



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Tuesday 23 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*

### 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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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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Brendan O'Hara  
Neil Gray  
Kirsten Oswald  
Chris Stephens  
Amy Callaghan  
Dr Philippa Whitford

Carol Monaghan  
Gavin Newlands  
Alan Brown

David Linden  
Stuart C McDonald  
Liz Saville Roberts

Anne McLaughlin  
Alison Thewliss  
Hywel Williams

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

Ben Lake  
Angela Crawley

Sarah Olney  
Daisy Cooper

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—
  - (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.”

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

***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  
Yvette Cooper

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);
  - (e) Article 25 of the Children (Northern Ireland) Order 1995 (Interpretation); and
  - (f) Article 50 Children of the (Northern Ireland) Order 1995 (Care orders and supervision orders).

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

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

**Member’s explanatory statement**

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

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

Christine Jardine  
Richard Burgon  
Daisy Cooper  
Tim Farron  
Layla Moran  
Mr Andrew Mitchell  
Tim Loughton

Sir Edward Davey  
Richard Fuller  
Wera Hobhouse  
Mr Steve Baker  
Sarah Olney  
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;
    - (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***

- (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.”

Mr David Davis  
 Stuart C McDonald  
 Joanna Cherry  
 Caroline Lucas  
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 Layla Moran  
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 Mr Steve Baker  
 Sarah Olney  
 Nadia Whittome  
 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

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

- (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  
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Layla Moran  
Mr Andrew Mitchell  
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Sarah Olney  
Nadia Whittome  
Jim Shannon

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

**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  
 Caroline Lucas  
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 Tim Farron  
 Layla Moran  
 Mr Andrew Mitchell  
 Tim Loughton

Sir Edward Davey  
 Richard Fuller  
 Wera Hobhouse  
 Mr Steve Baker  
 Sarah Olney  
 Nadia Whittome  
 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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Mr David Davis  
 Stuart C McDonald  
 Joanna Cherry  
 Caroline Lucas  
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 Jim Shannon

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



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

- (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).
- (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  
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 Jim Shannon

Wendy Chamberlain  
 Stella Creasy  
 Munira Wilson  
 Carol Monaghan  
 Jamie Stone  
 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—

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

- (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*].”

Mr David Davis  
 Stuart C McDonald  
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 Jim Shannon

Wendy Chamberlain  
 Stella Creasy  
 Munira Wilson  
 Carol Monaghan  
 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”.

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

- (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
  - (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.””

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

Mr David Davis  
 Stuart C McDonald  
 Joanna Cherry  
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 Gavin Robinson  
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 Jim Shannon

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

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.

Hywel Williams  
 Stuart C McDonald  
 Liz Saville Roberts  
 Ben Lake

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 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.

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

- (4) In this section, “health and social care workers” includes doctors, nurses, midwives, paramedics, social workers, care workers, and other frontline health and social care staff required to maintain the UK’s health and social care sector.”

**Member’s explanatory statement**

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

Secretary Priti Patel

1

- ☆ Clause 5, page 4, line 31, 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.*

Secretary Priti Patel

2

- ☆ Clause 5, page 4, line 32, 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 4, line 33, leave out “of devolved authorities”

**Member’s explanatory statement**

*See the explanatory statement to amendment 1.*

Secretary Priti Patel

4

- ☆ Clause 6, page 4, leave out lines 41 and 42

**Member’s explanatory statement**

*See the explanatory statement to amendment 1.*

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

Secretary Priti Patel

5

☆ Schedule 2, page 9, line 2, 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.
- 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 9, line 6, leave out “devolved authority” and insert “Northern Ireland department”

***Member’s explanatory statement***

*See the explanatory statement to amendment 1.*

Secretary Priti Patel

7

☆ Schedule 2, page 9, line 8, 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 9, line 9, leave out paragraph 2

***Member’s explanatory statement***

*See the explanatory statement to amendment 1.*

Secretary Priti Patel

9

☆ Schedule 2, page 10, line 6, leave out “devolved authority” and insert “Northern Ireland department”

***Member’s explanatory statement***

*See the explanatory statement to amendment 1.*

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

Secretary Priti Patel

10

- ☆ Schedule 2, page 10, line 9, leave out “devolved authority” and insert “Northern Ireland department”  
*Member’s explanatory statement*  
*See the explanatory statement to amendment 1.*

Secretary Priti Patel

11

- ☆ Schedule 2, page 10, line 11, leave out from “by” to “a” in line 14  
*Member’s explanatory statement*  
*See the explanatory statement to amendment 1.*

Secretary Priti Patel

12

- ☆ Schedule 2, page 10, line 19, 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 22, 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 10, line 23, leave out “another person” and insert “a Northern Ireland devolved authority”.  
*Member’s explanatory statement*  
*See the explanatory statement to amendment 1.*

Secretary Priti Patel

15

- ☆ Schedule 2, page 10, line 27, leave out sub-paragraph (1)  
*Member’s explanatory statement*  
*See the explanatory statement to amendment 1.*

Secretary Priti Patel

16

- ☆ Schedule 2, page 10, line 46, leave out “(1) or”  
*Member’s explanatory statement*  
*See the explanatory statement to amendment 1.*

Secretary Priti Patel

17

- ☆ Schedule 2, page 11, line 1, leave out from first “an” to second “Act”  
*Member’s explanatory statement*  
*See the explanatory statement to amendment 1.*

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

- Secretary Priti Patel 18
- ☆ Schedule 2, page 11, line 5, leave out from “by” to “a” in line 8  
*Member’s explanatory statement*  
*See the explanatory statement to amendment 1.*
- Secretary Priti Patel 19
- ☆ Schedule 2, page 11, 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 11, line 25, leave out “(1) or”  
*Member’s explanatory statement*  
*See the explanatory statement to amendment 1.*
- Secretary Priti Patel 21
- ☆ Schedule 2, page 11, line 26, leave out from “an” to “Act” in line 27  
*Member’s explanatory statement*  
*See the explanatory statement to amendment 1.*
- Secretary Priti Patel 22
- ☆ Schedule 2, page 11, line 30, leave out “(1) or”  
*Member’s explanatory statement*  
*See the explanatory statement to amendment 1.*
- Secretary Priti Patel 23
- ☆ Schedule 2, page 11, line 32, leave out from “by” to “a” in line 35  
*Member’s explanatory statement*  
*See the explanatory statement to amendment 1.*
- Secretary Priti Patel 24
- ☆ Schedule 2, page 12, 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 12, line 5, leave out “, so far as relating to EU law, do” and insert  
“does”  
*Member’s explanatory statement*  
*See the explanatory statement to amendment 1.*
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**Immigration and Social Security Co-ordination (EU Withdrawal) Bill, *continued***

Secretary Priti Patel

26

- ☆ Schedule 3, page 12, line 14, 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 12, line 21, leave out paragraph 2

*Member’s explanatory statement*

*See the explanatory statement to amendment 1.*

Secretary Priti Patel

28

- ☆ Schedule 3, page 12, line 31, leave out sub-paragraph (2)

*Member’s explanatory statement*

*See the explanatory statement to amendment 1.*

Secretary Priti Patel

29

- ☆ Schedule 3, page 13, line 1, leave out paragraph 4 and insert —

*“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 14, line 3, leave out “the Scottish Parliament or”

*Member’s explanatory statement*

*See the explanatory statement to amendment 1.*

Secretary Priti Patel

31

- ☆ Schedule 3, page 14, line 7, leave out “the Scottish Parliament or, as the case may be,”

*Member’s explanatory statement*

*See the explanatory statement to amendment 1.*

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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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