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Report Stage: Monday 22 November 2021

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## 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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

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

New Amendment: 12

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Neil Coyle

NC1

To move the following Clause—

**“Prescribed period under section 94(3) of the Immigration and Asylum Act 1999**

- (1) The Asylum Support Regulations 2000 (S.I. 2000/704) are amended as follows.
- (2) In regulation 2(2) (interpretation) for “28” substitute “56”.
- (3) Subject to subsection (4), this section does not prevent the Secretary of State from exercising the powers conferred by the Immigration and Asylum Act 1999 to prescribe by regulations a different period for the purposes of section 94(3) (day on which a claim for asylum is determined) of that Act.
- (4) The Secretary of State may not prescribe a period less than 56 days where regulation 2(2A) of the Asylum Support Regulations 2000 (S.I. 2000/704) applies.”

**Member’s explanatory statement**

When an individual is granted refugee status, their eligibility to Home Office financial support and accommodation currently ends after a further 28 days. This new clause would extend that period to 56 days or allow the Secretary of State to set a longer period.

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Henry Smith  
 Andrew Rosindell  
 Alan Brown  
 Jeremy Corbyn  
 Caroline Lucas  
 Tim Loughton  
 Andrew Gwynne                      Patrick Grady                      John McDonnell

NC2

To move the following Clause—

**“Acquisition by registration: Descendants of those born on British Indian Ocean Territory**

- (1) The British Nationality Act 1981 is amended as follows.
- (2) After section 17H (as inserted by section 7) insert—

**“17I Acquisition by registration: Descendants of those born on British Indian Ocean Territory**

- (1) A person is entitled to be registered as a British Overseas Territories citizen on an application made under this section if they are a direct descendant of a person (“P”) who was a citizen of the United Kingdom and Colonies by virtue of P’s birth in the British Indian Ocean Territory or, prior to 8 November 1965, in those islands designated as the British Indian Ocean Territory on that date.
- (2) A person who is being registered as a British Overseas Territories citizen under this section is also entitled to be registered as a British citizen.
- (3) No charge or fee shall be imposed for registration under this section.””

**Member’s explanatory statement**

This new clause would allow anyone who is descended from a person born before 1983 on the British Indian Ocean Territory to register as a British Overseas Territories citizen. They may also register as a British citizen at the same time. Both applications would be free of charge.

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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

Rosie Cooper  
 Christina Rees  
 Tony Lloyd  
 Stella Creasy  
 Carolyn Harris

Rosie Duffield  
 Julie Elliott  
 Clive Efford  
 Karin Smyth  
 Caroline Lucas

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."

Andrew Rosindell  
 Jim Shannon  
 Margaret Ferrier  
 Stuart C McDonald  
 Sir Jeffrey M Donaldson  
 Carol Monaghan  
 Sammy Wilson  
 Mr Steve Baker

Tommy Sheppard

Sir Iain Duncan Smith

NC4

To move the following Clause—

**"Former British-Hong Kong service personnel: right of abode**

- (1) The Immigration Act 1971 is amended as follows.
- (2) At the end of section 2(1) insert—
  - "(c) that person is a former member of the Hong Kong Military Service Corps or the Hong Kong Royal Naval service, or

- (d) that person is the spouse or dependent of a former member of the Hong Kong Military Service Corps or the Hong Kong Royal Naval service.””

**Member’s explanatory statement**

This new clause would mean that all former British-Hong Kong service personnel, plus their spouses and dependents, would have right of abode in the UK.

Damian Green

NC5

Tom Tugendhat

Stephen Timms

Mr Andrew Mitchell

Caroline Lucas

Mr David Davis

Layla Moran

Andrew Rosindell

Andrew Gwynne

Sir Iain Duncan Smith

Dame Diana Johnson

Mr David Jones

Peter Dowd

Sir Graham Brady

Mr Virendra Sharma

Dr Liam Fox

Sarah Champion

Tim Loughton

Sir Peter Bottomley

Jeremy Hunt

Ms Nusrat Ghani

Mr Alistair Carmichael

Mr Steve Baker

Bob Seely

Margaret Ferrier

Wendy Chamberlain

Neil Coyle

Ms Nusrat Ghani

To move the following Clause—

**“British National (Overseas) visas: eligibility**

- (1) Within two months of this Act being passed, the Secretary of State must amend the Immigration Rules to ensure that all persons meeting the condition set out in subsection (2) are eligible to apply for the British National (Overseas) visa.
- (2) The condition referred to in subsection (1) is that the person has at least one parent who is a British national (overseas).”

**Member’s explanatory statement**

This new clause would enable any persons from Hong Kong who have at least one parent who is a British national (overseas) to apply for the British National (Overseas) visa.

Holly Lynch

NC6

Bambos Charalambous

☆ 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.

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Mr David Davis  
Bell Ribeiro-Addy

12

★ Page 11, line 35, leave out Clause 9

**Member’s explanatory statement**

This amendment would remove clause 9, which would enable the Home Secretary to deprive UK nationals of citizenship without notice.

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

Christine Jardine  
Jamie Stone

Layla Moran  
Munira Wilson

2

Page 12, line 33, leave out Clause 10

**Member’s explanatory statement**

This amendment would remove clause 10, which restricts entitlement to British citizenship for children born stateless in the UK.

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Tim Farron 8  
Mr Alistair Carmichael

Page 14, line 4, leave out Clause 11

**Member's explanatory statement**

This amendment would remove clause 11, which provides for the differential treatment of refugees depending on their method of arrival in the UK.

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Mr David Davis 11  
Mr Alistair Carmichael  
Mr Andrew Mitchell  
Caroline Nokes

Clause 28, page 32, line 1, leave out paragraph (a)

**Member's explanatory statement**

This is a paving amendment for Amendment 9.

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Neil Coyle 1

Clause 40, page 40, line 8, 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”

**Member's explanatory statement**

This amendment would add people working on behalf of organisations that aim to protect lives at sea to those who are exempt for prosecution for helping someone seeking asylum to enter the UK, as long as those organisations do not charge for their service.

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|--------------------|----------------|----------------|---|
| Dame Diana Johnson |                |                | 5 |
| Ms Harriet Harman  |                |                |   |
| Barbara Keeley     |                |                |   |
| Debbie Abrahams    |                |                |   |
| Andrew Gwynne      |                |                |   |
| Sarah Champion     |                |                |   |
| Tonia Antoniazzi   | Rosie Cooper   | Rosie Duffield |   |
| Helen Hayes        | Christina Rees | Julie Elliott  |   |
| Rushanara Ali      | Tony Lloyd     | Clive Efford   |   |
| Sir Mark Hendrick  | Stella Creasy  | Karin Smyth    |   |
| Valerie Vaz        | Carolyn Harris | Caroline Lucas |   |

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.

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|--------------------|----------------|----------------|---|
| Dame Diana Johnson |                |                | 6 |
| Ms Harriet Harman  |                |                |   |
| Barbara Keeley     |                |                |   |
| Debbie Abrahams    |                |                |   |
| Andrew Gwynne      |                |                |   |
| Sarah Champion     |                |                |   |
| Tonia Antoniazzi   | Rosie Cooper   | Rosie Duffield |   |
| Helen Hayes        | Christina Rees | Julie Elliott  |   |
| Rushanara Ali      | Tony Lloyd     | Clive Efford   |   |
| Sir Mark Hendrick  | Stella Creasy  | Karin Smyth    |   |
| Valerie Vaz        | Carolyn Harris | Caroline Lucas |   |

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.

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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

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 Tony Lloyd  
 Stella Creasy  
 Carolyn Harris

Rosie Duffield  
 Julie Elliott  
 Clive Efford  
 Karin Smyth  
 Caroline Lucas

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.

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

Christine Jardine  
 Jamie Stone

Layla Moran  
 Munira Wilson

3

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.

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Mr David Davis 9  
 Mr Alistair Carmichael  
 Mr Andrew Mitchell  
 Caroline Nokes

Schedule 3, page 82, line 36, leave out paragraphs 1 and 2

**Member's explanatory statement**

This amendment leaves out paragraphs 1 and 2 of Schedule 3 to the Bill, which would amend section 77 of the Nationality, Immigration and Asylum Act 2002 (no removal while claim for asylum pending).

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Mr David Davis 10  
 Mr Alistair Carmichael  
 Mr Andrew Mitchell  
 Caroline Nokes

Schedule 3, page 84, line 1, leave out paragraph 4

**Member's explanatory statement**

This amendment is consequential on Amendment 9.

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Mr Alistair Carmichael 4  
 Ed Davey  
 Daisy Cooper  
 Wendy Chamberlain  
 Tim Farron  
 Sarah Green  
 Wera Hobhouse  
 Sarah Olney

Christine Jardine  
 Jamie Stone

Layla Moran  
 Munira Wilson

Schedule 6, page 102, leave out lines 35 to 40

**Member's explanatory statement**

This amendment would remove the provision granting immigration and enforcement officers immunity from civil or criminal liability for anything done in the performance of their functions.

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## 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.
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