
Report Stage: Thursday 25 November 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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

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

New Amendments: 14 and 15 and NC8 and NC9

Neil Coyle
Bell Ribeiro-Addy

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.

Henry Smith
 Andrew Rosindell
 Alan Brown
 Jeremy Corbyn
 Caroline Lucas
 Tim Loughton
 Andrew Gwynne
 Bell Ribeiro-Addy

NC2

Patrick Grady

John McDonnell

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.

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

NC3

Rosie Cooper
 Christina Rees
 Tony Lloyd
 Stella Creasy
 Carolyn Harris

Rosie Duffield
 Julie Elliott
 Clive Efford
 Karin Smyth
 Caroline Lucas

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

Gavin Robinson

Tommy Sheppard

Sarah Champion

Tim Loughton

Sir Iain Duncan Smith

Tom Randall

Royston 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

Sir Iain Duncan Smith

Peter Dowd

Dr Liam Fox

Sir Peter Bottomley

Mr Alistair Carmichael

Margaret Ferrier

Ms Nusrat Ghani

Stuart C McDonald

Bob Blackman

Andrew Rosindell

Dame Diana Johnson

Sir Graham Brady

Sarah Champion

Jeremy Hunt

Mr Steve Baker

Wendy Chamberlain

Stephen Hammond

Alyn Smith

Andrew Gwynne

Mr David Jones

Mr Virendra Sharma

Tim Loughton

Ms Nusrat Ghani

Bob Seely

Neil Coyle

Stewart Malcolm McDonald

Tom Randall

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
Bambos Charalambous
Bell Ribeiro-Addy

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.

Rob Roberts

NC7

☆ To move the following Clause—

“Exception to the requirement to pay fees in connection with immigration or nationality

- (1) In relation to an applicant meeting the criteria set out in subsection (2) of this section, the Secretary of State must by regulations provide for an exception to any requirement to pay fees set out in a fees order under section 68 (fees) of the Immigration Act 2014.
- (2) The criteria referred to in subsection (1) are that the applicant has—
 - (a) lawfully resided in the UK for a minimum period of five years, and
 - (b) lawfully worked in a clinical capacity for the National Health Service anywhere in the United Kingdom for an unbroken period of three years

provided that, if the applicant leaves the employment of the National Health Service in any part of the United Kingdom within the three years following a successful application in respect of which the applicant was exempted from paying fees, those fees become payable on termination of employment in the National Health Service.”

Member's explanatory statement

This new clause exempts clinical NHS workers from the fees associated with immigration and nationality, provided that they have lived lawfully in the UK for at least five years, worked in the NHS for at least three years, and continue to work in the NHS for a further three years after being granted the fee exemption.

Bell Ribeiro-Addy

NC8

★ To move the following Clause—

“Children registering as British citizens: fees

- (1) Within two months of this Act being passed, the Secretary of State must amend the Immigration and Nationality (Fees) Regulations 2018.
- (2) The amendments referred to in subsection (1) must include—
 - (a) provision to ensure that the fees charged for applications for registration as a British citizen under the British Nationality Act 1981 or the British Nationality (Hong Kong) Act 1997, where the person in respect of whom the application is made is a child at the time the application is made, do not exceed the cost to the Home Office of processing the application;
 - (b) provision to ensure that no fees are charged for applications for registration as a British Citizen under the British Nationality Act 1981 or the British Nationality (Hong Kong) Act 1997 where the person in respect of whom the application is made—
 - (i) is a child being looked after by a local authority at the time the application is made; or
 - (ii) was looked after by a local authority when they were a child, and at the time the application is made is either—
 - (A) under the age of 21; or
 - (B) under the age of 25 and in full-time education.
- (3) Within six months of this Act being passed, the Secretary of State must lay before Parliament a report setting out the effect of such fees on the human rights of the children applying for registration as British citizens under the British Nationality Act 1981 and the British Nationality (Hong Kong) Act 1997.”

Member's explanatory statement

In respect of children registering as British citizens, this new clause would prevent the Home Office from charging a fee which exceeds the cost of processing the application. It would also abolish such fees altogether for looked-after children until they reach the age of 21 (or 25 if in full-time education), and would require the Government to produce a report setting out the effect of such fees on children's human rights.

Dame Meg Hillier

NC9

★ To move the following Clause—

“Settled and pre-settled status under EU settlement scheme: certification

- (1) Within granting a person settled status or pre-settled status under the EU settlement scheme, the Secretary of State must require the provision of a physical certificate to that person.
- (2) The certificate mentioned in subsection (1) must confirm that the relevant person has the relevant status (settled status or pre-settled status).”

Member’s explanatory statement

This new clause would require the Government to issue a physical certificate when granting settled status or pre-settled status under the EU settlement scheme, allowing all those with such status to provide documentary proof.

Mr David Davis
Bell Ribeiro-Addy
Naz Shah
Caroline Lucas
Dawn Butler

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.

Mr Alistair Carmichael			2
Ed Davey			
Daisy Cooper			
Wendy Chamberlain			
Tim Farron			
Sarah Green			
Wera Hobhouse	Christine Jardine	Layla Moran	
Sarah Olney	Jamie Stone	Munira Wilson	
Bell Ribeiro-Addy			

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.

Tim Farron			8
Mr Alistair Carmichael			
Bell Ribeiro-Addy			
Ed Davey			
Daisy Cooper			
Wendy Chamberlain			
Sarah Green	Wera Hobhouse	Christine Jardine	
Layla Moran	Sarah Olney	Jamie Stone	
Munira Wilson			

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.

Neil Coyle

14

★ Clause 17, page 21, line 16, at end insert—

“(1A) The Secretary of State may not serve an evidence notice on a person who was under 18 years of age at the time of their arrival in the United Kingdom.”

Member’s explanatory statement

This amendment would remove the ability to serve an evidence notice on children and young people who arrived in the UK before the age of 18.

Neil Coyle

15

★ Clause 25, page 29, line 13, at end insert—

“(2A) For the purposes of subsection (2), “good reasons” include, but are not limited to, the claimant having been under the age of 18 years at the time of their arrival in the UK.”

Member’s explanatory statement

Under this amendment, a claimant who was under the age of 18 at the time of their arrival in the UK would be regarded as having good reasons for providing evidence late.

Mr David Davis
Mr Alistair Carmichael
Mr Andrew Mitchell
Caroline Nokes
Bell Ribeiro-Addy

11

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

Member’s explanatory statement

This is a paving amendment for Amendment 9.

Neil Coyle
Bell Ribeiro-Addy

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.

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

5

Rosie Cooper
Christina Rees
Tony Lloyd
Stella Creasy
Carolyn Harris

Rosie Duffield
Julie Elliott
Clive Efford
Karin Smyth
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.

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

Rosie Cooper
Christina Rees
Tony Lloyd
Stella Creasy
Carolyn Harris

Rosie Duffield
Julie Elliott
Clive Efford
Karin Smyth
Caroline Lucas

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 7
 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

Rosie Cooper
 Christina Rees
 Tony Lloyd
 Stella Creasy
 Carolyn Harris

Rosie Duffield
 Julie Elliott
 Clive Efford
 Karin Smyth
 Caroline Lucas

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.

Mr Alistair Carmichael 3
 Ed Davey
 Daisy Cooper
 Wendy Chamberlain
 Tim Farron
 Sarah Green
 Wera Hobhouse
 Sarah Olney
 Bell Ribeiro-Addy

Christine Jardine
 Jamie Stone

Layla Moran
 Munira Wilson

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.

Stephen Farry
Claire Hanna
Colum Eastwood

13

Clause 71, page 69, line 38, at end insert—

“(c) the individual is travelling to Northern Ireland on a local journey from the Republic of Ireland.”

Member’s explanatory statement

Under this amendment, persons who are neither British nor Irish would nevertheless be able to make local journeys from the Republic of Ireland to Northern Ireland without the need for an Electronic Travel Authorisation.

Mr David Davis
Mr Alistair Carmichael
Mr Andrew Mitchell
Caroline Nokes
Bell Ribeiro-Addy

9

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).

Mr David Davis
Mr Alistair Carmichael
Mr Andrew Mitchell
Caroline Nokes
Bell Ribeiro-Addy

10

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

Member’s explanatory statement

This amendment is consequential on Amendment 9.

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

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.

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.
-