
Report Stage: Tuesday 30 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 Any withdrawn amendments are listed at the end of the document.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: 16 and NC15 to NC19

Neil Coyle
Bell Ribeiro-Addy
Stephen Farry
Apsana Begum

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
 Caroline Lucas

NC2

Patrick Grady
 Apsana Begum

John McDonnell
 Margaret Ferrier

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
 Sir Peter Bottomley

Rosie Duffield
 Julie Elliott
 Clive Efford
 Karin Smyth
 Caroline Lucas
 Claire Hanna

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

Damian Green

Andrew Rosindell

Dame Diana Johnson

Sir Graham Brady

Sarah Champion

Jeremy Hunt

Mr Steve Baker

Wendy Chamberlain

Stephen Hammond

Alyn Smith

Mr John Baron

Andrew Gwynne

Mr David Jones

Mr Virendra Sharma

Tim Loughton

Ms Nusrat Ghani

Bob Seely

Neil Coyle

Stewart Malcolm McDonald

Tom Randall

Fiona Bruce

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
Apsana Begum

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
Caroline Lucas
Zarah Sultana
Claire Hanna
Apsana Begum
Stephen Farry
Alison Thewliss
Nadia Whittome
Ian Lavery
Ms Diane Abbott
Kate Osborne
John McDonnell
Richard Burgon
Mary Kelly Foy
Rebecca Long Bailey

Wera Hobhouse
Grahame Morris
Claudia Webbe
Dawn Butler
Navendu Mishra
Ian Byrne
Lloyd Russell-Moyle
Stella Creasy
Kate Osamor

Kim Johnson
Ian Mearns
Andy McDonald
Beth Winter
Jeremy Corbyn
Paula Barker
Cat Smith
Marsha De Cordova
Mr Virendra Sharma

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
Mr Alistair Carmichael			
Stephen Timms			
Andy Slaughter			
Sir Peter Bottomley			
Hilary Benn			
Barbara Keeley	Debbie Abrahams	Ms Anum Qaisar	
Rosie Duffield	Jeremy Corbyn	Rushanara Ali	
Kim Johnson	Yasmin Qureshi	Mr Virendra Sharma	
Sarah Champion	Dame Diana Johnson	Jon Trickett	
Stephen Farry	Caroline Lucas	Mohammad Yasin	
Emma Hardy	Tony Lloyd	David Simmonds	
Wera Hobhouse	Alyn Smith	Paul Blomfield	
Marsha De Cordova	Angus Brendan MacNeil	Kate Osamor	
Margaret Ferrier	Helen Hayes	Colum Eastwood	
Claire Hanna	Kevin Brennan	Dr Philippa Whitford	

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.

Neil Coyle	NC10
Tim Farron	
Joanna Cherry	
Caroline Lucas	
Helen Hayes	
Stephen Farry	

To move the following Clause—

“Asylum visa for persons in France

- (1) On an application by a person (“P”) to the appropriate decision-maker for entry clearance, the appropriate decision-maker must grant P entry clearance if he is satisfied that P is a relevant person.

- (2) For the purposes of paragraph (1), P is a relevant person if—
 - (a) P is in France on the date of application;
 - (b) P is not a national of a member State of the European Union or a national of Liechtenstein, Iceland, Norway or Switzerland;
 - (c) P intends to make a protection claim in the United Kingdom;
 - (d) P's protection claim, if made in the United Kingdom, would have a realistic prospect of success; and
 - (e) there are good reasons why P's protection claim should be considered in the United Kingdom.
- (3) For the purposes of paragraph (2)(e), in deciding whether there are good reasons why P's protection claim should be considered in the United Kingdom, the appropriate decision-maker shall take into account—
 - (a) the relative strength of P's family and other ties to the United Kingdom;
 - (b) the relative strength of P's family and other ties to France;
 - (c) P's mental and physical health and any particular vulnerabilities that P has; and
 - (d) any other matter that the appropriate decision-maker thinks relevant.
- (4) For the purposes of an application under paragraph (1), the appropriate decision-maker must waive any of the requirements in paragraph (5) if satisfied that P cannot reasonably be expected to comply with them.
- (5) The requirements in this paragraph are—
 - (a) any requirement prescribed (whether by immigration rules or otherwise) under section 50 of the Immigration, Asylum and Nationality Act 2006; and
 - (b) any requirement prescribed by regulations made under sections 5, 6, 7 or 8 of the UK Borders Act 2007 (biometric registration).
- (6) No fee may be charged for the making of an application under paragraph (1).
- (7) An entry clearance granted pursuant to paragraph (1) shall have effect as leave to enter for such period, being not less than six months, and on such conditions as the Secretary of State may prescribe by order.
- (8) Upon a person entering the United Kingdom (within the meaning of section 11 of the Immigration Act 1971) pursuant to leave to enter given under paragraph (7), that person shall be deemed to have made a protection claim in the United Kingdom.
- (9) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (10) After paragraph 30(1)(b) of Part 1 of Schedule 1 insert—

"; or

 - (c) are conferred by or under sections [Asylum visa for persons in France] and [Right of appeal against France asylum visa refusal] of the Nationality and Borders Act 2022."

(11) In this section and in section [Right of appeal against France asylum visa refusal]—

“appropriate decision-maker” means a person authorised by the Secretary of State by rules made under section 3 of the Immigration Act 1971 to grant an entry clearance under paragraph (1);

“entry clearance” has the same meaning as in section 33(1) of the Immigration Act 1971;

“protection claim”, in relation to a person, means a claim that to remove him from or require him to leave the United Kingdom would be inconsistent with the United Kingdom’s obligations—

- (a) under the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention;
- (b) in relation to persons entitled to a grant of humanitarian protection; or
- (c) under Articles 2 or 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950.”

Member’s explanatory statement

This new clause would provide for a person in France to be granted entry clearance to allow them to claim asylum in the UK in certain circumstances.

Neil Coyle
Tim Farron
Joanna Cherry
Caroline Lucas
Helen Hayes
Stephen Farry

NC11

To move the following Clause—

“Right of appeal against France asylum visa refusal

- (1) If an application by a person (“P”) for entry clearance under clause [Asylum visa for persons in France] is refused by the appropriate decision-maker, P may appeal to the First-tier Tribunal against the refusal.
- (2) The following provisions of, or made under, the Nationality, Immigration and Asylum Act 2002 have effect in relation to an appeal under these Regulations to the First-tier Tribunal as if it were an appeal against a decision of the Secretary of State under section 82(1) of that Act (right of appeal to the Tribunal)—
 - (a) section 84 (grounds of appeal), as though the sole permitted ground of appeal was that the appropriate decision-maker was wrong to conclude that P was not a relevant person;
 - (b) section 85(1) to (4) (matters to be considered);
 - (c) section 86 (determination of appeal);
 - (d) section 105 and any regulations made under that section; and
 - (e) section 106 and any rules made pursuant to that section.

- (3) In an appeal under this section, the First-tier Tribunal—
- (a) shall allow the appeal if it is satisfied that P is a relevant person; and
 - (b) shall otherwise dismiss the appeal.
- (4) In an appeal under this section, in deciding whether there are good reasons why P's protection claim should be considered in the United Kingdom, the First-tier Tribunal shall apply section [Asylum visa for persons in France] (3) as though for the words "appropriate decision-maker" there were substituted the words "First-tier Tribunal".

Member's explanatory statement

This new clause would allow a person whose application for entry clearance under clause [Asylum visa for persons in France] has been rejected to appeal to the First-tier Tribunal.

Apsana Begum
Bell Ribeiro-Addy
Zarah Sultana
Stephen Farry

NC12

☆ To move the following Clause—

"Residence permits: recourse to public funds

Within two months of this Act being passed, the Secretary of State must by regulations ensure that anyone holding a valid UK residence permit has recourse to public funds."

Member's explanatory statement

Under this new clause, everyone holding a UK residence permit (many of whom currently have no recourse to public funds) would have recourse to public funds.

Apsana Begum
Bell Ribeiro-Addy
Zarah Sultana
Stephen Farry

NC13

☆ To move the following Clause—

"Undocumented migrants: access to work and services

- (1) The Immigration Act 2014 is amended as follows.
- (2) Omit sections 20 to 47.
- (3) The Immigration Act 2016 is amended as follows.
- (4) Omit sections 1 to 45."

Member's explanatory statement

This new clause would repeal the sections of the 2014 and 2016 Immigration Acts which sought to further restrict undocumented migrants' access to work and services.

Bell Ribeiro-Addy
Apsana Begum
Zarah Sultana
Stephen Farry

NC14

☆ To move the following Clause—

“Immigration health surcharge: abolition

Within two months of this Act being passed, the Secretary of State must amend the Immigration (Health Charge) Order 2015 in such a way as to abolish the immigration health surcharge.”

Member’s explanatory statement

This new clause would require the Secretary of State to abolish the immigration health surcharge.

Paul Blomfield
Richard Fuller

NC15

★ To move the following Clause—

“Time limit on immigration detention

- (1) This section applies to any person (“P”) who is liable to detention under a relevant detention power.
- (2) P may not be detained under a relevant detention power for a period of more than 28 days from the relevant time.
- (3) If P remains detained under a relevant detention power at the expiry of the period of 28 days then—
 - (a) P shall be released forthwith; and
 - (b) P may not be detained under a relevant detention power thereafter, unless the Secretary of State or an immigration officer, as the case may be, is satisfied that there has been a material change of circumstances since P’s release and that the criteria in section [Initial detention: criteria and duration](1) are met.
- (4) In this section, “relevant detention power” means a power to detain under—
 - (a) paragraph 16(2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal);
 - (b) paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation);
 - (c) section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal); or
 - (d) section 36(1) of the UK Borders Act 2007 (detention pending deportation).
- (5) In this section, “relevant time” means the time at which P is first detained under a relevant detention power.

- (6) This section does not apply to a person in respect of whom the Secretary of State has certified that the decision to detain is or was taken in the interests of national security.”

Member’s explanatory statement

This new clause would prevent people who are liable to detention under a relevant power from being detained for longer than 28 days.

Paul Blomfield
Richard Fuller

NC16

★ To move the following Clause—

“Initial detention: criteria and duration

- (1) A person (“P”) to whom section [*Time limit on immigration detention*] applies may not be detained under a relevant detention power other than for the purposes of examination, unless the Secretary of State or an immigration officer, as the case may be, is satisfied that—
- (a) P can be shortly removed from the United Kingdom;
 - (b) detention is strictly necessary to effect P’s deportation or removal from the United Kingdom; and
 - (c) the detention of P is in all the circumstances proportionate.
- (2) P may not be detained under a relevant detention power for a period of more than 96 hours from the relevant time, unless—
- (a) P has been refused bail at an initial bail hearing in accordance with subsection (5)(b) of section [*Bail hearings*]; or
 - (b) the Secretary of State has arranged a reference to the Tribunal for consideration of whether to grant immigration bail to P in accordance with subsection (2)(c) of section [*Bail hearings*] and that hearing has not yet taken place.
- (3) Nothing in subsections (1) or (2) authorises the Secretary of State to detain P under a relevant detention power if such detention would, apart from this section, be unlawful.
- (4) In this section, “Tribunal” means the First-Tier Tribunal.
- (5) In this section, “relevant detention power” and “relevant time” have the meanings given in section [*Time limit on immigration detention*].”

Member’s explanatory statement

This new clause sets out the circumstances in which a person to whom NC15 applies may be held in initial detention, and the maximum duration of such detention.

Paul Blomfield
Richard Fuller

NC17

★ To move the following Clause—

“Bail hearings

- (1) This section applies to any person (“P”) to whom section [*Time limit on immigration detention*] applies and who is detained under a relevant detention power.
- (2) Before the expiry of a period of 96 hours from the relevant time, the Secretary of State must—
 - (a) release P;
 - (b) grant immigration bail to P under paragraph 1 of Schedule 10 to the Immigration Act 2016; or
 - (c) arrange a reference to the Tribunal for consideration of whether to grant immigration bail to P.
- (3) Subject to subsection (4), when the Secretary of State arranges a reference to the Tribunal under subsection (2)(c), the Tribunal must hold an oral hearing (“an initial bail hearing”) which must commence within 24 hours of the time at which the reference is made.
- (4) If the period of 24 hours in subsection (3) ends on a Saturday, Sunday or Bank holiday, the Tribunal must hold an initial bail hearing on the next working day.
- (5) At the initial bail hearing, the Tribunal must—
 - (a) grant immigration bail to P under paragraph 1 of Schedule 10 to the Immigration Act 2016; or
 - (b) refuse to grant immigration bail to P.
- (6) Subject to subsection (7), the Tribunal must grant immigration bail to P at a bail hearing unless it is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [*Initial detention: criteria and duration*] are met and that, in addition—
 - (a) directions have been given for P’s removal from the United Kingdom and such removal is to take place within 14 days;
 - (b) a travel document is available for the purposes of P’s removal or deportation; and
 - (c) there are no outstanding legal barriers to removal.
- (7) Subsection (6) does not apply if the Tribunal is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [*Initial detention: criteria and duration*] above are met and that there are very exceptional circumstances which justify maintaining detention.
- (8) In subsection (6), “a bail hearing” includes—
 - (a) an initial bail hearing under subsection (2); and
 - (b) the hearing of an application for immigration bail under paragraph 1(3) of Schedule 10 of the Immigration Act 2016.
- (9) In this section, “Tribunal” means the First-Tier Tribunal.

- (10) The Secretary of State shall provide to P or to P's legal representative, not more than 24 hours after the relevant time, copies of all documents in the Secretary of State's possession which are relevant to the decision to detain.
- (11) At the initial bail hearing, the Tribunal shall not consider any documents relied upon by the Secretary of State which were not provided to P or to P's legal representative in accordance with subsection (10), unless—
- (a) P consents to the documents being considered; or
 - (b) in the opinion of the Tribunal there is a good reason why the documents were not provided to P or to P's legal representative in accordance with subsection (10).
- (12) The Immigration Act 2016 is amended as follows—
- (a) After paragraph 12(4) of schedule 10 insert—
- “(4A) Sub-paragraph (2) above does not apply if the refusal of bail by the First tier Tribunal took place at an initial bail hearing within the meaning of section [*Bail hearings*] of the Sovereign Borders Act 2021.”

Member's explanatory statement

In respect of people to whom NC15 applies, this new clause would require the Secretary of State to either release them, grant immigration bail or arrange a reference to the Tribunal within 96 hours.

Sir Christopher Chope
Mr Philip Hollobone

NC18

★ To move the following Clause—

“Illegal immigration: offences

- (1) Any person who is present in the United Kingdom without legal authority shall be guilty of an offence.
- (2) Any person who enters or attempts to enter the United Kingdom without legal authority shall be guilty of an offence.
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or a fine (or both);
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both).”

Member's explanatory statement

This new clause would create offences in respect of persons who have entered the UK illegally or who have remained in the UK without legal authority.

Sir Christopher Chope
Mr Philip Hollobone

NC19

★ To move the following Clause—

“Illegal immigration offences: deportation orders

- (1) Any person who is convicted of an offence under section 24 of the Immigration Act 1971 shall be subject to a deportation order unless the Secretary of State deems such a deportation order to be against the public interest.
- (2) For the purposes of subsection (4) above, a deportation order shall be deemed to be in the public interest unless a certificate to the contrary has been submitted by the Secretary of State to the Court.”

Mr David Davis
Bell Ribeiro-Addy
Naz Shah
Caroline Lucas
Dawn Butler
Stephen Farry
Kate Hollern
Paul Blomfield

12

Apsana Begum

Claire Hanna

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
Ed Davey
Daisy Cooper
Wendy Chamberlain
Tim Farron
Sarah Green
Wera Hobhouse
Sarah Olney
Bell Ribeiro-Addy
Apsana Begum

2

Christine Jardine
Jamie Stone
Stephen Farry

Layla Moran
Munira Wilson
Claire Hanna

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.

<p>Tim Farron Mr Alistair Carmichael Bell Ribeiro-Addy Ed Davey Daisy Cooper Wendy Chamberlain Sarah Green Layla Moran Munira Wilson Apsana Begum</p>	<p>Wera Hobhouse Sarah Olney Stephen Farry</p>	<p>Christine Jardine Jamie Stone Claire Hanna</p>	8
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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.

<p>Neil Coyle</p>	14
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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 11
Mr Alistair Carmichael
Mr Andrew Mitchell
Caroline Nokes
Bell Ribeiro-Addy
Paul Blomfield
Apsana Begum

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

Member’s explanatory statement

This is a paving amendment for Amendment 9.

Neil Coyle 1
Bell Ribeiro-Addy
Stephen Farry
Apsana Begum

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

Rosie Cooper
Christina Rees
Tony Lloyd
Stella Creasy
Carolyn Harris
Sir Peter Bottomley

Rosie Duffield
Julie Elliott
Clive Efford
Karin Smyth
Caroline Lucas

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.

Dame Diana Johnson
Ms Harriet Harman
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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
 Ms Harriet Harman
 Barbara Keeley
 Debbie Abrahams
 Andrew Gwynne
 Sarah Champion
 Tonia Antoniazzi
 Helen Hayes
 Rushanara Ali
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 Bell Ribeiro-Addy

Rosie Cooper
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 Carolyn Harris
 Sir Peter Bottomley

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.

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
Stephen Farry

Layla Moran
Munira Wilson
Apsana Begum

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 13
Claire Hanna
Colum Eastwood

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.

Paul Blomfield 16
Richard Fuller

★ 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.

Mr David Davis 9
Mr Alistair Carmichael
Mr Andrew Mitchell
Caroline Nokes
Bell Ribeiro-Addy
Stephen Farry
Claire Hanna Paul Blomfield Apsana Begum

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 10
Mr Alistair Carmichael
Mr Andrew Mitchell
Caroline Nokes
Bell Ribeiro-Addy
Paul Blomfield
Apsana Begum

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	Christine Jardine	Layla Moran	
Sarah Olney	Jamie Stone	Munira Wilson	
Bell Ribeiro-Addy	Stephen Farry	Claire Hanna	
Apsana Begum			

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.
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