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Committee Stage: Tuesday 19 October 2021

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## Nationality and Borders Bill (Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage. A glossary with key terms can be found at the end of this document.

First to Sixth Sitings

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### *FIRST AND SECOND SITTINGS*

Tom Pursglove

Agreed to

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   |

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

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Tom Pursglove

**Agreed to**

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

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Tom Pursglove

**Agreed to**

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

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**The following Witnesses gave oral evidence:**

Jon Featonby, Policy and Advocacy Manger for Refugees and Asylum, British Red Cross

Lucy Moreton, Professional Officer, Immigration Services Union

Zoe Gardner, Policy and Advocacy Manager, Joint Council for the Welfare of Immigrants

Dave Kirby, Assistant Chief Constable, Derbyshire Police

Councillor Roger Gough, Leader, Kent County Council

Councillor Rachael Robothan, Leader, Westminster Council

Toby Smith CBE, Global Border Security Expert, Fortinus Global Ltd

Rob Jones, Director of Threat Leadership, Nationality Crime Agency

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*THIRD AND FOURTH SITTINGS*

**The following Witnesses gave oral evidence:**

The Hon George Brandis QC, High Commissioner for Australia to the United Kingdom

Rossella Pagliuchi-Lor, UNHCR Representative to the UK, UNHCR UK

Elizabeth Ruddick, Senior Legal Associate, UNHCR

Siobáhn Mullaly, United Nations Special Rapporteur on Trafficking in Persons

Dame Sara Thornton, Independent Anti-Slavery Commissioner

Lisa Doyle, Executive Director of Advocacy and Engagement, Refugee Council

Mariam Kemple-Hardy, Head of Campaigns, Refugee Action

Priscilla Dudhia, Advocacy Coordinator, Women for Refugee Women

Alphonsine Kabagabo, Director, Women for Refugee Women

Patricia Durr, Chief Executive, ECPAT

Patrícia Cabral, Legal Policy Officer, European Network on Statelessness

Adrian Berry, Immigration Law Practitioners Association

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*FIFTH AND SIXTH SITTINGS*

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| Bambos Charalambous<br>Holly Lynch<br>Stuart C McDonald<br>Anne McLaughlin | <b>Negatived on division</b> | <b>29</b> |
|--|------------------------------|-----------|

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

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|--------------------------------------|------------------|-----------|
| Stuart C McDonald<br>Anne McLaughlin | <b>Not moved</b> | <b>84</b> |
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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”

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| Stuart C McDonald<br>Anne McLaughlin | <b>Negatived on division</b> | <b>8</b> |
|--------------------------------------|------------------------------|----------|

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.”

*Clause agreed to.*

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| Stuart C McDonald<br>Anne McLaughlin | <b>Not moved</b> | <b>9</b> |
|--------------------------------------|------------------|----------|

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.”

*Clause agreed to.*

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Tom Pursglove

**Agreed to 59**

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

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Stuart C McDonald  
Anne McLaughlin

**Negated 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."

*Clause, as amended, agreed to.*

*Clauses 4 to 6 agreed to.*

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Bambos Charalambous  
Holly Lynch

**Negated on division 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"."

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Stuart C McDonald  
Anne McLaughlin

**Not moved 13**

Clause 7, page 9, line 40, leave out "may" and insert "must"

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Stuart C McDonald  
Anne McLaughlin

**Not moved 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."

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Bambos Charalambous **Negatived on division** **30**  
 Holly Lynch  
 Stuart C McDonald  
 Anne McLaughlin

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.”

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Stuart C McDonald **Not moved** **14**  
 Anne McLaughlin

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

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Stuart C McDonald **Not moved** **12**  
 Anne McLaughlin

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.”

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Bambos Charalambous  
Holly Lynch  
Stuart C McDonald  
Anne McLaughlin

**Negated on division 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.”

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Bambos Charalambous  
Holly Lynch

**Negated on division 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.””

*Clause agreed to.*

*Clause 8 agreed to.*

*Schedule 1 agreed to.*

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Bambos Charalambous  
Holly Lynch  
Stuart C McDonald  
Anne McLaughlin

**Not selected 32**

Page 11, line 27, leave out Clause 9

*Clause agreed to on division.*

**Adjourned until Thursday at 11.30 am**

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## Glossary

**Added:** New Clause agreed without a vote and added to the Bill.

**Agreed to:** agreed without a vote.

**Agreed to on division:** agreed following a vote.

**Negated:** rejected without a vote.

**Negated on division:** rejected following a vote.

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

**Not moved:** not debated or put to a decision.

**Question proposed:** debate underway but not concluded.

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

**Not selected:** not chosen for debate by the Chair.

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