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Committee Stage: Thursday 21 October 2021

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## Nationality and Borders Bill (Amendment Paper)

This document lists all amendments tabled to the Nationality and Borders Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Chair's provisional selection and grouping, which sets out the order in which the amendments will be debated.

★ New Amendments.

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

New amendments: 165 to 179 and NC28 to NC40

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Stuart C McDonald 88  
Anne McLaughlin

Clause 10, page 13, line 13, leave out paragraph (a)

**Member's explanatory statement**

This amendment would remove a provision allowing the Government to treat refugees differently depending on whether they are Group 1 refugees or Group 2 refugees.

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Stuart C McDonald 89  
Anne McLaughlin

Clause 10, page 13, line 15, leave out paragraph (b)

**Member's explanatory statement**

This amendment would remove a provision allowing the Government to treat refugees differently depending on whether they are Group 1 refugees or Group 2 refugees.

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Stuart C McDonald 90  
Anne McLaughlin

Clause 10, page 13, line 17, leave out paragraph (c)

**Member's explanatory statement**

This amendment would remove a provision allowing the Government to treat refugees differently depending on whether they are Group 1 refugees or Group 2 refugees.

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Stuart C McDonald 91  
Anne McLaughlin

Clause 10, page 13, line 19, leave out paragraph (d)

**Member's explanatory statement**

This amendment would remove a provision allowing the Government to treat refugees differently depending on whether they are Group 1 refugees or Group 2 refugees.

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Stuart C McDonald 92  
Anne McLaughlin

Clause 10, page 13, line 25, leave out paragraph (a)

**Member's explanatory statement**

This amendment would remove a provision allowing the Government to treat refugees' family members differently depending on whether the refugee is a Group 1 refugee or a Group 2 refugee.

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Stuart C McDonald 93  
Anne McLaughlin

Clause 10, page 13, line 26, leave out paragraph (b)

**Member's explanatory statement**

This amendment would remove a provision allowing the Government to treat refugees' family members differently depending on whether the refugee is a Group 1 refugee or a Group 2 refugee.

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Stuart C McDonald 94  
Anne McLaughlin

Clause 10, page 13, line 28, leave out paragraph (c)

**Member's explanatory statement**

This amendment would remove a provision allowing the Government to treat refugees' family members differently depending on whether the refugee is a Group 1 refugee or a Group 2 refugee.

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Stuart C McDonald 95  
Anne McLaughlin

Clause 10, page 13, line 30, leave out paragraph (d)

**Member's explanatory statement**

This amendment would remove a provision allowing the Government to treat refugees' family members differently depending on whether the refugee is a Group 1 refugee or a Group 2 refugee.

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Stuart C McDonald  
Anne McLaughlin

15

Clause 10, page 13, line 34, at end insert—

“(7A) An Afghan national who is a refugee because they face a risk of persecution by the Taliban is not to be treated as a Group 2 refugee and in particular—

- (a) must not face a restriction on their leave to enter compared to group 1 refugees;
- (b) must have access to indefinite leave to remain on the same basis as group 1 refugees;
- (c) must not have no recourse to public funds conditions attached to any leave to enter or remain given to them; and
- (d) must have access to family reunion on the same basis as group 1 refugees.”

**Member’s explanatory statement**

This amendment would prevent the Secretary of State from treating Afghan refugees at risk of persecution by the Taliban as Group 2 refugees.

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Stuart C McDonald  
Anne McLaughlin

96

Clause 10, page 13, line 36, at end insert—

“(8A)Immigration rules made under the power in subsection (8) may not apply to any individual who has submitted a claim for protection prior to those rules coming into force.”

**Member’s explanatory statement**

This amendment would prevent the differential treatment described in subsections (5) and (6) from applying to anyone who submitted a protection claim prior to the relevant immigration rules coming into force.

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Stuart C McDonald  
Anne McLaughlin

97

Clause 10, page 13, line 36, at end insert—

“(8A)Notwithstanding section 3(2) of the Immigration Act 1971, any regulations made under the power in subsection (8) shall be subject to the draft affirmative procedure.”

**Member’s explanatory statement**

This amendment would mean that any regulations made under the power in subsection (8) could not enter into force until they had been approved by Parliament.

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Stuart C McDonald  
Anne McLaughlin

87

Clause 10, page 13, line 40, at end insert—

“(10) Before this section comes into force, the Secretary of State must lay before Parliament a report on the implications of this section for local authorities, the Scottish Government, the Welsh Government and the Northern Ireland Executive, and the report must be approved by a substantive vote in both Houses.

(11) A report under subsection (10) must include the following information—

- (a) an assessment of the financial implications for the bodies listed in subsection (10);
- (b) an assessment of the functions and powers of those bodies that will be affected by this section;
- (c) details of any consultation and engagement with those bodies, and the outcome of such engagement and consultation;
- (d) the Secretary of State’s findings, conclusions and proposed actions.”

**Member’s explanatory statement**

This amendment would require the Government to report on the implications of clause 10 for local authorities and the devolved administrations, and to obtain Parliamentary approval for such a report, before the clause enters into force.

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Stuart C McDonald  
Anne McLaughlin

161

☆ Clause 10, page 13, line 40, at end insert—

“(10) Nothing within the Act or this section authorises any treatment or action which is inconsistent with the UK’s obligations under the Refugee Convention.”

**Member’s explanatory statement**

This amendment seeks to ensure consistency of clause 10 with the UK’s obligations under the Refugee Convention.

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Stuart C McDonald  
Anne McLaughlin

85

Page 12, line 35, leave out Clause 10

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Stuart C McDonald  
Anne McLaughlin

98

Clause 11, page 14, line 26, at end insert—

“(3A) In section 16 of the Nationality, Immigration and Asylum Act 2002 (Establishment of centres), at end insert—

“(4) For the purposes of this Part, references to “persons” do not include—

- (a) children;
- (b) women;
- (c) individuals with a disability;
- (d) individuals who have been referred to the National Referral Mechanism;
- (e) survivors of torture;
- (f) individuals who identify as LGBTQ+;
- (g) family members of any persons in the groups listed in paragraphs (a) to (f).

(5) For the purposes of subsection (4), “family members” includes—

- (a) dependent children;
- (b) partners/spouses;
- (c) in relation to children—
  - (i) their siblings;
  - (ii) any other individual who is the relevant child’s guardian.””

**Member’s explanatory statement**

This amendment would restrict the use of accommodation centres for accommodating people seeking asylum so that the state groups, and their family members, cannot be accommodated in them.

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Stuart C McDonald  
Anne McLaughlin  
Paul Blomfield

99

Clause 11, page 14, line 26, at end insert—

“(3A) In section 16 of the Nationality, Immigration and Asylum Act 2002 (Establishment of centres), at end insert—

“(2A) Accommodation provided under this section must—

- (a) have a capacity of no more than 100 residents, and
- (b) provide any unrelated residents at the centre with an individual room for sleeping.””

**Member’s explanatory statement**

This amendment would prevent accommodation centres from accommodating more than 100 people, and would ensure that residents were not required to share sleeping quarters with residents to whom they are not related.

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Stuart C McDonald 100  
 Anne McLaughlin  
 Bambos Charalambous  
 Holly Lynch

Clause 11, page 14, line 30, at end insert—

“(4A) After section 17 of that Act, insert—

**“17A Right of appeal for support under section 17**

If the Secretary of State decides not to provide support to a person under section 17, or not to continue to provide support to him or her under that section, the person may appeal to the First-tier Tribunal.””

**Member’s explanatory statement**

This amendment would ensure there is a right of appeal against a decision by the Secretary of State to refuse or end support provided under section 17 of the Nationality, Immigration and Asylum Act 2002.

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Bambos Charalambous 104  
 Holly Lynch

Clause 11, page 14, line 41, at end insert—

“(22B) Accommodation Centres, whether for supported asylum seekers or failed asylum seekers shall not allow for limitations upon a supported person’s right—

- (a) to enter or to leave at any time;
- (b) to receive visitors of their choice at any time; or
- (c) to use communications equipment such as telephones, computers or video equipment.

(22C) Accommodation Centres shall provide supported persons with access to a complaints procedure and procedures for appealing any decisions that may restrict a supported person’s claim to freedoms not limited by their conditions of bail.

(22D) Persons supported in Accommodation Centres shall be informed of the conditions of their bail in writing, and shall be provided with means of identifying themselves at their place of residence.”

**Member’s explanatory statement**

This amendment aims to distinguish Accommodation Centres from places of detention by introducing rights to persons supported at these Centres, and to require persons in Accommodation Centres to be informed of their bail conditions and provided with means of identifying themselves.

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Bambos Charalambous 130  
 Holly Lynch

Clause 11, page 15, line 1, leave out from “subsection” to end of line 2 and insert—

“(1) for “six months” substitute “90 days”.”

**Member's explanatory statement**

Clause 11(8) currently amends the Nationality, Immigration and Asylum Act 2002 to allow the Secretary of State to increase the maximum length of time someone can be accommodated in an accommodation centre from the existing limit of six months. This amendment would remove that power and instead reduce the maximum stay to ninety days.

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Stuart C McDonald  
Anne McLaughlin

16

Clause 11, page 15, line 1, leave out subsection (8)

**Member's explanatory statement**

This amendment would prevent asylum seekers from being housed in accommodation centres for longer than nine months.

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Stuart C McDonald  
Anne McLaughlin

17

Clause 11, page 15, line 2, at end insert—

“(8A)The Secretary of State must lay a report before Parliament each year setting out—

- (a) the numbers of asylum seekers in different types of accommodation; and
- (b) the steps the Government is taking to maximise the number of asylum seekers in dispersed community accommodation, including provision of financial support to local authorities.”

**Member's explanatory statement**

This amendment would require the Secretary of State to produce an annual report on the accommodation provided to asylum seekers.

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Stuart C McDonald  
Anne McLaughlin

101

Clause 11, page 15, line 2, at end insert—

“(8A) In section 25 of that Act (length of stay in accommodation centre), in subsection (1), for “six months” substitute “90 days”.”

**Member's explanatory statement**

This amendment would reduce the maximum length of time someone can be accommodated in an accommodation centre to 90 days in most cases.

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Stuart C McDonald 102  
 Anne McLaughlin  
 Paul Blomfield

Clause 11, page 15, line 4, at end insert—

“(10) In section 38 of that Act (Local authority), after subsection (2) insert—

“(2A)The Secretary of State may not make arrangements under section 16 for the provision of premises within the boundary of a local authority unless consent has been given by that local authority.””

**Member’s explanatory statement**

This would amend section 38 of the Nationality, Immigration and Asylum Act 2002 to prevent the Government from opening an accommodation centre within a particular local authority without the prior consent of that local authority.

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Stuart C McDonald 103  
 Anne McLaughlin  
 Paul Blomfield

Clause 11, page 15, line 4, at end insert—

“(10) Leave out section 36 of that Act (Education: general).”

**Member’s explanatory statement**

Section 36 of the Nationality, Immigration and Asylum Act 2002 prevents most children accommodated in accommodation centres from attending state schools. This amendment would remove that restriction.

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Stuart C McDonald 160  
 Anne McLaughlin

Clause 11, page 15, line 4, at end insert—

“(10) Before this section comes into force, the Secretary of State must lay before Parliament a report on the implications of this section for local authorities, the Scottish Government, the Welsh Government and the Northern Ireland Executive, and the report must be approved by a substantive vote in both Houses.

(11) A report under subsection (10) must include the following information—

- (a) an assessment of the financial implications for the bodies listed in subsection (10);
- (b) an assessment of the functions and powers of those bodies that will be affected by this section;
- (c) details of any consultation and engagement with those bodies, and the outcome of such engagement and consultation;
- (d) the Secretary of State’s findings, conclusions and proposed actions.”



**Member's explanatory statement**

This amendment would require the Government to report on the implications of clause 11 for local authorities and the devolved administrations, and to obtain Parliamentary approval for such a report, before the clause enters into force.

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Stuart C McDonald  
Anne McLaughlin

56

Clause 14, page 17, line 31, at end insert—

- “(d) there are in law and practice—
- (i) appropriate reception arrangements for asylum seekers;
  - (ii) sufficient protection against serious harm and violations of fundamental rights;
  - (iii) protection against refoulement;
  - (iv) access to fair and efficient state asylum procedures, or to a previously afforded refugee status or other protective status that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention;
  - (v) the legal right to remain during the state asylum procedure;
  - (vi) a grant of refugee status that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention for those found to be in need of international protection;
- (e) it is safe for the particular claimant, taking into account their individual circumstances.”

**Member's explanatory statement**

This amendment modifies the definition of a “safe third State”.

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Stuart C McDonald  
Anne McLaughlin

18

Clause 14, page 17, line 33, leave out “5” and insert “3”

**Member's explanatory statement**

This amendment is consequential on a later amendment about the definition of “connection”.

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Stuart C McDonald  
Anne McLaughlin

19

Clause 14, page 17, leave out lines 35 to 38

**Member's explanatory statement**

This amendment removes subsection (6), which states that a claimant whose asylum claim has been denied by virtue of their connection to a particular safe third State may be removed to any other safe third State.

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Stuart C McDonald  
Anne McLaughlin

20

Clause 14, page 17, line 40, leave out "may" and insert "must"

**Member's explanatory statement**

In cases where it is unlikely to be possible to remove the claimant to a safe third State, or in other exceptional circumstances, this amendment would require otherwise inadmissible claims to be considered under the immigration rules.

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Stuart C McDonald  
Anne McLaughlin

21

Clause 14, page 17, line 41, leave out line 41 to line 2 on page 18 and insert—

- “(a) in the absence of a formal, legally binding and public readmission agreement between the United Kingdom and the State to which the person has a connection;
- (b) as soon as the proposed State of readmission refuses to accept the person's return or if the person's readmission has not been agreed within three months of the registration of their asylum claim, whichever is sooner;
- (c) if, taking into account the claimant's personal circumstances, including the best interests of any children affected by the decision, it is more appropriate that the claim be considered in the United Kingdom;
- (d) in such other cases as may be provided for in the immigration rules”.

**Member's explanatory statement**

This amendment broadens the circumstances in which the Secretary of State must consider an asylum application, despite a declaration of inadmissibility.

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Stuart C McDonald  
Anne McLaughlin

22

Clause 14, page 18, line 13, leave out line 13 and insert—

- “(a) has been granted refugee status or another protective status in the safe third state that is inclusive of the rights and obligations set out at Articles 2 to 34 of the 1951 Convention”.

**Member's explanatory statement**

This amendment would strengthen the safeguards in place before a "connection" can be relied on for the purposes of inadmissibility.

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Stuart C McDonald 23  
Anne McLaughlin

Clause 14, page 18, leave out lines 16 to 24

**Member's explanatory statement**

This amendment changes the definition of a "connection" to a safe third State.

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Stuart C McDonald 24  
Anne McLaughlin

Clause 14, page 18, leave out lines 35 to 37

**Member's explanatory statement**

This amendment changes the definition of a "connection" to a safe third State.

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Stuart C McDonald 25  
Anne McLaughlin

Clause 14, page 18, leave out lines 38 to 43 and insert—

"(6) For the purposes of this section, a "relevant claim" to a safe third State is a claim for refugee status or other protective status that is inclusive of the rights and obligations set out at Articles 2 to 34 of the 1951 Convention."

**Member's explanatory statement**

This amendment changes the definition of a "relevant claim" to a safe third State.

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Stuart C McDonald 26  
Anne McLaughlin

Clause 14, page 18, line 46, at end insert—

**"80D Conditions for implementation of section 80B**

(1) The Secretary of State may not make a declaration under section 80B(1) in relation to any State unless there are in place reciprocal arrangements with that State by which—

- (a) that State has agreed to receive from the United Kingdom a person with a connection to it; and
- (b) the United Kingdom has agreed to receive from that State a person who has made an asylum claim in that State who has a connection to the United Kingdom.

(2) For the purposes of subsection (1), any reciprocal arrangements must provide for the period within which a State is to receive a person from the United Kingdom; and any declaration made under section 80B(1) shall cease to apply if that period has passed and the person remains in the United Kingdom.

- (3) The period to which subsection (2) refers must not be longer than 6 months from the date the asylum claim to which it relates is first made.
- (4) Notwithstanding subsection (3), the passing of the period shall not prevent the transfer of a person from the United Kingdom to another State in which the person has a family member and to which the person wishes to be transferred.
- (5) The Secretary of State may not make a declaration under section 80B(1) in relation to any person who—
  - (a) has a family member in the United Kingdom;
  - (b) has been lawfully resident in the United Kingdom;
  - (c) has worked for or with any United Kingdom Government body or other body carrying out work for or sponsored by the United Kingdom Government; or
  - (d) has a family member who has been lawfully resident in the United Kingdom or worked with or for such a body.
- (6) In this section—

“a family member” means a child, grandchild, parent, grandparent, brother, sister, uncle, aunt, nephew or niece.”

**Member’s explanatory statement**

This amendment would prevent the Secretary of State from rejecting asylum claims on the grounds that the claimant has a connection to a safe third State unless the UK has reciprocal arrangements with that State.

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Bambos Charalambous  
Holly Lynch

36

Clause 16, page 20, line 8, at end insert “, subject to subsection (1A)”

**Member’s explanatory statement**

This amendment is consequential to the amendment which would remove the ability to serve an evidence notice on certain categories of person.

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Bambos Charalambous  
Holly Lynch

37

Clause 16, page 20, line 8, at end insert—

- “(1A) The Secretary of State may not serve an evidence notice on a person—
- (a) who has made a protection claim or a human rights claim on the basis of their sexual orientation or gender identity;
  - (b) who was under 18 years of age at the time of their arrival in the United Kingdom;

- (c) who has made a protection or human rights claim involving sexual or gender-based violence; or
- (d) is a victim of modern slavery or trafficking.”

**Member’s explanatory statement**

This amendment would remove the ability to serve an evidence notice on certain categories of person.

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Stuart C McDonald  
Anne McLaughlin

153

Clause 16, page 20, line 8, at end insert—

“(1A) The Secretary of State must not serve an evidence notice on a person—

- (a) who has made a protection claim or a human rights claim on the basis of sexual orientation, gender identity, gender expression or sex characteristics;
- (b) who was under 18 years of age at the time of their arrival in the United Kingdom;
- (c) who has made a protection or human rights claim on the basis of gender-based violence;
- (d) who has experienced sexual violence;
- (e) who is a victim of modern slavery or trafficking;
- (f) who is suffering from a mental health condition or impairment;
- (g) who has been a victim of torture;
- (h) who is suffering from a serious physical disability;
- (i) who is suffering from other serious physical health conditions or illnesses.”

**Member’s explanatory statement**

This amendment would prevent the Secretary of State from serving an evidence notice on certain categories of people.

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Stuart C McDonald  
Anne McLaughlin

27

Clause 16, page 20, line 9, leave out “requiring” and insert “requesting”

**Member’s explanatory statement**

Under this amendment, evidence notices would “request” (rather than “requiring”) the provision of supporting information for a protection or human rights claim.

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Stuart C McDonald  
Anne McLaughlin

28

Clause 16, page 20, line 14, leave out “must” and insert “may”

**Member's explanatory statement**

This amendment would remove the obligation for applicants to provide supporting information for a protection or human rights claim.

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Stuart C McDonald  
Anne McLaughlin

39

Clause 17, page 20, line 22, at end insert—

“(1A) For subsection (1) substitute—

In determining whether to believe a statement made by or on behalf of a person who makes an asylum claim or human rights claim, a deciding authority shall take into account any behaviour to which this section applies.”

**Member's explanatory statement**

This amendment would mean that – whilst attempts to conceal information, mislead, or delay the processing of a claim would still be taken into account – it will be for the deciding authority to assess what impact this has on the claimant's credibility.

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Stuart C McDonald  
Anne McLaughlin

86

Page 20, line 19, leave out Clause 17

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Stuart C McDonald  
Anne McLaughlin

40

Clause 18, page 22, line 4, leave out “requiring” and insert “requesting”

**Member's explanatory statement**

Under this amendment, priority removal notices would “request” rather than “require” the recipient to provide information.

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Tom Pursglove

60

Clause 18, page 22, line 26, leave out “10(1) or (2)” and insert “10”

**Member's explanatory statement**

This amendment is consequential on clause 43 of the Bill.

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Tom Pursglove 61

Clause 18, page 22, line 28, leave out paragraph (b)

**Member's explanatory statement**

This amendment removes a superfluous paragraph (any person within paragraph (b) would in any event fall within either paragraph (a) or (c)).

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Tom Pursglove 62

Clause 19, page 22, line 43, leave out paragraphs (a) and (b) and insert—

- “(a) the PRN cut-off date, or
- (b) if later, the day on which any appeal rights of the PRN recipient in respect of a relevant claim are exhausted.”

**Member's explanatory statement**

This amendment and Amendments 63 and 64 provide that a priority removal notice will remain in force for 12 months after a PRN recipient's appeal rights are exhausted in relation to any protection or human rights claim brought while the notice is in force.

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Tom Pursglove 63

Clause 19, page 23, line 3, at end insert—

“(1A)In subsection (1) “relevant claim” means a protection claim or a human rights claim brought by the PRN recipient while the priority removal notice is in force.”

**Member's explanatory statement**

See the explanatory statement to Amendment 62.

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Tom Pursglove 64

Clause 19, page 23, line 4, after “rights” insert “in respect of a claim”

**Member's explanatory statement**

See the explanatory statement to Amendment 62.

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Tom Pursglove 65

Clause 19, page 23, line 11, at end insert—

“(2A) A priority removal notice remains in force until the end of the period mentioned in subsection (1) even if the PRN recipient ceases to be liable to removal or deportation from the United Kingdom during that period.”

**Member’s explanatory statement**

This amendment clarifies that although a priority removal notice can only be served on a person if they are liable to removal or deportation, the fact that the person ceases to be so liable does not mean that the notice will cease to have effect.

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Tom Pursglove 66

Clause 19, page 23, line 23, leave out subsection (6) and insert—

“(6) Expressions used in this section that are defined for the purposes of section 18 have the same meaning in this section as in that section.”

**Member’s explanatory statement**

This amendment is consequential on Amendment 65.

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Paul Blomfield 139

Clause 20, page 23, line 40, at end insert—

“(3A) For the purposes of subsection (3) “good reasons” include, but are not limited to—

- (a) evidence of post-traumatic stress,
- (b) potential endangerment to the PRN recipient caused by collecting evidence for anything mentioned in subsection (1)(a) before the PRN cut-off date.

(3B) The Secretary of State must publish guidance including a non-exhaustive list of “good reasons” within the meaning of subsection (3) within 30 days of this Act receiving Royal Assent.”

**Member’s explanatory statement**

This amendment would illustrate potential interpretations of “good reasons” for late compliance and require the Home Secretary to publish a non-exhaustive list of potential “good reasons” to aid asylum decisions.



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Stuart C McDonald  
Anne McLaughlin

154

Clause 20, page 23, line 40, at end insert—

“(3A) The Secretary of State or competent authority must accept that there are good reasons for the late provision of anything mentioned in subsection (1)(a) where—

- (a) the PRN recipient’s protection or human rights claim is based on sexual orientation, gender identity, gender expression or sex characteristics;
- (b) the PRN recipient is suffering from a mental health condition or impairment;
- (c) the PRN recipient has been a victim of torture;
- (d) the PRN recipient has been a victim of sexual or gender based violence;
- (e) the PRN recipient has been a victim of human trafficking or modern slavery;
- (f) the PRN recipient is suffering from a serious physical disability;
- (g) the PRN recipient is suffering from other serious physical health conditions or illnesses.”

**Member’s explanatory statement**

This amendment defines “good reasons” for the purposes of subsection (3).

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Stuart C McDonald  
Anne McLaughlin

41

Clause 20, page 23, line 38, leave out “, as damaging the PRN recipient’s credibility,”

**Member’s explanatory statement**

This amendment would mean that – whilst late provision of information would still be taken into account – it would not necessarily be deemed as damaging the claimant’s credibility.

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Paul Blomfield

138

Page 23, line 25, leave out Clause 20

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Stuart C McDonald 155  
Anne McLaughlin

Clause 21, page 24, line 21, at end insert—

“(2A) The Secretary of State must accept that there are good reasons for P making the claim on or after the cut-off date where—

- (a) the PRN recipient’s protection or human rights claim is based on sexual orientation, gender identity, gender expression or sex characteristics;
- (b) the PRN recipient is suffering from a mental health condition or impairment;
- (c) the PRN recipient has been a victim of torture;
- (d) the PRN recipient has been a victim of sexual or gender based violence;
- (e) the PRN recipient has been a victim of human trafficking or modern slavery;
- (f) the PRN recipient is suffering from a serious physical disability;
- (g) the PRN recipient is suffering from other serious physical health conditions or illnesses.”

**Member’s explanatory statement**

This amendment defines “good reasons” for the purposes of section 82A(2) of the Nationality, Immigration and Asylum Act 2002 (as inserted by this Bill).

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Tom Pursglove 67

Clause 21, page 24, line 27, after “are” insert “brought and”

**Member’s explanatory statement**

This amendment and Amendment 68 clarify that the Tribunal Procedure Rules establishing the new expedited appeals process must aim to ensure that both the bringing of an appeal and its determination are expedited.

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Tom Pursglove 68

Clause 21, page 24, line 28, after “be” insert “brought and”

**Member’s explanatory statement**

See the explanatory statement for Amendment 67.

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Tom Pursglove 69

Clause 21, page 24, line 32, leave out from “is” to end of line 33 and insert “to be continued as an appeal to the First-tier Tribunal and accordingly is to be transferred to that Tribunal”

**Member's explanatory statement**

This amendment is a drafting amendment to clarify that where the Upper Tribunal is satisfied that it is in the interests of justice to do so it has power to order that an expedited appeal is instead to be heard subject to the usual procedure by the First-tier Tribunal.

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Stuart C McDonald  
Anne McLaughlin

42

Clause 21, page 24, line 37, leave out subsection (2)

**Member's explanatory statement**

This amendment would protect the right to an onward appeal from an expedited appeal decision by the Upper Tribunal in certain cases.

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Stuart C McDonald  
Anne McLaughlin

43

Clause 23, page 26, line 38, leave out subsection (2) and insert—

“(2) Where subsection (1) applies, the deciding authority must have regard to the fact of the evidence being provided late and any reasons why it was provided late in considering it and determining the claim or appeal.”

**Member's explanatory statement**

This amendment would remove the provision which states that “minimal weight” should be given to any evidence provided late.

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Bambos Charalambous  
Holly Lynch

38

Clause 23, page 26, line 40, at end insert—

“(2A) Subsection (2) does not apply where—

- (a) the claimant's claim is based on their sexual orientation or gender identity; or
- (b) the claimant was under 18 years of age at the time of their arrival in the United Kingdom.”

**Member's explanatory statement**

This amendment would remove the direction to the deciding authority to give minimal weight to evidence provided late in cases where an asylum claim or human rights claim is based on issues of sexual orientation or gender identity; or where the claimant was under 18 when they arrived in the UK.

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Bambos Charalambous 131  
Holly Lynch  
Paul Blomfield  
Stuart C McDonald  
Anne McLaughlin

Clause 23, page 26, after line 40, insert—

“(2A) The deciding authority must accept that there are good reasons why the evidence was provided late where—

- (a) the claimant’s claim is based on sexual orientation, gender identity, gender expression or sex characteristics;
- (b) the claimant was under 18 years of age at the time of their arrival in the United Kingdom;
- (c) the claimant’s claim is based on gender-based violence;
- (d) the claimant has experienced sexual violence;
- (e) the claimant is a victim of modern slavery or trafficking;
- (f) the claimant is suffering from a mental health condition or impairment;
- (g) the claimant has been a victim of torture;
- (h) the claimant is suffering from a serious physical disability;
- (i) the claimant is suffering from other serious physical health conditions or illnesses.”

**Member’s explanatory statement**

This amendment sets out the circumstances where the deciding authority must accept that there were good reasons for providing evidence late.

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Stuart C McDonald 44  
Anne McLaughlin

Clause 23, page 27, line 13, at end insert—

“(6B) This section does not apply where the evidence provided proves that a claimant is at risk of persecution by the Taliban.”

**Member’s explanatory statement**

This amendment would disapply Clause 23 (under which minimal weight is given to any evidence provided late) in respect of claimants who are at risk of persecution by the Taliban.

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Paul Blomfield 140  
Page 26, line 29, leave out Clause 23

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Stuart C McDonald 45  
Anne McLaughlin

Clause 24, page 28, leave out lines 9 to 11

**Member's explanatory statement**

This amendment would remove the requirement for detainees to give their notice of appeal within 5 working days.

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Stuart C McDonald 46  
Anne McLaughlin

Clause 24, page 28, line 22, leave out "may" and insert "must"

**Member's explanatory statement**

This amendment would require (rather than merely empower) the Tribunal or the Upper Tribunal to cease to treat cases as accelerated detained appeals where it is in the interests of justice to do so.

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Tom Pursglove 70

Page 27, line 29, leave out Clause 24

**Member's explanatory statement**

This amendment removes clause 24 (accelerated detained appeals), which is replaced by NC7.

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Stuart C McDonald 58  
Anne McLaughlin

Clause 26, page 29, line 22, leave out paragraph (b)

**Member's explanatory statement**

This amendment is consequential on Amendment 57.

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Stuart C McDonald 105  
Anne McLaughlin

Page 29, line 19, leave out Clause 26

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Stuart C McDonald  
Anne McLaughlin

57

Schedule 3, page 62, leave out from line 2 to end of page 64 and insert—

“(2A) This section does not prevent a person being removed to, or being required to leave to go to, a third State if all of the following conditions are met—

- (a) the removal is pursuant to a formal, legally binding and public readmission agreement between the United Kingdom and the third State;
- (b) the State meets the definition of a safe third State set out at section 14 of the Nationality and Borders Act 2021, as shown by reliable, objective and up-to-date information;
- (c) the person has been found inadmissible under section 80B of the Nationality, Immigration and Asylum Act 2002;
- (d) the third State in question is the State with which the person was found to have a connection under section 80B of the Nationality, Immigration and Asylum Act 2002;
- (e) taking into account the person’s individual circumstances, it is reasonable for them to go to that State; and
- (f) the person is not a national of that State.”

**Member’s explanatory statement**

This amendment modifies the circumstances in which a person can be removed to, or required to leave to go to, a safe third State.

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Stuart C McDonald  
Anne McLaughlin

159

Schedule 3, page 62, line 39, at end insert—

“(2D) Notwithstanding subsection (2A), a person who is particularly vulnerable to harm must not be removed to, or required to leave to go to, a State falling within subsection (2B) or any state to which Part 2, 3 or 4 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 for the time being applies.

(2E) For the purposes of subsection (2D), a person is particularly vulnerable to harm if they—

- (a) are suffering from a mental health condition or impairment;
- (b) have been a victim of torture;
- (c) have been a victim of sexual or gender-based violence;
- (d) have been a victim of human trafficking or modern slavery;
- (e) are pregnant;
- (f) are suffering from a serious physical disability;
- (g) are suffering from other serious physical health conditions or illnesses;

- (h) are aged under 18 or 70 or over;
- (i) are gay, lesbian or bisexual;
- (j) are a trans or intersex person."

**Member's explanatory statement**

This amendment would prevent persons who are particularly vulnerable to harm from being removed to, or required to leave to go to, a state falling within subsection (2B).

---

Stuart C McDonald  
Anne McLaughlin

106

Page 61, line 33, leave out Schedule 3

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Stuart C McDonald  
Anne McLaughlin

47

Clause 27, page 30, line 8, at end insert—

“(7) This section and section 28 to 35 may not be commenced before—

- (a) the Secretary of State has consulted with such parties as the Secretary of State considers appropriate on—
  - (i) the compatibility of each section with the Refugee Convention; and
  - (ii) the domestic and international implications of the UK adopting each section;
- (b) the Secretary of State has laid before Parliament a report on the outcome of that consultation stating which parties were consulted, and stating in respect of each section—
  - (i) the views of the parties consulted on its compatibility and implications;
  - (ii) the differences between the interpretation of the Convention provided by the section and any interpretations provided by the higher courts before the passing of this Act;
  - (iii) the reasons why the Secretary of State concludes that the section should be commenced;
- (c) both Houses of Parliament have considered that report and approved the commencement of each of the sections that is to be commenced.

(8) For the purposes of subsection (7)—

“interpretation provided by the higher courts” means an interpretation provided by any judgement of the High Court or Court of Appeal in England and Wales, of the Court of Session in Scotland, of the High Court or Court of Appeal in Northern Ireland or of the United Kingdom Supreme Court that has not been superseded.”

**Member's explanatory statement**

This amendment would require the Secretary of State to hold consultations on the compatibility of Clauses 27 to 35 with the Refugee Convention, and to report to Parliament on such consultations, before the relevant Clauses enter into force.

---

Stuart C McDonald  
Anne McLaughlin

152

Clause 29, page 30, leave out subsection (2) and insert—

“(2) The decision-maker must first determine whether there is a reasonable likelihood that—

- (a) the asylum seeker has a characteristic which could cause them to fear persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion (or has such a characteristic attributed to them by an actor of persecution), and
- (b) if the asylum seeker were returned to their country of nationality (or in a case where they do not have a nationality, the country of their former habitual residence)—
  - (i) they would be persecuted for reason of the characteristic mentioned in subsection (a), and
  - (ii) they would not be protected as mentioned in section 31.”

**Member's explanatory statement**

This amendment would remove the “balance of probabilities” phrase from the Bill and would maintain the status quo.

---

Stuart C McDonald  
Anne McLaughlin

48

Clause 29, page 30, line 45, leave out subsections (2) and (3)

**Member's explanatory statement**

This amendment would remove the requirement for the decision-maker to assess, on the balance of probabilities, whether a claimant's fear of persecution is well-founded.

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Bambos Charalambous  
Holly Lynch

132

Clause 29, page 30, line 45, leave out “, on the balance of probabilities” and insert “whether there is a reasonable likelihood that”



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Bambos Charalambous 133  
Holly Lynch

Clause 29, page 31, line 1, leave out “whether”

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Bambos Charalambous 134  
Holly Lynch

Clause 29, page 31, line 5, leave out paragraph (b) and insert—

- “(b) if the asylum seeker were returned to their country of nationality (or in a case where they do not have a nationality, the country of their former habitual residence)—
- (i) they would be persecuted for reason of the characteristic mentioned in subsection (a), and
  - (ii) they would not be protected as mentioned in section 31.”

**Member’s explanatory statement**

The amendment would maintain the status quo and bring the bill back in line with UNHCR standards and UK jurisprudence.

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Stuart C McDonald 49  
Anne McLaughlin

Clause 30, page 31, line 47, leave out “both” and insert “either”

**Member’s explanatory statement**

This amendment would mean that – in order to be defined as a particular social group for the purposes of the Refugee Convention – a group would only have to meet one (not both) of the conditions set out in subsections 3 and 4.

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Stuart C McDonald 157  
Anne McLaughlin

Clause 34, page 33, line 20, at end insert—

- “(1A) Subsection (1) shall not apply to any refugee—
- (a) whose claim for asylum is on the basis of sexual orientation, gender identity, gender expression or sex characteristics;
  - (b) whose claim for asylum is on the basis of gender-based violence;

- (c) who has experienced sexual violence;
- (d) who is a victim of modern slavery or trafficking;
- (e) who is suffering from a mental health condition or impairment;
- (f) who has been a victim of torture;
- (g) who is suffering from a serious physical disability;
- (h) who is suffering from other serious physical health conditions or illnesses."

**Member's explanatory statement**

This amendment would exempt certain groups from subsection (1).

---

Stuart C McDonald  
Anne McLaughlin

158

Clause 34, page 33, line 34, at end insert—

"(2A) Subsection (2) shall not apply to any refugee—

- (a) whose claim for asylum is on the basis of sexual orientation, gender identity, gender expression or sex characteristics;
- (b) whose claim for asylum is on the basis of gender-based violence;
- (c) who has experienced sexual violence;
- (d) who is a victim of modern slavery or trafficking;
- (e) who is suffering from a mental health condition or impairment;
- (f) who has been a victim of torture;
- (g) who is suffering from a serious physical disability;
- (h) who is suffering from other serious physical health conditions or illnesses."

**Member's explanatory statement**

This amendment would exempt certain groups from subsection (2).

---

Stuart C McDonald  
Anne McLaughlin

50

Clause 34, page 34, line 1, leave out paragraph (b) and insert—

"(b) in subsection (3), after (b), insert—

"(ba) entry in breach of a deportation order, entry without leave, remaining in the United Kingdom without leave, or arriving in the United Kingdom without entry clearance under section 24 of the 1971 Act";

(c) in subsection (4), after (c), insert—

"(ca) entry in breach of a deportation order, entry without leave, remaining in the United Kingdom without leave, or arriving in the United Kingdom without entry clearance under section 24 of the 1971 Act""

**Member's explanatory statement**

This amendment would mean that individuals who committed these offences (and the other offences set out in section 31 of the Immigration and Asylum Act 1999) would be able to use the defence set out in section 31 of that Act, even if the offence was committed in the course of an attempt to leave the UK.

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Stuart C McDonald 51  
Anne McLaughlin

Clause 35, page 34, line 1, leave out sub-paragraph (i)

**Member's explanatory statement**

Under this amendment, persons receiving certain prison sentences in the UK shall be presumed (as at present) but not automatically deemed (as proposed in the Bill) to have committed a particularly serious crime.

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Stuart C McDonald 53  
Anne McLaughlin

Clause 35, page 34, line 21, leave out "12 months" and insert "four years"

**Member's explanatory statement**

Under this amendment, persons shall be deemed to have committed a "particularly serious crime" if they receive a prison sentence of more than four years in the UK (as opposed to two years at present, or 12 months as proposed in the Bill).

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Stuart C McDonald 52  
Anne McLaughlin

Clause 35, page 34, line 24, leave out sub-paragraph (i)

**Member's explanatory statement**

Under this amendment, persons receiving certain prison sentence outside the UK, or persons who could have received such a sentence had they been convicted in the UK, shall be presumed (as at present) but not automatically deemed (as proposed in the Bill) to have committed a particularly serious crime.

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Stuart C McDonald 54  
Anne McLaughlin

Clause 35, page 34, line 27, leave out paragraphs (b) and (c) and insert—

- “(b) in paragraph (b), for “two years” substitute “four years”;
- (c) in paragraph (c), for “two years” substitute “four years””

**Member's explanatory statement**

Under this amendment, persons shall be deemed to have committed a "particularly serious crime" if they receive a prison sentence of more than four years outside the UK (as opposed to two years at present, or 12 months as proposed in the Bill), or if they could have received such a sentence had they been convicted in the UK.

---

Stuart C McDonald  
Anne McLaughlin

55

Clause 36, page 35, line 14, at end insert—

"“protection in accordance with the Refugee Convention” means a legal status that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention”.

**Member's explanatory statement**

This amendment would define – for the purposes of Part 2 of the Bill – what constitutes protection in accordance with the Refugee Convention.

---

Bambos Charalambous  
Holly Lynch

135

Clause 36, page 35, line 27, at end insert—

"“protection in accordance with the Refugee Convention” means a legal status that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention.”

**Member's explanatory statement**

This amendment would clarify the meaning of “protection in accordance with the Refugee Convention” and ensure that it includes the positive rights and obligations necessary to ensure durable and humane solutions, and not merely protection against refoulement.

---

Bambos Charalambous  
Holly Lynch

136

Clause 36, page 35, line 27, at end insert—

"“safe third country” is one where there are, in law and practice—

- (a) appropriate reception arrangements for asylum-seekers;
- (b) sufficiency of protection against serious harm and violations of fundamental rights;
- (c) protection against refoulement;
- (d) access to fair and efficient State asylum procedures, or to a previously afforded refugee status or other protective status

that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention;

- (e) the legal right to remain during the State asylum procedure; and
- (f) if found to be in need of international protection, a grant of refugee status that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention."

**Member's explanatory statement**

The Bill offers several different definitions of what a "safe" third country is. This amendment would provide a single, consistent standard throughout the Bill that is consistent with international law.

---

Tom Pursglove

110

Clause 37, page 36, line 4, at end insert—

"(C1A)A person who—

- (a) is required under immigration rules not to travel to the United Kingdom without an ETA that is valid for the person's journey to the United Kingdom, and
- (b) knowingly arrives in the United Kingdom without such an ETA, commits an offence."

**Member's explanatory statement**

This amendment inserts a new offence into the Immigration Act 1971 of a person knowingly arriving in the United Kingdom without a valid electronic travel authorisation (ETA) in circumstances where they require such an ETA.

---

Tom Pursglove

111

Clause 37, page 36, line 5, leave out "or (C1)" and insert ", (C1) or (C1A)"

**Member's explanatory statement**

This amendment is consequential on Amendment 110.

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Tom Pursglove

112

Clause 37, page 36, line 19, leave out "or (C1)" and insert ", (C1) or (C1A)"

**Member's explanatory statement**

This amendment is consequential on Amendment 110.

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Tom Pursglove	113
Clause 37, page 36, line 29, after "(C1)" insert ", (C1A)"	
<b>Member's explanatory statement</b>	
This amendment is consequential on Amendment 110.	
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Tom Pursglove	114
Clause 37, page 37, line 2, after "(C1)" insert ", (C1A)"	
<b>Member's explanatory statement</b>	
This amendment is consequential on Amendment 110.	
<hr/>	
Tom Pursglove	115
Clause 37, page 37, line 4, after "(C1)" insert ", (C1A)"	
<b>Member's explanatory statement</b>	
This amendment is consequential on Amendment 110.	
<hr/>	
Tom Pursglove	116
Clause 37, page 37, line 12, after "(C1)" insert ", (C1A)"	
<b>Member's explanatory statement</b>	
This amendment is consequential on Amendment 110.	
<hr/>	
Tom Pursglove	117
Clause 37, page 37, line 15, after "(C1)" insert ", (C1A)"	
<b>Member's explanatory statement</b>	
This amendment is consequential on Amendment 110.	
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Paul Blomfield	142
Page 35, line 31, leave out Clause 37	

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Bambos Charalambous 33  
Holly Lynch

Clause 38, page 37, line 22, leave out subsection (2)

**Member's explanatory statement**

This amendment deletes the subsection which removes "and for gain" from section 25A(1)(a) of the Immigration Act 1971. Currently, under section 25A(1)(a), a person commits an offence if the person knowingly "and for gain" facilitates the arrival in the UK of an individual who the person knows, or has reasonable cause to believe, is an asylum seeker. This amendment preserves the status quo.

---

Neil Coyle 162

☆ Clause 38, page 37, line 23, at end insert—

"(3) In section 25A(3) of the Immigration Act 1971 (helping asylum seeker to enter United Kingdom), for paragraph (a) substitute—

"(a) aims to—

- (i) protect lives at sea, or
- (ii) assist asylum-seekers; and""

**Member's explanatory statement**

This amendment would add people working on behalf of organisations that aim to protect lives at sea to those who are exempt for prosecution for helping someone seeking asylum to enter the UK, as long as those organisations do not charge for their services.

---

Tom Pursglove 82

Schedule 5, page 71, leave out lines 14 to 16

**Member's explanatory statement**

This amendment removes from the face of the Bill the limitation that the Secretary of State may give authority to exercise powers under new Part A1 of Schedule 4A to the Immigration Act 1971 in relation to certain ships only if the Secretary of State considers that the United Nations Convention on the Law of the Sea 1982 permits the exercise of those powers.

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Tom Pursglove 125

Schedule 5, page 73, line 23, leave out "or (C1)" and insert ", (C1) or (C1A)"

**Member's explanatory statement**

This amendment is consequential on Amendment 110.

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Tom Pursglove 126

Schedule 5, page 73, line 23, at end insert "24B,"

**Member's explanatory statement**

This amendment and Amendments 127 and 128 are consequential on NC20.

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Tom Pursglove 127

Schedule 5, page 73, line 31, after "(S.I. 2020/1309)," insert—

"(ba) an offence under section 21 of the Immigration, Asylum and Nationality Act 2006,"

**Member's explanatory statement**

See the explanatory statement to Amendment 126.

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Tom Pursglove 128

Schedule 5, page 73, line 37, leave out "paragraph (a) or (b)" and insert "paragraphs (a) to (ba)"

**Member's explanatory statement**

See the explanatory statement to Amendment 126.

---

Paul Blomfield 144

Schedule 5, page 74, line 30, at end insert—

"provided that the relevant officer may not do any of the things mentioned in sub-paragraph (2) where they would risk the welfare or safety of persons on board the ship."

**Member's explanatory statement**

This amendment would require officers to assess welfare risk before stopping or boarding a ship, requiring it to be taken elsewhere or requiring it to leave UK waters, and not act if doing so would exacerbate these risks.

---

Tom Pursglove 83

Schedule 5, page 75, leave out lines 6 to 8

**Member's explanatory statement**

This amendment removes from the face of the Bill the limitation that the Secretary of State may give authority to a relevant officer to require a ship to be taken to a State other than the United Kingdom or a relevant territory only if the State or relevant territory is willing to receive the ship.



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Paul Blomfield 145

Schedule 5, page 75, line 8, at end insert—

“(7A) The Secretary of State must publish a list of States and relevant territories with which agreement has been reached for the purposes of sub-paragraph (7) within 30 days of the date of Royal Assent to this Act, and the Secretary of State must update that published list from time to time.”

**Member’s explanatory statement**

This amendment would require the Secretary of State to publish which states or territories she has agreed arrangements with for returning or removing asylum seekers to, within 30 days of Royal Assent.

---

Paul Blomfield 146

Schedule 5, page 76, line 24, at end insert—

“(9) A relevant officer may only exercise powers under this paragraph if they have passed relevant training, including training on the requirement to exercise powers under this paragraph in accordance with the provisions of the Human Rights Act 1998.”

**Member’s explanatory statement**

This amendment would require the relevant officer to have passed relevant training before acting under these powers, and only acts with regards to the Human Rights Act.

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Paul Blomfield 148

Schedule 5, page 77, line 18, at end insert—

“(7) A relevant officer may only exercise powers under this paragraph if they have passed relevant training, including training on the requirement to exercise powers under this paragraph in accordance with the provisions of the Human Rights Act 1998.”

**Member’s explanatory statement**

This amendment would require the relevant officer to have passed relevant training before acting under these powers, and only acts with regards to the Human Rights Act.

---

Paul Blomfield 147

Schedule 5, page 78, line 12, at end insert—

“(10) A relevant officer may only exercise powers under this paragraph if they have passed relevant training, including training on the requirement to exercise powers under this paragraph in accordance with the provisions of the Human Rights Act 1998.”

**Member's explanatory statement**

This amendment would require the relevant officer to have passed relevant training before acting under these powers, and only acts with regards to the Human Rights Act.

---

Paul Blomfield

149

Schedule 5, page 78, line 32, at end insert—

“(c) the act was carried out in accordance with the provisions of the Human Rights Act 1998.”

**Member's explanatory statement**

This amendment would require the relevant officer to only act with regards to the Human Rights Act.

---

Tom Pursglove

118

Page 38, line 9, leave out Clause 42

**Member's explanatory statement**

This amendment removes Clause 42 (authorisation to work in the territorial sea) which is replaced by NC20.

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Bambos Charalambous  
Holly Lynch

137

Clause 43, page 40, line 8, leave out subsections (3) to (5)

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Tom Pursglove

165

★ Page 38, line 25, leave out Clause 43

**Member's explanatory statement**

This amendment removes clause 43 (removals: notice requirements), which is replaced by amendment NC28.

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Paul Blomfield 143

Clause 44, page 41, line 12, at end insert—

“(1A) A prisoner who arrived in the United Kingdom before their tenth birthday is not eligible for removal from the United Kingdom under subsection (1).”

**Member’s explanatory statement**

This amendment would prevent deportation as an FNO for those who arrived in the UK before their tenth birthday, in line with the age of criminal responsibility.

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Tom Pursglove 71

Page 40, line 46, leave out Clause 44

**Member’s explanatory statement**

This amendment removes clause 44 (prisoners liable to removal from the UK), which is replaced by NC8.

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Stuart C McDonald 170  
Anne McLaughlin

★ Clause 46, page 41, line 41, leave out “, before the specified date,”

**Member’s explanatory statement**

This amendment would remove the hard deadline for compliance for persons who have made protection claims or human rights claims to comply with a slavery or trafficking information notice.

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Stuart C McDonald 172  
Anne McLaughlin

★ Clause 46, page 41, line 42, at end insert—

“(2A)The requirement in subsection (2) does not apply in relation to anything that the slavery or trafficking information notice recipient has previously provided to the Secretary of State or any other competent authority.”

**Member’s explanatory statement**

This amendment would ensure a recipient of a slavery or trafficking information notice does not need to provide information that has already been submitted to the Secretary of State or any other competent authority.

---

Stuart C McDonald  
Anne McLaughlin

169

★ Clause 46, page 42, line 4, leave out subsections (4) and (5) and insert—

“(4) Subsection (5) applies if the recipient of a slavery or trafficking information notice does not provide the Secretary of State or competent authority with relevant status information within a reasonable period of time.

(5) The Secretary of State must provide recipients with an ongoing opportunity to explain why they did not provide the relevant status information within a reasonable period of time (and see section 47).”

**Member’s explanatory statement**

This amendment would remove the hard deadline for compliance for persons who have made protection claims or human rights claims to comply with a slavery or trafficking information notice.

---

Stuart C McDonald  
Anne McLaughlin

171

★ Clause 46, page 42, leave out lines 13 and 14

**Member’s explanatory statement**

This is a consequential amendment.

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Stuart C McDonald  
Anne McLaughlin

173

★ Clause 47, page 42, line 21, leave out “or a conclusive grounds decision”

**Member’s explanatory statement**

This amendment would disapply this section when a conclusive grounds decision is being made (i.e. when a reasonable grounds decision will already have been made).

---

Stuart C McDonald  
Anne McLaughlin

174

★ Clause 47, page 42, line 23, leave out “or on behalf of”

**Member’s explanatory statement**

This amendment would exclude statements made on behalf of a slavery or trafficking information notice recipient (as opposed to statements made directly by them) from this subsection.

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Stuart C McDonald 175  
Anne McLaughlin

- ★ Clause 47, page 42, line 24, leave out from “, as damaging” to the end of the subsection and insert “of all the factors that may have led to the person providing the information late.”

**Member’s explanatory statement**

This amendment would remove the presumption that delayed disclosure in relation to slavery or trafficking will be deemed damaging to a person’s credibility.

---

Holly Lynch 163  
Bambos Charalambous

- ☆ Clause 47, page 42, line 26, at end insert—

“(2A) For the purposes of subsection (2) “good reasons” include, but are not limited to—

- (a) the impact of trauma, including avoidant behaviours and memory fragmentation consistent with Post-Traumatic Stress Disorder;
- (b) distrust of authorities, including fear of punishment or a lack of confidence in the confidentiality of information sharing;
- (c) fear of reprisals against them, their children, families or friends if they make an allegation of slavery;
- (d) experiencing pressures and fears related to bonded debt;
- (e) where the claimant was under the age of 18 years at their time of arrival in the UK or at the time of their exploitation;
- (f) where the claimant has diminished capacity;
- (g) fear of repercussions from people who exercise control over the individual;
- (h) a lack of understanding of Modern Slavery including being unable to identify themselves as a “victim”;
- (i) narrative reasons including being unable or unwilling to identify themselves as a “victim”;
- (j) Stockholm syndrome; and
- (k) an ongoing or previous relationship with the trafficker.”

**Member’s explanatory statement**

This amendment seeks to define “good reasons” for late disclosure.

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Stuart C McDonald 176  
Anne McLaughlin

★ Clause 48, page 43, line 17, leave out subsection (7)

**Member's explanatory statement**

Under this amendment and the corresponding amendment to clause 57, the Secretary of State would no longer be able to change the definition of slavery and human trafficking by regulations. Instead, any changes to the definition of slavery would require primary legislation.

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Holly Lynch 1  
Bambos Charalambous

Clause 49, page 43, line 33, leave out "30" and insert "45"

**Member's explanatory statement**

This amendment would increase the recovery period for victims of slavery or human trafficking from a minimum of 30 days to a minimum of 45 days.

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Holly Lynch 164  
Bambos Charalambous

☆ Clause 51, page 44, line 31, at end insert—

"was aged 18 or over at the time of the circumstances which gave rise to the positive reasonable grounds decision and—"

**Member's explanatory statement**

This amendment would exclude children from the disqualification from protection measures outlined in clause 51.

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Stuart C McDonald 178  
Anne McLaughlin

★ Page 44, line 28, leave out Clause 51

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Holly Lynch  
Bambos Charalambous

4

Clause 52, page 46, line 9, after "50A" insert—

"Meaning of assistance and support

- (1) For the purposes of guidance issued under section 49(1)(b) and regulations made under section 50, "assistance and support" includes but is not limited to the provision of—
  - (a) appropriate and safe accommodation;
  - (b) material assistance, including financial assistance;
  - (c) medical advice and treatment (including psychological assessment and treatment);
  - (d) counselling;
  - (e) a support worker;
  - (f) appropriate information on any matter of relevance or potential relevance to the particular circumstances of the person;
  - (g) translation and interpretation services;
  - (h) assistance in obtaining specialist legal advice or representation (including with regard to access to compensation);
  - (i) assistance with repatriation, including a full risk assessment.
- (2) Assistance and support provided to a person under this section—
  - (a) must not be conditional on the person's acting as a witness in any criminal proceedings;
  - (b) may be provided only with the consent of that person;
  - (c) must be provided in a manner which takes due account of the needs of that person as regards safety and protection from harm;
  - (d) must be provided to meet the needs of that person having particular regard to any special needs or vulnerabilities of that person caused by gender, pregnancy, physical or mental illness, disability or being the victim of violence or abuse;
  - (e) must be provided in accordance with an assistance and support plan which specifies that person's needs for support and how those needs will be met for the full duration of the period to which that person is entitled to support under this Act.
- (3) Nothing in this section affects the entitlement of any person to assistance and support under any other statutory provision.

50B"

**Member's explanatory statement**

This amendment would define the types of assistance and support that must be provided to a victim of modern slavery in England and Wales in line with Article 12 of the European Convention on Actions Against Trafficking in Human Beings; and conditions associated with its provision.

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Holly Lynch 2  
Bambos Charalambous

Clause 52, page 46, line 16, leave out from “receiving” to the end of line 19 and insert “in their physical, psychological and social recovery or to prevent their re-trafficking.”

**Member’s explanatory statement**

This amendment would define the objective of assistance and support in line with Article 12 of the European Convention Against Human Trafficking 2005.

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Holly Lynch 3  
Bambos Charalambous

Clause 52, page 46, line 16, at end insert—

“(6A)When a person who is receiving assistance and support under this section receives a positive conclusive grounds decision, the Secretary of State must secure assistance and support for at least 12 months beginning on the day the recovery period ends.”

**Member’s explanatory statement**

This amendment would give modern slavery victims in England and Wales with a positive conclusive grounds decision the right to receive support and assistance for at least 12 months.

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Holly Lynch 7  
Bambos Charalambous

Clause 53, page 47, line 12, after “Kingdom” insert “for a minimum 12 months”

**Member’s explanatory statement**

This amendment would give modern slavery victims in England and Wales with a positive conclusive grounds decision leave to remain for a minimum of 12 months.

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Holly Lynch 5  
Bambos Charalambous

Clause 53, page 47, line 14, leave out from “recovery” to the end of line 16 and insert “personal situation,”

**Member’s explanatory statement**

This amendment would define the criteria of providing leave to remain in line with Article 14 of the European Convention Against Human Trafficking 2005.



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Holly Lynch 6  
Bambos Charalambous

Clause 53, page 47, line 22, leave out subsections (3) and (4)

**Member's explanatory statement**

This amendment would remove the criteria of not granting leave to remain if assistance could be provided in another country or compensation sought in another country.

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Tom Pursglove 72

Clause 53, page 48, line 10, leave out "reasonable" and insert "conclusive"

**Member's explanatory statement**

This amendment corrects a drafting error.

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Stuart C McDonald 177  
Anne McLaughlin

★ Clause 57, page 51, leave out lines 42 and 43

**Member's explanatory statement**

Under this amendment and the corresponding amendment to clause 47, the Secretary of State would no longer be able to change the definition of slavery and human trafficking by regulations. Instead, any changes to the definition of slavery would require primary legislation.

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Paul Blomfield 150

Clause 58, page 52, line 19, at end insert—

“(3A) Before making regulations under this section, the Secretary of State must consult the ethical committees of the relevant medical, dental and scientific professional bodies and publish a report on the consultation.”

**Member's explanatory statement**

This amendment would require the Secretary of State to consult with ethical committees of medical, dental and scientific professions before making regulations in their area, and publish a report on the consultation.

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Tom Pursglove

166

★ Page 52, line 3, leave out Clause 58

**Member's explanatory statement**

This amendment removes clause 58 (age assessments), which is replaced by amendments NC29 to NC37, which will form a new Part of the Bill.

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Paul Blomfield

151

Clause 59, page 52, line 33, at end insert—

“(3A) The Secretary of State must publish impact assessments on the effect of the provisions in this section on—

- (a) nationals from countries falling within subsection (3), and
- (b) the United Kingdom's economy and trade.”

**Member's explanatory statement**

This amendment would require the Secretary of State to publish impact assessments with regard to the effect this clause might have on both nationals from countries in subsection (3) and the UK economy and trade.

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Tom Pursglove

73

Page 52, line 21, leave out Clause 59

**Member's explanatory statement**

This amendment removes clause 59 (processing of visa applications from nationals of certain countries), which is replaced by NC9 and NC10.

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Tom Pursglove

119

Page 52, line 35, leave out Clause 60

**Member's explanatory statement**

This amendment removes clause 60 (electronic travel authorisations), which is replaced by NC21 and NC22.

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Tom Pursglove

74

Page 53, line 9, leave out Clause 61

**Member's explanatory statement**

This amendment removes clause 61 (Special Immigration Appeals Commission), which is replaced by NC11.

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Tom Pursglove

75

Page 55, line 1, leave out Clause 64

**Member's explanatory statement**

This amendment removes clause 64 (good faith requirement).

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Tom Pursglove

120

Clause 69, page 58, line 28, at end insert—

“(4) A power under any provision listed in subsection (5) may be exercised so as to extend, with or without modifications, to any of the Channel Islands or the Isle of Man any amendment made by any of the following provisions to legislation to which the power relates—

- (a) section 37 (illegal entry and similar offences), insofar as it relates to the insertion of subsection (C1A) into section 24 of the Immigration Act 1971;
- (b) section (*Electronic travel authorisations*) (electronic travel authorisations);
- (c) section (*Liability of carriers*) (liability of carriers).

(5) Those provisions are—

- (a) section 36 of the Immigration Act 1971;

- (b) section 170(7) of the Immigration and Asylum Act 1999;
- (c) section 163(4) of the Nationality, Immigration and Asylum Act 2002."

**Member's explanatory statement**

This amendment amends clause 69 (extent) to provide that the amendments made by the provisions listed in new subsection (4) may be extended to the Channel Islands and the Isle of Man under the Order in Council provisions listed in new subsection (5).

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Stuart C McDonald 107  
Anne McLaughlin

Clause 70, page 58, line 30, leave out "and (4)" and insert "to (5)"

**Member's explanatory statement**

This amendment is consequential on Amendment 109.

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Tom Pursglove 76

Clause 70, page 58, line 34, after "Part" insert "and the following provisions"

**Member's explanatory statement**

This amendment is consequential on Amendment 77.

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Tom Pursglove 77

Clause 70, page 58, line 34, at end insert—

- "(a) section 57 (interpretation of Part 4), for the purposes of making regulations under that section;"

**Member's explanatory statement**

This amendment brings the power to make regulations defining "victim of slavery" and "victim of human trafficking" into force on the day on which the Act receives Royal Assent.

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Tom Pursglove 121

Clause 70, page 58, line 34, at end insert—

- "(b) section (*Notice of decision to deprive a person of citizenship*)(1) and (5) to (7) (effect of failure to give notice of pre-commencement decision to deprive a person of citizenship);"

**Member's explanatory statement**

This amendment brings subsections (1) and (5) to (7) of NC19 (concerning the effect of a failure to give notice of a pre-commencement decision to deprive a person of citizenship) into force on the day on which the Bill receives Royal Assent.

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Tom Pursglove

122

Clause 70, page 58, line 36, at end insert—

“(za) section (*Notice of decision to deprive a person of citizenship*)(2) to (4) (modifications of duty to give notice of decision to deprive a person of citizenship);”

**Member's explanatory statement**

This amendment brings subsections (2) to (4) of NC19 (modifying the duty to give notice of a decision to deprive a person of citizenship) into force two months after the Bill receives Royal Assent.

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Tom Pursglove

123

Clause 70, page 58, line 37, leave out paragraph (a)

**Member's explanatory statement**

This amendment will secure that clauses 16, 17 and 23 of the Bill (evidence in asylum or human rights claims) will be brought into force by regulations rather than coming into force automatically two months after Royal Assent to the Bill.

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Stuart C McDonald  
Anne McLaughlin

108

Clause 70, page 58, line 42, leave out paragraphs (d) and (e)

**Member's explanatory statement**

This amendment is consequential on an Amendment 109.

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Tom Pursglove

124

Clause 70, page 59, line 2, at end insert—

“(fa) section (*Working in United Kingdom waters: arrival and entry*), for the purposes of making regulations;”

**Member's explanatory statement**

This amendment brings NC20 into force, for the purposes of making regulations (under the new section 11B for the Immigration Act 1971), two months after Royal Assent to the Bill. The rest of the clause will be brought into force by regulations.

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Tom Pursglove 78

Clause 70, page 59, line 5, leave out paragraph (i)

**Member's explanatory statement**

This amendment is consequential on Amendment 77.

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Tom Pursglove 79

Clause 70, page 59, line 6, at end insert—

“(ia) section (*Counter-terrorism questioning of detained entrants away from place of arrival*) (counter-terrorism questioning of detained entrants away from place of arrival);”

**Member's explanatory statement**

This amendment provides for NC12 to come into force two months after Royal Assent to the Bill.

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Tom Pursglove 167

★ Clause 70, page 59, line 7, leave out paragraph (j)

**Member's explanatory statement**

This amendment is consequential on the amendments removing Clauses 58 to 61 of the Bill.

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Tom Pursglove 80

Clause 70, page 59, line 7, at end insert—

“(ja) sections (*Removals from the UK: visa penalties for uncooperative countries*) and (*Visa penalties: review and revocation*) (visa penalties);”

**Member's explanatory statement**

This amendment provides for NC9 and NC10 to come into force two months after Royal Assent to the Bill.

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Tom Pursglove 168

★ Clause 70, page 59, line 7, at end insert—

- “(ja) section (*Interpretation of Part etc*) (1) to (4) (interpretation of Part 3A);
- “(jb) section (*Use of scientific methods in age assessments*)(1) to (3) and (8) (regulations about use of scientific methods in age assessments);
- “(jc) section (*Regulations about age assessments*) (regulations about age assessments);”

**Member's explanatory statement**

This amendment means that amendment NC33 (regulations about age assessments), and the regulation-making power in amendment NC32, will be commenced automatically, two months after Royal Assent, as will the clause that defines certain terms used in the regulation-making power.

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Tom Pursglove

81

Clause 70, page 59, line 8, leave out paragraph (k)

**Member's explanatory statement**

This amendment is consequential on Amendment 75.

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Stuart C McDonald  
Anne McLaughlin

109

Clause 70, page 59, line 9, at end insert—

“(5) Sections 27 to 35 may not be commenced before—

- (a) the Secretary of State has consulted with such parties as the Secretary of State considers appropriate on—
  - (i) the compatibility of each section with the Refugee Convention; and
  - (ii) the domestic and international implications of the UK adopting each section;
- (b) the Secretary of State has laid before Parliament a report on the outcome of that consultation stating which parties were consulted, and stating in respect of each section—
  - (i) the views of the parties consulted on its compatibility and implications;
  - (ii) the differences between the interpretation of the Convention provided by the section and any interpretations provided by the higher courts before the passing of this Act;
  - (iii) the reasons why the Secretary of State concludes that the section should be commenced; and
- (c) both Houses of Parliament have considered that report and approved the commencement of each of the sections that is to be commenced.

(6) For the purposes of subsection (5)—

“interpretation provided by the higher courts” means an interpretation provided by any judgement of the High Court or Court of Appeal in England and Wales, of the Court of Session in Scotland, of the High Court or Court of Appeal in Northern Ireland or of the United Kingdom Supreme Court that has not been superseded.”

**Member's explanatory statement**

This amendment would require the Secretary of State to hold consultations on the compatibility of Clauses 27 to 35 with the Refugee Convention, and to report to Parliament on such consultations, before the relevant Clauses enter into force.

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Stuart C McDonald  
Anne McLaughlin

179

## ★ Clause 70, page 59, line 9, at end insert—

“(5) Sections [*Time limit on immigration detention*], [*Initial detention: criteria and duration*] and [*Bail hearings*] come into force six months after the day on which this Act is passed.”

**Member's explanatory statement**

This amendment would bring NC38, NC39 and NC40 into force six months after the day on which the Bill is passed.

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Tom Pursglove

NC6

To move the following Clause—

**“Expedited appeals: joining of related appeals**

- (1) For the purposes of this section, an “expedited section 82 appeal” is an expedited appeal within the meaning of section 82A of the Nationality, Immigration and Asylum Act 2002 (expedited appeals for claims brought on or after PRN cut-off date).
- (2) For the purposes of this section, a “related appeal” is an appeal under any of the following—
  - (a) section 82(1) of the Nationality, Immigration and Asylum Act 2002 (appeals in respect of protection and human rights claims), other than one which is an expedited section 82 appeal;
  - (b) section 40A of the British Nationality Act 1981 (appeal against deprivation of citizenship);
  - (c) the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020 (S.I. 2020/61) (appeal rights in respect of EU citizens' rights immigration decisions etc);
  - (d) regulation 36 of the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052) (appeals against EEA decisions) as it continues to have effect following its revocation.
- (3) If a person brings an expedited section 82 appeal at a time when a related appeal brought by that person is pending, the related appeal is, from that time, to be continued as an appeal to the Upper Tribunal and accordingly is to be transferred to the Upper Tribunal.



- (4) If an expedited section 82 appeal brought by a person is pending, any right that the person would otherwise have to bring a related appeal to the First-tier Tribunal is instead a right to bring it to the Upper Tribunal.
- (5) A related appeal within subsection (3) or brought to the Upper Tribunal as mentioned in (4) is referred to in this section as an “expedited related appeal”.
- (6) Tribunal Procedure Rules must make provision with a view to securing that the Upper Tribunal consolidates an expedited related appeal and the expedited section 82 appeal concerned or hears them together (and see section 82A(4) of the Nationality, Immigration and Asylum Act 2002).
- (7) Tribunal Procedure Rules must secure that the Upper Tribunal may, if it is satisfied that it is in the interests of justice in the case of a particular expedited related appeal to do so, order that the appeal is to be continued as an appeal to the First-tier Tribunal and accordingly is to be transferred to that Tribunal.
- (8) For the purposes of this section, an appeal is “pending”—
  - (a) in the case of an appeal under section 82 of the Nationality, Immigration and Asylum Act 2002 (including an expedited section 82 appeal), if it is pending within the meaning of section 104 of that Act;
  - (b) in the case of an appeal under section 40A of the British Nationality Act 1981, during the period—
    - (i) beginning when it is instituted, and
    - (ii) ending when it is finally determined or withdrawn;
  - (c) in the case of an appeal under the Immigration Citizens’ Rights Appeals (EU Exit) Regulations 2020, if it is pending within the meaning of regulation 13 of those Regulations;
  - (d) in the case of an appeal under the regulation 36 of the Immigration (European Economic Area) Regulations 2016, if it is pending within the meaning of Part 6 of those Regulations (see regulation 35).
- (9) In section 13(8) of the Tribunals, Courts and Enforcement Act 2007 (decisions excluded from right to appeal to the Court of Appeal), after paragraph (bza) (inserted by section 21) insert—
  - “(bzb) any decision of the Upper Tribunal on an expedited related appeal within the meaning given by section (*Expedited appeals: joining of related appeals*) of the Nationality and Borders Act 2021 (expedited appeals against refusal of protection claim or human rights claim: joining of related appeals),”.

#### **Member’s explanatory statement**

This new clause (to be inserted after clause 21) provides that where a person brings an appeal under section 82 of the Nationality, Immigration and Asylum Act 2002 that is subject to the expedited procedure under the new section 82A of that Act, certain other appeals brought by that person are also to be subject to the expedited procedure.

Tom Pursglove

NC7

To move the following Clause—

**“Accelerated detained appeals**

- (1) In this section “accelerated detained appeal” means a relevant appeal (see subsection (6)) brought—
  - (a) by a person who—
    - (i) was detained under a relevant detention provision (see subsection (7)) at the time at which they were given notice of the decision which is the subject of the appeal, and
    - (ii) remains in detention under a relevant detention provision, and
  - (b) against a decision that—
    - (i) is of a description prescribed by regulations made by the Secretary of State, and
    - (ii) when made, was certified by the Secretary of State under this section.
- (2) The Secretary of State may only certify a decision under this section if the Secretary of State considers that any relevant appeal brought in relation to the decision would likely be disposed of expeditiously.
- (3) Tribunal Procedure Rules must secure that the following time limits apply in relation to an accelerated detained appeal—
  - (a) any notice of appeal must be given to the First-tier Tribunal not later than 5 working days after the date on which the appellant was given notice of the decision against which the appeal is brought;
  - (b) the First-tier Tribunal must make a decision on the appeal, and give notice of that decision to the parties, not later than 25 working days after the date on which the appellant gave notice of appeal to the tribunal;
  - (c) any application (whether to the First-tier Tribunal or the Upper Tribunal) for permission to appeal to the Upper Tribunal must be determined by the tribunal concerned not later than 20 working days after the date on which the applicant was given notice of the First-tier Tribunal’s decision.
- (4) A relevant appeal ceases to be an accelerated detained appeal on the appellant being released from detention under any relevant detention provision.
- (5) Tribunal Procedure Rules must secure that the First-tier Tribunal or (as the case may be) the Upper Tribunal may, if it is satisfied that it is in the interests of justice in a particular case to do so, order that a relevant appeal is to cease to be an accelerated detained appeal.
- (6) For the purposes of this section, a “relevant appeal” is an appeal to the First-tier Tribunal under any of the following—
  - (a) section 82(1) of the Nationality, Immigration and Asylum Act 2002 (appeals in respect of protection and human rights claims);

- (b) section 40A of the British Nationality Act 1981 (appeal against deprivation of citizenship);
  - (c) the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020 (S.I. 2020/61) (appeal rights in respect of EU citizens' rights immigration decisions etc);
  - (d) regulation 36 of the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052) (appeals against EEA decisions) as it continues to have effect following its revocation.
- (7) For the purposes of this section, a "relevant detention provision" is any of the following—
- (a) paragraph 16(1), (1A) or (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);
  - (d) section 36(1) of the UK Borders Act 2007 (detention pending deportation).
- (8) In this section "working day" means any day except—
- (a) a Saturday or Sunday, Christmas Day, Good Friday or 26 to 31 December, and
  - (b) any day that is a bank holiday under section 1 of the Banking and Financial Dealings Act 1971 in the part of the United Kingdom where the appellant concerned is detained.
- (9) Regulations under this section are subject to negative resolution procedure."

**Member's explanatory statement**

This new clause expands the categories of immigration appeals that can be subject to the accelerated detained appeals process that was introduced by clause 24.

Tom Pursglove

NC8

To move the following Clause—

**"Prisoners liable to removal from the United Kingdom**

- (1) The Criminal Justice Act 2003 is amended as follows.
  - (2) Section 260 (early removal of prisoners liable to removal from the United Kingdom) is amended as set out in subsections (3) to (8).
  - (3) For subsections (1) to (2B) substitute—
- "(1) Where a fixed-term prisoner is liable to removal from the United Kingdom, the Secretary of State may remove the prisoner from prison under this section at any time after the prisoner has served the minimum pre-removal custodial period (whether or not the Board has directed the prisoner's release under this Chapter).

- (2) The minimum pre-removal custodial period is the longer of—
- (a) one half of the requisite custodial period, and
  - (b) the requisite custodial period less one year.”
- (4) In subsection (2C), for “Subsections (1) and (2A) do” substitute “Subsection (1) does”.
- (5) In subsection (4), for paragraph (b) substitute—
- “(b) so long as remaining in the United Kingdom, and in the event of a return to the United Kingdom after removal, is liable to be detained in pursuance of his sentence.”
- (6) After subsection (4) insert—
- “(4A)Where a person has been removed from prison under this section, a day on which the person has not spent any part of the day in prison or otherwise detained in pursuance of their sentence is not, unless the Secretary of State otherwise directs, to be included—
- (a) when determining for the purposes of any provision of this Chapter how much of their sentence they have (or would have) served, or
  - (b) when determining for the purposes of section 244ZC(2), 244A(2)(b) or 246A(4)(b) the date of an anniversary of a disposal of a reference of the person’s case to the Board (so that the anniversary is treated as falling x days after the actual anniversary, where x is the number of days on which the person has not spent any part of the day in prison or otherwise detained in pursuance of their sentence).
- (4B) Where—
- (a) before a prisoner’s removal from prison under this section their case had been referred to the Board under section 244ZB(3), 244ZC(2), 244A(2) or 246A(4), and
  - (b) the person is removed from the United Kingdom before the Board has disposed of the reference,
- the reference lapses upon the person’s removal from the United Kingdom (and paragraph 8 of Schedule 19B applies in the event of their return).”
- (7) Omit subsection (5).
- (8) In subsection (6), for paragraphs (a) to (c) substitute—
- “(a) amend the fraction for the time being specified in subsection (2)(a);
- (b) amend the time period for the time being specified in subsection (2)(b).”
- (9) For section 261 substitute—

**“261 Removal under section 260 and subsequent return to UK: effect on sentence**

Where a person—

- (a) has been removed from prison under section 260 on or after the day on which section (*Prisoners liable to removal from the United Kingdom*) of the Nationality and Borders Act 2021 came into force,

- (b) has been removed from the United Kingdom following that removal from prison, and
  - (c) returns to the United Kingdom,
- this Chapter applies to the person with the modifications set out in Schedule 19B.”
- (10) In section 263 (concurrent terms), after subsection (2), insert—
- “(2A)Where this section applies, nothing in section 260 authorises the Secretary of State to remove the offender from prison in respect of any of the terms unless and until that section authorises the Secretary of State to do so in respect of each of the others.”
- (11) After Schedule 19A, insert the Schedule 19B set out in Schedule (*Prisoners returning to the UK: modifications of the Criminal Justice Act 2003*).

#### Member’s explanatory statement

This new clause makes changes to the regime in the Criminal Justice Act 2003 relating to the early removal of prisoners, enabling them to be removed at an earlier point in their sentence and while on recall, and providing that if they return to the UK their sentence continues where it left off. It will replace clause 44.

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Tom Pursglove

NC9

To move the following Clause—

#### **“Removals from the UK: visa penalties for uncooperative countries**

- (1) The immigration rules may make such visa penalty provision as the Secretary of State considers appropriate in relation to a specified country.
- (2) A country may be specified for the purposes of this section if, in the opinion of the Secretary of State—
  - (a) the government of the country is not cooperating in relation to the return to the country from the United Kingdom of any of its nationals or citizens who require leave to enter or remain in the United Kingdom but do not have it, and
  - (b) as a result, there are nationals or citizens of the country that the Secretary of State has been unable to return to the country, whether or not others have been returned.
- (3) In forming an opinion as to whether a country is cooperating in relation to returns, the Secretary of State must take the following into account—
  - (a) any arrangements (whether formal or informal) entered into by the government of the country with the United Kingdom government or the Secretary of State with a view to facilitating returns;
  - (b) the extent to which the government of the country is—
    - (i) taking the steps that are in practice necessary or expedient in relation to facilitating returns, and
    - (ii) doing so promptly;
  - (c) such other matters as the Secretary of State considers appropriate.

- (4) In determining whether to specify a country for the purposes of this section, the Secretary of State must take the following into account—
  - (a) the length of time for which the government of the country has not been cooperating in relation to returns;
  - (b) the extent of the lack of cooperation;
  - (c) the reasons for the lack of cooperation;
  - (d) such other matters as the Secretary of State considers appropriate.
- (5) “Visa penalty provision” is provision that does one or more of the following in relation to applications for entry clearance made by persons as nationals or citizens of a specified country—
  - (a) requires that entry clearance must not be granted pursuant to such an application before the end of a specified period;
  - (b) suspends the power to grant entry clearance pursuant to such an application;
  - (c) requires such an application to be treated as invalid for the purposes of the immigration rules;
  - (d) requires the applicant to pay £190 in connection with the making of such an application, in addition to any fee or other amount payable pursuant to any other enactment.
- (6) The Secretary of State may by regulations substitute a different amount for the amount for the time being specified in subsection (5)(d).
- (7) Before making visa penalty provision in relation to a specified country, the Secretary of State must give the government of that country reasonable notice of the proposal to do so.
- (8) The immigration rules must secure that visa penalty provision does not apply in relation to an application made before the day on which the provision comes into force.
- (9) Visa penalty provision may—
  - (a) make different provision for different purposes;
  - (b) provide for exceptions or exemptions, whether by conferring a discretion or otherwise;
  - (c) include incidental, supplementary, transitional, transitory or saving provision.
- (10) Regulations under subsection (6)—
  - (a) are subject to affirmative resolution procedure if they increase the amount for the time being specified in subsection (5)(d);
  - (b) are subject to negative resolution procedure if they decrease that amount.
- (11) Sums received by virtue of subsection (5)(d) must be paid into the Consolidated Fund.
- (12) In this section—

“cooperating in relation to returns” means cooperating as mentioned in subsection (2)(a);

“country” includes any territory outside the United Kingdom;

“entry clearance” has the same meaning as in the Immigration Act 1971 (see section 33(1) of that Act);

“facilitating returns” means facilitating the return of nationals or citizens to a country as mentioned in subsection (2)(a);

“immigration rules” means rules under section 3(2) of the Immigration Act 1971;

“specified” means specified in the immigration rules.”

**Member’s explanatory statement**

This new clause enables immigration rules to make provision penalising applicants for entry clearance from countries that are not cooperating with the United Kingdom in relation to the return of their nationals who require leave to enter or remain here but do not have it.

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Tom Pursglove

NC10

To move the following Clause—

**“Visa penalties: review and revocation**

- (1) This section applies where any visa penalty provision is in force in relation to a specified country.
- (2) The Secretary of State must, before the end of each relevant period—
  - (a) review the extent to which the country’s cooperation in relation to returns has improved, and
  - (b) in light of that review, determine whether it is appropriate to amend the visa penalty provision.
- (3) If at any time the Secretary of State is no longer of the opinion mentioned in section (*Removals from the UK: visa penalties for uncooperative countries*)(2), the Secretary of State must as soon as practicable revoke the visa penalty provision.
- (4) Each of the following is a relevant period—
  - (a) the period of 2 months beginning with the day on which the visa penalty provision came into force;
  - (b) each subsequent period of 2 months.
- (5) In this section—
  - (a) “specified country” and “visa penalty provision” have the same meanings as in section (*Removals from the UK: visa penalties for uncooperative countries*);
  - (b) “cooperation in relation to returns” means cooperation as mentioned in subsection (2)(a) of that section.”

**Member’s explanatory statement**

This new clause provides for the review of the effectiveness of visa penalty provision made in relation to an uncooperative country under NC9. It also requires the revocation of visa penalty provision if the Secretary of State concludes that the country concerned has demonstrated sufficient cooperation with the UK Government.

Tom Pursglove

NC11

To move the following Clause—

**“Special Immigration Appeals Commission**

- (1) The Special Immigration Appeals Commission Act 1997 is amended in accordance with subsections (2) to (4).
- (2) After section 2E insert—

**“2F Jurisdiction: review of certain immigration decisions**

- (1) Subsection (2) applies in relation to any decision of the Secretary of State which—
  - (a) relates to a person’s entitlement to enter, reside in or remain in the United Kingdom, or to a person’s removal from the United Kingdom,
  - (b) is not subject—
    - (i) to a right of appeal, or
    - (ii) to a right under a provision other than subsection (2) to apply to the Special Immigration Appeals Commission for the decision to be set aside, and
  - (c) is certified by the Secretary of State acting in person as a decision that was made wholly or partly in reliance on information which, in the opinion of the Secretary of State, should not be made public—
    - (i) in the interests of national security,
    - (ii) in the interests of the relationship between the United Kingdom and another country, or
    - (iii) otherwise in the public interest.
- (2) The person to whom the decision relates may apply to the Special Immigration Appeals Commission to set aside the decision.
- (3) In determining whether the decision should be set aside, the Commission must apply the principles which would be applied in judicial review proceedings.
- (4) If the Commission decides that the decision should be set aside, it may make any such order, or give any such relief, as may be made or given in judicial review proceedings.”
- (3) In section 6A (procedure in relation to jurisdiction under sections 2C to 2E)—
  - (a) in the heading, for “2E” substitute “2F”,
  - (b) in subsection (1), for “or 2E” substitute “, 2E or 2F”,
  - (c) in subsection (2)(a), for “or 2E” substitute “, 2E or 2F”, and
  - (d) in subsection (2)(b), for “or (as the case may be) 2E(2)” substitute “, 2E(2) or (as the case may be) 2F(2)”.
- (4) In section 7 (appeals from the Commission), in subsection (1A), for “or 2E” substitute “, 2E or 2F”.
- (5) If subsection (4) comes into force before the day on which paragraph 26(5) of Schedule 9 to the Immigration Act 2014 comes into force, until



that day subsection (4) has effect as if, in section 7(1A), for “or 2D” it substituted “, 2D or 2F”.

- (6) In section 115(8) of the Equality Act 2010 (immigration cases), for “section 2D and 2E” substitute “section 2D, 2E or 2F”.

**Member’s explanatory statement**

This new clause enables the Special Immigration Appeals Commission to consider applications to set aside immigration decisions where the Secretary of State certifies that information relating to the decision should not be made public on national security and other grounds.

Tom Pursglove

NC12

To move the following Clause—

**“Counter-terrorism questioning of detained entrants away from place of arrival**

- (1) Schedule 7 to the Terrorism Act 2000 (port and border controls) is amended as follows.
- (2) In paragraph 1(2) (definitions), in the definition of “ship”, after “hovercraft” insert “and any floating vessel or structure”.
- (3) In paragraph 2 (power to question person about involvement in terrorism in port or border area or on ship or aircraft), after sub-paragraph (3) insert—

“(3A) This paragraph also applies to a person if—

- (a) the person is—
  - (i) being detained under a provision of the Immigration Acts, or
  - (ii) in custody having been arrested under paragraph 17(1) of Schedule 2 to the Immigration Act 1971,
- (b) the period of 5 days beginning with the day after the day on which the person was apprehended has not yet expired, and
- (c) the examining officer believes that—
  - (i) the person arrived in the United Kingdom by sea from a place outside the United Kingdom, and
  - (ii) the person was apprehended within 24 hours of the person’s arrival on land.

(3B) For the purposes of sub-paragraph (3A)(b) and (c), a person is “apprehended”—

- (a) in a case within sub-paragraph (3A)(a)(i) where the person is arrested (and not released) before being detained as mentioned in that provision, when the person is arrested;
- (b) in any other case within sub-paragraph (3A)(a)(i), when the person is first detained as mentioned in that provision;
- (c) in a case within sub-paragraph (3A)(a)(ii), when the person is arrested as mentioned in that provision.””

**Member’s explanatory statement**

This new clause (to be inserted after clause 61) enables the power in paragraph 2 of Schedule 7 to the Terrorism Act 2000 (questioning about involvement in terrorism) to be exercised in respect of a person who has arrived in the UK by sea within the past five days and is in immigration detention. It also amends the definition of “ship” in that Schedule.

Tom Pursglove

NC19

To move the following Clause—

**“Notice of decision to deprive a person of citizenship**

- (1) In this section, “the 1981 Act” means the British Nationality Act 1981.
- (2) In section 40 of the 1981 Act (deprivation of citizenship), after subsection (5) (which requires notice to be given to a person to be deprived of citizenship) insert—
  - “(5A) Subsection (5) does not apply if it appears to the Secretary of State that—
    - (a) the Secretary of State does not have the information needed to be able to give notice under that subsection,
    - (b) it would for any other reason not be reasonably practicable to give notice under that subsection, or
    - (c) notice under that subsection should not be given—
      - (i) in the interests of national security,
      - (ii) in the interests of the relationship between the United Kingdom and another country, or
      - (iii) otherwise in the public interest.
  - (5B) In subsection (5A), references to giving notice under subsection (5) are to giving that notice in accordance with such regulations under section 41(1)(e) as for the time being apply.”
- (3) In section 40A of the 1981 Act (appeals against deprivation of citizenship), for subsection (1) substitute—
  - “(1) A person—
    - (a) who is given notice under section 40(5) of a decision to make an order in respect of the person under section 40, or
    - (b) in respect of whom an order under section 40 is made without the person having been given notice under section 40(5) of the decision to make the order,
 may appeal against the decision to the First-tier Tribunal.”
- (4) In the British Nationality (General) Regulations 2003 (S.I. 2003/548), in regulation 10 (notice of proposed deprivation of citizenship), omit paragraph (4).
- (5) A failure to comply with the duty under section 40(5) of the 1981 Act in respect of a pre-commencement deprivation order does not affect, and is to be treated as never having affected, the validity of the order.
- (6) In subsection (5), “pre-commencement deprivation order” means an order made or purportedly made under section 40 of the 1981 Act before the coming into force of subsections (2) to (4) (whether before or after the coming into force of subsection (5)).
- (7) A person may appeal against an order to which subsection (5) applies as if notice of the decision to make the order had been given to the person under section 40(5) of the 1981 Act on the day on which the order was made or purportedly made.”

**Member's explanatory statement**

This new clause (to be inserted after clause 8) provides for the disapplication of the requirement to give notice of a decision to deprive a person of citizenship in certain circumstances, and for any failure to give the required notice not to affect the validity of pre-commencement deprivations of citizenship.

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Tom Pursglove

NC20

To move the following Clause—

**“Working in United Kingdom waters: arrival and entry**

- (1) After section 11 of the Immigration Act 1971 (construction of references to entry etc) insert—

**“11A Working in United Kingdom waters**

- (1) An “offshore worker” is a person who arrives in United Kingdom waters—
- (a) for the purpose of undertaking work in those waters, and
  - (b) without first entering the United Kingdom (see, in particular, section 11(1)).
- But see subsection (6).
- (2) An offshore worker arrives in the United Kingdom for the purposes of this Act when they arrive in United Kingdom waters as mentioned in subsection (1)(a).
- (3) An offshore worker enters the United Kingdom for the purposes of this Act when they commence working in United Kingdom waters.
- (4) Any reference in, or in a provision made under, the Immigration Acts to a person arriving in or entering the United Kingdom, however expressed, is to be read as including a reference to an offshore worker arriving in or entering the United Kingdom as provided for in subsection (2) or (3).
- (5) References in this section to work, or to a person working, are to be read in accordance with section 24B(10).
- (6) A person is not an offshore worker if they arrive in United Kingdom waters while working as a member of the crew of a ship that is—
- (a) exercising the right of innocent passage through the territorial sea or the right of transit passage through straits used for international navigation, or
  - (b) passing through United Kingdom waters from non-UK waters to a place in the United Kingdom or vice versa.
- (7) For the purposes of any provision of, or made under, the Immigration Acts, a person working in United Kingdom waters who, in connection with that work, temporarily enters non-UK waters is not to be treated by virtue of doing so as leaving, or being outside, the United Kingdom.
- (8) In this section—

“non-UK waters” means the sea beyond the seaward limits of the territorial sea; “right of innocent passage”, “right of transit passage” and “straits used for international navigation” are to be read in accordance with the United Nations

Convention on the Law of the Sea 1982 (Cmnd 8941) and any modifications of that Convention agreed after the passing of the Nationality and Borders Act 2021 that have entered into force in relation to the United Kingdom;

“the territorial sea” means the territorial sea adjacent to the United Kingdom;

“United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea.

### **11B Offshore workers: requirements to notify arrival and entry dates etc**

- (1) The Secretary of State may by regulations make provision for and in connection with requiring—
    - (a) an offshore worker, or
    - (b) if an offshore worker has one, their sponsor;to give notice to the Secretary of State or an immigration officer of the dates on which the offshore worker arrives in, enters and leaves the United Kingdom.
  - (2) The regulations may make provision for the failure of an offshore worker to comply with a requirement imposed under the regulations to be a ground for—
    - (a) the cancellation or variation of their leave to enter or remain in the United Kingdom;
    - (b) refusing them leave to enter or remain in the United Kingdom.
  - (3) The failure of an offshore worker’s sponsor to comply with a requirement imposed under the regulations may be taken into account by the Secretary of State when operating immigration skills arrangements made with the sponsor.
  - (4) Regulations under this section—
    - (a) are to be made by statutory instrument;
    - (b) may make different provision for different cases;
    - (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision.
  - (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
  - (6) For the purposes of this section—
    - (a) “offshore worker” and “United Kingdom waters” have the same meaning as in section 11A;
    - (b) a person is an offshore worker’s “sponsor” if they have made immigration skills arrangements with the Secretary of State in relation to the offshore worker;
    - (c) “immigration skills arrangements” has the meaning given by section 70A(2) of the Immigration Act 2014.”
- (2) Schedule (*Working in United Kingdom waters: consequential and related amendments*) makes consequential and related amendments.”

**Member's explanatory statement**

This new clause ensures that a person who would require leave to enter the United Kingdom also requires leave to enter the internal waters or territorial sea of the United Kingdom where their purpose in doing so is to work.

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Tom Pursglove

NC21

To move the following Clause—

**“Electronic travel authorisations**

- (1) The Immigration Act 1971 is amended in accordance with subsections (2) to (4).
- (2) After Part 1 insert—

**“PART 1A**

## ELECTRONIC TRAVEL AUTHORISATIONS

**11C Electronic travel authorisations**

- (1) In this Act, “an ETA” means an authorisation in electronic form to travel to the United Kingdom.
- (2) Immigration rules may require an individual of a description specified in the rules not to travel to the United Kingdom from any place (including a place in the common travel area), whether with a view to entering the United Kingdom or to passing through it without entering, unless the individual has an ETA that is valid for the individual's journey to the United Kingdom.
- (3) The rules may not impose this requirement on an individual if—
  - (a) the individual is a British citizen, or
  - (b) the individual would, on arrival in the United Kingdom, be entitled to enter without leave.
- (4) In relation to an individual travelling to the United Kingdom on a local journey from a place in the common travel area, subsection (3)(b) applies only if the individual would also be entitled to enter without leave if the journey were instead from a place outside the common travel area.
- (5) The rules may impose the requirement mentioned in subsection (2) on an individual who—
  - (a) travels to the United Kingdom on a local journey from a place in any of the Islands, and
  - (b) has leave to enter or remain in that island,
 only if it appears to the Secretary of State necessary to do so by reason of differences between the immigration laws of the United Kingdom and that island.
- (6) The rules must—
  - (a) provide for the form or manner in which an application for an ETA may be made, granted or refused;
  - (b) specify the conditions (if any) which must be met before an application for an ETA may be granted;

- (c) specify the grounds on which an application for an ETA must or may be refused;
  - (d) specify the criteria to be applied in determining—
    - (i) the period for which an ETA is valid;
    - (ii) the number of journeys to the United Kingdom during that period for which it is valid (which may be unlimited);
  - (e) require an ETA to include provision setting out the matters mentioned in paragraph (d)(i) and (ii);
  - (f) provide for the form or manner in which an ETA may be varied or cancelled;
  - (g) specify the grounds on which an ETA must or may be varied or cancelled.
- (7) The rules may also—
- (a) provide for exceptions to the requirement described in subsection (2), and
  - (b) make other provision relating to ETAs.
- (8) Rules made by virtue of this section may make different provision for different cases or descriptions of case.

#### **11D Electronic travel authorisations and the Islands**

- (1) The Secretary of State may by regulations make provision about the effects in the United Kingdom of the grant or refusal under the law of any of the Islands of an authorisation in electronic form to travel to that island.
- (2) Regulations under subsection (1) may in particular make provision about—
- (a) the recognition in the United Kingdom of an authorisation granted as mentioned in subsection (1);
  - (b) the conditions or limitations that are to apply in the United Kingdom to such an authorisation;
  - (c) the effects in the United Kingdom of such an authorisation being varied or cancelled under the law of any of the Islands;
  - (d) the circumstances in which the Secretary of State or an immigration officer may vary or cancel such an authorisation (so far as it applies in the United Kingdom).
- (3) The Secretary of State may, where requested to do so by any of the Islands, carry out functions on behalf of that island in relation to the granting of authorisations in electronic form to travel to that island.
- (4) Regulations under subsection (1)—
- (a) may make provision modifying the effect of any provision of, or made under, this Act or any other enactment (whenever passed or made);
  - (b) may make different provision for different purposes;
  - (c) may make transitional, transitory or saving provision;

- (d) may make incidental, supplementary or consequential provision.
- (5) Regulations under subsection (1) are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament."
- (3) In section 24A (deception), in subsection (1)(a)—
- (a) after "obtain" insert "— (i)";
  - (b) after "Kingdom" insert ", or  
(ii) an ETA".
- (4) In section 33 (interpretation), in subsection (1), at the appropriate place insert—
- "an ETA" has the meaning given by section 11C;"
- (5) In section 82 of the Immigration and Asylum Act 1999 (interpretation of Part 5, which relates to immigration advisers and immigration service providers), in subsection (1), in the definition of "relevant matters", after paragraph (a) insert—
- "(aa) an application for an ETA (within the meaning of section 11C of the Immigration Act 1971 (electronic travel authorisations));"
- (6) In section 126 of the Nationality, Immigration and Asylum Act 2002 (compulsory provision of physical data), in subsection (2), before paragraph (a) insert—
- "(za) an ETA (within the meaning of section 11C of the Immigration Act 1971 (electronic travel authorisations)),"."

#### **Member's explanatory statement**

This new clause relates to electronic travel authorisations (ETAs). New section 11C of the Immigration Act 1971 provides for immigration rules to require a person not to travel to the United Kingdom without an ETA. New section 11D relates to the Channel Islands and the Isle of Man.

Tom Pursglove

NC22

To move the following Clause—

#### **"Liability of carriers**

- (1) Section 40 of the Immigration and Asylum Act 1999 (liability of carriers in respect of passengers) is amended in accordance with subsections (2) to (8).
- (2) For subsection (1) substitute—
- "(1) The Secretary of State may charge the owner of a ship or aircraft the sum of £2,000 where—
- (a) an individual who would not, on arrival in the United Kingdom, be entitled to enter without leave arrives by travelling on the ship or aircraft, and

- (b) at least one of the Cases set out in subsections (1A) to (1C) applies.
- (1A) Case 1 is where, on being required to do so by an immigration officer, the individual fails to produce an immigration document which is valid and which satisfactorily establishes the individual's identity and the individual's nationality or citizenship.
- (1B) Case 2 is where—
- (a) the individual requires an entry clearance,
  - (b) an entry clearance in electronic form of the required kind has not been granted, and
  - (c) if required to do so by an immigration officer, the individual fails to produce an entry clearance in documentary form of the required kind.
- (1C) Case 3 is where—
- (a) the individual was required not to travel to the United Kingdom unless the individual had an authorisation in electronic form ("an ETA") under immigration rules made by virtue of section 11C of the Immigration Act 1971 that was valid for the individual's journey to the United Kingdom, and
  - (b) the individual did not have such an ETA."
- (3) Omit subsection (2).
- (4) In subsection (4), for the words from "No charge" to "documents" substitute "No charge shall be payable on the basis that Case 1 applies in respect of any individual if the owner provides evidence that the individual produced an immigration document of the kind mentioned in subsection (1A)".
- (5) After subsection (4) insert—
- "(4A) No charge shall be payable on the basis that Case 2 applies in respect of any individual if the owner provides evidence that—
- (a) the individual produced an entry clearance in documentary form of the required kind to the owner or an employee or agent of the owner when embarking on the ship or aircraft for the voyage or flight to the United Kingdom,
  - (b) the owner or an employee or agent of the owner reasonably believed, on the basis of information provided by the Secretary of State in respect of the individual, that the individual did not require an entry clearance of the kind in question,
  - (c) the owner or an employee or agent of the owner reasonably believed, on the basis of information provided by the Secretary of State, that an entry clearance in electronic form of the required kind had been granted, or
  - (d) the owner or an employee or agent of the owner was unable to establish whether an entry clearance in electronic form of the required kind had been granted in respect of the individual and had a reasonable excuse for being unable to do so.



- (4B) No charge shall be payable on the basis that Case 3 applies in respect of any individual if the owner provides evidence that the owner or an employee or agent of the owner—
- (a) reasonably believed, on the basis of information provided by the Secretary of State in respect of the individual, that the individual was not required to have an ETA that was valid for the individual's journey to the United Kingdom,
  - (b) reasonably believed, on the basis of information provided by the Secretary of State, that the individual had such an ETA, or
  - (c) was unable to establish whether the individual had such an ETA and had a reasonable excuse for being unable to do so."
- (6) In subsection (5), for "subsection (4)" substitute "subsection (4) or (4A)(a)".
- (7) In subsection (6), for "a visa", in the first two places it occurs, substitute "an entry clearance".
- (8) In subsection (10), for "subsection (2)" substitute "subsection (1)".
- (9) In consequence of the amendments made by this section—
- (a) for the heading of section 40 of the Immigration and Asylum Act 1999 substitute "Charge in respect of individual without proper documents or authorisation";
  - (b) for the italic heading before section 40 of that Act substitute "Individuals without proper documents or authorisation"."

#### Member's explanatory statement

This new clause relates to the liability of carriers. It modifies when the owner of a ship or aircraft is liable to pay a charge where an individual without leave to enter arrives in the United Kingdom on the ship or aircraft without proper documents or authorisation.

Tom Pursglove

NC28

★ To move the following Clause—

#### "Removals: notice requirements

- (1) Section 10 of the Immigration and Asylum Act 1999 (removal of persons unlawfully in the United Kingdom) is amended as set out in subsections (2) to (6).
- (2) In subsection (1)—
  - (a) for "may be removed" substitute "is liable to removal";
  - (b) omit "under the authority of the Secretary of State or an immigration officer".
- (3) For subsection (2) substitute—
 

"(2) Where a person ("P") is liable to removal, or has been removed, from the United Kingdom under this section, a member of P's family who meets the following three conditions is also liable to removal from the United Kingdom, provided that the Secretary of State or an immigration officer has given the family member written notice of the fact that they are liable to removal."

(4) After subsection (6) insert—

“(6A)A person who is liable to removal from the United Kingdom under this section may be removed only under the authority of the Secretary of State or an immigration officer and in accordance with sections 10A to 10E.”

(5) In subsection (7), for “subsection (1) or (2)” substitute “this section”.

(6) In subsection (10)—

- (a) in paragraph (a), for “subsection (2)” substitute “this section”;
- (b) in paragraph (b), at the end insert “or sections 10A to 10E”.

(7) After that section insert—

**“10A Removal: general notice requirements**

(1) This section applies to a person who is liable to removal under section 10; but see sections 10C to 10E for the circumstances in which such a person may be removed otherwise than in accordance with this section.

(2) The person may be removed if—

- (a) the Secretary of State or an immigration officer has given the person—
  - (i) a notice of intention to remove (see subsection (3)), and
  - (ii) a notice of departure details (see subsection (4)), and
- (b) any notice period has expired.

(3) A notice of intention to remove is a written notice which—

- (a) states that the person is to be removed,
- (b) sets out the notice period, (see subsection (7)), and
- (c) states the destination to which the person is to be removed.

(4) A notice of departure details under this section is a written notice which—

- (a) states the date on which the person is to be removed,
- (b) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination, and
- (c) if subsection (6) applies, sets out the notice period (see subsection (7)).

(5) The notice of intention to remove and the notice of departure details may be combined.

(6) This subsection applies if the notice of departure details states, under subsection (4)(b)—

- (a) a destination which is different to the destination stated under subsection (3)(c) in the notice of intention to remove, or
- (b) any stops that were not stated in the notice of intention to remove, other than a stop in—
  - (i) the United Kingdom, or

- (ii) a country that is for the time being specified in Part 2 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants etc) Act 2004.
- (7) The notice period must be no shorter than the period of five working days beginning with the day after the day on which the person is given the notice.
  - (8) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section.
  - (9) This section is subject to section 10B (failed removals).
  - (10) In this section “working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom where the person is when they are given the notice.

### **10B Failed removals**

- (1) This section applies where as a result of matters reasonably beyond the control of the Secretary of State, such as—
  - (a) adverse weather conditions,
  - (b) technical faults or other issues causing delays to transport, or
  - (c) disruption by the person to be removed or others,a person is not removed from the United Kingdom on the date stated in a notice of departure details under section 10A (“the original notice”).
- (2) The person may be removed from the United Kingdom if—
  - (a) the Secretary of State or an immigration officer has given the person a notice of departure details (see subsection (3)), and
  - (b) they are removed before the end of the period of 21 days beginning with the date stated in the original notice.
- (3) A notice of departure details under this section is a written notice which—
  - (a) states the date on which the person is to be removed, and
  - (b) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination.
- (4) But this section does not apply if the notice under subsection (3) states, under subsection (3)(b)—
  - (a) a destination which is different to the destination stated in the original notice, or
  - (b) any stops that were not stated in the original notice, other than a stop in—
    - (i) the United Kingdom, or
    - (ii) a country that is for the time being specified in Part 2 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants etc) Act 2004.
- (5) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section.

**10C Removal: notice requirements in port cases**

- (1) This section applies to a person who is liable to removal under section 10 if the person was refused leave to enter upon their arrival in the United Kingdom.
- (2) The person may be removed if—
  - (a) the Secretary of State or an immigration officer has given the person a notice of departure details under this section which—
    - (i) states the date on which the person is to be removed, and
    - (ii) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination, and
  - (b) the date stated under paragraph (a)(i) is a date before the end of the period of seven days beginning with the day after the day on which the person was refused leave to enter.
- (3) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section.

**10D Removal: PRN recipients**

- (1) This section applies to a person who is liable to removal under section 10 and is a PRN recipient.
- (2) If the person does not make a protection claim or a human rights claim before the PRN cut-off date, the person may be removed from the United Kingdom if—
  - (a) the Secretary of State or an immigration officer has given the person a notice of departure details (see subsection (4)), and
  - (b) they are removed before the end of the period of 21 days beginning with the day after the PRN cut-off date.
- (3) If the PRN recipient makes a protection claim or a human rights claim, the person may be removed from the United Kingdom if—
  - (a) the Secretary of State or an immigration officer has given the person a notice of departure details (see subsection (4)),
  - (b) their appeal rights are exhausted, and
  - (c) they are removed before the end of the period of 21 days beginning with the day after the date on which their appeal rights are exhausted;and for the purposes of this subsection, whether a PRN recipient's appeal rights are exhausted is to be determined in accordance with section 19(2) of the Nationality and Borders Act 2021 (and see, in particular, section 82A of the Nationality, Immigration and Asylum Act 2002).
- (4) A notice of departure details under this section is a written notice which—
  - (a) states the date on which the person is to be removed,

- (b) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination.
- (5) But this section does not apply unless the priority removal notice stated—
- (a) a destination to which the person is to be removed which is the same as the destination stated in the notice of departure details under subsection (4)(b), and
  - (b) stops, other than stops falling within subsection (6), that are expected to be made on the way to that destination which are the same as those stated in the notice of departure details under subsection (4)(b).
- (6) A stop falls within this subsection if it is a stop in—
- (a) the United Kingdom, or
  - (b) a country that is for the time being specified in Part 2 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants etc) Act 2004.
- (7) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section.
- (8) For the purposes of this section and section 10E—
- “priority removal notice”, “PRN recipient” and “PRN cut-off date” have the same meaning as in section 18 of the Nationality and Borders Act 2021;
- “protection claim” and “human rights claim” have the same meaning as in Part 5 of the Nationality, Immigration and Asylum Act 2002.

#### **10E Removal: judicial review**

- (1) This section applies to a person (whether or not they are a PRN recipient) who is liable to removal under section 10 where—
- (a) the person has made an application for judicial review or (in Scotland) an application to the supervisory jurisdiction of the Court of Session, relating to their removal, and
  - (b) a court or tribunal has made a decision the effect of which is that the person may be removed from the United Kingdom.
- (2) The person may be removed from the United Kingdom if—
- (a) the Secretary of State or an immigration officer has given the person a notice of departure details (see subsection (3)), and
  - (b) they are removed before the end of the period of 21 days beginning with the day after the day on which the court or tribunal made the decision mentioned in subsection (1)(b).
- (3) A notice of departure details under this section is a written notice which—
- (a) states the date on which the person is to be removed,

- (b) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination.
- (4) But this section does not apply unless the person has received a priority removal notice or a notice of intention to remove under section 10A(3) which stated—
  - (a) a destination to which the person is to be removed which is the same as the destination stated in the notice of departure details under subsection (3)(b), and
  - (b) stops, other than stops falling within subsection (5), that are expected to be made on the way to that destination which are the same as those stated in the notice of departure details under subsection (3)(b).
- (5) A stop falls within this subsection if it is a stop in—
  - (a) the United Kingdom, or
  - (b) a country that is for the time being specified in Part 2 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants etc) Act 2004.
- (6) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section."
- (8) In Schedule 10 to the Immigration Act 2016 (immigration bail), in paragraph 3(4) (bail not to be granted to person subject to removal directions without consent of Secretary of State), in paragraph (b) for "14" substitute "21"."

**Member's explanatory statement**

This new clause sets out the requirements for notice to be given to people who are liable to removal from the United Kingdom.

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Tom Pursglove

NC29

★ To move the following Clause—

**"Interpretation of Part etc**

- (1) In this Part, "age-disputed person" means a person—
  - (a) who requires leave to enter or remain in the United Kingdom (whether or not such leave has been given), and
  - (b) in relation to whom—
    - (i) a local authority,
    - (ii) a public authority specified in regulations under section *(Persons subject to immigration control: referral or assessment by local authority etc)*(1)(b), or
    - (iii) the Secretary of State,
 has insufficient evidence to be sure of their age.

(2) In this Part—

“decision-maker” means a person who conducts an age assessment under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*);

“designated person” means an official of the Secretary of State who is designated by the Secretary of State to conduct age assessments under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*);

“immigration functions” means functions exercisable by virtue of the Immigration Acts;

“immigration officer” means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;

“local authority”—

- (a) in relation to England and Wales, means a local authority within the meaning of the Children Act 1989 (see section 105(1) of that Act),
- (b) in relation to Scotland, means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994, and
- (c) in relation to Northern Ireland, means a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1));

“public authority” means a public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal;

“specified scientific method” means a method used for assessing a person’s age which is specified in regulations under section (*Use of scientific methods in age assessments*)(1).

(3) In this Part, “relevant children’s legislation” means—

- (a) in relation to a local authority in England, any provision of or made under Part 3, 4 or 5 of the Children Act 1989 (support for children and families; care and supervision; protection of children);
- (b) in relation to a local authority in Wales, Scotland or Northern Ireland, any statutory provision (including a provision passed or made after the coming into force of this Part) that confers a corresponding function on such an authority.

(4) In subsection (3)—

“corresponding function” means a function that corresponds to a function conferred on a local authority in England by or under Part 3, 4 or 5 of the Children Act 1989;

“statutory provision” means a provision made by or under—

- (a) an Act,
  - (b) an Act of the Scottish Parliament,
  - (c) an Act or Measure of Senedd Cymru, or
  - (d) Northern Ireland legislation.
- (5) In section 94 of the Immigration and Asylum Act 1999 (support for asylum-seekers: interpretation), for subsection (7) substitute—

“(7) For further provision as to the conduct of age assessments, which applies for the purposes of this Part, see Part 3A of the Nationality and Borders Act 2021.””

#### **Member’s explanatory statement**

This new clause, together with amendments NC30 to NC37, will form a new Part (to be inserted between Parts 3 and 4) on age assessments. This clause defines various terms used in the new Part, in particular the term “age-disputed person”, which governs the persons to whom the provisions on age assessments will apply.

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Tom Pursglove

NC30

★ To move the following Clause—

#### **“Persons subject to immigration control: referral or assessment by local authority etc**

- (1) The following authorities may refer an age-disputed person to a designated person for an age assessment under this section—
- (a) a local authority;
  - (b) a public authority specified in regulations made by the Secretary of State.
- (2) Subsections (3) and (4) apply where—
- (a) a local authority needs to know the age of an age-disputed person for the purposes of deciding whether or how to exercise any of its functions under relevant children’s legislation in relation to the person, or
  - (b) the Secretary of State notifies a local authority in writing that the Secretary of State doubts that an age-disputed person in relation to whom the local authority has exercised or may exercise functions under relevant children’s legislation is the age that they claim (or are claimed) to be.
- (3) The local authority must—
- (a) refer the age-disputed person to a designated person for an age assessment under this section,
  - (b) conduct an age assessment on the age-disputed person itself and inform the Secretary of State in writing of the result of its assessment, or
  - (c) inform the Secretary of State in writing that it is satisfied that the person is the age they claim (or are claimed) to be, without the need for an age assessment.



- (4) Where a local authority—
- (a) conducts an age assessment itself, or
  - (b) informs the Secretary of State that it is satisfied that an age-disputed person is the age they claim (or are claimed) to be,
- it must, on request from the Secretary of State, provide the Secretary of State with such evidence as the Secretary of State reasonably requires for the Secretary of State to consider the local authority's decision under subsection (3)(b) or (c).
- (5) Where a local authority refers an age-disputed person to a designated person for an age assessment under subsection (1) or (3)(a), the local authority must provide any assistance that the designated person reasonably requires from the authority for the purposes of conducting that assessment.
- (6) The standard of proof for an age assessment under this section is the balance of probabilities.
- (7) An age assessment of an age-disputed person conducted by a designated person following a referral from a local authority under subsection (1) or (3)(a) is binding—
- (a) on the Secretary of State and immigration officers when exercising immigration functions, and
  - (b) on a local authority that—
    - (i) has exercised or may exercise functions under relevant children's legislation in relation to the age-disputed person, and
    - (ii) is aware of the age assessment conducted by the designated person.
- But this is subject to section (*Appeals relating to age assessments*)(5) (decision of Tribunal to be binding on Secretary of State and local authorities) and section (*New information following age assessment or appeal*) (new information following age assessment or appeal).
- (8) Regulations under subsection (1)(b) are subject to negative resolution procedure."

**Member's explanatory statement**

This new clause will allow the National Age Assessment Board (whose officials will be "designated persons") to conduct age assessments on age-disputed persons following referral from a local authority or other public authority, and makes provision as to when local authorities are under a duty to refer such persons to the NAAB or conduct their own assessment.

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Tom Pursglove

NC31

★ To move the following Clause—

**"Persons subject to immigration control: assessment for immigration purposes**

- (1) A designated person may conduct an age assessment on an age-disputed person for the purposes of deciding whether or how the Secretary of

State or an immigration officer should exercise any immigration functions in relation to the person.

- (2) An assessment under subsection (1) may be conducted—
- (a) in a case where subsections (3) and (4) of section (*Persons subject to immigration control: referral or assessment by local authority etc*) do not apply, or
  - (b) in a case where those subsections do apply—
    - (i) at any time before a local authority has referred the age-disputed person to a designated person under section (*Persons subject to immigration control: referral or assessment by local authority etc*) (3)(a) or has informed the Secretary of State as mentioned in subsection (3)(b) or (c) of that section, or
    - (ii) if the Secretary of State has reason to doubt a local authority's decision under subsection (3)(b) or (c) of that section.
- (3) An age assessment under this section is binding on the Secretary of State and immigration officers when exercising immigration functions.
- But this is subject to section (*Appeals relating to age assessments*)(5) (decision of Tribunal to be binding on Secretary of State and local authorities) and section (*New information following age assessment or appeal*) (new information following age assessment or appeal).
- (4) The standard of proof for an age assessment under this section is the balance of probabilities."

#### **Member's explanatory statement**

This new clause will allow the National Age Assessment Board (whose officials will be "designated persons") to conduct age assessments on age-disputed persons for immigration purposes, either where no referral has been made or where it disagrees with the local authority's assessment.

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Tom Pursglove

NC32

★ To move the following Clause—

#### **"Use of scientific methods in age assessments**

- (1) The Secretary of State may make regulations specifying scientific methods that may be used for the purposes of age assessments under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*).
- (2) The types of scientific method that may be specified include methods involving—
  - (a) examining or measuring parts of a person's body, including by the use of imaging technology;
  - (b) the analysis of saliva, cell or other samples taken from a person (including the analysis of DNA in the samples).

- (3) A method may not be specified in regulations under subsection (1) unless the Secretary of State determines, after having sought scientific advice, that the method is appropriate for assessing a person's age.
- (4) A specified scientific method may be used for the purposes of an age assessment under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*) only if the appropriate consent is given.
- (5) The appropriate consent is—
  - (a) where the age-disputed person has the capacity to consent to the use of the scientific method in question, their consent;
  - (b) where the age-disputed person does not have the capacity to consent to the use of the scientific method in question, the consent of—
    - (i) the person's parent or guardian, or
    - (ii) another person, of a description specified in regulations made by the Secretary of State, who is able to give consent on behalf of the age-disputed person.
- (6) Subsection (7) applies where—
  - (a) the age-disputed person or, in a case where the age-disputed person lacks capacity, a person mentioned in subsection (5)(b), decides not to consent to the use of a specified scientific method, and
  - (b) there are no reasonable grounds for that decision.
- (7) In deciding whether to believe any statement made by or on behalf of the age-disputed person that is relevant to the assessment of their age, the decision-maker must take into account, as damaging the age-disputed person's credibility (or the credibility of a person who has made a statement on their behalf), the decision not to consent to the use of the specified scientific method.
- (8) Regulations under this section are subject to affirmative resolution procedure.
- (9) This section does not prevent the use of a scientific method that is not a specified scientific method for the purposes of an age assessment under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*) if the decision-maker considers it appropriate to do so and, where necessary, the appropriate consent is given."

**Member's explanatory statement**

This new clause provides for use of scientific methods in age assessments. If a person refuses to consent to a method specified in regulations, this may damage their credibility. Before a method can be specified, it must be considered appropriate, on the basis of scientific advice. Other (non-specified) scientific methods may be used in appropriate circumstances, but failure to consent to those would not affect credibility.

Tom Pursglove

NC33

★ To move the following Clause—

**“Regulations about age assessments**

- (1) The Secretary of State may make regulations about age assessments under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*), which may in particular include provision about—
  - (a) the processes to be followed, including—
    - (i) the information and evidence that must be considered and the weight to be given to it,
    - (ii) the circumstances in which an abbreviated age assessment may be appropriate,
    - (iii) protections or safeguarding measures for the age-disputed person, and
    - (iv) where consent is required for the use of a specified scientific method, the processes for assessing a person’s capacity to consent, for seeking consent and for recording the decision on consent;
  - (b) the qualifications or experience necessary for a person to conduct an age assessment;
  - (c) where an age assessment includes use of specified scientific methods—
    - (i) the qualifications or experience necessary for a person to conduct tests in accordance with those methods, and
    - (ii) the settings in which such tests must be carried out;
  - (d) the content and distribution of reports on age assessments;
  - (e) the communication of decisions to the age-disputed person and any other person affected by the decision, and notification of appeal rights (see section (*Appeals relating to age assessments*)); and
  - (f) the consequences of a lack of co-operation with the assessment by the age-disputed person, which may include damage to the person’s credibility.
- (2) The regulations may also include provision about—
  - (a) referrals under section (*Persons subject to immigration control: referral or assessment by local authority etc*)(1) or (3)(a), including the process for making such a referral and about the withdrawal of a referral;
  - (b) how and when a local authority must inform the Secretary of State as mentioned in section (*Persons subject to immigration control: referral or assessment by local authority etc*)(3)(b) and (c);
  - (c) evidence that the Secretary of State may require as mentioned in section (*Persons subject to immigration control: referral or assessment by local authority etc*)(4).

- (3) Regulations under this section are subject to affirmative resolution procedure.”

**Member’s explanatory statement**

This new clause enables the Secretary of State to make regulations about how age assessments under amendments NC30 and NC31 must be conducted. Once such regulations have been made, all such assessments must be conducted in accordance with them.

Tom Pursglove

NC34

★ To move the following Clause—

**“Appeals relating to age assessments**

- (1) This section applies if—
- (a) an age assessment is conducted on an age-disputed person (“P”) under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*), and
  - (b) the decision-maker decides that P is an age other than the age that P claims (or is claimed) to be.
- (2) P may appeal to the First-tier Tribunal against the decision-maker’s decision.
- (3) On the appeal, the Tribunal must—
- (a) determine P’s age on the balance of probabilities, and
  - (b) assign a date of birth to P.
- (4) In making the determination, the Tribunal may consider any matter which it thinks relevant, including—
- (a) any matter of which the decision-maker was unaware, and
  - (b) any matter arising after the date of the decision appealed against.
- (5) A determination on an appeal under subsection (2) is binding—
- (a) on the Secretary of State and immigration officers when exercising immigration functions in relation to P, and
  - (b) on a local authority that has exercised or may exercise functions under relevant children’s legislation in relation to P.
- (6) This section is subject to—
- (a) section (*Appeals relating to age assessments: supplementary*) (*appeals relating to age assessments: supplementary*), and
  - (b) section (*New information following age assessment or appeal*) (*new information following age assessment or appeal*).”

**Member’s explanatory statement**

This new clause provides a right of appeal to the First-tier Tribunal against an age assessment conducted by the NAAB or a local authority.

Tom Pursglove

NC35

★ To move the following Clause—

**“Appeals relating to age assessments: supplementary**

- (1) This section applies to an appeal under section (*Appeals relating to age assessments*)(2).
- (2) The appeal must be brought from within the United Kingdom.
- (3) If the person who brings the appeal leaves the United Kingdom before the appeal is finally determined, the appeal is to be treated as abandoned.
- (4) The person who brings the appeal may make an application to the First-tier Tribunal for an order that, until the appeal is finally determined, withdrawn or abandoned, the local authority must exercise its functions under relevant children’s legislation in relation to the person on the basis that they are the age that they claim (or are claimed) to be.
- (5) Subsection (6) applies if it is alleged—
  - (a) that a document relied on by a party to an appeal is a forgery, and
  - (b) that disclosure to that party of a matter relating to the detection of the forgery would be contrary to the public interest.
- (6) The First-tier Tribunal—
  - (a) must investigate the allegation in private, and
  - (b) may proceed in private so far as necessary to prevent disclosure of the matter referred to in subsection (5)(b).
- (7) Subsection (8) applies in relation to—
  - (a) proceedings on an appeal, and
  - (b) proceedings in the Upper Tribunal arising out of proceedings within paragraph (a).
- (8) Practice directions under section 23 of the Tribunals, Courts and Enforcement Act 2007 may require the First-tier Tribunal or the Upper Tribunal to treat a specified decision of the First-tier Tribunal or the Upper Tribunal as authoritative in respect of a particular matter.
- (9) For the purposes of this Part an appeal is not finally determined if—
  - (a) an application for permission to appeal under section 11, 13 or 14B of the Tribunals, Courts and Enforcement Act 2007 could be made (ignoring any possibility of an application out of time) or is awaiting determination,
  - (b) an application for permission to appeal to the Supreme Court from—
    - (i) the Court of Appeal in England and Wales,
    - (ii) the Court of Session, or
    - (iii) the Court of Appeal in Northern Ireland,could be made (ignoring any possibility of an application out of time) or is awaiting determination,

- (c) permission to appeal of the kind mentioned in paragraph (a) or (b) has been granted and the appeal is awaiting determination, or
- (d) an appeal has been remitted under section 12 or 14 of the Tribunals, Courts and Enforcement Act 2007, or by the Supreme Court, and is awaiting determination.”

**Member’s explanatory statement**

This new clause makes procedural provision about appeals against age assessments, including providing a power for the First-tier Tribunal to grant interim relief.

Tom Pursglove

NC36

★ To move the following Clause—

**“New information following age assessment or appeal**

- (1) This section applies where—
  - (a) an age assessment has been conducted on an age-disputed person (“P”) under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*),
  - (b) an appeal under section (*Appeals relating to age assessments*)(2) could no longer be brought (ignoring any possibility of an appeal out of time) or has been finally determined, and
  - (c) the decision-maker becomes aware of new information relating to P’s age.
- (2) In this section, the age assessment referred to in subsection (1)(a) is referred to as the “first age assessment”.
- (3) In a case where the first age assessment was conducted by a designated person, they must—
  - (a) decide whether the new information is significant new evidence, and
  - (b) if they decide that it is, conduct a further age assessment on P.
- (4) In a case where the first age assessment was conducted by a local authority, it must—
  - (a) decide whether the new information is significant new evidence or refer the new information to a designated person for a decision on that matter, and
  - (b) if it is decided that the new information is significant new evidence—
    - (i) conduct a further age assessment on P, or
    - (ii) refer P to a designated person for a further age assessment.
- (5) For the purposes of subsections (3) and (4), new information is “significant new evidence” if there is a realistic prospect that, if a further age assessment were to be conducted on P, taking into account the new

information, P's age would be assessed as different from the age determined in the first age assessment or in the appeal proceedings.

- (6) A further age assessment conducted by a designated person under subsection (3) or (4)(b)(ii) is to be treated—
- (a) in a case where the first age assessment was conducted under section (*Persons subject to immigration control: referral or assessment by local authority etc*), as an age assessment conducted by the designated person following a referral under subsection (3)(a) of that section;
  - (b) in a case where the first age assessment was conducted under section (*Persons subject to immigration control: assessment for immigration purposes*), as an age assessment conducted under that section.
- (7) A further age assessment conducted by a local authority under subsection (4)(b)(i) is to be treated as an age assessment conducted by a local authority under section (*Persons subject to immigration control: referral or assessment by local authority etc*)(3)(b).
- (8) A person conducting a further age assessment under this section does not need to revisit matters that were considered in the first age assessment if they do not think it is necessary to do so."

#### **Member's explanatory statement**

This new clause makes provision about the situation where new information comes to light after an age assessment or an appeal, allowing the decision-maker conduct a further assessment (which would be subject to further appeal) if the information appears compelling.

Tom Pursglove

NC37

★ To move the following Clause—

#### **"Legal aid for appeals**

- (1) Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services) is amended as follows.
- (2) In Part 1 (services) after paragraph 31A insert—

*"Appeals relating to age assessments under the Nationality and Borders Act 2021*

31B (1) Civil legal services provided in relation to—

- (a) an appeal under section (*Appeals relating to age assessments*)(2) of the Nationality and Borders Act 2021 (appeals relating to age assessments),
- (b) an application for an order under section (*Appeals relating to age assessments: supplementary*)(4) of that Act (order for support to be provided pending final determination of appeal), and
- (c) an appeal to the Upper Tribunal, Court of Appeal or Supreme Court relating to an appeal within paragraph (a) or an application within paragraph (b).

#### *Exclusions*

- (2) Sub-paragraph (1) is subject to the exclusions in Part 2 and 3 of this Schedule."



- (3) In Part 3 (advocacy: exclusions and exceptions), in paragraph 13 (advocacy in proceedings in the First-tier Tribunal), after “31A,” insert “31B,.”

**Member’s explanatory statement**

This new clause will enable a person appealing against a decision on an age assessment to get legal aid for their appeal.

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Bambos Charalambous  
Holly Lynch

NC1

To move the following Clause—

**“Afghan Citizens Resettlement Scheme**

- (1) The Secretary of State must make regulations setting out the terms of a resettlement scheme for Afghan citizens known as the Afghan Citizens Resettlement Scheme (“ACRS”).
- (2) The ACRS will not place any limit on the number of Afghan citizens who may be resettled in the first year of operation of the ACRS.
- (3) Regulations under this section must be made and the ACRS must come into force within 30 days from the date of Royal Assent to this Act.”

**Member’s explanatory statement**

This new clause will place the Afghan Citizens Resettlement Scheme on a statutory footing and lift the 5,000 limit on the scheme.

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Bambos Charalambous  
Holly Lynch

NC2

To move the following Clause—

**“Dispersal policy and asylum accommodation arrangements**

- (1) The Secretary of State must make regulations—
  - (a) ensuring that the proportion of supported asylum seekers accommodated in each government region will reflect each region’s share of the United Kingdom population; and
  - (b) requiring each Local Authority to accommodate a share of supported asylum seekers, with the share of supported asylum seekers to be agreed between the local authorities in each government region.
- (2) To the extent that the implementation of these regulations results in additional expenditure by a local authority in the United Kingdom, the local authority may apply to the Secretary of State for funding to meet that expenditure.”

**Member’s explanatory statement**

This new clause will make the dispersal and asylum accommodation scheme mandatory for all local authorities and require all local authorities to make a contribution towards supporting asylum seekers and require the Government to fully fund any additional expenditure.

Bambos Charalambous  
Holly Lynch

NC3

To move the following Clause—

**“Acquisition of British citizenship by birth or adoption: comprehensive sickness insurance**

- (1) The British Nationality Act 1981 is amended as follows.
- (2) After subsection 1(3A) insert—
  - “(3B)(a) A person born in the United Kingdom after commencement who is not a British citizen is entitled, on application, to register as a British citizen if the person’s father or mother would have been settled in the United Kingdom at the time of the person’s birth, if Assumption A had applied.
  - (b) Assumption A is that, in assessing whether the person’s father or mother met a requirement to have held comprehensive sickness insurance, this is to be regarded as having been satisfied whenever they—
    - (i) had access to the NHS in practice; or
    - (ii) held a comprehensive sickness insurance policy.
  - (c) Registration under this subsection shall be free of charge.”
- (3) After section 50A insert—

**“50B Exceptions**

Notwithstanding any provision of section 50A, for the purposes of an application for naturalisation or registration made under this Act, a person—

- (a) is not to be treated as having been in the United Kingdom in breach of the immigration laws during a period of time that has been counted as part of a continuous qualifying period in a grant of leave to that person under Appendix EU of the Immigration Rules, and
  - (b) is not to be treated as not being of good character on account of a failure to hold comprehensive sickness insurance during some period of residence in the UK.”
- (4) The European Union (Withdrawal Agreement) Act 2020 is amended as follows.
  - (5) After section 15, insert—

**“15A Comprehensive sickness insurance**

- (1) For the purposes of any decision taken by a public authority under this Part after commencement of this section, a person is to be treated as having met a requirement to have held comprehensive sickness insurance, whenever they—
  - (a) had access to the NHS in practice; or
  - (b) held a comprehensive sickness insurance policy.
- (2) This section shall in particular apply to any decisions taken under residence scheme immigration rules.””

**Member's explanatory statement**

This new clause rectifies an anomaly requiring a person seeking to acquire permanent residence documents, naturalisation or citizenship to have had comprehensive sickness insurance prior to applying for citizenship when EEA and Swiss citizens did not need comprehensive sickness insurance because they had free access to the NHS.

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Stuart C McDonald  
Anne McLaughlin

NC4

To move the following Clause—

**“Minimum Income Requirement: Family members of British citizens with a connection to British Indian Ocean Territory**

- (1) This section applies where—
  - (a) the Secretary of State makes a decision under Appendix FM of the UK's Immigration Rules on whether to grant entry clearance, leave to remain or indefinite leave to remain on the basis of family reunion to a person; and
  - (b) the sponsor of the person is a British citizen who was born on, or descended from a person born on, British Indian Ocean Territory.
- (2) In a decision to which this section applies, the Secretary of State shall not require the person to meet—
  - (a) a minimum income requirement; or
  - (b) an English language requirement.”

**Member's explanatory statement**

This new clause would prevent the Government from imposing a minimum income requirement or an English language requirement when deciding whether to grant entry clearance, leave to remain or indefinite leave to remain to family members of British citizens with a connection to the British Indian Ocean Territory.

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Andrew Rosindell  
Stuart C McDonald

NC5

To move the following Clause—

**“Former British-Hong Kong service personnel: right of abode**

- (1) The Immigration Act 1971 is amended as follows.
- (2) At the end of section 2(1) insert—
  - “(c) that person is a former member of the Hong Kong Military Service Corps or the Hong Kong Royal Naval service, or
  - (d) that person is the spouse or dependent of a former member of the Hong Kong Military Service Corps or the Hong Kong Royal Naval service.””

**Member's explanatory statement**

This new clause would mean that all former British-Hong Kong service personnel, plus their spouses and dependents, would have right of abode in the UK.

Stuart C McDonald  
Anne McLaughlin

NC13

To move the following Clause—

**“Reporting to Parliament in relation to the prevention of death**

- (1) The Secretary of State must within 12 months of the commencement of this section, and thereafter within each successive 12 months’ period, lay before Parliament a report concerning the deaths of people subject to asylum and immigration powers.
- (2) A report required by this section must state the number of people subject to asylum and immigration powers who have died since—
  - (a) state the number of people subject to asylum and immigration powers who have died since—
    - (i) the commencement of this section (in the case of the first report laid under this section); or
    - (ii) the previous report laid under this section (in all other cases); and
  - (b) set out the support arrangements that the Secretary of State has implemented in that year to assist those directly affected by the deaths, and what changes in these arrangements are planned for the next year.
- (3) Subject to subsection (5), the report required by this section must—
  - (a) in relation to each death to which subsection (2) refers, identify—
    - (i) whether the deceased was at the time of death detained under immigration powers,
    - (ii) whether the deceased had an asylum claim outstanding,
    - (iii) whether the deceased was in receipt of accommodation or support from the Secretary of State,
    - (iv) whether the deceased was a relevant child or young person,
    - (v) whether the deceased was under the control of any person acting under the authority of the Secretary of State,
    - (vi) the age, nationality and gender of the deceased,
    - (vii) any protected characteristic of the deceased,
    - (viii) the steps taken by the Secretary of State to support any family member of, or other person directly affected, by the death,
    - (ix) such further information as the Secretary of State shall consider relevant; and
  - (b) include a statement by the Secretary of State in relation to each such death concerning the impact, if any, of any relevant function, power, decision or discretion upon the circumstances causally connected to that death; and
  - (c) set out any changes to legislation, policy or practice that the Secretary of State proposes or has made to prevent the

occurrence or continuation of circumstances creating a risk of death or to eliminate or reduce that risk in those circumstances; and

- (d) describe the Secretary of State’s policy and practice in providing assistance to or receiving assistance from statutory bodies with responsibilities relating to the investigation or prevention of death.
- (4) In making any statement to which subsection (3)(b) refers, the Secretary of State shall take into consideration both acts and omissions in relation to the exercise of any function, power or discretion and the making of any decision (including any omission to make a decision).
- (5) Where the Secretary of State is unable to fulfil the requirements of subsection (3) in relation to any particular death by reason of there being insufficient time to compile and consider the relevant circumstances relating to the person who has died, the Secretary of State shall state this in the report and shall fulfil those requirements in the next report required by this section.
- (6) In this section—
  - a person is “subject to asylum or immigration powers” if that person—
    - (a) is detained under immigration powers;
    - (b) has made an asylum claim that remains outstanding (including where it is being treated as inadmissible but the person remains in the UK);
    - (c) is in receipt of accommodation or support provided or arranged by the Secretary of State;
    - (d) is a relevant child or young person; or
    - (e) is under the control of any person acting under the authority of the Secretary of State in pursuance of asylum or immigration functions;

“relevant function, power, decision or discretion” refers to functions, powers, decisions or discretion in relation to asylum or immigration functions that are exercised or may be exercised by the Secretary of State, an immigration officer or a person to whom the Secretary of State has delegated that exercise;

“protected characteristic” has the same meaning as in the Equality Act 2010;

a “relevant child or young person” means a person who is subject to immigration control and—

- (a) is in the care of a local authority; or
- (b) is receiving support from a local authority as a result of having been in such care;

a person (P) is “under the control” of another person (A) where—

- (a) P is being escorted by A within or from the UK,
- (b) P in the custody of A,

- (c) P is reporting (including remotely) to a designated place (including remotely) in compliance with a requirement imposed by A, or
- (d) P is residing at a designated place in compliance with a requirement imposed by A;

“young person” means a person below the age of 25 years.”

**Member’s explanatory statement**

This new clause would seek to ensure there was transparency and accountability about the deaths of people subject to certain asylum and immigration powers, and policies designed to prevent them.

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Stuart C McDonald  
Anne McLaughlin

NC14

To move the following Clause—

**“Immigration health surcharge: exemption for international volunteers**

- (1) The Immigration Act 2014 is amended as follows.
- (2) After section 38, insert—

**“38A Immigration health surcharge: exemption for international volunteers**

- (1) A charge under section 38 may not be imposed on persons who have leave to enter, or to remain in, the United Kingdom through a visa to work voluntarily for a period of no more than 12 months, or for such period as may be prescribed by regulations, for a registered UK charity advancing the charity’s primary purpose.
- (2) A statutory instrument containing regulations under this section must not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament”.

**Member’s explanatory statement**

This new clause would ensure that international volunteers, including those working in health and social care, will be exempt from paying the immigration health surcharge.

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Bambos Charalambous  
Holly Lynch  
Stuart C McDonald  
Anne McLaughlin

NC15

To move the following Clause—

**“Acquisition by registration: Descendants of those born on British Indian Ocean Territory**

- (1) The British Nationality Act 1981 is amended as follows.

(2) After section 17H (as inserted by section 7), insert—

**“17I Acquisition by registration: Descendants of those born on British Indian Ocean Territory**

- (1) A person is entitled to be registered as a British Overseas Territories citizen on an application made under this section if they are a direct descendant of a person (“P”) who was a citizen of the United Kingdom and Colonies by virtue of P’s birth in the British Indian Ocean Territory or, prior to 8 November 1965, in those islands designated as the British Indian Ocean Territory on that date.
- (2) A person who is being registered as a British Overseas Territories citizen under this section is also entitled to be registered as a British citizen.
- (3) No charge or fee shall be imposed for registration under this section.””

**Member’s explanatory statement**

This new clause would allow anyone who is descended from a person born before 1983 on the British Indian Ocean Territory to register as a British Overseas Territories citizen. They may also register as a British citizen at the same time. Both applications would be free of charge.

Stuart C McDonald  
Anne McLaughlin

NC16

To move the following Clause—

**“Registration as a British citizen or British overseas territories citizen: Fees**

- (1) No person may be charged a fee to be registered as a British citizen or British overseas territories citizen that is higher than the cost to the Secretary of State of exercising the function of registration.
- (2) No child may be charged a fee to be registered as a British citizen or British overseas territories citizen if that child is being looked after by a local authority.
- (3) No child may be charged a fee to be registered as a British citizen or British overseas territories 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 rights under the British Nationality Act 1981 to be registered as a British citizen or British overseas territories citizen among people possessing those rights.

**Member’s explanatory statement**

This new clause would ensure that fees for registering as a British citizen or British overseas territories citizen do not exceed cost price. It would also ensure that children being looked after by a local authority are not liable for such fees, and that no child is charged an unaffordable fee. Lastly, it would require the Government to raise awareness of rights to registration.

Stuart C McDonald  
Anne McLaughlin

NC17

To move the following Clause—

**“Duty regarding rights to British citizenship or British overseas territories citizenship**

- (1) It is the duty of the Secretary of State to encourage, promote and facilitate awareness and exercise of rights to British citizenship or British overseas territories citizenship among persons possessing these rights.
- (2) In fulfilment of that duty, the Secretary of State—
  - (a) must take all reasonable steps to ensure that all persons with rights to British citizenship or British overseas territories citizenship are able to exercise those rights;
  - (b) must make arrangements, including with local authorities, to ensure that all children in a local authority area are aware of their rights to British citizenship or British overseas territories citizenship and of the means by which to exercise those rights;
  - (c) must, when considering any application for confirmation or registration of British citizenship or British overseas territories citizenship, have regard to information held by or available to the Secretary of State that would demonstrate the applicant to be a British citizen or British overseas territories citizen or entitled to that citizenship; and
  - (d) shall have, and where reasonably necessary to ensure that all persons are able to exercise those rights shall exercise, the power to waive any requirement to attend a ceremony or in connection with biometric information.
- (3) For the purposes of this section—

“rights to British citizenship” means rights of acquisition of British citizenship by birth, adoption, commencement or registration under the British Nationality Act 1981;

“rights to British overseas territories citizenship” means rights of acquisition of British overseas territories citizenship by birth, adoption, commencement or registration under the British Nationality Act 1981; and

“to exercise those rights” means to be registered as a British citizen or British overseas territories citizen on the making of an application under the British Nationality Act 1981 or to obtain documentation from the Secretary of State confirming British citizenship or British overseas territories citizenship (including by receipt of a passport) on the making of an application to the Secretary of State.”

**Member’s explanatory statement**

This new Clause would require the Government to encourage, promote and facilitate awareness and exercise of rights to British citizenship or British overseas territories citizenship.



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Stuart C McDonald  
Anne McLaughlin

NC18

To move the following Clause—

**“Removal of asylum seeker to safe country**

Schedule N makes amendments to section 77 of the Nationality, Immigration and Asylum Act 2002 (no removal while claim for asylum pending).”

**Member’s explanatory statement**

This new clause introduces the proposed NS2.

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Paul Blomfield

NC23

To move the following Clause—

**“Safe and legal routes**

- (1) The Secretary of State must, within 30 days of the date of Royal Assent to this Act and annually thereafter, publish a report on—
  - (a) all current safe and legal asylum routes to the United Kingdom,
  - (b) the eligibility criteria for legal entry into the United Kingdom, and
  - (c) details of the application process.
- (2) The Secretary of State must publish a report on its resettlement target of refugees per year, and report on this every year.”

**Member’s explanatory statement**

This new clause would require the Secretary of State to publish a summary of safe and legal routes to refuge in the UK each year, alongside their eligibility criteria and application process. It would also commit the UK and Secretary of State to publishing its resettlement targets, and reporting on this annually.

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Neil Coyle

NC24

☆ To move the following Clause—

**“Prescribed period under section 94(3) of the Immigration and Asylum Act 1999**

- (1) The Asylum Support Regulations 2000 (S.I. 2000/704) are amended as follows.
- (2) In regulation 2(2) (interpretation) for “28” substitute “56”.
- (3) Subject to subsection (4), this section does not prevent the Secretary of State from exercising the powers conferred by the Immigration and Asylum Act 1999 to prescribe by regulations a different period for the purposes of section 94(3) (day on which a claim for asylum is determined) of that Act.

- (4) The Secretary of State may not prescribe a period less than 56 days where regulation 2(2A) of the Asylum Support Regulations 2000 (S.I. 2000/704) applies.”

**Member’s explanatory statement**

When an individual is granted refugee status, their eligibility to Home Office financial support and accommodation currently ends after a further 28 days. This new clause would extend that period to 56 days or allow the Secretary of State to set a longer period.

Neil Coyle

NC25

☆ To move the following Clause—

**“Asylum visa for persons in France**

- (1) On an application by a person (“P”) to the appropriate decision-maker for entry clearance, the appropriate decision-maker must grant P entry clearance if he is satisfied that P is a relevant person.
- (2) For the purposes of paragraph (1), P is a relevant person if—
  - (a) P is in France on the date of application;
  - (b) P is not a national of a member State of the European Union or a national of Liechtenstein, Iceland, Norway or Switzerland;
  - (c) P intends to make a protection claim in the United Kingdom;
  - (d) P’s protection claim, if made in the United Kingdom, would have a realistic prospect of success; and
  - (e) there are good reasons why P’s protection claim should be considered in the United Kingdom.
- (3) For the purposes of paragraph (2)(e), in deciding whether there are good reasons why P’s protection claim should be considered in the United Kingdom, the appropriate decision-maker shall take into account—
  - (a) the relative strength of P’s family and other ties to the United Kingdom;
  - (b) the relative strength of P’s family and other ties to France;
  - (c) P’s mental and physical health and any particular vulnerabilities that P has; and
  - (d) any other matter that the appropriate decision-maker thinks relevant.
- (4) For the purposes of an application under paragraph (1), the appropriate decision-maker must waive any of the requirements in paragraph (5) if satisfied that P cannot reasonably be expected to comply with them.
- (5) The requirements in this paragraph are—
  - (a) any requirement prescribed (whether by immigration rules or otherwise) under section 50 of the Immigration, Asylum and Nationality Act 2006; and
  - (b) any requirement prescribed by regulations made under sections 5, 6, 7 or 8 of the UK Borders Act 2007 (biometric registration).
- (6) No fee may be charged for the making of an application under paragraph (1).

- (7) An entry clearance granted pursuant to paragraph (1) shall have effect as leave to enter for such period, being not less than six months, and on such conditions as the Secretary of State may prescribe by order.
- (8) Upon a person entering the United Kingdom (within the meaning of section 11 of the Immigration Act 1971) pursuant to leave to enter given under paragraph (7), that person shall be deemed to have made a protection claim in the United Kingdom.
- (9) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (10) After paragraph 30(1)(b) of Part 1 of Schedule 1 insert—
- 0> “; or
- (c) are conferred by or under sections [Asylum visa for persons in France] and [Right of appeal against France asylum visa refusal] of the Nationality and Borders Act 2022.”
- (11) In this section and in section [Right of appeal against France asylum visa refusal]—

“appropriate decision-maker” means a person authorised by the Secretary of State by rules made under section 3 of the Immigration Act 1971 to grant an entry clearance under paragraph (1);

“entry clearance” has the same meaning as in section 33(1) of the Immigration Act 1971;

“protection claim”, in relation to a person, means a claim that to remove him from or require him to leave the United Kingdom would be inconsistent with the United Kingdom’s obligations—

- (a) under the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention;
- (b) in relation to persons entitled to a grant of humanitarian protection; or
- (c) under Articles 2 or 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950.”

#### **Member’s explanatory statement**

This new clause would provide for a person in France to be granted entry clearance to allow them to claim asylum in the UK in certain circumstances.

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Neil Coyle

NC26

☆ To move the following Clause—

#### **“Right of appeal against France asylum visa refusal**

- (1) If an application by a person (“P”) for entry clearance under clause [Asylum visa for persons in France] is refused by the appropriate decision-maker, P may appeal to the First-tier Tribunal against the refusal.
- (2) The following provisions of, or made under, the Nationality, Immigration and Asylum Act 2002 have effect in relation to an appeal under these Regulations to the First-tier Tribunal as if it were an appeal against a

decision of the Secretary of State under section 82(1) of that Act (right of appeal to the Tribunal)—

- (a) section 84 (grounds of appeal), as though the sole permitted ground of appeal was that the appropriate decision-maker was wrong to conclude that P was not a relevant person;
  - (b) section 85(1) to (4) (matters to be considered);
  - (c) section 86 (determination of appeal);
  - (d) section 105 and any regulations made under that section; and
  - (e) section 106 and any rules made pursuant to that section.
- (3) In an appeal under this section, the First-tier Tribunal—
- (a) shall allow the appeal if it is satisfied that P is a relevant person; and
  - (b) shall otherwise dismiss the appeal.
- (4) In an appeal under this section, in deciding whether there are good reasons why P's protection claim should be considered in the United Kingdom, the First-tier Tribunal shall apply section [Asylum visa for persons in France] (3) as though for the words "appropriate decision-maker" there were substituted the words "First-tier Tribunal".

**Member's explanatory statement**

This new clause would allow a person whose application for entry clearance under clause [Asylum visa for persons in France] has been rejected to appeal to the First-tier Tribunal.

Neil Coyle

NC27

☆ To move the following Clause—

**"Asylum dispersal strategy**

- (1) The Secretary of State must, within 2 months of this Act gaining Royal Assent, publish a strategy on the accommodation of asylum seekers under a relevant provision.
- (2) The strategy must cover, but need not be limited to, the following—
  - (a) ensuring an equitable distribution of accommodation across the regions of England, Scotland and Wales;
  - (b) the suitability of financial provision provided to local authorities relating to costs supporting accommodated asylum seekers;
  - (c) the suitability of financial provision provided to local authorities relating to costs incurred supporting individuals after they receive a decision on their asylum application;
  - (d) the provision of legal advice to accommodated asylum seekers; and
  - (e) the provision of support from non-governmental bodies.
- (3) For the purposes of this section, "relevant provision" means—
  - (a) section 4 of the Immigration and Asylum Act 1999
  - (b) Part VI of the Immigration and Asylum Act 1999
  - (c) Schedule 10 of the Immigration Act 2016."

**Member's explanatory statement**

This new clause would require the Home Secretary to publish a strategy within two months of the bill gaining Royal Assent on the accommodation of people seeking asylum who are accommodated by the Home Office.

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Stuart C McDonald  
Anne McLaughlin

NC38

★ To move the following Clause—

**“Time limit on immigration detention**

- (1) This section applies to any person (“P”) who is liable to detention under a relevant detention power.
- (2) P may not be detained 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) P shall be released forthwith; and
  - (b) P may not be detained under a relevant detention power thereafter, unless the Secretary of State or an immigration officer, as the case may be, 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](1) are met.
- (4) In this section, “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 the UK Borders Act 2007 (detention pending deportation).
- (5) In this section, “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.”

**Member's explanatory statement**

This new clause would prevent people who are liable to detention under a relevant power from being detained for longer than 28 days.

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Stuart C McDonald  
Anne McLaughlin

NC39

★ To move the following Clause—

**“Initial detention: criteria and duration**

- (1) A person (“P”) to whom section [*Time limit on immigration detention*] applies may not be detained under a relevant detention power other than for the purposes of examination, unless the Secretary of State or an immigration officer, as the case may be, is satisfied that—
  - (a) P can be shortly removed from the United Kingdom;
  - (b) detention is strictly necessary to effect P’s deportation or removal from the United Kingdom; and
  - (c) the detention of P is in all the circumstances proportionate.
- (2) P may not be detained 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 section [*Bail hearings*] and that hearing has not yet taken place.
- (3) Nothing in subsections (1) or (2) authorises 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” and “relevant time” have the meanings given in section [*Time limit on immigration detention*].”

**Member’s explanatory statement**

This new clause sets out the circumstances in which a person to whom NC38 applies may be held in initial detention, and the maximum duration of such detention.

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Stuart C McDonald  
Anne McLaughlin

NC40

★ 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), “a bail hearing” includes—
  - (a) an initial bail hearing under subsection (2); 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 to 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 to 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] of the Sovereign Borders Act 2021.”.

**Member’s explanatory statement**

In respect of people to whom NC38 applies, this new clause would require the Secretary of State to either release them, grant immigration bail or arrange a reference to the Tribunal within 96 hours.

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Tom Pursglove

NS1

To move the following Schedule—

“SCHEDULE 6

Prisoners returning to the UK: Modifications of Criminal Justice Act 2003

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This is the Schedule to be inserted after Schedule 19A to the Criminal Justice Act 2003—

“SCHEDULE 19B

Section 261

Prisoners returning to the UK: Modifications of Chapter 6 of Part 12

*Modification of dates for referral to the Board*

- 1 Paragraph 2 applies where section 244ZC(2), 244A(2) or 246A(4) (when read with section 260(4A)) would require the Secretary of State to refer a person’s case to the Board on a day falling before the end of the period of 28 days beginning with the day on which the person is returned to custody.
- 2 The applicable provision is to be read as requiring the Secretary of State to refer the person’s case to the Board at any time up to the end of the period of 28 days beginning with the day on which the person is returned to custody.
- 3 For the purposes of paragraphs 1 and 2, a person returns to custody when the person, having returned to the United Kingdom, is detained (whether or not in prison) in pursuance of their sentence.

*Person removed after Board had directed release but before being released*

- 4 Paragraphs 5 and 6 apply where, before a person’s removal from the United Kingdom—
  - (a) the Board had directed their release under section 244ZC, 244A or 246A, but
  - (b) they had not been released on licence.
- 5 The direction of the Board is to be treated as having no effect.



- 6 The person is to be treated as if—
- (a) they had been recalled under section 254 on the day on which they returned to the United Kingdom, and
  - (b) they were not suitable for automatic release (see section 255A).

*Person removed after referral to the Board but before disposal of the reference*

- 7 Paragraph 8 applies where—
- (a) before a person's removal from prison their case had been referred to the Board under section 244ZB(3), 244ZC(2), 244A(2) or 246A(4), and
  - (b) the reference lapsed under section 260(4B) because the person was removed from the United Kingdom before the Board had disposed of the reference.
- 8 Section 244ZC(2), 244A(2) or 246A(4) (as applicable) is to be read as requiring the Secretary of State to refer the person's case to the Board before the end of the period of 28 days beginning with the day on which the person is returned to custody.
- 9 For the purposes of paragraph 8, a person returns to custody when the person, having returned to the United Kingdom, is detained (whether or not in prison) in pursuance of their sentence.

*Person removed after having been recalled to prison*

- 10 Paragraphs 11 and 12 apply where, at the time of a person's removal from prison under section 260, the person was in prison following recall under section 254.
- 11 Any direction of the Board made in relation to the person under section 255C or 256A before their return to the United Kingdom is to be treated as having no effect.
- 12 The person is to be treated as if—
- (a) they had been recalled under section 254 on the day on which they returned to the United Kingdom, and
  - (b) they were not suitable for automatic release (see section 255A)."

**Member's explanatory statement**

This new schedule inserts a new Schedule 19B into the Criminal Justice Act 2003 to make modifications of that Act in relation to prisoners who have returned to the UK after their removal from prison. It is introduced by section 261 of that Act, which is amended by NC12.

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Tom Pursglove

NS3

To move the following Schedule—

"SCHEDULE

Working in United Kingdom waters: consequential and related amendments

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***Immigration Act 1971 (c. 77)***

- 1 The Immigration Act 1971 is amended as follows.

- 2 In section 8 (exceptions for seamen etc), after subsection (1) insert—
 

“(1A) Subsection (1) does not apply in relation to a member of the crew of a ship who is an offshore worker within the meaning of section 11A.”
- 3 In section 11 (references to entry etc), after subsection (1) insert—
 

“(1ZA) See also section 11A (additional means by which persons arriving in United Kingdom waters for work can enter the UK).”
- 4 In section 28 (proceedings for offences)—
  - (a) before subsection (1) insert—
 

“(A1) Proceedings for an offence under this Part that is committed in the territorial sea adjacent to the United Kingdom may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.”;
  - (b) in subsection (2A), for “section 25 or 25A” substitute “this Part”.
- 5 In section 28L (interpretation of Part 3) —
  - (a) in subsection (1), at the beginning insert “Subject to subsection (1A)”;
  - (b) after subsection (1) insert—
 

“(1A) In this Part “premises” also includes any artificial island, installation or structure (including one in the territorial sea adjacent to the United Kingdom).”
- 6 In section 28M (enforcement powers in relation to ships: England and Wales), in subsection (2)(a)—
  - (a) for “section” substitute—
    - “(i) section 24B,”;
  - (b) for “, and” substitute “, or
    - (ii) section 21 of the Immigration, Asylum and Nationality Act 2006, and”.
- 7 In section 28N (enforcement powers in relation to ships: Scotland), in subsection (2)(a)—
  - (a) for “section” substitute—
    - “(i) section 24B,”;
  - (b) for “, and” substitute “, or
    - (ii) section 21 of the Immigration, Asylum and Nationality Act 2006, and”.
- 8 In section 28O (enforcement powers in relation to ships: Northern Ireland), in subsection (2)(a)—
  - (a) for “section” substitute—
    - “(i) section 24B,”;
  - (b) for “, and” substitute “, or
    - (ii) section 21 of the Immigration, Asylum and Nationality Act 2006, and”.
- 9 (1) Schedule 2 (administrative provision as to control on entry etc) is amended as follows.

- (2) In paragraph 2—
  - (a) in sub-paragraph (1), for the words from “who have” to “United Kingdom)” substitute “within sub-paragraph (1A)”;
  - (b) after sub-paragraph (1) insert—

“(1A) The persons are—

- (a) any person who has arrived in the United Kingdom by ship or aircraft (including transit passengers, members of the crew and others not seeking to enter the United Kingdom);
- (b) any person who has arrived in United Kingdom waters by ship or aircraft who the immigration officer has reason to believe is an offshore worker.

(1B) In sub-paragraph (1A), “offshore worker” and “United Kingdom waters” have the same meaning as in section 11A.”

- (3) In paragraph 27—
  - (a) after sub-paragraph (1) insert—

“(1A) Sub-paragraph (1) also applies to the captain of a ship or aircraft arriving in United Kingdom waters if—

- (a) there are offshore workers on board, or
- (b) an immigration officer has informed the captain that they wish to examine any person on board in the exercise of the power under paragraph 2.

(1B) In sub-paragraph (1A), “offshore worker” and “United Kingdom waters” have the same meaning as in section 11A.”

- (4) In paragraph 27B—
  - (a) after sub-paragraph (1) insert—

“(1A) This paragraph also applies to ships or aircraft—

- (a) which have offshore workers on board, and
- (b) which—
  - (i) have arrived, or are expected to arrive, in United Kingdom waters, or
  - (ii) have left, or are expected to leave, United Kingdom waters.”;
- (b) after sub-paragraph (9A) insert—

“(9B) “Offshore worker” and “United Kingdom waters” have the same meaning in this paragraph as in section 11A.”

- (5) In paragraph 27BA—
  - (a) after sub-paragraph (1) insert—

“(1A) The Secretary of State may also make regulations requiring responsible persons in respect of ships or aircraft—

- (a) which have offshore workers on board, and
  - (b) which—
    - (i) have arrived, or are expected to arrive, in United Kingdom waters, or
    - (ii) have left, or are expected to leave, United Kingdom waters,
- to supply information to the Secretary of State or an immigration officer.”;
- (b) in sub-paragraph (2), after (1)” insert “or (1A)”;
  - (c) after sub-paragraph (5) insert—

“(5A) For the purposes of this paragraph, “offshore workers” and “United Kingdom waters” have the same meaning as in section 11A.”

10 (1) Schedule 4A (maritime enforcement powers) is amended as follows.

- (2) In paragraph 1(2), after the opening words insert—  
“the 2006 Act” means the Immigration, Asylum and Nationality Act 2006;”.
- (3) In paragraph (2)(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (4) In paragraph (3)(1)(a), for “25, 25A and 25B” substitute “24B, 25, 25A or 25B of this Act or section 21 of the 2006 Act”.
- (5) In paragraph 4(1), for “25, 25A or 25B” substitute “24B, 25, 25A or 25B of this Act or section 21 of the 2006 Act”.
- (6) In paragraph 12(2), after the opening words insert—  
“the 2006 Act” means the Immigration, Asylum and Nationality Act 2006;”.
- (7) In paragraph 13(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (8) In paragraph 14(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (9) In paragraph 15(1), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (10) In paragraph 23(2), after the opening words insert—  
“the 2006 Act” means the Immigration, Asylum and Nationality Act 2006;”.
- (11) In paragraph 24(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (12) In paragraph 25(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (13) In paragraph 26(1), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.

***Immigration, Asylum and Nationality Act 2006 (c. 13)***

- 11 In section 21 of the Immigration, Asylum and Nationality Act 2006 (offence of employing a person who is disqualified from employment by their immigration status), after subsection (3) insert—  

“(3A) Proceedings for an offence under this section that is committed in the territorial sea adjacent to the United Kingdom may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

(3B) Section 3 of the Territorial Waters Jurisdiction Act 1878 (consent of Secretary of State for certain prosecutions) does not apply to proceedings for an offence under this section.”

**Member’s explanatory statement**

This new schedule makes consequential and related amendments in NC20.

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Stuart C McDonald  
Anne McLaughlin

NS2

To move the following Schedule—

**“REMOVAL OF ASYLUM SEEKER TO SAFE COUNTRY**

In section 77 of the Nationality, Immigration and Asylum Act 2002 (no removal while claim for asylum pending), after subsection (2) insert—

“(2A) This section does not prevent a person being removed to, or being required to leave to go to, a third State if all of the following conditions are met—

- (a) the removal is pursuant to a formal, legally binding and public readmission agreement between the United Kingdom and the third State;
- (b) the State meets the definition of a safe third State set out at section 14 of the Nationality and Borders Act 2021, as shown by reliable, objective and up-to-date information;
- (c) the person has been found inadmissible under section 80B of the Nationality, Immigration and Asylum Act 2002;
- (d) the third State in question is the State with which the person was found to have a connection under Section 80B of the Nationality, Immigration and Asylum Act 2002;
- (e) taking into account the person’s individual circumstances, it is reasonable for them to go to that State; and
- (f) the person is not a national of that State.””

**Member’s explanatory statement**

This new schedule modifies the circumstances in which a person can be removed to, or required to leave to go to, a safe third State.

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## Order of the House

**[20 July 2021]**

That the following provisions shall apply to the Nationality and Borders 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 4 November 2021.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

**Proceedings on Consideration and Third Reading**

4. Proceedings on Consideration 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.

**Order of the Committee****[21 September 2021]****That—**

1. the Committee shall (in addition to its first meeting at 10.25 am on Tuesday 21 September) meet—
  - (a) at 2.00 pm on Tuesday 21 September;
  - (b) at 11.30 am and 2.00 pm on Thursday 23 September;
  - (c) at 9.25 am and 2.00 pm on Tuesday 19 October;
  - (d) at 11.30 am and 2.00 pm on Thursday 21 October;
  - (e) at 9.25 am and 2.00 pm on Tuesday 26 October;
  - (f) at 11.30 am and 2.00 pm on Thursday 28 October;
  - (g) at 9.25 am and 2.00 pm on Tuesday 2 November;
  - (h) at 11.30 am and 2.00 pm on Thursday 4 November;
2. the Committee shall hear oral evidence in accordance with the following Table:

<b>Date</b>	<b>Time</b>	<b>Witness</b>
Tuesday 21 September	Until no later than 11.25 am	British Red Cross
Tuesday 21 September	Until no later than 2.45 pm	Immigration Services Union; Joint Council for the Welfare of Immigrants
Tuesday 21 September	Until no later than 3.15 pm	Derbyshire Police
Tuesday 21 September	Until no later than 4.00 pm	Kent County Council; Westminster Council
Tuesday 21 September	Until no later than 4.30 pm	Fortinus Global Ltd

<b>Date</b>	<b>Time</b>	<b>Witness</b>
Tuesday 21 September	Until no later than 5.15 pm	National Crime Agency
Thursday 23 September	Until no later than 12.15 pm	Migration Watch
Thursday 23 September	Until no later than 12.45 pm	The Hon George Brandis QC; High Commissioner for Australia to the United Kingdom
Thursday 23 September	Until no later than 2.30 pm	United Nations High Commissioner for Refugees
Thursday 23 September	Until no later than 3.15 pm	Siobhán Mullally, United Nations Special Rapporteur on Trafficking in Persons; Dame Sara Thornton, Independent Anti-Slavery Commissioner
Thursday 23 September	Until no later than 4.00 pm	Refugee Council; Refugee Action; Women for Refugee Women
Thursday 23 September	Until no later than 5.00 pm	ECPAT; European Network on Statelessness; Immigration Law Practitioners Association

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 8; Schedule 1; Clauses 9 to 21; Schedule 2; Clauses 22 to 26; Schedule 3; Clauses 27 to 39; Schedule 4; Clauses 40 and 41; Schedule 5; Clauses 42 to 71; 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 5.00 pm on Thursday 4 November.