House of Commons

Thursday 28 February 2019

PUBLIC BILL COMMITTEE PROCEEDINGS

IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL) BILL
[SEVENTH AND EIGHTH SITTINGS]

GLOSSARY
This document shows the fate of each clause, schedule, amendment and new clause.

The following terms are used:

Agreed to: agreed without a vote.
Agreed to on division: agreed following a vote.
Negatived: rejected without a vote.
Negatived on division: rejected following a vote.
Not called: debated in a group of amendments, but not put to a decision.
Not moved: not debated or put to a decision.
Question proposed: debate underway but not concluded.
Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.
Not selected: not chosen for debate by the Chair.

Stuart C. McDonald
Gavin Newlands
Afzal Khan

Clause 4, page 3, line 11, leave out subsection (6)

Not called 3

Stuart C. McDonald
Gavin Newlands
Afzal Khan

Clause 4, page 3, line 17, leave out “other”

Not called 5
Clause 4, page 3, line 17, leave out from “subsection (1)” to “is” on line 19

Afzal Khan

Clause 4, page 3, line 18, leave out “that amend or repeal any provision of primary legislation (whether alone or with any other provision)”

Stuart C. McDonald
Gavin Newlands
Afzal Khan

Clause 4, page 3, line 21, leave out subsection (8)

Kate Green
Tim Loughton

Clause 4, page 3, line 31, at end insert—
“(11) When exercising functions under Clause 4 relating to children and families the Secretary of State must—
(a) have due regard to the requirements of—
(i) Part I of the United Nations Convention on the Rights of the Child, and
(ii) the Optional Protocols of the UNCRC to which the UK is a signatory state.
(b) undertake and publish a Child Rights Impact Assessment.”

Clause agreed to.

Kate Green

Clause 5, page 4, line 21, at end insert—
“(11) The power to make regulations under subsection (1) may not be used to make regulations removing Title I, Title II or Chapter 1 of Title III of Regulation (EC) No 883/2004.”

Afzal Khan

Page 3, line 34, leave out Clause 5

Clause agreed to.

Schedule 2 agreed to.

Schedule 3 agreed to.
Clause 6 agreed to.

Stuart C. McDonald
Gavin Newlands
Withdrawn after debate 34

Clause 7, page 5, line 15, leave out “Scotland”

Stuart C. McDonald
Gavin Newlands
Not called 35

Clause 7, page 5, line 15, at end insert—
“(1A) Section 1 and Schedule 1 of this Act do not extend to Scotland.”

Afzal Khan
Withdrawn after debate 14

Clause 7, page 5, line 32, at end insert—
“(5A) This Act cannot come into force until the House of Commons has passed a motion in the form set out in subsection (5B).
(5B) The form of the motion for the purposes of subsection (5A) is—
“That the Immigration and Social Security Co-Ordination (EU Withdrawal Act) come into force”.”

Stuart C. McDonald
Gavin Newlands
Negatived on division 36

Clause 7, page 5, line 32, at end insert—
“(5A) Section 1 must not be brought into force before 30 June 2021.”

Kate Green
Tim Loughton
Not called 24

Clause 7, page 5, line 33, leave out subsection (6) and insert—
“(6) This Act may not come into force until a Minister of the Crown has undertaken and published a Child Rights Impact Assessment of the Bill.
(6A) Section 6 and this section come into force on the day a Minister of the Crown publishes the Child Rights Impact Assessment under subsection (6).”

Afzal Khan
Not called 15

Clause 7, page 5, line 33, leave out from “which” to end of line 34, and insert “the House of Commons has passed a motion in the form set out in subsection (5B) above.”
Clause 7, page 5, line 37, at end insert—

“(7A) Section 1 of this Act cannot come into force until the Secretary of State has ensured that legal aid is available to all EEA and Swiss nationals, and their family members, who are domiciled or habitually resident in the UK for Early Legal Help on immigration matters.”

Clause 7, page 5, line 37, at end insert—

“(7A) Section 1 of this Act cannot come into force until the Secretary of State has commissioned an independent review to examine whether the UK’s existing immigration legislation, and any provisions or rules issued under existing legislation, require amending to deal with the ending of freedom of movement under the provisions of this Act.

(7B) The review under subsection 1 must consider, but is not limited to —

(a) an equality impact assessment evaluating whether any individuals subject to the Immigration Act 1971 are discriminated against on the basis of any of the protected characteristics defined in the Equality Act 2010;

(b) an assessment of whether the Immigration Act 1971 needs amending to ensure the human rights of persons who have their freedom of movement removed under the provisions of this Act are protected;

(c) whether sections 20 to 47 of the Immigration Act 2014, sections 34 to 45 of the Immigration Act 2016, and sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006 require amending;

(d) whether schedule 2 of the Data Protection Act 2018 requires amending.

(7C) The review under subsection 1 must be laid before both Houses of Parliament.”

Clause 7, page 5, line 39, at end insert—

“(8A) Regulations under subsection (8) above may not be made until—

(a) the Secretary of State has completed a review of all cases of deportation, detention, or refusal of status to individuals who entered the United Kingdom before 1973, and the children and descendants of those individuals; and

(b) the Secretary of State has considered the findings of that review and implemented any safeguards deemed necessary, following a public
consultation, to ensure that those who lose their right of freedom of movement under the provisions of this Act are protected from any wrongful detention, deportation or denial of legal rights.”

Afzal Khan

Clause 7, page 5, line 39, at end insert—
“(8A) The Secretary of State must not issue any regulations under subsection 8 above until the Secretary of State has implemented any recommendations contained in the Law Commission’s review of the UK’s Immigration Rules which relate to or will relate to persons who, under the provisions of the Act, will lose their right of free movement.”

Afzal Khan

Clause 7, page 5, line 39, at end insert—
“(8A) Regulations under subsections (7) and (8) relating to the coming into force of section 1 or section 5 may not be made until the number of people registered for settled status in the United Kingdom reaches 3 million.”

Stuart C. McDonald
Gavin Newlands

Clause 7, page 5, line 39, at end insert—
“(8A) Regulations under subsection (8) may not be made until the Government has published a review of section 3 of the Immigration Act 1971, examining its impact on human rights.”

Stuart C. McDonald
Gavin Newlands

Clause 7, page 5, line 39, at end insert—
“(8A) Regulations under subsection (8) may not be made until the Government has repealed paragraph 4 of schedule 2 of the Data Protection Act 2018.”

Stuart C. McDonald
Gavin Newlands

Clause 7, page 5, line 39, at end insert—
“(8A) Regulations under subsection (8) may not be made until the Secretary of State has amended regulation 12 of the National Health Service (Charges to Overseas Visitors) Regulations 2015 to exempt EEA and Swiss nationals with immigration permission from being charged for NHS services.”

Stuart C. McDonald
Gavin Newlands

Clause 7, page 5, line 39, at end insert—
“(8A) Regulations under subsection (8) may not be made until the Secretary of State has published a review of section 3 of the Immigration Act 1971, examining its impact on the human rights of people whose right of free movement is ended by section 1 and schedule 1 of this Act.”
Clause 7, page 5, line 39, at end insert—
“(8A) Regulations under subsection (8) may not be made until the Government has repealed paragraph 4 of schedule 2 of the Data Protection Act 2018 in so far as it affects people whose right of free movement is ended by section 1 and schedule 1 of this Act.”

Clause agreed to.

Clause 7, page 5, line 44, at end insert—
“(10A) Section 4 and section 7(5) of this Act expire at the end of a period of one year beginning with the day on which this Act is passed.”

Clause agreed to.

[Adjourned until Tuesday 5 March at 9.25 am]