



House of Commons

Tuesday 16 June 2020

PUBLIC BILL COMMITTEE PROCEEDINGS

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

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Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.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

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

Table:

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.

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

Agreed to

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.

[FIFTH AND SIXTH SITTINGS]

Clause 5 agreed to on division.

Schedule 2 agreed to.

Schedule 3 agreed to.

Clause 6 agreed to.

Stuart C McDonald
Joanna Cherry
Brendan O'Hara

Negated on division 17

Clause 7, page 5, line 13, at end insert—

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

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

Clause agreed to.

Karl Turner
Holly Lynch
Kate Green

Not selected 19

Clause 8, page 5, line 34, at end insert—

“(1A) Paragraph 1 and paragraph 2(2) of Schedule 1 shall come into force on a day to be appointed, being no earlier than the day on which an order made by the Lord Chancellor under section 9(2)(a) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (General Cases) to provide for civil legal services for persons seeking leave to remain in the United Kingdom in cases involving human rights and for persons refused leave to remain to appeal on human rights’ grounds against that refusal, comes into effect.

(1B) For the purpose of section 1A, “human rights claim” means a human rights claim as defined in section 113 of the Nationality, Immigration and Asylum Act 2002.”

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

Negated on division 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.”

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

Withdrawn after debate 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.”

Clause agreed to.

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

Clause 9 agreed to.

Liz Saville Roberts
Hywel Williams
Ben Lake
Jonathan Edwards
Stuart C McDonald

Withdrawn after debate 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.”

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

Not called 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.

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

- (3) In this section, “the EU Settlement Scheme Deadline” means the deadline for applying for settled or pre-settled status under the Immigration Rules.”

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

Not called 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;
- “the EU Settlement Scheme Deadline” means the deadline for applying for settled or pre-settled status under appendix EU of the Immigration Rules.”

Stuart C McDonald
Joanna Cherry
Tim Farron
Brendan O’Hara

Negated on division 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.”

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

Negated on division NC13

To move the following Clause—

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

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

Negated on division **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.””

Stuart C McDonald
Joanna Cherry
Brendan O’Hara

Withdrawn after debate **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.”

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

Stuart C McDonald
 Joanna Cherry
 Brendan O'Hara

Negated on division 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.”

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

Andrew Gwynne

Ms Diane Abbott

Not selected 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.
- (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—

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

“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.”

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

Dame Diana Johnson

Stuart C McDonald

Withdrawn after debate **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.”

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

Dame Diana Johnson

Withdrawn after debate **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;

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

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

Dame Diana Johnson

Withdrawn after debate **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.”