



House of Commons

Tuesday 9 June 2020

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 17 to 22 and NC30 to NC49

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 accordance with the Resolution of the Programming Sub-Committee.

RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE

The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Monday 8 June (Standing Order 83C):

That—

- (1) the Committee shall (in addition to its first meeting at 9.25am on Tuesday 9 June meet—
 - (a) at 2.00pm on Tuesday 9 June;
 - (b) at 11.30am and 2.00pm on Thursday 11 June;
 - (c) at 9.25am and 2.00pm on Tuesday 16 June;
 - (d) at 11.30am and 2.00pm on Thursday 18 June;
 - (e) at 9.25am and 2.00pm on Tuesday 23 June;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 9 June	Until no later than 10.20am	Federation of Small Businesses; London Chamber of Commerce and Industry

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

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 9 June	Until no later than 10.50am	The Confederation of British Industry; Make UK
Tuesday 9 June	Until no later than 11.25am	The Migration Advisory Committee
Tuesday 9 June	Until no later than 2.40pm	British in Europe; Professor Bernard Ryan
Tuesday 9 June	Until no later than 3.20pm	British Future; Policy Exchange
Tuesday 9 June	Until no later than 4.00pm	Detention Action; Immigration Law Practitioners' Association
Tuesday 9 June	Until no later than 4.30pm	the3million; The Children's Society
Tuesday 9 June	Until no later than 5.00pm	Fragomen LLP; No.5 Barristers' Chambers

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clause 1, Schedule 1, Clauses 2 to 5, Schedules 2 and 3, Clauses 6 to 9, New Clauses, New Schedules, remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00pm on Thursday 25 June.

Kevin Foster has given notice of his intention to move a motion in the terms of the Resolution of the Programming Sub-Committee [Standing Order No. 83C].

Kevin Foster

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Kevin Foster

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

18

- ★ Schedule 1, page 7, line 26, leave out paragraph 4(2)

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara
 Holly Lynch
 Kate Green

2

- Clause 4, page 2, line 34, leave out “appropriate” and insert “necessary”

Member's explanatory statement

This amendment would ensure that the Secretary of State may only make regulations which are necessary rather than those which the Minister considers appropriate.

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara
 Holly Lynch
 Kate Green

3

- Clause 4, page 2, line 34, leave out “, or in connection with,”

Member's explanatory statement

This amendment would narrow the scope of the powers provided to the Secretary of State in Clause 4, as recommended by the House of Lords Delegated Powers and Regulatory Reform Committee in connection with the equivalent Bill introduced in the last session of Parliament.

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

20

- ★ Clause 4, page 2, line 35, leave out “this Part” and insert “Schedule 1”

Member's explanatory statement

This amendment seeks to limit the scope of the power in Clause 4 to matters concerning the ending of retained EU law rights that currently preserve free movement and immigration-related rights.

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

21

- ★ Clause 4, page 2, line 35, at end insert—

“(1A) The power to make regulations under subsection (1) may only be exercised within the period of one year from the day on which this Act is passed.

(1B) Regulations made under subsection (1) shall cease to have effect after a period of two years from the day on which this Act is passed.”

Member's explanatory statement

This amendment would restrict the use of the Henry VIII powers contained in Clause 4 to a period of one year from the date of the Act being passed; and would prevent any changes to primary legislation made by exercise of these powers having permanent effect unless confirmed by primary legislation.

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

Nadia Whittome

10

Clause 4, page 3, line 5, at end insert—

“(4A) Regulations under subsection (1) must designate occupations for which individuals affected by the provisions in this Bill are exempt from any minimum salary threshold that is set for work visa applications.

(4B) Occupations designated under subsection (4A) must include any occupation in the social care sector.”

Member’s explanatory statement

This amendment would require immigration policy made under this Act to exempt shortage occupations from having any minimum salary threshold, and require social care workers to be included in this exemption.

Stuart C McDonald

Joanna Cherry

Brendan O’Hara

Holly Lynch

Kate Green

4

Clause 4, page 3, line 6, leave out subsection (5).

Member’s explanatory statement

This amendment would narrow the scope of the powers provided to the Secretary of State in Clause 4, as recommended by the House of Lords Delegated Powers and Regulatory Reform Committee in connection with the equivalent Bill introduced in the last session of Parliament.

Holly Lynch

Kate Green

Taiwo Owatemi

Stuart C McDonald

Joanna Cherry

Brendan O’Hara

13

☆ Clause 4, page 3, line 8, 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.”

Kate Green

Holly Lynch

Chris Elmore

Taiwo Owatemi

15

☆ Clause 4, page 3, line 8, at end insert—

“(5A) The Secretary of State may make regulations under subsection (1) only if satisfied that the regulations would have no detrimental effect on the children of EEA and Swiss nationals resident in the United Kingdom.

(5B) Before making regulations under subsection (1) the Secretary of State must lay before Parliament, and publish, a statement explaining why the Secretary of State is satisfied as mentioned in subsection (5A).”

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

Stuart C McDonald
Joanna Cherry
Brendan O'Hara

22

★ Clause 4, page 3, line 8, at end insert—

“(5A) Regulations under subsection (1), in relation to persons to whom the regulations apply under this Act, shall be made in accordance with the following principles—

- (a) Promotion of family life, particularly that between children and their parents and that between partners;
- (b) That persons in the United Kingdom should have a right of appeal to the First-tier Tribunal against any decision to refuse leave remain, to curtail leave to enter or remain or to make a deportation order;
- (c) that where leave to remain is given—
 - (i) on account of a person’s long residence in the United Kingdom; or
 - (ii) to a person whose continuous residence in the United Kingdom includes five years of that person’s childhood; or
 - (iii) to a child who has lived in the United Kingdom for a period of seven continuous years;that leave is given for an indefinite period;
- (d) that leave to enter or remain given to a person for the purpose of establishing or continuing family life in the United Kingdom is not subject to a condition restricting work, occupation or recourse to public funds; and
- (e) ensure that no change to immigration rules or fees is made—
 - (i) unless sufficient public notice has been given of that change to ensure any person affected by the change who is already in the United Kingdom with leave to enter or remain has reasonable opportunity to adjust their expectations or circumstances before the change takes effect; or
 - (ii) that would require a person given leave to enter or remain for the purpose of establishing or continuing family life in the United Kingdom to satisfy more restrictive conditions for the continuation of their stay than were required to do so at the time the person was first given leave for this purpose.”

Member’s explanatory statement

This amendment seeks to ensure that exercise of the delegated powers in clause 4(1) is guided by certain principles.

Stuart C McDonald
Joanna Cherry
Brendan O'Hara
Holly Lynch
Kate Green

5

Clause 4, page 3, line 9, leave out subsection (6).

Member’s explanatory statement

This amendment would narrow the scope of the powers provided to the Secretary of State in Clause 4, as recommended by the House of Lords Delegated Powers and Regulatory Reform Committee.

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

6

Clause 4, page 3, line 14, leave out “other”

Member's explanatory statement

This amendment is consequential on Amendment 5.

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara
 Holly Lynch
 Kate Green

9

Clause 4, page 3, line 14, leave out from “(1)” to “is”

Member's explanatory statement

This amendment, along with Amendment 8 will ensure that all regulations made under Clause 4(1) are subject to the affirmative procedure.

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara
 Holly Lynch
 Kate Green

8

Clause 4, page 3, line 18, leave out subsection (8)

Member's explanatory statement

This amendment, along with Amendment 9 will ensure that all regulations made under Clause 4(1) are subject to the affirmative procedure.

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

1

Clause 4, page 3, line 28, at end insert—

“(11) Regulations made under subsection (1) must make provision for admission of EEA nationals as spouses, partners and children of UK citizens and settled persons.

(12) Regulations made under subsection (1) may require that the EEA 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 EEA nationals seeking entry, as well as an third party support that may be available.

(13) Regulations made under subsection (1) must not include any test of financial circumstances beyond that set out in subsection (12)”

Member's explanatory statement

This amendment would ensure that UK nationals and settled persons can be joined in future by EU spouses and partners and children without application of the financial thresholds and criteria that apply to non-EEA spouses, partners and children.

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

Stuart C McDonald
Joanna Cherry
Brendan O'Hara

14

☆ Clause 4, page 3, line 28, at end insert—

- “(11) Regulations made under subsection (1) must make provision enabling UK citizens falling within the personal scope of the Withdrawal Agreement, the EEA EFTA separation agreement or the Swiss citizens’ rights agreement to return to the UK accompanied by, or to be joined in the UK by, close family members with whom they lived while residing in the EEA or Switzerland.
- (12) Regulations under subsection (1) may not impose any conditions on the entry or residence of close family members which could not have been imposed under EU law relating to free movement, as at the date of this Act coming into force.
- (13) References in subsection (11) to the Withdrawal Agreement, the EEA EFTA separation agreement and the Swiss citizens’ rights agreement have the same meaning as in the European Union (Withdrawal Agreement) Act 2020.

Member’s explanatory statement

This amendment would mean UK citizens who had been living in the EEA or Switzerland but wish to return to the UK, could continue to be accompanied or joined in the UK by close family members who would otherwise lose their rights (under the Surrinder Singh route) because of this Act.

Stuart C McDonald
Joanna Cherry
Brendan O'Hara

16

☆ Clause 4, page 3, line 28, at end insert—

- “(11) Subject to subsection (13), regulations made under subsection (1) must make provision for ensuring that all qualifying persons have within the United Kingdom the rights set out in Title II of Part 2 of the Withdrawal Agreement, the EEA EFTA separation agreement and the Swiss citizens’ rights agreement and implementing the following provisions—
- (a) Article 18(4) of the Withdrawal Agreement (Issuance of residence documents);
- (b) Article 17(4) of the EEA EFTA separation agreement (Issuance of residence documents); and
- (c) Article 16(4) of the Swiss citizens’ rights agreement (Issuance of residence documents).
- (12) In this section, “qualifying persons” means—
- (a) those persons falling within the scope of the agreements referred to; and
- (b) those eligible under the residence scheme immigration rules, as defined by section 17(1) of the European Union (Withdrawal Agreement) Act 2020.
- (13) Notwithstanding subsection (11), regulations must confer a right of permanent, rather than temporary, residence on all qualifying persons residing in the UK prior to 5 March 2020.”

Member’s explanatory statement

This amendment would mean that EEA and Swiss citizens residing in the UK would automatically have rights under Article 18(4) of the Withdrawal Agreement (and equivalent provisions in the EEA EFTA and Swiss citizens rights agreements) rather than having to apply for them, and ensure that for the overwhelming majority, that status is permanent.

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

17

- ★ Clause 7, page 5, line 13, at end insert—
 “(1A) Section 1 and Schedule 1 of this Act do not extend to Scotland.”

Karl Turner
 Holly Lynch
 Kate Green

19

- ★ Clause 8, page 5, line 34, at end insert—
 “(1A) Paragraph 1 and paragraph 2(2) of Schedule 1 shall come into force on a day to be appointed, being no earlier than the day on which an order made by the Lord Chancellor under section 9(2)(a) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (General Cases) to provide for civil legal services for persons seeking leave to remain in the United Kingdom in cases involving human rights and for persons refused leave to remain to appeal on human rights’ grounds against that refusal, comes into effect.
 (1B) For the purpose of section 1A, “human rights claim” means a human rights claim as defined in section 113 of the Nationality, Immigration and Asylum Act 2002.”

Nick Thomas-Symonds
 Mr Nicholas Brown
 Holly Lynch
 Kate Green
 Chris Elmore
 Taiwo Owatemi

12

- ☆ Clause 8, page 5, line 40, at end insert—
 “(4A) Section 4 and section 7(5) expire on the day after the day specified as the deadline under section 7(1)(a) of the European Union (Withdrawal Agreement) Act 2020.”

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

11

- Clause 8, page 5, line 41, leave out subsection (5) and insert—
 “(5) This Part of the Act shall not come into effect until a Minister of the Crown has laid a report before each House of Parliament setting out the impact of this Act on faith communities in the UK.
 (6) A report under subsection (5) must consider in particular the ability of members and representatives of faith communities from the EEA and Switzerland to enter the UK for purposes related to their faith.
 (7) A Minister of the Crown must, not later than six months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.
 (8) In this section,

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

“faith communities” means a group of individuals united by a clear structure and system of religious or spiritual beliefs.”

Member’s explanatory statement

This amendment requires the government to report to Parliament on the implications of this Bill for faith communities, including the ability of members of faith communities to come to the UK for reasons connected with their faith.

Liz Saville Roberts
Hywel Williams
Ben Lake
Jonathan Edwards

NC9

To move the following Clause—

“Report on the impact to EEA and Swiss nationals

- (1) This Act shall not come into effect until a Minister of the Crown has laid a report before each House of Parliament setting out the impact of the Act on EEA and Swiss nationals in the UK.
- (2) A report under subsection (1) must consider—
 - (a) the impact on EEA and Swiss nationals of having no recourse to public funds under Immigration Rules;
 - (b) the impact of NHS charging for EEA and Swiss nationals;
 - (c) the impact of granting citizenship to all EEA and Swiss health and social care workers working in the UK during the Covid-19 pandemic;
 - (d) the impact of amending the Immigration and Nationality (Fees) Regulations 2018 to remove all fees for applications, processes and services for EEA and Swiss nationals; and
 - (e) the merits of the devolution of powers over immigration from the EEA area and Switzerland to (i) Senedd Cymru; (ii) the Scottish Parliament; and (iii) the Northern Ireland Assembly.
- (3) A Minister of the Crown must, not later than six months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.
- (4) In this section, “health and social care workers” includes doctors, nurses, midwives, paramedics, social workers, care workers, and other frontline health and social care staff required to maintain the UK’s health and social care sector.”

Member’s explanatory statement

This new clause would ensure that before this Act coming into force, Parliament would have a chance to discuss how EEA and Swiss nationals will be affected by its provisions, including no recourse to public funds conditions, NHS charging, the possibility of granting British citizenship to non-British health and social care workers, removing citizenship application fees and the potential devolution of immigration policy of EEA and Swiss nationals to Wales, Scotland and Northern Ireland.

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

NC10

To move the following Clause—

“Extension of registration for EU Settlement Scheme

- (1) The EU Settlement Scheme deadline shall be extended by a period of six months unless a motion not to extend the deadline is debated and approved by both Houses of Parliament.
- (2) Any motion not to extend, referred to in subsection (1), must be debated and approved no later than three months before the deadline.
- (3) In this section, “the EU Settlement Scheme Deadline” means the deadline for applying for settled or pre-settled status under the Immigration Rules.”

Member’s explanatory statement

This new clause would ensure the EU settlement scheme was not closed to new applications until Parliament has approved its closure.

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

NC11

To move the following Clause—

“Application after the EU Settlement Scheme deadline

- (1) An application to the EU Settlement Scheme after the EU settlement scheme deadline must still be decided in accordance with appendix EU of the Immigration Rules, unless reasons of public policy, public security, or public health apply in accordance with Regulation 27 of the Immigration (European Economic Area) Regulations 2016 (as they have effect at the date of application or as they had effect immediately before they were revoked).
- (2) In this section—
 - “an application to the EU Settlement Scheme” means an application for pre-settled or settled status under appendix EU of the Immigration Rules;
 - “the EU Settlement Scheme Deadline” means the deadline for applying for settled or pre-settled status under appendix EU of the Immigration Rules.”

Member’s explanatory statement

This new clause would ensure that late applications to the EU settlement scheme will still be considered, unless reasons of public policy, public security or public health apply.

Stuart C McDonald
 Joanna Cherry
 Tim Farron
 Brendan O'Hara

NC12

To move the following Clause—

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

No immigration health charge introduced under section 38 of the Immigration Act 2014 may be imposed on an individual who is an EEA or Swiss national.”

Member’s explanatory statement

This new clause would prevent EEA or Swiss nationals paying the immigration health charge.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC13

To move the following Clause—

“Registration as a British citizen by EEA and Swiss nationals

- (1) No person, who has at any time exercised any of the rights for which Schedule 1 makes provision to end, may be charged a fee to register as a British citizen that is higher than the cost to the Secretary of State of exercising the function of registration.
- (2) No child of a person who has at any time exercised any of the rights for which Schedule 1 makes provision to end may be charged a fee to register as a British citizen if that child is receiving the assistance of a local authority.
- (3) No child of a person who has at any time exercised any of the rights for which Schedule 1 makes provision to end may be charged a fee to register as a British citizen that the child or the child’s parent, guardian or carer is unable to afford.
- (4) The Secretary of State must take steps to raise awareness of people to whom subsection (1) applies of their rights under the British Nationality Act 1981 to register as British citizens.”

Member’s explanatory statement

This new clause would mean that nobody whose right of free movement was removed by the Bill could be charged a fee for registering as a British citizen that was greater than the cost of the registration process and would abolish the fee for some children.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC14

To move the following Clause—

“Legal Aid for EEA and Swiss nationals

- (1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended in accordance with subsection (2).
- (2) In Schedule 1, paragraph 30, after sub-paragraph (d), insert—

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

“(e) the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.””

Member’s explanatory statement

This new clause would allow individuals to seek legal aid in order to obtain advice on the right to enter and remain under this Act.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC15

To move the following Clause—

“Illegal working: EEA and Swiss nationals

Section 24B of the Immigration Act 1971 does not apply to any work undertaken by an EEA or Swiss nationals.”

Member’s explanatory statement

This new clause would limit the offence of illegal working so that it did not apply to EEA or Swiss nationals.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC16

To move the following Clause—

“Immigration Rules Advisory Committee for Immigration Rules for EEA and Swiss nationals

- (1) The Secretary of State must establish an Immigration Rules Advisory Committee to consider relevant Immigration Rules.
- (2) In this section “relevant Immigration Rules” mean Immigration Rules that apply to persons whose right of free movement is ended by section 1 and schedule 1 of this Act.
- (3) The function of the Immigration Rules Advisory Committee shall be to give advice and assistance to the Secretary of State in connection with the discharge of his functions under this Act and in particular in relation to the making of relevant Immigration Rules.
- (4) The constitution of the Immigration Rules Advisory Committee shall be set out in regulations.
- (5) The Secretary of State shall furnish the Immigration Rules Advisory Committee with such information as the Committee may reasonably require for the proper discharge of its functions.

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

- (6) No relevant Immigration Rules may be made by the Secretary of State, until the Immigration Rules Advisory Committee is established.”

Member’s explanatory statement

This new clause would require an advisory committee to be established in order to provide advice on immigration rules for EEA and Swiss nationals.

Yvette Cooper
Caroline Nokes
Mr Clive Betts
Tim Loughton
Stuart C McDonald
Dame Diana Johnson

Andrew Gwynne

Ms Diane Abbott

NC17

To move the following Clause—

“Visa extensions for NHS, health and care staff during Covid-19 pandemic

- (1) Where—
- (a) a person (“P”) meets either the condition in subsection (2) or the condition in subsection (3); and
 - (b) P’s leave in the United Kingdom would otherwise expire prior to 1 January 2021
- then P’s leave is extended until 12 months after the date on which P’s leave would otherwise expire without any further fee or charge being incurred.
- (2) The condition in this subsection is that the individual is a health and care professional, or a social worker, or employed in another frontline health and care role.
- (3) The condition in this subsection is that the individual is a family member of a person meeting the condition in subsection (2).
- (4) In this section—
- “health and care professional” is a person within the class of persons who are nurses or other health and care professionals, or medical professionals within the meaning of the regulations referred to in sections 2 to 5 of the Coronavirus Act 2020;
- “social worker” is a person within the class of persons who are social workers within the meaning of the regulations referred to in sections 6 to 7 of the Coronavirus Act 2020;
- “employed in another frontline health and care role” means a person employed in a role conferring eligibility for the NHS and Social Care Coronavirus Life Assurance Scheme 2020.”

Member’s explanatory statement

This new clause would put the Government’s policy of visa extensions on a statutory footing, and ensure that it includes all health and social care workers and other frontline employees including cleaners and porters.

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

Brendan O’Hara
 Neil Gray
 Kirsten Oswald
 Chris Stephens
 Amy Callaghan
 Dr Philippa Whitford

Carol Monaghan

David Linden

Anne McLaughlin

NC18

To move the following Clause—

“Duty to commission an independent evaluation: health and social care sectors

- (1) The Secretary of State shall commission an independent evaluation of the matters under subsection (5) and shall lay the report of the evaluation before each House of Parliament.
- (2) The Secretary of State must appoint an independent person to undertake the evaluation (“the independent evaluator”).
- (3) In this section, “independent person” means a person who is independent of Her Majesty’s Government.
- (4) No person may be appointed under subsection (2) unless their appointment has been consented to by—
 - (a) the relevant Scottish Ministers;
 - (b) the relevant Welsh Ministers; and
 - (c) the relevant Northern Ireland departments.
- (5) The evaluation under subsection (1) shall consider an assessment of the effects of this Act on—
 - (a) the health and social care workforce;
 - (b) the efficiency and effectiveness of the health and social care sectors;
 - (c) the adequacy of public funding for the health and social care sectors; and
 - (d) such other relevant matters as the independent evaluator sees fit.
- (6) In undertaking the evaluation, the independent evaluator must consult—
 - (a) the Secretary of State;
 - (b) the relevant Scottish Ministers;
 - (c) the relevant Welsh Ministers;
 - (d) the relevant Northern Ireland departments;
 - (e) providers of health and social care services;
 - (f) persons requiring health and social care services;
 - (g) representatives of persons requiring health and social care services; and
 - (h) such other relevant persons as the independent evaluator sees fit.
- (7) The independent evaluator must prepare a report on the evaluation for the Secretary of State.
- (8) The Secretary of State must lay that report before Parliament no later than one year after this Act is passed.
- (9) A Minister of the Crown must, not later than six months after the report has been laid before Parliament, make arrangements for—
 - (a) a motion relating to the report to be debated and voted upon by the House of Commons; and

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

- (b) a motion relating to the report to be debated and voted upon by the House of Lords.”

Member’s explanatory statement

This new clause would require an independent evaluation of the impact of the Act upon the health and social care sectors across the UK to be produced and laid before Parliament. It would require that the devolved nations are consulted as well as other interested parties.

Nick Thomas-Symonds
Mr Nicholas Brown
Holly Lynch
Kate Green
Chris Elmore
Taiwo Owatemi

NC19

- ☆ To move the following Clause—

“EU Settlement Scheme: physical documented proof

- (1) The Secretary of State must make provision to ensure that EEA and Swiss nationals and their families who are granted settled status and pre-settled status receive proof of that status.
- (2) The Secretary of State must issue a paper certificate confirming pre-settled status or settled status.
- (3) No fee may be charged for issuing a paper certificate under this section.”

Member’s explanatory statement

This new clause seeks to provide physical proof of settled and pre-settled status to those who make a successful application through the scheme, providing physical evidence of their migration status.

Nick Thomas-Symonds
Mr Nicholas Brown
Holly Lynch
Kate Green
Chris Elmore
Taiwo Owatemi

NC20

- ☆ To move the following Clause—

“Settled status: children in care

- (1) Any child 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 child is in care or is subject to the public law outline process via a declaratory system, undertaken on the child’s behalf by the Local Authority whose care they are under.
- (2) In this section, “a child in care” means a child who is under 18 and is—
 - (a) living with foster parents;
 - (b) living in a residential children’s home; or
 - (c) living in a residential setting like a school or secure unit.”

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

- (3) In this section, “public law outline process” is as set out under Family Court practice direction 12A of 2004.”

Member’s explanatory statement

This new clause would seek to provide automatic settled status for all looked after children in the care of local authorities, removing the requirement on the local authority to make an application to the EU Settlement Scheme on that child’s behalf.

Nick Thomas-Symonds
Mr Nicholas Brown
Holly Lynch
Kate Green
Chris Elmore
Taiwo Owatemi

NC21

- ☆ To move the following Clause—

“Annual review: Impact on health care and social care sector

- (1) The Secretary of State must commission an annual report from the Migration Advisory Committee on the impact of the provisions of this Act on the health care and social care sector in the UK.
- (2) In undertaking the evaluation, the Secretary of State must consult—
 - (a) the relevant Scottish Ministers;
 - (b) the relevant Welsh Ministers; and
 - (c) the relevant Northern Ireland Ministers
- (3) The report must be laid before each House of Parliament as soon as possible after it has been completed.
- (4) A Minister of the Crown must, not later than three months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”

Nick Thomas-Symonds
Mr Nicholas Brown
Holly Lynch
Kate Green
Chris Elmore
Taiwo Owatemi

NC22

- ☆ To move the following Clause—

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, continued**“Tier 2 Immigration skills charge**

No Tier 2 Immigrations skills charge will be payable on an individual who is an EEA or Swiss national and is coming to the UK to work for the NHS.”

Member’s explanatory statement

This new clause would exempt NHS employers from having to pay the immigration skills charge.

Nick Thomas-Symonds
Mr Nicholas Brown
Holly Lynch
Kate Green
Chris Elmore
Taiwo Owatemi

NC23

☆ To move the following Clause—

“Report on the protection of UK nationals’ rights in EU member states

- (1) The Secretary of State must prepare and publish quarterly reports on the progress being made by EU member states on the protection of rights for UK nationals in their countries.
- (2) A Minister of the Crown must, not later than a month after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”

Member’s explanatory statement

This new clause would require the Government to update the House of Commons on the progress being made by the EU27 countries on the implementation of protections for UK nationals in their countries on a quarterly basis.

Nick Thomas-Symonds
Mr Nicholas Brown
Holly Lynch
Kate Green
Chris Elmore
Taiwo Owatemi

NC24

☆ To move the following Clause—

“Annual review: Impact on the agricultural sector

- (1) The Secretary of State must commission an annual report from the Migration Advisory Committee on the impact of the provisions of this Act on the number of seasonal agricultural workers in the UK.
- (2) In undertaking the evaluation, the Secretary of State must consult—
 - (a) the relevant Scottish Ministers;
 - (b) the relevant Welsh Ministers; and
 - (c) the relevant Northern Ireland Ministers.
- (3) The report must be laid before each House of Parliament as soon as possible after it has been completed.

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

- (4) A Minister of the Crown must, not later than three months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”

Nick Thomas-Symonds
Mr Nicholas Brown
Holly Lynch
Kate Green
Chris Elmore
Taiwo Owatemi

NC25

- ☆ To move the following Clause—

“Report on status of EEA and Swiss nationals after the transition

- (1) This Act shall not come into effect until a Minister of the Crown has laid a report before each House of Parliament setting out the impact of the Act on EEA and Swiss nationals in the UK.
- (2) A report under subsection (1) must clarify the position of EEA and Swiss nationals in the UK during the period between the end of the transition period and the deadline for applying to the EU Settlement Scheme.
- (3) A report under subsection (1) must include, but not be limited to, what rights EEA and Swiss nationals resident in the UK on 31 December 2020 have to—
- (a) work in the UK;
 - (b) use the NHS for free;
 - (c) enrol in education or continue studying;
 - (d) access public funds such as benefits and pensions; and
 - (e) travel in and out of the UK.”

Member’s explanatory statement

This new clause would require Government to provide clarity on the rights of EU nationals in the EU in the grace period between the end of the transition period, and the closure of the EU Settlement Scheme.

Nick Thomas-Symonds
Mr Nicholas Brown
Holly Lynch
Kate Green
Chris Elmore
Taiwo Owatemi

NC26

- ☆ To move the following Clause—

“Analysis of exemption from no recourse to public funds conditions

- (1) The Secretary State must produce a report on the impact of no recourse to public funds conditions for those who meet the criteria in subsection (2)
- (2) The report under subsection (1) must include, but not be limited to, the impact on EEA and Swiss nationals—

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

- (a) with children;
 - (b) with pre-settled status; and
 - (c) who are victims of domestic abuse.
- (3) 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; and
 - (t) Immigration Health Surcharge (IHS).
- (4) For the purposes of this section—
- “domestic abuse” has the same meaning as in section 1 of the Domestic Abuse Act 2020;
 - “victim” includes the dependent child of a person who is a victim of domestic abuse.”

Member’s explanatory statement

This new clause will require the Government to consider the impact of no recourse to public funds exemption.

Nick Thomas-Symonds
Mr Nicholas Brown
Holly Lynch
Kate Green
Chris Elmore
Taiwo Owatemi

NC27

☆ To move the following Clause—

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, continued**“Duty to Report on the Associated rights of the Common Travel Area**

- (1) The Secretary of State must publish a report detailing the associated rights of the Common Travel Area no later than 30 days after the day on which this Act is passed.
- (2) The report under subsection (1) shall specify—
 - (a) the scope of reciprocal rights under the Common Travel Area;
 - (b) the scope of retained EU rights and benefits under the EU Settlement Scheme; and
 - (c) the correlation and differences between (a) and (b).
- (3) The Secretary of State must lay a copy of the report before both Houses of Parliament.”

Member’s explanatory statement

This new clause aims to ensure that Ministers set out in detail the scope of ‘reciprocal rights’ of the CTA, and compare and contrast them with rights that can be retained under Part II of the Withdrawal Agreement (as provided for under the EU Settlement Scheme).

Nick Thomas-Symonds
Mr Nicholas Brown
Holly Lynch
Kate Green
Chris Elmore
Taiwo Owatemi

NC28

☆ To move the following Clause—

“Annual review: Higher education

- (1) The Secretary of State must commission an annual report from the Migration Advisory Committee on the impact of the provisions of this Act on the number of overseas students in the UK from the EEA and Switzerland.
- (2) The report must be laid before each House of Parliament as soon as possible after it has been completed.
- (3) A Minister of the Crown must, not later than three months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”

Nick Thomas-Symonds
Mr Nicholas Brown
Holly Lynch
Kate Green
Chris Elmore
Taiwo Owatemi

NC29

☆ To move the following Clause—

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued***“Report on arrangements for temporary entry and stay for business purposes for EEA and Swiss national**

- (1) A Minister of the Crown must, within 12 months of this Act coming into force, lay before Parliament a report evaluating the effects of this Act on the arrangements for temporary entry and stay for business purposes for EEA and Swiss nationals.
- (2) That report must include—
 - (a) the qualification requirements for a short-term business visitor; and the activities that can be undertaken by a short-term business visitor;
 - (b) the activities that can be undertaken by a short-term business visitor;
 - (c) consider the reciprocal arrangements for UK nationals travelling to the EEA and Switzerland.”

Member’s explanatory statement

This new clause would require the Government to consider the requirements of short-term business visitors.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC30

- ★ To move the following Clause—

“Procedures for amending Immigration Rules

- (1) The Immigration Act 1971 is amended in accordance with subsection 2.
- (2) After section 3(2) insert—
 - “(2A) Any statement of the rules, or of any changes to the rules, which affect the rights and obligations of persons who will lose their right of freedom of movement under the provisions of the Immigration and Social Security Co-Ordination (EU Withdrawal) Act may not be made or have effect unless the Secretary of State has complied with subsections (2B) to (2F) below.
 - (2B) If the Secretary of State proposes to make changes to the rules under subsection (2A) above, the Secretary of State must lay before Parliament a document that—
 - (a) explains the proposal; and
 - (b) sets it out in the form of a draft order.
 - (2C) During the period of 60 days beginning with the day on which the document was laid under subsection (2B) (the “60-day period”), the Secretary of State may not lay before Parliament a draft order to give effect to the proposal (with or without modification).
 - (2D) In preparing a draft order under section (2A) above, the Secretary of State must have regard to any of the following that are made with regard to the draft order during the 60-day period—
 - (a) any representations; and
 - (b) any recommendations of a committee of either House of Parliament charged with reporting on the draft order.

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

- (2E) When laying before Parliament a draft order to give effect to the proposal (with or without modifications), the Secretary of State must also lay a document that explains any changes made to the proposal contained in the document under subsection (2B).
- (2F) In calculating the 60-day period, no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is not adjourned for more than 4 days.”

Member’s explanatory statement

This new clause would amend the Immigration Act 1971 to ensure that any changes to the UK’s Immigration Rules which affect EEA or Swiss nationals must be made under the super affirmative procedure.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC31

- ★ To move the following Clause—

“Powers to make immigration rules on specific topics

- (1) Powers to make Immigration Rules in relation to certain persons who have lost free movement rights under section 1 and schedule 1 must be exercised only by the relevant Secretary of State as set out in subsection (2).
- (2) For the purposes of (1), the “relevant Secretary of State” is as follows—
- (a) if the rules relate to students, or to family members, the Secretary of State for Education,
 - (b) if the rules relate to investors, workers, or the self-employed, the Secretary of State for Business, Energy and Industrial Strategy.”

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC32

- ★ To move the following Clause—

“Annual report on labour market

Within 12 months of this Act coming into force, and every 12 months thereafter, the Secretary of State must lay a report before Parliament setting out how any changes made to the Immigration Rules for EEA and Swiss nationals have affected the extent to which UK employers have adequate access to labour.”

Member’s explanatory statement

This new clause would mean the Secretary of State must lay a report before Parliament on how changes to Immigration Rules for EEA and Swiss nationals are affecting access to labour.

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

Stuart C McDonald
Joanna Cherry
Brendan O'Hara

NC33

★ To move the following Clause—

“Differentiated immigration policies: review

- (1) The Secretary of State must publish and lay before Parliament a report on the implementation of a system of differentiated immigration rules for people whose right of free movement is ended by section 1 and schedule 1 of this Act within six months of the passing of this Act.
- (2) The review in subsection (1) must consider the following—
 - (a) whether Scottish Ministers, Welsh Ministers, and the Northern Ireland Executive should be able to nominate a specified number of EEA and Swiss nationals for leave to enter or remain each year;
 - (b) the requirements that could be attached to the exercise of any such power including that the person lives and, where appropriate, works in Scotland, Wales or Northern Ireland and such other conditions as the Secretary of State believes necessary;
 - (c) the means by which the Secretary of State could retain the power to refuse to grant leave to enter or remain on the grounds that such a grant would—
 - (i) not be in the public interest, or
 - (ii) not be in the interests of national security
 - (d) how the number of eligible individuals allowed to enter or remain each year under such a scheme could be agreed annually by Scottish Ministers, Welsh Ministers and the Northern Ireland Executive and the Secretary of State;
 - (e) whether Scottish Ministers, Welsh Ministers, and the Northern Ireland Executive should be able to issue Scottish, Welsh and Northern Irish Immigration Rules, as appropriate, setting out the criteria by which they will select eligible individuals for nomination, including salary thresholds and financial eligibility.
- (3) As part of the review in subsection (1), the Secretary of State must consult—
 - (a) the Scottish Government;
 - (b) the Welsh Government;
 - (c) the Northern Ireland Executive; and
 - (d) individuals, businesses, and other organisations in the devolved nations.”

Stuart C McDonald
Joanna Cherry
Brendan O'Hara

NC34

★ To move the following Clause—

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*
“Visas requirements for certain family visas: coronavirus

Section E-LTRP.3.1 of Appendix FM of the Immigration Rules will not apply to persons who have lost free movement rights under section 1 and schedule 1 until the Coronavirus Act 2020 expires as set out under section 89(1).”

Member’s explanatory statement

This new clause is designed to ensure EEA and Swiss nationals are not prevented from qualifying to remain in the UK as partners, merely because they cannot meet financial requirements in the Immigration Rules during the coronavirus pandemic

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC35

- ★ To move the following Clause—

“Immigration skills charge

No Immigration skills charge introduced under section 70A of the Immigration Act 2014, or by regulations thereunder, may be charged in respect of an individual who is an EEA or Swiss national coming to work in the UK.”

Member’s explanatory statement

This new clause ensures no skills charge can be levied in respect of EEEA or Swiss nationals coming to work in the UK.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC36

- ★ To move the following Clause—

“Immigration Fees

- (1) No fees may be charged for processing applications included in subsection (3) for those persons who have lost rights of free movement under section 1 or schedule 1 beyond the cost of that processing, unless the Secretary of State has complied with the procedure in subsection (2).
- (2) If the Secretary of State proposes to make changes to the rules under subsection (1), the Secretary of State must get the approval of both Houses of Parliament.
- (3) The list of fees to which subsection (1) applies includes, but is not restricted to, the following—
 - (a) fees for applications to enter or remain in the UK;
 - (b) fees for sponsorship licenses;
 - (c) immigration health surcharges; and

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

(d) immigration skills charges.”

Member’s explanatory statement

This new clause will ensure that immigration fee changes must be agreed by Parliament.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC37

★ To move the following Clause—

“Citizenship Fees

- (1) No fee may be charged for processing applications relating to the citizenship status of a person who has lost rights of free movement under section 1 or schedule 1 beyond the cost of that processing, unless the Secretary of State has complied with the procedure in subsection (2).
- (2) If the Secretary of State proposes to make changes to the rules under subsection (1), the Secretary of State must get the approval of both Houses of Parliament.”

Member’s explanatory statement

This new clause will ensure that citizenship fee changes must be agreed by Parliament.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC38

★ To move the following Clause—

“Hostile environment

- (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 within the scope of section 4(4).
- (2) Regulations under section 4(1) may not be made until the Government has brought forward legislative measures to ensure that hostile environment measures do not apply to P, specifically—
 - (a) sections 20-43 and 46-47 of the Immigration Act 2014;
 - (b) sections 34-45 of the Immigration Act 2016; and

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

(c) schedule 2, paragraph 4 of the Data Protection Act 2018.”

Member’s explanatory statement

This new clause seeks to limit the application of the hostile environment.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC39

★ To move the following Clause—

“Recourse to public funds

- (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 within the scope of section 4(4).
- (2) Regulations under section 4(1) may not be made until the Government has brought forward legislative measures to ensure that P can access social security benefits, where P is habitually resident, including repealing or amending the following provisions insofar as they relate to P—
- (a) section 3(1)(c)(ii) of the Immigration Act 1971;
 - (b) section 115 of the Immigration and Asylum Act 1999;
 - (c) any provision in subordinate legislation, which imposes a “no recourse to public funds” condition on grants of limited leave to enter or remain; and
 - (d) any other enactment or power exercised under any other enactment, which makes immigration status a condition to access social security benefits.”

Member’s explanatory statement

This new clause seeks to restrict measures prohibiting recourse to public funds.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC40

★ To move the following Clause—

“Data Protection

- (1) For the purpose of this section, a person (“P”) is defined as—

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

- (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 within the scope of section 4(4).
- (2) Regulations under section 4(1) may not be made until the Government has made provision to ensure that P has safe and confidential access to essential public services by ensuring the Secretary of State, or any other individual or body on his behalf, must not process personal data, by any means, for the purposes of immigration control or enforcement, where that personal data has been collected in the course of the data subject accessing or attempting to access the public services identified in subsection (3).
- (3) For the purposes of subsection (2), the relevant public services are—
- (a) primary and secondary healthcare services.
 - (b) primary and secondary education; and
 - (c) the reporting of a crime by P, where P is a witness to, or the victim of, the crime, any investigation or prosecution of it.
- (4) The prohibitions contained in subsections (2) and (3) do not apply where the data subject has given his or her explicit and informed consent to the disclosure of the personal data, for the purposes of immigration enforcement.”

Member's explanatory statement

This new clause seeks to limit use of data gathered by key public services for immigration enforcement control or enforcement.

Tim Loughton
Yvette Cooper
Diana Johnson

NC41

- ★ To move the following Clause—

“Children in care and children entitled to care leaving support: Entitlement to remain

- (1) Any child who has their right of free movement removed by the provisions contained in this Act, and who are in the care of a local authority, or entitled to care leaving support, shall, by virtue of this provision, be deemed to have and be granted automatic Indefinite Leave to Remain within the United Kingdom under the EU Settlement Scheme.
- (2) The Secretary of State must, for purposes of subsection (1), issue guidance to local authorities in England, Scotland, Wales and Northern Ireland setting out their duty to identify the children of EEA and Swiss nationals in their care or entitled to care leaving support.
- (3) Before issuing guidance under this section the Secretary of State must consult—
 - (a) the relevant Scottish Minister;

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

- (b) the relevant Welsh Minister; and
 - (c) the relevant Northern Ireland Minister
- (4) The Secretary of State must make arrangements to ensure that personal data relating to nationality processed by local authorities for purposes of identification under subsection (1) is used solely for this purpose and no further immigration control purpose.
- (5) Any child subject to subsection (1) who is identified and granted status after the deadline of EU Settlement Scheme (“the Scheme”) will be deemed to have had such status and all rights associated with the status from the time of the Scheme deadline.
- (6) This section comes into force upon the commencement of this Act and remains in effect for 5 years after the deadline of the EU Settlement Scheme.
- (7) For purposes of this section, “children in the care of the local authority” are defined as children receiving care under any of the following—
- (a) section 20 of the Children Act 1989 (Provision of accommodation for children: general);
 - (b) section 31 of the Children Act 1989 (Care and Supervision);
 - (c) section 75 Social Services and Well-being (Wales) Act 2014 (General duty of local authority to secure sufficient accommodation for looked after children);
 - (d) section 25 of the Children (Scotland) Act 1995 (Provision of accommodation for children);
 - (e) Article 25 of the Children (Northern Ireland) Order 1995 (Interpretation); and
 - (f) Article 50 Children of the (Northern Ireland) Order 1995 (Care orders and supervision orders).
- (8) For the purposes of this section, “children entitled to care leaving support” means a child receiving support under any of the following—
- (a) paragraph 19B of Schedule 2 Children Act 1989 (Preparation for ceasing to be looked after);
 - (b) s.23A(2) Children Act 1989 (The responsible authority and relevant children);
 - (c) s.23C(1) Children Act 1989 (Continuing functions in respect of former relevant children);
 - (d) section 104 of the Social Services and Well-being (Wales) Act 2014 (Young people entitled to support under sections 105 to 115);
 - (e) sections 29-30 Children (Scotland) Act 1995 (Advice and assistance for young persons formerly looked after by local authorities) as amended by s.66 Children and Young People (Scotland) Act 2014 (Provision of aftercare to young people); and
 - (f) Article 35(2) Children (Northern Ireland) Order 1995 (Persons qualifying for advice and assistance.)”

Member’s explanatory statement

This new clause aims to ensure that the children of EEA and Swiss nationals who are in care, and those who are entitled to care leaving support, are granted automatic Indefinite Leave to Remain under the EU Settlement Scheme to ensure they do not become undocumented.

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

Holly Lynch
 Kate Green
 Chris Elmore
 Taiwo Owatemi

NC42

★ To move the following Clause—

“Immigration Health Charge: Exemption for EEA and Swiss citizens who are healthcare and social workers

- (1) The Immigration Act 2014 is amended as follows.
- (2) After section 38 (Immigration health charge) insert—

“38A Health care workers and social workers from the EEA or Switzerland

- (1) Any person who but for the provisions of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 would have the right of free movement is exempt from the Immigration health charge if that person is—
 - (a) a healthcare worker; or
 - (b) a social care worker.
- (2) The exemption will also apply to a person who is a family member or dependant of an EEA or Swiss national who meets the conditions in section (1)(a) and (b).
- (3) For this section—

“healthcare worker” means a worker who works in a healthcare setting within and outside the NHS who may come into contact with patients, including clinical administration staff, and care home staff;

“social care worker” means a worker as defined by section 55(2) of the Care Standards Act 2000.”

Stuart C McDonald
 Joanna Cherry
 Brendan O’Hara

NC43

★ To move the following Clause—

“Private life

- (1) This section applies when a court or tribunal is required to determine whether a decision made under the Immigration Acts in respect of a relevant person—
 - (a) breaches a person’s right to respect for private and family life under Article 8; and
 - (b) as a result would be unlawful under section 6 of the Human Rights Act 1998.
- (2) In subsection (1) a “relevant person” is—
 - (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;

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- (ii) residing in the United Kingdom in accordance with a right conferred by or under any of the other amendments which is repealed by Schedule 1;
- (iii) otherwise residing in the United Kingdom in accordance with any right derived from European Union law which continues, or immediately before the commencement of Schedule 1 continued, by virtue of section 4 of the European Union (Withdrawal) Act 2018 to be recognised and available in the United Kingdom; and
 - (b) and any other person within the scope of section 4(4).
- (3) In a case to which this section applies, section 117C of the Nationality, Immigration and Asylum Act 2002 shall be read subject to the following modifications.
- (4) Section 117C(5) shall be read as if the words “and the effect of C’s deportation on the partner or child would be unduly harsh” were replaced with “and either—
 - (a) the effect of C’s deportation on the partner would be unduly harsh; or
 - (b) it would be unreasonable for the child to leave the UK or to remain in the UK without C.”
- (5) Section 117C(6) shall be read as if—
 - (a) the word “(“C”)” were inserted after “foreign criminal”; and
 - (b) the words “there are very compelling circumstances, over and above those described in Exceptions 1 and 2” were replaced with “either—
 - (a) C has a genuine and subsisting parental relationship with a qualifying child and it would be unreasonable for the child to leave the UK or to remain in the UK without C; or
 - (b) there are very compelling circumstances, over and above those described in Exceptions 1 and 2.”

Member’s explanatory statement

This new clause modifies the threshold for deportation of EEA nationals and family members who are parents of “qualifying children” – children who are British or have lived in the UK for 7 years or more.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC44

★ To move the following Clause—

“Family life

- (1) This section applies when a court or tribunal is required to determine whether a decision made under the Immigration Acts in respect of a relevant person—
 - (a) breaches a person’s right to respect for private and family life under Article 8, and
 - (b) as a result would be unlawful under section 6 of the Human Rights Act 1998.
- (2) In subsection (1) a “relevant person” is—
 - (a) any person who, immediately before the commencement of Schedule 1, was—

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

- (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 amendments which is repealed by Schedule 1;
 - (iii) otherwise residing in the United Kingdom in accordance with any right derived from European Union law which continues, or immediately before the commencement of Schedule 1 continued, by virtue of section 4 of the European Union (Withdrawal) Act 2018 to be recognised and available in the United Kingdom; and
- (b) and any other person within the scope of section 4(4).
- (3) In a case to which this section applies, section 117C of the Nationality, Immigration and Asylum Act 2002 shall be read subject to the following modifications.
- (4) Subsection (4)(a) shall be read as if the words “C has been lawfully resident in the United Kingdom for most of C’s life” were omitted and replaced with “one of criteria (a) to (c) in subsection (4A) is satisfied”
- (5) Section 117C shall be read as if after subsection (4) there were inserted the following words—
- “(4A) The criteria in this subsection are—
- (a) that C has been lawfully resident in the United Kingdom for most of C’s life,
 - (b) that C was born in the UK, or
 - (c) that C arrived in the UK aged under 18 and has lived in the United Kingdom for a continuous period of seven years or more.
- (4B) If the criterion in subsection (4A)(b) or the criterion in subsection (4A)(c) is satisfied, it shall be presumed that C is socially and culturally integrated in the UK for the purposes of subsection (4)(b).
- (4C) A presumption under subsection (4B) is rebuttable.””

Member’s explanatory statement

This new clause modifies the criteria for the deportation of third country nationals with very significant connections to the UK who are impacted by this Act.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC45

★ To move the following Clause—

“Immigration: no recourse to public funds

Section 3(1)(c)(i) and (ii) of the Immigration Act 1971 cannot be applied to persons who have lost rights because of section (1) and Schedule 1 of this Act,

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

until such time as may be specified in a resolution passed by each House of Parliament.”

Member’s explanatory statement

This new clause seeks to delay application of No Recourse to Public Funds rules during the current pandemic and until such time as Parliament decides.

Yvette Cooper
Tim Loughton
Stuart C McDonald
Dame Diana Johnson
Clive Betts
Harriet Harman

NC46

★ To move the following Clause—

“Family reunion and resettlement

- (1) The Secretary of State must make provision to ensure that an unaccompanied child, spouse or vulnerable or dependant adult who has a family member who is legally present in the United Kingdom has the same rights to be reunited in the United Kingdom with that family member as they would have had under Commission Regulation (EU) No. 604/2013.
- (2) The Secretary of State must, within a period of six months beginning with the day on which this Act is passed—
 - (a) make regulations amending the Immigration Rules in order to preserve the effect in the United Kingdom of Commission Regulation (EU) No. 604/2013 for the family reunion of unaccompanied minors, spouses and vulnerable or dependant adults; and
 - (b) lay before both Houses of Parliament a strategy for ensuring the continued opportunity for relocation to the UK of unaccompanied children present in the territory of the EEA, if it is in the child’s best interests.
- (3) For the purposes of this section, “family member”—
 - (a) has the same meaning as in Article 2(g) of Commission Regulation (EU) No. 604/2013;
 - (b) also has the same meaning as “relative” as defined in Article 2(h) of Commission Regulation (EU) No. 604/2013;
 - (c) also includes the family members referred to in Article 16 (1) and 16 (2) of Commission Regulation (EU) No. 604/2013.
- (4) Until such time as Regulations in subsection (2) come into force, the effect of Commission Regulation (EU) No 604/2013 for the family reunion of unaccompanied minors, spouses and vulnerable or dependent adults with their family members in the UK shall be preserved.”

Member’s explanatory statement

This new clause would have the effect of continuing existing arrangements for unaccompanied asylum-seeking children, spouses and vulnerable adults to have access to family reunion with close relatives in the UK.

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

Yvette Cooper
Mr Clive Betts
Ms Harriet Harman

NC47

★ To move the following Clause—

“Non-applicability of hostile environment measures to EU citizens, EEA nationals and Swiss citizens

- (1) No amendment to the definition of ‘relevant national’ in section 21 of the Immigration Act 2014, so as to alter the provision made for a national of an EEA State or a national of Switzerland, may be made by regulations under—
 - (a) Section 8, Section 23 and paragraph 21 of Schedule 7 of the European Union (Withdrawal) Act 2018,
 - (b) Section 14 of the European Union (Withdrawal Agreement) Act 2020, or
 - (c) Section 4 of this act.
- (2) In Paragraph 4 of Schedule 2 of the Data Protection Act 2018 (“Immigration”)—
 - (a) Omit “.” at the end of sub-paragraph (4),
 - (b) At the end of sub-paragraph (4), insert—

“, and
 - (5) Sub-paragraphs (1) and (3) do not apply where the personal data is that of a national of an EU Member State, an EEA State or Switzerland.”
- (3) This section comes into force on the day on which this Act is passed.”

Member’s explanatory statement

This new clause would prevent the application of key aspects of the hostile/compliant environment to EU, EEA and Swiss citizens.

Yvette Cooper
Mr Clive Betts
Ms Harriet Harman

NC48

★ To move the following Clause—

“Non-applicability of hostile environment measures to EU citizens, EEA nationals and Swiss citizens and implementation of Wendy Williams recommendation for a full review of hostile/compliant environment measures

- (1) No amendment to the definition of ‘relevant national’ in section 21 of the Immigration Act 2014, so as to alter the provision made for a national of an EEA State or a national of Switzerland, may be made by regulations under—
 - (a) Section 8, Section 23 and paragraph 21 of Schedule 7 of the European Union (Withdrawal) Act 2018,
 - (b) Section 14 of the European Union (Withdrawal Agreement) Act 2020, or
 - (c) Section 4 of this act.
- (2) In Paragraph 4 of Schedule 2 of the Data Protection Act 2018 (“Immigration”)—
 - (a) omit “.” at the end of sub-paragraph (4),
 - (b) at the end of sub-paragraph (4), insert—

“, and

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

- (5) Sub-paragraphs (1) and (3) do not apply where the personal data is that of a national of an EU Member State, an EEA State or Switzerland.”
- (3) This section comes into force on the day on which this Act is passed.
- (4) Within 30 days of the commencement of this section, the Home Secretary must make a statement to the House of Commons implementing, in full, Recommendation 7 of the Windrush Lessons Learned Review (HC 93).”

Member's explanatory statement

This new clause would prevent the application of key aspects of the hostile/compliant environment to EU, EEA and Swiss citizens and implement Wendy Williams' recommendation that the Government conduct a full 'review and evaluation of the hostile/compliant environment policy and measures – individually and cumulatively'.

Yvette Cooper
Mr Clive Betts
Ms Harriet Harman

NC49

- ★ To move the following Clause—

Impact assessment on the social care workforce

- (1) No Minister of the Crown may appoint a day for the commencement of any provision of this Act until the condition in subsection (2) is met.
- (2) This condition is that a Minister of the Crown has published and laid before both Houses of Parliament an assessment of the impact of the Act on recruitment of EU citizens, EEA nationals, and Swiss citizens working to the social care sector.

Member's explanatory statement

This new clause makes the coming into force of the Act conditional on the production of an impact assessment of the changes on the social care workforce.

ORDER OF THE HOUSE [18 MAY 2020]

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 25 June 2020.
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

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

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

NOTICES WITHDRAWN

The following Notices were withdrawn on 1 June 2020:

Amendment 7

The following Notices were withdrawn on 8 June 2020:

NC1 to NC8
