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Committee Stage: Tuesday 26 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 Tenth Sittings

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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 Holly Lynch Stuart C McDonald Anne McLaughlin	<b>Negatived on division</b>	<b>29</b>
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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"

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Stuart C McDonald 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 Anne McLaughlin	<b>Negatived on division</b>	<b>8</b>
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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.*

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Stuart C McDonald Anne McLaughlin	<b>Not moved</b>	<b>9</b>
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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 **Negated** 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.*

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Bambos Charalambous **Negated 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”.

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

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

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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.”

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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.*

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*SEVENTH AND EIGHTH SITTINGS*

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Stuart C McDonald  
Anne McLaughlin

**Withdrawn after debate 88**

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

<p>_____</p> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 10, page 13, line 15, leave out paragraph (b)</p>	<p><b>Not moved</b>    <b>89</b></p>
<p>_____</p> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 10, page 13, line 17, leave out paragraph (c)</p>	<p><b>Not moved</b>    <b>90</b></p>
<p>_____</p> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 10, page 13, line 19, leave out paragraph (d)</p>	<p><b>Not moved</b>    <b>91</b></p>
<p>_____</p> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 10, page 13, line 25, leave out paragraph (a)</p>	<p><b>Not moved</b>    <b>92</b></p>
<p>_____</p> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 10, page 13, line 26, leave out paragraph (b)</p>	<p><b>Not moved</b>    <b>93</b></p>
<p>_____</p> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 10, page 13, line 28, leave out paragraph (c)</p>	<p><b>Not moved</b>    <b>94</b></p>
<p>_____</p> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 10, page 13, line 30, leave out paragraph (d)</p>	<p><b>Not moved</b>    <b>95</b></p>
<p>_____</p> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 10, page 13, line 34, at end insert—</p> <p>    “(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—</p> <p>        (a) must not face a restriction on their leave to enter compared to group 1 refugees;</p> <p>        (b) must have access to indefinite leave to remain on the same basis as group 1 refugees;</p>	<p><b>Negatived on division</b>    <b>15</b></p>

- (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."

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Stuart C McDonald **Withdrawn after debate** **96**  
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."

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Stuart C McDonald **Not moved** **97**  
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."

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Stuart C McDonald **Negatived 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."

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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."

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

Page 12, line 35, leave out Clause 10

*Clause agreed to on division.*

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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.””

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Stuart C McDonald **Not moved** **99**  
Anne McLaughlin  
Paul Blomfield

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.””

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Stuart C McDonald **Not moved** 100  
 Anne McLaughlin  
 Bambos Charalambous  
 Holly Lynch

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

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

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

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

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Bambos Charalambous **Negatived 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.”

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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”.”

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

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

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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.”

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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”.”

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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.””

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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).”

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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.*

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#### *NINTH AND TENTH SITTINGS*

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Stuart C McDonald  
Anne McLaughlin

**Negatived on division 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.”

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Stuart C McDonald  
Anne McLaughlin

**Not called 18**

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

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Stuart C McDonald Anne McLaughlin	<b>Not called</b>	<b>19</b>
Clause 14, page 17, leave out lines 35 to 38		
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Stuart C McDonald Anne McLaughlin	<b>Not called</b>	<b>20</b>
Clause 14, page 17, line 40, leave out "may" and insert "must"		
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Stuart C McDonald Anne McLaughlin	<b>Not called</b>	<b>21</b>
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”.		
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Stuart C McDonald Anne McLaughlin	<b>Not called</b>	<b>22</b>
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”.		
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Stuart C McDonald Anne McLaughlin	<b>Not called</b>	<b>23</b>
Clause 14, page 18, leave out lines 16 to 24		
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Stuart C McDonald Anne McLaughlin	<b>Not called</b>	<b>24</b>
Clause 14, page 18, leave out lines 35 to 37		

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Stuart C McDonald Not called 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.”

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Stuart C McDonald Not called 26  
Anne McLaughlin

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

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

- (1) The Secretary of State may not make a declaration under section 80B(1) in relation to any State unless there are in place reciprocal arrangements with that State by which—
  - (a) that State has agreed to receive from the United Kingdom a person with a connection to it; and
  - (b) the United Kingdom has agreed to receive from that State a person who has made an asylum claim in that State who has a connection to the United Kingdom.
- (2) For the purposes of subsection (1), any reciprocal arrangements must provide for the period within which a State is to receive a person from the United Kingdom; and any declaration made under section 80B(1) shall cease to apply if that period has passed and the person remains in the United Kingdom.
- (3) The period to which subsection (2) refers must not be longer than 6 months from the date the asylum claim to which it relates is first made.
- (4) Notwithstanding subsection (3), the passing of the period shall not prevent the transfer of a person from the United Kingdom to another State in which the person has a family member and to which the person wishes to be transferred.
- (5) The Secretary of State may not make a declaration under section 80B(1) in relation to any person who—
  - (a) has a family member in the United Kingdom;
  - (b) has been lawfully resident in the United Kingdom;
  - (c) has worked for or with any United Kingdom Government body or other body carrying out work for or sponsored by the United Kingdom Government; or
  - (d) has a family member who has been lawfully resident in the United Kingdom or worked with or for such a body.

(6) In this section—

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

*Clause agreed to on division.*

*Clause 15 agreed to.*

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Bambos Charalambous Holly Lynch	<b>Withdrawn after debate</b>	<b>36</b>
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Clause 16, page 20, line 8, at end insert “, subject to subsection (1A)”

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Bambos Charalambous Holly Lynch	<b>Not called</b>	<b>37</b>
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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.”

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Stuart C McDonald Anne McLaughlin	<b>Negatived on division</b>	<b>153</b>
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Clause 16, page 20, line 8, at end insert—

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

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

- (h) who is suffering from a serious physical disability;
- (i) who is suffering from other serious physical health conditions or illnesses."

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Stuart C McDonald **Not moved** **27**  
Anne McLaughlin

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

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Stuart C McDonald **Not moved** **28**  
Anne McLaughlin

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

*Clause agreed to on division.*

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Stuart C McDonald **Withdrawn after debate** **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."

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Stuart C McDonald **Not selected** **86**  
Anne McLaughlin

Page 20, line 19, leave out Clause 17

*Clause agreed to on division.*

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Stuart C McDonald **Not called** **40**  
Anne McLaughlin

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

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Tom Pursglove	<b>Agreed to</b>	<b>60</b>
Clause 18, page 22, line 26, leave out "10(1) or (2)" and insert "10"		
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Tom Pursglove	<b>Agreed to</b>	<b>61</b>
Clause 18, page 22, line 28, leave out paragraph (b)		
<i>Clause agreed to on division.</i>		
<hr/>		
Tom Pursglove	<b>Agreed to</b>	<b>62</b>
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."		
<hr/>		
Tom Pursglove	<b>Agreed to</b>	<b>63</b>
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."		
<hr/>		
Tom Pursglove	<b>Agreed to</b>	<b>64</b>
Clause 19, page 23, line 4, after "rights" insert "in respect of a claim"		
<hr/>		
Tom Pursglove	<b>Agreed to</b>	<b>65</b>
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."		

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Tom Pursglove **Agreed to** 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.”

*Clause agreed to on division.*

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Paul Blomfield **Negated on division** 139

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

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

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

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

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Stuart C McDonald **Not called** 154  
Anne McLaughlin

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

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

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

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Stuart C McDonald **Not called** 41  
Anne McLaughlin

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

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Paul Blomfield **Not selected** 138

Page 23, line 25, leave out Clause 20

*Clause agreed to on division.*

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Stuart C McDonald **Withdrawn after debate** 155  
Anne McLaughlin

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

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

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

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Tom Pursglove **Agreed to** 67

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

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Tom Pursglove **Agreed to** 68

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

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Tom Pursglove **Agreed to** 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”

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Stuart C McDonald **Negatived on division** 42  
Anne McLaughlin

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

*Clause agreed to on division.*

*Schedule 2 agreed to.*

*Clause 22 agreed to.*

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Stuart C McDonald **Withdrawn after debate** 43  
Anne McLaughlin

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.”

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Bambos Charalambous **Not called** 38  
Holly Lynch

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.”

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Bambos Charalambous **Negatived on division** 131  
Holly Lynch  
Paul Blomfield  
Stuart C McDonald  
Anne McLaughlin

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

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

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

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Stuart C McDonald **Not called** **44**  
Anne McLaughlin

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

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

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Paul Blomfield **Not selected** **140**

Page 26, line 29, leave out Clause 23

*Clause agreed to on division.*

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Stuart C McDonald **Withdrawn after debate** **45**  
Anne McLaughlin

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

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Stuart C McDonald **Not called** **46**  
Anne McLaughlin

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

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Tom Pursglove **Not selected** 70  
 Page 27, line 29, leave out Clause 24  
*Clause negatived.*  
*Clause 25 agreed to on division.*

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Stuart C McDonald **Not selected** 58  
 Anne McLaughlin  
 Clause 26, page 29, line 22, leave out paragraph (b)

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Stuart C McDonald **Not selected** 105  
 Anne McLaughlin  
 Page 29, line 19, leave out Clause 26  
*Clause agreed to on division.*

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Stuart C McDonald **Not selected** 57  
 Anne McLaughlin  
 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.”

Stuart C McDonald **Not called** 159  
Anne McLaughlin

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

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

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

- (a) are suffering from a mental health condition or impairment;
- (b) have been a victim of torture;
- (c) have been a victim of sexual or gender-based violence;
- (d) have been a victim of human trafficking or modern slavery;
- (e) are pregnant;
- (f) are suffering from a serious physical disability;
- (g) are suffering from other serious physical health conditions or illnesses;
- (h) are aged under 18 or 70 or over;
- (i) are gay, lesbian or bisexual;
- (j) are a trans or intersex person.”

Stuart C McDonald **Not selected** 106  
Anne McLaughlin

Page 61, line 33, leave out Schedule 3

*Schedule agreed to on division.*

Stuart C McDonald **Not selected** 47  
Anne McLaughlin

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.”

*Clause agreed to.*

*Clause 28 agreed to.*

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Stuart C McDonald  
Anne McLaughlin

**Withdrawn after debate 152**

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

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

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Stuart C McDonald **Not called** 48  
Anne McLaughlin

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

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Bambos Charalambous **Not called** 132  
Holly Lynch

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

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Bambos Charalambous **Not called** 133  
Holly Lynch

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

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Bambos Charalambous **Not called** 134  
Holly Lynch

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

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

*Clause agreed to on division.*

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Stuart C McDonald **Negatived on division** 49  
Anne McLaughlin

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

*Clause agreed to.*

*Clauses 32 to 33 agreed to.*

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Stuart C McDonald **Withdrawn after debate** 157  
Anne McLaughlin

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

“(1A) Subsection (1) shall not apply to any refugee—

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

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Stuart C McDonald **Not called** 158  
Anne McLaughlin

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

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

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

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Stuart C McDonald **Withdrawn after debate** 50  
Anne McLaughlin

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

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

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

- (c) in subsection (4), after (c), insert—  
 “(ca) entry in breach of a deportation order, entry without leave, remaining in the United Kingdom without leave, or arriving in the United Kingdom without entry clearance under section 24 of the 1971 Act””

*Clause agreed to.*

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Stuart C McDonald **Withdrawn after debate** 51  
 Anne McLaughlin  
 Clause 35, page 34, line 1, leave out sub-paragraph (i)

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Stuart C McDonald **Not called** 53  
 Anne McLaughlin  
 Clause 35, page 34, line 21, leave out “12 months” and insert “four years”

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Stuart C McDonald **Not called** 52  
 Anne McLaughlin  
 Clause 35, page 34, line 24, leave out sub-paragraph (i)

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Stuart C McDonald **Not called** 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””

*Clause agreed to.*

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Stuart C McDonald **Negated on division** 55  
 Anne McLaughlin  
 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”.

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Bambos Charalambous  
Holly Lynch

**Not called 135**

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

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

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Bambos Charalambous  
Holly Lynch

**Not moved 136**

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

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

- (a) appropriate reception arrangements for asylum-seekers;
- (b) sufficiency of protection against serious harm and violations of fundamental rights;
- (c) protection against refoulement;
- (d) access to fair and efficient State asylum procedures, or to a previously afforded refugee status or other protective status that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention;
- (e) the legal right to remain during the State asylum procedure; and
- (f) if found to be in need of international protection, a grant of refugee status that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention.”

*Clause agreed to.*

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**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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