



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 5 June 2020

New Amendments handed in are marked thus ★

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

Amendments tabled since the last publication: 12 to 16 and NC19 to NC29

PUBLIC BILL COMMITTEE

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 to be proposed by Kevin Foster.

Kevin Foster

To move, That the Bill be considered in the following order, namely, 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.

Kevin Foster

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

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

Kevin Foster

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

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

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

2

Member's explanatory statement

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

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

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

3

Member's explanatory statement

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

Nadia Whittome

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

10

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

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

Member's explanatory statement

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

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

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

4

Member's explanatory statement

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

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

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

13

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

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

Kate Green
 Holly Lynch
 Chris Elmore
 Taiwo Owatemi

15

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

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

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

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

5

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

Member’s explanatory statement

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

6

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

Member’s explanatory statement

This amendment is consequential on Amendment 5.

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

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

9

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

Member's explanatory statement

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

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

8

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

Member's explanatory statement

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

1

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

- “(11) Regulations made under subsection (1) must make provision for admission of EEA nationals as spouses, partners and children of UK citizens and settled persons.
- (12) Regulations made under subsection (1) may require that the EEA nationals entering as spouses, partners and children of UK citizens and settled persons can be “maintained and accommodated without recourse to public funds” but in deciding whether that test is met, account must be taken of the prospective earnings of the EEA nationals seeking entry, as well as an third party support that may be available.
- (13) Regulations made under subsection (1) must not include any test of financial circumstances beyond that set out in subsection (12)”

Member's explanatory statement

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

14

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

- “(11) Regulations made under subsection (1) must make provision enabling UK citizens falling within the personal scope of the Withdrawal Agreement, the EEA EFTA separation agreement or the Swiss citizens' rights agreement to return to the UK accompanied by, or to be joined in the UK by, close family members with whom they lived while residing in the EEA or Switzerland.

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

(12) Regulations under subsection (1) may not impose any conditions on the entry or residence of close family members which could not have been imposed under EU law relating to free movement, as at the date of this Act coming into force.

(13) References in subsection (11) to the Withdrawal Agreement, the EEA EFTA separation agreement and the Swiss citizens' rights agreement have the same meaning as in the European Union (Withdrawal Agreement) Act 2020.

Member's explanatory statement

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

Stuart C McDonald
Joanna Cherry
Brendan O'Hara

16

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

“(11) Subject to subsection (13), regulations made under subsection (1) must make provision for ensuring that all qualifying persons have within the United Kingdom the rights set out in Title II of Part 2 of the Withdrawal Agreement, the EEA EFTA separation agreement and the Swiss citizens' rights agreement and implementing the following provisions—

- (a) Article 18(4) of the Withdrawal Agreement (Issuance of residence documents);
- (b) Article 17(4) of the EEA EFTA separation agreement (Issuance of residence documents); and
- (c) Article 16(4) of the Swiss citizens' rights agreement (Issuance of residence documents).

(12) In this section, “qualifying persons” means—

- (a) those persons falling within the scope of the agreements referred to; and
- (b) those eligible under the residence scheme immigration rules, as defined by section 17(1) of the European Union (Withdrawal Agreement) Act 2020.

(13) Notwithstanding subsection (11), regulations must confer a right of permanent, rather than temporary, residence on all qualifying persons residing in the UK prior to 5 March 2020.”

Member's explanatory statement

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

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

12

★ Clause 8, page 5, line 40, at end insert—

“(4A) Section 4 and section 7(5) expire on the day after the day specified as the deadline under section 7(1)(a) of the European Union (Withdrawal Agreement) Act 2020.”

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

11

☆ Clause 8, page 5, line 41, leave out subsection (5) and insert—

- “(5) This Part of the Act shall not come into effect until a Minister of the Crown has laid a report before each House of Parliament setting out the impact of this Act on faith communities in the UK.
- (6) A report under subsection (5) must consider in particular the ability of members and representatives of faith communities from the EEA and Switzerland to enter the UK for purposes related to their faith.
- (7) A Minister of the Crown must, not later than six months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.
- (8) In this section,
 “faith communities” means a group of individuals united by a clear structure and system of religious or spiritual beliefs.”

Member's explanatory statement

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

Mr David Davis
 Stuart C McDonald
 Joanna Cherry
 Caroline Lucas
 Gavin Robinson
 Ms Harriet Harman

Christine Jardine
 Sir Edward Davey
 Wendy Chamberlain
 Richard Burgon
 Richard Fuller
 Stella Creasy
 Kate Green

Daisy Cooper
 Wera Hobhouse
 Munira Wilson
 Tim Farron
 Mr Steve Baker
 Carol Monaghan

Layla Moran
 Sarah Olney
 Jamie Stone
 Mr Andrew Mitchell
 Nadia Whittome
 Holly Lynch

NC1

To move the following Clause—

“Time limit on immigration detention

- (1) For the purpose of this section, a person (“P”) is defined as—
- (a) any person who, immediately before the commencement of Schedule 1, was—
- (i) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016;
- (ii) residing in the United Kingdom in accordance with a right conferred by or under any of the other instruments which is repealed by Schedule 1; or
- (iii) otherwise residing in the United Kingdom in accordance with any right derived from European Union law which continues, by

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

virtue of section 4 of the EU Withdrawal Act 2018, to be recognised and available in domestic law after exit day;

- (b) and any other person.
- (2) The Secretary of State may not detain any person (“P”) as defined in subsection (1) under a relevant detention power for a period of more than 28 days from the relevant time.
- (3) If “P” remains detained under a relevant detention power at the expiry of the period of 28 days then—
- (a) the Secretary of State shall release P forthwith; and
- (b) the Secretary of State may not re—detain P under a relevant detention power thereafter, unless the Secretary of State is satisfied that there has been a material change of circumstances since “P’s” release and that the criteria in section [Initial detention: criteria and duration] are met.
- (4) In this Act, “relevant detention power” means a power to detain under—
- (a) paragraph 16(2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal);
- (b) paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation);
- (c) section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal); or
- (d) section 36(1) of UK Borders Act 2007 (detention pending deportation).
- (5) In this Act, “relevant time” means the time at which “P” is first detained under a relevant detention power.
- (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.”

Mr David Davis
Stuart C McDonald
Joanna Cherry
Ms Harriet Harman
Christine Jardine
Daisy Cooper

Layla Moran
Sarah Olney
Jamie Stone
Mr Andrew Mitchell
Nadia Whittome
Holly Lynch

Sir Edward Davey
Wendy Chamberlain
Richard Burgon
Richard Fuller
Stella Creasy
Kate Green

Wera Hobhouse
Munira Wilson
Tim Farron
Mr Steve Baker
Carol Monaghan

NC2

To move the following Clause—

“Initial detention: criteria and duration

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

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

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

Mr David Davis
 Stuart C McDonald
 Joanna Cherry
 Ms Harriet Harman
 Christine Jardine
 Daisy Cooper

Layla Moran
 Sarah Olney
 Jamie Stone
 Mr Andrew Mitchell
 Nadia Whittome

Sir Edward Davey
 Wendy Chamberlain
 Richard Burgon
 Richard Fuller
 Stella Creasy

Wera Hobhouse
 Munira Wilson
 Tim Farron
 Mr Steve Baker
 Carol Monaghan

NC3

To move the following Clause—

“Bail hearings

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

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

- (4) If the period of 24 hours in subsection (3) ends on a Saturday, Sunday or Bank holiday, the Tribunal must hold an initial bail hearing on the next working day.
 - (5) At the initial bail hearing, the Tribunal must—
 - (a) grant immigration bail to “P” under paragraph 1 of Schedule 10 to the Immigration Act 2016; or
 - (b) refuse to grant immigration bail to “P”.
 - (6) Subject to subsection (7), the Tribunal must grant immigration bail to “P” at a bail hearing unless it is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [Initial detention: criteria and duration] are met and that, in addition—
 - (a) directions have been given for “P’s” removal from the United Kingdom and such removal is to take place within 14 days;
 - (b) a travel document is available for the purposes of “P’s” removal or deportation; and
 - (c) there are no outstanding legal barriers to removal.
 - (7) Subsection (6) does not apply if the Tribunal is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [Initial detention: criteria and duration] above are met and that there are very exceptional circumstances which justify maintaining detention.
 - (8) In subsection (6) above, “a bail hearing” includes—
 - (a) an initial bail hearing under subsection (2) above; and
 - (b) the hearing of an application for immigration bail under paragraph 1(3) of Schedule 10 of the Immigration Act 2016.
 - (9) In this section, “Tribunal” means the First-Tier Tribunal.
 - (10) The Secretary of State shall provide to “P” or “P’s” legal representative, not more than 24 hours after the relevant time, copies of all documents in the Secretary of State’s possession which are relevant to the decision to detain.
 - (11) At the initial bail hearing, the Tribunal shall not consider any documents relied upon by the Secretary of State which were not provided to “P” or “P’s” legal representative in accordance with subsection (10), unless—
 - (a) “P” consents to the documents being considered; or
 - (b) in the opinion of the Tribunal there is a good reason why the documents were not provided to “P” or to “P’s” legal representative in accordance with subsection (10).
 - (12) The Immigration Act 2016 is amended as follows—
 - (a) After paragraph 12(4) of schedule 10 insert—
 - “(4A) Sub-paragraph (2) above does not apply if the refusal of bail by the First-tier Tribunal took place at an initial bail hearing within the meaning of section [Bail hearings for EEA and Swiss nationals] of the Immigration and Social Security Coordination (EU Withdrawal) Act 2019.”
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Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued*

Mr David Davis
 Stuart C McDonald
 Joanna Cherry
 Ms Harriet Harman
 Christine Jardine
 Daisy Cooper

Layla Moran
 Sarah Olney
 Jamie Stone
 Mr Andrew Mitchell
 Nadia Whittome

Sir Edward Davey
 Wendy Chamberlain
 Richard Burgon
 Richard Fuller
 Stella Creasy

Wera Hobhouse
 Munira Wilson
 Tim Farron
 Mr Steve Baker
 Carol Monaghan

NC4

To move the following Clause—

“Commencement of detention provisions

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

Mr David Davis
 Stuart C McDonald
 Joanna Cherry
 Ms Harriet Harman
 Christine Jardine
 Daisy Cooper

Layla Moran
 Sarah Olney
 Jamie Stone
 Mr Andrew Mitchell
 Nadia Whittome
 Kate Green

Sir Edward Davey
 Wendy Chamberlain
 Richard Burgon
 Richard Fuller
 Carol Monaghan

Wera Hobhouse
 Munira Wilson
 Tim Farron
 Mr Steve Baker
 Holly Lynch

NC5

To move the following Clause—

“Time limit on immigration detention for EEA and Swiss nationals

- (1) For the purpose of this section, a person (“P”) is defined as—
 - (a) any person who, immediately before the commencement of Schedule 1, was—
 - (i) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016;
 - (ii) residing in the United Kingdom in accordance with a right conferred by or under any of the other instruments which is repealed by Schedule 1; or
 - (iii) otherwise residing in the United Kingdom in accordance with any right derived from European Union law which continues, by virtue of section 4 of the EU Withdrawal Act 2018, to be recognised and available in domestic law after exit day;

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

- (2) The Secretary of State may not detain any person (“P”) as defined in subsection (1) under a relevant detention power for a period of more than 28 days from the relevant time.
- (3) If “P” remains detained under a relevant detention power at the expiry of the period of 28 days then—
 - (a) the Secretary of State shall release P forthwith; and
 - (b) the Secretary of State may not re—detain P under a relevant detention power thereafter, unless the Secretary of State is satisfied that there has been a material change of circumstances since “P’s” release and that the criteria in section [Initial detention: criteria and duration (No. 2)] are met.
- (4) In this Act, “relevant detention power” means a power to detain under—
 - (a) paragraph 16(2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal);
 - (b) paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation);
 - (c) section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal); or
 - (d) section 36(1) of UK Borders Act 2007 (detention pending deportation).
- (5) In this Act, “relevant time” means the time at which “P” is first detained under a relevant detention power.
- (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.”

Mr David Davis
 Stuart C McDonald
 Joanna Cherry
 Ms Harriet Harman
 Christine Jardine
 Daisy Cooper

Layla Moran
 Sarah Olney
 Jamie Stone
 Mr Andrew Mitchell
 Nadia Whittome

Sir Edward Davey
 Wendy Chamberlain
 Richard Burgon
 Richard Fuller
 Holly Lynch

Wera Hobhouse
 Munira Wilson
 Tim Farron
 Mr Steve Baker
 Kate Green

NC6

To move the following Clause—

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

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

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

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

Mr David Davis
 Stuart C McDonald
 Joanna Cherry
 Ms Harriet Harman
 Christine Jardine
 Daisy Cooper

Layla Moran
 Sarah Olney
 Jamie Stone
 Mr Andrew Mitchell
 Nadia Whittome

Sir Edward Davey
 Wendy Chamberlain
 Richard Burgon
 Richard Fuller

Wera Hobhouse
 Munira Wilson
 Tim Farron
 Mr Steve Baker

NC7

To move the following Clause—

“Bail hearings (No. 2)

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

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

- (5) At the initial bail hearing, the Tribunal must—
 - (a) grant immigration bail to “P” under paragraph 1 of Schedule 10 to the Immigration Act 2016; or
 - (b) refuse to grant immigration bail to “P”.
 - (6) Subject to subsection (7), the Tribunal must grant immigration bail to “P” at a bail hearing unless it is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [Initial detention: criteria and duration (No. 2)] are met and that, in addition—
 - (a) directions have been given for “P’s” removal from the United Kingdom and such removal is to take place within 14 days;
 - (b) a travel document is available for the purposes of “P’s” removal or deportation; and
 - (c) there are no outstanding legal barriers to removal.
 - (7) Subsection (6) does not apply if the Tribunal is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [Initial detention: criteria and duration (No. 2)] above are met and that there are very exceptional circumstances which justify maintaining detention.
 - (8) In subsection (6) above, “a bail hearing” includes—
 - (a) an initial bail hearing under subsection (2) above; and
 - (b) the hearing of an application for immigration bail under paragraph 1(3) of Schedule 10 of the Immigration Act 2016.
 - (9) In this section, “Tribunal” means the First-Tier Tribunal.
 - (10) The Secretary of State shall provide to “P” or “P’s” legal representative, not more than 24 hours after the relevant time, copies of all documents in the Secretary of State’s possession which are relevant to the decision to detain.
 - (11) At the initial bail hearing, the Tribunal shall not consider any documents relied upon by the Secretary of State which were not provided to “P” or “P’s” legal representative in accordance with subsection (10), unless—
 - (a) “P” consents to the documents being considered; or
 - (b) in the opinion of the Tribunal there is a good reason why the documents were not provided to “P” or to “P’s” legal representative in accordance with subsection (10).
 - (12) The Immigration Act 2016 is amended as follows—
 - (a) After paragraph 12(4) of schedule 10 insert—
 - “(4A) Sub-paragraph (2) above does not apply if the refusal of bail by the First-tier Tribunal took place at an initial bail hearing within the meaning of section [Bail hearings (No. 2)] of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2019.”
-

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

Mr David Davis
 Stuart C McDonald
 Joanna Cherry
 Ms Harriet Harman
 Christine Jardine
 Daisy Cooper

Layla Moran
 Sarah Olney
 Jamie Stone
 Mr Andrew Mitchell
 Nadia Whittome

Sir Edward Davey
 Wendy Chamberlain
 Richard Burgon
 Richard Fuller

Wera Hobhouse
 Munira Wilson
 Tim Farron
 Mr Steve Baker

NC8

To move the following Clause—

“Commencement of detention provisions (No. 2)

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

Liz Saville Roberts
 Hywel Williams
 Ben Lake
 Jonathan Edwards

NC9

To move the following Clause—

“Report on the impact to EEA and Swiss nationals

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

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

Stuart C McDonald
Joanna Cherry
Brendan O'Hara

NC10

To move the following Clause—

“Extension of registration for EU Settlement Scheme

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

Member's explanatory statement

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

Stuart C McDonald
Joanna Cherry
Brendan O'Hara

NC11

To move the following Clause—

“Application after the EU Settlement Scheme deadline

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

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

“the EU Settlement Scheme Deadline” means the deadline for applying for settled or pre-settled status under appendix EU of the Immigration Rules.”

Member’s explanatory statement

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

Stuart C McDonald
Joanna Cherry
Tim Farron
Brendan O’Hara

NC12

To move the following Clause—

“Immigration health charge

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

Member’s explanatory statement

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

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

NC13

To move the following Clause—

“Registration as a British citizen by EEA and Swiss nationals

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

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, continued***Member's explanatory statement***

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

Stuart C McDonald
Joanna Cherry
Brendan O'Hara

NC14

To move the following Clause—

“Legal Aid for EEA and Swiss nationals

- (1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended in accordance with subsection (2).
- (2) In Schedule 1, paragraph 30, after sub-paragraph (d), insert—
 “(e) the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.””

Member's explanatory statement

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

Stuart C McDonald
Joanna Cherry
Brendan O'Hara

NC15

To move the following Clause—

“Illegal working: EEA and Swiss nationals

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

Member's explanatory statement

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

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

NC16

To move the following Clause—

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

- (1) The Secretary of State must establish an Immigration Rules Advisory Committee to consider relevant Immigration Rules.
- (2) In this section “relevant Immigration Rules” mean Immigration Rules that apply to persons whose right of free movement is ended by section 1 and schedule 1 of this Act.
- (3) The function of the Immigration Rules Advisory Committee shall be to give advice and assistance to the Secretary of State in connection with the discharge of his functions under this Act and in particular in relation to the making of relevant Immigration Rules.
- (4) The constitution of the Immigration Rules Advisory Committee shall be set out in regulations.
- (5) The Secretary of State shall furnish the Immigration Rules Advisory Committee with such information as the Committee may reasonably require for the proper discharge of its functions.
- (6) No relevant Immigration Rules may be made by the Secretary of State, until the Immigration Rules Advisory Committee is established.”

Member’s explanatory statement

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

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

Andrew Gwynne

Ms Diane Abbott

NC17

To move the following Clause—

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

- (1) Where—
 - (a) a person (“P”) meets either the condition in subsection (2) or the condition in subsection (3); and
 - (b) P’s leave in the United Kingdom would otherwise expire prior to 1 January 2021
 then P’s leave is extended until 12 months after the date on which P’s leave would otherwise expire without any further fee or charge being incurred.
- (2) The condition in this subsection is that the individual is a health and care professional, or a social worker, or employed in another frontline health and care role.

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

- (3) The condition in this subsection is that the individual is a family member of a person meeting the condition in subsection (2).
- (4) In this section—
- “health and care professional” is a person within the class of persons who are nurses or other health and care professionals, or medical professionals within the meaning of the regulations referred to in sections 2 to 5 of the Coronavirus Act 2020;
- “social worker” is a person within the class of persons who are social workers within the meaning of the regulations referred to in sections 6 to 7 of the Coronavirus Act 2020;
- “employed in another frontline health and care role” means a person employed in a role conferring eligibility for the NHS and Social Care Coronavirus Life Assurance Scheme 2020.”

Member’s explanatory statement

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

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

Carol Monaghan

David Linden

Anne McLaughlin

NC18

To move the following Clause—

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

- (1) The Secretary of State shall commission an independent evaluation of the matters under subsection (5) and shall lay the report of the evaluation before each House of Parliament.
- (2) The Secretary of State must appoint an independent person to undertake the evaluation (“the independent evaluator”).
- (3) In this section, “independent person” means a person who is independent of Her Majesty’s Government.
- (4) No person may be appointed under subsection (2) unless their appointment has been consented to by—
- (a) the relevant Scottish Ministers;
 - (b) the relevant Welsh Ministers; and
 - (c) the relevant Northern Ireland departments.
- (5) The evaluation under subsection (1) shall consider an assessment of the effects of this Act on—
- (a) the health and social care workforce;
 - (b) the efficiency and effectiveness of the health and social care sectors;
 - (c) the adequacy of public funding for the health and social care sectors; and
 - (d) such other relevant matters as the independent evaluator sees fit.

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

- (6) In undertaking the evaluation, the independent evaluator must consult—
- (a) the Secretary of State;
 - (b) the relevant Scottish Ministers;
 - (c) the relevant Welsh Ministers;
 - (d) the relevant Northern Ireland departments;
 - (e) providers of health and social care services;
 - (f) persons requiring health and social care services;
 - (g) representatives of persons requiring health and social care services; and
 - (h) such other relevant persons as the independent evaluator sees fit.
- (7) The independent evaluator must prepare a report on the evaluation for the Secretary of State.
- (8) The Secretary of State must lay that report before Parliament no later than one year after this Act is passed.
- (9) A Minister of the Crown must, not later than six months after the report has been laid before Parliament, make arrangements for—
- (a) a motion relating to the report to be debated and voted upon by the House of Commons; and
 - (b) a motion relating to the report to be debated and voted upon by the House of Lords.”

Member’s explanatory statement

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

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

NC19

- ★ To move the following Clause—

“EU Settlement Scheme: physical documented proof

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

Member’s explanatory statement

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

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

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

NC20

★ To move the following Clause—

“Settled status: children in care

- (1) Any child who has their right of free movement removed by the provisions contained in this Act has the right of settled status in the United Kingdom if that child is in care or is subject to the public law outline process via a declaratory system, undertaken on the child’s behalf by the Local Authority whose care they are under.
- (2) In this section, “a child in care” means a child who is under 18 and is—
 - (a) living with foster parents;
 - (b) living in a residential children’s home; or
 - (c) living in a residential setting like a school or secure unit.”
- (3) In this section, “public law outline process” is as set out under Family Court practice direction 12A of 2004.”

Member’s explanatory statement

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

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

NC21

★ To move the following Clause—

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

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

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

NC22

- ★ 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.

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

NC23

- ★ To move the following Clause—

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

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

Member’s explanatory statement

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

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

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

NC24

★ To move the following Clause—

“Annual review: Impact on the agricultural sector

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

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

NC25

★ To move the following Clause—

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

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

Immigration and Social Security Co-ordination (EU Withdrawal) Bill, continued*Member's explanatory statement*

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

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

NC26

★ To move the following Clause—

“Analysis of exemption from no recourse to public funds conditio

- (1) The Secretary State must produce a report on the impact of no recourse to public funds conditions for those who meet the criteria in subsection (2)
- (2) The report under subsection (1) must include, but not be limited to, the impact on EEA and Swiss nationals—
- (3) For the purposes of this section, a public fund is defined as any of the following—
 - (a) attendance allowance;
 - (b) carer's allowance;
 - (c) child benefit;
 - (d) child tax credit;
 - (e) council tax benefit;
 - (f) council tax reduction;
 - (g) disability living allowance;
 - (h) discretionary support payments by local authorities or the devolved administrations in Scotland and Northern Ireland which replace the discretionary social fund;
 - (i) housing and homelessness assistance;
 - (j) housing benefit;
 - (k) income-based jobseeker's allowance;
 - (l) income related employment and support allowance (ESA);
 - (m) income support;
 - (n) personal independence payment;
 - (o) severe disablement allowance;
 - (p) social fund payment;
 - (q) state pension credit;
 - (r) universal credit;
 - (s) working tax credit; and
 - (t) Immigration Health Surcharge (IHS).
- (4) For the purposes of this section—

“domestic abuse” has the same meaning as in section 1 of the Domestic Abuse Act 2020;

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

“victim” includes the dependent child of a person who is a victim of domestic abuse.”

Member’s explanatory statement

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

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

NC27

★ To move the following Clause—

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

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

NC28

★ To move the following Clause—

“Annual review: Higher education

- (1) The Secretary of State must commission an annual report from the Migration Advisory Committee on the impact of the provisions of this Act on the number of overseas students in the UK from the EEA and Switzerland.
- (2) The report must be laid before each House of Parliament as soon as possible after it has been completed.

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

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

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

NC29

- ★ To move the following Clause—

“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; the activities that can be undertaken by a short-term business visitor;
 - (b) the activities that can be undertaken by a short-term business visitor;
 - (c) consider the reciprocal arrangements for UK nationals travelling to the EEA and Switzerland.”

Member’s explanatory statement

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

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.

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

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

NOTICES WITHDRAWN

The following Notices were withdrawn on 1 June 2020:

Amendment 7
