

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

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 4

THE LORD BISHOP OF DURHAM

Page 3, line 8, at end insert—

- “(5A) Regulations under subsection (1) must make provisions for a displaced talent visa.
- (5B) A person is eligible to apply for the displaced talent visa where they meet the conditions in subsection (5C).
- (5C) The conditions are that the person—
- (a) has been offered a job by a sponsor employer in the United Kingdom; and
 - (b) is an EEA or Swiss national who has been recognised as a refugee or forcibly displaced person.”

Member’s explanatory statement

This amendment creates a new visa to facilitate the entry of skilled forcibly displaced people where they have a job offer from a sponsor employer, to overcome structural barriers which prevent such people making applications currently.

BARONESS NEVILLE-ROLFE

Page 3, line 8, at end insert—

- “() Regulations under subsection (1) may not make provision affecting persons who are not EEA or Swiss nationals.”

After Clause 4

LORD CLEMENT-JONES
BARONESS HAMWEE

Insert the following new Clause –

“Report on free movement of persons involved in arts and entertainment activities

- (1) The Secretary of State must, within one month of the passing of this Act, lay before both Houses of Parliament a report on the Government’s assessment of the impact on musicians, actors and others involved in arts and entertainment activities, including broadcasting, of the ending of rights to free movement of persons under retained EU law.
- (2) A report laid under this section must set out the routes by which EEA and Swiss nationals who work as musicians, actors or in other arts and entertainment activities, including broadcasting, can obtain permission to work in the United Kingdom following the commencement of this Act.
- (3) The report must also set out, for purposes of comparison, details of any agreements made by the Secretary of State and the EU concerning the continued ability of British musicians, actors and others involved in arts and entertainment activities, including broadcasting, to work in EU member states.”

LORD RAMSBOTHAM
BARONESS HAMWEE

Insert the following new Clause –

“Immigration detention: removal from association

- (1) Any affected person detained in a removal centre must not be involuntarily removed from association unless it is –
 - (a) reasonably necessary to do so to protect that person or another person from immediate harm; and
 - (b) for no longer than is necessary for this purpose and, in any case, for no longer than 24 hours.
- (2) In this section –

“affected person” means any person whose rights are affected by repeal of legislation by virtue of this Act;

“removal from association” means any restriction on a person associating with others that is not common to all persons then detained at the same removal centre, including but not limited to removal from association under rule 40 of the Detention Centre Rules 2001 (S.I. 2001/238) or being put in temporary confinement under rule 42 of those rules.”

BARONESS BENNETT OF MANOR CASTLE

Insert the following new Clause –

“Hostile environment

- (1) For the purpose of this section, a person (“P”) is defined as any person who, immediately before the commencement of Schedule 1, was –

After Clause 4 - continued

- (a) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052);
 - (b) residing in the United Kingdom in accordance with a right conferred by or under any of the other instruments repealed by Schedule 1; or
 - (c) otherwise residing in the United Kingdom in accordance with any right derived from European Union law which continues, by virtue of section 4 of the European Union (Withdrawal) Act 2018, to be recognised and available in domestic law after exit day.
- (2) Regulations under section 4(1) may not be made until the Government has brought forward legislative measures to ensure that hostile environment measures do not apply to P, specifically –
- (a) sections 20-43 and 46-47 of the Immigration Act 2014;
 - (b) sections 34-45 of the Immigration Act 2016; and
 - (c) paragraph 4 of Schedule 2 to the Data Protection Act 2018.”

Member’s explanatory statement

This new Clause seeks to limit the application of the hostile environment.

Insert the following new Clause –

“Data Protection

- (1) For the purpose of this section, a person (“P”) is defined as any person who, immediately before the commencement of Schedule 1, was –
- (a) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052);
 - (b) residing in the United Kingdom in accordance with a right conferred by or under any of the other instruments repealed by Schedule 1; or
 - (c) otherwise residing in the United Kingdom in accordance with any right derived from European Union law which continues, by virtue of section 4 of the European Union (Withdrawal) Act 2018, to be recognised and available in domestic law after exit day.
- (2) Regulations under section 4(1) may not be made until the Government has made provision to ensure that P has safe and confidential access to essential public services by ensuring the Secretary of State, or any other individual or body on his or her behalf, must not process personal data, by any means, for the purposes of immigration control or enforcement, where that personal data has been collected in the course of the data subject accessing or attempting to access the public services identified in subsection (3).
- (3) For the purposes of subsection (2), the relevant public services are:
- (a) primary and secondary healthcare services;
 - (b) primary and secondary education; and
 - (c) the reporting of a crime by the data subject or, where the data subject is a witness to, or the victim of, the crime, any investigation or prosecution of it.

After Clause 4 - continued

- (4) The prohibitions contained in subsections (2) and (3) do not apply where the data subject has given his or her explicit and informed consent to the disclosure of the personal data, for the purposes of immigration enforcement.”

Member’s explanatory statement

This new Clause seeks to limit use of data gathered by key public services for immigration enforcement control.

Insert the following new Clause –

“Recourse to public funds

- (1) For the purpose of this section, a person (“P”) is defined as any person who, immediately before the commencement of Schedule 1, was –
- (a) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052);
 - (b) residing in the United Kingdom in accordance with a right conferred by or under any of the other instruments repealed by Schedule 1; or
 - (c) otherwise residing in the United Kingdom in accordance with any right derived from European Union law which continues, by virtue of section 4 of the European Union (Withdrawal) Act 2018, to be recognised and available in domestic law after exit day.
- (2) Regulations under section 4(1) may not be made until the Government has brought forward legislative measures to ensure that P can access social security benefits, where P is habitually resident, including repealing or amending the following provisions insofar as they relate to P –
- (a) section 3(1)(c)(ii) of the Immigration Act 1971;
 - (b) section 115 of the Immigration and Asylum Act 1999;
 - (c) any provision in subordinate legislation, which imposes a “no recourse to public funds” condition on grants of limited leave to enter or remain; and
 - (d) any other enactment or power exercised under any other enactment, which makes immigration status a condition to access social security benefits.”

Member’s explanatory statement

This new Clause seeks to restrict measures prohibiting access to public funds.

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28 August 2020
