

# Immigration and Social Security Co-ordination (EU Withdrawal) Bill

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AMENDMENT  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**After Clause 4**

THE EARL OF DUNDEE

Insert the following new Clause—

**“Leave to enter on humanitarian grounds**

- (1) The Secretary of State must by regulations make provision for a visa on humanitarian grounds.
- (2) A person must be eligible for a visa on humanitarian grounds who seeks leave to enter or remain in the United Kingdom and meets the eligibility criterion in subsection (3) and any of the conditions in subsection (4).
- (3) A person is only eligible if that person is on the territory of any relevant Member State when making an application for a visa on humanitarian grounds.
- (4) The conditions are—
  - (a) the person requires medical treatment provided in the United Kingdom, where such treatment is not available to that person at the place where that person resides;
  - (b) the person is an orphaned child for whom a foster family or other foster care is available to the child in the United Kingdom and leave to enter or remain in the United Kingdom is in the child’s best interests;
  - (c) the person would, had that person made an application for international protection in a relevant Member State, have been eligible for transfer to the United Kingdom under Regulation (EU) No. 604/2013 by reason of a relevant provision if the United Kingdom remained a party to that Regulation; or
  - (d) the person is a child who is a dependant of a person who has been granted leave to enter or remain in the United Kingdom.
- (5) The Secretary of State may add further conditions to those in subsection (4).
- (6) A charge under section 38 of the Immigration Act 2014 (immigration health charge) may not be imposed on any person who has leave to enter or remain in the United Kingdom through a visa on humanitarian grounds provided for in regulations under this section.

**After Clause 4 - continued**

- (7) Regulations under subsection (1) must come into effect no later than the day following IP completion day.
- (8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (9) In this section –
  - “IP completion day” has the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020 (interpretation);
  - “Regulation (EU) No. 604/2013” means Regulation (EU) No. 604/2013 of the European Parliament and of the Council including the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast);
  - “relevant Member State” means a Member State for the purposes of Regulation (EU) No. 604/2013.”

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*31 July 2020*

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