
Committee Stage: Thursday 21 October 2021

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 Eighth Sitings

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

Date	Time	Witness
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.

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.

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.

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

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

FIFTH AND SIXTH SITTINGS

Bambos Charalambous Holly Lynch Stuart C McDonald Anne McLaughlin	Negatived on division	29
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Clause 1, page 2, line 10, leave out “parents been treated equally” and insert “mother been treated equally with P’s father”

Stuart C McDonald Anne McLaughlin	Not moved	84
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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”

Stuart C McDonald Anne McLaughlin	Negatived on division	8
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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.

Stuart C McDonald **Not moved** 9
Anne McLaughlin

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.

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)”

Stuart C McDonald **Negatived** 10
Anne McLaughlin

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.

Bambos Charalambous **Negatived on division** 35
Holly Lynch

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”.

Stuart C McDonald **Not moved** 13
Anne McLaughlin

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

Stuart C McDonald Not moved 11
Anne McLaughlin

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.”

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.”

Stuart C McDonald Not moved 14
Anne McLaughlin

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

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.”

Bambos Charalambous Negatived on division 31
Holly Lynch
Stuart C McDonald
Anne McLaughlin

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.”

Bambos Charalambous
Holly Lynch

Negatived 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.

Bambos Charalambous **Not selected** 32
 Holly Lynch
 Stuart C McDonald
 Anne McLaughlin

Page 11, line 27, leave out Clause 9

Clause agreed to on division.

SEVENTH AND EIGHTH SITTINGS

Stuart C McDonald **Withdrawn after debate** 88
 Anne McLaughlin

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

Stuart C McDonald **Not moved** 89
 Anne McLaughlin

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

Stuart C McDonald **Not moved** 90
 Anne McLaughlin

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

Stuart C McDonald **Not moved** 91
 Anne McLaughlin

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

Stuart C McDonald **Not moved** 92
 Anne McLaughlin

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

Stuart C McDonald **Not moved** 93
 Anne McLaughlin

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

<hr/> Stuart C McDonald Anne McLaughlin Clause 10, page 13, line 28, leave out paragraph (c)	Not moved	94
<hr/> Stuart C McDonald Anne McLaughlin Clause 10, page 13, line 30, leave out paragraph (d)	Not moved	95
<hr/> Stuart C McDonald Anne McLaughlin 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.”	Negated on division	15
<hr/> Stuart C McDonald Anne McLaughlin 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.”	Withdrawn after debate	96
<hr/> Stuart C McDonald Anne McLaughlin 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.”	Not moved	97

Stuart C McDonald **Negated on division** 87
Anne McLaughlin

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.”

Stuart C McDonald **Not moved** 161
Anne McLaughlin

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

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

Stuart C McDonald **Not selected** 85
Anne McLaughlin

Page 12, line 35, leave out Clause 10

Clause agreed to on division.

Stuart C McDonald **Withdrawn after debate** 98
Anne McLaughlin

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.””

Stuart C McDonald
Anne McLaughlin
Paul Blomfield

Not moved 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.””

Stuart C McDonald
Anne McLaughlin
Bambos Charalambous
Holly Lynch

Not moved 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.””

Bambos Charalambous **Negated on division 104**
 Holly Lynch

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

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

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

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

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

Bambos Charalambous **Not moved 130**
 Holly Lynch

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

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

Stuart C McDonald **Not moved 16**
 Anne McLaughlin

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

Stuart C McDonald **Not moved 17**
 Anne McLaughlin

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.”

Stuart C McDonald **Not moved** 101
Anne McLaughlin

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”.”

Stuart C McDonald **Not moved** 102
Anne McLaughlin
Paul Blomfield

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

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

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

Stuart C McDonald **Not moved** 103
Anne McLaughlin
Paul Blomfield

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

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

Stuart C McDonald **Not moved** 160
Anne McLaughlin

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

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

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

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

Clause agreed to on division.

Clauses 12 and 13 agreed to.

Adjourned until Tuesday 26 October at 9.25 am

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.
