
Report Stage: Monday 6 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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

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

New Amendment: 151

NEW CLAUSES AND NEW SCHEDULES RELATING TO PART 1 (NATIONALITY) AND AMENDMENTS TO THAT PART

Henry Smith
Andrew Rosindell
Alan Brown
Jeremy Corbyn
Caroline Lucas
Tim Loughton
Andrew Gwynne
Bell Ribeiro-Addy
Kate Osamor
Wendy Chamberlain
Mohammad Yasin

Patrick Grady
Apsana Begum
Mr John Baron
Anne McLaughlin
Daisy Cooper

John McDonnell
Margaret Ferrier
Mr Peter Bone
Crispin Blunt
Claudia Webbe

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.

Andrew Rosindell

NC4

Jim Shannon

Margaret Ferrier

Stuart C McDonald

Sir Jeffrey M Donaldson

Carol Monaghan

Sammy Wilson

Tommy Sheppard

Sir Iain Duncan Smith

Mr Steve Baker

Sarah Champion

Tom Randall

Gavin Robinson

Tim Loughton

Royston Smith

Janet Daby

Ian Paisley

Bob Blackman

Dr Julian Lewis

Daniel Kawczynski

Mr David Jones

Daisy Cooper

Mr John Baron

Mr Peter Bone

Sir Peter Bottomley

Anne McLaughlin

Mohammad Yasin

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	
Stephen Hammond	Stewart Malcolm McDonald	Stuart C McDonald	
Alyn Smith	Tom Randall	Bob Blackman	
Mr John Baron	Fiona Bruce	Alicia Kearns	
Chris Green	Royston Smith	Chris Bryant	
Sir Desmond Swayne	Munira Wilson	Tim Farron	
Christine Jardine	Dr Matthew Offord	Crispin Blunt	
Richard Fuller	Anne McLaughlin	Mohammad Yasin	

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.

Rob Roberts			NC7
Sir Bernard Jenkin			
Ms Diane Abbott			
Wera Hobhouse			
Kenny MacAskill			
Dr Philippa Whitford			
Sir Peter Bottomley	Caroline Lucas	Mohammad Yasin	

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
Valerie Vaz
Dame Meg Hillier
Daisy Cooper

Wera Hobhouse
Grahame Morris
Claudia Webbe
Dawn Butler
Navendu Mishra
Ian Byrne
Lloyd Russell-Moyle
Stella Creasy
Kate Osamor
Dr Rupa Huq
Anne McLaughlin
Wendy Chamberlain

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

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.

Ms Harriet Harman
Joanna Cherry
Bell Ribeiro-Addy

NC22

To move the following Clause—

"Requirement for the Secretary of State to waive the full capacity requirement

- (1) In section 44A of the British Nationality Act 1981, for "may" substitute "should"."

Member's explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to require the Secretary of State to waive the requirement for a person to have full capacity if it is in that person's best interests to do so.

Stephen Farry
Claire Hanna
Colum Eastwood
Mr Alistair Carmichael
Bell Ribeiro-Addy

NC25

To move the following Clause—

"Birthright commitment under the Belfast (Good Friday) Agreement 1998

- (1) The Secretary of State must, within six months of the date of Royal Assent to this Act, produce a report setting out how the UK Government will give statutory effect to the recognition set out in the Belfast (Good Friday) Agreement 1998 of the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may choose.
- (2) The Secretary of State must lay the report before each House of Parliament."

Stuart C McDonald
Anne McLaughlin
Owen Thompson
Caroline Lucas
Bell Ribeiro-Addy

NC33

To move the following Clause—

“Acquisition of British citizenship by birth or adoption: comprehensive sickness insurance

- (1) The British Nationality Act 1981 is amended as follows.
- (2) After subsection 1(3A) insert—
 - “(3B) (a) a person born in the United Kingdom after commencement who is not a British citizen is entitled, on application, to register as a British citizen if the person’s father or mother would have been settled in the United Kingdom at the time of the person’s birth, if Assumption A had applied.
 - (b) assumption A is that, in assessing whether the person’s father or mother met a requirement to have held comprehensive sickness insurance, this is to be regarded as having been satisfied whenever they
 - (i) had access to the NHS in practice; or
 - (ii) held a comprehensive sickness insurance policy.
 - (c) registration under this subsection shall be free of charge.”
- (3) After section 50A insert—

“50B Exceptions

Notwithstanding any provision of section 50A, for the purposes of an application for naturalisation or registration made under this Act, a person—

- (a) is not to be treated as having been in the United Kingdom in breach of the immigration laws during a period of time that has been counted as part of a continuous qualifying period in a grant of leave to that person under Appendix EU of the Immigration Rules, and
 - (b) is not to be treated as not being of good character on account of a failure to hold comprehensive sickness insurance during some period of residence in the UK.”
- (4) The European Union (Withdrawal Agreement) Act 2020 is amended as follows.
- (5) After section 15, insert—

“15A Comprehensive sickness insurance

- (1) For the purposes of any decision taken by a public authority under this Part after commencement of this section, a person is to be treated as having met a requirement to have held comprehensive sickness insurance, whenever they—
 - (a) had access to the NHS in practice; or
 - (b) held a comprehensive sickness insurance policy.

- (2) This section shall in particular apply to any decisions taken under residence scheme immigration rules.””

Member’s explanatory statement

This new clause provides that a person seeking to acquire permanent residence documents, naturalisation or citizenship need not have had comprehensive sickness insurance prior to applying for citizenship.

Stuart C McDonald
Anne McLaughlin
Owen Thompson
Caroline Lucas
Bell Ribeiro-Addy
Claudia Webbe

NC34

To move the following Clause—

**“Registration as a British citizen or British overseas territories citizen:
Fees**

- (1) No person may be charged a fee to be registered as a British citizen or British overseas territories citizen that is higher than the cost to the Secretary of State of exercising the function of registration.
- (2) No child may be charged a fee to be registered as a British citizen or British overseas territories citizen if that child is being looked after by a local authority.
- (3) No child may be charged a fee to be registered as a British citizen or British overseas territories citizen that the child or the child’s parent, guardian or carer is unable to afford.
- (4) The Secretary of State must take steps to raise awareness of rights under the British Nationality Act 1981 to be registered as a British citizen or British overseas territories citizen among people possessing those rights.”

Member’s explanatory statement

This new clause would ensure that fees for registering as a British citizen or British overseas territories citizen do not exceed cost price. It would also ensure that children being looked after by a local authority are not liable for such fees, and that no child is charged an unaffordable fee. Lastly, it would require the Government to raise awareness of rights to registration.

Ms Harriet Harman
 Joanna Cherry
 Bell Ribeiro-Addy
 Caroline Lucas

108

Clause 3, page 8, line 33, leave out subsection (4)

Member's explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to remove the good character requirement for a person applying for British overseas territories citizenship who has previously been discriminated against where this could perpetuate that discrimination.

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

12

Apsana Begum
 Ms Harriet Harman
 Claudia Webbe

Claire Hanna
 Mr Alistair Carmichael

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.

Secretary Priti Patel

17

Clause 9, page 12, line 28, after "against" insert "a decision to make"

Member's explanatory statement

This amendment corrects a mistake in describing the right of appeal applied by subsection (7).

Secretary Priti Patel 18

Clause 9, page 12, line 29, leave out “to make the order”

Member’s explanatory statement

This amendment is consequential on Amendment 17.

Mr Alistair Carmichael 2

Ed Davey

Daisy Cooper

Wendy Chamberlain

Tim Farron

Sarah Green

Wera Hobhouse

Sarah Olney

Bell Ribeiro-Addy

Apsana Begum

Christine Jardine

Jamie Stone

Stephen Farry

Mohammad Yasin

Layla Moran

Munira Wilson

Claire Hanna

Claudia Webbe

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.

Ms Harriet Harman 111

Joanna Cherry

Bell Ribeiro-Addy

Caroline Lucas

Mohammad Yasin

Clause 10, page 13, line 23, after “birth”, insert “without any legal or administrative barriers”

Member’s explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to ensure that, in compliance with Article 1 of the 1961 UN Statelessness Convention, British citizenship is only withheld from a stateless child born in the UK where the nationality of a parent is available to the child immediately, without any legal or administrative hurdles.

Ms Harriet Harman 110

Joanna Cherry

Bell Ribeiro-Addy

Mohammad Yasin

Clause 10, page 13, line 27, at end insert—

“(d) in all the circumstances, it would be in the best interests of the child for it to acquire the nationality in question.”

Member's explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to ensure that the best interests of the child are central to decision-making in deciding whether to grant or decline an application for British citizenship by a stateless child who was born in the UK.

NEW CLAUSES AND NEW SCHEDULES RELATING TO PARTS 2, 3, 4 AND 6 (ASYLUM, IMMIGRATION ENFORCEMENT, AGE ASSESSMENTS AND MISCELLANEOUS PROVISIONS) AND AMENDMENTS TO THOSE PARTS

Secretary Priti Patel

NC20

To move the following Clause—

“References to justices of the peace in relation to Northern Ireland

- (1) In section 33(1) of the Immigration Act 1971 (interpretation) at the appropriate place insert—

““justice of the peace”, in relation to Northern Ireland, means lay magistrate;”.

- (2) In section 167(1) of the Immigration and Asylum Act 1999 (interpretation) at the appropriate place insert—

““justice of the peace”, in relation to Northern Ireland, means lay magistrate;”.

- (3) In section 45 of the UK Borders Act 2007 (search for evidence of nationality: other premises), after subsection (5) insert—

“(6) In the application of this section to Northern Ireland a reference to a justice of the peace is to be treated as a reference to a lay magistrate.””

Member's explanatory statement

This clause, to be inserted after Clause 74, makes provision for various references to a justice of the peace in the Immigration Acts to be read in relation to Northern Ireland as references to a lay magistrate. This follows the general transfer of functions from justices of the peace to lay magistrates by the Justice (Northern Ireland) Act 2002.

Neil Coyle
Bell Ribeiro-Addy
Stephen Farry
Apsana Begum
Anne McLaughlin
Claudia Webbe

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.

Dame Meg Hillier
Mr Alistair Carmichael
Stephen Timms
Andy Slaughter
Sir Peter Bottomley
Hilary Benn
Barbara Keeley
Rosie Duffield
Kim Johnson
Sarah Champion
Stephen Farry
Emma Hardy
Wera Hobhouse
Marsha De Cordova
Margaret Ferrier
Claire Hanna
Bell Ribeiro-Addy
Munira Wilson

Debbie Abrahams
Jeremy Corbyn
Yasmin Qureshi
Dame Diana Johnson
Caroline Lucas
Tony Lloyd
Alyn Smith
Angus Brendan MacNeil
Helen Hayes
Kevin Brennan
Nadia Whittome
Dr Lisa Cameron

Ms Anum Qaisar
Rushanara Ali
Mr Virendra Sharma
Jon Trickett
Mohammad Yasin
David Simmonds
Paul Blomfield
Kate Osamor
Colum Eastwood
Dr Philippa Whitford
Ms Harriet Harman
Anne McLaughlin

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.

Neil Coyle
Tim Farron
Joanna Cherry
Caroline Lucas
Helen Hayes
Stephen Farry
Bell Ribeiro-Addy

NC10

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
 Bell Ribeiro-Addy

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
Ian Byrne
Richard Burgon
John McDonnell
Beth Winter
Dan Carden
Jeremy Corbyn
Kate Hollern
Mr Virendra Sharma
Claire Hanna
Claudia Webbe
Margaret Ferrier

Kate Osborne
Nadia Whittome
Andy McDonald
Tahir Ali
Kate Osamor
Kenny MacAskill
Kim Johnson
Mohammad Yasin
Navendu Mishra

Ms Diane Abbott
Ian Mearns
Grahame Morris
Clive Lewis
Ian Lavery
Caroline Lucas
Wera Hobhouse
Daisy Cooper

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			NC13
Bell Ribeiro-Addy			
Zarah Sultana			
Stephen Farry			
Ian Byrne			
Richard Burgon			
John McDonnell	Kate Osborne	Ms Diane Abbott	
Beth Winter	Nadia Whittome	Ian Mearns	
Dan Carden	Andy McDonald	Grahame Morris	
Jeremy Corbyn	Tahir Ali	Clive Lewis	
Kate Hollern	Kate Osamor	Ian Lavery	
Mr Virendra Sharma	Kenny MacAskill	Caroline Lucas	
Claire Hanna	Kim Johnson	Wera Hobhouse	
Claudia Webbe	Daisy Cooper	Margaret Ferrier	

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		NC14
Apsana Begum		
Zarah Sultana		
Stephen Farry		
Mr Clive Betts		
Caroline Lucas		

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
Alison Thewliss
Bell Ribeiro-Addy
Anne McLaughlin
Caroline Lucas
Mohammad Yasin

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
Alison Thewliss
Bell Ribeiro-Addy
Anne McLaughlin
Caroline Lucas

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
Alison Thewliss
Bell Ribeiro-Addy
Anne McLaughlin
Caroline Lucas

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
Esther McVey
Mark Jenkinson
Mrs Pauline Latham
Chris Green
Philip Davies
Chris Loder
Craig Mackinlay
Mr Peter Bone

Andrew Rosindell
Andrew Bridgen
Sir Desmond Swayne
Nigel Mills

Sir Robert Syms
Richard Drax
Henry Smith

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
Sir Desmond Swayne

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 (1) 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."

Liz Saville Roberts
Ben Lake
Hywel Williams
Bell Ribeiro-Addy
Caroline Lucas

NC21

To move the following Clause—

"Nation of Sanctuary

- (1) The Secretary of State and Welsh Ministers must jointly produce guidance setting out how measures under this Act may be exercised in a way that secures compliance with—
- (a) the Welsh Government's commitment to be a "Nation of Sanctuary"; and
 - (b) the plan published by the Welsh Government in January 2019 entitled "Nation of Sanctuary – Refugee and Asylum Seeker Plan".
- (2) Before issuing the guidance, the Secretary of State must—
- (a) in collaboration with the Welsh Minister, prepare and consult on a draft; and
 - (b) publish a response to the consultation.
- (3) In preparing the guidance, consideration must be given to the following matters as far as they relate to refugees and asylum seekers—
- (a) conditions in asylum accommodation;
 - (b) access to public services;

- (c) access to language support;
 - (d) access to education and training;
 - (e) employment opportunities; and
 - (f) access to health and social services.
- (4) No guidance may be published under this section unless a draft of the guidance has been laid before and approved by Senedd Cymru.

Member's explanatory statement

This new clause would require the UK and Welsh Governments to jointly produce guidance setting out how measures under this Act can be exercised in a way which is consistent with the Welsh Government's commitment of being a Nation of Sanctuary. No guidance can be published unless it has been approved by the Senedd.

Sir Edward Leigh
Michael Fabricant
Gordon Henderson

NC23

To move the following Clause—

"Illegal immigration: offences and deportation

- (1) Any person who travels to the United Kingdom from a safe third country and attempts to remain in the United Kingdom without lawful authority shall be guilty of an offence.
- (2) 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).
- (3) A person prosecuted for an offence under this section must be held in secure accommodation until the trial and any subsequent appeal have concluded.
- (4) Following conviction for an offence under this section—
 - (a) a person sentenced to a fine must remain in secure accommodation until the person consents to leave the United Kingdom or until execution of a deportation order relating to the person;
 - (b) a person sentenced to imprisonment must be returned to secure accommodation immediately following the person's release from prison, and must remain in secure accommodation until the person consents to leave the United Kingdom or until execution of a deportation order relating to the person."

Stephen Morgan
Bell Ribeiro-Addy
Johnny Mercer
Mohammad Yasin

NC24

To move the following Clause—

“Indefinite leave to remain payments by Commonwealth, Hong Kong and Gurkha members of armed forces

- (1) The Immigration Act 2014 is amended as follows.
- (2) In section 68(10), after “regulations” insert “must make exceptions in respect of any person with citizenship of a Commonwealth country (other than the United Kingdom) who has served at least four years in the armed forces of the United Kingdom, or any person who has served at least four years in the Royal Navy Hong Kong Squadron, the Hong Kong Military Service Corps or the Brigade of Gurkhas, such exceptions to include capping the fee for any such person applying for indefinite leave to remain at no more than the actual administrative cost of processing that application, and”.

Member’s explanatory statement

This new clause will ensure that Commonwealth, Hong Kong and Gurkha veterans applying for Indefinite Leave to Remain following four years of service will only pay the unit cost of an application.

Bambos Charalambous
Paul Blomfield

NC26

To move the following Clause—

“Age assessments: restrictions

- (1) Age assessments under section 49 or 50 must only be undertaken if there is significant reason to doubt the age of the age-disputed person.
- (2) A person conducting age assessments under section 49 or 50 must be a social worker.
- (3) Age assessments must be undertaken in accordance with the Association of Directors of Children’s Services Age Assessment Guidance or equivalent guidance in the devolved jurisdictions.
- (4) When an age assessment is conducted, a process must be used that allows for an impartial multi-agency approach, drawing on a range of expertise, including from—
 - (a) health professionals;
 - (b) psychologists;
 - (c) teachers;
 - (d) foster parents;
 - (e) youth workers;
 - (f) advocates;
 - (g) guardians; and

- (h) social workers.
- (5) When making regulations under section 51, the Secretary of State must not specify scientific methods unless the Secretary of State receives written approval from the relevant medical, dental and scientific professional bodies that the method is both ethical and accurate beyond reasonable doubt for assessing a person's age.
- (6) Any organisation developed to oversee age assessments must be independent of the Home Office."

Member's explanatory statement

This new clause would place various restrictions on the use of age assessments.

Bambos Charalambous
Holly Lynch
Mohammad Yasin

NC27

To move the following Clause—

"Unaccompanied refugee children: relocation and support

- (1) The Secretary of State must, within six months of the date of Royal Assent to this Act, make arrangements to relocate to the United Kingdom and support a specified number of unaccompanied refugee children from other countries in the European Union.
- (2) The number of children to be resettled under subsection (1) shall be determined by the Government in consultation with local authorities.
- (3) The relocation of children under subsection (1) shall be in addition to the resettlement of children under any other resettlement scheme."

Member's explanatory statement

This new clause introduces a safe route for unaccompanied children from countries in the European Union to come to the UK.

Brendan O'Hara
Stephen Farry
Anne McLaughlin

NC28

To move the following Clause—

"Immigration health surcharge: exemption for international volunteers

- (1) Part 3 of the Immigration Act 2014 is amended as follows.
- (2) After section 38, insert—

"38A Immigration health surcharge: exemption for international volunteers

- (1) A charge under section 38 may not be imposed on persons who have leave to enter, or to remain in, the United Kingdom through a visa to work voluntarily for a period of no more than 12 months, or for such

period as may be prescribed by regulations, for a registered UK charity advancing the charity's primary purpose.

- (2) A statutory instrument containing regulations under this section must not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.””

Member's explanatory statement

This new clause would ensure that international volunteers, including those working in health and social care, will be exempt from paying the immigration health surcharge.

Tim Loughton			NC29
Stuart C McDonald			
Stephen Farry			
Bell Ribeiro-Addy			
Mr Alistair Carmichael			
Dame Diana Johnson			
Stella Creasy	Anne McLaughlin	Paul Blomfield	
Caroline Lucas	Margaret Ferrier		

To move the following Clause—

“Immigration Rules: entry to seek asylum and join family

- (1) Within six months of this Act being passed, under the power in section 3(2) of the Immigration Act 1971, the Secretary of State shall lay before Parliament rules making provision for the admission of persons coming for the purpose of seeking asylum.
- (2) These rules shall make provision for admitting persons who have a family member in the United Kingdom who is ordinarily and lawfully resident in the United Kingdom.
- (3) For the purposes of this section, a “family member” means a grandchild, child, parent, grandparent, sibling, uncle or aunt.”

Member's explanatory statement

This new clause would require the Government to make provision within the Immigration Rules for people to be admitted to the UK for the purposes of seeking asylum where they have a family member in the UK.

Tim Loughton			NC31
Dame Meg Hillier			
Caroline Lucas			
Bell Ribeiro-Addy			
Stephen Farry			

To move the following Clause—

“Route to settlement for children and young people who arrived in the UK as minors

- (1) Within twelve months of this Act being passed, the Secretary of State must amend the Immigration Rules so that – for persons to whom this

section applies – the requirements to be met for the grant of indefinite leave to remain on the grounds of private life in the UK are that—

- (a) the applicant has been in the UK with continuous leave on the grounds of private life for a period of at least 60 months;
 - (b) the applicant meets the requirements of paragraph 276ADE(1) of the Immigration Rules or, in respect of the requirements in paragraph 276ADE(1)(iv) and (v) of those Rules, the applicant met the requirements in a previous application which led to a grant of limited leave to remain under paragraph 276BE(1) of those Rules.
- (2) This section applies to—
- (a) persons who have been granted limited leave to remain on the grounds of private life in the UK because at the time of their application—
 - (i) they were under the age of 18 years and had lived continuously in the UK for at least 7 years (discounting any period of imprisonment) and it would not have been reasonable to expect them to leave the UK;
 - (ii) they were agreed 18 years or above and under 25 years and had spent over half their life living continuously in the UK (discounting any period of imprisonment).
 - (b) persons—
 - (i) who were granted leave to remain outside the rules on the basis of Article 8 of the European Convention on Human Rights; and
 - (ii) who arrived in the UK as a minor.
 - (c) any dependants of a person to whom paragraph (a) or (b) applies.”

Member’s explanatory statement

Under this new clause, the route to settlement would be shortened from ten years to five years for children and young people who arrived in the UK as minors and have leave to remain on the basis of having grown up in the UK.

Stuart C McDonald
Anne McLaughlin
Owen Thompson
Caroline Lucas
Bell Ribeiro-Addy

NC32

To move the following Clause—

“Compatibility of Part 2 with the Refugee Convention

- (1) The provisions in Part 2 of this Act and any subordinate legislation made under Part 2 are, so far as it is possible to do so, to be read and given effect in a way which is compatible with the Refugee Convention.
- (2) Where a court is required to determine whether a provision of this part, or any subordinate legislation made under it, is compatible with the

Refugee Convention, and is satisfied that it is not, then it must make a declaration to this effect.

- (3) In this section, “court” has the same meaning as in section 4 of the Human Rights Act 1998.”

Member’s explanatory statement

This new clause would ensure provisions of Part 2 were read as far as possible in a manner consistent with the Refugee Convention, and where that was not possible, this was declared by the Courts.

Stuart C McDonald
Anne McLaughlin
Owen Thompson
Caroline Lucas
Bell Ribeiro-Addy
Stephen Farry

NC35

To move the following Clause—

“Refugee Family Reunion

- (1) Within six months of this Act coming into force, rules must be laid down by the Secretary of State under section 3(2) of the Immigration Act 1971 to allow any person (“P”) who has been recognised as a refugee in the United Kingdom to sponsor—
- (a) any child of P under the age of 25, who was either under the age of 18 or unmarried at the time P left the country of P’s habitual residence in order to seek asylum;
 - (b) any parent of P;
 - (c) any sibling of P under the age of 25, who was either under the age of 18 or unmarried at the time P left the country of P’s habitual residence in order to seek asylum; to join them in the UK.”

Member’s explanatory statement

This new clause would expand the range of family members who can apply to be reunited with a refugee in the United Kingdom.

Stuart C McDonald
Anne McLaughlin
Owen Thompson
Caroline Lucas
Bell Ribeiro-Addy

NC36

To move the following Clause—

“Asylum dispersal – analysis of costs to dispersal authorities

- (1) Within six months of this Act coming into force, the Secretary of State must lay before both Houses of Parliament a report analysing of the costs incurred by local authorities for undertaking the role of asylum dispersal authorities.

- (2) The report under subsection (1) must include a summary of submissions made by—
 - (a) local authorities who act as asylum dispersal authorities, and
 - (b) organisations acting on behalf of the local authorities.
- (3) The report under subsection (1) must set out the Secretary of State’s proposals for reimbursing the costs incurred by asylum dispersal authorities.”

Member’s explanatory statement

This new clause would require the Secretary of State to lay before Parliament an analysis of the costs incurred by local authorities who host dispersed asylum seekers, and proposals for reimbursing them.

Stuart C McDonald
Anne McLaughlin
Owen Thompson
Bell Ribeiro-Addy

NC37

To move the following Clause—

“Independent Asylum Agency

Within 12 months of this Act coming into force, the Secretary of State must lay before Parliament proposals for an independent asylum agency with responsibility for deciding applications for refugee status, and related protection claims.”

Stuart C McDonald
Anne McLaughlin
Owen Thompson
Caroline Lucas
Bell Ribeiro-Addy

NC38

To move the following Clause—

“Instructions to the Migration Advisory Committee

Within two months of this Act coming into force, the Secretary of State must instruct the Migration Advisory Committee to undertake the following work—

- (a) a review of the minimum income requirements for leave to enter and remain as a family member of persons who are British citizens or settled in the United Kingdom; and
- (b) a report making detailed recommendations on the design of a work visa for remote areas.”

Member’s explanatory statement

This new clause would require the Secretary of State to instruct the MAC to undertake work reviewing the minimum income requirements for family visas; and on the design of a remote areas visa scheme.

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

NC40

Christine Jardine
Jamie Stone

Layla Moran
Munira Wilson

☆ To move the following Clause—

“Immigration Rules since December 2020: report on effects

- (1) Before this Act comes into force, the Secretary of State must commission and lay before Parliament an independent report on the effects of its Immigration Rules on the UK economy and public services since December 2020.
- (2) The areas to be covered by the report must include but are not limited to—
 - (a) food supply;
 - (b) fuel supply;
 - (c) hospitality and tourism;
 - (d) NHS;
 - (e) social care; and
 - (f) construction.”

Member’s explanatory statement

This new clause would require the Government to commission and publish an independent report on the effects of its Immigration Rules on the UK economy and public services since December 2020.

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

NC41

Christine Jardine
Jamie Stone

Layla Moran
Munira Wilson

☆ To move the following Clause—

“Asylum seekers’ right to work

The Secretary of State must make regulations providing that adults applying for asylum in the United Kingdom may apply to the Secretary of State for permission to take up employment if a decision at first instance has not been taken on the applicant’s asylum application within 3 months of the date on which it was recorded.”

Member's explanatory statement

This new clause would require the Secretary of State to make regulations enabling asylum seekers to work once they have been waiting for a decision on their claim for 3 months or more.

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

Christine Jardine
Jamie Stone

Layla Moran
Munira Wilson

NC42

☆ To move the following Clause—

“Refugee family reunion

- (1) The Secretary of State must, within 6 months of the date of Royal Assent to this Act, lay before Parliament a statement of changes in the rules (the “immigration rules”) under section 3(2) of the Immigration Act 1971 (general provisions for regulation and control) to make provision for refugee family reunion, in accordance with this section, to come into effect after 21 days.
- (2) Before a statement of changes is laid under subsection (1), the Secretary of State must consult with persons he or she deems appropriate.
- (3) The statement laid under subsection (1) must set out rules providing for leave to enter and remain in the United Kingdom for family members of a person granted refugee status or humanitarian protection.
- (4) In this section, “refugee status” and “humanitarian protection” have the same meaning as in the immigration rules.
- (5) In this section, “family members” include a person’s—
 - (a) parent, including adoptive parent;
 - (b) spouse, civil partner or unmarried partner;
 - (c) child, including adopted child, who is either—
 - (i) under the age of 18, or
 - (ii) under the age of 25 but was either under the age of 18 or unmarried at the time the person granted asylum left their country of residence to seek asylum;
 - (d) sibling, including adoptive sibling, who is either—
 - (i) under the age of 18, or
 - (ii) under the age of 25, but was either under the age of 18 or unmarried at the time the person granted asylum left their country of residence to seek asylum; and
 - (e) such other persons as the Secretary of State may determine, having regard to—
 - (i) the importance of maintaining family unity,
 - (ii) the best interests of a child,

- (iii) the physical, emotional, psychological or financial dependency between a person granted refugee status or humanitarian protection and another person,
 - (iv) any risk to the physical, emotional or psychological wellbeing of a person who was granted refugee status or humanitarian protection, including from the circumstances in which the person is living in the United Kingdom, or
 - (v) such other matters as the Secretary of State considers appropriate.
- (6) For the purpose of subsection (5)—
- (a) “adopted” and “adoptive” refer to a relationship resulting from adoption, including de facto adoption, as set out in the immigration rules;
 - (b) “best interests” of a child shall be read in accordance with Article 3 of the 1989 UN Convention on the Rights of the Child.”

Member’s explanatory statement

This new clause would make provision for leave to enter or remain in the UK to be granted to the family members of refugees and of people granted humanitarian protection.

Paul Blomfield
Stephen Farry

NC44

☆ To move the following Clause—

“Safe and legal routes

- (1) The Secretary of State must, within 30 days of the date of Royal Assent to this Act and annually thereafter, publish a report on—
 - (a) all current safe and legal asylum routes to the United Kingdom,
 - (b) the eligibility criteria for legal entry into the United Kingdom, and
 - (c) details of the application process.
- (2) The Secretary of State must publish a report on its resettlement target of refugees per year, and report on this every year.”

Member’s explanatory statement

This new clause would require the Secretary of State to publish a summary of safe and legal routes to refuge in the UK each year, alongside their eligibility criteria and application process. It would also commit the UK and Secretary of State to publishing its resettlement targets, and reporting on this annually.

Carol Monaghan
 Ian Blackford
 Kirsten Oswald
 Pete Wishart
 Alan Brown
 Stephen Flynn
 Owen Thompson
 Hannah Bardell
 Steven Bonnar
 Dr Lisa Cameron
 Ronnie Cowan
 Martin Docherty-Hughes
 Marion Fellows
 Peter Grant
 David Linden
 Anne McLaughlin
 John Nicolson
 Tommy Sheppard
 Alison Thewliss
 Stephen Farry

NC45

Stewart Hosie
 Mhairi Black
 Deidre Brock
 Douglas Chapman
 Angela Crawley
 Dave Doogan
 Patricia Gibson
 Drew Hendry
 Stewart Malcolm McDonald
 John McNally
 Brendan O'Hara
 Alyn Smith
 Richard Thomson

Angus Brendan MacNeil
 Kirsty Blackman
 Amy Callaghan
 Joanna Cherry
 Martyn Day
 Allan Dorans
 Patrick Grady
 Chris Law
 Stuart C McDonald
 Gavin Newlands
 Ms Anum Qaisar
 Chris Stephens
 Dr Philippa Whitford

☆ To move the following Clause—

“Asylum seekers: employment

- (1) The Immigration Rules, as laid before Parliament under section 3(2) of the Immigration Act 1971, are amended as follows.
- (2) In paragraphs 360 and 360C (right to request permission to take up employment) for “one year” substitute “six months”.
- (3) Omit paragraphs 360A and 360D (which place restrictions on the employment that may be taken up).
- (4) After paragraph 360E insert—

“360F In paragraphs 360 to 360E, the terms “asylum applicant” and “individual” mean—
 (a) a principal applicant, or
 (b) an adult dependant of a principal applicant in accordance with paragraph 349.””

Member’s explanatory statement

This new clause would permit asylum seekers waiting for more than six months for a decision on their claim to take up employment.

Liz Saville Roberts
 Ben Lake
 Hywel Williams
 Stephen Farry

NC46

☆ To move the following Clause—

“Shortage Occupation List

- (1) Before a Minister of the Crown makes any changes to the Immigration Rules Appendix Shortage Occupation List as provided for by the Immigration Rules, the Secretary of State must—
 - (a) consult each devolved authority on proposed changes, and seek their consent; and

- (b) lay before Parliament an independent impact assessment of the proposed changes including, but not limited to, the submissions received from the devolved authorities under paragraph (a).
- (2) If a devolved authority does not provide the consent sought under subsection (1)(a), the Minister of the Crown may not proceed with the changes.
- (3) In this section “devolved authority” means the Scottish Ministers, the Welsh Ministers or a Northern Ireland department.”

Member’s explanatory statement

This new clause would require the Secretary of State to consult and receive the consent of the devolved governments before making changes to the Shortage Occupation List in order to ensure that it allows additional flexibility and reflects the different needs of each nation.

Bambos Charalambous
Holly Lynch
Stephen Farry

NC48

☆ To move the following Clause—

“Family reunion and resettlement: unaccompanied minors

- (1) The Secretary of State must, within a period of six months beginning with the day on which this Act is passed, amend the Immigration Rules in order to ensure that an unaccompanied minor seeking asylum in the EEA who has a family member present in the United Kingdom is entitled to claim asylum in the United Kingdom.
- (2) For the purposes of this section, “family member” includes—
 - (a) a parent or guardian of the applicant;
 - (b) an aunt, uncle or grandparent of the applicant;
 - (c) a sibling of the applicant;
 - (d) the spouse of the applicant;
 - (e) an unmarried partner with whom the applicant is in a stable relationship; or
 - (f) any children of the applicant.”

Member’s explanatory statement

This new clause would allow unaccompanied children to have access to family reunion with close relatives in the UK.

Bambos Charalambous
Holly Lynch

NC49

☆ To move the following Clause—

“Co-operation with European Union on family reunion arrivals and safe returns

- (1) The Secretary of State must, within a period of six months beginning with the day on which this Act is passed, produce a report setting out a

negotiating mandate for an agreement with the European Union setting out protocols for identifying the state responsible for determining an asylum application using a hierarchy of criteria, including but not limited to—

- (a) family unity,
 - (b) possession of residence documents or visas,
 - (c) irregular entry or stay, and
 - (d) visa-waived entry.
- (2) The Secretary of State must lay the report before each House of Parliament.”

Member’s explanatory statement

This new clause would require the Government to produce a negotiating mandate setting out a proposed reciprocal arrangement with the European Union for safe returns and safe legal routes, to cover the issues previously covered by the Dublin III agreement which has now ended.

Bambos Charalambous
Holly Lynch

NC50

☆ To move the following Clause—

“Advertising assistance for unlawful immigration to the United Kingdom

- (1) It is an offence to advertise by any means, including using social media, services designed to facilitate the commission of an offence under section 25 of the Immigration Act 1971.
- (2) A person guilty of an offence under this section shall be liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years, to a fine or to both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.”

Bambos Charalambous
Holly Lynch
Stephen Farry

NC51

☆ To move the following Clause—

“Afghan Citizens Resettlement Scheme

- (1) The Secretary of State must make regulations setting out the terms of a resettlement scheme for Afghan citizens known as the Afghan Citizens Resettlement Scheme (“ACRS”).
- (2) There must be provisions within the ACRS to allow those who are fleeing persecution and have family members in the UK to apply for the Scheme.
- (3) For the purposes of this section, “family member” includes—
 - (a) the spouse of the applicant;

- (b) an unmarried partner with whom the applicant is in a stable relationship;
 - (c) any children of the applicant;
 - (d) a parent or guardian of the applicant;
 - (e) an aunt, uncle or grandparent of the applicant; or
 - (f) a sibling of the applicant.
- (4) Regulations under this section must be made and the ACRS must come into force within 30 days from the date of Royal Assent to this Act."

Member's explanatory statement

This new clause will place the Afghan Citizens Resettlement Scheme on a statutory footing and ensure that it includes provisions for a family reunion route within it.

Johnny Mercer
Sir Iain Duncan Smith
Tom Tugendhat
Mr Tobias Ellwood
Dan Jarvis

NC52

☆ To move the following Clause—

"Non-UK service personnel: waiver of fees

- (1) The Secretary of State must, within six months of the date of Royal Assent to this Act, make regulations exempting relevant persons from the payment of fees in respect of the exercise of functions in connection with immigration or nationality under section 68 of the Immigration Act 2014.
 - (2) For the purposes of this section, "relevant persons" are persons who—
 - (a) do not hold British citizenship and are serving or have in the past served in the UK armed forces for a minimum period of five years;
or
 - (b) are dependents of persons identified in paragraph (a)."
-

Tim Farron
Mr Alistair Carmichael
Bell Ribeiro-Addy
Ed Davey
Daisy Cooper
Wendy Chamberlain
Sarah Green
Layla Moran
Munira Wilson
Apsana Begum
Anne McLaughlin

Wera Hobhouse
Sarah Olney
Stephen Farry
Caroline Lucas
Owen Thompson

Christine Jardine
Jamie Stone
Claire Hanna
Stuart C McDonald
Claudia Webbe

8

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.

Stuart C McDonald
Anne McLaughlin
Owen Thompson

114

Clause 11, page 15, line 2, at end insert—

- “(7A) Notwithstanding subsections (5) and (6), a person listed in subsection (7B) must not be treated differently from a Group 1 refugee and in particular—
- (a) must not face a restriction on their leave to enter compared to any Group 1 refugee;
 - (b) must have access to indefinite leave to remain on the same basis as any Group 1 refugee;
 - (c) must not have no recourse to public funds conditions attached to any leave to enter or remain given to them; and
 - (d) must have access to family reunion on the same basis as Group 1 refugees.
- (7B) Subsection (7A) applies to—
- (a) an Afghan national who is a refugee because they face a risk of persecution in Afghanistan;
 - (b) a Syrian national who is a refugee because they face a risk of persecution in Syria;
 - (c) a Uighur who is a refugee because they face a risk of persecution in China;
 - (d) a Christian convert who is a refugee because they face a risk of persecution in their country of nationality; or
 - (e) other persons who are refugees because they are outside of their country of nationality for fear of persecution for a Convention reason as set out in article 1 of the Refugee Convention.”

Member's explanatory statement

This amendment would prevent the Secretary of State from treating Afghans, Syrians, Uighurs and Christian converts and other people who are refugees at risk of persecution, differently from Group 1 refugees.

Stuart C McDonald 151
Anne McLaughlin
Owen Thompson

★ Page 15, line 9, leave out Clause 12

Secretary Priti Patel 19

Clause 12, page 15, line 12, leave out "or 95A" and insert "(support for asylum seekers) or section 4 (accommodation for failed asylum seekers)"

Member's explanatory statement

This amendment, together with Amendments 20 to 25, are needed to cater for the fact that certain provisions relating to accommodation support for asylum seekers and failed asylum seekers may not be in force by the time clause 12 is commenced.

Secretary Priti Patel 20

Clause 12, page 15, line 15, leave out "supported persons" and insert "persons supported under those sections"

Member's explanatory statement

See explanatory statement for Amendment 19.

Secretary Priti Patel 21

Clause 12, page 15, line 17, leave out "protection claim" and insert "claim for asylum"

Member's explanatory statement

See explanatory statement for Amendment 19.

Secretary Priti Patel 22

Clause 12, page 15, line 22, after "under" insert "any of the following"

Member's explanatory statement

See explanatory statement for Amendment 19.

Secretary Priti Patel 23

Clause 12, page 15, line 26, leave out from “section” to end of line 27 and insert “4(6) (conditions for support under section 4),”

Member’s explanatory statement

See explanatory statement for Amendment 19.

Secretary Priti Patel 24

Clause 12, page 15, leave out lines 28 to 30

Member’s explanatory statement

See explanatory statement for Amendment 19.

Secretary Priti Patel 25

Clause 12, page 15, line 30, at end insert—

“(1A) In section 97(3A) of the Immigration and Asylum Act 1999 (as inserted by subsection (1))—

- (a) in the words before paragraph (a)—
 - (i) for “section 4 (accommodation for failed asylum seekers)” substitute “section 95A (support for failed asylum seekers)”;
 - (ii) for “persons supported under those sections” substitute “supported persons”;
- (b) in paragraph (a), for “claim for asylum” substitute “protection claim”;
- (c) in paragraph (b)—
 - (i) for sub-paragraph (iii) substitute—
 - “(iii) regulations made under section 95A(5) (conditions for support under section 95A);”
 - (ii) at the end insert—
 - “(iv) regulations made under section 30 of the Nationality, Immigration and Asylum Act 2002 (conditions of residence in accommodation centre).”

Member’s explanatory statement

See explanatory statement for Amendment 19.

Stuart C McDonald
Anne McLaughlin
Owen Thompson

132

☆ Clause 15, page 18, leave out lines 27 to 39 and insert—

- “(a) there are in law and in practice—
- (i) appropriate reception arrangements for asylum seekers;
 - (ii) sufficient protection against serious harm and violations of fundamental rights;
 - (iii) protection against refoulement and removal in violation of Article 3 of the European Convention on Human Rights;
 - (iv) access to fair and efficient State asylum procedures, or to a previously afforded refugee status or other protective status that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention;
 - (v) the legal right to remain during the State asylum procedure;
 - (vi) a refugee status granted to those who are recognised as refugees that is inclusive of the rights and obligations set out at Articles 2-34 of the 1951 Convention for those found to be in need of international protection; and
- (b) it is safe for the particular claimant, taking into account their individual circumstances.”

Member’s explanatory statement

This amendment modifies the definition of a “safe third State” to limit it to States that are in fact safe, in law and practice, for the particular claimant.

Stuart C McDonald
Anne McLaughlin
Owen Thompson

133

☆ Clause 15, page 18, line 41, leave out “5” and insert “3”

Member’s explanatory statement

This amendment is consequential on a later amendment about the definition of “connection”.

Stuart C McDonald
Anne McLaughlin
Owen Thompson

134

☆ Clause 15, page 18, leave out lines 43 to 46

Member’s explanatory statement

This amendment removes subsection (6), which states that a claimant whose asylum claim has been denied by virtue of their connection to a particular safe third State may be removed to any other safe third State.

Stuart C McDonald 135
 Anne McLaughlin
 Owen Thompson

☆ Clause 15, page 19, line 2, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would clarify that under specific circumstances, an asylum claim that would otherwise be considered inadmissible must be considered under the immigration rules.

Secretary Priti Patel 26
 Clause 15, page 19, leave out lines 3 to 5

Member’s explanatory statement

This amendment removes the power of the Secretary of State to consider an asylum claim that she has previously declared inadmissible where she determines that it is unlikely to be possible to remove the claimant to a safe third State within a reasonable period.

Stuart C McDonald 136
 Anne McLaughlin
 Owen Thompson
 Stephen Farry

☆ Clause 15, page 19, leave out lines 3 to 10 and insert—

- “(a) in the absence of a formal, legally binding and public readmission agreement between the United Kingdom and the State to which the person has a connection;
- (b) as soon as the proposed State of readmission refuses to accept the person’s return or if the person’s readmission has not been agreed within three months of the registration of their asylum claim, whichever is sooner;
- (c) if, taking into account the claimant’s personal circumstances, including their family ties to the United Kingdom and the best interests of any children affected by the decision, it is more appropriate that the claim be considered in the United Kingdom;
or
- (d) in such other cases as may be provided for in the immigration rules.”

Member’s explanatory statement

This amendment broadens the circumstances in which the Secretary of State must consider an asylum application, despite a declaration of inadmissibility.

Stuart C McDonald 137
 Anne McLaughlin
 Owen Thompson

☆ Clause 15, page 19, leave out line 21 and insert—

“(a) has been granted refugee status or another protective status in the safe third state that is inclusive of the rights and obligations set out at Articles 2 to 34 of the 1951 Convention.”

Member’s explanatory statement

This amendment would strengthen the safeguards in place before a “connection” can be relied on for the purposes of inadmissibility, so as to ensure that the right to seek and enjoy asylum is protected.

Stuart C McDonald 138
 Anne McLaughlin
 Owen Thompson

☆ Clause 15, page 19, leave out lines 24 to 32

Member’s explanatory statement

This amendment changes the definition of a “connection” to a safe third State by deleting the possibility of finding someone inadmissible on the basis of having been granted nothing more than protection against removal in a third State.

Stuart C McDonald 139
 Anne McLaughlin
 Owen Thompson

☆ Clause 15, page 19, line 33, leave out “3” and insert “2”

Member’s explanatory statement

This amendment is consequential on amendment 138.

Stuart C McDonald 140
 Anne McLaughlin
 Owen Thompson

☆ Clause 15, page 19, line 37, leave out “4” and insert “3”

Member’s explanatory statement

This amendment is consequential on amendment 138.

Stuart C McDonald 141
 Anne McLaughlin
 Owen Thompson
 Stephen Farry

☆ Clause 15, page 19, leave out lines 43 to 45

Member’s explanatory statement

This amendment changes the definition of a “connection” to a safe third State so as to prevent a person being found inadmissible on the basis of a connection to a State to which they have never been.

Stuart C McDonald 142
 Anne McLaughlin
 Owen Thompson
 Stephen Farry

☆ Clause 15, page 20, leave out lines 1 to 4 and insert—

“for refugee status or other protective status that is inclusive of the rights and obligations set out at Articles 2 to 34 of the 1951 Convention.”

Member’s explanatory statement

This amendment changes the definition of a “relevant claim” to a safe third State to ensure that inadmissibility is based on access to a protective status consistent with the Refugee Convention.

Neil Coyle 14
 Stephen Farry
 Bell Ribeiro-Addy
 Caroline Lucas

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.

Secretary Priti Patel

27

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

“(3A) Subsection (4) also applies if the recipient of an evidence notice provides the First-tier Tribunal, the Upper Tribunal (when acting in the circumstances mentioned in section 21(4B)) or the Special Immigration Appeals Commission with evidence in support of the claim where the evidence—

- (a) should have been provided in response to the evidence notice but was not, and
- (b) is provided on or after the specified date.”

Member’s explanatory statement

This amendment ensures that if a claimant provides evidence to the Tribunal or SIAC after the date by which it should have been provided to the Secretary of State in response to an evidence notice, the claimant must also provide the Tribunal or SIAC with their reasons for the evidence being late.

Stuart C McDonald
Anne McLaughlin
Owen Thompson

118

Page 21, line 27, leave out Clause 18

Secretary Priti Patel

28

Clause 18, page 21, line 29, leave out “(2)” and insert “(1A)”

Member’s explanatory statement

This amendment is consequential on Amendment 29.

Secretary Priti Patel

29

Clause 18, page 21, line 30, at end insert—

“(1A) After subsection (1) insert—

“(1A) Tribunal Procedure Rules must secure that, where the deciding authority is the First-tier Tribunal, it must include, as part of its reasons for a decision that disposes of proceedings, a statement explaining—

- (a) whether it considers that the claimant has engaged in behaviour to which this section applies, and

- (b) if it considers that the claimant has engaged in such behaviour, how it has taken account of the behaviour in making its decision.

(1B) Rules under section 5 of the Special Immigration Appeals Commission Act 1997 (SIAC procedure rules) must secure that, where the deciding authority is the Special Immigration Appeals Commission, it must include, as part of its reasons for a decision that determines proceedings, a statement explaining the matters mentioned in subsection (1A)(a) and (b)."

Member's explanatory statement

This amendment will require the Tribunal and SIAC to explicitly address the application of section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 in their decisions. Section 8 requires decision-makers to take into account, as damaging a claimant's credibility, certain types of behaviours, such as behaviour designed to mislead or not acting in good faith.

Secretary Priti Patel

30

Clause 19, page 23, line 25, at end insert—

"(5A) Subsection (6) also applies if the PRN recipient provides the First-tier Tribunal, the Upper Tribunal (when acting in the circumstances mentioned in section 21(4B)) or the Special Immigration Appeals Commission with any statement, information or evidence mentioned in subsection (3)(a) that—

- (a) should have been provided in response to the priority removal notice but was not, and
- (b) is provided on or after the PRN cut-off date."

Member's explanatory statement

This amendment secures that if a PRN recipient provides a statement, information or evidence to the Tribunal or SIAC on or after the PRN cut-off date when it should have been provided before that date to the Secretary of State in response to the priority removal notice, they must also provide the Tribunal or SIAC with their reasons for the material being late.

Stuart C McDonald 119
 Anne McLaughlin
 Owen Thompson

Page 24, line 30, leave out Clause 21

Secretary Priti Patel 31

Clause 21, page 24, line 32, leave out paragraph (a) and insert—

- “(a) a PRN recipient provided material in response to the priority removal notice served on them,
- (aa) the material was provided late, and”

Member’s explanatory statement

This is a drafting change to make clearer the distinction between subsection (1) and the new subsection (1A) inserted by Amendment 32.

Secretary Priti Patel 32

Clause 21, page 24, line 34, at end insert—

“(1A) This section also applies where—

- (a) a PRN recipient provided material to the First-tier Tribunal, the Upper Tribunal (when acting in the circumstances mentioned in subsection (4B)) or the Special Immigration Appeals Commission,
- (b) the material should have been provided in response to the priority removal notice served on the PRN recipient but was not,
- (c) the material was provided late, and
- (d) a relevant decision is being made.”

Member’s explanatory statement

This amendment will mean that the damage to credibility provision in clause 21 will also apply where a PRN recipient provides material to the Tribunal or SIAC on or after the PRN cut-off date where that material should have been provided to the Secretary of State in response to the priority removal notice but was not. See also Amendment 33.

Secretary Priti Patel 33

Clause 21, page 24, line 42, leave out from “recipient,” to end of line and insert “a deciding authority”

Member’s explanatory statement

This amendment, together with Amendment 37, will mean that the duty to take into account (as damaging to a person’s credibility) material provided late in response to a priority removal notice will apply not only to the Secretary of State but also to immigration officers, the Tribunal and SIAC.

Secretary Priti Patel

34

Clause 21, page 24, line 44, leave out “anything mentioned in subsection (1)(a)” and insert “the material”

Member’s explanatory statement

This amendment is consequential on Amendments 31 and 32.

Secretary Priti Patel

35

Clause 21, page 24, line 45, at end insert—

“(3A) Tribunal Procedure Rules must secure that, where the First-tier Tribunal or the Upper Tribunal (when acting in the circumstances mentioned in subsection (4B)) is making a decision that disposes of proceedings, it must include, as part of its reasons for the decision, a statement explaining—

- (a) whether it considers that this section applies, and
- (b) if it considers that this section does apply, how, in making its decision, it has taken account of the fact that the PRN recipient provided the material late.

(3B) Rules under section 5 of the Special Immigration Appeals Commission Act 1997 (SIAC procedure rules) must secure that, where the Special Immigration Appeals Commission is making a decision that determines proceedings, it must include, as part of its reasons for the decision, a statement explaining the matters mentioned in subsection (3A)(a) and (b).”

Member’s explanatory statement

This amendment will require the Tribunal and SIAC, when making decisions on protection or human rights claims, to explicitly address how it has acted on the requirement that it take into account the late provision of material in response to a priority removal notice, as damaging the claimant’s credibility.

Secretary Priti Patel

36

Clause 21, page 25, line 1, leave out “anything mentioned in subsection (1)(a)” and insert “material”

Member’s explanatory statement

This amendment is consequential on Amendments 31 and 32.

Secretary Priti Patel

37

Clause 21, page 25, line 3, at end insert—

“(4A) In subsection (3) “deciding authority”—

- (a) in relation to a decision mentioned in subsection (2)(a) means—
 - (i) the Secretary of State,

- (ii) an immigration officer,
- (iii) the First-tier Tribunal,
- (iv) the Upper Tribunal in the circumstances described in subsection (4B), or
- (v) the Special Immigration Appeals Commission;
- (b) in relation to a decision mentioned in subsection (2)(b), means the competent authority.

(4B) The circumstances are when the Upper Tribunal is acting—

- (a) under section 12(2)(b)(ii) of the Tribunals, Courts and Enforcement Act 2007 (Upper Tribunal re-making First-tier Tribunal decision on finding of error of law), or
- (b) in relation to—
 - (i) an expedited appeal within the meaning of section 82A of the Nationality, Immigration and Asylum Act 2002, or
 - (ii) an expedited related appeal within the meaning of section 23 that involves a protection claim or a human rights claim.”

Member’s explanatory statement

See explanatory statement for Amendment 33.

Secretary Priti Patel

38

Clause 21, page 25, line 7, at beginning insert ““priority removal notice”,”

Member’s explanatory statement

This amendment is consequential on Amendments 31 and 32.

Stuart C McDonald
Anne McLaughlin
Owen Thompson

145

☆ Page 25, line 11, leave out Clause 22

Secretary Priti Patel

39

Clause 22, page 25, line 35, leave out “in the interests of justice” and insert “the only way to secure that justice is done”

Member’s explanatory statement

This amendment secures that an appeal will remain in the expedited judicial process where possible, by providing that the Upper Tribunal may only make an order to remove an appeal from the expedited judicial process if that is the only way for justice to be done in a particular case.

Secretary Priti Patel 40

Clause 22, page 25, line 36, leave out "to do so"

Member's explanatory statement

This amendment is consequential on Amendment 39.

Stuart C McDonald 146

Anne McLaughlin

Owen Thompson

☆ Page 26, line 7, leave out Clause 23

Secretary Priti Patel 41

Clause 23, page 26, line 26, after "pending" insert "before the First-tier Tribunal"

Member's explanatory statement

This amendment secures that it is only where a related appeal (as defined in clause 23(2)) is pending before the First-tier Tribunal (rather than before SIAC) that it must be joined to a section 82 appeal that is expedited as provided for in clause 22.

Secretary Priti Patel 42

Clause 23, page 26, line 39, leave out "in the interests of justice" and insert "the only way to secure that justice is done"

Member's explanatory statement

This amendment secures that a related appeal will remain in the expedited judicial process where possible, by providing that the Upper Tribunal may only make an order to remove a related appeal from the expedited judicial process if that is the only way for justice to be done in a particular case.

Secretary Priti Patel 43

Clause 23, page 26, line 40, leave out "to do so"

Member's explanatory statement

This amendment is consequential on Amendment 42.

Stuart C McDonald 120
Anne McLaughlin
Owen Thompson

Page 29, line 2, leave out Clause 25

Neil Coyle 15
Stephen Farry
Bell Ribeiro-Addy

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.

Secretary Priti Patel 44

Clause 25, page 29, line 39, after “Tribunal” insert “in the circumstances described in subsection (8)”

Member’s explanatory statement

Clause 25 requires decision-makers to have regard to the principle that minimal weight should be given to evidence on asylum claims etc provided late. The amendment means that clause 25 will only apply to the Upper Tribunal when acting on appeal from the First-tier Tribunal or on an expedited appeal, and not when it is acting in judicial review proceedings.

Secretary Priti Patel 45

Clause 25, page 29, line 45, at end insert—

“(8) The circumstances are when the Upper Tribunal is acting—

- (a) under section 12(2)(b)(ii) of the Tribunals, Courts and Enforcement Act 2007 (Upper Tribunal re-making First-tier Tribunal decision on finding of error of law), or
- (b) in relation to—
 - (i) an expedited appeal within the meaning of section 82A of the Nationality, Immigration and Asylum Act 2002, or
 - (ii) an expedited related appeal within the meaning of section 23 that involves an asylum claim or a human rights claim.”

Member's explanatory statement

See explanatory statement for Amendment 44.

Stuart C McDonald 121
Anne McLaughlin
Owen Thompson

Page 30, line 2, leave out Clause 26

Secretary Priti Patel 46

Clause 26, page 30, line 35, leave out "in the interests of justice" and insert "the only way to secure that justice is done"

Member's explanatory statement

This amendment secures that an appeal will remain in the accelerated detained appeal route where possible, by providing that the First-tier Tribunal or the Upper Tribunal may only make an order to remove an appeal from the accelerated detained appeal route if that is the only way for justice to be done in a particular case.

Secretary Priti Patel 47

Clause 26, page 30, line 36, leave out "to do so"

Member's explanatory statement

This amendment is consequential on Amendment 46.

<p>Mr David Davis Mr Alistair Carmichael Mr Andrew Mitchell Caroline Nokes Bell Ribeiro-Addy Paul Blomfield Apsana Begum Christine Jardine Jamie Stone Wera Hobhouse</p>	<p>Ed Davey Layla Moran Sarah Olney Munira Wilson</p>	<p>Daisy Cooper Wendy Chamberlain Tim Farron Sarah Green</p>
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11

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

Member's explanatory statement

This is a paving amendment for Amendment 9.

<p>Sir William Cash Sir John Hayes Mr David Jones Mr Marcus Fysh Greg Smith John Redwood Craig Mackinlay Mrs Natalie Elphicke Mark Jenkinson Sir Edward Leigh</p>	<p>Adam Holloway Scott Benton Sir Bernard Jenkin James Grundy</p>	<p>Tom Hunt Matt Vickers Mr Mark Francois Michael Fabricant</p>
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150

☆ Clause 28, page 32, line 4, at end insert—

- “(2) This section and Schedule 3 will have effect notwithstanding—
- (a) the Human Rights Act 1998;
 - (b) the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950 as it has effect for the time being in relation to the United Kingdom, including any Protocol to that Convention;
 - (c) EU derived law and case law retained under sections 2 to 7 of the European Union (Withdrawal) Act 2018; and
 - (d) the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and its Protocol.
- (3) No law or requirement identified in subsection (2) shall affect the interpretation or application of any provision of this section, including restrictions on the actions or policies of public authorities.”

Member's explanatory statement

This amendment is to ensure that the provisions in clause 28 and Schedule 3 are not open to judicial interpretation or disapplication under the measures listed in subsection (2).

Stuart C McDonald 144
 Anne McLaughlin
 Owen Thompson

☆ Page 33, line 21, leave out Clause 31

Stuart C McDonald 147
 Anne McLaughlin
 Owen Thompson

☆ Clause 32, page 34, line 24, leave out subsections (2) to (4)

Secretary Priti Patel 48
 Clause 34, page 35, line 10, leave out "return" and insert "travel"

Member's explanatory statement

This amendment, and Amendments 49 and 50, clarify that where there is a part of their country of nationality (or, where relevant, previous habitual residence) to which an asylum seeker can reasonably be expected to travel to and remain in, they are not to be taken as a refugee, even where they have not previously been in that part of the country.

Secretary Priti Patel 49
 Clause 34, page 35, line 12, leave out "return" and insert "travel"

Member's explanatory statement

See explanatory statement for Amendment 48.

Secretary Priti Patel 50
 Clause 34, page 35, line 18, leave out "return" and insert "travel"

Member's explanatory statement

See explanatory statement for Amendment 48.

Secretary Priti Patel 91

Schedule 2, page 82, line 8, leave out “as follows” and insert “in accordance with paragraphs 2 to 6”

Member’s explanatory statement

This amendment is consequential on Amendment 93.

Secretary Priti Patel 92

Schedule 2, page 82, line 28, after “82A” insert “and section 23 of the Nationality and Borders Act 2021”

Member’s explanatory statement

This amendment secures that practice directions under section 107 of the Nationality, Immigration and Asylum Act 2002 can cover not only expedited appeals under the new section 82A of that Act (as inserted by clause 22) but also expedited related appeals under clause 23.

Secretary Priti Patel 93

Schedule 2, page 82, line 32, at end insert—

“7 In section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (claimant’s credibility), in subsection (9A)—

- (a) for the words from the beginning to “subsection (7) the” substitute “In this section a”;
- (b) after “acting” insert “—
 - (a) ”;
- (c) at the end insert “, or
 - (b) in relation to—
 - (i) an expedited appeal within the meaning of section 82A of the Nationality, Immigration and Asylum Act 2002, or
 - (ii) an expedited related appeal within the meaning of section 23 of the Nationality and Borders Act 2021 that involves an asylum claim or a human rights claim.””

Member’s explanatory statement

This amendment is needed so as to make sure that section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 applies to the Upper Tribunal when it is acting on an expedited appeal (a new procedure introduced by clause 22) or a expedited related appeal (see clause 23).

Mr David Davis			9
Mr Alistair Carmichael			
Mr Andrew Mitchell			
Caroline Nokes			
Bell Ribeiro-Addy			
Stephen Farry			
Claire Hanna	Paul Blomfield	Apsana Begum	
Ed Davey	Daisy Cooper	Christine Jardine	
Layla Moran	Wendy Chamberlain	Jamie Stone	
Sarah Olney	Tim Farron	Wera Hobhouse	
Munira Wilson	Sarah Green	Mrs Pauline Latham	
Caroline Lucas	Claudia Webbe		

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	Ed Davey	Daisy Cooper	
Christine Jardine	Layla Moran	Wendy Chamberlain	
Jamie Stone	Sarah Olney	Tim Farron	
Wera Hobhouse	Munira Wilson	Sarah Green	
Mrs Pauline Latham	Caroline Lucas		

Schedule 3, page 84, line 2, leave out paragraph 4

Member's explanatory statement

This amendment is consequential on Amendment 9.

Stuart C McDonald		115
Anne McLaughlin		
Owen Thompson		
Caroline Lucas		

Clause 39, page 38, leave out lines 15 to 23

Member's explanatory statement

This amendment would remove certain criminal offences relating to entering and arriving in the UK.

Secretary Priti Patel 51

Clause 39, page 38, line 18, at end insert—

“(B1A) A person who—

- (a) has only a limited leave to enter or remain in the United Kingdom, and
- (b) knowingly remains beyond the time limited by the leave, commits an offence.”

Member’s explanatory statement

This amendment, together with Amendments 52, 53 and 54, has the effect of increasing the penalty for the offence currently in section 24(1)(b)(i) of the Immigration Act 1971 of overstaying leave to remain, so that it is punishable on indictment with up to four years of imprisonment.

Ms Harriet Harman 102
Joanna Cherry
Bell Ribeiro-Addy
Caroline Lucas

Clause 39, page 38, leave out lines 19 to 23

Member’s explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to prevent ‘arrival’ in the United Kingdom without a valid entry clearance, rather than ‘entry’ into the United Kingdom without a valid entry clearance, becoming an offence.

Secretary Priti Patel 52

Clause 39, page 38, line 31, leave out “subsection (A1), (B1), (C1) or” and insert “any of subsections (A1) to”

Member’s explanatory statement

See explanatory statement to Amendment 51.

Secretary Priti Patel 53

Clause 39, page 39, line 3, leave out “subsection (B1), (C1) or” and insert “any of subsections (B1) to”

Member’s explanatory statement

See explanatory statement to Amendment 51.

Stuart C McDonald 116
 Anne McLaughlin
 Owen Thompson
 Caroline Lucas

Clause 39, page 39, line 9, at end insert—

“(F2) No criminal offence is committed under subsections (B1) to (D1) where a person enters or arrives in the United Kingdom for the purposes of making a claim for asylum or humanitarian protection, if the person is one of the following—

- (a) an Afghan national who is a refugee because they face a risk of persecution in Afghanistan;
- (b) a Syrian national who is a refugee because they face a risk of persecution in Syria;
- (c) a Uighur who is a refugee because they face a risk of persecution in China;
- (d) a Christian convert who is a refugee because they face a risk of persecution in their country of nationality; or
- (e) other persons who are in need of international protection; or who are refugees because they are outside of their country of nationality for fear of persecution for a Convention reason as set out in article 1 of the Refugee Convention.”

Member’s explanatory statement

Clause 39 as drafted would involve the criminalisation of the arrival and entry of asylum seekers and refugees with an offence subject to up to four years imprisonment. This amendment would prevent this from happening.

Secretary Priti Patel 54

Clause 39, page 39, line 11, leave out “, omit paragraph (a)” and insert “—

- (i) omit paragraph (a);
- (ii) in paragraph (b), for the words from “either” to the end, substitute “fails to observe a condition of the leave.”;

Member’s explanatory statement

See explanatory statement to Amendment 51.

Secretary Priti Patel 55

Clause 39, page 39, line 11, at end insert—

“(aa) in subsection (1A), for “subsection (1)(b)(i)”, substitute “subsection (B1A)”;

Member’s explanatory statement

This amendment is consequential on Amendments 51 and 54.

Ms Harriet Harman 103
Joanna Cherry
Bell Ribeiro-Addy
Caroline Lucas

Clause 39, page 39, line 30, leave out subsection (4)

Member's explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to prevent the offence of facilitating a breach of immigration law being extended to include facilitating 'arrival' in the United Kingdom without a valid entry clearance in addition to facilitating 'entry' into the United Kingdom without a valid entry clearance.

Secretary Priti Patel 56

Clause 39, page 39, line 33, after "(B1)" insert ", (B1A)"

Member's explanatory statement

This amendment is consequential on Amendment 51.

Secretary Priti Patel 57

Clause 39, page 39, line 35, after "(B1)" insert ", (B1A)"

Member's explanatory statement

This amendment is consequential on Amendment 51.

Secretary Priti Patel 58

Clause 39, page 39, line 43, after "(B1)" insert ", (B1A)"

Member's explanatory statement

This amendment is consequential on Amendment 51.

Secretary Priti Patel 59

Clause 39, page 39, line 46, after "(B1)" insert ", (B1A)"

Member's explanatory statement

This amendment is consequential on Amendment 51.

Ms Harriet Harman 104
Joanna Cherry
Bell Ribeiro-Addy
Caroline Lucas

Clause 39, page 40, line 2, at end insert—

“(10) In section 31(3) of the Immigration and Asylum Act 1999 (defences based on Article 31(1) of the Refugee Convention), after paragraph (aa) insert—

“(ab) section 24 of the Immigration Act 1971 (illegal entry and similar offences)”.

Member’s explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to extend the statutory defence based on Article 31 of the Refugee Convention to offences of illegal entry under section 24 of the Immigration Act 1971.

Secretary Priti Patel 60

Clause 40, page 40, line 3, at end insert—

“(A1)The Immigration Act 1971 is amended as follows.”

Member’s explanatory statement

This amendment is consequential on Amendment 63.

Secretary Priti Patel 61

Clause 40, page 40, line 4, leave out “of the Immigration Act 1971”.

Member’s explanatory statement

This amendment is consequential on Amendment 60.

Ms Harriet Harman 105
 Joanna Cherry
 Bell Ribeiro-Addy
 Stuart C McDonald
 Anne McLaughlin
 Owen Thompson
 Bambos Charalambous Holly Lynch Paul Blomfield
 Caroline Lucas Stephen Farry

Clause 40, page 40, line 7, leave out subsection (2)

Member’s explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to maintain the current position that the offence of helping an asylum seeker to enter the United Kingdom can only be committed if it is carried out “for gain”.

Secretary Priti Patel 62
 Karen Bradley

Clause 40, page 40, line 7, leave out “of the Immigration Act 1971”.

Member’s explanatory statement

This amendment is consequential on Amendment 60.

Secretary Priti Patel 63

Clause 40, page 40, line 8, at end insert—

“(3) Before section 25C insert—

“25BA Facilitation offences: application to rescuers

- (1) A person does not commit a facilitation offence if the act of facilitation was an act done by or on behalf of, or co-ordinated by—
 - (a) Her Majesty’s Coastguard, or
 - (b) an overseas maritime search and rescue authority exercising similar functions to those of Her Majesty’s Coastguard.
- (2) In proceedings for a facilitation offence, it is a defence for the person charged with the offence to show that—
 - (a) the assisted individual had been in danger or distress at sea, and
 - (b) the act of facilitation was an act of providing assistance to the individual at any time between—
 - (i) the time when the assisted individual was first in danger or distress at sea, and
 - (ii) the time when the assisted individual was delivered to a place of safety on land.
- (3) For the purposes of subsection (2), the following are not to be treated as an act of providing assistance—
 - (a) the act of delivering the assisted individual to the United Kingdom in circumstances where—

- (i) the United Kingdom was not the nearest place of safety on land to which the assisted individual could have been delivered, and
 - (ii) the person charged with the offence did not have a good reason for delivering the assisted individual to the United Kingdom instead of to a nearer place of safety on land;
 - (b) the act of steering a ship in circumstances where the person charged with the offence was on the same ship as the assisted individual at the time when the individual was first in danger or distress at sea.
- (4) A person is taken to have shown a fact mentioned in subsection (2) if—
 - (a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (5) In this section—

“act of facilitation”—

 - (a) in relation to an offence under section 25 (assisting unlawful immigration), means the act mentioned in subsection (1)(a) of that section;
 - (b) in relation to an offence under section 25A (helping asylum-seeker to enter the UK), means the act of facilitating the arrival (or attempted arrival) in, or entry (or attempted entry) into, the United Kingdom of an individual, as mentioned in subsection (1)(a) of that section;
 - (c) in relation to an offence under section 25B(1) (facilitating breach of deportation order), means the act mentioned in subsection (1)(a) of that section;
 - (d) in relation to an offence under section 25B(3) (assisting entry to UK in breach of an exclusion order), means the act mentioned in subsection (3)(a) of that section;

“assisted individual”—

 - (a) in relation to an offence under section 25, means the individual whose breach (or attempted breach) of immigration law is facilitated by the act of facilitation;
 - (b) in relation to an offence under section 25A, means the individual whose arrival (or attempted arrival) in, or entry (or attempted entry) into, the United Kingdom is facilitated by the act of facilitation;
 - (c) in relation to an offence under section 25B(1), means the individual whose breach (or attempted breach) of a deportation order is facilitated by the act of facilitation;
 - (d) in relation to an offence under section 25B(3), means the individual who is assisted to arrive in, enter or remain (or to attempt to arrive in, enter or remain) in the United Kingdom by the act of facilitation;

“facilitation offence” means—

 - (a) an offence under section 25 (assisting unlawful immigration),
 - (b) an offence under section 25A (helping asylum-seeker to enter the United Kingdom), or

- (c) an offence under section 25B (assisting entry to the United Kingdom in breach of deportation or exclusion order) to the extent that the section continues to apply by virtue of regulation 5(7) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309);

“ship” includes—

- (a) every description of vessel (including a hovercraft), and
- (b) any other structure (whether with or without means of propulsion) constructed or used to carry persons, goods, plant or machinery by water.

25BB Facilitation offences: defences relating to stowaways

- (1) In proceedings for a facilitation offence brought against a master of a ship, it is a defence for the master to show—
 - (a) that the assisted individual was a stowaway when the act of facilitation took place, and
 - (b) that the master, or a person acting on the master’s behalf, reported the presence of the assisted individual on the ship to the Secretary of State or an immigration officer—
 - (i) in a case where the ship was scheduled to go to the United Kingdom, as soon as reasonably practicable after the time when the ship’s next scheduled port of call became a port in the United Kingdom, or
 - (ii) in a case where the ship was not scheduled to go to the United Kingdom but the master of the ship decided that the ship needed to go to the United Kingdom (whether for reasons relating to the presence of the assisted individual on board or for other reasons), as soon as reasonably practicable after the master made that decision.
- (2) In proceedings for a facilitation offence, it is a defence for the person charged with the offence to show—
 - (a) that the assisted individual was a stowaway when the act of facilitation took place,
 - (b) that they were acting to ensure the security, general health, welfare or safety of the assisted individual, and
 - (c) that they had reported the presence of the assisted individual to the master of the ship as soon as reasonably practicable.
- (3) A person is taken to have shown a fact mentioned in subsection (1) or (2) if—
 - (a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (4) For the purposes of this section, an individual is a stowaway on a ship if—
 - (a) they boarded the ship without the knowledge of the master of the ship, and

- (b) the master was not aware of their presence on the ship when the ship departed from the port where the individual boarded.
- (5) But an individual ceases to be a stowaway if, after the master of the ship has become aware of their presence on the ship, the individual is given permission to leave the ship by the immigration authorities of a country that the ship arrives at (whether or not they do in fact leave the ship there).
- (6) In this section, “act of facilitation”, “assisted individual”, “facilitation offence” and “ship” have the same meanings as in section 25BA.””

Member’s explanatory statement

This amendment adds two new sections into the Immigration Act 1971 to provide for exclusions or defences to the offences of facilitating illegal entry or the entry of asylum-seekers in circumstances where: (1) a person rescues another person at sea, or (2) a ship’s master carries a stowaway into the UK or a person on board a ship assists a stowaway for humanitarian reasons.

Neil Coyle
Bell Ribeiro-Addy
Stephen Farry
Apsana Begum
Caroline Lucas
Claudia Webbe

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.

Ms Harriet Harman
Joanna Cherry
Bell Ribeiro-Addy
Caroline Lucas
Stephen Farry

106

Clause 45, page 43, line 12, at end insert—

“(6B) Nothing in this section, or in sections 10A to 10E, permits a person to be removed from the United Kingdom if that removal would violate their common law right to access justice.”

Member's explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to make clear that the regime for providing notice to persons liable to removal remains subject to the common law right to access justice, which in the asylum context is mirrored by Article 13 ECHR.

Ms Harriet Harman
Joanna Cherry
Bell Ribeiro-Addy
Caroline Lucas
Stephen Farry

107

Page 49, line 3, leave out Clause 47

Member's explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to prevent it being compulsory for decision makers and tribunals to take into account whether a person has failed to cooperate with any immigration process when making decisions on immigration bail.

Secretary Priti Patel

94

Schedule 4, page 88, line 1, at end insert—

“(1A)After subsection (2A) insert—

- “(2B) The Secretary of State may reduce the amount of a penalty under this section if the responsible person can show that they took the actions specified in regulations under subsection (2C) in relation to the securing of the transporter against unauthorised access.
- (2C) The Secretary of State must specify in regulations the actions that a responsible person must have taken in order to be eligible for a reduction in the amount of a penalty.
- (2D) The actions that may be specified in regulations under subsection (2C) include, in particular—
- (a) actions in relation to checking a person has not gained unauthorised access to the transporter,
 - (b) actions in relation to the reporting of any unauthorised access to the transporter, and
 - (c) actions in relation to the keeping of records to establish that other actions specified in the regulations have been taken.
- (2E) Before making regulations under subsection (2C), the Secretary of State must consult such persons as the Secretary of State considers appropriate.””

Member's explanatory statement

This amendment provides the Secretary of State with a discretion to reduce the amount of a penalty for carrying a clandestine entrant where the responsible person can show that they took steps specified in regulations to secure their vehicle (see also Amendment 95 which removes this as a defence).

Secretary Priti Patel

95

Schedule 4, page 88, line 38, leave out sub-paragraphs (2) and (3) and insert—

“(2) Omit subsection (3).

(3) In subsection (3A)—

(a) at the end of paragraph (b) insert “and”,

(b) for paragraph (c) substitute—

“(c) the carrier had taken the actions specified in regulations under subsection (3B) in relation to the securing of the wagon against unauthorised access.”, and

(c) omit paragraph (d).

(3A) After subsection (3A) insert—

“(3B) The Secretary of State must specify in regulations the actions to be taken for the purposes of subsection (3A)(c) in relation to the securing of a rail freight wagon against unauthorised access.

(3C) The actions that may be specified in regulations under subsection (3B) include, in particular—

(a) actions in relation to checking a person has not gained unauthorised access to the wagon,

(b) actions in relation to the reporting of any unauthorised access to the wagon, and

(c) actions in relation to the keeping of records to establish that other actions specified in the regulations have been taken.”

(3D) Before making regulations under subsection (3B), the Secretary of State must consult such persons as the Secretary of State considers appropriate.””

Member's explanatory statement

This amendment removes the defence to the offence of carrying a clandestine entrant that the carrier did not know about the clandestine and had taken specified actions to secure their vehicle (but this could reduce the penalty: see Amendment 94). It also makes minor changes to the defence available to train operators where it would be unsafe to stop the train on discovering a clandestine in a rail freight wagon.

Ms Harriet Harman 96
Joanna Cherry
Bell Ribeiro-Addy
Caroline Lucas

Schedule 6, page 95, line 25, at end insert—

“(4) Authority for the purposes of subsection (3) may be given in relation to a foreign ship only if the Convention permits the exercise of Part A1 powers in relation to the ship.”

Member’s explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to follow the drafting in the equivalent paragraphs of sections 28M, 28N and 28O of the Immigration Act, and ensure that enforcement action complies with international maritime law, similar to other enforcement action under Schedule 4A to the Immigration Act 11.

Ms Harriet Harman 97
Joanna Cherry
Bell Ribeiro-Addy
Caroline Lucas
Stephen Farry

Schedule 6, page 98, leave out lines 6 to 11 and insert—

- “(a) every description of vessel (including a hovercraft) used in navigation, but
- (b) does not include any vessel that is not seaworthy or where there could otherwise be a risk to the safety of life and well-being of those onboard.”

Member’s explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to ensure that enforcement action such as pushbacks could not be taken against unseaworthy vessels such as dinghies.

Ms Harriet Harman 98
Joanna Cherry
Bell Ribeiro-Addy
Caroline Lucas
Stephen Farry

Schedule 6, page 98, line 20, at end insert—

“(1A) The powers set out in this Part of this Schedule must not be used in a manner or in circumstances that could endanger life at sea.”

Member’s explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to ensure the maritime enforcement powers cannot be used in a manner that would endanger lives at sea.

Stephen Farry
 Claire Hanna
 Colum Eastwood
 Mr Alistair Carmichael
 Caroline Lucas
 Anne McLaughlin

113

Schedule 6, page 99, line 37, at end insert—

“(13) Nothing within this Act or this paragraph B1 authorises any action or measure which is inconsistent with the United Kingdom’s international legal obligations.”

Member’s explanatory statement

This amendment seeks to ensure the consistency of Part A1 paragraph B1 (power to stop, board, divert and detain) with the United Kingdom’s international obligations, including under international refugee law, international human rights law and international maritime law.

Ms Harriet Harman
 Joanna Cherry
 Bell Ribeiro-Addy
 Caroline Lucas
 Stephen Farry

99

Schedule 6, page 102, line 31, at end insert—

“(2) Force must not be used in a manner or in circumstances that could endanger life at sea.”

Member’s explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to ensure that the use of force in maritime enforcement powers cannot be used in a manner that would endanger lives at sea.

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

4

Christine Jardine
 Jamie Stone
 Stephen Farry
 Caroline Lucas

Layla Moran
 Munira Wilson
 Claire Hanna

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.

Ms Harriet Harman 100
 Joanna Cherry
 Bell Ribeiro-Addy
 Caroline Lucas

Schedule 6, page 102, line 36, leave out “criminal or”

Member’s explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to remove the immunity from criminal proceedings for “relevant officers” for criminal offences committed whilst undertaking pushbacks or other maritime enforcement operations.

Ms Harriet Harman 101
 Joanna Cherry
 Bell Ribeiro-Addy
 Caroline Lucas

Schedule 6, page 102, line 36, leave out lines 36 to 40 and insert—

“J1 The Home Office, rather than an individual officer, is liable in civil proceedings for anything done in the purported performance of functions under this Part of this Schedule.”

Member’s explanatory statement

This would give effect to the recommendation of the Joint Committee on Human Rights to ensure that the Home Office is liable, rather than immigration officers and enforcement officers being personally liable for civil wrongs that may occur whilst undertaking pushbacks or other maritime enforcement operations.

Stuart C McDonald 122
 Anne McLaughlin
 Owen Thompson
 Stephen Farry

Clause 48, page 49, line 34, leave out “has insufficient evidence to be sure of their age” and insert “has reason to doubt that the claimant is the age they claim”

Member’s explanatory statement

This amendment to Clause 48(1) would align primary legislation to current practice as set out in statutory guidance to ensure children are not subjected to age assessments if there is no significant reason to doubt their age.

Stuart C McDonald 123
Anne McLaughlin
Owen Thompson

Clause 49, page 51, line 9, leave out “must” and replace with “may”

Stuart C McDonald 124
Anne McLaughlin
Owen Thompson

Clause 49, page 51, line 17, leave out subsections (4) to (8)

Stuart C McDonald 125
Anne McLaughlin
Owen Thompson

Page 52, line 1, leave out Clause 50

Stuart C McDonald 126
Anne McLaughlin
Owen Thompson

Page 52, line 22, leave out Clause 51

Stephen Farry 13
Claire Hanna
Colum Eastwood
Bell Ribeiro-Addy
Mr Alistair Carmichael

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.

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

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

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

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

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

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 but 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

Christine Jardine
Jamie Stone

Layla Moran
Munira Wilson

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

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

127

Page 57, line 3, leave out Clause 57

Stuart C McDonald 128
 Anne McLaughlin
 Owen Thompson

Page 57, line 25, leave out Clause 58

Dame Diana Johnson 5
 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	Rosie Duffield
Christina Rees	Julie Elliott
Tony Lloyd	Clive Efford
Stella Creasy	Karin Smyth
Carolyn Harris	Caroline Lucas
Sir Peter Bottomley	Claudia Webbe

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 6
 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

Rosie Cooper	Rosie Duffield
Christina Rees	Julie Elliott
Tony Lloyd	Clive Efford
Stella Creasy	Karin Smyth
Carolyn Harris	Caroline Lucas
Sir Peter Bottomley	Richard Fuller

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
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 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
 Richard Fuller

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.

Mr Alistair Carmichael 3

Ed Davey

Daisy Cooper

Wendy Chamberlain

Tim Farron

Sarah Green

Wera Hobhouse

Sarah Olney

Bell Ribeiro-Addy

Caroline Lucas

Christine Jardine

Jamie Stone

Stephen Farry

Claudia Webbe

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.

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
Jackie Doyle-Price
Andrew Selous
Fiona Bruce
Caroline Ansell
Karen Bradley
Mr Peter Bone

149

☆ 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

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(3) 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.

Nationality and Borders Bill: Programme (No. 2)

Secretary Priti Patel

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 enforcement, 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)
