



House of Commons

Thursday 11 June 2020

PUBLIC BILL COMMITTEE PROCEEDINGS

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

[FIRST TO FOURTH SITTINGS]

GLOSSARY

This document shows the fate of each clause, schedule, amendment and new clause.

The following terms are used:

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negatived: rejected without a vote.

Negatived on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.

FIRST AND SECOND SITTINGS

Kevin Foster

Agreed to

That—

- (1) the Committee shall (in addition to its first meeting at 9.25am on Tuesday 9 June meet—
 - (a) at 2.00pm on Tuesday 9 June;
 - (b) at 11.30am and 2.00pm on Thursday 11 June;
 - (c) at 9.25am and 2.00pm on Tuesday 16 June;
 - (d) at 11.30am and 2.00pm on Thursday 18 June;
 - (e) at 9.25am and 2.00pm on Tuesday 23 June;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

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

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 9 June	Until no later than 10.20am	Federation of Small Businesses; London Chamber of Commerce and Industry
Tuesday 9 June	Until no later than 10.50am	The Confederation of British Industry; Make UK
Tuesday 9 June	Until no later than 11.25am	The Migration Advisory Committee
Tuesday 9 June	Until no later than 2.40pm	British in Europe; Professor Bernard Ryan
Tuesday 9 June	Until no later than 3.20pm	British Future; Policy Exchange
Tuesday 9 June	Until no later than 4.00pm	Detention Action; Immigration Law Practitioners' Association
Tuesday 9 June	Until no later than 4.30pm	the3million; The Children's Society
Tuesday 9 June	Until no later than 5.00pm	Fragomen LLP; No.5 Barristers' Chambers

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clause 1, Schedule 1, Clauses 2 to 5, Schedules 2 and 3, Clauses 6 to 9, New Clauses, New Schedules, remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00pm on Thursday 25 June.

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.

Agreed to

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.

Agreed to

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

The following witnesses gave oral evidence:

Martin McTague, Policy and Advocacy Chair, Federation of Small Businesses; and Richard Burge, CEO, London Chamber of Commerce.

Matthew Fell, Chief UK Policy Director, CBI; Tim Thomas, Director of Labour Market and Skills Policy, Make UK.

Brian Bell, Interim Chair, Migration Advisory Council.

Jeremy Morgan, QC, Vic Chair, British in Europe; and Professor Bernard Ryan, Professor of Migration Law, University of Leicester.

Jill Rutter, Director of Strategy and Relationships, British Future; and David Goodhart, Head of Demography, Immigration, and Integration Unit, Policy Exchange.

Bella Sankey, Director, Detention Action; and Adrian Berry, Chair, Immigration Law Practitioners' Association.

Luke Pipe, Head of Policy, the3million; and Lucy Leon, Immigration Policy and Practice Advisor, The Children's Society.

Ian Robinson, Partner, Fragomen LLP; and Alison Harvey, Barrister, No5 Chamber.

THIRD AND FOURTH SITTINGS

Clause 1 agreed to on division.

Stuart C McDonald
Joanna Cherry
Brendan O'Hara

Negated on division 18

Schedule 1, page 7, line 26, leave out paragraph 4(2)

Schedule 1 agreed to on division.

Clause 2 agreed to.

Clause 3 agreed to.

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

Negated on division 2

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

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

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

Not called 3

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

Not called 20

Clause 4, page 2, line 35, leave out “this Part” and insert “Schedule 1”

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

Not called 21

Clause 4, page 2, line 35, at end insert—

“(1A) The power to make regulations under subsection (1) may only be exercised within the period of one year from the day on which this Act is passed.

(1B) Regulations made under subsection (1) shall cease to have effect after a period of two years from the day on which this Act is passed.”

Nadia Whittome

Not selected 10

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

“(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.”

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

Not called 4

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

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

Not called 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.”

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

Kate Green
 Holly Lynch
 Chris Elmore
 Taiwo Owatemi

Negatived on division 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

Not called 22

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

- “(5A) Regulations under subsection (1), in relation to persons to whom the regulations apply under this Act, shall be made in accordance with the following principles—
- (a) Promotion of family life, particularly that between children and their parents and that between partners;
 - (b) That persons in the United Kingdom should have a right of appeal to the First-tier Tribunal against any decision to refuse leave remain, to curtail leave to enter or remain or to make a deportation order;
 - (c) that where leave to remain is given—
 - (i) on account of a person’s long residence in the United Kingdom; or
 - (ii) to a person whose continuous residence in the United Kingdom includes five years of that person’s childhood; or
 - (iii) to a child who has lived in the United Kingdom for a period of seven continuous years;
 that leave is given for an indefinite period;
 - (d) that leave to enter or remain given to a person for the purpose of establishing or continuing family life in the United Kingdom is not subject to a condition restricting work, occupation or recourse to public funds; and
 - (e) ensure that no change to immigration rules or fees is made—
 - (i) unless sufficient public notice has been given of that change to ensure any person affected by the change who is already in the United Kingdom with leave to enter or remain has reasonable opportunity to adjust their expectations or circumstances before the change takes effect; or
 - (ii) that would require a person given leave to enter or remain for the purpose of establishing or continuing family life in the United Kingdom to satisfy more restrictive conditions for the continuation of their stay than were required to do so at the time the person was first given leave for this purpose.”

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

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

Negated on division 5

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

Not called 6

Clause 4, page 3, line 14, leave out "other"

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

Not called 9

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

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

Not called 8

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

Withdrawn after debate 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)”

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

Withdrawn after debate 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

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

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.

- (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.

Stuart C McDonald
Joanna Cherry
Brendan O'Hara

Negated on division 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.”

Clause 4 agreed to on division.
