



House of Commons

Thursday 18 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*

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 Order of the Committee [9 June 2020].

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

Dame Diana Johnson

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

Dame Diana Johnson

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.

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

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

Dame Diana Johnson

NC27

To move the following Clause—

“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

Dame Diana Johnson

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.”
-

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

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

Dame Diana Johnson

NC29

To move the following Clause—

“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
 - (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.

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

- (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.
- (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.”
-

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

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.

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.

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

- (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
Debbie Abrahams

NC34

To move the following Clause—

“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.

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

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
 - (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.

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

Tim Loughton
 Yvette Cooper
 Dame Diana Johnson
 Christine Jardine
 Kate Osamor
 Ms Harriet Harman

Debbie Abrahams
 Liz Saville Roberts
 Dr Dan Poulter
 Ruth Jones

Kenny MacAskill
 Hywel Williams
 Steve McCabe
 Caroline Lucas

Mrs Emma Lewell-Buck
 Ben Lake
 Stella Creasy

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;
 - (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).

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

- (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.

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).

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

(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

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, 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
Mr Clive Betts
Ms 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

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

- (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.

Yvette Cooper
Mr Clive Betts
Ms Harriet Harman
Dame Diana Johnson

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.”

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

(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
Dame Diana Johnson

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
- (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’.

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

Yvette Cooper
 Mr Clive Betts
 Ms Harriet Harman
 Dame Diana Johnson

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.

Tim Farron

NC50

To move the following Clause—

“Third-party immigration checks

- (1) The Secretary of State must not issue a checklist or other instruction to a third-party enforcement agent relating to mandatory checks of the immigration status of EEA or Swiss nationals unless the requirements in subsection (3) are met.
- (2) Every 12 months, the Secretary of State must lay before Parliament a report confirming that the requirements in subsection (3) have been met.
- (3) The requirements referred to in subsections (1) and (2)—
 - (a) For any UK immigration status a person may hold, there is a document (physical or electronic) which the person may apply for and receive within a maximum of 14 calendar days, confirming their UK immigration status and any relevant restrictions, and which they may provide to a third-party enforcement agent;
 - (b) The UK immigration status confirmed by the document in (a) is subject only to such restrictions as are mentioned in the document; and
 - (c) The Secretary of State must not impose any sanction on a third-party enforcement agent for failure to ascertain a person's UK immigration status in relation to their exercise of a right, except where it can be shown that the agent allowed them to exercise that right in breach of the relevant third-party enforcement agent instruction.
- (4) In this section, “third-party enforcement agent” means any business entity, organisation, government body, charity or other undertaking which is required in the exercise of its functions to ascertain a person's UK immigration status

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

(meaning a person’s nationality, immigration permission, right to reside or exemption from control under the UK Immigration Acts).”

Member’s explanatory statement

This new clause would require documents to be made available for EEA and Swiss nationals to prove their immigration status for any third-party checks, such as by employers.

Stuart C McDonald
Joanna Cherry
Brendan O’Hara
Richard Fuller

NC51

To move the following Clause—

“Immigration Detention: Removal from Association

(1) Section 153 of the Immigration and Asylum Act 1999 is amended as follows.

(2) After subsection (2) insert—

“(3) Rules made under this section must prohibit the involuntary removal from association of any affected person detained in a removal centre save for where that is—

- (i) reasonably necessary to protect that person or another person from immediate harm; and
- (ii) for no longer than is necessary for this purpose and for no longer than maximum 24 hours.

(4) For the purposes of this section—

“affected person” means any person whose rights are affected by repeal of legislation by or under Schedule 1 of the Immigration and Social Security Co-ordination Act 2020 or by regulations made under section 4 of that Act.

“removal from association” means any restriction on a person associating with others that is not common to all persons then detained at the same removal centre.””

Member’s explanatory statement

This new clause seeks to prohibit removal from association with others in detention save for removal where that is necessary.

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

NC53

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 any person who, immediately before the commencement of Schedule 1, was—
 - (a) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016;
 - (b) 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; or
 - (c) 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.
- (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
 - (c) 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 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.

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

NC54

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 any person who, immediately before the commencement of Schedule 1, was—
 - (a) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016;
 - (b) 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; or
 - (c) 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.
- (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.

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara
 Caroline Lucas

NC55

To move the following Clause—

“Hostile environment

- (1) For the purpose of this section, a person (“P”) is defined as any person who, immediately before the commencement of Schedule 1, was—
 - (a) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016;
 - (b) 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
 - (c) 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) 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
 - (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
 Caroline Lucas

NC56

To move the following Clause—

“Recourse to public funds

- (1) For the purpose of this section, a person (“P”) is defined as any person who, immediately before the commencement of Schedule 1, was—
 - (a) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016;
 - (b) 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
 - (c) 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.

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

- (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
Caroline Lucas

NC57

To move the following Clause—

“Data protection

- (1) For the purpose of this section, a person (“P”) is defined as any person who, immediately before the commencement of Schedule 1, was—
 - (a) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016;
 - (b) 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
 - (c) 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) 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.

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

- (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.

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

NC58

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, 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, or is entitled to care leaving support.
- (2) For the purposes of 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.”
- (3) For the purposes of this section, “public law outline process” is as set out under Family Court practice direction 12A of 2004.
- (4) 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

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

- (f) Article 35(2) Children (Northern Ireland) Order 1995 (Persons qualifying for advice and assistance).”

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 and for children entitled to care leaving support, 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

NC59

To move the following Clause—

“Analysis of exemption from no recourse to public funds condition

- (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 the impact on EEA and Swiss nationals—
 - (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;

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

- (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

NC60

To move the following Clause—

“Report on the status and social security entitlements of UK nationals in the 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 migration status and social security entitlements of 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.

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
 Gavin Newlands
 Alan Brown
 Ben Lake

David Linden
 Stuart C McDonald
 Liz Saville Roberts

Anne McLaughlin
 Alison Thewliss
 Hywel Williams

NC61

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 Ministers.
- (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 Ministers;
 - (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.

Dame Diana Johnson
Kate Osamor
Ms Harriet Harman
Kenny MacAskill
Debbie Abrahams
Mrs Emma Lewell-Buck

Liz Saville Roberts
Steve McCabe
Stephen Timms

Hywel Williams
Christine Jardine
Ruth Jones

Ben Lake
Stella Creasy
Caroline Lucas

NC62

To move the following Clause—

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

- (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;

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

- (s) working tax credit; or
- (t) Immigration Health Surcharge (IHS).”

Member’s explanatory statement

This new clause would allow EEA nationals and Swiss nationals with children under the age of 18 to access public funds.

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 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
-

ORDER OF THE COMMITTEE [9 JUNE 2020]

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;

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

- (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
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.

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

The following Notices were withdrawn on 9 June 2020:

NC18, NC38 to NC40, NC43 and NC44

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

The following Notices were withdrawn on 10 June 2020:

NC20, NC23, NC26 and NC52
