

LORDS AMENDMENTS TO THE  
**UK BORDERS BILL**

*[The page and line references are to HL Bill 68, the bill as first printed for the Lords.]*

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**Clause 5**

- 1** Page 3, line 37, leave out paragraphs (g) and (h)
- 2** Page 4, line 4, at end insert “connected with immigration or nationality”
- 3** Page 4, line 4, at end insert—
- “(2A) Regulations under subsection (1)(a) may permit the Secretary of State to cancel a biometric immigration document—
- (a) if the Secretary of State thinks that information provided in connection with the document was or has become false, misleading or incomplete,
  - (b) if the Secretary of State thinks that the document has been lost or stolen,
  - (c) if the Secretary of State thinks that the document (including any information recorded in it) has been altered, damaged or destroyed (whether deliberately or not),
  - (d) if the Secretary of State thinks that an attempt has been made (whether successfully or not) to copy the document or to do anything to enable it to be copied,
  - (e) if the Secretary of State thinks that a person has failed to surrender the document in accordance with subsection (2)(i) or (j),
  - (f) if the Secretary of State thinks that the document should be re-issued (whether because the information recorded in it requires alteration or for any other reason),
  - (g) if the Secretary of State thinks that the holder is to be given leave to enter or remain in the United Kingdom,
  - (h) if the Secretary of State thinks that the holder’s leave to enter or remain in the United Kingdom is to be varied, cancelled or invalidated or to lapse,
  - (i) if the Secretary of State thinks that the holder has died,

- (j) if the Secretary of State thinks that the holder has been removed from the United Kingdom (whether by deportation or otherwise),
  - (k) if the Secretary of State thinks that the holder has left the United Kingdom without retaining leave to enter or remain, and
  - (l) in such other circumstances as the regulations may specify.
- (2B) Regulations under subsection (1)(a) may require notification to be given to the Secretary of State by the holder of a biometric immigration document –
- (a) who knows or suspects that the document has been lost or stolen,
  - (b) who knows or suspects that the document has been altered or damaged (whether deliberately or not),
  - (c) who knows or suspects that information provided in connection with the document was or has become false, misleading or incomplete,
  - (d) who was given leave to enter or remain in the United Kingdom in accordance with a provision of rules under section 3 of the Immigration Act 1971 (c. 77) (immigration rules) and knows or suspects that owing to a change of the holder’s circumstances the holder would no longer qualify for leave under that provision, or
  - (e) in such other circumstances as the regulations may specify.”

4 Page 4, line 19, leave out paragraphs (e) and (f)

5 Page 4, line 32, leave out “(3)(a), (b), (e) or (f)” and insert “(3)(a) or (b)”

6 Page 4, line 33, leave out “(immigration rules)”

#### Clause 7

7 Page 5, line 33, at end insert –

- “(3) The regulations may also permit the Secretary of State to designate an adult as the person responsible for ensuring that a child complies with requirements of the regulations; and for that purpose –
- (a) “adult” means an individual who has attained the age of 18,
  - (b) “child” means an individual who has not attained the age of 18, and
  - (c) sections 9 to 13 shall apply (with any necessary modifications) to a designated adult’s failure to ensure compliance by a child with a requirement of regulations as they apply to a person’s own failure to comply with a requirement.”

#### Clause 8

8 Page 5, line 38, leave out from “information” to end of line 39 and insert –

- “(a) in connection with the exercise of a function by virtue of the Immigration Acts,
- (b) in connection with control of the United Kingdom’s borders,
- (c) in connection with the exercise of a function in relation to nationality,
- (d) in connection with the prevention, investigation or prosecution of an offence,
- (e) for a purpose which appears to the Secretary of State to be required in order to protect national security, and
- (f) for such other purposes (whether in connection with functions under an enactment or otherwise) as the regulations may specify.”

- 9 Page 5, line 41, after “of” insert “biometric”
- 10 Page 5, line 41, after “information” insert “held by the Secretary of State having been”
- 11 Page 5, line 43, leave out from “regulations,” to end of line 44
- 12 Page 6, line 1, after “of” insert “biometric”
- 13 Page 6, line 1, after “information” insert “held by the Secretary of State”
- 14 Page 6, line 4, leave out from “above,” to “and” in line 5
- 15 Page 6, line 6, after “must” insert “, in particular,”

#### Clause 14

- 16 Page 8, line 33, at end insert –
- “(3) But the first order under section 13(6) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament (and shall not be subject to annulment).”

#### Clause 19

- 17 Page 11, leave out lines 28 to 30
- 18 Page 11, line 30, at end insert –
- “(3) In section 106(2) of that Act after paragraph (u) insert –
- “(ua) may make provision, for the purposes of section 85A(4)(a), about the circumstances in which evidence is to be treated, or not treated, as submitted in support of, and at the time of making, an application;”.

#### After Clause 20

- 19 Insert the following new Clause –

##### “Children

- (1) The Secretary of State shall issue a code of practice designed to ensure that in exercising functions in the United Kingdom the Border and Immigration Agency takes appropriate steps to ensure that while children are in the United Kingdom they are safe from harm.
- (2) The Agency shall –
  - (a) have regard to the code in the exercise of its functions, and
  - (b) take appropriate steps to ensure that persons with whom it makes arrangements for the provision of services have regard to the code.
- (3) The code shall come into force in accordance with provision made by order of the Secretary of State; and an order –
  - (a) shall be made by statutory instrument, and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (4) The Secretary of State shall from time to time review and, if necessary, revise the code; and subsection (3) applies to a revision as to the original code.
- (5) In this section—
- (a) “the Border and Immigration Agency” means—
    - (i) immigration officers, and
    - (ii) other officials of the Secretary of State, and the Secretary of State, in respect of functions relating to immigration, asylum or nationality, and
  - (b) “child” means an individual who is less than 18 years old.”

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*Ordered, by The House of Commons,  
to be Printed, 23rd October 2007.*

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Printed in the United Kingdom by  
The Stationery Office Limited