

All line references relate to the large print version of
the Bill



House of Commons

Tuesday 30 June 2020

CONSIDERATION OF BILL (REPORT STAGE)

*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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 the order in which they relate to the Bill.

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Brendan O'Hara

NC1

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;

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(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;

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- (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—

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(a) a motion relating to the report to be debated
and voted upon by the House of Commons;
and

(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.*

Tim Loughton

NC2

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

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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

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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);

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(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);

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(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.

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Mr David Davis

NC3

To move the following Clause—

“Time limit on immigration detention

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

(a) any person who, immediately before the commencement of Schedule 1, was—

(i) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016;

(ii) residing in the United Kingdom in accordance with a right conferred by or under any of the other instruments which is repealed by Schedule 1; or

(iii) otherwise residing in the United Kingdom in accordance with any right derived from European Union law which continues, by virtue of section 4 of the EU Withdrawal Act 2018, to be recognised and available in domestic law after exit day;

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(b) and any other person.

(2) The Secretary of State may not detain any person (“P”) as defined in subsection (1) under a relevant detention power for a period of more than 28 days from the relevant time.

(3) If “P” remains detained under a relevant detention power at the expiry of the period of 28 days then—

(a) the Secretary of State shall release P forthwith; and

(b) the Secretary of State may not retain P under a relevant detention power thereafter, unless the Secretary of State is satisfied that there has been a material change of circumstances since “P’s” release and that the criteria in section [*Initial detention: criteria and duration*] are met.

(4) In this Act, “relevant detention power” means a power to detain under—

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(a) paragraph 16(2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal);

(b) paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation);

(c) section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal); or

(d) section 36(1) of UK Borders Act 2007 (detention pending deportation).

(5) In this Act, “relevant time” means the time at which “P” is first detained under a relevant detention power.

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

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Mr David Davis

NC4

To move the following Clause—

“Initial detention: criteria and duration

(1) The Secretary of State may not detain any person (“P”) to whom section [*Time limit on immigration detention*] applies, under a relevant detention power other than for the purposes of examination, unless the Secretary of State is satisfied that—

(a) “P” can be shortly removed from the United Kingdom;

(b) detention is strictly necessary to affect the “P”’s deportation or removal from the United Kingdom; and

(c) the detention of “P” is in all circumstances proportionate.

(2) The Secretary of State may not detain any person (“P”) who section [*Time limit on immigration detention*] applies to under a relevant detention

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power for a period of more than 96 hours from the relevant time, unless—

(a) “P” has been refused bail at an initial bail hearing in accordance with subsection (5)(b) of section [*Bail hearings*]; or

(b) the Secretary of State has arranged a reference to the Tribunal for consideration of whether to grant immigration bail to “P” in accordance with subsection (2)(c) of clause [*Bail hearings*] and that hearing has not yet taken place.

(3) Nothing in subsection (2) shall authorise the Secretary of State to detain “P” under a relevant detention power if such detention would, apart from this section, be unlawful.

(4) In this section, “Tribunal” means the First-Tier Tribunal.

(5) In this section, “relevant detention power” has the meaning given in section [*Time limit on immigration detention*].”

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Mr David Davis

NC5

To move the following Clause—

“Bail hearings

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

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subsection (2)(c), the Tribunal must hold an oral hearing (“an initial bail hearing”) which must commence within 24 hours of the time at which the reference is made.

(4) If the period of 24 hours in subsection (3) ends on a Saturday, Sunday or Bank holiday, the Tribunal must hold an initial bail hearing on the next working day.

(5) At the initial bail hearing, the Tribunal must—

(a) grant immigration bail to “P” under paragraph 1 of Schedule 10 to the Immigration Act 2016; or

(b) refuse to grant immigration bail to “P”.

(6) Subject to subsection (7), the Tribunal must grant immigration bail to “P” at a bail hearing unless it is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [*Initial detention: criteria and duration*] are met and that, in addition—

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(a) directions have been given for “P’s” removal from the United Kingdom and such removal is to take place within 14 days;

(b) a travel document is available for the purposes of “P’s” removal or deportation; and

(c) there are no outstanding legal barriers to removal.

(7) Subsection (6) does not apply if the Tribunal is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [*Initial detention: criteria and duration*] above are met and that there are very exceptional circumstances which justify maintaining detention.

(8) In subsection (6) above, “a bail hearing” includes—

(a) an initial bail hearing under subsection (2) above; and

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(b) the hearing of an application for immigration bail under paragraph 1(3) of Schedule 10 of the Immigration Act 2016.

(9) In this section, “Tribunal” means the First-Tier Tribunal

(10) The Secretary of State shall provide to “P” or “P’s” legal representative, not more than 24 hours after the relevant time, copies of all documents in the Secretary of State’s possession which are relevant to the decision to detain.

(11) At the initial bail hearing, the Tribunal shall not consider any documents relied upon by the Secretary of State which were not provided to “P” or “P’s” legal representative in accordance with subsection (10), unless—

(a) “P” consents to the documents being considered; or

(b) in the opinion of the Tribunal there is a good reason why the documents were not provided to “P” or to “P’s” legal representative in accordance with subsection (10).

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(12) The Immigration Act 2016 is amended as follows—

(a) After paragraph 12(4) of schedule 10 insert—

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

Mr David Davis

NC6

To move the following Clause—

“Commencement of detention provisions

(1) Sections [*Time limit on immigration detention*] (save for subsection (1)(b)), [*Initial detention: criteria and duration*] and [*Bail hearings*] come

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into force six months after the day on which this
Act is passed.

(2) Subsection (1)(b) of section [*Time limit on
immigration detention*] comes into force on such
day as the Secretary of State may by order
appoint.”

Mr David Davis

NC7

To move the following Clause—

**“Time limit on immigration detention for EEA
and Swiss nationals**

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

(a) any person who, immediately before the
commencement of Schedule 1, was—

(i) residing in the United Kingdom in
accordance with the Immigration (European
Economic Area) Regulations 2016;

(ii) residing in the United Kingdom in
accordance with a right conferred by or

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under any of the other instruments which is
repealed by Schedule 1; or

(iii) otherwise residing in the United
Kingdom in accordance with any right
derived from European Union law which
continues, by virtue of section 4 of the EU
Withdrawal Act 2018, to be recognised and
available in domestic law after exit day;

(2) The Secretary of State may not detain any person
("P") as defined in subsection(1) under a relevant
detention power for a period of more than 28 days
from the relevant time.

(3) If "P" remains detained under a relevant detention
power at the expiry of the period of 28 days
then—

(a) the Secretary of State shall release P
forthwith; and

(b) the Secretary of State may not re-detain P
under a relevant detention power thereafter,
unless the Secretary of State is satisfied that
there has been a material change of
circumstances since "P's" release and that the

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criteria in section [Initial detention: criteria and
duration (No. 2)] are met.

(4) In this Act, “relevant detention power” means a
power to detain under—

(a) paragraph 16(2) of Schedule 2 to the
Immigration Act 1971 (detention of persons
liable to examination or removal);

(b) paragraph 2(1), (2) or (3) of Schedule 3 to
that Act (detention pending deportation);

(c) section 62 of the Nationality, Immigration
and Asylum Act 2002 (detention of persons
liable to examination or removal); or

(d) section 36(1) of UK Borders Act 2007
(detention pending deportation).

(5) In this Act, “relevant time” means the time at which
“P” is first detained under a relevant detention
power.

(6) This section does not apply to a person in respect
of whom the Secretary of State has certified that

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the decision to detain is or was taken in the
interests of national security.”

Mr David Davis

NC8

To move the following Clause—

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

(1) The Secretary of State may not detain any person (“P”) to whom section [*Time limit on immigration detention for EEA and Swiss nationals*] applies, under a relevant detention power other than for the purposes of examination, unless the Secretary of State is satisfied that—

(a) “P” can be shortly removed from the United Kingdom;

(b) detention is strictly necessary to affect “P”’s deportation or removal from the United Kingdom; and

(c) the detention of “P” is in all circumstances proportionate.

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- (2) The Secretary of State may not detain any person (“P”) who section [*Time limit on detention for EEA and Swiss nationals*] applies to under a relevant detention power for a period of more than 96 hours from the relevant time, unless—
- (a) “P” has been refused bail at an initial bail hearing in accordance with subsection (5)(b) of section [*Bail hearings (No. 2)*]; or
 - (b) the Secretary of State has arranged a reference to the Tribunal for consideration of whether to grant immigration bail to “P” in accordance with subsection (2)(c) of section [*Bail hearings (No. 2)*] and that hearing has not yet taken place.
- (3) Nothing in subsection (2) shall authorise the Secretary of State to detain “P” under a relevant detention power if such detention would, apart from this section, be unlawful.
- (4) In this section, “Tribunal” means the First-Tier Tribunal.

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- (5) In this section, “relevant detention power” has the meaning given in section [*Time limit on detention for EEA and Swiss nationals*].”
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Mr David Davis

NC9

To move the following Clause—

“Bail hearings (No. 2)

- (1) This section applies to any person (“P”) to whom section [*Time limit on immigration detention for EEA and Swiss nationals*] applies and who is detained under a relevant detention power.
- (2) Before the expiry of a period of 96 hours from the relevant time, the Secretary of State must—
- (a) release “P”;
 - (b) grant immigration bail to “P” under paragraph 1 of Schedule 10 to the Immigration Act 2016; or

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(c) arrange a reference to the Tribunal for consideration of whether to grant immigration bail to “P”.

(3) Subject to subsection (4), when the Secretary of State arranges a reference to the Tribunal under subsection (2)(c), the Tribunal must hold an oral hearing (“an initial bail hearing”) which must commence within 24 hours of the time at which the reference is made.

(4) If the period of 24 hours in subsection (3) ends on a Saturday, Sunday or Bank holiday, the Tribunal must hold an initial bail hearing on the next working day.

(5) At the initial bail hearing, the Tribunal must—

(a) grant immigration bail to “P” under paragraph 1 of Schedule 10 to the Immigration Act 2016; or

(b) refuse to grant immigration bail to “P”.

(6) Subject to subsection (7), the Tribunal must grant immigration bail to “P” at a bail hearing unless it

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is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [*Initial detention: criteria and duration (No. 2)*] are met and that, in addition—

(a) directions have been given for “P’s” removal from the United Kingdom and such removal is to take place within 14 days;

(b) a travel document is available for the purposes of “P’s” removal or deportation; and

(c) there are no outstanding legal barriers to removal.

(7) Subsection (6) does not apply if the Tribunal is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [*Initial detention: criteria and duration (No. 2)*] above are met and that there are very exceptional circumstances which justify maintaining detention.

(8) In subsection (6) above, “a bail hearing” includes—

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(a) an initial bail hearing under subsection (2)
above; and

(b) the hearing of an application for immigration
bail under paragraph 1(3) of Schedule 10 of the
Immigration Act 2016.

(9) In this section, “Tribunal” means the First-Tier
Tribunal.

(10) The Secretary of State shall provide to “P” or
“P’s” legal representative, not more than 24 hours
after the relevant time, copies of all documents in
the Secretary of State’s possession which are
relevant to the decision to detain.

(11) At the initial bail hearing, the Tribunal shall not
consider any documents relied upon by the
Secretary of State which were not provided to “P”
or “P’s” legal representative in accordance with
subsection (10), unless—

(a) “P” consents to the documents being
considered; or

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(b) in the opinion of the Tribunal there is a good reason why the documents were not provided to “P” or to “P’s” legal representative in accordance with subsection (10).

(12) The Immigration Act 2016 is amended as follows—

(a) After paragraph 12(4) of schedule 10 insert—

“(4A) Sub-paragraph (2) above does not apply if the refusal of bail within the meaning of section [*Bail hearings (No. 2)*] of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2019.””

Mr David Davis

NC10

To move the following Clause—

“Commencement of detention provisions (No. 2)

Sections [*Time limit on immigration detention for EEA and Swiss Nationals*], [*Initial detention: criteria and duration (No. 2)*] and [*Bail hearings (No. 2)*] come into

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force six months after the day on which this Act is
passed.

Hywel Williams

NC11

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

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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.”

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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.

Stephen Farry

NC12

To move the following Clause—

“Status of Irish citizens

In addition to any rights enjoyed by virtue of their Irish citizenship under UK law, Irish citizens must be treated as having all rights enjoyed by persons with settled status under the EU Settlement Scheme.”

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Member's explanatory statement

This new clause will ensure that Irish citizens enjoy the same rights in the UK as someone with settled status under the EU Settlement Scheme.

Keir Starmer

NC13

To move the following Clause—

“Exemption from no recourse to public funds

- (1) This section applies during the current Covid- 19 pandemic, as defined by the World Health Organisation on 11 March 2020.
- (2) 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.
- (3) This section could not be disapplied unless a resolution was passed by each House of Parliament.”

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Member's explanatory statement

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

Keir Starmer

NC14

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

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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.”

Member’s explanatory statement

*This new clause would ensure that EEA and Swiss
nationals coming to the UK to work as a healthcare or*

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*social care worker would be exempt from the
Immigration Health Charge.*

Keir Starmer

NC15

To move the following Clause—

“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.

Stuart C McDonald

NC16

To move the following Clause—

“Immigration health charge

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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

NC17

To move the following Clause—

“Report on cost of recruitment

- (1) The Secretary of State must lay before Parliament a report setting out the costs associated with the recruitment of overseas workers to the UK as compared to such other countries the Secretary of State considers appropriate.
- (2) The report must also set out the Secretary of State’s assessment of the impact of the costs referred to in subsection (1) on different sectors of the economy.

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(3) No regulations relating to costs for the recruitment of overseas workers may be made until such time as the report has been laid before Parliament and debated.

(4) In this section “costs” include, but are not limited to, the following in relation to the UK—

(a) fees paid by an employer to register as a Tier 2 sponsor;

(b) visa fees paid by a Tier 2 worker and family members;

(c) immigration health surcharges for Tier 2 workers and family members;

(d) the immigration skills charge

(e) recruitment costs; and

(f) legal costs.

and in relation to other countries, includes such fees and costs as the Secretary of State believes equivalent or otherwise relevant.

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- (5) “Overseas worker” means a worker whose right to work in the UK have been impacted by section 1 and schedule 1.”

Member’s explanatory statement

This new clause would mean Parliament is aware of costs relating to recruitment of EEA workers to the UK compared with competitor countries, before it has to consider any regulations on fees tabled by the government.

Stuart C McDonald

NC18

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;

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(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.”

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Member's explanatory statement

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

Stuart C McDonald

NC19

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

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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 the data subject or, where the data subject is a witness to, or

All line references relate to the large print version of
the Bill

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.*

Stuart C McDonald

NC20

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;

All line references relate to the large print version of
the Bill

(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 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;

All line references relate to the large print version of
the Bill

(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 access to public funds.

Stuart C McDonald

NC21

To move the following Clause—

“British Citizen registration fee

(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.

All line references relate to the large print version of
the Bill

- (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.

All line references relate to the large print version of
the Bill

Stuart C McDonald

NC22

To move the following Clause—

“Visa requirements

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 will ensure that 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

NC23

To move the following Clause—

“Amendment of the Scotland Act 1998

(1) The Scotland Act 1998 is amended as follows.

All line references relate to the large print version of
the Bill

(2) In Schedule 5, at paragraph B6, delete the words
“free movement of persons within the European
Economic Area;”.

(3) In Schedule 5, at paragraph B6, insert at the
end—

“Exception

Retained EU law relating to free movement
of persons from the European Economic
Area; and the subject matter of section 1
and schedule 1 of the Immigration and
Social Security Co-ordination (EU
Withdrawal) Act 2020.””

Member’s explanatory statement

*This new clause would devolved retained free
movement law and the subject matter of clause 1 and
schedule 1 of the Bill to the Scottish Parliament.*

Stuart C McDonald

NC24

To move the following Clause—

“Remote Areas Pilot Scheme

All line references relate to the large print version of
the Bill

- (1) Within 6 months of this Act receiving Royal Assent, the government must introduce a Remote Areas Pilot Scheme to encourage EEA and Swiss nationals to live and work in remote areas.
- (2) The scheme in subsection (1) must be designed in consultation with the Northern Ireland Executive, the Scottish Government and the Welsh Government.
- (3) The scheme in subsection (1) must operate for at least two years after which an evaluation report must be published and laid before both Houses of Parliament.
- (4) A Minister of the Crown must 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 introduce a Remote Areas Pilot Scheme, similar to the recommendations of the Migration Advisory Committee.

All line references relate to the large print version of
the Bill

Christine Jardine

NC25

To move the following Clause—

“Right to rent (repeal)

The following provisions of the Immigration Act 2014
are hereby repealed—

(a) Sections 20 to 37; and

(b) Schedule 3.”

Member’s explanatory statement

*This new clause would repeal the requirement for
landlords to perform immigration checks on their
tenants under the Right to Rent scheme.*

Christine Jardine

NC26

To move the following Clause—

“Right to rent (EEA and Swiss nationals)

All line references relate to the large print version of
the Bill

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

Member’s explanatory statement

This new clause would require the Secretary of State to ensure that landlords do not carry out immigration checks on EEA and Swiss nationals under the Right to Rent scheme.

Christine Jardine

NC27

To move the following Clause—

“Data protection: immigration

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

(2) Leave out paragraph 4 of schedule 2.”

Member’s explanatory statement

This new clause would remove the immigration exemption in the Data Protection Act 2018.

All line references relate to the large print version of
the Bill

Christine Jardine

NC28

To move the following Clause—

“Data protection: immigration (EEA and Swiss nationals)”

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

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

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

Member’s explanatory statement

This new clause would ensure that the immigration exemption in the Data Protection Act 2018 does not apply to EEA or Swiss nationals.

Yvette Cooper

NC29

To move the following Clause—

“Family reunion and resettlement

All line references relate to the large print version of
the Bill

- (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) amend 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.

All line references relate to the large print version of
the Bill

(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 8 (1), 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.

All line references relate to the large print version of
the Bill

Yvette Cooper

NC30

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 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

All line references relate to the large print version of
the Bill

Yvette Cooper

NC31

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.

All line references relate to the large print version of the Bill

(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

All line references relate to the large print version of
the Bill

*hostile/compliant environment policy and measures –
individually and cumulatively”.*

Yvette Cooper

NC32

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.

All line references relate to the large print version of
the Bill

(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.*

Stuart C McDonald

NC33

To move the following Clause—

“Differentiated immigration rules

All line references relate to the large print version of
the Bill

- (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

All line references relate to the large print version of
the Bill

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; and

(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;

All line references relate to the large print version of
the Bill

(b) the Welsh Government;

(c) the Northern Ireland Executive; and

(d) individuals, businesses, and other
organisations in the devolved nations”.

Member’s explanatory statement

This new clause would require the Secretary of State to publish and lay a report before Parliament on differentiated immigration rules for people whose right of free movement are ended by this Act, and sets out a non-exhaustive list of issues that must be reviewed including the possible role of devolved government.

Stuart C McDonald

NC34

To move the following Clause—

“Late applications

“(1) Prior to the deadline for applications to the EU Settlement Scheme, the Secretary of State must publish a report setting out proposals for dealing with late applications and a motion to approve the

All line references relate to the large print version of
the Bill

report must be debated and approved by both
Houses of Parliament.

- (2) Until the report under subsection (1) is debated and approved by both Houses of Parliament, the EU Settlement Scheme must remain open for applications and the Secretary of State must extend the deadline for applications accordingly.”

Member’s explanatory statement

The new clause will ensure that the EU Settled Status Scheme will remain open until such time as the Minister has published his proposals as to how to deal with late applications and that report has been approved by Parliament.

Yvette Cooper

NC35

To move the following Clause—

“Visa extensions for health and care workers during Covid-19 pandemic

(1) Where—

All line references relate to the large print version of
the Bill

(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 twelve 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

All line references relate to the large print version of
the Bill

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.*

All line references relate to the large print version of
the Bill

Stuart C McDonald

NC36

To move the following Clause—

“Applications for citizenship from people with settled status

Where a person with settled status applies for British Citizenship, then the period of person’s residence that qualified them for settled status shall be treated as not being in breach of the immigration laws.”

Member’s explanatory statement

This new clause would ensure that persons who qualified for settled status cannot then be refused citizenship on ground that their residence during the qualifying period for settled status was in breach of immigration laws (for example, because of a period without Comprehensive Sickness Insurance).

Keir Starmer

NC37

To move the following Clause—

“Annual report on skills and the labour market

All line references relate to the large print version of
the Bill

- (1) Within six months of this Act coming into force, and every 12 months thereafter, the Secretary of State must publish and lay a report before Parliament setting out how changes made to the Immigration Rules for EEA and Swiss nationals have affected skill shortages in the labour market.
- (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 ensure that the Government has to publish an annual report on skill shortages and the labour market, and that it would be debated in Parliament.

Christine Jardine

NC38

To move the following Clause—

“European citizens’ rights

- (1) This section applies to EEA and Swiss nationals—

All line references relate to the large print version of
the Bill

(a) who are within the personal scope of the withdrawal agreement (defined in Article 10) having the right to reside in the United Kingdom; or

(b) to whom the provisions in (a) do not apply but who are eligible for indefinite leave to enter or remain or limited leave to enter or remain by virtue of residence scheme immigration rules.

(2) A person has settled status in the United Kingdom if that person meets the criteria set out in 'Eligibility for indefinite leave to enter or remain' or 'Eligibility for limited leave to enter or remain' in Immigration Rules Appendix EU.

(3) A person with settled status holds indefinite leave to enter or remain and has the rights provided by the withdrawal agreement for those holding permanent residence as defined in Article 15 of the agreement, even if that person is not in employment, has not been in employment or has no sufficient resources or comprehensive sickness insurance.

All line references relate to the large print version of
the Bill

(4) The Secretary of State must by regulations made
by statutory instrument make provision—

(a) implementing Article 18(4) of the withdrawal
agreement (right of eligible citizens to receive
a residence document), including making
provision for a physical document providing
proof of residence;

(b) implementing Article 17(4) of the EEA EFTA
separation agreement (right of eligible citizens
to receive a residence document) including
making provision for a physical document
providing proof of residence;

(c) implementing Article 16(4) of the Swiss
citizens' rights agreement (right of eligible
citizens to receive a residence document),
including making provision for a physical
document providing proof of residence.

(5) A person with settled status does not lose the right
to reside for not having registered their settled
status.

All line references relate to the large print version of
the Bill

- (6) A person who has settled status who has not registered their settled status by 30 June 2021 or any later date decided by the Secretary of State may register at any time after that date under the same conditions as those registering prior to that date.
- (7) After 30 June 2021 or any later date decided by the Secretary of State, a person or their agent may require proof of registration of settled status under conditions prescribed by the Secretary of State in regulations made by statutory instrument, subject to subsections (8) to (10).
- (8) Any person or their agent who is allowed under subsection (7) to require proof of registration has discretion to establish by way of other means than proof of registration that the eligibility requirements for settled status under the provisions of this section have been met.
- (9) When a person within the scope of this section is requested to provide proof of registration of settled status as a condition to retain social security benefits, housing assistance, access to public services or entitlements under a private

All line references relate to the large print version of
the Bill

contract, that person shall be given a reasonable period of at least three months to initiate the registration procedure set out in this section if that person has not already registered.

- (10) During the reasonable period under subsection (9), and subsequently on the provision of proof of commencement of the registration procedure and until a final decision on registration on which no further administrative or judicial recourse is possible, a person cannot be deprived of existing social security benefits, housing assistance, access to public services or private contract entitlements on the grounds of not having proof of registration.
- (11) The regulations adopted under subsection (7) must apply to all persons defined in subsection (1).
- (12) A statutory instrument containing regulations under this section may not be made unless a draft instrument has been laid before and approved by a resolution of each House of Parliament.
- (13) In this section—

All line references relate to the large print version of
the Bill

“EEA EFTA separation agreement” means (as modified from time to time in accordance with any provision of it) the Agreement on arrangements between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland following the withdrawal of the United Kingdom from the European Union, the EEA Agreement and other agreements applicable between the United Kingdom and the EEA EFTA States by virtue of the United Kingdom’s membership of the European Union;

“residence scheme immigration rules” has the meaning defined in section 17 of the European Union (Withdrawal Agreement) Act 2020;

“Swiss citizens’ rights agreement” means (as modified from time to time in accordance with any provision of it) the Agreement signed at Bern on 25 February 2019 between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on citizens’ rights following the withdrawal of the United Kingdom

All line references relate to the large print version of
the Bill

from— (a) the European Union, and (b) the free
movement of persons agreement;

“withdrawal agreement” means the agreement
between the United Kingdom and the EU under
Article 50(2) of the Treaty on European Union
which sets out the arrangements for the United
Kingdom’s withdrawal from the EU (as that
agreement is modified from time to time in
accordance with any provision of it).”

Member’s explanatory statement

*This new clause will ensure that all EU citizens have
settled status (whether they’ve applied or not) and to
require the Government to make available physical
proof of settled status.*

Stuart C McDonald

34

Clause 4, page 5, line 6, 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*

All line references relate to the large print version of
the Bill

*connection with the equivalent Bill introduced in the
last session of Parliament.*

Christine Jardine

36

Clause 4, page 6, line 8, at end insert—

“(5A) Regulations under subsection (1) must provide that EEA and Swiss nationals, and adult dependants of EEA and Swiss nationals, who are applying for asylum in the United Kingdom, may apply to the Secretary of State for permission to take up employment if a decision at first instance has not been taken on the applicant’s asylum application within 3 months of the date on which it was recorded.”

Member’s explanatory statement

This amendment would require the Secretary of State to make regulations enabling asylum seekers to work once they have been waiting for a decision on their claim for 3 months or more.

Stuart C McDonald

32

Clause 4, page 7, line 14, at end insert—

All line references relate to the large print version of
the Bill

“(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

All line references relate to the large print version of
the Bill

(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 such date as the Secretary of State deems appropriate, being no earlier than 23rd June 2016.”

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.

Stuart C McDonald

33

Clause 4, page 7, line 14, at end insert—

“(11) Regulations made under subsection (1) must make provision for admission of EEA nationals as

All line references relate to the large print version of
the Bill

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.*

Stuart C McDonald

38

Clause 4, page 7, line 14, at end insert—

All line references relate to the large print version of
the Bill

- “(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.
- (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.
- (14) For the purposes of subsection (11), “close family members” means

All line references relate to the large print version of
the Bill

(a) children (including adopted children);

(b) other close family members where that relationship subsisted on or before 31st January 2020 and has continued to subsist.”

Member’s explanatory statement

This amendment ensures that UK citizens who have been living abroad in the EEA and formed families before the UK left the EU, can return to the UK with those families under the rules that were in force before the UK left the EU.

Secretary Priti Patel

1

Clause 5, page 9, line 26, leave out “devolved authority” and insert “Northern Ireland department”

Member’s explanatory statement

This amendment and amendment 2 remove the power conferred on Scottish Ministers (acting alone or acting jointly with a Minister of the Crown) to make regulations under clause 5. Amendments 3, 4 and 6 to 31 are related consequential amendments.

All line references relate to the large print version of
the Bill

Secretary Priti Patel

2

Clause **5**, page **9**, line **28**, leave out “devolved
authority” and insert “Northern Ireland department”

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

3

Clause **5**, page **10**, line **2**, leave out “of devolved
authorities”

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

4

Clause **6**, page **10**, leave out lines 10 and 11

Member’s explanatory statement

See the explanatory statement to amendment 1.

Stuart C McDonald

35

Clause **7**, page **11**, line **4**, at end insert—

All line references relate to the large print version of
the Bill

“(1A) Section 1 and Schedule 1 of this Act do not
extend to Scotland.”

Christine Jardine

37

Clause **8**, page **12**, line **4**, at end insert—

“(1A) Notwithstanding subsection (1), Part 1
cannot come into force until the Secretary of State
has implemented in full the recommendations of
the Windrush Lessons Learned Review and laid
before Parliament a report setting out how the
recommendations have been implemented.”

Member’s explanatory statement

*This amendment would prevent the Government from
ending free movement until it has implemented in full
the recommendations of the Windrush Lessons
Learned Review.*

Keir Starmer

39

Clause **8**, page **12**, line **11**, 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.”

All line references relate to the large print version of
the Bill

Secretary Priti Patel

5

Schedule 2, page 17, line 5, at end insert—

“PART A1

SCOPE OF THE POWER OF A MINISTER OF THE
CROWN ACTING ALONE OR JOINTLY

A1 No provision that would be within the legislative
competence of the Scottish Parliament if it were
contained in an Act of that Parliament may be
made—

(a) by the Secretary of State or the Treasury
acting alone, or

(b) by a Minister of the Crown acting jointly with
a Northern Ireland department, in regulations
under section 5, unless that provision is merely
incidental to, or consequential on, provision
that would be outside that legislative
competence.

All line references relate to the large print version of
the Bill

A2 In considering, for the purposes of paragraph A1, whether a provision would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament, no account is to be taken of section 29(2)(d) of the Scotland Act 1998 so far as relating to EU law.”

Member’s explanatory statement

This amendment limits the scope of the power conferred on the Secretary of State and the Treasury, and on a Minister of the Crown acting jointly with a Northern Ireland department, to modify retained direct EU legislation under clause 5 (retained direct EU legislation relating to social security co-ordination). No provision that is within the legislative competence of the Scottish Parliament may be made under the power.

Secretary Priti Patel

6

Schedule 2, page 17, line 10, leave out “devolved authority” and insert “Northern Ireland department”

Member’s explanatory statement

See the explanatory statement to amendment 1.

All line references relate to the large print version of
the Bill

Secretary Priti Patel

7

Schedule 2, page 17, line 13, leave out “devolved
authority” and insert “Northern Ireland department”

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

8

Schedule 2, page 17, line 14, leave out paragraph 2

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

9

Schedule 2, page 19, line 27, leave out “devolved
authority” and insert “Northern Ireland department”

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

10

Schedule 2, page 20, line 3, leave out “devolved
authority” and insert “Northern Ireland department”

Member’s explanatory statement

See the explanatory statement to amendment 1.

All line references relate to the large print version of
the Bill

Secretary Priti Patel

11

Schedule 2, page 20, line 6, leave out from “by” to “a”
in line 10

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

12

Schedule 2, page 20, line 17, leave out from first “an”
to end of line

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

13

Schedule 2, page 10, line 23, leave out “devolved
authority” and insert “Northern Ireland department”

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

14

Schedule 2, page 20, line 24, leave out “another
person” and insert “a Northern Ireland devolved
authority”.

All line references relate to the large print version of
the Bill

Member's explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

15

Schedule 2, page 21, line 3, leave out sub-paragraph
(1)

Member's explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

16

Schedule 2, page 21, line 26, leave out “(1) or”

Member's explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

17

Schedule 2, page 21, line 28, leave out from first “an”
to second “Act”

Member's explanatory statement

See the explanatory statement to amendment 1.

All line references relate to the large print version of
the Bill

Secretary Priti Patel

18

Schedule 2, page 22, line 4, leave out from “by” to “a”
in line 7

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

19

Schedule 2, page 22, line 11, leave out sub-
paragraph (1)

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

20

Schedule 2, page 22, line 30, leave out “(1) or”

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

21

Schedule 2, page 23, line 1, leave out from “an” to
“Act” in line 3

Member’s explanatory statement

See the explanatory statement to amendment 1.

All line references relate to the large print version of
the Bill

Secretary Priti Patel

22

Schedule 2, page 23, line 9, leave out “(1) or”
Member’s explanatory statement
See the explanatory statement to amendment 1.

Secretary Priti Patel

23

Schedule 2, page 23, line 12, leave out from “by” to
“a” in line 15
Member’s explanatory statement
See the explanatory statement to amendment 1.

Secretary Priti Patel

24

Schedule 2, page 24, line 4, leave out “Section 57(2)
of the Scotland Act 1998 and”
Member’s explanatory statement
See the explanatory statement to amendment 1.

Secretary Priti Patel

25

Schedule 2, page 24, line 7, leave out “, so far as
relating to EU law, do” and insert “does”
Member’s explanatory statement
See the explanatory statement to amendment 1.

All line references relate to the large print version of
the Bill

Secretary Priti Patel

26

Schedule 3, page 24, line 16, leave out “devolved
authority” and insert “Northern Ireland department”

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

27

Schedule 3, page 24, line 25, leave out paragraph 2

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

28

Schedule 3, page 25, line 12, leave out sub-
paragraph (2)

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

29

Schedule 3, page 25, line 23, leave out paragraph 4
and insert —

All line references relate to the large print version of
the Bill

“Scrutiny where joint exercise

4 Regulations under section 5 of a Minister of the Crown acting jointly with a Northern Ireland department may not be made unless—

(a) a draft of the statutory instrument containing those regulations has been laid before, and approved by a resolution of, each House of Parliament, and

(b) a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.”

Member’s explanatory statement

See the explanatory statement to amendment 1.

Secretary Priti Patel

30

Schedule 3, page 28, line 4, leave out “the Scottish Parliament or”

Member’s explanatory statement

See the explanatory statement to amendment 1.

All line references relate to the large print version of
the Bill

Secretary Priti Patel

31

Schedule 3, page 28, line 10, leave out “the Scottish Parliament or, as the case may be,”

Member’s explanatory statement

See the explanatory statement to amendment 1.

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.

All line references relate to the large print version of
the Bill

*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
