

Immigration Bill

COMMONS DISAGREEMENTS, REASONS AND AMENDMENTS TO THE WORDS RESTORED TO THE BILL

[The page and line references are to HL Bill 84, the bill as first printed for the Lords.]

Before Clause 60

LORDS AMENDMENT NO. 16

16 Insert the following new Clause –

“Child trafficking guardians for all potential child victims of trafficking in human beings

- (1) If a relevant child has arrived in the United Kingdom and is a potential victim of trafficking in human beings, an independent child trafficking guardian shall be appointed to represent the best interests of that child.
- (2) The child trafficking guardian shall have the following responsibilities to –
 - (a) advocate that all decisions relating to the child are made in the child’s best interest;
 - (b) ascertain the child’s wishes and feelings in relation to those decisions;
 - (c) advocate for the child to receive appropriate care, safe accommodation, medical treatment, including psychological assistance, education, translation and interpretation services as required;
 - (d) assist the child to access legal and other representation where necessary, including, where appropriate, to appoint and instruct legal representatives on all matters relevant to the interests of the child;
 - (e) consult with, advise and keep the child informed of legal rights;
 - (f) keep the child informed of all relevant immigration, criminal, compensation, community care, public law or other proceedings;

- (g) contribute to identification of a plan to safeguard and promote a durable solution for the child based on an individual assessment of that child's best interests;
 - (h) provide a link between the child and various statutory and other bodies who may provide services to the child, accompanying the child to any relevant meetings;
 - (i) assist in establishing contact with the child's family, where the child so wishes and it is in the child's best interests;
 - (j) where appropriate liaise with an immigration officer handling the child's case in conjunction with the child's legal representative;
 - (k) accompany the child to all interviews with the police, the immigration authorities and care proceedings;
 - (l) accompany the child to any court proceedings; and
 - (m) accompany the child whenever the child moves to new accommodation.
- (3) A child trafficking guardian must have completed the training required in subsection (7) and may be –
- (a) an employee of a statutory body except for an employee of a local authority;
 - (b) an employee of a recognised charitable organisation; or
 - (c) a volunteer for a recognised charitable organisation.
- (4) A person discharging duties as a child trafficking guardian shall not discharge any other statutory duties in relation to a child for whom they are providing assistance under this section.
- (5) Where a child trafficking guardian is appointed under subsection (1), the authority of the child trafficking guardian in relation to the child shall be recognised by any relevant body.
- (6) In subsection (5), a “relevant body” means a person or organisation –
- (a) which provides services to the child; or
 - (b) to which a child makes an application for services; or
 - (c) to which the child needs access in relation to being a victim of human trafficking; or
 - (d) any court or tribunal that a child engages with.
- (7) The Secretary of State shall by order –
- (a) set out the arrangements for the appointment of a child trafficking guardian immediately after a child is identified as a potential victim of trafficking in human beings;
 - (b) set out requirements for the training courses to be completed before a person may exercise functions as a child trafficking guardian;
 - (c) set out the arrangements for the supervision of persons discharging duties as a child trafficking guardian;
 - (d) set out the arrangements for the provision of support services for persons discharging duties as a child trafficking guardian; and
 - (e) designate organisations as a “recognised charitable organisation” for the purpose of this section.
- (8) A person's appointment as a child trafficking guardian for a particular child under this section shall come to an end if –

- (a) the child reaches the age of 21; or
 - (b) the child leaves the United Kingdom.
- (9) In this section, a child is considered to be a “potential victim of trafficking in human beings” when a referral has been made to a competent authority for a determination under the identification process required by Article 10 of the Trafficking Convention (Identification of Victims) and there has not been a conclusive determination that the individual is not such a victim.
- (10) For the purposes of subsection (9), an individual will not be considered to have received a conclusive determination that the individual is not a victim of trafficking in human beings if –
- (a) an individual is appealing or seeking judicial review of the conclusive determination; and
 - (b) the appeal or judicial review is not completed.
- (11) In this section –
- “competent authority” means a person who is a competent authority of the United Kingdom for the purposes of the Trafficking Convention;
 - “relevant child” means a person who is under the age of 18 and who –
 - (a) requires leave to remain in the United Kingdom whether or not such leave has been granted; or
 - (b) is a national of an EEA state other than the United Kingdom;
 - “the Trafficking Convention” means the Council of Europe Convention on Action against Trafficking in Human Beings (done at Warsaw on 16 May 2005);
 - “trafficking in human beings” has the same meaning as in the Trafficking Convention.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendment No 16 for the following Reason –

- 16A** *Because it would involve a charge on public funds, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

Clause 60

LORDS AMENDMENT NO. 18

- 18** Page 47, line 29, leave out subsections (1) and (2) and insert –

- “(1) A Committee of members of both Houses of Parliament shall be established to consider and report on whether section 40 of the British Nationality Act 1981 (deprivation of citizenship) should be amended to enable the Secretary of State to deprive a person of their citizenship if –
- (a) the citizenship status results from the person’s naturalisation, and
 - (b) the Secretary of State is satisfied that the deprivation is conducive to the public good because the person, while having that citizenship status, has conducted him or herself in a manner which is seriously prejudicial to the vital interests of the United Kingdom, any of the islands, or any British Overseas Territory,

even if to do so would have the effect of making the person stateless.

- (2) The Committee shall consist of six members of the House of Lords nominated by the Chairman of Committees, and six members of the House of Commons nominated by the Speaker of the House of Commons, to be appointed on the passing of this Act to serve for the duration of the present Parliament.
- (3) Any casual vacancy occurring by reason of the death, resignation or incapacity of a member of the committee shall be filled by the nomination of a member by the Chairman of Committees or the Speaker of the House of Commons, as the case may be.
- (4) The quorum of the committee shall be two members of each House and the committee shall be entitled to sit and to transact business whether Parliament be sitting or not, and notwithstanding a vacancy in the membership of the committee.
- (5) Subject to the above provisions, the committee may regulate its own procedure.”

COMMONS DISAGREEMENT AND AMENDMENT TO THE WORDS SO RESTORED TO
THE BILL

The Commons disagree to Lords Amendment No. 18 and propose Amendments 18A and 18B to the words so restored to the Bill—

- 18A** Page 47, line 40, at end insert “, and
- (c) the Secretary of State has reasonable grounds for believing that the person is able, under the law of a country or territory outside the United Kingdom, to become a national of such a country or territory.”
- 18B** Page 48, line 2, at end insert—
- “(3) After section 40A of the British Nationality Act 1981 insert—
- “40B Review of power under section 40(4A)**
- (1) The Secretary of State must arrange for a review of the operation of the relevant deprivation power to be carried out in relation to each of the following periods—
 - (a) the initial one year period;
 - (b) each subsequent three year period.
 - (2) The “relevant deprivation power” is the power to make orders under section 40(2) to deprive persons of a citizenship status in the circumstances set out in section 40(4A).
 - (3) A review must be completed as soon as practicable after the end of the period to which the review relates.
 - (4) As soon as practicable after a person has carried out a review in relation to a particular period, the person must—
 - (a) produce a report of the outcome of the review, and
 - (b) send a copy of the report to the Secretary of State.

- (5) The Secretary of State must lay before each House of Parliament a copy of each report sent under subsection (4)(b).
- (6) The Secretary of State may, after consultation with the person who produced the report, exclude a part of the report from the copy laid before Parliament if the Secretary of State is of the opinion that it would be contrary to the public interest or prejudicial to national security for that part of the report to be made public.
- (7) The Secretary of State may –
 - (a) make such payments as the Secretary of State thinks appropriate in connection with the carrying out of a review, and
 - (b) make such other arrangements as the Secretary of State thinks appropriate in connection with the carrying out of a review (including arrangements for the provision of staff, other resources and facilities).
- (8) In this section –
 - “initial one year period” means the period of one year beginning with the day when section 40(4A) comes into force;
 - “subsequent three year period” means a period of three years beginning with the first day after the most recent of –
 - (a) the initial one year period, or
 - (b) the most recent subsequent three year period.”

Clause 69

LORDS AMENDMENT NO. 24

- 24** Page 53, line 7, after “54” insert “, section (*Child trafficking guardians for all potential child victims of trafficking in human beings*)”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendment No. 24 for the following Reason –

- 24A** *Because it would involve a charge on public funds, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*