Article 1(vi) of the British-Irish Agreement of 1998.”

Clause agreed to.

Clause 3 agreed to.

Stuart C. McDonald
Gavin Newlands
Afzal Khan
Withdrawn after debate 4
Clause 4, page 2, line 34, leave out “appropriate” and insert “necessary”

Stuart C. McDonald
Gavin Newlands
Afzal Khan
Negatived on division 1
Clause 4, page 2, line 34, leave out “, or in connection with,”

Afzal Khan
Negatived on division 11
Clause 4, page 3, line 1, leave out “make provisions applying” and insert “give leave to enter the United Kingdom”

Stuart C. McDonald
Gavin Newlands
Afzal Khan
Not called 2
Clause 4, page 3, line 8, leave out subsection (5)
Immigration and Social Security Co-ordination (EU Withdrawal) Bill, continued

Kate Green
Withdrawn after debate 8
Clause 4, page 3, line 10, at end insert—
“(5A) Regulations under subsection (1) must provide that EEA nationals who are employed as personal assistants using funding from a personal budget are exempt from any minimum salary threshold that is set for work visa applications.
(5B) In this section, personal budget has the meaning set out in section 26 of the Care Act 2014.”

Catherine West
Kate Green
Afzal Khan
Withdrawn after debate 19
Clause 4, page 3, line 10, at end insert—
“(5A) Regulations under subsection (1) must provide that EEA nationals, and adult dependants of EEA nationals, who are applying for asylum in the United Kingdom, may apply to the Secretary of State for permission to take up employment if a decision at first instance has not been taken on the applicant’s asylum application within six months of the date on which it was recorded.”

Afzal Khan
Negatived on division 20
Clause 4, page 3, line 10, at end insert—
“(5A) Any regulations made under subsection (1) which introduce a work visa scheme for EEA nationals must be developed in consultation with trade union representatives.
(5B) The Secretary of State must publish an impact assessment on workers’ rights for any regulations made under subsection (1) which introduce a work visa scheme for EEA nationals.”

Nic Dakin
Withdrawn after debate 22
Clause 4, page 3, line 10, at end insert—
“(5A) Regulations under subsection (1) must not be made until the Secretary of State has undertaken and published an impact assessment of the effect of the regulations on the United Kingdom’s health, social care and medical research sectors.
(5B) An impact assessment under subsection (5A) above must include, but is not limited to, an assessment of the regulations impact on—
(a) the health and social care workforce;
(b) the cancer workforce; and
(c) the medical research workforce.
(5C) An impact assessment under subsection 1 must be laid before both Houses of Parliament.”

Kate Green
Tim Loughton
Ms Harriet Harman
Withdrawn after debate 27
Clause 4, page 3, line 10, at end insert—
“(5A) Any regulations issued under subsection (1) which enable children of EEA or Swiss nationals to be removed from the United Kingdom must include—
Immigration and Social Security Co-ordination (EU Withdrawal) Bill, continued

(a) a requirement to obtain an individual Best Interests Assessment before a decision is made to remove the child; and

(b) a requirement to obtain a Best Interest Assessment in relation to any child whose human rights may be breached by a decision to remove.

(5B) The assessment under subsection (5A) must cover, but is not limited to—

(a) the ascertainable wishes and feelings of the child concerned (considered in the light of his or her age and understanding);
(b) the child’s physical, emotional and educational needs;
(c) the likely effects, including psychological effects, on the child of the removal;
(d) the child’s age, sex, background and any characteristics of the child the assessor considers relevant;
(e) any harm which the child is at risk of suffering if the removal takes place;
(f) how capable the parent facing removal with the child, and any other person in relation to whom the assessor considers the question to be relevant, is of meeting his or her needs;
(g) the citizenship rights of the child including whether they may be stateless and have rights to British citizenship.

(5C) The assessment must be carried out by a suitably qualified and independent professional.

(5D) Psychological or psychiatric assessments must be obtained in appropriate cases.

(5E) The results of the assessment must be recorded in a written plan for the child.”

Stuart C. McDonald
Gavin Newlands

Clause 4, page 3, line 10, at end insert—

“(5A) Regulations under subsection (1) must provide for admission of EU nationals as spouses, partners and children of UK citizens and settled persons.

(5B) Regulations under subsection (1) may require that the EU nationals entering as spouses, partners and children of UK citizens and settled persons can be maintained and accommodated without recourse to public funds, but in deciding whether that test is met, account must be taken of the prospective earnings of the EU nationals seeking entry, as well as any third party support that may be available.

(5C) Regulations under subsection (1) must not include any test of financial circumstances beyond that set out in subsection (5B).”

[Adjourned until Thursday at 11.30 am