
Committee Stage: Monday 18 October 2021

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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

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

New amendments: 87 to 103

Bambos Charalambous 29
Holly Lynch
Stuart C McDonald
Anne McLaughlin

- ☆ Clause 1, page 2, line 10, leave out “parents been treated equally” and insert “mother been treated equally with P’s father”

Member’s explanatory statement

This amendment explains the anomaly that is being rectified in this clause, namely that the mother had not been treated equally with the father.

Stuart C McDonald 84
Anne McLaughlin

- ☆ Clause 1, page 2, line 14, leave out “had P’s parents been treated equally” and insert “had P’s mother and P’s father been treated equally”

Member’s explanatory statement

This amendment would ensure that the language used here is consistent with that used in section 4C of the British Nationality Act 1981.

Stuart C McDonald 8
Anne McLaughlin

- ☆ Clause 1, page 2, line 46, at end insert—

“(7) The Secretary of State must not charge a fee for the processing of applications under this section.”

Member's explanatory statement

This amendment would prevent the Secretary of State from charging a fee when remedying the historical inability of mothers to transmit British overseas territories citizenship.

Stuart C McDonald
Anne McLaughlin

9

☆ Clause 2, page 7, line 30, at end insert—

“(6) The Secretary of State must not charge a fee for the processing of applications under sections 17C, 17D, 17E or 17F.”

Member's explanatory statement

This amendment would prevent the Secretary of State from charging a fee when remedying the historical inability of unmarried fathers to transmit British overseas territories citizenship.

Tom Pursglove

59

☆ Clause 3, page 8, line 17, leave out “under this section” and insert “on an application under subsection (1)(a)”

Member's explanatory statement

This amendment means that the requirement in s.4K(3), that a person is registered as a BOTC, only applies to applications under subsection (1)(a). It is not needed for applications under subsection (1)(b), which are made by persons who are already BOTCs, and as previously drafted could have prevented registration of persons naturalised as BOTCs rather than registered.

Stuart C McDonald
Anne McLaughlin

10

☆ Clause 3, page 8, line 18, at end insert—

“(4) The Secretary of State must not charge a fee for the processing of applications under this section.”

Member's explanatory statement

This amendment would prevent the Secretary of State from charging a fee for British citizenship applications by certain British overseas territories citizens.

Bambos Charalambous
Holly Lynch

35

☆ Clause 7, page 9, line 36, at end insert—

“(1A)In section 1 (acquisition by birth or adoption) subsection (5)—

- (a) in paragraph (a), for “minor” substitute “person”; and
- (b) after paragraph (b), for “that minor shall” substitute “that person or minor (as the case may be) shall”.

Member’s explanatory statement

This amendment seeks to bring British nationality law in line with adoption law in England and Wales. In those nations, an adoption order made by a court may be made where a child has reached the age of 18 but is not yet 19. Yet such an adoption order currently only confers British citizenship automatically where the person adopted is under 18 on the day the order is made.

Stuart C McDonald
Anne McLaughlin

13

☆ Clause 7, page 9, line 40, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would require the Secretary of State to approve applications for British citizenship by people who have previously been denied the opportunity to acquire it on account of historical legislative unfairness, an act or omission of a public authority, or exceptional circumstances.

Stuart C McDonald
Anne McLaughlin

11

☆ Clause 7, page 10, line 25, at end insert—

“(5) The Secretary of State must not charge a fee for the processing of applications under this section.”

Member’s explanatory statement

This amendment would prevent the Secretary of State from charging a fee on applications for British citizenship by people who have previously been denied the opportunity to acquire it on account of historical legislative unfairness, an act or omission of a public authority, or exceptional circumstances.

Bambos Charalambous
Holly Lynch
Stuart C McDonald
Anne McLaughlin

30

☆ Clause 7, page 10, line 25, at end insert—

“4M Acquisition by registration: equal treatment

- (1) Where a person (P) is registered as a British citizen under subsection 4L(1), the Secretary of State must—
- (a) ensure that other persons applying to be registered are so registered where the same unfairness, act or omission or circumstances apply unless there are material factors relevant to their applications that were not relevant to P’s application;
 - (b) amend or make policy or guidance in line with the registration of P;
 - (c) make that new or amended policy or guidance publicly available; and
 - (d) take such other steps as may be reasonably necessary to draw attention to that new or amended policy or guidance among other people affected by that same unfairness, act or omission or circumstances.
- (2) In each Parliamentary session, the Secretary of State must lay before Parliament a report of any historical legislative unfairness on the basis of which any person has been registered under subsection 4L(1) and which remains to be corrected by amendment to the British Nationality Act 1981 or such other legislation as may be required.
- (3) The report required by subsection (2) must both explain each case of historical legislative unfairness to which it relates and set out the period within which the Secretary of State intends to make the necessary correction to the British Nationality Act 1981 or other legislation.”

Member’s explanatory statement

This amendment requires that the Government publicise any change in policy or guidance in order to ensure that there is no unfairness in treatment of British citizens or those who are applying to be registered as British citizens. It also requires the Secretary of State to report and explain any historical legislative unfairness.

Stuart C McDonald
Anne McLaughlin

14

☆ Clause 7, page 10, line 30, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would require the Secretary of State to approve applications for British citizenship by people who have previously been denied the opportunity to acquire it on account of historical legislative unfairness, an act or omission of a public authority, or exceptional circumstances.

Stuart C McDonald
Anne McLaughlin

12

☆ Clause 7, page 11, line 8, at end insert—

“(5) The Secretary of State must not charge a fee for the processing of applications under this section.”

Member’s explanatory statement

This amendment would prevent the Secretary of State from charging a fee on applications for British overseas territories citizenship by people who have previously been denied the opportunity to acquire it on account of historical legislative unfairness, an act or omission of a public authority, or exceptional circumstances.

Bambos Charalambous
Holly Lynch
Stuart C McDonald
Anne McLaughlin

31

☆ Clause 7, page 11, line 8, at end insert—

“17I Acquisition by registration: equal treatment

- (1) Where a person (P) is registered as a British Overseas Territories citizen under subsection 17H(1), the Secretary of State must—
 - (a) ensure that other persons applying to be registered are so registered where the same unfairness, act or omission or circumstances apply unless there are material factors relevant to their applications that were not relevant to P’s application;
 - (b) amend or make policy or guidance in line with the registration of P;
 - (c) make that new or amended policy or guidance publicly available; and
 - (d) take such other steps as may be reasonably necessary to draw attention to that new or amended policy or guidance among other people affected by that same unfairness, act or omission or circumstances.
- (2) In each Parliamentary session, the Secretary of State must lay before Parliament a report of any historical legislative unfairness on the basis of which any person has been registered and which remains to be corrected by amendment to the British Nationality Act 1981 or such other legislation as may be required.
- (3) The report required by subsection (2) must both explain each case of historical legislative unfairness to which it relates and set out the period within which the Secretary of State intends to make the necessary correction to the British Nationality Act 1981 or other legislation.”

Member's explanatory statement

This amendment requires that the Government publicise any change in policy or guidance in order to ensure that there is no unfairness in treatment of British Overseas Territories citizens or those who are applying to be registered as British citizens. It also requires the Secretary of State to report and explain any historical legislative unfairness.

Bambos Charalambous
Holly Lynch

34

☆ Clause 7, page 11, line 8, at end insert—

“(4) After section 23 (Citizens of UK and Colonies who are to become British overseas territories citizens at commencement), insert—

“23A Acquisition by registration: special circumstances

- (1) If an application is made for a person of full age and capacity (“P”) to be registered as a British Overseas citizen, the Secretary of State may cause P to be registered as such a citizen if, in the Secretary of State’s opinion, P would have been, or would have been able to become, a British Overseas citizen but for—
 - (a) historical legislative unfairness,
 - (b) an act or omission of a public authority, or
 - (c) exceptional circumstances relating to P.
- (2) For the purposes of subsection (1)(a), “historical legislative unfairness” includes circumstances where P would have become, or would not have ceased to be, a British subject, a citizen of the United Kingdom and Colonies, or a British Overseas citizen, if an Act of Parliament or subordinate legislation (within the meaning of the Interpretation Act 1978) had, for the purposes of determining a person’s nationality status—
 - (a) treated males and females equally,
 - (b) treated children of unmarried couples in the same way as children of married couples, or
 - (c) treated children of couples where the mother was married to someone other than the natural father in the same way as children of couples where the mother was married to the natural father.
- (3) In subsection (1)(b), “public authority” means any public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal.
- (4) In considering whether to grant an application under this section, the Secretary of State may take into account whether the applicant is of good character.””

Member's explanatory statement

This amendment seeks to extend the remedy in Clause 7 to those who would have been British Overseas Citizens but for historical unfairness.

Bambos Charalambous	32
Holly Lynch	
Stuart C McDonald	
Anne McLaughlin	

☆ Page 11, line 27, leave out Clause 9

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Stuart C McDonald
Anne McLaughlin

85

☆ Page 12, line 35, leave out Clause 10

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.

Stuart C McDonald
Anne McLaughlin

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.

Stuart C McDonald
Anne McLaughlin

100

★ 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.

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.

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.

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.

Stuart C McDonald
Anne McLaughlin

102

★ 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.

Stuart C McDonald
Anne McLaughlin

103

★ 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.

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”.

Stuart C McDonald 18
Anne McLaughlin

- ☆ 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”.

Stuart C McDonald 19
Anne McLaughlin

- ☆ 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.

Stuart C McDonald 20
Anne McLaughlin

- ☆ 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.

Stuart C McDonald 21
Anne McLaughlin

- ☆ 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.

Stuart C McDonald 22
Anne McLaughlin

☆ 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.

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.

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.

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.

Stuart C McDonald
Anne McLaughlin

26

☆ 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.

Bambos Charalambous 36
Holly Lynch

- ☆ 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.

Bambos Charalambous 37
Holly Lynch

- ☆ 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.

Stuart C McDonald 27
Anne McLaughlin

- ☆ 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.

Stuart C McDonald 28
Anne McLaughlin

- ☆ 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.

Stuart C McDonald 39
Anne McLaughlin

☆ 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.

Stuart C McDonald 86
Anne McLaughlin

☆ Page 20, line 19, leave out Clause 17

Stuart C McDonald 40
Anne McLaughlin

☆ 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.

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.

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)).

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Stuart C McDonald
Anne McLaughlin

44

☆ 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.

Stuart C McDonald
Anne McLaughlin

45

☆ 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.

Stuart C McDonald
Anne McLaughlin

46

☆ 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.

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.

Stuart C McDonald
Anne McLaughlin

58

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

Member's explanatory statement

This amendment is consequential on Amendment 57.

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.

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

48

- ☆ Clause 29, page 30, line 45, leave out from beginning to end of line 15 on page 31

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.

Stuart C McDonald
Anne McLaughlin

49

- ☆ 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.

Stuart C McDonald
Anne McLaughlin

50

- ☆ Clause 34, page 34, 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.

Stuart C McDonald 51
Anne McLaughlin

☆ Clause 35, page 34, leave out line 18

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.

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).

Stuart C McDonald 52
Anne McLaughlin

☆ Clause 35, page 34, leave out line 24

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.

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

33

☆ 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.

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.

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.

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.

Holly Lynch
Bambos Charalambous

1

- ☆ 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Tom Pursglove

75

- ☆ Page 55, line 1, leave out Clause 64

Member's explanatory statement

This amendment removes clause 64 (good faith requirement).

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.

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.

Tom Pursglove

78

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

Member's explanatory statement

This amendment is consequential on Amendment 77.

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.

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.

Tom Pursglove

81

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

Member's explanatory statement

This amendment is consequential on Amendment 75.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Tom Pursglove

NS1

☆ To move the following Schedule—

“SCHEDULE 6

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

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.

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:

Date	Time	Witness
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
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

Date	Time	Witness
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.
