



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Friday 19 June 2020**

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*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: NC1 to NC10*

### CONSIDERATION OF BILL (REPORT STAGE)

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### IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL) BILL

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#### 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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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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**Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued***

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

Carol Monaghan  
 Gavin Newlands  
 Alan Brown  
 Ben Lake  
 Angela Crawley

David Linden  
 Stuart C McDonald  
 Liz Saville Roberts  
 Sarah Olney

Anne McLaughlin  
 Alison Thewliss  
 Hywel Williams  
 Alison Thewliss

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;
  - (b) the relevant Welsh Ministers; and
  - (c) the relevant Northern Ireland Ministers.
- (5) The evaluation under subsection (1) shall consider an assessment of the effects of this Act on—
  - (a) the health and social care workforce;
  - (b) the efficiency and effectiveness of the health and social care sectors;
  - (c) the adequacy of public funding for the health and social care sectors; and
  - (d) such other relevant matters as the independent evaluator sees fit.
- (6) In undertaking the evaluation, the independent evaluator must consult—
  - (a) the Secretary of State;
  - (b) the relevant Scottish Ministers;
  - (c) the relevant Welsh Ministers;
  - (d) the relevant Northern Ireland Ministers;
  - (e) providers of health and social care services;
  - (f) persons requiring health and social care services;
  - (g) representatives of persons requiring health and social care services; and
  - (h) such other relevant persons as the independent evaluator sees fit.
- (7) The independent evaluator must prepare a report on the evaluation for the Secretary of State.
- (8) The Secretary of State must lay that report before Parliament no later than one year after this Act is passed.
- (9) A Minister of the Crown must, not later than six months after the report has been laid before Parliament, make arrangements for—

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

- (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 this provision, be deemed to have and be granted automatic Indefinite Leave to Remain within the United Kingdom under the EU Settlement Scheme.
- (2) The Secretary of State must, for purposes of subsection (1), issue guidance to local authorities in England, Scotland, Wales and Northern Ireland setting out their duty to identify the children of EEA and Swiss nationals in their care or entitled to care leaving support.
- (3) Before issuing guidance under this section the Secretary of State must consult—
  - (a) the relevant Scottish Minister;
  - (b) the relevant Welsh Minister; and
  - (c) the relevant Northern Ireland Minister
- (4) The Secretary of State must make arrangements to ensure that personal data relating to nationality processed by local authorities for purposes of identification under subsection (1) is used solely for this purpose and no further immigration control purpose.
- (5) Any child subject to subsection (1) who is identified and granted status after the deadline of EU Settlement Scheme (“the Scheme”) will be deemed to have had such status and all rights associated with the status from the time of the Scheme deadline.
- (6) This section comes into force upon the commencement of this Act and remains in effect for 5 years after the deadline of the EU Settlement Scheme.
- (7) For purposes of this section, “children in the care of the local authority” are defined as children receiving care under any of the following—
  - (a) section 20 of the Children Act 1989 (Provision of accommodation for children: general);
  - (b) section 31 of the Children Act 1989 (Care and Supervision);
  - (c) section 75 Social Services and Well-being (Wales) Act 2014 (General duty of local authority to secure sufficient accommodation for looked after children);
  - (d) section 25 of the Children (Scotland) Act 1995 (Provision of accommodation for children);

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

- (e) Article 25 of the Children (Northern Ireland) Order 1995 (Interpretation); and
  - (f) Article 50 Children of the (Northern Ireland) Order 1995 (Care orders and supervision orders).
- (8) For the purposes of this section, “children entitled to care leaving support” means a child receiving support under any of the following—
- (a) paragraph 19B of Schedule 2 Children Act 1989 (Preparation for ceasing to be looked after);
  - (b) s.23A(2) Children Act 1989 (The responsible authority and relevant children);
  - (c) s.23C(1) Children Act 1989 (Continuing functions in respect of former relevant children);
  - (d) section 104 of the Social Services and Well-being (Wales) Act 2014 (Young people entitled to support under sections 105 to 115);
  - (e) sections 29-30 Children (Scotland) Act 1995 (Advice and assistance for young persons formerly looked after by local authorities) as amended by s.66 Children and Young People (Scotland) Act 2014 (Provision of aftercare to young people); and
  - (f) Article 35(2) Children (Northern Ireland) Order 1995 (Persons qualifying for advice and assistance.)”

***Member’s explanatory statement***

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

Mr David Davis  
Stuart C McDonald  
Joanna Cherry  
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Layla Moran  
Mr Andrew Mitchell  
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Nadia Whittome  
Jim Shannon

Wendy Chamberlain  
Stella Creasy  
Munira Wilson  
Carol Monaghan  
Jamie Stone  
Henry Smith  
Hywel Williams

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;

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

- (ii) residing in the United Kingdom in accordance with a right conferred by or under any of the other instruments which is repealed by Schedule 1; or
      - (iii) otherwise residing in the United Kingdom in accordance with any right derived from European Union law which continues, by virtue of section 4 of the EU Withdrawal Act 2018, to be recognised and available in domestic law after exit day;
    - (b) and any other person.
  - (2) The Secretary of State may not detain any person (“P”) as defined in subsection (1) under a relevant detention power for a period of more than 28 days from the relevant time.
  - (3) If “P” remains detained under a relevant detention power at the expiry of the period of 28 days then—
    - (a) the Secretary of State shall release P forthwith; and
    - (b) the Secretary of State may not 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—
    - (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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**Immigration and Social Security Co-ordination (EU Withdrawal) Bill, continued**

Mr David Davis  
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 Jim Shannon

Wendy Chamberlain  
 Stella Creasy  
 Munira Wilson  
 Carol Monaghan  
 Jamie Stone  
 Henry Smith  
 Hywel Williams

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

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 Hywel Williams

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

- (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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 Jim Sannon

Wendy Chamberlain  
 Stella Creasy  
 Munira Wilson  
 Carol Monaghan  
 Jamie Stone  
 Henry Smith  
 Hywel Williams

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

Mr David Davis  
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Layla Moran	Sarah Olney	Jamie Stone
Mr Andrew Mitchell	Nadia Whittome	Henry Smith
Tim Loughton	Jim Shannon	Hywel Williams

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 under any of the other instruments which is repealed by Schedule 1; or
    - (iii) otherwise residing in the United Kingdom in accordance with any right derived from European Union law which continues, by virtue of section 4 of the EU Withdrawal Act 2018, to be recognised and available in domestic law after exit day;
- (2) The Secretary of State may not detain any person (“P”) as defined in subsection(1) under a relevant detention power for a period of more than 28 days from the relevant time.
- (3) If “P” remains detained under a relevant detention power at the expiry of the period of 28 days then—
  - (a) the Secretary of State shall release P forthwith; and
  - (b) the Secretary of State may not re-detain P under a relevant detention power thereafter, unless the Secretary of State is satisfied that there has been a material change of circumstances since “P’s” release and that the criteria in section [Initial detention: criteria and duration (No. 2)] are met.
- (4) In this Act, “relevant detention power” means a power to detain under—
  - (a) paragraph 16(2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal);
  - (b) paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation);
  - (c) section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal); or
  - (d) section 36(1) of UK Borders Act 2007 (detention pending deportation).

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

- (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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 Henry Smith  
 Hywel Williams

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.
- (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*].”

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

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 Jamie Stone  
 Henry Smith  
 Hywel Williams

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
  - (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 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

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

- (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 within the meaning of section [*Bail hearings (No. 2)*] of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2019.””

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Mr David Davis  
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**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 force six months after the day on which this Act is passed.

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

ORDER OF THE HOUSE [18 MAY 2020]

That the following provisions shall apply to the Immigration and Social Security Co-ordination (EU Withdrawal) Bill:

*Committal*

1. The Bill shall be committed to a Public Bill Committee.

*Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 25 June 2020.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Proceedings on Consideration and up to and including Third Reading*

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

*Other proceedings*

7. Any other proceedings on the Bill may be programmed
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