

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

---

---

REVISED  
FOURTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

---

*The amendments have been marshalled in accordance with the Instruction of 2nd September 2020, as follows –*

Clause 1	Schedules 2 and 3
Schedule 1	Clauses 6 to 9
Clauses 2 to 5	Title

*[Amendments marked ★ are new or have been altered]*

Amendment  
No.

**After Clause 4**

LORD DUBS  
THE EARL OF DUNDEE  
LORD KERR OF KINLOCHARD  
BARONESS HAMWEE

56 Insert the following new Clause –

**“Children in care and children entitled to care leaving support: entitlement to remain**

- (1) Any child who has the right of free movement removed by the provisions contained in Part 1 of this Act, and who is in the care of a local authority or entitled to care leaving support, is deemed to have and be granted indefinite leave to remain within the United Kingdom under the EU Settlement Scheme (“the Scheme”).
- (2) The Secretary of State must, for the purposes of subsection (1), issue guidance to local authorities in England, Scotland, Wales and Northern Ireland setting out their duty to identify the children of EEA and Swiss nationals in their care or entitled to care leaving support.
- (3) Before issuing guidance under this section the Secretary of State must consult –
  - (a) the relevant Scottish Minister;
  - (b) the relevant Welsh Minister; and

**After Clause 4 - continued**

- (c) the relevant Northern Ireland Minister.
- (4) The Secretary of State must make arrangements to ensure that personal data relating to nationality processed by local authorities for purposes of identification under subsection (1) is used solely for this purpose and no other immigration control purpose.
- (5) Any child subject to subsection (1) who is identified and granted indefinite leave to remain status after the deadline for applications under the Scheme will be deemed to have had such status and all rights associated with that status from the time of the Scheme deadline.
- (6) This section comes into force on the day on which this Act is passed and remains in effect for 5 years from the day of the deadline of the Scheme.
- (7) For the purposes of this section, children “in the care of a local authority” are defined as children receiving care under any of the following provisions –
  - (a) section 20 of the Children Act 1989 (provision of accommodation for children: general);
  - (b) section 31 of the Children Act 1989 (care and supervision);
  - (c) section 75 of the Social Services and Well-being (Wales) Act 2014 (general duty of local authority to secure sufficient accommodation for looked after children);
  - (d) section 25 of the Children (Scotland) Act 1995 (provision of accommodation for children);
  - (e) Article 25 of the Children (Northern Ireland) Order 1995 (interpretation); and
  - (f) Article 50 of the Children (Northern Ireland) Order 1995 (care orders and supervision orders).
- (8) For the purposes of this section, children “entitled to care leaving support” means a child receiving support under any of the following provisions –
  - (a) paragraph 19B of Schedule 2 to the Children Act 1989 (preparation for ceasing to be looked after);
  - (b) section 23A(2) of the Children Act 1989 (the responsible authority and relevant children);
  - (c) section 23C(1) of the Children Act 1989 (continuing functions in respect of former relevant children);
  - (d) section 104 of the Social Services and Well-being (Wales) Act 2014 (young people entitled to support under sections 105 to 115);
  - (e) sections 29 and 30 of the Children (Scotland) Act 1995 (advice and assistance for young persons formerly looked after by local authorities); and
  - (f) Article 35(2) of the Children (Northern Ireland) Order 1995 (persons qualifying for advice and assistance).”

***Member’s explanatory statement***

*This new Clause aims to ensure that the children of EEA and Swiss nationals who are in care, and those who are entitled to care leaving support, are granted automatic Indefinite Leave to Remain under the EU Settlement Scheme to ensure they do not become undocumented.*

LORD ROSSER  
LORD KENNEDY OF SOUTHWARK  
BARONESS HAMWEE  
BARONESS BRINTON

57 Insert the following new Clause—

**“Social care visa**

- (1) The Secretary of State must by regulations make provision for a social care visa.
- (2) A person is eligible to apply for the social care visa where they meet the conditions in subsection (3).
- (3) The conditions are—
  - (a) the person is—
    - (i) seeking leave to enter or remain in the United Kingdom with a confirmed job offer for the purposes of work in the social care sector; and
    - (ii) an EEA or Swiss national who immediately before the commencement of section 1 of and Schedule 1 to this Act had the right of free movement; or
  - (b) the person is a dependant of a person who meets the conditions in paragraph (a).
- (4) 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 social care visa provided for in regulations under this section.
- (5) No Tier 2 Immigration skills charge will be payable on an individual who has leave to enter or remain in the United Kingdom through a social care visa provided for in regulations under this section.
- (6) Regulations under subsection (1) must come into effect no later than the day following IP completion day.
- (7) Regulations under subsection (1) cease to have effect at the end of the period of three years beginning with the day on which they are made, subject to subsection (8).
- (8) The Secretary of State may by regulations amend the date of expiration under subsection (7) so as to extend the period in which regulations under subsection (1) have effect by a minimum of one year.
- (9) Regulations under this section may not be made unless a draft of the statutory instrument containing them has been laid before and approved by a resolution of each House of Parliament.
- (10) In this section “IP completion day” has the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020 (interpretation).”

***Member’s explanatory statement***

*This new Clause would provide for a dedicated social care visa for EEA and Swiss nationals after the end of free movement. The visa route would be available for 3 years following the end of the transition period, with the option of extension if necessary.*

LORD ROSSER  
LORD KENNEDY OF SOUTHWARK  
BARONESS RITCHIE OF DOWNPATRICK

58 Insert the following new Clause—

**“Duty to report on the reciprocal rights of the Common Travel Area**

- (1) The Secretary of State must publish a report setting out in detail the reciprocal rights of citizens under the Common Travel Area within the period of 30 days beginning with the day on which this Act is passed.
- (2) The report under subsection (1) must specify—
  - (a) the scope of the reciprocal rights of citizens under the Common Travel Area;
  - (b) the scope of retained EU rights and benefits under the EU Settlement Scheme; and
  - (c) the correlation and differences between (a) and (b).
- (3) The Secretary of State must lay a copy of the report before Parliament.”

***Member’s explanatory statement***

*This new Clause aims to ensure that Ministers set out in detail the scope of ‘reciprocal rights’ of the CTA, and compare and contrast them with rights that can be retained under Part Two of the Withdrawal Agreement (as provided for under the EU Settlement Scheme).*

LORD ROSSER  
LORD KENNEDY OF SOUTHWARK

59 Insert the following new Clause—

**“Annual report on skills and the labour market**

- (1) Within the period of six months beginning with the day on which any provision of this Part comes into force, and every 12 months thereafter, the Secretary of State must publish and lay a report before Parliament setting out how changes made to the Immigration Rules for EEA and Swiss nationals have affected skill shortages in the labour market.
- (2) A Minister of the Crown must, not later than a month after the report has been laid before Parliament, table a motion in the House of Commons in relation to the report.
- (3) This section expires at the end of the period of five years beginning with the day on which it comes into force.”

BARONESS PRASHAR  
BARONESS GARDEN OF FROGNAL  
BARONESS MORRIS OF YARDLEY  
BARONESS FOOKES

60 Insert the following new Clause—

**“Entry of EEA and Swiss minors using national identity cards**

- (1) The Secretary of State must allow minors who are nationals of any EEA State or Switzerland to enter the United Kingdom for a period not exceeding 30 days if they produce a valid national identity card issued by the relevant authority in their home country.

**After Clause 4 - continued**

- (2) No minors entering the United Kingdom on the terms set out under subsection (1) may do so on more than one occasion in any calendar year.
- (3) In this section—
- “minors” means persons who are under the age of 18 on the date of their arrival in the United Kingdom;
- “relevant authority” means the body within each EEA State or Switzerland designated as responsible for issuing valid national identity cards to the citizens of that country.”

***Member’s explanatory statement***

*This new Clause narrows the existing ability of EEA citizens or Swiss nationals to enter the United Kingdom so as only to include persons under the age of 18 on the date of their arrival here and for a stay that may not exceed 30 days in any calendar year.*

LORD PADDICK  
BARONESS HAMWEE

61 Insert the following new Clause—

**“Amendment to the Immigration (Leave to Enter and Remain) Order 2000**

- (1) The Immigration (Leave to Enter and Remain) Order 2000 (S.I. 2000/1161) is amended as follows.
- (2) In article 8B(2)(a), after the words “is a national of” insert the words “any EEA State, Switzerland,”.”

***Member’s explanatory statement***

*This new Clause would ensure that EEA and Swiss nationals have the same right to obtain leave to enter the United Kingdom by passing through an automated gate as nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea or the US.*

BARONESS HAMWEE  
BARONESS BENNETT OF MANOR CASTLE  
BARONESS MEACHER

62 Insert the following new Clause—

**“Refugee family reunion**

The Secretary of State must make rules under section 3(2) of the Immigration Act 1971 to allow any EEA or Swiss citizen who has exercised a right brought to an end by section 1 and Schedule 1 and who has been recognised as a refugee in the United Kingdom to sponsor their—

- (a) children under the age of 25 who were either under the age of 18, or unmarried, at the time the person granted asylum left the country of their habitual residence in order to seek asylum;
- (b) parents; or
- (c) siblings under the age of 25 who were either under the age of 18, or unmarried, at the time the person granted asylum left the country of their habitual residence in order to seek asylum;

to join them in the United Kingdom.”

**Member's explanatory statement**

*This new Clause is intended to probe the need to expand family reunion rules.*

LORD ROSSER  
LORD KENNEDY OF SOUTHWARK  
BARONESS LISTER OF BURTERSETT

63 Insert the following new Clause –

**“Duty to raise awareness of citizenship rights**

- (1) The Secretary of State must take steps to raise awareness of rights under the British Nationality Act 1981 to register as a British citizen to persons to whom subsection (2) applies.
- (2) This section applies to any person who has lost rights under section 1 and Schedule 1.
- (3) Within six months of the day on which this Act is passed, the Secretary of State must publish a report detailing the steps taken to raise awareness of rights under subsection (1), and lay it before Parliament.”

THE EARL OF DUNDEE  
LORD DUBS  
BARONESS ALTMANN

64 Insert the following new Clause –

**“Leave to enter on humanitarian grounds**

- (1) The Secretary of State must by regulations made by statutory instrument make provision for a visa on humanitarian grounds.
- (2) A person is eligible for a visa on humanitarian grounds if the person is an EEA or Swiss national and seeks leave to enter or remain in the United Kingdom and meets any of the conditions in subsection (3).
- (3) 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 and 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; or
  - (c) 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.
- (4) The Secretary of State may by regulations made by statutory instrument add further conditions to those in subsection (3).
- (5) 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 by virtue of a visa on humanitarian grounds provided for in regulations under this section.
- (6) Regulations under subsection (1) must come into effect no later than the day following IP completion day.

**After Clause 4 - continued**

- (7) 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.
- (8) In this section, “IP completion day” has the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020 (interpretation).”

BARONESS JOLLY

65 Insert the following new Clause—

**“Immigration health surcharge: exemption for international volunteers**

A charge under section 38 of the Immigration Act 2014 (immigration health charge) may not be imposed on EEA and Swiss nationals who have leave to enter or remain in the United Kingdom through a visa to work voluntarily for a period of no more than 12 months for a registered UK charity advancing the charity’s primary purpose.”

***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.*

BARONESS MASHAM OF ILTON  
BARONESS FINLAY OF LLANDAFF  
BARONESS THOMAS OF WINCHESTER  
BARONESS ALTMANN

66 Insert the following new Clause—

**“Fast-track health and social care visa**

- (1) The Secretary of State must provide by regulations made by statutory instrument for the introduction of a fast-track health and social care visa for a relevant person who provides personal care for severely disabled people in the United Kingdom.
- (2) In this section, “fast-track” means processed by UK Visas and Immigration within three weeks from the day on which the applicant provides their biometric information, and “relevant person” means an EEA or Swiss national who immediately prior to the commencement of section 1 and Schedule 1 had the right of free movement into the United Kingdom.”

***Member’s explanatory statement***

*This new Clause would provide for the introduction of a fast-track health and social care visa for a person who provides personal care for severely disabled people. The visa would be limited to EEA or Swiss nationals who immediately prior to the commencement of section 1 and Schedule 1 had the right of free movement into the UK.*

BARONESS LISTER OF BURTERSETT  
BARONESS HAMWEE  
THE EARL OF DUNDEE  
LORD ALTON OF LIVERPOOL

67 Insert the following new Clause—

**“Duty regarding rights to British citizenship**

- (1) It is the duty of the Secretary of State to encourage, promote and facilitate awareness and exercise of rights to British citizenship among EEA and Swiss nationals.
- (2) In fulfilment of that duty, the Secretary of State—
  - (a) must take all reasonable steps to ensure that all EEA and Swiss nationals with rights to British citizenship are able to exercise those rights;
  - (b) must make arrangements, including with local authorities, to ensure that all children of EEA and Swiss nationals in a local authority area are aware of their rights to British citizenship and of the means by which to exercise those rights;
  - (c) must, when considering any application for confirmation or registration of British citizenship, have regard to information held by or available to the Secretary of State that would demonstrate the applicant to be a British citizen or entitled to that citizenship; and
  - (d) must ensure that anything done by the Secretary of State in fulfilment of responsibilities or exercise of powers under this Act or the European Union (Withdrawal Agreement) Act 2020 does not impede that duty.
- (3) For the purposes of this section—

“rights to British citizenship” means rights of acquisition of British citizenship by birth, adoption or registration under the British Nationality Act 1981; and

“to exercise those rights” means to be registered as a British citizen on the making of an application under the British Nationality Act 1981 or to obtain documentation from the Secretary of State confirming British citizenship (including by receipt of a passport) on the making of an application to the Secretary of State.”

***Member’s explanatory statement***

*This amendment is to probe the case for a statutory duty to encourage, promote and facilitate the exercise of people’s rights to British citizenship and to require the Secretary of State to ensure that she does not exercise certain of her powers and responsibilities in any way that may impede the exercise of those rights.*

BARONESS LISTER OF BURTERSETT  
BARONESS HAMWEE  
THE EARL OF DUNDEE  
LORD RAMSBOTHAM

68 Insert the following new Clause—

**“Registration as a British citizen by EEA and Swiss nationals**

- (1) No person, who has at any time exercised any of the rights which Schedule 1 makes provision to end, may be charged a fee to register as a British citizen that is higher than the cost to the Secretary of State of exercising the function of registration.
- (2) No child of a person who has at any time exercised any of the rights which Schedule 1 makes provision to end may be charged a fee to register as a British citizen if that child is being looked after by a local authority.
- (3) No child of a person who has at any time exercised any of the rights which Schedule 1 makes provision to end may be charged a fee to register as a British 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 people to whom subsection (1) applies of their rights under the British Nationality Act 1981 to register as British citizens.”

***Member’s explanatory statement***

*This amendment is to probe how to secure rights to British citizenship where rights to free movement are being ended by prohibiting any charge above administrative cost and the application of such a charge to children looked after by a local authority.*

LORD CLEMENT-JONES  
BARONESS HAMWEE  
THE EARL OF CLANCARTY  
BARONESS BULL

69 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.”

**After Clause 4 - continued**

LORD RAMSBOTHAM  
 BARONESS HAMWEE  
 BARONESS LISTER OF BURTERSETT  
 BARONESS JONES OF MOULSECOOMB

70 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

71 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—
  - (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 to 43 and 46 to 47 of the Immigration Act 2014;
  - (b) sections 34 to 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.*

72 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.
- (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.*

73 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.

**After Clause 4 - continued**

- (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.*

BARONESS HAMWEE  
BARONESS LUDFORD

74 Insert the following new Clause—

**“Data protection**

- (1) A third party given access to the EU Settlement Scheme to check the immigration status of a person for a specific purpose may not be allowed to apply such access for any other purpose.
- (2) A third party who is enabled to access the EU Settlement Scheme to check the immigration status of a person for a specific purpose may use the information obtained only for that purpose.
- (3) “A third party” means any person other than—
  - (a) the subject of the check; or
  - (b) a person authorised by the Secretary of State.”

THE EARL OF CLANCARTY

75 Insert the following new Clause—

**“Duty to report on the arrangements for visitors for business purposes**

- (1) The Secretary of State must, within six months of this Act coming into force, publish, and lay before each House of Parliament, a report evaluating the effects of this Act on the arrangements for temporary entry and stay of EEA and Swiss nationals for business purposes.
- (2) That report must include consideration of—
  - (a) the qualification requirements for a short-term business visitor;
  - (b) the activities that can be undertaken by a short-term business visitor; and
  - (c) for purposes of comparison, the reciprocal arrangements for UK nationals travelling to the EEA and Switzerland for business purposes.”

**Member's explanatory statement**

*This clause would require the Government to consider the requirements of short-term EEA and Swiss national visitors for business purposes.*

THE EARL OF DUNDEE  
LORD DUBS

76 Insert the following new Clause –

**“Leave to enter for education, research, training and student exchange**

- (1) The Secretary of State must by regulations make provision for a visa for education, research, training and student exchange.
- (2) A person is eligible for a visa under subsection (1) if the person is an EEA or Swiss national who seeks leave to enter or remain in the United Kingdom and meets any of the conditions in subsection (3).
- (3) The conditions are that the person –
  - (a) is admitted by a school, institution or company providing vocational training, a higher education institution, or a research institution in the United Kingdom;
  - (b) is enrolled in an institution of higher education in a country party to the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, and undertakes some or all of the person's studies or research at a higher education institution in the United Kingdom;
  - (c) takes part in an international student exchange programme established in the United Kingdom.
- (4) The Secretary of State may introduce further additional or alternative conditions to those in subsection (3).
- (5) The Secretary of State must not introduce language proficiency as a condition beyond what is required by the school, institution or company providing vocational training, higher education institution, research institution or student exchange programme.
- (6) Regulations under subsection (1) must come into effect before the day following IP completion day.
- (7) 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.
- (8) In this section “IP completion day” has the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020 (interpretation).”

LORD HODGSON OF ASTLEY ABBOTTS  
LORD HORAM

77 Insert the following new Clause –

**“Charter for EU Immigration and Demographic Change**

- (1) The Secretary of State must prepare a document, to be known as the Charter for EU Immigration and Demographic Change, explaining the formulation of the policies of Her Majesty's Government relating to immigration from the European Union.

**After Clause 4 - continued**

- (2) The Charter must, in particular, set out—
  - (a) the Government’s demographic objectives in relation to such immigration, and
  - (b) the means by which such objectives will be attained.
- (3) The Government must lay the Charter before Parliament within one year of the commencement of this Act.”

LORD HODGSON OF ASTLEY ABBOTTS

78

Insert the following new Clause—

**“Office for EU Immigration and Demographic Change**

- (1) There is to be a body corporate called the Office for EU Immigration and Demographic Change.
- (2) It is the duty of the Office to examine and report on the impact of the Government’s demographic objectives in relation to immigration from the European Union, as set out in the Charter for EU Immigration and Demographic Change required by section (*Charter for EU Immigration and Demographic Change*).
- (3) The Office must report at least annually.
- (4) The Office’s reports must include assessments of—
  - (a) the environmental, ecological and societal impacts of the Government’s demographic objectives in relation to immigration from the European Union, as set out in the Charter for EU Immigration and Demographic Change;
  - (b) the extent to which those objectives have been achieved; and
  - (c) the main risks to their achievement in the future in relation to immigration from the European Union.
- (5) The Office has complete discretion in the performance of its duties, except that it—
  - (a) must perform its duties objectively, transparently and impartially; and
  - (b) may not consider the impact of any alternative policies.”

***Member’s explanatory statement***

*This amendment would establish an independent body to assess and report on the overall impact on the country of the Government’s demographic objectives in relation to the EU.*

BARONESS BENNETT OF MANOR CASTLE

79

Insert the following new Clause—

**“Family reunion**

- (1) A person shall be granted leave to enter and remain in the United Kingdom if the criteria set out in subsections (2) and (3) are met.
- (2) The person is a Swiss or EEA national.
- (3) The person—
  - (a) has a child with another person who is a British citizen or has leave to remain in the United Kingdom, or

**After Clause 4 - continued**

(b) is a child of another person who is a British citizen or has leave to remain in the United Kingdom.

- (4) Immigration rules may make provision to implement this section but may not impose a requirement that the relevant person or either or both parents, separately or combined, have a minimum level of income or assets.”

BARONESS HAMWEE  
BARONESS LUDFORD

80 Insert the following new Clause –

**“Protections under the European Union (Withdrawal Agreement) Act 2020**

At least three months before the commencement of Part 1 for any purpose, the Secretary of State must publish drafts of such statutory instruments as are proposed to be laid under the powers contained in the European Union (Withdrawal Agreement) Act 2020 to protect the rights of EEA citizens and their family members’ rights of residence, entry and exit until 30 June 2021.”

***Member’s explanatory statement***

*This amendment aims to clarify the rights that would be available to EEA citizens during the ‘grace period’ under the European Union (Withdrawal Agreement) Act.*

LORD MORROW

81 Insert the following new Clause –

**“Requirements before making and amending immigration rules**

Prior to making any regulations under subsection 4(1) to amend or create immigration rules the Secretary of State must lay a report before each House of Parliament assessing the impact of the regulations on victims of modern slavery.”

***Member’s explanatory statement***

*This amendment would require the Government to publish an assessment of the impact of changes to the Immigration Rules arising from this Bill on victims of modern slavery.*

LORD PATEL

82 Insert the following new Clause –

**“Duty to report on migratory options for health and social care workers who are ineligible for the skilled worker route**

- (1) The Secretary of State must publish a report, within the period of 30 days beginning with the day on which this Act is passed, setting out in detail the options available for migration to the United Kingdom for overseas health and social care workers –
- (a) who wish to live in the United Kingdom and work there as health and social care workers,
  - (b) whose ability to do so is ended by section 1, and
  - (c) who are not eligible for the skilled worker scheme.
- (2) The Secretary of State must lay a copy of the report before Parliament.”

**After Clause 4 - continued**

BARONESS HAMWEE  
BARONESS LUDFORD

82A Insert the following new Clause –

**“Family life**

- (1) This section applies when a court or tribunal is required to determine whether a decision made under the Immigration Acts in respect of a relevant person –
  - (a) breaches a person’s right to respect for private and family life under Article 8; and
  - (b) as a result would be unlawful under section 6 of the Human Rights Act 1998.
- (2) In subsection (1) a “relevant person” is –
  - (a) any person who, immediately before the commencement of Schedule 1, was –
    - (i) residing in the United Kingdom in accordance with the Immigration (European Economic Area) Regulations 2016;
    - (ii) residing in the United Kingdom in accordance with a right conferred by or under any of the other enactments which is repealed by Schedule 1;
    - (iii) otherwise residing in the United Kingdom in accordance with any right derived from European Union law which continues, or immediately before the commencement of Schedule 1 continued, by virtue of section 4 of the European Union (Withdrawal) Act 2018 to be recognised and available in the United Kingdom; and
  - (b) any other person within the scope of regulations under sections 4(1) and (4).
- (3) In a case to which this section applies, section 117C of the Nationality, Immigration and Asylum Act 2002 shall be read subject to the following modifications.
- (4) Section 117C(5) shall be read as if the words “and the effect of C’s deportation on the partner or child would be unduly harsh” were replaced with “and either –
  - (a) the effect of C’s deportation on the partner would be unduly harsh; or
  - (b) it would be unreasonable for the child to leave the UK or to remain in the UK without C.”
- (5) Section 117C(6) shall be read as if –
  - (a) the word “(“C”)” were inserted after “foreign criminal” and
  - (b) the words “there are very compelling circumstances, over and above those described in Exceptions 1 and 2” were replaced with “either –
    - (i) C has a genuine and subsisting parental relationship with a qualifying child and it would be unreasonable for the child to leave the UK or to remain in the UK without C; or
    - (ii) there are very compelling circumstances, over and above those described in exceptions 1 and 2”

**Member's explanatory statement**

*This new Clause modifies the threshold for deportation of EEA nationals and family members who are parents of "qualifying children" – children who are British or have lived in the UK for 7 years or more.*

**Clause 5**

BARONESS HAMWEE  
BARONESS LUDFORD  
LORD FLIGHT  
BARONESS ALTMANN

83 Page 4, line 2, at end insert –

“(2A) The power to make regulations under subsection (1) does not include power to make provision inconsistent with the withdrawal agreement as defined by section 39 of the European Union (Withdrawal Agreement) Act 2020 (interpretation).”

**Member's explanatory statement**

*This amendment would ensure that the power cannot be used inconsistently with the Withdrawal Agreement.*

BARONESS HAMWEE  
BARONESS LUDFORD

84 Page 4, line 3, after “(1)” insert “only”

**Member's explanatory statement**

*This amendment would restrict the Secretary of State's power to make regulations to the powers listed in Clause 5(3).*

85 Page 4, line 4, leave out paragraph (a)

**Member's explanatory statement**

*This amendment would preclude the power of the Secretary of State to distinguish between recipients of pensions and other benefits on the basis of their nationality or residence in a particular state.*

86 Page 4, line 8, leave out paragraph (b)

**Member's explanatory statement**

*This amendment is to probe the different purposes that may be required.*

87 Page 4, line 9, leave out “supplementary,”

**Member's explanatory statement**

*This amendment is to probe the need for supplementary in addition to incidental provision.*

88 Page 4, line 10, leave out “transitory”

**Member's explanatory statement**

*This amendment is to probe the meaning of the word in the context.*

89 Page 4, line 11, leave out paragraph (d)

***Member's explanatory statement***

*This amendment is to probe the use of ministerial discretion.*

90 Page 4, line 13, leave out subsection (4)

***Member's explanatory statement***

*This amendment is to probe the need for a new power.*

BARONESS SHERLOCK  
LORD ROSSER

91 Page 4, line 19, at end insert –

“( ) No regulations may be made under subsection (1) after the end of the period of one year beginning with IP completion day.

( ) In this section “IP completion day” has the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020 (interpretation).”

***Member's explanatory statement***

*This would provide that the regulation making powers under this section expire within one year of the end of the transition period.*

BARONESS HAMWEE  
BARONESS LUDFORD

92 Page 4, line 22, leave out from “with” to “provision” in line 23

***Member's explanatory statement***

*This amendment is to probe the extent of the cessation of EU-derived rights.*

BARONESS HAMWEE  
BARONESS LUDFORD  
BARONESS SHERLOCK  
LORD ROSSER

*The above-named Lords give notice of their intention to oppose the Question that Clause 5 stand part of the Bill.*

***Member's explanatory statement***

*This would leave out the Clause as an inappropriate delegation of power, as recommended by the Delegated Powers and Regulatory Reform Committee in its Forty Sixth Report.*

**Before Clause 6**

BARONESS JONES OF MOULSECOOMB

93 Insert the following new Clause –

**“Duty to commission an independent evaluation: health and social care sectors**

(1) The Secretary of State must commission an independent evaluation of the matters under subsection (5) and lay a report of the evaluation before Parliament within one year of this Part coming into force.

**Before Clause 6 - continued**

- (2) The Secretary of State must appoint an independent person to undertake the evaluation (“the independent evaluator”).
- (3) In this section, “independent person” means a person who is independent of Her Majesty’s Government.
- (4) No person may be appointed under subsection (2) unless their appointment has been approved by –
  - (a) the relevant Scottish Ministers;
  - (b) the relevant Welsh Ministers; and
  - (c) the relevant Northern Ireland Ministers.
- (5) The evaluation under subsection (1) must consider an assessment of the effects of this Act on –
  - (a) the health and social care workforce;
  - (b) the efficiency and effectiveness of the health and social care sectors;
  - (c) the adequacy of public funding for the health and social care sectors; and
  - (d) such other relevant matters as the independent evaluator deems appropriate.
- (6) In undertaking the evaluation, the independent evaluator must consult –
  - (a) the Secretary of State;
  - (b) the relevant Scottish Ministers;
  - (c) the relevant Welsh Ministers;
  - (d) the relevant Northern Ireland Ministers;
  - (e) providers of health and social care services;
  - (f) persons requiring health and social care services;
  - (g) representatives of persons requiring health and social care services; and
  - (h) such other relevant persons as the independent evaluator deems appropriate.
- (7) The independent evaluator must submit the report of the evaluation to the Secretary of State.
- (8) A Minister of the Crown must, within the period of six months beginning with the day on which the report is laid before Parliament, make arrangements for –
  - (a) a motion relating to the report to be debated and voted upon by the House of Commons; and
  - (b) a motion relating to the report to be debated and voted upon by the House of Lords.”

***Member’s explanatory statement***

*This new Clause would require an independent evaluation of the impact of the Bill upon the health and social care sectors across the UK to be produced and laid before Parliament. It would require that the devolved nations are consulted as well as other interested parties.*

**Clause 8**

BARONESS HAMWEE  
 BARONESS LUDFORD  
 LORD ROSSER  
 LORD KENNEDY OF SOUTHWARK

94 Page 5, line 34, at end insert “except sections –

- (a) (*Time limit on immigration detention for EEA and Swiss nationals*),
- (b) (*Initial detention: criteria and duration*), and
- (c) (*Bail hearings*)

which come into force six months after the day on which this Act is passed.”

***Member’s explanatory statement***

*This amendment provides that new Clauses "Time limit on immigration detention for EEA and Swiss Nationals", "Initial detention: criteria and duration" and "Bail hearings" come into force six months after the Act is passed.*

BARONESS HAMWEE  
 BARONESS LUDFORD  
 BARONESS LISTER OF BURTERSETT

95 Page 5, line 34, at end insert –

- “( ) The Secretary of State may not appoint a day pursuant to subsection (1) until –
- (a) the recommendations of the “Windrush Lessons Learned Review” (HC93 published in March 2020) which may affect EEA and Swiss nationals have been implemented in full in respect of such persons;
  - (b) the Secretary of State has laid before Parliament a report on their implementation in respect of such persons; and
  - (c) the report has been debated by both Houses of Parliament.”

***Member’s explanatory statement***

*This amendment would prevent the Government from ending free movement until it has implemented in full the recommendations of the Windrush Lessons Learned Review so far as they may affect EEA and Swiss nationals.*

LORD ROSSER  
 LORD KENNEDY OF SOUTHWARK

96 Page 5, line 34, at end insert –

- “( ) The Secretary of State may not make regulations under subsection (1) unless –
- (a) a Minister of the Crown has published guidance on the “reasonable grounds” for permitting applications to the EU Settlement Scheme on a date later than the deadline for application to the scheme;
  - (b) the guidance includes instruction on the immigration status of a person who is eligible to apply for the scheme in the period between the deadline for application and the date their application is made; and
  - (c) a copy of that guidance has been laid before Parliament.”

**Member's explanatory statement**

*This would prevent Part 1 of the Bill coming into force until the Government has published guidance on what 'reasonable grounds' will be accepted as a reason for making a late application to the EU settlement scheme and how a person will be affected in the gap between the deadline and the date they apply.*

**After Clause 8**

THE LORD BISHOP OF BRISTOL  
BARONESS HOOPER  
BARONESS HOLLINS  
BARONESS MASHAM OF ILTON

97

Insert the following new Clause—

**“Report on impact on faith communities**

- (1) Parts 1 and 2 may not come into force under section 8(1) and (3) until a Minister of the Crown has laid a report before each House of Parliament setting out the impact of this Act on faith communities in the United Kingdom.
- (2) A report under subsection (1) must consider the ability of members and representatives of faith communities from the EEA and Switzerland to enter the United Kingdom for purposes related to their faith.
- (3) A Minister of the Crown must, within the period of six months beginning with the day on which the report has been laid before Parliament, table a motion in the House of Commons in relation to the report.
- (4) In this section, “faith communities” means a group of individuals united by a clear structure and system of religious or spiritual beliefs.”

**Member's explanatory statement**

*This new Clause requires the Government to report to Parliament on the implications of this Bill for faith communities, including the ability of members of faith communities to come to the UK for reasons connected with their faith.*

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

---

---

REVISED  
FOURTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

---

*14 September 2020*

---