

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CITIZENSHIP (ARMED FORCES) BILL

First Sitting

Wednesday 11 December 2013

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CLAUSES 1 and 2 agreed to.
Bill to be reported, without amendment.

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The Committee consisted of the following Members:

Chair: MR JOE BENTON

- | | |
|--|---|
| † Champion, Sarah (<i>Rotherham</i>) (Lab) | † Opperman, Guy (<i>Hexham</i>) (Con) |
| † Colvile, Oliver (<i>Plymouth, Sutton and Devonport</i>)
(Con) | Paisley, Ian (<i>North Antrim</i>) (DUP) |
| † Fuller, Richard (<i>Bedford</i>) (Con) | † Robertson, John (<i>Glasgow North West</i>) (Lab) |
| † Glindon, Mrs Mary (<i>North Tyneside</i>) (Lab) | Smith, Nick (<i>Blaenau Gwent</i>) (Lab) |
| † Gray, Mr James (<i>North Wiltshire</i>) (Con) | Smith, Sir Robert (<i>West Aberdeenshire and</i>
<i>Kincardine</i>) (LD) |
| † Hanson, Mr David (<i>Delyn</i>) (Lab) | † Wilson, Phil (<i>Sedgefield</i>) (Lab) |
| † Harper, Mr Mark (<i>Minister for Immigration</i>) | Kate Emms, <i>Committee Clerk</i> |
| † Lee, Dr Phillip (<i>Bracknell</i>) (Con) | † attended the Committee |
| † Leigh, Sir Edward (<i>Gainsborough</i>) (Con) | |
| † Lord, Jonathan (<i>Woking</i>) (Con) | |

Public Bill Committee

Wednesday 11 December 2013

[MR JOE BENTON *in the Chair*]

Citizenship (Armed Forces) Bill

1.30 pm

The Chair: Welcome to the Committee, everyone. We will begin with the debate on clause 1, during which I suggest Members also make any remarks they wish to about clause 2. I will then formally put the question that clause 2 stand part of the Bill, on the basis that both clauses will have been debated.

Clause 1

APPLICATION FOR CITIZENSHIP BY MEMBER OR FORMER
MEMBER OF ARMED FORCES

Question proposed, That the clause stand part of the Bill.

Jonathan Lord (Woking) (Con): It is a pleasure to serve under your chairmanship, Mr Benton. I thank Members for taking an interest in the Bill and attending this afternoon. I am particularly grateful to Members who also took part in the good debate we had on Second Reading. I am delighted with the cross-party support that the Bill has enjoyed to date.

Currently, foreign and Commonwealth citizens in Her Majesty's armed forces who wish to apply for naturalisation under section 6(1) of the British Nationality Act 1981 may be at a disadvantage because of their time served overseas. That is because an applicant must have been in the United Kingdom on day one of the five-year qualifying period for naturalisation. As a result, some members, or former members, of our armed forces have to wait longer to be able to apply than other people who were living in the UK on the required date.

The principles enshrined in the armed forces covenant between the nation and the armed forces community make it clear that those who serve should face no disadvantage as a result of their service. The issue that I have mentioned may not be a major injustice but, none the less, I believe that it is wrong, anomalous and discriminatory, and that we can and should rectify it. As I said on Second Reading, every day that members of our armed forces have spent abroad in service of our country should have at least the same value in the eyes of the immigration authorities as a day spent in the UK.

The Bill enjoyed a thorough and far-reaching Second Reading debate. As no amendments have been tabled, I hope that we will be able to conclude matters this afternoon without the need for the Committee to sit again. Clause 1 will amend schedule 1 to the 1981 Act to give the Secretary of State discretion to overlook the requirement to be in the UK on day one of the qualifying period for naturalisation. Such discretion will apply only if the applicant is or has been a member of Her Majesty's armed forces.

I am delighted that my hon. Friend the Minister and the shadow Minister are here, and I am sure that the shadow Minister or other Members may have some questions.

Oliver Colvile (Plymouth, Sutton and Devonport) (Con): May I say what a pleasure it is to serve under your chairmanship this afternoon, Mr Benton? Will my hon. Friend clarify whether the Bill will also cover people in the reserve forces?

Jonathan Lord: I am very happy to clarify that it will include members of the armed forces reserve.

Mr James Gray (North Wiltshire) (Con): As a strong supporter of the reserve forces, I am delighted to hear that, but I am rather hard-pressed to imagine how any foreign individual could be a member of the reserve forces. I cannot think of any such situation off-hand—is my hon. Friend aware of any overseas persons who are members of the reserve forces?

Jonathan Lord: I am not aware of any, but there might be a few—perhaps the Minister has some knowledge of that. My hon. Friend has been a great supporter of our reserves over many years, for which we thank him. The important thing is that reservists will be covered by the Bill on the same grounds as full-time members of our armed forces.

As I said, Members might have questions. I happy for the Minister, if he is willing and able, to help me to answer some of them if he has extra information that would be helpful to the Committee.

Mr David Hanson (Delyn) (Lab): It is a pleasure to serve under your chairmanship today, Mr Benton. I congratulate the hon. Gentleman on his Bill. I did not have the pleasure of taking part in the debate on 13 September, because I had other duties to attend to, but I have read the report of the debate and know that there is cross-party support for the proposals.

The military covenant has been enshrined in law. One of the key tenets of the covenant, as the hon. Gentleman said, is that we ensure that individuals are not treated discriminatorily by the Government because of their service abroad. The Bill addresses an anomaly, and the Opposition welcome it. My only query, which either the promoter of the Bill or the Minister can answer, is about the latest estimate of the number of individuals who would be eligible for residence on the basis of the Bill. In the debate on 13 September, the Minister indicated that there would be between 100 and 200. I would welcome clarification of precisely what his estimate is and whether he anticipates the number growing over time. What does he expect the impact of the Bill will be over a four or five-year period? Other than that, we are content for the Bill to proceed and will support it fully today.

Mr Gray: I will be very brief. May I say how nice it is to serve under your chairmanship, Mr Benton? I am more used to sitting where you are than where I am sitting today. It is rather nice to be on this side for a change.

It might help the Committee if I contribute my constituency experience to this matter, because I am fortunate enough to have 9 Theatre Logistic Regiment of the Royal Logistic Corps in my constituency. Incidentally, a little-known fact is that it is the largest regiment of the British Army. Many of its serving soldiers are from Tonga and particularly Fiji, although I think one or two other overseas people also serve there.

Quite a large number of those people come to see me in my surgery. They have spent time in the Falklands, in Germany, or recently in Afghanistan and Iraq. The sum total of their residence in the United Kingdom is less than the five years required, and they find themselves being required to return to Fiji or Tonga, despite the fact that their service has been just as distinguished as that of the British soldiers alongside whom they were serving. That seems wrong to me.

I strongly welcome the thought behind the Bill tabled by my hon. Friend the Member for Woking. It will right what seems to be a simple injustice that was more an oversight of the immigration system than an intention. I do not think the Government sat down and said, "Let's make sure that we send these people home". I congratulate my hon. Friend on spotting this inadvertent injustice.

I hope the Government will give the Bill a fair wind. If they do not, they should be aware of the fact that this injustice is occurring. Even if they feel that the Bill is not the right legislative way of correcting it, I hope that the Minister will be able to say that the Government take note of what is happening to the soldiers affected and find some other way of correcting that injustice.

The Minister for Immigration (Mr Mark Harper): It is a great pleasure to serve under your chairmanship, Mr Benton. As my hon. Friend the Member for Woking said, the House debated the Bill on the auspicious day of Friday 13 September, and it received its Second Reading unopposed. As the right hon. Member for Delyn said, it has the support of the main Opposition party, and no amendments have been tabled, so I think it has wide support in the House.

I will deal with a couple of the points that have been raised by Back-Bench Members. My hon. Friends the Members for Plymouth, Sutton and Devonport and for North Wiltshire both raised mentioned the reserves. The Bill will cover those serving in the reserve forces, although, as I think my hon. Friend the Member for North Wiltshire suggested, given that reservists by definition only serve for part of the time, if they were foreign nationals who were doing their civilian job in the United Kingdom, they would need to be here on some other immigration basis and would need leave to remain.

However, if their time spent abroad on military service meant that they would be disadvantaged, they would not be excluded from the Bill's provisions. My hon. Friend is right that there are probably very few people serving in the reserve forces who would benefit, but they will not be excluded if they in those circumstances. That relates to the point that my hon. Friend the Member for Plymouth, Sutton and Devonport made, as well.

My hon. Friend the Member for North Wiltshire drew attention to the fact that he has a significant number of foreign and Commonwealth personnel serving in his local regiment; he mentioned those from Tonga and Fiji. I have 1st Battalion the Rifles based in my constituency, at Beachley barracks, and I have a number of foreign and Commonwealth personnel there. I occasionally meet them and discuss immigration issues, and I know that the measures in the Bill are welcome. My hon. Friend's constituents who are foreign and commonwealth personnel who serve on active operational tours, as many have over the past few years, will benefit from this Bill.

To picking up on the right hon. Member for Delyn's point, it is difficult to predict how many people will benefit. There are about 200 or 300 cases a year of foreign and Commonwealth service personnel who apply for naturalisation, but obviously only a subset of those would benefit from the Bill. The estimate that I gave on Second Reading is the best that we have. It is a slightly inexact science, because it depends on people's circumstances five years before they apply for citizenship, so our best guess is the one we have already put before the House.

A relatively small number of people will be affected, but for those people it will be a significant and beneficial change. By definition they are people who have served in Her Majesty's armed forces, and it is important that we remove the current detriment. As my hon. Friend the Member for North Wiltshire said, going through the record makes it clear that that detriment was inadvertent. The Bill is about giving my right hon. Friend the Home Secretary the power to overlook the fact that people were out of the country, if they were engaged in service of Her Majesty's forces. The Government will continue to support the Bill as it progresses through this House and the other place, and I look forward to seeing it on the statute book in the not too distant future.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Bill to be reported, without amendment.

1.42 pm

Committee rose.

