
Report Stage: Wednesday 8 December 2021

Nationality and Borders Bill, As Amended (Amendment Paper)

This document lists all amendments tabled to the Nationality and Borders Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Speaker's provisional selection and grouping, which sets out the order in which the amendments will be debated.

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

NEW CLAUSES AND NEW SCHEDULES RELATING TO PART 5 (MODERN SLAVERY) AND AMENDMENTS TO THAT PART; AND REMAINING PROCEEDINGS ON CONSIDERATION

NEW CLAUSES AND NEW SCHEDULES RELATING TO PART 5 (MODERN SLAVERY) AND AMENDMENTS TO THAT PART

Dame Diana Johnson
Ms Harriet Harman
Barbara Keeley
Debbie Abrahams
Andrew Gwynne
Sarah Champion
Tonia Antoniazzi
Helen Hayes
Rushanara Ali
Sir Mark Hendrick
Valerie Vaz
Bell Ribeiro-Addy
Richard Fuller
Jonathan Edwards
Ben Lake
Emma Hardy

Rosie Cooper
Christina Rees
Tony Lloyd
Stella Creasy
Carolyn Harris
Sir Peter Bottomley
Mr Clive Betts
Liz Saville Roberts
Paula Barker
Kim Johnson

Rosie Duffield
Julie Elliott
Clive Efford
Karin Smyth
Caroline Lucas
Claire Hanna
Mr Ben Bradshaw
Hywel Williams
Cat Smith
Catherine McKinnell

NC3

To move the following Clause—

“Offence of human trafficking for sexual exploitation

- (1) A person commits an offence if the person arranges or facilitates the travel of another person (“V”) to the United Kingdom with a view to V being sexually exploited in the United Kingdom.
- (2) It is irrelevant whether V consents to the travel (whether V is an adult or a child).
- (3) A person may in particular arrange or facilitate V’s travel to the United Kingdom by recruiting V, transporting or transferring V, harbouring or receiving V, or transferring or exchanging control over V.

- (4) A person arranges or facilitates V's travel to the United Kingdom with a view to V being sexually exploited in the United Kingdom only if—
- (a) the person intends to sexually exploit V in the United Kingdom during or after the travel, or
 - (b) the person knows or ought to know that another person is likely to sexually exploit V in the United Kingdom during or after the travel.
- (5) "Travel" means—
- (a) arriving in, or entering, the United Kingdom,
 - (b) departing from any country outside the United Kingdom in circumstances where the person arranging or facilitating V's travel intends that the destination will be the United Kingdom.
- (6) A person who is a UK national commits an offence under this section regardless of—
- (a) where the arranging or facilitating takes place, or
 - (b) where the travel takes place.
- (7) A person who is not a UK national commits an offence under this section if—
- (a) any part of the arranging or facilitating takes place in the United Kingdom, or
 - (b) the travel consists of arrival in or entry into, departure from, or travel within, the United Kingdom.
- (8) A person who commits an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for life;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both."

Holly Lynch
 Bambos Charalambous
 Bell Ribeiro-Addy
 Apsana Begum
 Stephen Farry
 Paul Blomfield
 Caroline Lucas
 Liz Saville Roberts

Debbie Abrahams
 Hywel Williams

Jonathan Edwards
 Ben Lake

NC6

To move the following Clause—

"Exemption for child victims of modern slavery, exploitation or trafficking

- (1) The Secretary of State may not serve a slavery or trafficking information notice on a person in respect of an incident or incidents which occurred when the person was aged under 18 years.
- (2) Section 61 of this Act does not apply in cases where either of the positive reasonable grounds decisions related to an incident or incidents which occurred when the person was aged under 18 years.

- (3) Section 62 of this Act does not apply in cases where the positive reasonable grounds decision related to an incident or incidents which occurred when the person was aged under 18 years.
- (4) Sections 64(3) and 64(6) of this Act do not apply in cases where the positive conclusive grounds decision related to an incident or incidents which occurred when the person was aged under 18 years."

Member's explanatory statement

This new clause would exempt victims of modern slavery, exploitation or trafficking from many of the provisions in Part 5 of the Bill if they were under 18 when they became a victim.

Holly Lynch

Bambos Charalambous

Jonathan Edwards

Liz Saville Roberts

Hywel Williams

Ben Lake

NC30

To move the following Clause—

"Victim Navigators

- (1) The Secretary of State must, within six months of the date of Royal Assent to this Act, make provisions for each police force in England and Wales to have one or more Independent Victim Navigators to liaise between the relevant police force and potential victims of slavery or human trafficking and to assist in the procurement of specialist advice for both the police force and the potential victim.
- (2) Regulations under this section—
 - (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament."

Member's explanatory statement

This new clause seeks to introduce provisions for Independent Victim Navigators to be in operation on a national level, acting as a liaison between the police and potential victim of slavery or human trafficking in accessing the appropriate support.

Richard Fuller

Darren Jones

Karen Bradley

Sarah Champion

NC39

To move the following Clause—

"Identified potential victims etc: disqualification from protection

- (1) This section applies to the construction and application of Article 13 of the Trafficking Convention.
- (2) The competent authority may determine that it is not bound to observe the minimum recovery period under section 60(2) of this Act in respect of

- a person in relation to whom a positive reasonable grounds decision has been made, if the authority is satisfied that it is prevented from doing so—
- (a) as a result of an immediate, genuine, present and serious threat to public order; or
 - (b) the person is claiming to be a victim of modern slavery improperly.
- (3) Any determination made under subsection (2) must only be made—
- (a) in exceptional circumstances;
 - (b) where necessary and proportionate to the threat posed; and
 - (c) following an assessment of all the circumstances of the case.
- (4) A determination made under subsection (2) must not be made where it would breach—
- (a) a person's Human Rights Convention rights;
 - (b) the United Kingdom's obligations under the Trafficking Convention; or
 - (c) the United Kingdom's obligations under the Refugee Convention.
- (5) For the purposes of a determination under subsection 2(b), victim status is being claimed improperly if the person knowingly and dishonestly makes a false statement without good reason, and intends by making the false statement to make a gain for themselves.
- (6) A good reason for making a false statement includes, but is not limited to, circumstances where—
- (a) the false statement is attributable to the person being or having been a victim of modern slavery; or
 - (b) where any means of trafficking were used to compel the person into making a false statement.
- (7) This section does not apply where the person is under 18.
- (8) Nothing in this section shall affect the application of section 60(3) of this Act."

Member's explanatory statement

This new clause is an alternative to clause 62. It ensures that the power currently provided for in clause 62 is exercised in line with the UK's obligations under Article 13 of the Trafficking Convention. This amendment also protects child victims of modern slavery from disqualification from protection.

Mr Alistair Carmichael
Ed Davey
Daisy Cooper
Wendy Chamberlain
Tim Farron
Sarah Green
Wera Hobhouse
Sarah Olney
Jonathan Edwards
Ben Lake

Christine Jardine
Jamie Stone
Liz Saville Roberts

Layla Moran
Munira Wilson
Hywel Williams

NC43

To move the following Clause—

“Civil legal aid under section 9 of LASPO: add-on services in relation to the national referral mechanism

- “(1) Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services qualifying for legal aid) is amended as follows.
- (2) After paragraph 32A (Victims of slavery, servitude or forced or compulsory labour) insert—
- “Pre-National Referral Mechanism advice
- 32B (1) Civil legal services provided to an individual in relation to referral into the national referral mechanism and connected immigration advice.
- General exclusions
- (3) Sub-paragraph (1) is subject to the exclusions in Part 2 of this Schedule.
- Specific exclusions
- (4) The civil legal services described in sub-paragraph (1) do not include—
- (a) advocacy, or
- (b) attendance at an interview conducted by the competent authority under the national referral mechanism for the purposes of a reasonable grounds decision or a conclusive grounds decision.
- (5) In regulation 5(1) of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (S.I. 2013/480) (exceptions from requirement to make a determination in respect of an individual’s financial resources), after paragraph (l), insert—
- “(m) civil legal services described in paragraph 32B of Part 1 of Schedule 1 to the Act (Civil legal services provided to an individual in relation to referral into the national referral mechanism).””

Sir Iain Duncan Smith
 Jackie Doyle-Price
 Andrew Selous
 Fiona Bruce
 Caroline Ansell
 Karen Bradley
 Mr Peter Bone
 Anne McLaughlin
 Paul Blomfield

Carolyn Harris
 Derek Thomas
 Robert Halfon

Stuart C McDonald
 Anne Marie Morris

NC47

To move the following Clause—

“Support and leave to remain for confirmed victims of slavery or human trafficking

This section applies if a positive conclusive grounds decision is made in respect of a person.

- (1) This subsection applies if the person has received support under section 50A of the Modern Slavery Act 2015—
 - (a) assistance and support must be provided for at least 12 months beginning on the day on which support provided under section 50A ends,
 - (b) where assistance and support is provided to a person under this subsection the Secretary of State must consider whether it is necessary for the victim’s physical, psychological and social recovery or to prevent re-trafficking to provide assistance and support after the end of the period in subsection (2)(a) for as long as they think appropriate,
 - (c) a decision whether to provide assistance and support in accordance with subsection (2)(b) must be made at least four weeks before the end of the assistance and support provided under subsection (2)(a),
 - (d) a reference in this subsection to assistance and support has the same meaning as in section 50A(7) of the Modern Slavery Act 2015.
- (2) This subsection applies if the person is not a British citizen—
 - (a) the Secretary of State must give the person leave to remain in the United Kingdom if subsection (2) or (4) or (5) applies,
 - (b) leave to remain provided under this subsection shall be provided from the day on which the positive conclusive grounds decision is communicated to a person for either—
 - (i) the amount of time support and assistance will be provided under either subsection (2) or one of the measures listed in subsection (4), or
 - (ii) at least 12 months if the person meets one or more of the criteria in subsection (5).
- (3) This subsection applies if the person receives support and assistance under one of the following—
 - (a) section 18(9) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2 (N.I.)),

- (b) section 9(3)(c) of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12), or
 - (c) regulation 3(4)(c) of the Human Trafficking and Exploitation (Scotland) Act 2015 (Support for Victims) Regulations 2018 (S.S.I 2018/90).
- (4) This subsection applies if the person meets one or more of the following criteria—
- (a) leave is necessary due to the person’s circumstances, including but not restricted to—
 - (i) the needs of that person for safety and protection from harm including protection from re-trafficking,
 - (ii) the needs of that person for medical and psychological treatment,
 - (b) the person is participating as a witness in criminal proceedings,
 - (c) the person is bringing any civil proceedings including pursuing compensation.
- (5) Where the person is receiving assistance from a support worker the recommendations of the support worker must be considered in assessing that person’s circumstances under subsection (5)(a).
- (6) The Secretary of State must provide for persons granted leave to remain in accordance with this section to have recourse to public funds for the duration of the period of leave.
- (7) The Secretary of State must allow a grant of leave to remain under subsection (3) to be extended subject to the requirements of subsection (9).
- (8) In determining whether to extend a grant of leave to remain under subsection (8), and the period of time for which such extended leave should be provided, the person’s individual circumstances must be considered, and whether that person—
- (a) is receiving on-going support and assistance under the measures set out in either subsection (2) or subsection (4), or
 - (b) meets one or more of the criteria in subsection (5).
- (9) If the Secretary of State is satisfied that the person is a threat to public order—
- (a) the Secretary of State is not required to give the person leave under this section, and
 - (b) if such leave has already been given to the person, it may be revoked.
- (10) In this section, if the person is aged below 18 years of age, the best interests of the child must be taken into consideration in accordance with section 55 of the Borders, Citizenship and Immigration Act 2009.
- (11) In this section—

“positive conclusive grounds decision” means a decision made by a competent authority that a person is a victim of slavery or human trafficking;

“threat to public order” has the same meaning as subsections (3) to (7) of section 62.

(12) This section is to be treated for the purposes of section 3 of the Immigration Act 1971 as if it were provision made by that Act.”

Member’s explanatory statement

This new clause would provide new statutory support for victims in England and Wales after a conclusive grounds decisions. It would provide leave to remain for all victims with a positive conclusive grounds decision for at least 12 months to receive support, assist police with their enquiries or seek compensation.

Stuart C McDonald
Anne McLaughlin
Owen Thompson
Jonathan Edwards
Liz Saville Roberts
Hywel Williams
Ben Lake

127

Page 57, line 3, leave out Clause 57

Stuart C McDonald
Anne McLaughlin
Owen Thompson
Jonathan Edwards
Liz Saville Roberts
Hywel Williams
Ben Lake

128

Page 57, line 25, leave out Clause 58

<p>Dame Diana Johnson Ms Harriet Harman Barbara Keeley Debbie Abrahams Andrew Gwynne Sarah Champion Tonia Antoniazzi Helen Hayes Rushanara Ali Sir Mark Hendrick Valerie Vaz Bell Ribeiro-Addy Paula Barker Kim Johnson Mr Ben Bradshaw</p>	<p>Rosie Cooper Christina Rees Tony Lloyd Stella Creasy Carolyn Harris Sir Peter Bottomley Cat Smith Catherine McKinnell</p>	<p>Rosie Duffield Julie Elliott Clive Efford Karin Smyth Caroline Lucas Claudia Webbe Emma Hardy Mr Clive Betts</p>
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5

Clause 58, page 57, line 41, 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.”

Member’s explanatory statement

This amendment would mean that the credibility of victims of human trafficking for sexual services would not be called into question by reason of the late provision of information relating to that fact.

<p>Dame Diana Johnson Ms Harriet Harman Barbara Keeley Debbie Abrahams Andrew Gwynne Sarah Champion Tonia Antoniazzi Helen Hayes Rushanara Ali Sir Mark Hendrick Valerie Vaz Bell Ribeiro-Addy Stephen Farry Emma Hardy Mr Clive Betts</p>	<p>Rosie Cooper Christina Rees Tony Lloyd Stella Creasy Carolyn Harris Sir Peter Bottomley Paula Barker Kim Johnson Mr Ben Bradshaw</p>	<p>Rosie Duffield Julie Elliott Clive Efford Karin Smyth Caroline Lucas Richard Fuller Cat Smith Catherine McKinnell</p>
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6

Clause 58, page 57, line 41, at end insert—

“(5) Subsection (2) does not apply where the person is a victim of trafficking for the purposes of forced prostitution.

- (6) For the purposes of subsection (5) the person may be considered a victim of trafficking for the purposes of forced prostitution if there is evidence that the person—
 - (a) has been transported from one location to another on a daily basis;
 - (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);
- (f) sleeps in the premises in which they work."

Member's explanatory statement

Under this amendment, late provision of relevant status information would not be taken as damaging the credibility of the person providing the information if that person were a victim of trafficking for the purposes of forced prostitution.

Dame Diana Johnson
 Ms Harriet Harman
 Barbara Keeley
 Debbie Abrahams
 Andrew Gwynne
 Sarah Champion
 Tonia Antoniazzi
 Helen Hayes
 Rushanara Ali
 Sir Mark Hendrick
 Valerie Vaz
 Bell Ribeiro-Addy
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 Mr Ben Bradshaw

Rosie Cooper
 Christina Rees
 Tony Lloyd
 Stella Creasy
 Carolyn Harris
 Sir Peter Bottomley
 Cat Smith
 Catherine McKinnell

Rosie Duffield
 Julie Elliott
 Clive Efford
 Karin Smyth
 Caroline Lucas
 Richard Fuller
 Emma Hardy
 Mr Clive Betts

7

Clause 59, page 58, line 5, 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;”

Member's explanatory statement

This amendment would require the Secretary of State to issue specific guidance on the sorts of things which indicate that a person may be a victim of human trafficking for sexual services.

Secretary Priti Patel 64

Clause 60, page 59, line 1, leave out subsection (2)

Member's explanatory statement

This amendment removes the requirement that there must be at least 30 days between the making of a positive reasonable grounds decision in relation to an identified potential victim of slavery or human trafficking and the making of a conclusive grounds decision.

Secretary Priti Patel 65

Clause 60, page 59, line 4, at beginning insert "Subject to section 62(2),"

Member's explanatory statement

This is a drafting amendment to make it clear that the prohibition on removal of an identified potential victim does not apply where they are disqualified from protection under clause 62 as a threat to public order or for having acted in bad faith.

Secretary Priti Patel 66

Clause 60, page 59, line 10, leave out paragraph (b) and insert—

- "(b) ending with whichever of the following is the later—
- (i) the day on which the conclusive grounds decision is made in relation to the identified potential victim;
 - (ii) the end of the period of 30 days beginning with the day mentioned in paragraph (a)."

Member's explanatory statement

This amendment is consequential on Amendment 64. It ensures that an identified potential victim is entitled to a recovery period (giving protection from removal) of at least 30 days even where a conclusive grounds decision is made within 30 days of the positive reasonable grounds decision.

Secretary Priti Patel 67

Clause 61, page 59, line 17, after "person" insert ", in a case where the reasonable grounds for believing that the person is a victim of slavery or human trafficking arise from things done wholly before the first RG decision was made"

Member's explanatory statement

This amendment corrects a drafting error in the definition of "further RG decision".

Secretary Priti Patel 68
 Clause 61, page 59, line 18, leave out paragraph (c)

Member’s explanatory statement

This amendment is consequential on Amendment 67.

Secretary Priti Patel 69
 Clause 61, page 59, line 21, leave out subsections (2) to (4) and insert—

“(2) If the competent authority considers it appropriate in the circumstances of a particular case, the authority may determine that the person may not be removed from, or required to leave, the United Kingdom during the period—

- (a) beginning with the day on which the further RG decision is made, and
- (b) ending with whichever of the following is the later—
 - (i) the day on which the conclusive grounds decision is made in relation to the further RG decision;
 - (ii) the end of the period of 30 days beginning with the day mentioned in paragraph (a).

This is subject to section 62(2).”

Member’s explanatory statement

This amendment removes the disapplication of a requirement to make a conclusive grounds decision following a “further RG decision” and instead provides that, although an identified potential victim is not automatically entitled to protection from removal following a further RG decision, the competent authority may decide that it is appropriate to give them that protection.

<p>Mr Alistair Carmichael Ed Davey Daisy Cooper Wendy Chamberlain Tim Farron Sarah Green Wera Hobhouse Sarah Olney Bell Ribeiro-Addy Caroline Lucas</p>	<p>Christine Jardine Jamie Stone Stephen Farry Claudia Webbe</p>	<p>Layla Moran Munira Wilson Apsana Begum Stuart C McDonald</p>
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Page 59, line 39, leave out Clause 62

Member’s explanatory statement

This amendment would remove clause 62, which excludes potential modern slavery victims from protection in certain circumstances.

Secretary Priti Patel 70

Clause 62, page 60, line 1, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on Amendments 64 and 69.

Secretary Priti Patel 71

Clause 62, page 60, line 4, at end insert “, and

- (c) any requirement under section 64 to grant the person limited leave to remain in the United Kingdom.”

Member's explanatory statement

This amendment provides that if an identified potential victim is disqualified from protection (on the grounds of public order or acting in bad faith) but goes on to receive a positive conclusive grounds decision, any requirement to grant them leave to remain in the United Kingdom that would otherwise arise under clause 64 ceases to apply.

Secretary Priti Patel 72

Clause 63, page 61, line 28, leave out from “any” to “arising” in line 29 and insert “physical, psychological or social harm”

Member's explanatory statement

This amendment changes the reference to “social well-being” to “social harm” to follow more closely the language of the Council of Europe Convention on Action against Trafficking in Human Beings.

Secretary Priti Patel 73

Clause 63, page 61, line 35, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on Amendment 69.

Secretary Priti Patel 74

Clause 63, page 61, line 43, leave out paragraph (b) and insert—

- “(b) ending with whichever of the following is the later—
 - (i) the day on which the conclusive grounds decision is made in relation to the further RG decision;

- (ii) the end of the period of 30 days beginning with the day mentioned in paragraph (a)."

Member's explanatory statement

This amendment is consequential on Amendment 64.

Secretary Priti Patel

75

Clause 63, page 61, line 45, leave out subsection (5)

Member's explanatory statement

This amendment is consequential on Amendment 73.

Sir Iain Duncan Smith

149

Jackie Doyle-Price

Andrew Selous

Fiona Bruce

Caroline Ansell

Karen Bradley

Mr Peter Bone

Carolyn Harris

Page 62, line 18, leave out Clause 64

Member's explanatory statement

This amendment is consequential on NC47.

Secretary Priti Patel

78

Clause 64, page 62, line 23, leave out "give" and insert "grant"

Member's explanatory statement

This amendment and Amendments 81 to 83 make minor drafting changes for consistency with related provisions on the statute book.

Secretary Priti Patel

76

Clause 64, page 62, line 26, after "any" insert "physical or psychological"

Member's explanatory statement

This amendment removes assisting a victim of slavery or human trafficking in their recovery from harm to their social well-being from the list of purposes for which the Secretary of State is required to give a victim limited leave to remain the United Kingdom.

Secretary Priti Patel 77

Clause 64, page 62, line 27, leave out from “exploitation” to end of line 28

Member’s explanatory statement

This amendment is consequential on Amendment 76.

Secretary Priti Patel 79

Clause 64, page 62, line 33, at end insert—

“(2A)Subsection (2) is subject to section 62(2).”

Member’s explanatory statement

This amendment is consequential on Amendment 71.

Secretary Priti Patel 80

Clause 64, page 63, line 3, leave out “as” and insert “which may be, but does not need to be, an agreement”

Member’s explanatory statement

This amendment makes it clear that a trafficking victim may be removed to a country which is not a signatory to the Council of Europe Convention on Action against Trafficking in Human Beings, if the UK has made an agreement with that country.

Secretary Priti Patel 81

Clause 64, page 63, line 9, leave out “give” and insert “grant”

Member’s explanatory statement

See the explanatory statement for Amendment 78.

Secretary Priti Patel 82

Clause 64, page 63, line 11, leave out “given” and insert “granted”

Member’s explanatory statement

See the explanatory statement for Amendment 78.

Secretary Priti Patel

83

Clause 64, page 63, line 12, leave out “given” and insert “granted”

Member’s explanatory statement

See the explanatory statement for Amendment 78.

Mr Alistair Carmichael

130

Ed Davey

Daisy Cooper

Wendy Chamberlain

Tim Farron

Sarah Green

Wera Hobhouse

Sarah Olney

Christine Jardine

Jamie Stone

Layla Moran

Munira Wilson

Page 63, line 26, leave out Clause 65

Member’s explanatory statement

This amendment is consequential on NC43.

Mr Alistair Carmichael

131

Ed Davey

Daisy Cooper

Wendy Chamberlain

Tim Farron

Sarah Green

Wera Hobhouse

Sarah Olney

Christine Jardine

Jamie Stone

Layla Moran

Munira Wilson

Page 66, line 1, leave out Clause 66

Member’s explanatory statement

This amendment is contingent on NC43, Clause 66 would no longer be required if NC43 is agreed to.

Stuart C McDonald
Anne McLaughlin
Owen Thompson
Jonathan Edwards
Liz Saville Roberts
Hywel Williams
Ben Lake

148

Page 66, line 33, leave out Clause 67

REMAINING PROCEEDINGS ON CONSIDERATION

Secretary Priti Patel

84

Clause 81, page 79, line 4, leave out subsections (4) and (5) and insert—

“(4) Her Majesty may by Order in Council provide for any of the provisions of this Act to extend, with or without modifications, to any of the Channel Islands or the Isle of Man.

(5) A power under any provision listed in subsection (6) may be exercised so as to extend (with or without modification) to any of the Channel Islands or the Isle of Man any amendment or repeal made by or under this Act of any part of an Act to which the provision listed in subsection (6) relates.

(6) Those provisions are—

- (a) section 36 of the Immigration Act 1971,
- (b) section 15(1) of the Asylum and Immigration Appeals Act 1993,
- (c) section 13(5) of the Asylum and Immigration Act 1996,
- (d) section 9(3) of the Special Immigration Appeals Commission Act 1997,
- (e) section 170(7) of the Immigration and Asylum Act 1999,
- (f) section 163(4) of the Nationality, Immigration and Asylum Act 2002,
- (g) section 338 of the Criminal Justice Act 2003,
- (h) section 49(3) of the Asylum and Immigration (Treatment of Claimants etc) Act 2004,
- (i) section 63(3) of the Immigration, Asylum and Nationality Act 2006,
- (j) section 60(4) of the UK Borders Act 2007,
- (k) section 57(5) of the Borders, Citizenship and Immigration Act 2009,
- (l) section 76(6) of the Immigration Act 2014,
- (m) section 60(6) of the Modern Slavery Act 2015,

- (n) section 95(5) of the Immigration Act 2016, and
- (o) section 8(2) of the Immigration and Social Security (EU Withdrawal) Act 2020”

Member’s explanatory statement

This amendment will enable the provisions of the Bill to be extended, by Order in Council, the Channel Islands and the Isle of Man.

Stuart C McDonald 129
 Anne McLaughlin
 Owen Thompson

Clause 81, page 79, line 15, at end insert—

“(6) Part 4 (age assessments) and part 5 (modern slavery) only extend to Scotland to the extent that a motion has been approved by the Scottish Parliament, bringing them into force in Scotland.”

Member’s explanatory statement

Under this amendment, Parts 4 and 5 of the Bill would not enter into force in Scotland until the Scottish Parliament had given its consent.

Secretary Priti Patel 85

Clause 82, page 79, line 21, leave out “This Part and”

Member’s explanatory statement

This amendment, and Amendment 86, make minor drafting changes needed as a result of Amendment 87.

Secretary Priti Patel 86

Clause 82, page 79, line 25, leave out paragraph (b) and insert—

“(b) this Part.”

Member’s explanatory statement

See statement for Amendment 85.

Secretary Priti Patel 87

Clause 82, page 79, line 26, at end insert—

“(3A) The following provisions come into force on the day on which this Act is passed for the purposes of making (and, where required, consulting on) regulations—

- (a) section 13 (requirement to make asylum claim at “designated place”);
- (b) section 26 (accelerated detained appeals);
- (c) section 41 and Schedule 4 (penalty for failure to secure goods vehicle etc);
- (d) section 42 (working in United Kingdom waters: arrival and entry);
- (e) section 49 (persons subject to immigration control: referral or age assessment by local authority);
- (f) section 51 (regulations about use of scientific methods in age assessments);
- (g) section 52 (regulations about age assessments);
- (h) section 68 (interpretation of Part 5);
- (i) section 77 (pre-consolidation amendments of immigration legislation).”

Member’s explanatory statement

This amendment brings powers in the Bill to make regulations into force on Royal Assent, so that the regulations can be prepared in advance of the substantive provisions being commenced. The regulations themselves will not be commenced for at least two months after Royal Assent.

Secretary Priti Patel

88

Clause 82, page 79, line 38, leave out paragraph (g)

Member’s explanatory statement

This amendment is consequential on Amendment 87.

Secretary Priti Patel

89

Clause 82, page 79, line 42, leave out paragraphs (j) and (k)

Member’s explanatory statement

This amendment is consequential on Amendment 87.

Secretary Priti Patel

90

Clause 82, page 80, line 3, leave out paragraph (n)

Member’s explanatory statement

This amendment is consequential on Amendment 87.

Paul Blomfield
Richard Fuller
Alison Thewliss
Bell Ribeiro-Addy
Anne McLaughlin
Caroline Lucas

16

Clause 82, page 80, line 3, 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.”

Member’s explanatory statement

This amendment would bring NC15-NC17 into force six months after the day on which the Bill is passed.

Order of the House

[20 July 2021]

That the following provisions shall apply to the Nationality and Borders Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 4 November 2021.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

Order of the House

[7 December 2021]

That the Order of 20 July 2021 (Nationality and Borders Bill (Programme)) be varied as follows:

1. Paragraphs (4) and (5) of the Order shall be omitted.
2. Proceedings on Consideration and Third Reading shall be taken in two days in accordance with the following provisions of this Order.
3. Proceedings on Consideration—
 - (a) shall be taken on each of those days in the order shown in the first column of the following Table, and
 - (b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Proceedings	Time for conclusion of proceedings
First day New Clauses and new Schedules relating to Part 1 (nationality) and amendments to that Part	Two and a half hours after the commencement of proceedings on the motion for this Order.
New Clauses and new Schedules relating to Parts 2, 3, 4 and 6 (asylum, immigration control, age assessments and miscellaneous provisions) and amendments to those Parts	Five hours after the commencement of proceedings on the motion for this order.
Second day New Clauses and new Schedules relating to Part 5 (modern slavery) and amendments to that Part; and remaining proceedings on Consideration	Two hours after the commencement of proceedings on Consideration on the second day.

4. Proceedings on Third Reading shall be taken on the second day and shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings on Consideration on the second day.

Notices Withdrawn

The following notices were withdrawn on 1 December 2021:

109 (duplicate of 12)

The following notices were withdrawn on 2 December 2021:

117 and 112 (duplicates of 105)
