



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 27 March 2019

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 AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL) BILL

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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.

Afzal Khan
Ms Diane Abbott
Mr David Davis
Stuart C. McDonald
Joanna Cherry
Gavin Robinson

Sir Edward Davey
Liz Saville Roberts
Mr Andrew Mitchell
Dame Caroline Spelman
Jess Phillips
Jo Stevens
Ms Karen Buck
Rachel Reeves
Thelma Walker
Liz Kendall

Jonathan Edwards
Hywel Williams
Ms Harriet Harman
Rosie Duffield
Tulip Siddiq
Tom Brake
Yvonne Fovargue
Emma Hardy
Yasmin Qureshi
Seema Malhotra

Ben Lake
Gavin Newlands
Paul Blomfield
Tonia Antoniazzi
Christine Jardine
Stella Creasy
Julie Cooper
Helen Hayes
Dr Rosena Allin-Khan
Daniel Zeichner

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

Owen Smith	Alex Sobel	Stephen Timms
Alex Cunningham	Ian Murray	Richard Burgon
Lilian Greenwood	Rushanara Ali	Shabana Mahmood
Anna McMorrin	Liz McInnes	Dr Roberta Blackman-Woods
Dr Paul Williams	Yvette Cooper	Andy Slaughter
Matthew Pennycook	Clive Efford	Mrs Sharon Hodgson
Kate Green	Kerry McCarthy	Danielle Rowley
Debbie Abrahams	Emma Reynolds	Wera Hobhouse
Ruth George	Nic Dakin	Heidi Allen
Jim Shannon	Jamie Stone	Tim Farron
Mr Alistair Carmichael	Layla Moran	Caroline Lucas

NC1

To move the following Clause—

“Time limit on immigration detention

- (1) For the purpose of this section, a person (“P”) is defined as—
 - (a) any person who, immediately before the commencement of Schedule 1, was—
 - (i) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016;
 - (ii) residing in the United Kingdom in accordance with a right conferred by or under any of the other instruments which is repealed by Schedule 1; or
 - (iii) otherwise residing in the United Kingdom in accordance with any right derived from European Union law which continues, by virtue of section 4 of the EU Withdrawal Act 2018, to be recognised and available in domestic law after exit day;
 - (b) and any other person.
- (2) The Secretary of State may not detain any person (“P”) as defined in subsection (1) under a relevant detention power for a period of more than 28 days from the relevant time.
- (3) If “P” remains detained under a relevant detention power at the expiry of the period of 28 days then—
 - (a) the Secretary of State shall release P forthwith; and
 - (b) the Secretary of State may not re—detain P under a relevant detention power thereafter, unless the Secretary of State is satisfied that there has been a material change of circumstances since “P’s” release and that the criteria in section [Initial detention: criteria and duration] are met.
- (4) In this Act, “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 UK Borders Act 2007 (detention pending deportation).
- (5) In this Act, “relevant time” means the time at which “P” is first detained under a relevant detention power.

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

- (6) This section does not apply to a person in respect of whom the Secretary of State has certified that the decision to detain is or was taken in the interests of national security.”

Afzal Khan
 Ms Diane Abbott
 Mr David Davis
 Stuart C. McDonald
 Joanna Cherry
 Gavin Robinson

Sir Edward Davey	Jonathan Edwards	Ben Lake
Liz Saville Roberts	Hywel Williams	Gavin Newlands
Mr Andrew Mitchell	Ms Harriet Harman	Paul Blomfield
Rosie Duffield	Tonia Antoniazzi	Jess Phillips
Tulip Siddiq	Christine Jardine	Jo Stevens
Tom Brake	Stella Creasy	Ms Karen Buck
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Seema Malhotra	Daniel Zeichner	Owen Smith
Alex Sobel	Stephen Timms	Alex Cunningham
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Clive Efford	Mrs Sharon Hodgson	Kate Green
Kerry McCarthy	Danielle Rowley	Debbie Abrahams
Emma Reynolds	Wera Hobhouse	Nic Dakin
Heidi Allen	Jim Shannon	Jamie Stone
Layla Moran	Caroline Lucas	Tim Farron

NC2

To move the following Clause—

“Initial detention: criteria and duration

- (1) The Secretary of State may not detain any person (“P”) to whom section [*Time limit on immigration detention*] applies, under a relevant detention power other than for the purposes of examination, unless the Secretary of State is satisfied that—
- (a) “P” can be shortly removed from the United Kingdom;
 - (b) detention is strictly necessary to affect the “P”’s deportation or removal from the United Kingdom; and
 - (c) the detention of “P” is in all circumstances proportionate.
- (2) The Secretary of State may not detain any person (“P”) who section [*Time limit on immigration detention*] applies to under a relevant detention power for a period of more than 96 hours from the relevant time, unless—
- (a) “P” has been refused bail at an initial bail hearing in accordance with subsection (5)(b) of section [*Bail hearings*]; or
 - (b) the Secretary of State has arranged a reference to the Tribunal for consideration of whether to grant immigration bail to “P” in accordance with subsection (2)(c) of clause [*Bail hearings*] and that hearing has not yet taken place.

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, continued

- (3) Nothing in subsection (2) shall authorise the Secretary of State to detain “P” under a relevant detention power if such detention would, apart from this section, be unlawful.
- (4) In this section, “Tribunal” means the First-Tier Tribunal.
- (5) In this section, “relevant detention power” has the meaning given in section [*Time limit on immigration detention*].”

Afzal Khan
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Emma Reynolds	Wera Hobhouse	Nic Dakin
Heidi Allen	Jim Shannon	Jamie Stone
Layla Moran	Caroline Lucas	Tim Farron

NC3

To move the following Clause—

“Bail hearings

- (1) This section applies to any person (“P”) to whom section [*Time limit on immigration detention*] applies and who is detained under a relevant detention power.
- (2) Before the expiry of a period of 96 hours from the relevant time, the Secretary of State must—
 - (a) release “P”;
 - (b) grant immigration bail to “P” under paragraph 1 of Schedule 10 to the Immigration Act 2016; or
 - (c) arrange a reference to the Tribunal for consideration of whether to grant immigration bail to “P”.
- (3) Subject to subsection (4), when the Secretary of State arranges a reference to the Tribunal under subsection (2)(c), the Tribunal must hold an oral hearing (“an initial bail hearing”) which must commence within 24 hours of the time at which the reference is made.

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

- (4) If the period of 24 hours in subsection (3) ends on a Saturday, Sunday or Bank holiday, the Tribunal must hold an initial bail hearing on the next working day.
 - (5) At the initial bail hearing, the Tribunal must—
 - (a) grant immigration bail to “P” under paragraph 1 of Schedule 10 to the Immigration Act 2016; or
 - (b) refuse to grant immigration bail to “P”.
 - (6) Subject to subsection (7), the Tribunal must grant immigration bail to “P” at a bail hearing unless it is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [*Initial detention: criteria and duration*] are met and that, in addition—
 - (a) directions have been given for “P’s” removal from the United Kingdom and such removal is to take place within 14 days;
 - (b) a travel document is available for the purposes of “P’s” removal or deportation; and
 - (c) there are no outstanding legal barriers to removal.
 - (7) Subsection (6) does not apply if the Tribunal is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [*Initial detention: criteria and duration*] above are met and that there are very exceptional circumstances which justify maintaining detention.
 - (8) In subsection (6) above, “a bail hearing” includes—
 - (a) an initial bail hearing under subsection (2) above; and
 - (b) the hearing of an application for immigration bail under paragraph 1(3) of Schedule 10 of the Immigration Act 2016.
 - (9) In this section, “Tribunal” means the First-Tier Tribunal.
 - (10) The Secretary of State shall provide to “P” or “P’s” legal representative, not more than 24 hours after the relevant time, copies of all documents in the Secretary of State’s possession which are relevant to the decision to detain.
 - (11) At the initial bail hearing, the Tribunal shall not consider any documents relied upon by the Secretary of State which were not provided to “P” or “P’s” legal representative in accordance with subsection (10), unless—
 - (a) “P” consents to the documents being considered; or
 - (b) in the opinion of the Tribunal there is a good reason why the documents were not provided to “P” or to “P’s” legal representative in accordance with subsection (10).
 - (12) The Immigration Act 2016 is amended as follows—
 - (a) After paragraph 12(4) of schedule 10 insert—

“(4A) Sub-paragraph (2) above does not apply if the refusal of bail by the First tier Tribunal took place at an initial bail hearing within the meaning of section [*Bail hearings for EEA and Swiss nationals*] of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2019.”
-

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

Afzal Khan
 Ms Diane Abbott
 Mr David Davis
 Stuart C. McDonald
 Joanna Cherry
 Gavin Robinson

Sir Edward Davey
 Liz Saville Roberts
 Mr Andrew Mitchell
 Rosie Duffield
 Tulip Siddiq
 Tom Brake
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Jonathan Edwards
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 Julie Cooper
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 Dr Rosena Allin-Khan
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 Shabana Mahmood
 Dr Roberta Blackman-Woods
 Andy Slaughter
 Mrs Sharon Hodgson
 Danielle Rowley
 Wera Hobhouse
 Jim Shannon
 Caroline Lucas

Ben Lake
 Gavin Newlands
 Paul Blomfield
 Jess Phillips
 Jo Stevens
 Ms Karen Buck
 Rachel Reeves
 Thelma Walker
 Liz Kendall
 Owen Smith
 Alex Cunningham
 Lilian Greenwood
 Anna McMorrin
 Dr Paul Williams
 Matthew Pennycook
 Kate Green
 Debbie Abrahams
 Nic Dakin
 Jamie Stone
 Tim Farron

NC4

To move the following Clause—

“Commencement of detention provisions

- (1) Sections [*Time limit on immigration detention*] (save for subsection (1)(b)), [*Initial detention: criteria and duration*] and [*Bail hearings*] come into force six months after the day on which this Act is passed.
- (2) Subsection (1)(b) of section [*Time limit on immigration detention*] comes into force on such day as the Secretary of State may by order appoint.”

Afzal Khan
 Ms Diane Abbott
 Mr David Davis
 Stuart C. McDonald
 Joanna Cherry
 Gavin Robinson

Sir Edward Davey
 Liz Saville Roberts
 Mr Andrew Mitchell
 Rosie Duffield
 Tulip Siddiq

Jonathan Edwards
 Hywel Williams
 Ms Harriet Harman
 Tonia Antoniazzi
 Christine Jardine

Ben Lake
 Gavin Newlands
 Paul Blomfield
 Jess Phillips
 Jo Stevens

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

Tom Brake	Stella Creasy	Ms Karen Buck
Yvonne Fovargue	Julie Cooper	Rachel Reeves
Emma Hardy	Helen Hayes	Thelma Walker
Yasmin Qureshi	Dr Rosena Allin-Khan	Liz Kendall
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Clive Efford	Mrs Sharon Hodgson	Kate Green
Kerry McCarthy	Danielle Rowley	Debbie Abrahams
Emma Reynolds	Wera Hobhouse	Ruth George
Nic Dakin	Heidi Allen	Jim Shannon
Jamie Stone	Layla Moran	Caroline Lucas
Tim Farron		

NC5

To move the following Clause—

“Time limit on immigration detention for EEA and Swiss nationals

- (1) For the purpose of this section, a person (“P”) is defined as—
 - (a) any person who, immediately before the commencement of Schedule 1, was—
 - (i) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016;
 - (ii) residing in the United Kingdom in accordance with a right conferred by or under any of the other instruments which is repealed by Schedule 1; or
 - (iii) otherwise residing in the United Kingdom in accordance with any right derived from European Union law which continues, by virtue of section 4 of the EU Withdrawal Act 2018, to be recognised and available in domestic law after exit day;
- (2) The Secretary of State may not detain any person (“P”) as defined in subsection (1) under a relevant detention power for a period of more than 28 days from the relevant time.
- (3) If “P” remains detained under a relevant detention power at the expiry of the period of 28 days then—
 - (a) the Secretary of State shall release P forthwith; and
 - (b) the Secretary of State may not re—detain P under a relevant detention power thereafter, unless the Secretary of State is satisfied that there has been a material change of circumstances since “P’s” release and that the criteria in section [*Initial detention: criteria and duration (No. 2)*] are met.
- (4) In this Act, “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 UK Borders Act 2007 (detention pending deportation).
- (5) In this Act, “relevant time” means the time at which “P” is first detained under a relevant detention power.

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

- (6) This section does not apply to a person in respect of whom the Secretary of State has certified that the decision to detain is or was taken in the interests of national security.”

Afzal Khan
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Emma Reynolds	Wera Hobhouse	Nic Dakin
Heidi Allen	Jim Shannon	Jamie Stone
Layla Moran	Caroline Lucas	Tim Farron

NC6

To move the following Clause—

“Initial detention: criteria and duration (No. 2)

- (1) The Secretary of State may not detain any person (“P”) to whom section [*Time limit on immigration detention for EEA and Swiss nationals*] applies, under a relevant detention power other than for the purposes of examination, unless the Secretary of State is satisfied that—
- “P” can be shortly removed from the United Kingdom;
 - detention is strictly necessary to affect “P”’s deportation or removal from the United Kingdom; and
 - the detention of “P” is in all circumstances proportionate.
- (2) The Secretary of State may not detain any person (“P”) who section [*Time limit on detention for EEA and Swiss nationals*] applies to under a relevant detention power for a period of more than 96 hours from the relevant time, unless—
- “P” has been refused bail at an initial bail hearing in accordance with subsection (5)(b) of section [*Bail hearings (No. 2)*]; or
 - the Secretary of State has arranged a reference to the Tribunal for consideration of whether to grant immigration bail to “P” in accordance with subsection (2)(c) of section [*Bail hearings (No. 2)*] and that hearing has not yet taken place.

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

- (3) Nothing in subsection (2) shall authorise the Secretary of State to detain “P” under a relevant detention power if such detention would, apart from this section, be unlawful.
- (4) In this section, “Tribunal” means the First-Tier Tribunal.
- (5) In this section, “relevant detention power” has the meaning given in section [*Time limit on detention for EEA and Swiss nationals*].”

Afzal Khan
 Ms Diane Abbott
 Mr David Davis
 Stuart C. McDonald
 Joanna Cherry
 Gavin Robinson

Sir Edward Davey	Jonathan Edwards	Ben Lake
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Emma Reynolds	Wera Hobhouse	Nic Dakin
Heidi Allen	Jim Shannon	Jamie Stone
Layla Moran	Caroline Lucas	Tim Farron

NC7

To move the following Clause—

“Bail hearings (No. 2)

- (1) This section applies to any person (“P”) to whom section [*Time limit on immigration detention for EEA and Swiss nationals*] applies and who is detained under a relevant detention power.
- (2) Before the expiry of a period of 96 hours from the relevant time, the Secretary of State must—
 - (a) release “P”;
 - (b) grant immigration bail to “P” under paragraph 1 of Schedule 10 to the Immigration Act 2016; or
 - (c) arrange a reference to the Tribunal for consideration of whether to grant immigration bail to “P”.
- (3) Subject to subsection (4), when the Secretary of State arranges a reference to the Tribunal under subsection (2)(c), the Tribunal must hold an oral hearing (“an initial bail hearing”) which must commence within 24 hours of the time at which the reference is made.

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

- (4) If the period of 24 hours in subsection (3) ends on a Saturday, Sunday or Bank holiday, the Tribunal must hold an initial bail hearing on the next working day.
 - (5) At the initial bail hearing, the Tribunal must—
 - (a) grant immigration bail to “P” under paragraph 1 of Schedule 10 to the Immigration Act 2016; or
 - (b) refuse to grant immigration bail to “P”.
 - (6) Subject to subsection (7), the Tribunal must grant immigration bail to “P” at a bail hearing unless it is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [*Initial detention: criteria and duration (No. 2)*] are met and that, in addition—
 - (a) directions have been given for “P’s” removal from the United Kingdom and such removal is to take place within 14 days;
 - (b) a travel document is available for the purposes of “P’s” removal or deportation; and
 - (c) there are no outstanding legal barriers to removal.
 - (7) Subsection (6) does not apply if the Tribunal is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [*Initial detention: criteria and duration (No. 2)*] above are met and that there are very exceptional circumstances which justify maintaining detention.
 - (8) In subsection (6) above, “a bail hearing” includes—
 - (a) an initial bail hearing under subsection (2) above; and
 - (b) the hearing of an application for immigration bail under paragraph 1(3) of Schedule 10 of the Immigration Act 2016.
 - (9) In this section, “Tribunal” means the First-Tier Tribunal.
 - (10) The Secretary of State shall provide to “P” or “P’s” legal representative, not more than 24 hours after the relevant time, copies of all documents in the Secretary of State’s possession which are relevant to the decision to detain.
 - (11) At the initial bail hearing, the Tribunal shall not consider any documents relied upon by the Secretary of State which were not provided to “P” or “P’s” legal representative in accordance with subsection (10), unless—
 - (a) “P” consents to the documents being considered; or
 - (b) in the opinion of the Tribunal there is a good reason why the documents were not provided to “P” or to “P’s” legal representative in accordance with subsection (10).
 - (12) The Immigration Act 2016 is amended as follows—
 - (a) After paragraph 12(4) of schedule 10 insert—

“(4A) Sub-paragraph (2) above does not apply if the refusal of bail by the First tier Tribunal took place at an initial bail hearing within the meaning of section [*Bail hearings (No. 2)*] of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2019.”
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Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

Afzal Khan
 Ms Diane Abbott
 Mr David Davis
 Stuart C. McDonald
 Joanna Cherry
 Gavin Robinson

Sir Edward Davey	Jonathan Edwards	Ben Lake
Liz Saville Roberts	Hywel Williams	Gavin Newlands
Mr Andrew Mitchell	Ms Harriet Harman	Paul Blomfield
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Liz McInnes	Dr Roberta Blackman-Woods	Dr Paul Williams
Yvette Cooper	Andy Slaughter	Matthew Pennycook
Clive Efford	Mrs Sharon Hodgson	Kate Green
Kerry McCarthy	Danielle Rowley	Debbie Abrahams
Emma Reynolds	Wera Hobhouse	Nic Dakin
Heidi Allen	Jim Shannon	Jamie Stone
Layla Moran	Caroline Lucas	Tim Farron

NC8

To move the following Clause—

“Commencement of detention provisions (No. 2)

- (1) Sections [*Time limit on immigration detention for EEA and Swiss Nationals*], [*Initial detention: criteria and duration (No. 2)*] and [*Bail hearings (No. 2)*] come into force six months after the day on which this Act is passed.

Sir Edward Davey
 Christine Jardine
 Tom Brake
 Wera Hobhouse
 Jamie Stone
 Layla Moran

Tim Farron

NC10

To move the following Clause—

“Data protection: immigration (EEA and Swiss nationals)

- (1) The Data Protection Act 2018 is amended in accordance with subsection (2).

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

(2) In paragraph 4 of schedule 2, after sub-paragraph (4) insert—

“(5) This paragraph does not apply if the data subject is an EEA or Swiss national or a dependent of an EEA or Swiss national.””

Sir Edward Davey
Christine Jardine
Tom Brake
Wera Hobhouse
Jamie Stone
Layla Moran

Tim Farron

NC11

To move the following Clause—

“EU Settlement Scheme: removal of deadline

The Secretary of State must make provision to ensure that EEA and Swiss nationals, and their family members, who are resident in the United Kingdom on or prior to 31 December 2020 can apply for settled status at any time.”

Sir Edward Davey
Christine Jardine
Tom Brake
Wera Hobhouse
Jamie Stone
Layla Moran

Tim Farron

NC12

To move the following Clause—

“EU Settlement Scheme: physical documented proof

The Secretary of State must make provision to ensure that EEA and Swiss nationals and their family members who are granted settled or pre-settled status are provided with physical documented proof of that status.”

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

Sir Edward Davey
Christine Jardine
Afzal Khan
Ms Diane Abbott
Tom Brake
Wera Hobhouse

Jamie Stone

Layla Moran

Tim Farron

NC13

To move the following Clause—

“Right to rent (EEA and Swiss nationals)

The Secretary of State must make provision to ensure that EEA and Swiss nationals, and dependants of EEA and Swiss nationals, are not subjected to right to rent immigration checks.

Afzal Khan
Ms Diane Abbott
Paul Blomfield

NC14

To move the following Clause—

“Settled status

- (1) Any person who has their right of free movement removed by the provisions contained in this Act has the right of settled status in the United Kingdom if that person —
 - (a) is an EEA or Swiss national;
 - (b) is a family member of an EEA or Swiss national or person with derived rights;
 - (c) is resident in the United Kingdom on or prior to 31 December 2020.
- (2) Family members of any person (“P”) with settled status under the provisions of subsection (1) are entitled to settled status in the United Kingdom after 31 December 2020 if—
 - (a) the family member’s relationship with “P” began before 31 December 2020; and
 - (b) the family member continues to be a family member of “P” when the family member applies for settled status.
- (3) Any family member of any person with settled status under the provisions of subsection (1) is eligible for a family visa to live in the United Kingdom if that relationship began after 31 December 2020.
- (4) Any children born in the United Kingdom to a person granted settled status under the provisions of this section is a British citizen.
- (5) Any person who is entitled to settled status under this section has the same protection against expulsion as defined in Chapter 6 of Directive 2004/38/EC of the European Parliament and Council.
- (6) The Secretary of State must ensure that any person entitled to settled status under this section receives a physical document confirming their settled status via a system of registration.

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

- (7) No fee may be charged for applications to register for settled status under this section.
- (8) Any person who has acquired settled status under the provisions of this section is entitled to—
- (a) remain in the United Kingdom indefinitely;
 - (b) apply for British citizenship;
 - (c) work in the United Kingdom;
 - (d) use the National Health Service;
 - (e) enrol in all educational courses in the United Kingdom;
 - (f) access all benefits and pensions, if they meet the eligibility requirements.
- (9) A person’s right to use the National Health Service, enrol in educational courses and access all benefits and pensions under subsection (9), is the same as that of a British national.
- (10) Any person who is entitled to settled status under this section loses their settled status only if—
- (a) they are absent from the United Kingdom for a period exceeding five continuous years after 31 December 2021; or
 - (b) the criteria for expulsion as set out in Chapter 6 of Directive 2004/38/EC of the European Parliament and Council apply to them.
- (11) A person who is the subject of a Settled Status Decision may appeal that decision to the First-tier Tribunal (Immigration and Asylum Chamber).
- (12) A Settled Status Decision includes a decision relating to—
- (a) a person’s entitlement to be admitted to the United Kingdom as a person with settled status;
 - (b) a person’s entitlement to be issued with or have renewed, or not to have revoked, confirmation of their settled status;
 - (c) a person’s removal from the United Kingdom when that person claims to have settled status; or
 - (d) the cancellation of a person’s right to settled or pre-settled status.
- (13) A person’s claimed right to remain and associated rights in the UK are protected pending the outcome of an appeal under subsection (12).
- (14) In this section, “family member” has the meaning given in Directive 2004/38/EC of the European Parliament and Council.
- (15) This section applies if the United Kingdom leaves the European Union—
- (a) following a ratified and implemented withdrawal agreement; or
 - (b) without a ratified and implemented withdrawal agreement.”

Afzal Khan
Ms Diane Abbott

NC15

To move the following Clause—

“Hostile environment: review of legislation affecting EEA nationals

- (1) The Secretary of State shall carry out a review of the hostile environment legislation that will apply to people whose right of free movement is ended under section 1 and schedule 1 of this Act.
- (2) The Secretary of State must lay a report of the review in subsection (1) before the House of Commons within six months of the passing of this Act.

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

- (3) In this section, “hostile environment legislation” means—
- (a) sections 34 to 45 of the Immigration Act 2016;
 - (b) sections 20 to 47 of the Immigration Act 2014;
 - (c) sections 15 to 26 of the Immigration, Asylum and Nationality Act 2006.”

Neil Coyle

NC16

To move the following Clause—

“Recourse to public funds: EEA and Swiss nationals with children

- (1) EEA and Swiss nationals with dependants under the age of 18 must be exempt from any no recourse to public funds condition that would otherwise be placed on them under Immigration Rules.
- (2) For the purposes of this section, a public fund is defined as any of the following—
 - (a) attendance allowance;
 - (b) carer’s allowance;
 - (c) child benefit;
 - (d) child tax credit;
 - (e) council tax benefit;
 - (f) council tax reduction;
 - (g) disability living allowance;
 - (h) discretionary support payments by local authorities or the devolved administrations in Scotland and Northern Ireland which replace the discretionary social fund;
 - (i) housing and homelessness assistance;
 - (j) housing benefit;
 - (k) income-based jobseeker’s allowance;
 - (l) income related employment and support allowance (ESA);
 - (m) income support;
 - (n) personal independence payment;
 - (o) severe disablement allowance;
 - (p) social fund payment;
 - (q) state pension credit;
 - (r) universal credit;
 - (s) working tax credit;
 - (t) Immigration Health Surcharge (IHS).”

Member’s explanatory statement

This new clause would prevent EEA and Swiss families with children under the age of 18 from being given the right to remain in the UK but not being allowed access to public funds.

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

Kate Green

NC17

To move the following Clause—

“Application system for EEA and Swiss nationals granted settled status to apply for British citizenship

- (1) The Secretary of State must, within 6 months of this Act receiving Royal Assent, establish a bespoke system for EEA and Swiss nationals who have been granted settled status to apply for British citizenship.
- (2) The application system established under subsection 1 must not contain a minimum length of time that applicants must have held settled status for before they are eligible to apply for British citizenship.
- (3) The Secretary of State must ensure that any fees charged to applicants applying under the scheme are commensurate to the cost of administering an individual application.”

Member’s explanatory statement

This new clause would require the Government to create a bespoke pathway from Settled Status to British Citizenship.

Sir Edward Davey
Christine Jardine
Tom Brake
Wera Hobhouse
Jamie Stone
Layla Moran

Tim Farron

3

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

- “(5A) Regulations under subsection (1) must provide that EEA and Swiss nationals, and adult dependants of EEA and Swiss 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 3 months of the date on which it was recorded.”

Kate Green
Tim Loughton
Liz Saville Roberts
Ben Lake
Hywel Williams
Jonathan Edwards

Ms Harriet Harman

Dame Caroline Spelman

Caroline Lucas

4

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

- “(5A) Any regulations issued under subsection (1) which enable children who are EEA or Swiss nationals or family members of EEA or Swiss nationals to be removed from the United Kingdom must include—
- (a) a requirement to obtain an individual Best Interests Assessment before a decision is made to remove the child; and

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

- (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 as part of a Best Interest Assessment in appropriate cases.
- (5E) The results of the assessment must be recorded and provided to the child in writing.
- (5F) In section 5A above, “family member” has the meaning given in Directive 2004/38/EC of the European Parliament and Council.”

Member’s explanatory statement

This amendment would ensure that a Best Interest Assessment must be carried out and recorded in writing before a decision is taken to remove a child who is an EEA or Swiss national, or the family member of an EEA or Swiss national, from the UK. This would apply to children with rights derived from EU law, unaccompanied children at risk of removal and children who may be separated from their parents or carers by a removal decision.

Afzal Khan
 Ms Diane Abbott
 Richard Burgon
 Imran Hussain
 Gloria De Piero
 Yasmin Qureshi

1

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.”

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

Afzal Khan
Ms Diane Abbott

2

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.”

ORDER OF THE HOUSE [28 JANUARY 2019]

That the following provisions shall apply to the Immigration and Social Security Co-ordination (EU Withdrawal) 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 Thursday 7 March.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration 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 up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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NOTICES WITHDRAWN

The following Notices were withdrawn on 18 March 2019:

NC9
