
Committee Stage: Tuesday 2 November 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 Fourteenth Sittings

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 **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.

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”.

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)

<p>_____</p> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 10, page 13, line 28, leave out paragraph (c)</p>	<p>Not moved</p>	<p>94</p>
<p>_____</p> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 10, page 13, line 30, leave out paragraph (d)</p>	<p>Not moved</p>	<p>95</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> <ul style="list-style-type: none"> (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.” 	<p>Negated on division</p>	<p>15</p>
<p>_____</p> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 10, page 13, line 36, at end insert—</p> <p>“(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.”</p>	<p>Withdrawn after debate</p>	<p>96</p>
<p>_____</p> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 10, page 13, line 36, at end insert—</p> <p>“(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.”</p>	<p>Not moved</p>	<p>97</p>

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.

NINTH AND TENTH SITTINGS

Stuart C McDonald Anne McLaughlin	Negatived on division	56
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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."

Stuart C McDonald Anne McLaughlin	Not called	18
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Clause 14, page 17, line 33, leave out "5" and insert "3"

Stuart C McDonald Anne McLaughlin	Not called	19
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Clause 14, page 17, leave out lines 35 to 38

<hr/> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 14, page 17, line 40, leave out “may” and insert “must”</p>	<p>Not called</p> <p>20</p>
<hr/> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 14, page 17, line 41, leave out line 41 to line 2 on page 18 and insert—</p> <p>“(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;</p> <p>(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;</p> <p>(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;</p> <p>(d) in such other cases as may be provided for in the immigration rules”.</p>	<p>Not called</p> <p>21</p>
<hr/> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 14, page 18, line 13, leave out line 13 and insert—</p> <p>“(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”.</p>	<p>Not called</p> <p>22</p>
<hr/> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 14, page 18, leave out lines 16 to 24</p>	<p>Not called</p> <p>23</p>
<hr/> <p>Stuart C McDonald Anne McLaughlin</p> <p>Clause 14, page 18, leave out lines 35 to 37</p>	<p>Not called</p> <p>24</p>

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.”

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.

Bambos Charalambous	Withdrawn after debate	36
Holly Lynch		

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

Bambos Charalambous	Not called	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.”

Stuart C McDonald	Negatived on division	153
Anne McLaughlin		

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."

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

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

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.

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.”

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

Page 20, line 19, leave out Clause 17

Clause agreed to on division.

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

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

Tom Pursglove **Agreed to** 60
Clause 18, page 22, line 26, leave out "10(1) or (2)" and insert "10"

Tom Pursglove **Agreed to** 61
Clause 18, page 22, line 28, leave out paragraph (b)
Clause agreed to on division.

Tom Pursglove **Agreed to** 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."

Tom Pursglove **Agreed to** 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."

Tom Pursglove **Agreed to** 64
Clause 19, page 23, line 4, after "rights" insert "in respect of a claim"

Tom Pursglove **Agreed to** 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."

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.

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.”

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.”

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

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

Paul Blomfield **Not selected** 138

Page 23, line 25, leave out Clause 20

Clause agreed to on division.

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.”

Tom Pursglove **Agreed to** 67

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

Tom Pursglove **Agreed to** 68

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

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”

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.

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.”

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.”

Bambos Charalambous **Negated 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.”

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.”

Paul Blomfield **Not selected** 140

Page 26, line 29, leave out Clause 23

Clause agreed to on division.

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

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

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

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

Tom Pursglove **Not selected** 70

Page 27, line 29, leave out Clause 24

Clause negatived.

Clause 25 agreed to on division.

Stuart C McDonald **Not selected** 58
Anne McLaughlin

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

Stuart C McDonald **Not selected** 105
Anne McLaughlin

Page 29, line 19, leave out Clause 26

Clause agreed to on division.

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
Anne McLaughlin

Not called 159

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

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

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

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

Stuart C McDonald
Anne McLaughlin

Not selected 106

Page 61, line 33, leave out Schedule 3

Schedule agreed to on division.

Stuart C McDonald
Anne McLaughlin

Not selected 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.”

Clause agreed to.

Clause 28 agreed to.

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."

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

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

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"

Bambos Charalambous **Not called** 133
Holly Lynch

Clause 29, page 31, line 1, leave out "whether"

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.

Stuart C McDonald **Negated 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.

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.”

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.”

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.

Stuart C McDonald **Withdrawn after debate** 51
Anne McLaughlin

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

Stuart C McDonald **Not called** 53
Anne McLaughlin

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

Stuart C McDonald **Not called** 52
Anne McLaughlin

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

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.

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”.

Bambos Charalambous **Not called** 135
Holly Lynch

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.”

Bambos Charalambous **Not moved** 136
Holly Lynch

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.

ELEVENTH AND TWELFTH SITTINGS

Tom Pursglove	Agreed to	110
Clause 37, page 36, line 4, at end insert—		
“(C1A)A person who—		
(a)	is required under immigration rules not to travel to the United Kingdom without an ETA that is valid for the person’s journey to the United Kingdom, and	
(b)	knowingly arrives in the United Kingdom without such an ETA, commits an offence.”	
Tom Pursglove	Agreed to	111
Clause 37, page 36, line 5, leave out “or (C1)” and insert “, (C1) or (C1A)”		
Tom Pursglove	Agreed to	112
Clause 37, page 36, line 19, leave out “or (C1)” and insert “, (C1) or (C1A)”		
Tom Pursglove	Agreed to	113
Clause 37, page 36, line 29, after “(C1)” insert “, (C1A)”		
Tom Pursglove	Agreed to	114
Clause 37, page 37, line 2, after “(C1)” insert “, (C1A)”		
Tom Pursglove	Agreed to	115
Clause 37, page 37, line 4, after “(C1)” insert “, (C1A)”		
Tom Pursglove	Agreed to	116
Clause 37, page 37, line 12, after “(C1)” insert “, (C1A)”		

Tom Pursglove **Agreed to** 117
Clause 37, page 37, line 15, after "(C1)" insert ", (C1A)"

Stuart C McDonald **Not called** 188
Anne McLaughlin

Clause 37, page 37, line 17, 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 devolved criminal justice functions and bodies in Northern Ireland and Scotland, including but not restricted to those of—

- (a) the Director of Public Prosecutions in Northern Ireland;
- (b) the Lord Advocate;
- (c) the Police Service of Northern Ireland;
- (d) Police Scotland;
- (e) the Northern Ireland Prison Service;
- (f) the Scottish Prison Service;
- (g) the Northern Ireland Courts and Tribunals Service; and
- (h) the Scottish Courts and Tribunals Service.

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

- (a) an assessment of the how the functions and bodies listed in (10) will be affected by this section;
- (b) the financial implications for those bodies;
- (c) the implications for existing devolved criminal justice and related policies;
- (d) details of any consultation and engagement with those bodies; and
- (e) the Secretary of State’s findings, conclusions and proposed actions.”

Paul Blomfield **Not selected** 142
Stuart C McDonald
Anne McLaughlin

Page 35, line 31, leave out Clause 37

Clause agreed to on division.

Bambos Charalambous **Negatived on division** 33
 Holly Lynch
 Stuart C McDonald
 Anne McLaughlin

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

Neil Coyle **Negatived on division** 162

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

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

“(a) aims to—

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

Clause agreed to on division.

Clause 39 agreed to.

Schedule 4 agreed to.

Clause 40 agreed to.

Clause 41 agreed to on division.

Tom Pursglove **Agreed to** 82
 Schedule 5, page 71, leave out lines 14 to 16

Tom Pursglove **Agreed to** 125
 Schedule 5, page 73, line 23, leave out “or (C1)” and insert “, (C1) or (C1A)”

Tom Pursglove **Agreed to** 126
 Schedule 5, page 73, line 23, at end insert “24B,”

Tom Pursglove **Agreed to** 127
 Schedule 5, page 73, line 31, after “(S.I. 2020/1309),” insert—
 “(ba) an offence under section 21 of the Immigration, Asylum and Nationality Act 2006,”

Tom Pursglove **Agreed to** 128

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

Paul Blomfield **Negatived on division** 144

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

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

Tom Pursglove **Agreed to** 83

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

Paul Blomfield **Not called** 145

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

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

Paul Blomfield **Not called** 146

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

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

Paul Blomfield **Not called** 148

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

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

Paul Blomfield **Not called** 147

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

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

Paul Blomfield **Not called** 149

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

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

Schedule agreed to on division.

Tom Pursglove **Not selected** 118

Page 38, line 9, leave out Clause 42

Clause negated.

Bambos Charalambous **Negatived on division** 137
Holly Lynch

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

Tom Pursglove **Not selected** 165

Page 38, line 25, leave out Clause 43

Clause negated.

Paul Blomfield **Withdrawn after debate** 143

Clause 44, page 41, line 7, at end insert—

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

Tom Pursglove **Not selected** 71

Page 40, line 46, leave out Clause 44

Clause negated.

Clause 45 agreed to on division.

Stuart C McDonald **Withdrawn after debate** 170
Anne McLaughlin

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

Stuart C McDonald **Withdrawn after debate** 172
Anne McLaughlin

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

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

Holly Lynch **Withdrawn after debate** 184
Bambos Charalambous

Clause 46, page 42, line 3, at end insert—

“(3A) Any slavery or trafficking information notice must be accompanied by information regarding the Secretary of State’s obligations to identify and support potential victims of modern slavery and trafficking.”

Stuart C McDonald **Not called** 169
Anne McLaughlin

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

“(4) Subsection (5) applies if the recipient of a slavery or trafficking information notice does not provide the Secretary of State or competent

authority with relevant status information within a reasonable period of time.

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

Stuart C McDonald **Not called** 171
Anne McLaughlin

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

Clause agreed to on division.

Holly Lynch **Negatived on division** 190
Bambos Charalambous

★ Clause 47, page 42, line 19, at end insert—

“(aa) the person was 18 or over at the time of the incident or incidents in respect of which the slavery or trafficking information notice was issued;”

Stuart C McDonald **Withdrawn after debate** 173
Anne McLaughlin

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

Stuart C McDonald **Withdrawn after debate** 174
Anne McLaughlin

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

Stuart C McDonald **Withdrawn after debate** 175
Anne McLaughlin

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

Holly Lynch **Not called 163**
Bambos Charalambous

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

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

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

Dame Diana Johnson **Withdrawn after debate 181**
Ms Harriet Harman
Stella Creasy
Tonia Antoniazzi
Barbara Keeley
Sarah Champion
Andrew Gwynne Debbie Abrahams Ronnie Cowan

Clause 47, page 42, line 31, at end insert—

“(5) The provision of relevant status information identifying a person as a likely victim of human trafficking for sexual services shall constitute a “good reason” for the purposes of this section.”

Dame Diana Johnson Not called 187
 Stella Creasy
 Tonia Antoniazzi
 Barbara Keeley
 Ms Harriet Harman
 Sarah Champion
 Andrew Gwynne Debbie Abrahams Ronnie Cowan

Clause 47, page 42, line 31, at end insert—

- “(5) Subsection (2) does not apply where the person is a victim of trafficking for the purposes of sexual exploitation.
- (6) For the purposes of subsection (5) the person may be considered a victim of trafficking for the purposes of sexual exploitation if there is evidence that the person—
- (a) Has been transported from one location to another for the purposes of sexual exploitation;
 - (b) Bears signs of physical abuse including but not limited to—
 - (i) Branding
 - (ii) Bruising
 - (iii) Scarring
 - (iv) Burns; or
 - (v) Tattoos indicating gang membership;
 - (c) Lacks access to their own earnings, such as by having no bank account in their own name;
 - (d) Has limited to no English language skills, or only such language skills as pertain to sexualised acts;
 - (e) Lives or stays at the same address as person(s) meeting the criteria in paragraphs (a) to (d); and
 - (f) Sleeps in the premises in which they are exploited.”

Clause agreed to on division.

Dame Diana Johnson Not called 182
 Ms Harriet Harman
 Stella Creasy
 Tonia Antoniazzi
 Barbara Keeley
 Sarah Champion
 Andrew Gwynne Debbie Abrahams Ronnie Cowan

Clause 48, page 42, line 36, at end insert—

- “(za) at the end of paragraph (a) insert—
- “(aa) the sorts of things which indicate that a person may be a victim of human trafficking for sexual services;””

Holly Lynch **Negatived on division** 183
Bambos Charalambous
Clause 48, page 42, leave out line 38

THIRTEENTH AND FOURTEENTH SITTINGS

Holly Lynch **Withdrawn after debate** 185
Bambos Charalambous
Clause 48, page 43, line 3, leave out from “determination” to end of subsection (4) and insert “determinations mentioned in paragraphs (c) and (d) are to be reviewed by the Multi-Agency Assurance Panels, who will have the power to overturn the determinations made by the competent authority.”

Stuart C McDonald **Withdrawn after debate** 176
Anne McLaughlin
Clause 48, page 43, line 17, leave out subsection (7)
Clause agreed to on division.

Holly Lynch **Negatived on division** 1
Bambos Charalambous
Clause 49, page 43, line 33, leave out “30” and insert “45”
Clause agreed to on division.

Holly Lynch **Negatived on division** 180
Bambos Charalambous

Clause 50, page 44, line 4, at end insert—

“(aa) the person was aged 18 or over at the time of the circumstances which gave rise to the first RG decision;”

Clause agreed to on division.

Holly Lynch **Negatived on division** 164
Bambos Charalambous

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

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

Stuart C McDonald **Not selected** 178
Anne McLaughlin

Page 44, line 28, leave out Clause 51

Clause agreed to on division.

Holly Lynch **Withdrawn after debate** 4
Bambos Charalambous

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”

Holly Lynch Bambos Charalambous	Not called	2
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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.”

Holly Lynch Bambos Charalambous	Not called	3
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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.”

Clause agreed to on division.

Holly Lynch **Withdrawn after debate** 7
Bambos Charalambous

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

Holly Lynch **Not called** 5
Bambos Charalambous

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

Holly Lynch **Negated on division** 189
Bambos Charalambous

Clause 53, page 47, line 21, at end insert—

“(2A) If the person is aged 17 or younger at the point of referral into the National Referral Mechanism, the Secretary of State must give the person leave to remain in the United Kingdom if that is in the person’s best interests.

(2B) In determining the length of leave to remain to grant to a person under subsection (2A), the Secretary of State must consider the person’s best interests and give due consideration to—

- (a) the person’s wishes and feelings;
- (b) the person’s need for support and care; and
- (c) the person’s need for stability and a sustainable arrangement.”

Holly Lynch **Not called** 6
Bambos Charalambous

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

Tom Pursglove **Agreed to** 72

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

Clause, as amended, agreed to on division.

Clause 54 agreed to.

Clause 55 agreed to.

Clause 56 agreed to on division.

Stuart C McDonald **Not called** 177
Anne McLaughlin

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

Clause agreed to.

Paul Blomfield **Negated on division** 150

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

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

Tom Pursglove **Not selected** 166

Page 52, line 3, leave out Clause 58

Clause disagreed to.

Paul Blomfield **Withdrawn after debate** 151

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

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

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

Tom Pursglove **Not selected** 73

Page 52, line 21, leave out Clause 59

Clause disagreed to.

Tom Pursglove **Not selected** 119
Page 52, line 35, leave out Clause 60
Clause disagreed to.

Tom Pursglove **Not selected** 74
Page 53, line 9, leave out Clause 61
Clause disagreed to.
Clause 62 agreed to on division.
Clause 63 agreed to on division.

Tom Pursglove **Not selected** 75
Page 55, line 1, leave out Clause 64
Clause disagreed to.
Clauses 65 to 67 agreed to.
Clause 68 agreed to.

Tom Pursglove **Agreed to** 120
Clause 69, page 58, line 28, at end insert—
“(4) A power under any provision listed in subsection (5) may be exercised so as to extend, with or without modifications, to any of the Channel Islands or the Isle of Man any amendment made by any of the following provisions to legislation to which the power relates—
(a) section 37 (illegal entry and similar offences), insofar as it relates to the insertion of subsection (C1A) into section 24 of the Immigration Act 1971;

- (b) section (*Electronic travel authorisations*) (electronic travel authorisations);
 - (c) section (*Liability of carriers*) (liability of carriers).
- (5) Those provisions are—
- (a) section 36 of the Immigration Act 1971;
 - (b) section 170(7) of the Immigration and Asylum Act 1999;
 - (c) section 163(4) of the Nationality, Immigration and Asylum Act 2002."

Stuart C McDonald
Anne McLaughlin

Withdrawn after debate 186

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

- "(4) Part 4 (modern slavery) only extends to Scotland to the extent that a motion has been approved by the Scottish Parliament, bringing it into force in Scotland.
- (5) Part 4 (modern slavery) only extends to Northern Ireland to the extent that a motion has been approved by the Northern Ireland Assembly, bringing it into force in Northern Ireland."

Clause agreed to.

Stuart C McDonald
Anne McLaughlin

Withdrawn after debate 107

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

Tom Pursglove

Agreed to 76

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

Tom Pursglove

Agreed to 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;"

Tom Pursglove		Agreed to	121
Clause 70, page 58, line 34, at end insert—			
“(b) section (<i>Notice of decision to deprive a person of citizenship</i>)(1) and (5) to (7) (effect of failure to give notice of pre-commencement decision to deprive a person of citizenship);”			

Tom Pursglove		Agreed to	122
Clause 70, page 58, line 36, at end insert—			
“(za) section (<i>Notice of decision to deprive a person of citizenship</i>)(2) to (4) (modifications of duty to give notice of decision to deprive a person of citizenship);”			

Tom Pursglove		Agreed to	123
Clause 70, page 58, line 37, leave out paragraph (a)			

Stuart C McDonald Anne McLaughlin		Not called	108
Clause 70, page 58, line 42, leave out paragraphs (d) and (e)			

Tom Pursglove		Agreed to	124
Clause 70, page 59, line 2, at end insert—			
“(fa) section (<i>Working in United Kingdom waters: arrival and entry</i>), for the purposes of making regulations;”			

Tom Pursglove		Agreed to	191
Clause 70, page 59, line 4, leave out paragraph (h)			

Tom Pursglove		Agreed to	78
Clause 70, page 59, line 5, leave out paragraph (i)			

Tom Pursglove		Agreed to	79
Clause 70, page 59, line 6, at end insert—			
“(ia) section (<i>Counter-terrorism questioning of detained entrants away from place of arrival</i>) (counter-terrorism questioning of detained entrants away from place of arrival);”			

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- Tom Pursglove **Agreed to 167**
 Clause 70, page 59, line 7, leave out paragraph (j)
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- Tom Pursglove **Agreed to 168**
 Clause 70, page 59, line 7, at end insert—
 “(ja) section (*Interpretation of Part etc*) (1) to (4) (interpretation of Part 3A);
 (jb) section (*Use of scientific methods in age assessments*)(1) to (3) and (8) (regulations about use of scientific methods in age assessments);
 (jc) section (*Regulations about age assessments*) (regulations about age assessments);”
-
- Tom Pursglove **Agreed to 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);”
-
- Tom Pursglove **Agreed to 81**
 Clause 70, page 59, line 8, leave out paragraph (k)
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- Stuart C McDonald **Not called 109**
 Anne McLaughlin
 Clause 70, page 59, line 9, at end insert—
 “(5) Sections 27 to 35 may not be commenced before—
 (a) the Secretary of State has consulted with such parties as the Secretary of State considers appropriate on—
 (i) the compatibility of each section with the Refugee Convention; and
 (ii) the domestic and international implications of the UK adopting each section;
 (b) the Secretary of State has laid before Parliament a report on the outcome of that consultation stating which parties were consulted, and stating in respect of each section—
 (i) the views of the parties consulted on its compatibility and implications;
 (ii) the differences between the interpretation of the Convention provided by the section and any interpretations provided by the higher courts before the passing of this Act;

- (iii) the reasons why the Secretary of State concludes that the section should be commenced; and
- (c) both Houses of Parliament have considered that report and approved the commencement of each of the sections that is to be commenced.

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

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

Stuart C McDonald
Anne McLaughlin

Withdrawn after debate 179

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

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

Clause agreed to.

Clause 71 agreed to.

Adjourned until Thursday 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.