
Committee Stage: Thursday 28 October 2021

Nationality and Borders Bill (Amendment Paper)

This document lists all amendments tabled to the Nationality and Borders Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Chair's provisional selection and grouping, which sets out the order in which the amendments will be debated.

★ New Amendments.

☆ Amendments which will comply with the required notice period at their next appearance.

New amendments: 190 to 191 and NC43 to NC46

Tom Pursglove

110

Clause 37, page 36, line 4, at end insert—

“(C1A)A person who—

- (a) is required under immigration rules not to travel to the United Kingdom without an ETA that is valid for the person's journey to the United Kingdom, and
- (b) knowingly arrives in the United Kingdom without such an ETA, commits an offence.”

Member's explanatory statement

This amendment inserts a new offence into the Immigration Act 1971 of a person knowingly arriving in the United Kingdom without a valid electronic travel authorisation (ETA) in circumstances where they require such an ETA.

Tom Pursglove

111

Clause 37, page 36, line 5, leave out “or (C1)” and insert “, (C1) or (C1A)”

Member's explanatory statement

This amendment is consequential on Amendment 110.

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- Tom Pursglove 112
Clause 37, page 36, line 19, leave out "or (C1)" and insert ", (C1) or (C1A)"
- Member's explanatory statement**
This amendment is consequential on Amendment 110.
-
- Tom Pursglove 113
Clause 37, page 36, line 29, after "(C1)" insert ", (C1A)"
- Member's explanatory statement**
This amendment is consequential on Amendment 110.
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- Tom Pursglove 114
Clause 37, page 37, line 2, after "(C1)" insert ", (C1A)"
- Member's explanatory statement**
This amendment is consequential on Amendment 110.
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- Tom Pursglove 115
Clause 37, page 37, line 4, after "(C1)" insert ", (C1A)"
- Member's explanatory statement**
This amendment is consequential on Amendment 110.
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- Tom Pursglove 116
Clause 37, page 37, line 12, after "(C1)" insert ", (C1A)"
- Member's explanatory statement**
This amendment is consequential on Amendment 110.
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- Tom Pursglove 117
Clause 37, page 37, line 15, after "(C1)" insert ", (C1A)"
- Member's explanatory statement**
This amendment is consequential on Amendment 110.

Stuart C McDonald
Anne McLaughlin

188

Clause 37, page 37, line 17, at end insert—

- “(10) Before this section comes into force, the Secretary of State must lay before Parliament a report on the implications of this section for devolved criminal justice functions and bodies in Northern Ireland and Scotland, including but not restricted to those of—
- (a) the Director of Public Prosecutions in Northern Ireland;
 - (b) the Lord Advocate;
 - (c) the Police Service of Northern Ireland;
 - (d) Police Scotland;
 - (e) the Northern Ireland Prison Service;
 - (f) the Scottish Prison Service;
 - (g) the Northern Ireland Courts and Tribunals Service; and
 - (h) the Scottish Courts and Tribunals Service.
- (11) A report under subsection (10) must include the following information—
- (a) an assessment of the how the functions and bodies listed in (10) will be affected by this section;
 - (b) the financial implications for those bodies;
 - (c) the implications for existing devolved criminal justice and related policies;
 - (d) details of any consultation and engagement with those bodies; and
 - (e) the Secretary of State’s findings, conclusions and proposed actions.”

Member’s explanatory statement

This amendment would require the Government to report on the implications of clause 36 for bodies involved in devolved criminal justice functions and to obtain Parliamentary approval for such a report, before the clause enters into force.

Paul Blomfield
Stuart C McDonald
Anne McLaughlin

142

Page 35, line 31, leave out Clause 37

Bambos Charalambous 33
 Holly Lynch
 Stuart C McDonald
 Anne McLaughlin

Clause 38, page 37, line 22, leave out subsection (2)

Member's explanatory statement

This amendment deletes the subsection which removes "and for gain" from section 25A(1)(a) of the Immigration Act 1971. Currently, under section 25A(1)(a), a person commits an offence if the person knowingly "and for gain" facilitates the arrival in the UK of an individual who the person knows, or has reasonable cause to believe, is an asylum seeker. This amendment preserves the status quo.

Neil Coyle 162

Clause 38, page 37, line 23, at end insert—

"(3) In section 25A(3) of the Immigration Act 1971 (helping asylum seeker to enter United Kingdom), for paragraph (a) substitute—

- "(a) aims to—
- (i) protect lives at sea, or
 - (ii) assist asylum-seekers; and"

Member's explanatory statement

This amendment would add people working on behalf of organisations that aim to protect lives at sea to those who are exempt for prosecution for helping someone seeking asylum to enter the UK, as long as those organisations do not charge for their services.

Tom Pursglove 82

Schedule 5, page 71, leave out lines 14 to 16

Member's explanatory statement

This amendment removes from the face of the Bill the limitation that the Secretary of State may give authority to exercise powers under new Part A1 of Schedule 4A to the Immigration Act 1971 in relation to certain ships only if the Secretary of State considers that the United Nations Convention on the Law of the Sea 1982 permits the exercise of those powers.

Tom Pursglove 125

Schedule 5, page 73, line 23, leave out "or (C1)" and insert ", (C1) or (C1A)"

Member's explanatory statement

This amendment is consequential on Amendment 110.

Tom Pursglove 126

Schedule 5, page 73, line 23, at end insert "24B,"

Member's explanatory statement

This amendment and Amendments 127 and 128 are consequential on NC20.

Tom Pursglove 127

Schedule 5, page 73, line 31, after "(S.I. 2020/1309)," insert—

"(ba) an offence under section 21 of the Immigration, Asylum and Nationality Act 2006,"

Member's explanatory statement

See the explanatory statement to Amendment 126.

Tom Pursglove 128

Schedule 5, page 73, line 37, leave out "paragraph (a) or (b)" and insert "paragraphs (a) to (ba)"

Member's explanatory statement

See the explanatory statement to Amendment 126.

Paul Blomfield 144

Schedule 5, page 74, line 30, at end insert—

"provided that the relevant officer may not do any of the things mentioned in sub-paragraph (2) where they would risk the welfare or safety of persons on board the ship."

Member's explanatory statement

This amendment would require officers to assess welfare risk before stopping or boarding a ship, requiring it to be taken elsewhere or requiring it to leave UK waters, and not act if doing so would exacerbate these risks.

Tom Pursglove 83

Schedule 5, page 75, leave out lines 6 to 8

Member's explanatory statement

This amendment removes from the face of the Bill the limitation that the Secretary of State may give authority to a relevant officer to require a ship to be taken to a State other than the United Kingdom or a relevant territory only if the State or relevant territory is willing to receive the ship.

Paul Blomfield

145

Schedule 5, page 75, line 8, at end insert—

“(7A) The Secretary of State must publish a list of States and relevant territories with which agreement has been reached for the purposes of sub-paragraph (7) within 30 days of the date of Royal Assent to this Act, and the Secretary of State must update that published list from time to time.”

Member’s explanatory statement

This amendment would require the Secretary of State to publish which states or territories she has agreed arrangements with for returning or removing asylum seekers to, within 30 days of Royal Assent.

Paul Blomfield

146

Schedule 5, page 76, line 24, at end insert—

“(9) A relevant officer may only exercise powers under this paragraph if they have passed relevant training, including training on the requirement to exercise powers under this paragraph in accordance with the provisions of the Human Rights Act 1998.”

Member’s explanatory statement

This amendment would require the relevant officer to have passed relevant training before acting under these powers, and only acts with regards to the Human Rights Act.

Paul Blomfield

148

Schedule 5, page 77, line 18, at end insert—

“(7) A relevant officer may only exercise powers under this paragraph if they have passed relevant training, including training on the requirement to exercise powers under this paragraph in accordance with the provisions of the Human Rights Act 1998.”

Member’s explanatory statement

This amendment would require the relevant officer to have passed relevant training before acting under these powers, and only acts with regards to the Human Rights Act.

Paul Blomfield

147

Schedule 5, page 78, line 12, at end insert—

“(10) A relevant officer may only exercise powers under this paragraph if they have passed relevant training, including training on the requirement to exercise powers under this paragraph in accordance with the provisions of the Human Rights Act 1998.”

Member's explanatory statement

This amendment would require the relevant officer to have passed relevant training before acting under these powers, and only acts with regards to the Human Rights Act.

Paul Blomfield

149

Schedule 5, page 78, line 32, at end insert—

“(c) the act was carried out in accordance with the provisions of the Human Rights Act 1998.”

Member's explanatory statement

This amendment would require the relevant officer to only act with regards to the Human Rights Act.

Tom Pursglove

118

Page 38, line 9, leave out Clause 42

Member's explanatory statement

This amendment removes Clause 42 (authorisation to work in the territorial sea) which is replaced by NC20.

Bambos Charalambous
Holly Lynch

137

Clause 43, page 40, line 8, leave out subsections (3) to (5)

Tom Pursglove

165

Page 38, line 25, leave out Clause 43

Member's explanatory statement

This amendment removes clause 43 (removals: notice requirements), which is replaced by amendment NC28.

Paul Blomfield 143

Clause 44, page 41, line 7, at end insert—

“(1A) A prisoner who arrived in the United Kingdom before their tenth birthday is not eligible for removal from the United Kingdom under subsection (1).”

Member’s explanatory statement

This amendment would prevent deportation as an FNO for those who arrived in the UK before their tenth birthday, in line with the age of criminal responsibility.

Tom Pursglove 71

Page 40, line 46, leave out Clause 44

Member’s explanatory statement

This amendment removes clause 44 (prisoners liable to removal from the UK), which is replaced by NC8.

Stuart C McDonald 170
Anne McLaughlin

Clause 46, page 41, line 41, leave out “, before the specified date,”

Member’s explanatory statement

This amendment would remove the hard deadline for compliance for persons who have made protection claims or human rights claims to comply with a slavery or trafficking information notice.

Stuart C McDonald 172
Anne McLaughlin

Clause 46, page 41, line 42, at end insert—

“(2A)The requirement in subsection (2) does not apply in relation to anything that the slavery or trafficking information notice recipient has previously provided to the Secretary of State or any other competent authority.”

Member’s explanatory statement

This amendment would ensure a recipient of a slavery or trafficking information notice does not need to provide information that has already been submitted to the Secretary of State or any other competent authority.

Holly Lynch 184
Bambos Charalambous

Clause 46, page 42, line 3, at end insert—

“(3A) Any slavery or trafficking information notice must be accompanied by information regarding the Secretary of State’s obligations to identify and support potential victims of modern slavery and trafficking.”

Member’s explanatory statement

This amendment would ensure that potential victims are given information regarding their rights at the same time the notice is served.

Stuart C McDonald 169
Anne McLaughlin

Clause 46, page 42, line 4, leave out subsections (4) and (5) and insert—

“(4) Subsection (5) applies if the recipient of a slavery or trafficking information notice does not provide the Secretary of State or competent authority with relevant status information within a reasonable period of time.

(5) The Secretary of State must provide recipients with an ongoing opportunity to explain why they did not provide the relevant status information within a reasonable period of time (and see section 47).”

Member’s explanatory statement

This amendment would remove the hard deadline for compliance for persons who have made protection claims or human rights claims to comply with a slavery or trafficking information notice.

Stuart C McDonald 171
Anne McLaughlin

Clause 46, page 42, leave out lines 13 and 14

Member’s explanatory statement

This is a consequential amendment.

Holly Lynch 190
Bambos Charalambous

★ Clause 47, page 42, line 19, at end insert—

“(aa) the person was 18 or over at the time of the incident or incidents in respect of which the slavery or trafficking information notice was issued;”

Member’s explanatory statement

This amendment seeks to ensure those exploited as children are not penalised for late disclosures.

Stuart C McDonald 173
Anne McLaughlin

Clause 47, page 42, line 21, leave out “or a conclusive grounds decision”

Member’s explanatory statement

This amendment would disapply this section when a conclusive grounds decision is being made (i.e. when a reasonable grounds decision will already have been made).

Stuart C McDonald 174
Anne McLaughlin

Clause 47, page 42, line 23, leave out “or on behalf of”

Member’s explanatory statement

This amendment would exclude statements made on behalf of a slavery or trafficking information notice recipient (as opposed to statements made directly by them) from this subsection.

Stuart C McDonald 175
Anne McLaughlin

Clause 47, page 42, line 24, leave out from “account” to the end of the subsection and insert “of all the factors that may have led to the person providing the information late.”

Member’s explanatory statement

This amendment would remove the presumption that delayed disclosure in relation to slavery or trafficking will be deemed damaging to a person’s credibility.

Holly Lynch
Bambos Charalambous

163

Clause 47, page 42, line 26, at end insert—

“(2A) For the purposes of subsection (2) “good reasons” include, but are not limited to—

- (a) the impact of trauma, including avoidant behaviours and memory fragmentation consistent with Post-Traumatic Stress Disorder;
- (b) distrust of authorities, including fear of punishment or a lack of confidence in the confidentiality of information sharing;
- (c) fear of reprisals against them, their children, families or friends if they make an allegation of slavery;
- (d) experiencing pressures and fears related to bonded debt;
- (e) where the claimant was under the age of 18 years at their time of arrival in the UK or at the time of their exploitation;
- (f) where the claimant has diminished capacity;
- (g) fear of repercussions from people who exercise control over the individual;
- (h) a lack of understanding of Modern Slavery including being unable to identify themselves as a “victim”;
- (i) narrative reasons including being unable or unwilling to identify themselves as a “victim”;
- (j) Stockholm syndrome; and
- (k) an ongoing or previous relationship with the trafficker.”

Member’s explanatory statement

This amendment seeks to define “good reasons” for late disclosure.

Dame Diana Johnson
Ms Harriet Harman
Stella Creasy
Tonia Antoniazzi
Barbara Keeley
Sarah Champion
Andrew Gwynne

Debbie Abrahams

Ronnie Cowan

181

Clause 47, page 42, line 31, at end insert—

“(5) The provision of relevant status information identifying a person as a likely victim of human trafficking for sexual services shall constitute a “good reason” for the purposes of this section.”

Member’s explanatory statement

This amendment would mean that the credibility of victims of human trafficking for sexual services would not be called into question by reason of the late provision of information relating to that fact.

Dame Diana Johnson
Stella Creasy
Tonia Antoniazzi
Barbara Keeley
Ms Harriet Harman
Sarah Champion
Andrew Gwynne

Debbie Abrahams

Ronnie Cowan

187

Clause 47, page 42, line 31, at end insert—

- “(5) Subsection (2) does not apply where the person is a victim of trafficking for the purposes of sexual exploitation.
- (6) For the purposes of subsection (5) the person may be considered a victim of trafficking for the purposes of sexual exploitation if there is evidence that the person—
- (a) Has been transported from one location to another for the purposes of sexual exploitation;
 - (b) Bears signs of physical abuse including but not limited to—
 - (i) Branding
 - (ii) Bruising
 - (iii) Scarring
 - (iv) Burns; or
 - (v) Tattoos indicating gang membership;
 - (c) Lacks access to their own earnings, such as by having no bank account in their own name;
 - (d) Has limited to no English language skills, or only such language skills as pertain to sexualised acts;
 - (e) Lives or stays at the same address as person(s) meeting the criteria in paragraphs (a) to (d); and
 - (f) Sleeps in the premises in which they are exploited.”

Member’s explanatory statement

Under this amendment, late provision of relevant status information would not be taken as damaging the credibility of the person providing the information if that person were a victim of trafficking for the purposes of commercial sexual exploitation.

Dame Diana Johnson 182
 Ms Harriet Harman
 Stella Creasy
 Tonia Antoniazzi
 Barbara Keeley
 Sarah Champion
 Andrew Gwynne Debbie Abrahams Ronnie Cowan

Clause 48, page 42, line 36, at end insert—

“(za) at the end of paragraph (a) insert—

“(aa) the sorts of things which indicate that a person may be a victim of human trafficking for sexual services;”

Member’s explanatory statement

This amendment would require the Secretary of State to issue specific guidance on the sorts of things which indicate that a person may be a victim of human trafficking for sexual services.

Holly Lynch 183
 Bambos Charalambous

Clause 48, page 42, leave out line 38

Member’s explanatory statement

This amendment would ensure that the threshold applied (in the Modern Slavery Act 2015) when determining whether a person should be considered a potential victim of trafficking remains at its present level.

Holly Lynch 185
 Bambos Charalambous

Clause 48, page 43, line 3, leave out from “determination” to end of subsection (4) and insert “determinations mentioned in paragraphs (c) and (d) are to be reviewed by the Multi-Agency Assurance Panels, who will have the power to overturn the determinations made by the competent authority.”

Member’s explanatory statement

This amendment seeks to introduce Multi-Agency Assurance Panels at the reasonable grounds stage and will enable them to overturn decisions made by a competent authority.

Stuart C McDonald
Anne McLaughlin

176

Clause 48, page 43, line 17, leave out subsection (7)

Member's explanatory statement

Under this amendment and the corresponding amendment to clause 57, the Secretary of State would no longer be able to change the definition of slavery and human trafficking by regulations. Instead, any changes to the definition of slavery would require primary legislation.

Holly Lynch
Bambos Charalambous

1

Clause 49, page 43, line 33, leave out "30" and insert "45"

Member's explanatory statement

This amendment would increase the recovery period for victims of slavery or human trafficking from a minimum of 30 days to a minimum of 45 days.

Holly Lynch
Bambos Charalambous

180

Clause 50, page 44, line 4, at end insert—

“(aa) the person was aged 18 or over at the time of the circumstances which gave rise to the first RG decision;”

Member's explanatory statement

This amendment seeks to preclude those exploited as children from being denied additional recovery periods if they are re-trafficked.

Holly Lynch 164
Bambos Charalambous

Clause 51, page 44, line 31, at end insert—

“was aged 18 or over at the time of the circumstances which gave rise to the positive reasonable grounds decision and—”

Member’s explanatory statement

This amendment would exclude children from the disqualification from protection measures outlined in clause 51.

Stuart C McDonald 178
Anne McLaughlin

Page 44, line 28, leave out Clause 51

Holly Lynch 4
Bambos Charalambous

Clause 52, page 46, line 9, after “50A” insert—

“Meaning of assistance and support

- (1) For the purposes of guidance issued under section 49(1)(b) and regulations made under section 50, “assistance and support” includes but is not limited to the provision of—
 - (a) appropriate and safe accommodation;
 - (b) material assistance, including financial assistance;
 - (c) medical advice and treatment (including psychological assessment and treatment);
 - (d) counselling;
 - (e) a support worker;
 - (f) appropriate information on any matter of relevance or potential relevance to the particular circumstances of the person;
 - (g) translation and interpretation services;
 - (h) assistance in obtaining specialist legal advice or representation (including with regard to access to compensation);
 - (i) assistance with repatriation, including a full risk assessment.
- (2) Assistance and support provided to a person under this section—
 - (a) must not be conditional on the person’s acting as a witness in any criminal proceedings;
 - (b) may be provided only with the consent of that person;
 - (c) must be provided in a manner which takes due account of the needs of that person as regards safety and protection from harm;

- (d) must be provided to meet the needs of that person having particular regard to any special needs or vulnerabilities of that person caused by gender, pregnancy, physical or mental illness, disability or being the victim of violence or abuse;
 - (e) must be provided in accordance with an assistance and support plan which specifies that person's needs for support and how those needs will be met for the full duration of the period to which that person is entitled to support under this Act.
- (3) Nothing in this section affects the entitlement of any person to assistance and support under any other statutory provision.

50B"

Member's explanatory statement

This amendment would define the types of assistance and support that must be provided to a victim of modern slavery in England and Wales in line with Article 12 of the European Convention on Actions Against Trafficking in Human Beings; and conditions associated with its provision.

Holly Lynch

2

Bambos Charalambous

Clause 52, page 46, line 16, leave out from "receiving" to the end of line 19 and insert "in their physical, psychological and social recovery or to prevent their re-trafficking."

Member's explanatory statement

This amendment would define the objective of assistance and support in line with Article 12 of the European Convention Against Human Trafficking 2005.

Holly Lynch

3

Bambos Charalambous

Clause 52, page 46, line 16, at end insert—

"(6A)When a person who is receiving assistance and support under this section receives a positive conclusive grounds decision, the Secretary of State must secure assistance and support for at least 12 months beginning on the day the recovery period ends."

Member's explanatory statement

This amendment would give modern slavery victims in England and Wales with a positive conclusive grounds decision the right to receive support and assistance for at least 12 months.

Holly Lynch 7
Bambos Charalambous

Clause 53, page 47, line 12, after “Kingdom” insert “for a minimum 12 months”

Member’s explanatory statement

This amendment would give modern slavery victims in England and Wales with a positive conclusive grounds decision leave to remain for a minimum of 12 months.

Holly Lynch 5
Bambos Charalambous

Clause 53, page 47, line 14, leave out from “recovery” to the end of line 16 and insert “personal situation,”

Member’s explanatory statement

This amendment would define the criteria of providing leave to remain in line with Article 14 of the European Convention Against Human Trafficking 2005.

Holly Lynch 189
Bambos Charalambous

☆ Clause 53, page 47, line 21, at end insert—

“(2A) If the person is aged 17 or younger at the point of referral into the National Referral Mechanism, the Secretary of State must give the person leave to remain in the United Kingdom if that is in the person’s best interests.

(2B) In determining the length of leave to remain to grant to a person under subsection (2A), the Secretary of State must consider the person’s best interests and give due consideration to—

- (a) the person’s wishes and feelings;
- (b) the person’s need for support and care; and
- (c) the person’s need for stability and a sustainable arrangement.”

Member’s explanatory statement

This amendment seeks to incorporate the entitlement to immigration leave for child victims (as per Article 14(2) of ECAT) into primary legislation.

Holly Lynch 6
Bambos Charalambous

Clause 53, page 47, line 22, leave out subsections (3) and (4)

Member’s explanatory statement

This amendment would remove the criteria of not granting leave to remain if assistance could be provided in another country or compensation sought in another country.

Tom Pursglove

72

Clause 53, page 48, line 10, leave out “reasonable” and insert “conclusive”

Member’s explanatory statement

This amendment corrects a drafting error.

Stuart C McDonald

Anne McLaughlin

177

Clause 57, page 51, leave out lines 42 and 43

Member’s explanatory statement

Under this amendment and the corresponding amendment to clause 48, the Secretary of State would no longer be able to change the definition of slavery and human trafficking by regulations. Instead, any changes to the definition of slavery would require primary legislation.

Paul Blomfield

150

Clause 58, page 52, line 19, at end insert—

“(3A) Before making regulations under this section, the Secretary of State must consult the ethical committees of the relevant medical, dental and scientific professional bodies and publish a report on the consultation.”

Member’s explanatory statement

This amendment would require the Secretary of State to consult with ethical committees of medical, dental and scientific professions before making regulations in their area, and publish a report on the consultation.

Tom Pursglove

166

Page 52, line 3, leave out Clause 58

Member's explanatory statement

This amendment removes clause 58 (age assessments), which is replaced by amendments NC29 to NC37, which will form a new Part of the Bill.

Paul Blomfield

151

Clause 59, page 52, line 33, at end insert—

“(3A) The Secretary of State must publish impact assessments on the effect of the provisions in this section on—

- (a) nationals from countries falling within subsection (3), and
- (b) the United Kingdom's economy and trade.”

Member's explanatory statement

This amendment would require the Secretary of State to publish impact assessments with regard to the effect this clause might have on both nationals from countries in subsection (3) and the UK economy and trade.

Tom Pursglove

73

Page 52, line 21, leave out Clause 59

Member's explanatory statement

This amendment removes clause 59 (processing of visa applications from nationals of certain countries), which is replaced by NC9 and NC10.

Tom Pursglove 119

Page 52, line 35, leave out Clause 60

Member's explanatory statement

This amendment removes clause 60 (electronic travel authorisations), which is replaced by NC21 and NC22.

Tom Pursglove 74

Page 53, line 9, leave out Clause 61

Member's explanatory statement

This amendment removes clause 61 (Special Immigration Appeals Commission), which is replaced by NC11.

Tom Pursglove 75

Page 55, line 1, leave out Clause 64

Member's explanatory statement

This amendment removes clause 64 (good faith requirement).

Tom Pursglove 120

Clause 69, page 58, line 28, at end insert—

“(4) A power under any provision listed in subsection (5) may be exercised so as to extend, with or without modifications, to any of the Channel Islands or the Isle of Man any amendment made by any of the following provisions to legislation to which the power relates—

- (a) section 37 (illegal entry and similar offences), insofar as it relates to the insertion of subsection (C1A) into section 24 of the Immigration Act 1971;

- (b) section (*Electronic travel authorisations*) (electronic travel authorisations);
 - (c) section (*Liability of carriers*) (liability of carriers).
- (5) Those provisions are—
- (a) section 36 of the Immigration Act 1971;
 - (b) section 170(7) of the Immigration and Asylum Act 1999;
 - (c) section 163(4) of the Nationality, Immigration and Asylum Act 2002.”

Member’s explanatory statement

This amendment amends clause 69 (extent) to provide that the amendments made by the provisions listed in new subsection (4) may be extended to the Channel Islands and the Isle of Man under the Order in Council provisions listed in new subsection (5).

Stuart C McDonald
Anne McLaughlin

186

Clause 69, page 58, line 28, at end insert—

- “(4) Part 4 (modern slavery) only extends to Scotland to the extent that a motion has been approved by the Scottish Parliament, bringing it into force in Scotland.
- (5) Part 4 (modern slavery) only extends to Northern Ireland to the extent that a motion has been approved by the Northern Ireland Assembly, bringing it into force in Northern Ireland.”

Member’s explanatory statement

Under this amendment, Part 4 of the Bill would not enter into force in Scotland or Northern Ireland until the relevant devolved legislatures had given their consent.

Stuart C McDonald
Anne McLaughlin

107

Clause 70, page 58, line 30, leave out “and (4)” and insert “to (5)”

Member’s explanatory statement

This amendment is consequential on Amendment 109.

Tom Pursglove 76
Clause 70, page 58, line 34, after “Part” insert “and the following provisions”

Member’s explanatory statement

This amendment is consequential on Amendment 77.

Tom Pursglove 77
Clause 70, page 58, line 34, at end insert—
“(a) section 57 (interpretation of Part 4), for the purposes of making regulations under that section;”

Member’s explanatory statement

This amendment brings the power to make regulations defining “victim of slavery” and “victim of human trafficking” into force on the day on which the Act receives Royal Assent.

Tom Pursglove 121
Clause 70, page 58, line 34, at end insert—
“(b) section (*Notice of decision to deprive a person of citizenship*)(1) and (5) to (7) (effect of failure to give notice of pre-commencement decision to deprive a person of citizenship);”

Member’s explanatory statement

This amendment brings subsections (1) and (5) to (7) of NC19 (concerning the effect of a failure to give notice of a pre-commencement decision to deprive a person of citizenship) into force on the day on which the Bill receives Royal Assent.

Tom Pursglove 122
Clause 70, page 58, line 36, at end insert—
“(za) section (*Notice of decision to deprive a person of citizenship*)(2) to (4) (modifications of duty to give notice of decision to deprive a person of citizenship);”

Member’s explanatory statement

This amendment brings subsections (2) to (4) of NC19 (modifying the duty to give notice of a decision to deprive a person of citizenship) into force two months after the Bill receives Royal Assent.

Tom Pursglove 123

Clause 70, page 58, line 37, leave out paragraph (a)

Member's explanatory statement

This amendment will secure that clauses 16, 17 and 23 of the Bill (evidence in asylum or human rights claims) will be brought into force by regulations rather than coming into force automatically two months after Royal Assent to the Bill.

Stuart C McDonald 108

Anne McLaughlin

Clause 70, page 58, line 42, leave out paragraphs (d) and (e)

Member's explanatory statement

This amendment is consequential on an Amendment 109.

Tom Pursglove 124

Clause 70, page 59, line 2, at end insert—

“(fa) section (*Working in United Kingdom waters: arrival and entry*),
for the purposes of making regulations;”

Member's explanatory statement

This amendment brings NC20 into force, for the purposes of making regulations (under the new section 11B for the Immigration Act 1971), two months after Royal Assent to the Bill. The rest of the clause will be brought into force by regulations.

Tom Pursglove 191

★ Clause 70, page 59, line 4, leave out paragraph (h)

Member's explanatory statement

This amendment is consequential on the amendment removing clause 42 from the Bill.

Tom Pursglove 78

Clause 70, page 59, line 5, leave out paragraph (i)

Member's explanatory statement

This amendment is consequential on Amendment 77.

Tom Pursglove 79

Clause 70, page 59, line 6, at end insert—

“(ia) section (*Counter-terrorism questioning of detained entrants away from place of arrival*) (counter-terrorism questioning of detained entrants away from place of arrival);”

Member’s explanatory statement

This amendment provides for NC12 to come into force two months after Royal Assent to the Bill.

Tom Pursglove 167

Clause 70, page 59, line 7, leave out paragraph (j)

Member’s explanatory statement

This amendment is consequential on the amendments removing Clauses 58 to 61 of the Bill.

Tom Pursglove 80

Clause 70, page 59, line 7, at end insert—

“(ja) sections (*Removals from the UK: visa penalties for uncooperative countries*) and (*Visa penalties: review and revocation*) (visa penalties);”

Member’s explanatory statement

This amendment provides for NC9 and NC10 to come into force two months after Royal Assent to the Bill.

Tom Pursglove 168

Clause 70, page 59, line 7, at end insert—

- “(ja) section (*Interpretation of Part etc*) (1) to (4) (interpretation of Part 3A);
- (jb) section (*Use of scientific methods in age assessments*)(1) to (3) and (8) (regulations about use of scientific methods in age assessments);
- (jc) section (*Regulations about age assessments*) (regulations about age assessments);”

Member’s explanatory statement

This amendment means that amendment NC33 (regulations about age assessments), and the regulation-making power in amendment NC32, will be commenced automatically, two months after Royal Assent, as will the clause that defines certain terms used in the regulation-making power.

Tom Pursglove

81

Clause 70, page 59, line 8, leave out paragraph (k)

Member's explanatory statement

This amendment is consequential on Amendment 75.

Stuart C McDonald
Anne McLaughlin

109

Clause 70, page 59, line 9, at end insert—

“(5) Sections 27 to 35 may not be commenced before—

- (a) the Secretary of State has consulted with such parties as the Secretary of State considers appropriate on—
 - (i) the compatibility of each section with the Refugee Convention; and
 - (ii) the domestic and international implications of the UK adopting each section;
- (b) the Secretary of State has laid before Parliament a report on the outcome of that consultation stating which parties were consulted, and stating in respect of each section—
 - (i) the views of the parties consulted on its compatibility and implications;
 - (ii) the differences between the interpretation of the Convention provided by the section and any interpretations provided by the higher courts before the passing of this Act;
 - (iii) the reasons why the Secretary of State concludes that the section should be commenced; and
- (c) both Houses of Parliament have considered that report and approved the commencement of each of the sections that is to be commenced.

(6) For the purposes of subsection (5)—

“interpretation provided by the higher courts” means an interpretation provided by any judgement of the High Court or Court of Appeal in England and Wales, of the Court of Session in Scotland, of the High Court or Court of Appeal in Northern Ireland or of the United Kingdom Supreme Court that has not been superseded.”

Member's explanatory statement

This amendment would require the Secretary of State to hold consultations on the compatibility of Clauses 27 to 35 with the Refugee Convention, and to report to Parliament on such consultations, before the relevant Clauses enter into force.

Stuart C McDonald
Anne McLaughlin

179

Clause 70, page 59, line 9, at end insert—

“(5) Sections [*Time limit on immigration detention*], [*Initial detention: criteria and duration*] and [*Bail hearings*] come into force six months after the day on which this Act is passed.”

Member’s explanatory statement

This amendment would bring NC38, NC39 and NC40 into force six months after the day on which the Bill is passed.

Tom Pursglove

NC6

To move the following Clause—

“Expedited appeals: joining of related appeals

- (1) For the purposes of this section, an “expedited section 82 appeal” is an expedited appeal within the meaning of section 82A of the Nationality, Immigration and Asylum Act 2002 (expedited appeals for claims brought on or after PRN cut-off date).
- (2) For the purposes of this section, a “related appeal” is an appeal under any of the following—
 - (a) section 82(1) of the Nationality, Immigration and Asylum Act 2002 (appeals in respect of protection and human rights claims), other than one which is an expedited section 82 appeal;
 - (b) section 40A of the British Nationality Act 1981 (appeal against deprivation of citizenship);
 - (c) the Immigration (Citizens’ Rights Appeals) (EU Exit) Regulations 2020 (S.I. 2020/61) (appeal rights in respect of EU citizens’ rights immigration decisions etc);
 - (d) regulation 36 of the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052) (appeals against EEA decisions) as it continues to have effect following its revocation.
- (3) If a person brings an expedited section 82 appeal at a time when a related appeal brought by that person is pending, the related appeal is, from that time, to be continued as an appeal to the Upper Tribunal and accordingly is to be transferred to the Upper Tribunal.
- (4) If an expedited section 82 appeal brought by a person is pending, any right that the person would otherwise have to bring a related appeal to the First-tier Tribunal is instead a right to bring it to the Upper Tribunal.
- (5) A related appeal within subsection (3) or brought to the Upper Tribunal as mentioned in (4) is referred to in this section as an “expedited related appeal”.

- (6) Tribunal Procedure Rules must make provision with a view to securing that the Upper Tribunal consolidates an expedited related appeal and the expedited section 82 appeal concerned or hears them together (and see section 82A(4) of the Nationality, Immigration and Asylum Act 2002).
- (7) Tribunal Procedure Rules must secure that the Upper Tribunal may, if it is satisfied that it is in the interests of justice in the case of a particular expedited related appeal to do so, order that the appeal is to be continued as an appeal to the First-tier Tribunal and accordingly is to be transferred to that Tribunal.
- (8) For the purposes of this section, an appeal is “pending”—
 - (a) in the case of an appeal under section 82 of the Nationality, Immigration and Asylum Act 2002 (including an expedited section 82 appeal), if it is pending within the meaning of section 104 of that Act;
 - (b) in the case of an appeal under section 40A of the British Nationality Act 1981, during the period—
 - (i) beginning when it is instituted, and
 - (ii) ending when it is finally determined or withdrawn;
 - (c) in the case of an appeal under the Immigration Citizens’ Rights Appeals (EU Exit) Regulations 2020, if it is pending within the meaning of regulation 13 of those Regulations;
 - (d) in the case of an appeal under the regulation 36 of the Immigration (European Economic Area) Regulations 2016, if it is pending within the meaning of Part 6 of those Regulations (see regulation 35).
- (9) In section 13(8) of the Tribunals, Courts and Enforcement Act 2007 (decisions excluded from right to appeal to the Court of Appeal), after paragraph (bza) (inserted by section 21) insert—
 - “(bzb) any decision of the Upper Tribunal on an expedited related appeal within the meaning given by section (*Expedited appeals: joining of related appeals*) of the Nationality and Borders Act 2021 (expedited appeals against refusal of protection claim or human rights claim: joining of related appeals),”.

Member’s explanatory statement

This new clause (to be inserted after clause 21) provides that where a person brings an appeal under section 82 of the Nationality, Immigration and Asylum Act 2002 that is subject to the expedited procedure under the new section 82A of that Act, certain other appeals brought by that person are also to be subject to the expedited procedure.

Tom Pursglove

NC7

To move the following Clause—

“Accelerated detained appeals

- (1) In this section “accelerated detained appeal” means a relevant appeal (see subsection (6)) brought—
 - (a) by a person who—
 - (i) was detained under a relevant detention provision (see subsection (7)) at the time at which they were given notice of the decision which is the subject of the appeal, and
 - (ii) remains in detention under a relevant detention provision, and
 - (b) against a decision that—
 - (i) is of a description prescribed by regulations made by the Secretary of State, and
 - (ii) when made, was certified by the Secretary of State under this section.
- (2) The Secretary of State may only certify a decision under this section if the Secretary of State considers that any relevant appeal brought in relation to the decision would likely be disposed of expeditiously.
- (3) Tribunal Procedure Rules must secure that the following time limits apply in relation to an accelerated detained appeal—
 - (a) any notice of appeal must be given to the First-tier Tribunal not later than 5 working days after the date on which the appellant was given notice of the decision against which the appeal is brought;
 - (b) the First-tier Tribunal must make a decision on the appeal, and give notice of that decision to the parties, not later than 25 working days after the date on which the appellant gave notice of appeal to the tribunal;
 - (c) any application (whether to the First-tier Tribunal or the Upper Tribunal) for permission to appeal to the Upper Tribunal must be determined by the tribunal concerned not later than 20 working days after the date on which the applicant was given notice of the First-tier Tribunal’s decision.
- (4) A relevant appeal ceases to be an accelerated detained appeal on the appellant being released from detention under any relevant detention provision.
- (5) Tribunal Procedure Rules must secure that the First-tier Tribunal or (as the case may be) the Upper Tribunal may, if it is satisfied that it is in the interests of justice in a particular case to do so, order that a relevant appeal is to cease to be an accelerated detained appeal.
- (6) For the purposes of this section, a “relevant appeal” is an appeal to the First-tier Tribunal under any of the following—
 - (a) section 82(1) of the Nationality, Immigration and Asylum Act 2002 (appeals in respect of protection and human rights claims);

- (b) section 40A of the British Nationality Act 1981 (appeal against deprivation of citizenship);
 - (c) the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020 (S.I. 2020/61) (appeal rights in respect of EU citizens' rights immigration decisions etc);
 - (d) regulation 36 of the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052) (appeals against EEA decisions) as it continues to have effect following its revocation.
- (7) For the purposes of this section, a "relevant detention provision" is any of the following—
- (a) paragraph 16(1), (1A) or (2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal);
 - (b) paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation);
 - (c) section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal);
 - (d) section 36(1) of the UK Borders Act 2007 (detention pending deportation).
- (8) In this section "working day" means any day except—
- (a) a Saturday or Sunday, Christmas Day, Good Friday or 26 to 31 December, and
 - (b) any day that is a bank holiday under section 1 of the Banking and Financial Dealings Act 1971 in the part of the United Kingdom where the appellant concerned is detained.
- (9) Regulations under this section are subject to negative resolution procedure."

Member's explanatory statement

This new clause expands the categories of immigration appeals that can be subject to the accelerated detained appeals process that was introduced by clause 24.

Tom Pursglove

NC8

To move the following Clause—

"Prisoners liable to removal from the United Kingdom

- (1) The Criminal Justice Act 2003 is amended as follows.
 - (2) Section 260 (early removal of prisoners liable to removal from the United Kingdom) is amended as set out in subsections (3) to (8).
 - (3) For subsections (1) to (2B) substitute—
- "(1) Where a fixed-term prisoner is liable to removal from the United Kingdom, the Secretary of State may remove the prisoner from prison under this section at any time after the prisoner has served the minimum pre-removal custodial period (whether or not the Board has directed the prisoner's release under this Chapter).

- (2) The minimum pre-removal custodial period is the longer of—
- (a) one half of the requisite custodial period, and
 - (b) the requisite custodial period less one year.”
- (4) In subsection (2C), for “Subsections (1) and (2A) do” substitute “Subsection (1) does”.
- (5) In subsection (4), for paragraph (b) substitute—
- “(b) so long as remaining in the United Kingdom, and in the event of a return to the United Kingdom after removal, is liable to be detained in pursuance of his sentence.”
- (6) After subsection (4) insert—
- “(4A)Where a person has been removed from prison under this section, a day on which the person has not spent any part of the day in prison or otherwise detained in pursuance of their sentence is not, unless the Secretary of State otherwise directs, to be included—
- (a) when determining for the purposes of any provision of this Chapter how much of their sentence they have (or would have) served, or
 - (b) when determining for the purposes of section 244ZC(2), 244A(2)(b) or 246A(4)(b) the date of an anniversary of a disposal of a reference of the person’s case to the Board (so that the anniversary is treated as falling x days after the actual anniversary, where x is the number of days on which the person has not spent any part of the day in prison or otherwise detained in pursuance of their sentence).
- (4B) Where—
- (a) before a prisoner’s removal from prison under this section their case had been referred to the Board under section 244ZB(3), 244ZC(2), 244A(2) or 246A(4), and
 - (b) the person is removed from the United Kingdom before the Board has disposed of the reference,
- the reference lapses upon the person’s removal from the United Kingdom (and paragraph 8 of Schedule 19B applies in the event of their return).”
- (7) Omit subsection (5).
- (8) In subsection (6), for paragraphs (a) to (c) substitute—
- “(a) amend the fraction for the time being specified in subsection (2)(a);
- (b) amend the time period for the time being specified in subsection (2)(b).”
- (9) For section 261 substitute—

“261 Removal under section 260 and subsequent return to UK: effect on sentence

Where a person—

- (a) has been removed from prison under section 260 on or after the day on which section (*Prisoners liable to removal from the United Kingdom*) of the Nationality and Borders Act 2021 came into force,

- (b) has been removed from the United Kingdom following that removal from prison, and
 - (c) returns to the United Kingdom,
- this Chapter applies to the person with the modifications set out in Schedule 19B.”
- (10) In section 263 (concurrent terms), after subsection (2), insert—
- “(2A)Where this section applies, nothing in section 260 authorises the Secretary of State to remove the offender from prison in respect of any of the terms unless and until that section authorises the Secretary of State to do so in respect of each of the others.”
- (11) After Schedule 19A, insert the Schedule 19B set out in Schedule (*Prisoners returning to the UK: modifications of the Criminal Justice Act 2003*).

Member’s explanatory statement

This new clause makes changes to the regime in the Criminal Justice Act 2003 relating to the early removal of prisoners, enabling them to be removed at an earlier point in their sentence and while on recall, and providing that if they return to the UK their sentence continues where it left off. It will replace clause 44.

Tom Pursglove

NC9

To move the following Clause—

“Removals from the UK: visa penalties for uncooperative countries

- (1) The immigration rules may make such visa penalty provision as the Secretary of State considers appropriate in relation to a specified country.
- (2) A country may be specified for the purposes of this section if, in the opinion of the Secretary of State—
 - (a) the government of the country is not cooperating in relation to the return to the country from the United Kingdom of any of its nationals or citizens who require leave to enter or remain in the United Kingdom but do not have it, and
 - (b) as a result, there are nationals or citizens of the country that the Secretary of State has been unable to return to the country, whether or not others have been returned.
- (3) In forming an opinion as to whether a country is cooperating in relation to returns, the Secretary of State must take the following into account—
 - (a) any arrangements (whether formal or informal) entered into by the government of the country with the United Kingdom government or the Secretary of State with a view to facilitating returns;
 - (b) the extent to which the government of the country is—
 - (i) taking the steps that are in practice necessary or expedient in relation to facilitating returns, and
 - (ii) doing so promptly;
 - (c) such other matters as the Secretary of State considers appropriate.

- (4) In determining whether to specify a country for the purposes of this section, the Secretary of State must take the following into account—
 - (a) the length of time for which the government of the country has not been cooperating in relation to returns;
 - (b) the extent of the lack of cooperation;
 - (c) the reasons for the lack of cooperation;
 - (d) such other matters as the Secretary of State considers appropriate.
- (5) “Visa penalty provision” is provision that does one or more of the following in relation to applications for entry clearance made by persons as nationals or citizens of a specified country—
 - (a) requires that entry clearance must not be granted pursuant to such an application before the end of a specified period;
 - (b) suspends the power to grant entry clearance pursuant to such an application;
 - (c) requires such an application to be treated as invalid for the purposes of the immigration rules;
 - (d) requires the applicant to pay £190 in connection with the making of such an application, in addition to any fee or other amount payable pursuant to any other enactment.
- (6) The Secretary of State may by regulations substitute a different amount for the amount for the time being specified in subsection (5)(d).
- (7) Before making visa penalty provision in relation to a specified country, the Secretary of State must give the government of that country reasonable notice of the proposal to do so.
- (8) The immigration rules must secure that visa penalty provision does not apply in relation to an application made before the day on which the provision comes into force.
- (9) Visa penalty provision may—
 - (a) make different provision for different purposes;
 - (b) provide for exceptions or exemptions, whether by conferring a discretion or otherwise;
 - (c) include incidental, supplementary, transitional, transitory or saving provision.
- (10) Regulations under subsection (6)—
 - (a) are subject to affirmative resolution procedure if they increase the amount for the time being specified in subsection (5)(d);
 - (b) are subject to negative resolution procedure if they decrease that amount.
- (11) Sums received by virtue of subsection (5)(d) must be paid into the Consolidated Fund.
- (12) In this section—

“cooperating in relation to returns” means cooperating as mentioned in subsection (2)(a);

“country” includes any territory outside the United Kingdom;

“entry clearance” has the same meaning as in the Immigration Act 1971 (see section 33(1) of that Act);

“facilitating returns” means facilitating the return of nationals or citizens to a country as mentioned in subsection (2)(a);

“immigration rules” means rules under section 3(2) of the Immigration Act 1971;

“specified” means specified in the immigration rules.”

Member’s explanatory statement

This new clause enables immigration rules to make provision penalising applicants for entry clearance from countries that are not cooperating with the United Kingdom in relation to the return of their nationals who require leave to enter or remain here but do not have it.

Tom Pursglove

NC10

To move the following Clause—

“Visa penalties: review and revocation

- (1) This section applies where any visa penalty provision is in force in relation to a specified country.
- (2) The Secretary of State must, before the end of each relevant period—
 - (a) review the extent to which the country’s cooperation in relation to returns has improved, and
 - (b) in light of that review, determine whether it is appropriate to amend the visa penalty provision.
- (3) If at any time the Secretary of State is no longer of the opinion mentioned in section (*Removals from the UK: visa penalties for uncooperative countries*)(2), the Secretary of State must as soon as practicable revoke the visa penalty provision.
- (4) Each of the following is a relevant period—
 - (a) the period of 2 months beginning with the day on which the visa penalty provision came into force;
 - (b) each subsequent period of 2 months.
- (5) In this section—
 - (a) “specified country” and “visa penalty provision” have the same meanings as in section (*Removals from the UK: visa penalties for uncooperative countries*);
 - (b) “cooperation in relation to returns” means cooperation as mentioned in subsection (2)(a) of that section.”

Member’s explanatory statement

This new clause provides for the review of the effectiveness of visa penalty provision made in relation to an uncooperative country under NC9. It also requires the revocation of visa penalty provision if the Secretary of State concludes that the country concerned has demonstrated sufficient cooperation with the UK Government.

Tom Pursglove

NC11

To move the following Clause—

“Special Immigration Appeals Commission

- (1) The Special Immigration Appeals Commission Act 1997 is amended in accordance with subsections (2) to (4).
- (2) After section 2E insert—
 - “2F Jurisdiction: review of certain immigration decisions**
 - (1) Subsection (2) applies in relation to any decision of the Secretary of State which—
 - (a) relates to a person’s entitlement to enter, reside in or remain in the United Kingdom, or to a person’s removal from the United Kingdom,
 - (b) is not subject—
 - (i) to a right of appeal, or
 - (ii) to a right under a provision other than subsection (2) to apply to the Special Immigration Appeals Commission for the decision to be set aside, and
 - (c) is certified by the Secretary of State acting in person as a decision that was made wholly or partly in reliance on information which, in the opinion of the Secretary of State, should not be made public—
 - (i) in the interests of national security,
 - (ii) in the interests of the relationship between the United Kingdom and another country, or
 - (iii) otherwise in the public interest.
 - (2) The person to whom the decision relates may apply to the Special Immigration Appeals Commission to set aside the decision.
 - (3) In determining whether the decision should be set aside, the Commission must apply the principles which would be applied in judicial review proceedings.
 - (4) If the Commission decides that the decision should be set aside, it may make any such order, or give any such relief, as may be made or given in judicial review proceedings.”
 - (3) In section 6A (procedure in relation to jurisdiction under sections 2C to 2E)—
 - (a) in the heading, for “2E” substitute “2F”,
 - (b) in subsection (1), for “or 2E” substitute “, 2E or 2F”,
 - (c) in subsection (2)(a), for “or 2E” substitute “, 2E or 2F”, and
 - (d) in subsection (2)(b), for “or (as the case may be) 2E(2)” substitute “, 2E(2) or (as the case may be) 2F(2)”.
 - (4) In section 7 (appeals from the Commission), in subsection (1A), for “or 2E” substitute “, 2E or 2F”.
 - (5) If subsection (4) comes into force before the day on which paragraph 26(5) of Schedule 9 to the Immigration Act 2014 comes into force, until

that day subsection (4) has effect as if, in section 7(1A), for “or 2D” it substituted “, 2D or 2F”.

- (6) In section 115(8) of the Equality Act 2010 (immigration cases), for “section 2D and 2E” substitute “section 2D, 2E or 2F”.

Member’s explanatory statement

This new clause enables the Special Immigration Appeals Commission to consider applications to set aside immigration decisions where the Secretary of State certifies that information relating to the decision should not be made public on national security and other grounds.

Tom Pursglove

NC12

To move the following Clause—

“Counter-terrorism questioning of detained entrants away from place of arrival

- (1) Schedule 7 to the Terrorism Act 2000 (port and border controls) is amended as follows.
- (2) In paragraph 1(2) (definitions), in the definition of “ship”, after “hovercraft” insert “and any floating vessel or structure”.
- (3) In paragraph 2 (power to question person about involvement in terrorism in port or border area or on ship or aircraft), after sub-paragraph (3) insert—

“(3A) This paragraph also applies to a person if—

- (a) the person is—
 - (i) being detained under a provision of the Immigration Acts, or
 - (ii) in custody having been arrested under paragraph 17(1) of Schedule 2 to the Immigration Act 1971,
- (b) the period of 5 days beginning with the day after the day on which the person was apprehended has not yet expired, and
- (c) the examining officer believes that—
 - (i) the person arrived in the United Kingdom by sea from a place outside the United Kingdom, and
 - (ii) the person was apprehended within 24 hours of the person’s arrival on land.

(3B) For the purposes of sub-paragraph (3A)(b) and (c), a person is “apprehended”—

- (a) in a case within sub-paragraph (3A)(a)(i) where the person is arrested (and not released) before being detained as mentioned in that provision, when the person is arrested;
- (b) in any other case within sub-paragraph (3A)(a)(i), when the person is first detained as mentioned in that provision;
- (c) in a case within sub-paragraph (3A)(a)(ii), when the person is arrested as mentioned in that provision.””

Member’s explanatory statement

This new clause (to be inserted after clause 61) enables the power in paragraph 2 of Schedule 7 to the Terrorism Act 2000 (questioning about involvement in terrorism) to be exercised in respect of a person who has arrived in the UK by sea within the past five days and is in immigration detention. It also amends the definition of “ship” in that Schedule.

Tom Pursglove

NC19

To move the following Clause—

“Notice of decision to deprive a person of citizenship

- (1) In this section, “the 1981 Act” means the British Nationality Act 1981.
- (2) In section 40 of the 1981 Act (deprivation of citizenship), after subsection (5) (which requires notice to be given to a person to be deprived of citizenship) insert—
 - “(5A) Subsection (5) does not apply if it appears to the Secretary of State that—
 - (a) the Secretary of State does not have the information needed to be able to give notice under that subsection,
 - (b) it would for any other reason not be reasonably practicable to give notice under that subsection, or
 - (c) notice under that subsection should not be given—
 - (i) in the interests of national security,
 - (ii) in the interests of the relationship between the United Kingdom and another country, or
 - (iii) otherwise in the public interest.
 - (5B) In subsection (5A), references to giving notice under subsection (5) are to giving that notice in accordance with such regulations under section 41(1)(e) as for the time being apply.”
- (3) In section 40A of the 1981 Act (appeals against deprivation of citizenship), for subsection (1) substitute—
 - “(1) A person—
 - (a) who is given notice under section 40(5) of a decision to make an order in respect of the person under section 40, or
 - (b) in respect of whom an order under section 40 is made without the person having been given notice under section 40(5) of the decision to make the order,
 may appeal against the decision to the First-tier Tribunal.”
- (4) In the British Nationality (General) Regulations 2003 (S.I. 2003/548), in regulation 10 (notice of proposed deprivation of citizenship), omit paragraph (4).
- (5) A failure to comply with the duty under section 40(5) of the 1981 Act in respect of a pre-commencement deprivation order does not affect, and is to be treated as never having affected, the validity of the order.
- (6) In subsection (5), “pre-commencement deprivation order” means an order made or purportedly made under section 40 of the 1981 Act before the coming into force of subsections (2) to (4) (whether before or after the coming into force of subsection (5)).
- (7) A person may appeal against an order to which subsection (5) applies as if notice of the decision to make the order had been given to the person under section 40(5) of the 1981 Act on the day on which the order was made or purportedly made.”

Member's explanatory statement

This new clause (to be inserted after clause 8) provides for the disapplication of the requirement to give notice of a decision to deprive a person of citizenship in certain circumstances, and for any failure to give the required notice not to affect the validity of pre-commencement deprivations of citizenship.

Tom Pursglove

NC20

To move the following Clause—

“Working in United Kingdom waters: arrival and entry

- (1) After section 11 of the Immigration Act 1971 (construction of references to entry etc) insert—

“11A Working in United Kingdom waters

- (1) An “offshore worker” is a person who arrives in United Kingdom waters—
- (a) for the purpose of undertaking work in those waters, and
 - (b) without first entering the United Kingdom (see, in particular, section 11(1)).
- But see subsection (6).
- (2) An offshore worker arrives in the United Kingdom for the purposes of this Act when they arrive in United Kingdom waters as mentioned in subsection (1)(a).
- (3) An offshore worker enters the United Kingdom for the purposes of this Act when they commence working in United Kingdom waters.
- (4) Any reference in, or in a provision made under, the Immigration Acts to a person arriving in or entering the United Kingdom, however expressed, is to be read as including a reference to an offshore worker arriving in or entering the United Kingdom as provided for in subsection (2) or (3).
- (5) References in this section to work, or to a person working, are to be read in accordance with section 24B(10).
- (6) A person is not an offshore worker if they arrive in United Kingdom waters while working as a member of the crew of a ship that is—
- (a) exercising the right of innocent passage through the territorial sea or the right of transit passage through straits used for international navigation, or
 - (b) passing through United Kingdom waters from non-UK waters to a place in the United Kingdom or vice versa.
- (7) For the purposes of any provision of, or made under, the Immigration Acts, a person working in United Kingdom waters who, in connection with that work, temporarily enters non-UK waters is not to be treated by virtue of doing so as leaving, or being outside, the United Kingdom.
- (8) In this section—

“non-UK waters” means the sea beyond the seaward limits of the territorial sea; “right of innocent passage”, “right of transit passage” and “straits used for international navigation” are to be read in accordance with the United Nations

Convention on the Law of the Sea 1982 (Cmnd 8941) and any modifications of that Convention agreed after the passing of the Nationality and Borders Act 2021 that have entered into force in relation to the United Kingdom;

“the territorial sea” means the territorial sea adjacent to the United Kingdom;

“United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea.

11B Offshore workers: requirements to notify arrival and entry dates etc

- (1) The Secretary of State may by regulations make provision for and in connection with requiring—
 - (a) an offshore worker, or
 - (b) if an offshore worker has one, their sponsor;to give notice to the Secretary of State or an immigration officer of the dates on which the offshore worker arrives in, enters and leaves the United Kingdom.
 - (2) The regulations may make provision for the failure of an offshore worker to comply with a requirement imposed under the regulations to be a ground for—
 - (a) the cancellation or variation of their leave to enter or remain in the United Kingdom;
 - (b) refusing them leave to enter or remain in the United Kingdom.
 - (3) The failure of an offshore worker’s sponsor to comply with a requirement imposed under the regulations may be taken into account by the Secretary of State when operating immigration skills arrangements made with the sponsor.
 - (4) Regulations under this section—
 - (a) are to be made by statutory instrument;
 - (b) may make different provision for different cases;
 - (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision.
 - (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
 - (6) For the purposes of this section—
 - (a) “offshore worker” and “United Kingdom waters” have the same meaning as in section 11A;
 - (b) a person is an offshore worker’s “sponsor” if they have made immigration skills arrangements with the Secretary of State in relation to the offshore worker;
 - (c) “immigration skills arrangements” has the meaning given by section 70A(2) of the Immigration Act 2014.”
- (2) Schedule (*Working in United Kingdom waters: consequential and related amendments*) makes consequential and related amendments.”

Member's explanatory statement

This new clause ensures that a person who would require leave to enter the United Kingdom also requires leave to enter the internal waters or territorial sea of the United Kingdom where their purpose in doing so is to work.

Tom Pursglove

NC21

To move the following Clause—

“Electronic travel authorisations

- (1) The Immigration Act 1971 is amended in accordance with subsections (2) to (4).
- (2) After Part 1 insert—

“PART 1A**ELECTRONIC TRAVEL AUTHORISATIONS****11C Electronic travel authorisations**

- (1) In this Act, “an ETA” means an authorisation in electronic form to travel to the United Kingdom.
- (2) Immigration rules may require an individual of a description specified in the rules not to travel to the United Kingdom from any place (including a place in the common travel area), whether with a view to entering the United Kingdom or to passing through it without entering, unless the individual has an ETA that is valid for the individual's journey to the United Kingdom.
- (3) The rules may not impose this requirement on an individual if—
 - (a) the individual is a British citizen, or
 - (b) the individual would, on arrival in the United Kingdom, be entitled to enter without leave.
- (4) In relation to an individual travelling to the United Kingdom on a local journey from a place in the common travel area, subsection (3)(b) applies only if the individual would also be entitled to enter without leave if the journey were instead from a place outside the common travel area.
- (5) The rules may impose the requirement mentioned in subsection (2) on an individual who—
 - (a) travels to the United Kingdom on a local journey from a place in any of the Islands, and
 - (b) has leave to enter or remain in that island,only if it appears to the Secretary of State necessary to do so by reason of differences between the immigration laws of the United Kingdom and that island.
- (6) The rules must—
 - (a) provide for the form or manner in which an application for an ETA may be made, granted or refused;
 - (b) specify the conditions (if any) which must be met before an application for an ETA may be granted;

- (c) specify the grounds on which an application for an ETA must or may be refused;
 - (d) specify the criteria to be applied in determining—
 - (i) the period for which an ETA is valid;
 - (ii) the number of journeys to the United Kingdom during that period for which it is valid (which may be unlimited);
 - (e) require an ETA to include provision setting out the matters mentioned in paragraph (d)(i) and (ii);
 - (f) provide for the form or manner in which an ETA may be varied or cancelled;
 - (g) specify the grounds on which an ETA must or may be varied or cancelled.
- (7) The rules may also—
- (a) provide for exceptions to the requirement described in subsection (2), and
 - (b) make other provision relating to ETAs.
- (8) Rules made by virtue of this section may make different provision for different cases or descriptions of case.

11D Electronic travel authorisations and the Islands

- (1) The Secretary of State may by regulations make provision about the effects in the United Kingdom of the grant or refusal under the law of any of the Islands of an authorisation in electronic form to travel to that island.
- (2) Regulations under subsection (1) may in particular make provision about—
- (a) the recognition in the United Kingdom of an authorisation granted as mentioned in subsection (1);
 - (b) the conditions or limitations that are to apply in the United Kingdom to such an authorisation;
 - (c) the effects in the United Kingdom of such an authorisation being varied or cancelled under the law of any of the Islands;
 - (d) the circumstances in which the Secretary of State or an immigration officer may vary or cancel such an authorisation (so far as it applies in the United Kingdom).
- (3) The Secretary of State may, where requested to do so by any of the Islands, carry out functions on behalf of that island in relation to the granting of authorisations in electronic form to travel to that island.
- (4) Regulations under subsection (1)—
- (a) may make provision modifying the effect of any provision of, or made under, this Act or any other enactment (whenever passed or made);
 - (b) may make different provision for different purposes;
 - (c) may make transitional, transitory or saving provision;

- (d) may make incidental, supplementary or consequential provision.
- (5) Regulations under subsection (1) are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament."
- (3) In section 24A (deception), in subsection (1)(a)—
- (a) after "obtain" insert "— (i)";
 - (b) after "Kingdom" insert ", or
(ii) an ETA".
- (4) In section 33 (interpretation), in subsection (1), at the appropriate place insert—
- "an ETA" has the meaning given by section 11C;".
- (5) In section 82 of the Immigration and Asylum Act 1999 (interpretation of Part 5, which relates to immigration advisers and immigration service providers), in subsection (1), in the definition of "relevant matters", after paragraph (a) insert—
- "(aa) an application for an ETA (within the meaning of section 11C of the Immigration Act 1971 (electronic travel authorisations));".
- (6) In section 126 of the Nationality, Immigration and Asylum Act 2002 (compulsory provision of physical data), in subsection (2), before paragraph (a) insert—
- "(za) an ETA (within the meaning of section 11C of the Immigration Act 1971 (electronic travel authorisations)),".

Member's explanatory statement

This new clause relates to electronic travel authorisations (ETAs). New section 11C of the Immigration Act 1971 provides for immigration rules to require a person not to travel to the United Kingdom without an ETA. New section 11D relates to the Channel Islands and the Isle of Man.

Tom Pursglove

NC22

To move the following Clause—

"Liability of carriers

- (1) Section 40 of the Immigration and Asylum Act 1999 (liability of carriers in respect of passengers) is amended in accordance with subsections (2) to (8).
- (2) For subsection (1) substitute—
- "(1) The Secretary of State may charge the owner of a ship or aircraft the sum of £2,000 where—
- (a) an individual who would not, on arrival in the United Kingdom, be entitled to enter without leave arrives by travelling on the ship or aircraft, and

- (b) at least one of the Cases set out in subsections (1A) to (1C) applies.
- (1A) Case 1 is where, on being required to do so by an immigration officer, the individual fails to produce an immigration document which is valid and which satisfactorily establishes the individual's identity and the individual's nationality or citizenship.
- (1B) Case 2 is where—
- (a) the individual requires an entry clearance,
 - (b) an entry clearance in electronic form of the required kind has not been granted, and
 - (c) if required to do so by an immigration officer, the individual fails to produce an entry clearance in documentary form of the required kind.
- (1C) Case 3 is where—
- (a) the individual was required not to travel to the United Kingdom unless the individual had an authorisation in electronic form ("an ETA") under immigration rules made by virtue of section 11C of the Immigration Act 1971 that was valid for the individual's journey to the United Kingdom, and
 - (b) the individual did not have such an ETA."
- (3) Omit subsection (2).
- (4) In subsection (4), for the words from "No charge" to "documents" substitute "No charge shall be payable on the basis that Case 1 applies in respect of any individual if the owner provides evidence that the individual produced an immigration document of the kind mentioned in subsection (1A)".
- (5) After subsection (4) insert—
- "(4A) No charge shall be payable on the basis that Case 2 applies in respect of any individual if the owner provides evidence that—
- (a) the individual produced an entry clearance in documentary form of the required kind to the owner or an employee or agent of the owner when embarking on the ship or aircraft for the voyage or flight to the United Kingdom,
 - (b) the owner or an employee or agent of the owner reasonably believed, on the basis of information provided by the Secretary of State in respect of the individual, that the individual did not require an entry clearance of the kind in question,
 - (c) the owner or an employee or agent of the owner reasonably believed, on the basis of information provided by the Secretary of State, that an entry clearance in electronic form of the required kind had been granted, or
 - (d) the owner or an employee or agent of the owner was unable to establish whether an entry clearance in electronic form of the required kind had been granted in respect of the individual and had a reasonable excuse for being unable to do so.

- (4B) No charge shall be payable on the basis that Case 3 applies in respect of any individual if the owner provides evidence that the owner or an employee or agent of the owner—
- (a) reasonably believed, on the basis of information provided by the Secretary of State in respect of the individual, that the individual was not required to have an ETA that was valid for the individual's journey to the United Kingdom,
 - (b) reasonably believed, on the basis of information provided by the Secretary of State, that the individual had such an ETA, or
 - (c) was unable to establish whether the individual had such an ETA and had a reasonable excuse for being unable to do so."
- (6) In subsection (5), for "subsection (4)" substitute "subsection (4) or (4A)(a)".
- (7) In subsection (6), for "a visa", in the first two places it occurs, substitute "an entry clearance".
- (8) In subsection (10), for "subsection (2)" substitute "subsection (1)".
- (9) In consequence of the amendments made by this section—
- (a) for the heading of section 40 of the Immigration and Asylum Act 1999 substitute "Charge in respect of individual without proper documents or authorisation";
 - (b) for the italic heading before section 40 of that Act substitute "Individuals without proper documents or authorisation"."

Member's explanatory statement

This new clause relates to the liability of carriers. It modifies when the owner of a ship or aircraft is liable to pay a charge where an individual without leave to enter arrives in the United Kingdom on the ship or aircraft without proper documents or authorisation.

Tom Pursglove

NC28

To move the following Clause—

"Removals: notice requirements

- (1) Section 10 of the Immigration and Asylum Act 1999 (removal of persons unlawfully in the United Kingdom) is amended as set out in subsections (2) to (6).
- (2) In subsection (1)—
 - (a) for "may be removed" substitute "is liable to removal";
 - (b) omit "under the authority of the Secretary of State or an immigration officer".
- (3) For subsection (2) substitute—

"(2) Where a person ("P") is liable to removal, or has been removed, from the United Kingdom under this section, a member of P's family who meets the following three conditions is also liable to removal from the United Kingdom, provided that the Secretary of State or an immigration officer has given the family member written notice of the fact that they are liable to removal."

(4) After subsection (6) insert—

“(6A)A person who is liable to removal from the United Kingdom under this section may be removed only under the authority of the Secretary of State or an immigration officer and in accordance with sections 10A to 10E.”

(5) In subsection (7), for “subsection (1) or (2)” substitute “this section”.

(6) In subsection (10)—

- (a) in paragraph (a), for “subsection (2)” substitute “this section”;
- (b) in paragraph (b), at the end insert “or sections 10A to 10E”.

(7) After that section insert—

“10A Removal: general notice requirements

(1) This section applies to a person who is liable to removal under section 10; but see sections 10C to 10E for the circumstances in which such a person may be removed otherwise than in accordance with this section.

(2) The person may be removed if—

- (a) the Secretary of State or an immigration officer has given the person—
 - (i) a notice of intention to remove (see subsection (3)), and
 - (ii) a notice of departure details (see subsection (4)), and
- (b) any notice period has expired.

(3) A notice of intention to remove is a written notice which—

- (a) states that the person is to be removed,
- (b) sets out the notice period, (see subsection (7)), and
- (c) states the destination to which the person is to be removed.

(4) A notice of departure details under this section is a written notice which—

- (a) states the date on which the person is to be removed,
- (b) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination, and
- (c) if subsection (6) applies, sets out the notice period (see subsection (7)).

(5) The notice of intention to remove and the notice of departure details may be combined.

(6) This subsection applies if the notice of departure details states, under subsection (4)(b)—

- (a) a destination which is different to the destination stated under subsection (3)(c) in the notice of intention to remove, or
- (b) any stops that were not stated in the notice of intention to remove, other than a stop in—
 - (i) the United Kingdom, or

- (ii) a country that is for the time being specified in Part 2 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants etc) Act 2004.
- (7) The notice period must be no shorter than the period of five working days beginning with the day after the day on which the person is given the notice.
- (8) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section.
- (9) This section is subject to section 10B (failed removals).
- (10) In this section “working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom where the person is when they are given the notice.

10B Failed removals

- (1) This section applies where as a result of matters reasonably beyond the control of the Secretary of State, such as—
 - (a) adverse weather conditions,
 - (b) technical faults or other issues causing delays to transport, or
 - (c) disruption by the person to be removed or others,a person is not removed from the United Kingdom on the date stated in a notice of departure details under section 10A (“the original notice”).
- (2) The person may be removed from the United Kingdom if—
 - (a) the Secretary of State or an immigration officer has given the person a notice of departure details (see subsection (3)), and
 - (b) they are removed before the end of the period of 21 days beginning with the date stated in the original notice.
- (3) A notice of departure details under this section is a written notice which—
 - (a) states the date on which the person is to be removed, and
 - (b) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination.
- (4) But this section does not apply if the notice under subsection (3) states, under subsection (3)(b)—
 - (a) a destination which is different to the destination stated in the original notice, or
 - (b) any stops that were not stated in the original notice, other than a stop in—
 - (i) the United Kingdom, or
 - (ii) a country that is for the time being specified in Part 2 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants etc) Act 2004.
- (5) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section.

10C Removal: notice requirements in port cases

- (1) This section applies to a person who is liable to removal under section 10 if the person was refused leave to enter upon their arrival in the United Kingdom.
- (2) The person may be removed if—
 - (a) the Secretary of State or an immigration officer has given the person a notice of departure details under this section which—
 - (i) states the date on which the person is to be removed, and
 - (ii) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination, and
 - (b) the date stated under paragraph (a)(i) is a date before the end of the period of seven days beginning with the day after the day on which the person was refused leave to enter.
- (3) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section.

10D Removal: PRN recipients

- (1) This section applies to a person who is liable to removal under section 10 and is a PRN recipient.
- (2) If the person does not make a protection claim or a human rights claim before the PRN cut-off date, the person may be removed from the United Kingdom if—
 - (a) the Secretary of State or an immigration officer has given the person a notice of departure details (see subsection (4)), and
 - (b) they are removed before the end of the period of 21 days beginning with the day after the PRN cut-off date.
- (3) If the PRN recipient makes a protection claim or a human rights claim, the person may be removed from the United Kingdom if—
 - (a) the Secretary of State or an immigration officer has given the person a notice of departure details (see subsection (4)),
 - (b) their appeal rights are exhausted, and
 - (c) they are removed before the end of the period of 21 days beginning with the day after the date on which their appeal rights are exhausted;and for the purposes of this subsection, whether a PRN recipient's appeal rights are exhausted is to be determined in accordance with section 19(2) of the Nationality and Borders Act 2021 (and see, in particular, section 82A of the Nationality, Immigration and Asylum Act 2002).
- (4) A notice of departure details under this section is a written notice which—
 - (a) states the date on which the person is to be removed,

- (b) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination.
- (5) But this section does not apply unless the priority removal notice stated—
 - (a) a destination to which the person is to be removed which is the same as the destination stated in the notice of departure details under subsection (4)(b), and
 - (b) stops, other than stops falling within subsection (6), that are expected to be made on the way to that destination which are the same as those stated in the notice of departure details under subsection (4)(b).
- (6) A stop falls within this subsection if it is a stop in—
 - (a) the United Kingdom, or
 - (b) a country that is for the time being specified in Part 2 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants etc) Act 2004.
- (7) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section.
- (8) For the purposes of this section and section 10E—

“priority removal notice”, “PRN recipient” and “PRN cut-off date” have the same meaning as in section 18 of the Nationality and Borders Act 2021;

“protection claim” and “human rights claim” have the same meaning as in Part 5 of the Nationality, Immigration and Asylum Act 2002.

10E Removal: judicial review

- (1) This section applies to a person (whether or not they are a PRN recipient) who is liable to removal under section 10 where—
 - (a) the person has made an application for judicial review or (in Scotland) an application to the supervisory jurisdiction of the Court of Session, relating to their removal, and
 - (b) a court or tribunal has made a decision the effect of which is that the person may be removed from the United Kingdom.
- (2) The person may be removed from the United Kingdom if—
 - (a) the Secretary of State or an immigration officer has given the person a notice of departure details (see subsection (3)), and
 - (b) they are removed before the end of the period of 21 days beginning with the day after the day on which the court or tribunal made the decision mentioned in subsection (1)(b).
- (3) A notice of departure details under this section is a written notice which—
 - (a) states the date on which the person is to be removed,

- (b) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination.
- (4) But this section does not apply unless the person has received a priority removal notice or a notice of intention to remove under section 10A(3) which stated—
 - (a) a destination to which the person is to be removed which is the same as the destination stated in the notice of departure details under subsection (3)(b), and
 - (b) stops, other than stops falling within subsection (5), that are expected to be made on the way to that destination which are the same as those stated in the notice of departure details under subsection (3)(b).
- (5) A stop falls within this subsection if it is a stop in—
 - (a) the United Kingdom, or
 - (b) a country that is for the time being specified in Part 2 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants etc) Act 2004.
- (6) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section."
- (8) In Schedule 10 to the Immigration Act 2016 (immigration bail), in paragraph 3(4) (bail not to be granted to person subject to removal directions without consent of Secretary of State), in paragraph (b) for "14" substitute "21"."

Member's explanatory statement

This new clause sets out the requirements for notice to be given to people who are liable to removal from the United Kingdom.

Tom Pursglove

NC29

To move the following Clause—

"Interpretation of Part etc

- (1) In this Part, "age-disputed person" means a person—
 - (a) who requires leave to enter or remain in the United Kingdom (whether or not such leave has been given), and
 - (b) in relation to whom—
 - (i) a local authority,
 - (ii) a public authority specified in regulations under section *(Persons subject to immigration control: referral or assessment by local authority etc)*(1)(b), or
 - (iii) the Secretary of State,
- has insufficient evidence to be sure of their age.

(2) In this Part—

“decision-maker” means a person who conducts an age assessment under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*);

“designated person” means an official of the Secretary of State who is designated by the Secretary of State to conduct age assessments under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*);

“immigration functions” means functions exercisable by virtue of the Immigration Acts;

“immigration officer” means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;

“local authority”—

- (a) in relation to England and Wales, means a local authority within the meaning of the Children Act 1989 (see section 105(1) of that Act),
- (b) in relation to Scotland, means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994, and
- (c) in relation to Northern Ireland, means a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1));

“public authority” means a public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal;

“specified scientific method” means a method used for assessing a person’s age which is specified in regulations under section (*Use of scientific methods in age assessments*)(1).

(3) In this Part, “relevant children’s legislation” means—

- (a) in relation to a local authority in England, any provision of or made under Part 3, 4 or 5 of the Children Act 1989 (support for children and families; care and supervision; protection of children);
- (b) in relation to a local authority in Wales, Scotland or Northern Ireland, any statutory provision (including a provision passed or made after the coming into force of this Part) that confers a corresponding function on such an authority.

(4) In subsection (3)—

“corresponding function” means a function that corresponds to a function conferred on a local authority in England by or under Part 3, 4 or 5 of the Children Act 1989;

“statutory provision” means a provision made by or under—

- (a) an Act,
 - (b) an Act of the Scottish Parliament,
 - (c) an Act or Measure of Senedd Cymru, or
 - (d) Northern Ireland legislation.
- (5) In section 94 of the Immigration and Asylum Act 1999 (support for asylum-seekers: interpretation), for subsection (7) substitute—

“(7) For further provision as to the conduct of age assessments, which applies for the purposes of this Part, see Part 3A of the Nationality and Borders Act 2021.””

Member’s explanatory statement

This new clause, together with amendments NC30 to NC37, will form a new Part (to be inserted between Parts 3 and 4) on age assessments. This clause defines various terms used in the new Part, in particular the term “age-disputed person”, which governs the persons to whom the provisions on age assessments will apply.

Tom Pursglove

NC30

To move the following Clause—

“Persons subject to immigration control: referral or assessment by local authority etc

- (1) The following authorities may refer an age-disputed person to a designated person for an age assessment under this section—
- (a) a local authority;
 - (b) a public authority specified in regulations made by the Secretary of State.
- (2) Subsections (3) and (4) apply where—
- (a) a local authority needs to know the age of an age-disputed person for the purposes of deciding whether or how to exercise any of its functions under relevant children’s legislation in relation to the person, or
 - (b) the Secretary of State notifies a local authority in writing that the Secretary of State doubts that an age-disputed person in relation to whom the local authority has exercised or may exercise functions under relevant children’s legislation is the age that they claim (or are claimed) to be.
- (3) The local authority must—
- (a) refer the age-disputed person to a designated person for an age assessment under this section,
 - (b) conduct an age assessment on the age-disputed person itself and inform the Secretary of State in writing of the result of its assessment, or
 - (c) inform the Secretary of State in writing that it is satisfied that the person is the age they claim (or are claimed) to be, without the need for an age assessment.

- (4) Where a local authority—
- (a) conducts an age assessment itself, or
 - (b) informs the Secretary of State that it is satisfied that an age-disputed person is the age they claim (or are claimed) to be,
- it must, on request from the Secretary of State, provide the Secretary of State with such evidence as the Secretary of State reasonably requires for the Secretary of State to consider the local authority's decision under subsection (3)(b) or (c).
- (5) Where a local authority refers an age-disputed person to a designated person for an age assessment under subsection (1) or (3)(a), the local authority must provide any assistance that the designated person reasonably requires from the authority for the purposes of conducting that assessment.
- (6) The standard of proof for an age assessment under this section is the balance of probabilities.
- (7) An age assessment of an age-disputed person conducted by a designated person following a referral from a local authority under subsection (1) or (3)(a) is binding—
- (a) on the Secretary of State and immigration officers when exercising immigration functions, and
 - (b) on a local authority that—
 - (i) has exercised or may exercise functions under relevant children's legislation in relation to the age-disputed person, and
 - (ii) is aware of the age assessment conducted by the designated person.
- But this is subject to section (*Appeals relating to age assessments*)(5) (decision of Tribunal to be binding on Secretary of State and local authorities) and section (*New information following age assessment or appeal*) (new information following age assessment or appeal).
- (8) Regulations under subsection (1)(b) are subject to negative resolution procedure."

Member's explanatory statement

This new clause will allow the National Age Assessment Board (whose officials will be "designated persons") to conduct age assessments on age-disputed persons following referral from a local authority or other public authority, and makes provision as to when local authorities are under a duty to refer such persons to the NAAB or conduct their own assessment.

Tom Pursglove

NC31

To move the following Clause—

"Persons subject to immigration control: assessment for immigration purposes

- (1) A designated person may conduct an age assessment on an age-disputed person for the purposes of deciding whether or how the Secretary of

State or an immigration officer should exercise any immigration functions in relation to the person.

- (2) An assessment under subsection (1) may be conducted—
- (a) in a case where subsections (3) and (4) of section (*Persons subject to immigration control: referral or assessment by local authority etc*) do not apply, or
 - (b) in a case where those subsections do apply—
 - (i) at any time before a local authority has referred the age-disputed person to a designated person under section (*Persons subject to immigration control: referral or assessment by local authority etc*) (3)(a) or has informed the Secretary of State as mentioned in subsection (3)(b) or (c) of that section, or
 - (ii) if the Secretary of State has reason to doubt a local authority's decision under subsection (3)(b) or (c) of that section.
- (3) An age assessment under this section is binding on the Secretary of State and immigration officers when exercising immigration functions.
- But this is subject to section (*Appeals relating to age assessments*)(5) (decision of Tribunal to be binding on Secretary of State and local authorities) and section (*New information following age assessment or appeal*) (new information following age assessment or appeal).
- (4) The standard of proof for an age assessment under this section is the balance of probabilities."

Member's explanatory statement

This new clause will allow the National Age Assessment Board (whose officials will be "designated persons") to conduct age assessments on age-disputed persons for immigration purposes, either where no referral has been made or where it disagrees with the local authority's assessment.

Tom Pursglove

NC32

To move the following Clause—

"Use of scientific methods in age assessments

- (1) The Secretary of State may make regulations specifying scientific methods that may be used for the purposes of age assessments under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*).
- (2) The types of scientific method that may be specified include methods involving—
 - (a) examining or measuring parts of a person's body, including by the use of imaging technology;
 - (b) the analysis of saliva, cell or other samples taken from a person (including the analysis of DNA in the samples).

- (3) A method may not be specified in regulations under subsection (1) unless the Secretary of State determines, after having sought scientific advice, that the method is appropriate for assessing a person's age.
- (4) A specified scientific method may be used for the purposes of an age assessment under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*) only if the appropriate consent is given.
- (5) The appropriate consent is—
 - (a) where the age-disputed person has the capacity to consent to the use of the scientific method in question, their consent;
 - (b) where the age-disputed person does not have the capacity to consent to the use of the scientific method in question, the consent of—
 - (i) the person's parent or guardian, or
 - (ii) another person, of a description specified in regulations made by the Secretary of State, who is able to give consent on behalf of the age-disputed person.
- (6) Subsection (7) applies where—
 - (a) the age-disputed person or, in a case where the age-disputed person lacks capacity, a person mentioned in subsection (5)(b), decides not to consent to the use of a specified scientific method, and
 - (b) there are no reasonable grounds for that decision.
- (7) In deciding whether to believe any statement made by or on behalf of the age-disputed person that is relevant to the assessment of their age, the decision-maker must take into account, as damaging the age-disputed person's credibility (or the credibility of a person who has made a statement on their behalf), the decision not to consent to the use of the specified scientific method.
- (8) Regulations under this section are subject to affirmative resolution procedure.
- (9) This section does not prevent the use of a scientific method that is not a specified scientific method for the purposes of an age assessment under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*) if the decision-maker considers it appropriate to do so and, where necessary, the appropriate consent is given."

Member's explanatory statement

This new clause provides for use of scientific methods in age assessments. If a person refuses to consent to a method specified in regulations, this may damage their credibility. Before a method can be specified, it must be considered appropriate, on the basis of scientific advice. Other (non-specified) scientific methods may be used in appropriate circumstances, but failure to consent to those would not affect credibility.

Tom Pursglove

NC33

To move the following Clause—

“Regulations about age assessments

- (1) The Secretary of State may make regulations about age assessments under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*), which may in particular include provision about—
 - (a) the processes to be followed, including—
 - (i) the information and evidence that must be considered and the weight to be given to it,
 - (ii) the circumstances in which an abbreviated age assessment may be appropriate,
 - (iii) protections or safeguarding measures for the age-disputed person, and
 - (iv) where consent is required for the use of a specified scientific method, the processes for assessing a person’s capacity to consent, for seeking consent and for recording the decision on consent;
 - (b) the qualifications or experience necessary for a person to conduct an age assessment;
 - (c) where an age assessment includes use of specified scientific methods—
 - (i) the qualifications or experience necessary for a person to conduct tests in accordance with those methods, and
 - (ii) the settings in which such tests must be carried out;
 - (d) the content and distribution of reports on age assessments;
 - (e) the communication of decisions to the age-disputed person and any other person affected by the decision, and notification of appeal rights (see section (*Appeals relating to age assessments*)); and
 - (f) the consequences of a lack of co-operation with the assessment by the age-disputed person, which may include damage to the person’s credibility.
- (2) The regulations may also include provision about—
 - (a) referrals under section (*Persons subject to immigration control: referral or assessment by local authority etc*)(1) or (3)(a), including the process for making such a referral and about the withdrawal of a referral;
 - (b) how and when a local authority must inform the Secretary of State as mentioned in section (*Persons subject to immigration control: referral or assessment by local authority etc*)(3)(b) and (c);
 - (c) evidence that the Secretary of State may require as mentioned in section (*Persons subject to immigration control: referral or assessment by local authority etc*)(4).

- (3) Regulations under this section are subject to affirmative resolution procedure.”

Member’s explanatory statement

This new clause enables the Secretary of State to make regulations about how age assessments under amendments NC30 and NC31 must be conducted. Once such regulations have been made, all such assessments must be conducted in accordance with them.

Tom Pursglove

NC34

To move the following Clause—

“Appeals relating to age assessments

- (1) This section applies if—
- (a) an age assessment is conducted on an age-disputed person (“P”) under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*), and
 - (b) the decision-maker decides that P is an age other than the age that P claims (or is claimed) to be.
- (2) P may appeal to the First-tier Tribunal against the decision-maker’s decision.
- (3) On the appeal, the Tribunal must—
- (a) determine P’s age on the balance of probabilities, and
 - (b) assign a date of birth to P.
- (4) In making the determination, the Tribunal may consider any matter which it thinks relevant, including—
- (a) any matter of which the decision-maker was unaware, and
 - (b) any matter arising after the date of the decision appealed against.
- (5) A determination on an appeal under subsection (2) is binding—
- (a) on the Secretary of State and immigration officers when exercising immigration functions in relation to P, and
 - (b) on a local authority that has exercised or may exercise functions under relevant children’s legislation in relation to P.
- (6) This section is subject to—
- (a) section (*Appeals relating to age assessments: supplementary*) (*appeals relating to age assessments: supplementary*), and
 - (b) section (*New information following age assessment or appeal*) (*new information following age assessment or appeal*).”

Member’s explanatory statement

This new clause provides a right of appeal to the First-tier Tribunal against an age assessment conducted by the NAAB or a local authority.

Tom Pursglove

NC35

To move the following Clause—

“Appeals relating to age assessments: supplementary

- (1) This section applies to an appeal under section (*Appeals relating to age assessments*)(2).
- (2) The appeal must be brought from within the United Kingdom.
- (3) If the person who brings the appeal leaves the United Kingdom before the appeal is finally determined, the appeal is to be treated as abandoned.
- (4) The person who brings the appeal may make an application to the First-tier Tribunal for an order that, until the appeal is finally determined, withdrawn or abandoned, the local authority must exercise its functions under relevant children’s legislation in relation to the person on the basis that they are the age that they claim (or are claimed) to be.
- (5) Subsection (6) applies if it is alleged—
 - (a) that a document relied on by a party to an appeal is a forgery, and
 - (b) that disclosure to that party of a matter relating to the detection of the forgery would be contrary to the public interest.
- (6) The First-tier Tribunal—
 - (a) must investigate the allegation in private, and
 - (b) may proceed in private so far as necessary to prevent disclosure of the matter referred to in subsection (5)(b).
- (7) Subsection (8) applies in relation to—
 - (a) proceedings on an appeal, and
 - (b) proceedings in the Upper Tribunal arising out of proceedings within paragraph (a).
- (8) Practice directions under section 23 of the Tribunals, Courts and Enforcement Act 2007 may require the First-tier Tribunal or the Upper Tribunal to treat a specified decision of the First-tier Tribunal or the Upper Tribunal as authoritative in respect of a particular matter.
- (9) For the purposes of this Part an appeal is not finally determined if—
 - (a) an application for permission to appeal under section 11, 13 or 14B of the Tribunals, Courts and Enforcement Act 2007 could be made (ignoring any possibility of an application out of time) or is awaiting determination,
 - (b) an application for permission to appeal to the Supreme Court from—
 - (i) the Court of Appeal in England and Wales,
 - (ii) the Court of Session, or
 - (iii) the Court of Appeal in Northern Ireland,could be made (ignoring any possibility of an application out of time) or is awaiting determination,

- (c) permission to appeal of the kind mentioned in paragraph (a) or (b) has been granted and the appeal is awaiting determination, or
- (d) an appeal has been remitted under section 12 or 14 of the Tribunals, Courts and Enforcement Act 2007, or by the Supreme Court, and is awaiting determination."

Member's explanatory statement

This new clause makes procedural provision about appeals against age assessments, including providing a power for the First-tier Tribunal to grant interim relief.

Tom Pursglove

NC36

To move the following Clause—

"New information following age assessment or appeal

- (1) This section applies where—
 - (a) an age assessment has been conducted on an age-disputed person ("P") under section (*Persons subject to immigration control: referral or assessment by local authority etc*) or (*Persons subject to immigration control: assessment for immigration purposes*),
 - (b) an appeal under section (*Appeals relating to age assessments*)(2) could no longer be brought (ignoring any possibility of an appeal out of time) or has been finally determined, and
 - (c) the decision-maker becomes aware of new information relating to P's age.
- (2) In this section, the age assessment referred to in subsection (1)(a) is referred to as the "first age assessment".
- (3) In a case where the first age assessment was conducted by a designated person, they must—
 - (a) decide whether the new information is significant new evidence, and
 - (b) if they decide that it is, conduct a further age assessment on P.
- (4) In a case where the first age assessment was conducted by a local authority, it must—
 - (a) decide whether the new information is significant new evidence or refer the new information to a designated person for a decision on that matter, and
 - (b) if it is decided that the new information is significant new evidence—
 - (i) conduct a further age assessment on P, or
 - (ii) refer P to a designated person for a further age assessment.
- (5) For the purposes of subsections (3) and (4), new information is "significant new evidence" if there is a realistic prospect that, if a further age assessment were to be conducted on P, taking into account the new

information, P's age would be assessed as different from the age determined in the first age assessment or in the appeal proceedings.

- (6) A further age assessment conducted by a designated person under subsection (3) or (4)(b)(ii) is to be treated—
- (a) in a case where the first age assessment was conducted under section (*Persons subject to immigration control: referral or assessment by local authority etc*), as an age assessment conducted by the designated person following a referral under subsection (3)(a) of that section;
 - (b) in a case where the first age assessment was conducted under section (*Persons subject to immigration control: assessment for immigration purposes*), as an age assessment conducted under that section.
- (7) A further age assessment conducted by a local authority under subsection (4)(b)(i) is to be treated as an age assessment conducted by a local authority under section (*Persons subject to immigration control: referral or assessment by local authority etc*)(3)(b).
- (8) A person conducting a further age assessment under this section does not need to revisit matters that were considered in the first age assessment if they do not think it is necessary to do so."

Member's explanatory statement

This new clause makes provision about the situation where new information comes to light after an age assessment or an appeal, allowing the decision-maker conduct a further assessment (which would be subject to further appeal) if the information appears compelling.

Tom Pursglove

NC37

To move the following Clause—

"Legal aid for appeals

- (1) Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services) is amended as follows.
- (2) In Part 1 (services) after paragraph 31A insert—

"Appeals relating to age assessments under the Nationality and Borders Act 2021

31B (1) Civil legal services provided in relation to—

- (a) an appeal under section (*Appeals relating to age assessments*)(2) of the Nationality and Borders Act 2021 (appeals relating to age assessments),
- (b) an application for an order under section (*Appeals relating to age assessments: supplementary*)(4) of that Act (order for support to be provided pending final determination of appeal), and
- (c) an appeal to the Upper Tribunal, Court of Appeal or Supreme Court relating to an appeal within paragraph (a) or an application within paragraph (b).

Exclusions

- (2) Sub-paragraph (1) is subject to the exclusions in Part 2 and 3 of this Schedule."

- (3) In Part 3 (advocacy: exclusions and exceptions), in paragraph 13 (advocacy in proceedings in the First-tier Tribunal), after "31A," insert "31B,."

Member's explanatory statement

This new clause will enable a person appealing against a decision on an age assessment to get legal aid for their appeal.

Bambos Charalambous
Holly Lynch

NC1

To move the following Clause—

"Afghan Citizens Resettlement Scheme

- (1) The Secretary of State must make regulations setting out the terms of a resettlement scheme for Afghan citizens known as the Afghan Citizens Resettlement Scheme ("ACRS").
- (2) The ACRS will not place any limit on the number of Afghan citizens who may be resettled in the first year of operation of the ACRS.
- (3) Regulations under this section must be made and the ACRS must come into force within 30 days from the date of Royal Assent to this Act."

Member's explanatory statement

This new clause will place the Afghan Citizens Resettlement Scheme on a statutory footing and lift the 5,000 limit on the scheme.

Bambos Charalambous
Holly Lynch

NC2

To move the following Clause—

"Dispersal policy and asylum accommodation arrangements

- (1) The Secretary of State must make regulations—
 - (a) ensuring that the proportion of supported asylum seekers accommodated in each government region will reflect each region's share of the United Kingdom population; and
 - (b) requiring each Local Authority to accommodate a share of supported asylum seekers, with the share of supported asylum seekers to be agreed between the local authorities in each government region.
- (2) To the extent that the implementation of these regulations results in additional expenditure by a local authority in the United Kingdom, the local authority may apply to the Secretary of State for funding to meet that expenditure."

Member's explanatory statement

This new clause will make the dispersal and asylum accommodation scheme mandatory for all local authorities and require all local authorities to make a contribution towards supporting asylum seekers and require the Government to fully fund any additional expenditure.

Bambos Charalambous
Holly Lynch

NC3

To move the following Clause—

“Acquisition of British citizenship by birth or adoption: comprehensive sickness insurance

- (1) The British Nationality Act 1981 is amended as follows.
- (2) After subsection 1(3A) insert—
 - “(3B)(a) A person born in the United Kingdom after commencement who is not a British citizen is entitled, on application, to register as a British citizen if the person’s father or mother would have been settled in the United Kingdom at the time of the person’s birth, if Assumption A had applied.
 - (b) Assumption A is that, in assessing whether the person’s father or mother met a requirement to have held comprehensive sickness insurance, this is to be regarded as having been satisfied whenever they—
 - (i) had access to the NHS in practice; or
 - (ii) held a comprehensive sickness insurance policy.
 - (c) Registration under this subsection shall be free of charge.”
- (3) After section 50A insert—

“50B Exceptions

Notwithstanding any provision of section 50A, for the purposes of an application for naturalisation or registration made under this Act, a person—

- (a) is not to be treated as having been in the United Kingdom in breach of the immigration laws during a period of time that has been counted as part of a continuous qualifying period in a grant of leave to that person under Appendix EU of the Immigration Rules, and
 - (b) is not to be treated as not being of good character on account of a failure to hold comprehensive sickness insurance during some period of residence in the UK.”
- (4) The European Union (Withdrawal Agreement) Act 2020 is amended as follows.
 - (5) After section 15, insert—

“15A Comprehensive sickness insurance

- (1) For the purposes of any decision taken by a public authority under this Part after commencement of this section, a person is to be treated as having met a requirement to have held comprehensive sickness insurance, whenever they—
 - (a) had access to the NHS in practice; or
 - (b) held a comprehensive sickness insurance policy.
- (2) This section shall in particular apply to any decisions taken under residence scheme immigration rules.””

Member's explanatory statement

This new clause rectifies an anomaly requiring a person seeking to acquire permanent residence documents, naturalisation or citizenship to have had comprehensive sickness insurance prior to applying for citizenship when EEA and Swiss citizens did not need comprehensive sickness insurance because they had free access to the NHS.

Stuart C McDonald
Anne McLaughlin

NC4

To move the following Clause—

“Minimum Income Requirement: Family members of British citizens with a connection to British Indian Ocean Territory

- (1) This section applies where—
 - (a) the Secretary of State makes a decision under Appendix FM of the UK’s Immigration Rules on whether to grant entry clearance, leave to remain or indefinite leave to remain on the basis of family reunion to a person; and
 - (b) the sponsor of the person is a British citizen who was born on, or descended from a person born on, British Indian Ocean Territory.
- (2) In a decision to which this section applies, the Secretary of State shall not require the person to meet—
 - (a) a minimum income requirement; or
 - (b) an English language requirement.”

Member's explanatory statement

This new clause would prevent the Government from imposing a minimum income requirement or an English language requirement when deciding whether to grant entry clearance, leave to remain or indefinite leave to remain to family members of British citizens with a connection to the British Indian Ocean Territory.

Andrew Rosindell
Stuart C McDonald

NC5

To move the following Clause—

“Former British-Hong Kong service personnel: right of abode

- (1) The Immigration Act 1971 is amended as follows.
- (2) At the end of section 2(1) insert—
 - “(c) that person is a former member of the Hong Kong Military Service Corps or the Hong Kong Royal Naval service, or
 - (d) that person is the spouse or dependent of a former member of the Hong Kong Military Service Corps or the Hong Kong Royal Naval service.”

Member's explanatory statement

This new clause would mean that all former British-Hong Kong service personnel, plus their spouses and dependents, would have right of abode in the UK.

Stuart C McDonald
Anne McLaughlin

NC13

To move the following Clause—

“Reporting to Parliament in relation to the prevention of death

- (1) The Secretary of State must within 12 months of the commencement of this section, and thereafter within each successive 12 months’ period, lay before Parliament a report concerning the deaths of people subject to asylum and immigration powers.
- (2) A report required by this section must state the number of people subject to asylum and immigration powers who have died since—
 - (a) state the number of people subject to asylum and immigration powers who have died since—
 - (i) the commencement of this section (in the case of the first report laid under this section); or
 - (ii) the previous report laid under this section (in all other cases); and
 - (b) set out the support arrangements that the Secretary of State has implemented in that year to assist those directly affected by the deaths, and what changes in these arrangements are planned for the next year.
- (3) Subject to subsection (5), the report required by this section must—
 - (a) in relation to each death to which subsection (2) refers, identify—
 - (i) whether the deceased was at the time of death detained under immigration powers,
 - (ii) whether the deceased had an asylum claim outstanding,
 - (iii) whether the deceased was in receipt of accommodation or support from the Secretary of State,
 - (iv) whether the deceased was a relevant child or young person,
 - (v) whether the deceased was under the control of any person acting under the authority of the Secretary of State,
 - (vi) the age, nationality and gender of the deceased,
 - (vii) any protected characteristic of the deceased,
 - (viii) the steps taken by the Secretary of State to support any family member of, or other person directly affected, by the death,
 - (ix) such further information as the Secretary of State shall consider relevant; and
 - (b) include a statement by the Secretary of State in relation to each such death concerning the impact, if any, of any relevant function, power, decision or discretion upon the circumstances causally connected to that death; and
 - (c) set out any changes to legislation, policy or practice that the Secretary of State proposes or has made to prevent the

occurrence or continuation of circumstances creating a risk of death or to eliminate or reduce that risk in those circumstances; and

- (d) describe the Secretary of State’s policy and practice in providing assistance to or receiving assistance from statutory bodies with responsibilities relating to the investigation or prevention of death.
- (4) In making any statement to which subsection (3)(b) refers, the Secretary of State shall take into consideration both acts and omissions in relation to the exercise of any function, power or discretion and the making of any decision (including any omission to make a decision).
- (5) Where the Secretary of State is unable to fulfil the requirements of subsection (3) in relation to any particular death by reason of there being insufficient time to compile and consider the relevant circumstances relating to the person who has died, the Secretary of State shall state this in the report and shall fulfil those requirements in the next report required by this section.
- (6) In this section—
 - a person is “subject to asylum or immigration powers” if that person—
 - (a) is detained under immigration powers;
 - (b) has made an asylum claim that remains outstanding (including where it is being treated as inadmissible but the person remains in the UK);
 - (c) is in receipt of accommodation or support provided or arranged by the Secretary of State;
 - (d) is a relevant child or young person; or
 - (e) is under the control of any person acting under the authority of the Secretary of State in pursuance of asylum or immigration functions;

“relevant function, power, decision or discretion” refers to functions, powers, decisions or discretion in relation to asylum or immigration functions that are exercised or may be exercised by the Secretary of State, an immigration officer or a person to whom the Secretary of State has delegated that exercise;

“protected characteristic” has the same meaning as in the Equality Act 2010;

a “relevant child or young person” means a person who is subject to immigration control and—

- (a) is in the care of a local authority; or
- (b) is receiving support from a local authority as a result of having been in such care;

a person (P) is “under the control” of another person (A) where—

- (a) P is being escorted by A within or from the UK,
- (b) P in the custody of A,

- (c) P is reporting (including remotely) to a designated place (including remotely) in compliance with a requirement imposed by A, or
- (d) P is residing at a designated place in compliance with a requirement imposed by A;

“young person” means a person below the age of 25 years.”

Member’s explanatory statement

This new clause would seek to ensure there was transparency and accountability about the deaths of people subject to certain asylum and immigration powers, and policies designed to prevent them.

Stuart C McDonald
Anne McLaughlin

NC14

To move the following Clause—

“Immigration health surcharge: exemption for international volunteers

- (1) The Immigration Act 2014 is amended as follows.
- (2) After section 38, insert—

“38A Immigration health surcharge: exemption for international volunteers

- (1) A charge under section 38 may not be imposed on persons who have leave to enter, or to remain in, the United Kingdom through a visa to work voluntarily for a period of no more than 12 months, or for such period as may be prescribed by regulations, for a registered UK charity advancing the charity’s primary purpose.
- (2) A statutory instrument containing regulations under this section must not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament”.

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.

Bambos Charalambous
Holly Lynch
Stuart C McDonald
Anne McLaughlin

NC15

To move the following Clause—

“Acquisition by registration: Descendants of those born on British Indian Ocean Territory

- (1) The British Nationality Act 1981 is amended as follows.

(2) After section 17H (as inserted by section 7), insert—

“17I Acquisition by registration: Descendants of those born on British Indian Ocean Territory

- (1) A person is entitled to be registered as a British Overseas Territories citizen on an application made under this section if they are a direct descendant of a person (“P”) who was a citizen of the United Kingdom and Colonies by virtue of P’s birth in the British Indian Ocean Territory or, prior to 8 November 1965, in those islands designated as the British Indian Ocean Territory on that date.
- (2) A person who is being registered as a British Overseas Territories citizen under this section is also entitled to be registered as a British citizen.
- (3) No charge or fee shall be imposed for registration under this section.””

Member’s explanatory statement

This new clause would allow anyone who is descended from a person born before 1983 on the British Indian Ocean Territory to register as a British Overseas Territories citizen. They may also register as a British citizen at the same time. Both applications would be free of charge.

Stuart C McDonald
Anne McLaughlin

NC16

To move the following Clause—

“Registration as a British citizen or British overseas territories citizen: Fees

- (1) No person may be charged a fee to be registered as a British citizen or British overseas territories citizen that is higher than the cost to the Secretary of State of exercising the function of registration.
- (2) No child may be charged a fee to be registered as a British citizen or British overseas territories citizen if that child is being looked after by a local authority.
- (3) No child may be charged a fee to be registered as a British citizen or British overseas territories 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 rights under the British Nationality Act 1981 to be registered as a British citizen or British overseas territories citizen among people possessing those rights.

Member’s explanatory statement

This new clause would ensure that fees for registering as a British citizen or British overseas territories citizen do not exceed cost price. It would also ensure that children being looked after by a local authority are not liable for such fees, and that no child is charged an unaffordable fee. Lastly, it would require the Government to raise awareness of rights to registration.

Stuart C McDonald
Anne McLaughlin

NC17

To move the following Clause—

“Duty regarding rights to British citizenship or British overseas territories citizenship

- (1) It is the duty of the Secretary of State to encourage, promote and facilitate awareness and exercise of rights to British citizenship or British overseas territories citizenship among persons possessing these rights.
- (2) In fulfilment of that duty, the Secretary of State—
 - (a) must take all reasonable steps to ensure that all persons with rights to British citizenship or British overseas territories citizenship are able to exercise those rights;
 - (b) must make arrangements, including with local authorities, to ensure that all children in a local authority area are aware of their rights to British citizenship or British overseas territories citizenship and of the means by which to exercise those rights;
 - (c) must, when considering any application for confirmation or registration of British citizenship or British overseas territories 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 British overseas territories citizen or entitled to that citizenship; and
 - (d) shall have, and where reasonably necessary to ensure that all persons are able to exercise those rights shall exercise, the power to waive any requirement to attend a ceremony or in connection with biometric information.
- (3) For the purposes of this section—

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

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

“to exercise those rights” means to be registered as a British citizen or British overseas territories 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 or British overseas territories citizenship (including by receipt of a passport) on the making of an application to the Secretary of State.”

Member’s explanatory statement

This new Clause would require the Government to encourage, promote and facilitate awareness and exercise of rights to British citizenship or British overseas territories citizenship.

Stuart C McDonald
Anne McLaughlin

NC18

To move the following Clause—

“Removal of asylum seeker to safe country

Schedule N makes amendments to section 77 of the Nationality, Immigration and Asylum Act 2002 (no removal while claim for asylum pending).”

Member’s explanatory statement

This new clause introduces the proposed NS2.

Paul Blomfield

NC23

To move the following Clause—

“Safe and legal routes

- (1) The Secretary of State must, within 30 days of the date of Royal Assent to this Act and annually thereafter, publish a report on—
 - (a) all current safe and legal asylum routes to the United Kingdom,
 - (b) the eligibility criteria for legal entry into the United Kingdom, and
 - (c) details of the application process.
- (2) The Secretary of State must publish a report on its resettlement target of refugees per year, and report on this every year.”

Member’s explanatory statement

This new clause would require the Secretary of State to publish a summary of safe and legal routes to refuge in the UK each year, alongside their eligibility criteria and application process. It would also commit the UK and Secretary of State to publishing its resettlement targets, and reporting on this annually.

Neil Coyle

NC24

To move the following Clause—

“Prescribed period under section 94(3) of the Immigration and Asylum Act 1999

- (1) The Asylum Support Regulations 2000 (S.I. 2000/704) are amended as follows.
- (2) In regulation 2(2) (interpretation) for “28” substitute “56”.
- (3) Subject to subsection (4), this section does not prevent the Secretary of State from exercising the powers conferred by the Immigration and Asylum Act 1999 to prescribe by regulations a different period for the purposes of section 94(3) (day on which a claim for asylum is determined) of that Act.

- (4) The Secretary of State may not prescribe a period less than 56 days where regulation 2(2A) of the Asylum Support Regulations 2000 (S.I. 2000/704) applies.”

Member’s explanatory statement

When an individual is granted refugee status, their eligibility to Home Office financial support and accommodation currently ends after a further 28 days. This new clause would extend that period to 56 days or allow the Secretary of State to set a longer period.

Neil Coyle

NC25

To move the following Clause—

“Asylum visa for persons in France

- (1) On an application by a person (“P”) to the appropriate decision-maker for entry clearance, the appropriate decision-maker must grant P entry clearance if he is satisfied that P is a relevant person.
- (2) For the purposes of paragraph (1), P is a relevant person if—
- (a) P is in France on the date of application;
 - (b) P is not a national of a member State of the European Union or a national of Liechtenstein, Iceland, Norway or Switzerland;
 - (c) P intends to make a protection claim in the United Kingdom;
 - (d) P’s protection claim, if made in the United Kingdom, would have a realistic prospect of success; and
 - (e) there are good reasons why P’s protection claim should be considered in the United Kingdom.
- (3) For the purposes of paragraph (2)(e), in deciding whether there are good reasons why P’s protection claim should be considered in the United Kingdom, the appropriate decision-maker shall take into account—
- (a) the relative strength of P’s family and other ties to the United Kingdom;
 - (b) the relative strength of P’s family and other ties to France;
 - (c) P’s mental and physical health and any particular vulnerabilities that P has; and
 - (d) any other matter that the appropriate decision-maker thinks relevant.
- (4) For the purposes of an application under paragraph (1), the appropriate decision-maker must waive any of the requirements in paragraph (5) if satisfied that P cannot reasonably be expected to comply with them.
- (5) The requirements in this paragraph are—
- (a) any requirement prescribed (whether by immigration rules or otherwise) under section 50 of the Immigration, Asylum and Nationality Act 2006; and
 - (b) any requirement prescribed by regulations made under sections 5, 6, 7 or 8 of the UK Borders Act 2007 (biometric registration).
- (6) No fee may be charged for the making of an application under paragraph (1).

- (7) An entry clearance granted pursuant to paragraph (1) shall have effect as leave to enter for such period, being not less than six months, and on such conditions as the Secretary of State may prescribe by order.
- (8) Upon a person entering the United Kingdom (within the meaning of section 11 of the Immigration Act 1971) pursuant to leave to enter given under paragraph (7), that person shall be deemed to have made a protection claim in the United Kingdom.
- (9) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (10) After paragraph 30(1)(b) of Part 1 of Schedule 1 insert—
- 0> “; or
- (c) are conferred by or under sections [Asylum visa for persons in France] and [Right of appeal against France asylum visa refusal] of the Nationality and Borders Act 2022.”
- (11) In this section and in section [Right of appeal against France asylum visa refusal]—

“appropriate decision-maker” means a person authorised by the Secretary of State by rules made under section 3 of the Immigration Act 1971 to grant an entry clearance under paragraph (1);

“entry clearance” has the same meaning as in section 33(1) of the Immigration Act 1971;

“protection claim”, in relation to a person, means a claim that to remove him from or require him to leave the United Kingdom would be inconsistent with the United Kingdom’s obligations—

- (a) under the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention;
- (b) in relation to persons entitled to a grant of humanitarian protection; or
- (c) under Articles 2 or 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950.”

Member’s explanatory statement

This new clause would provide for a person in France to be granted entry clearance to allow them to claim asylum in the UK in certain circumstances.

Neil Coyle

NC26

To move the following Clause—

“Right of appeal against France asylum visa refusal

- (1) If an application by a person (“P”) for entry clearance under clause [Asylum visa for persons in France] is refused by the appropriate decision-maker, P may appeal to the First-tier Tribunal against the refusal.
- (2) The following provisions of, or made under, the Nationality, Immigration and Asylum Act 2002 have effect in relation to an appeal under these Regulations to the First-tier Tribunal as if it were an appeal against a

decision of the Secretary of State under section 82(1) of that Act (right of appeal to the Tribunal)—

- (a) section 84 (grounds of appeal), as though the sole permitted ground of appeal was that the appropriate decision-maker was wrong to conclude that P was not a relevant person;
 - (b) section 85(1) to (4) (matters to be considered);
 - (c) section 86 (determination of appeal);
 - (d) section 105 and any regulations made under that section; and
 - (e) section 106 and any rules made pursuant to that section.
- (3) In an appeal under this section, the First-tier Tribunal—
- (a) shall allow the appeal if it is satisfied that P is a relevant person; and
 - (b) shall otherwise dismiss the appeal.
- (4) In an appeal under this section, in deciding whether there are good reasons why P's protection claim should be considered in the United Kingdom, the First-tier Tribunal shall apply section [Asylum visa for persons in France] (3) as though for the words "appropriate decision-maker" there were substituted the words "First-tier Tribunal".

Member's explanatory statement

This new clause would allow a person whose application for entry clearance under clause [Asylum visa for persons in France] has been rejected to appeal to the First-tier Tribunal.

Neil Coyle

NC27

To move the following Clause—

"Asylum dispersal strategy

- (1) The Secretary of State must, within 2 months of this Act gaining Royal Assent, publish a strategy on the accommodation of asylum seekers under a relevant provision.
- (2) The strategy must cover, but need not be limited to, the following—
 - (a) ensuring an equitable distribution of accommodation across the regions of England, Scotland and Wales;
 - (b) the suitability of financial provision provided to local authorities relating to costs supporting accommodated asylum seekers;
 - (c) the suitability of financial provision provided to local authorities relating to costs incurred supporting individuals after they receive a decision on their asylum application;
 - (d) the provision of legal advice to accommodated asylum seekers; and
 - (e) the provision of support from non-governmental bodies.
- (3) For the purposes of this section, "relevant provision" means—
 - (a) section 4 of the Immigration and Asylum Act 1999
 - (b) Part VI of the Immigration and Asylum Act 1999
 - (c) Schedule 10 of the Immigration Act 2016."

Member's explanatory statement

This new clause would require the Home Secretary to publish a strategy within two months of the bill gaining Royal Assent on the accommodation of people seeking asylum who are accommodated by the Home Office.

Stuart C McDonald
Anne McLaughlin

NC38

To move the following Clause—

“Time limit on immigration detention

- (1) This section applies to any person (“P”) who is liable to detention under a relevant detention power.
- (2) P may not be detained under a relevant detention power for a period of more than 28 days from the relevant time.
- (3) If P remains detained under a relevant detention power at the expiry of the period of 28 days then—
 - (a) P shall be released forthwith; and
 - (b) P may not be detained under a relevant detention power thereafter, unless the Secretary of State or an immigration officer, as the case may be, is satisfied that there has been a material change of circumstances since P’s release and that the criteria in section [Initial detention: criteria and duration](1) are met.
- (4) In this section, “relevant detention power” means a power to detain under—
 - (a) paragraph 16(2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal);
 - (b) paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation);
 - (c) section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal); or
 - (d) section 36(1) of the UK Borders Act 2007 (detention pending deportation).
- (5) In this section, “relevant time” means the time at which P is first detained under a relevant detention power.
- (6) This section does not apply to a person in respect of whom the Secretary of State has certified that the decision to detain is or was taken in the interests of national security.”

Member's explanatory statement

This new clause would prevent people who are liable to detention under a relevant power from being detained for longer than 28 days.

Stuart C McDonald
Anne McLaughlin

NC39

To move the following Clause—

“Initial detention: criteria and duration

- (1) A person (“P”) to whom section [*Time limit on immigration detention*] applies may not be detained under a relevant detention power other than for the purposes of examination, unless the Secretary of State or an immigration officer, as the case may be, is satisfied that—
 - (a) P can be shortly removed from the United Kingdom;
 - (b) detention is strictly necessary to effect P’s deportation or removal from the United Kingdom; and
 - (c) the detention of P is in all the circumstances proportionate.
- (2) P may not be detained under a relevant detention power for a period of more than 96 hours from the relevant time, unless—
 - (a) P has been refused bail at an initial bail hearing in accordance with subsection (5)(b) of section [*Bail hearings*]; or
 - (b) the Secretary of State has arranged a reference to the Tribunal for consideration of whether to grant immigration bail to P in accordance with subsection (2)(c) of section [*Bail hearings*] and that hearing has not yet taken place.
- (3) Nothing in subsections (1) or (2) authorises the Secretary of State to detain P under a relevant detention power if such detention would, apart from this section, be unlawful.
- (4) In this section, “Tribunal” means the First-Tier Tribunal.
- (5) In this section, “relevant detention power” and “relevant time” have the meanings given in section [*Time limit on immigration detention*].”

Member’s explanatory statement

This new clause sets out the circumstances in which a person to whom NC38 applies may be held in initial detention, and the maximum duration of such detention.

Stuart C McDonald
Anne McLaughlin

NC40

To move the following Clause—

“Bail hearings

- (1) This section applies to any person (“P”) to whom section [*Time limit on immigration detention*] applies and who is detained under a relevant detention power.
- (2) Before the expiry of a period of 96 hours from the relevant time, the Secretary of State must—
 - (a) release P;
 - (b) grant immigration bail to P under paragraph 1 of Schedule 10 to the Immigration Act 2016; or

- (c) arrange a reference to the Tribunal for consideration of whether to grant immigration bail to P.
- (3) Subject to subsection (4), when the Secretary of State arranges a reference to the Tribunal under subsection (2)(c), the Tribunal must hold an oral hearing (“an initial bail hearing”) which must commence within 24 hours of the time at which the reference is made.
- (4) If the period of 24 hours in subsection (3) ends on a Saturday, Sunday or Bank holiday, the Tribunal must hold an initial bail hearing on the next working day.
- (5) At the initial bail hearing, the Tribunal must—
 - (a) grant immigration bail to P under paragraph 1 of Schedule 10 to the Immigration Act 2016; or
 - (b) refuse to grant immigration bail to P.
- (6) Subject to subsection (7), the Tribunal must grant immigration bail to P at a bail hearing unless it is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [Initial detention: criteria and duration] are met and that, in addition—
 - (a) directions have been given for P’s removal from the United Kingdom and such removal is to take place within 14 days;
 - (b) a travel document is available for the purposes of P’s removal or deportation; and
 - (c) there are no outstanding legal barriers to removal.
- (7) Subsection (6) does not apply if the Tribunal is satisfied that the Secretary of State has established that the criteria in subsection 1 of section [*Initial detention: criteria and duration*] above are met and that there are very exceptional circumstances which justify maintaining detention.
- (8) In subsection (6), “a bail hearing” includes—
 - (a) an initial bail hearing under subsection (2); and
 - (b) the hearing of an application for immigration bail under paragraph 1(3) of Schedule 10 of the Immigration Act 2016.
- (9) In this section, “Tribunal” means the First-Tier Tribunal.
- (10) The Secretary of State shall provide to P or to P’s legal representative, not more than 24 hours after the relevant time, copies of all documents in the Secretary of State’s possession which are relevant to the decision to detain.
- (11) At the initial bail hearing, the Tribunal shall not consider any documents relied upon by the Secretary of State which were not provided to P or to P’s legal representative in accordance with subsection (10), unless—
 - (a) P consents to the documents being considered; or
 - (b) in the opinion of the Tribunal there is a good reason why the documents were not provided to P or to P’s legal representative in accordance with subsection (10).

(12) The Immigration Act 2016 is amended as follows—

(a) After paragraph 12(4) of schedule 10 insert—

“(4A) Sub-paragraph (2) above does not apply if the refusal of bail by the First tier Tribunal took place at an initial bail hearing within the meaning of section [*Bail hearings*] of the Sovereign Borders Act 2021.”.

Member’s explanatory statement

In respect of people to whom NC38 applies, this new clause would require the Secretary of State to either release them, grant immigration bail or arrange a reference to the Tribunal within 96 hours.

Dame Diana Johnson
Ms Harriet Harman
Tonia Antoniazzi
Stella Creasy
Barbara Keeley
Sarah Champion
Andrew Gwynne

Debbie Abrahams

Ronnie Cowan

NC42

To move the following Clause—

“Offence of human trafficking for sexual exploitation

- (1) A person commits an offence if the person arranges or facilitates the travel of another person (“V”) to the United Kingdom with a view to V being sexually exploited in the United Kingdom.
- (2) It is irrelevant whether V consents to the travel (whether V is an adult or a child).
- (3) A person may in particular arrange or facilitate V’s travel to the United Kingdom by recruiting V, transporting or transferring V, harbouring or receiving V, or transferring or exchanging control over V.
- (4) A person arranges or facilitates V’s travel to the United Kingdom with a view to V being sexually exploited in the United Kingdom only if—
 - (a) the person intends to sexually exploit V in the United Kingdom during or after the travel, or
 - (b) the person knows or ought to know that another person is likely to sexually exploit V in the United Kingdom during or after the travel.
- (5) “Travel” means—
 - (a) arriving in, or entering, the United Kingdom,
 - (b) departing from any country outside the United Kingdom in circumstances where the person arranging or facilitating V’s travel intends that the destination will be the United Kingdom.
- (6) A person who is a UK national commits an offence under this section regardless of—
 - (a) where the arranging or facilitating takes place, or
 - (b) where the travel takes place.

- (7) A person who is not a UK national commits an offence under this section if—
- (a) any part of the arranging or facilitating takes place in the United Kingdom, or
 - (b) the travel consists of arrival in or entry into, departure from, or travel within, the United Kingdom.
- (8) A person who commits an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for life;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both.”

Holly Lynch
Bambos Charalambous

NC43

★ To move the following Clause—

“Independent Child Trafficking Guardians

- (1) The Modern Slavery Act 2015 is amended as follows.
- (2) For section 48 substitute—

“48 Independent Child Trafficking Guardians

- (1) The Secretary of State must make arrangements to enable persons (“independent guardians”) to be available to represent and support children to whom this section applies.
- (2) This section applies to a child if—
 - (a) a reference relating to that child has been, or is about to be, made to a competent authority for a determination for the purposes of Article 10 of the Trafficking Convention as to whether there are reasonable grounds to believe that the child is a victim of modern slavery or human trafficking; and
 - (b) there has not been a conclusive determination that the child is not such a victim; and for the purposes of this subsection a determination which has been challenged by way of proceedings for judicial review shall not be treated as conclusive until those proceedings are finally determined.
- (3) This section also applies to a child who appears to the Secretary of State to be a separated child.
- (4) The independent guardians’ appointment shall continue to be provided to a child as determined in this section until the age of 25 to the extent their welfare and best interests require such an appointment.
- (5) In making arrangements under subsection (1) the Secretary of State must have regard to the principle that a child should be represented and supported by someone who is independent of any of any public authority

(as defined in section 6 the Human Rights Act 1998) other than a court or tribunal.

- (6) The arrangements may include provision for payments to be made to, or in relation to, persons carrying out functions in accordance with the arrangements.
- (7) A person appointed as an independent guardian for a child must promote the child's well-being and act in the child's best interests."
- (3) After section 48 insert—

"48A Independent Child Trafficking Guardians: functions

- (1) This section defines the functions and duties of person appointed as an independent guardian under section 48.
- (2) The functions of an independent guardian shall be to—
 - (a) ascertain and communicate the views of the child in relation to matters affecting the child;
 - (b) consult regularly with the child and keeping the child informed of legal and other proceedings affecting the child and any other matters affecting the child;
 - (c) contribute to a plan to safeguard and promote the future welfare of the child based on an individual assessment of that child's best interests.
- (3) In the discharge of their functions, the independent guardian must at all times act in the best interests of the child.
- (4) The advocate will assist the child to obtain legal or other advice, assistance and representation, including by appointing and instructing legal representatives to act on the child's behalf.
- (5) The Secretary of State must make regulations about independent child trafficking advocates, and the regulations must in particular make provision—
 - (a) about the circumstances in which, and any conditions subject to which, a person may act as an independent guardian;
 - (b) for the appointment of a person as an independent guardian to be subject to approval in accordance with the regulations;
 - (c) requiring an independent guardian to be appointed for a child as soon as reasonably practicable;
 - (d) about the functions of independent guardians;
 - (e) requiring public authorities which provide services or take decisions in relation to a child for whom an independent guardian has been appointed to—
 - (i) recognise, and pay due regard to, the guardian's functions, and
 - (ii) provide the guardian with access to such information relating to the child as will enable the advocate to carry out those functions effectively (so far as the authority

may do so without contravening a restriction on disclosure of the information).

- (6) Before issuing regulations under this section, the Secretary of State must lay a draft of the regulations before Parliament.
- (7) The Secretary of State shall not launch the regulations unless the draft has been approved by a resolution of each House.
- (8) Whenever any other provision of the regulations is altered, the Secretary of State shall lay a statement of the altered provision before Parliament.
- (9) If any statement laid before either House of Parliament under subsection (8) is disapproved by a resolution of that House passed before the end of the period of 40 days beginning with the date on which the statement was laid, the Secretary of State shall—
 - (a) make such alterations in the regulations as appear to be required in the circumstances; and
 - (b) before the end of the period of 40 days beginning with the date on which the resolution was made, lay a statement of those alterations before Parliament.
- (10) For the purposes of this Act—

“separated child” means a child who—

 - (a) is not ordinarily resident in England and Wales; and
 - (b) is separated from all persons who—
 - (i) have parental responsibility for the child; or
 - (ii) before the child’s arrival in England and Wales, were responsible for the child whether by law or custom.”

Member’s explanatory statement

This new clause seeks to incorporate an entitlement to independent guardians for separated and trafficked children and set out their functions.

Holly Lynch
Bambos Charalambous

NC44

★ To move the following Clause—

“Independent Child Trafficking Guardians: inspection

- (1) The Education and Inspections Act 2006 is amended as follows.
- (2) After Clause 145 insert—

“145A Inspection of independent guardians’ performance

- (1) The Chief Inspector must inspect the performance of independent guardians.
- (2) On completing an inspection under this section, the Chief Inspector must make a written report on it.
- (3) The Chief Inspector must send copies of the report to—
 - (a) the Secretary of State, and

- (b) Independent Guardians.
- (4) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.
- (5) In this section, “independent guardians” means those appointed under section 48 of the Modern Slavery Act 2015.””

Member’s explanatory statement

This new clause sets out the duty for OFSTED to inspect the performance of independent guardians.

Bambos Charalambous
Holly Lynch

NC45

★ To move the following Clause—

“Route to settlement for children and young people who arrived in the UK as minors

- (1) Where an applicant for indefinite leave to remain has been in the UK with leave for a period of at least 60 months, and where the applicant meets either the first or the second set of conditions, the Secretary of State must grant indefinite leave to remain to—
 - (a) the applicant; and
 - (b) any dependants in respect of whom an application has been made.
- (2) The first set of conditions is that—
 - (a) the applicant is under the age of 18 years;
 - (b) the applicant has lived continuously in the UK for at least 5 years (discounting any period of imprisonment); and
 - (c) it would not be reasonable to expect the applicant to leave the UK.
- (3) The second set of conditions is that—
 - (a) the applicant is aged 18 or over, but under the age of 25 years;
 - (b) the applicant has spent at least half their life living continuously in the UK (discounting any period of imprisonment).”

Member’s explanatory statement

This new clause would shorten the route to settlement from ten years to five years for children and young people who arrived in the UK as minors and have leave to remain on the basis of having grown up in the UK.

Bambos Charalambous
Holly Lynch

NC46

★ To move the following Clause—

“Permission to work for people seeking asylum

- (1) The Immigration Act 1971 is amended as follows.
- (2) After section 3(2) (general provisions for regulation and control) insert—
 - “(2A) In making rules under subsection (2), the Secretary of State must make provision for persons seeking asylum, within the meaning of the rules, and their adult dependants to have the right to apply to the Secretary of State for permission to take up employment, including self-employment and voluntary work.
 - (2B) Permission to work for persons seeking asylum and their adult dependants must be granted if—
 - (a) a decision has not been taken on the person’s asylum application within six months of the date of that application, or
 - (b) a person makes a further application which raises asylum grounds and a decision on that new application, or a decision on whether to treat such further asylum grounds as a new application, has not been taken within six months of the date on which the further application was made.
 - (2C) Permission for a person seeking asylum and their adult dependants to take up employment shall be on terms no less favourable than the terms granted to a person recognised as a refugee.””

Member’s explanatory statement

This new clause amends the Immigration Act 1971 to allow people seeking asylum to be granted permission to work after 6 months.

Tom Pursglove

NS1

To move the following Schedule—

“SCHEDULE 6

Prisoners returning to the UK: Modifications of Criminal Justice Act 2003

This is the Schedule to be inserted after Schedule 19A to the Criminal Justice Act 2003—

“SCHEDULE 19B

Section 261

Prisoners returning to the UK: Modifications of Chapter 6 of Part 12

Modification of dates for referral to the Board

- 1 Paragraph 2 applies where section 244ZC(2), 244A(2) or 246A(4) (when read with section 260(4A)) would require the Secretary of State to refer a person’s case to the Board on a day falling before the end of the period of 28 days beginning with the day on which the person is returned to custody.
- 2 The applicable provision is to be read as requiring the Secretary of State to refer the person’s case to the Board at any time up to the end of the period of 28 days beginning with the day on which the person is returned to custody.
- 3 For the purposes of paragraphs 1 and 2, a person returns to custody when the person, having returned to the United Kingdom, is detained (whether or not in prison) in pursuance of their sentence.

Person removed after Board had directed release but before being released

- 4 Paragraphs 5 and 6 apply where, before a person’s removal from the United Kingdom—
 - (a) the Board had directed their release under section 244ZC, 244A or 246A, but
 - (b) they had not been released on licence.
- 5 The direction of the Board is to be treated as having no effect.
- 6 The person is to be treated as if—
 - (a) they had been recalled under section 254 on the day on which they returned to the United Kingdom, and
 - (b) they were not suitable for automatic release (see section 255A).

Person removed after referral to the Board but before disposal of the reference

- 7 Paragraph 8 applies where—
 - (a) before a person’s removal from prison their case had been referred to the Board under section 244ZB(3), 244ZC(2), 244A(2) or 246A(4), and
 - (b) the reference lapsed under section 260(4B) because the person was removed from the United Kingdom before the Board had disposed of the reference.
- 8 Section 244ZC(2), 244A(2) or 246A(4) (as applicable) is to be read as requiring the Secretary of State to refer the person’s case to the Board before the end of the period of 28 days beginning with the day on which the person is returned to custody.

- 9 For the purposes of paragraph 8, a person returns to custody when the person, having returned to the United Kingdom, is detained (whether or not in prison) in pursuance of their sentence.

Person removed after having been recalled to prison

- 10 Paragraphs 11 and 12 apply where, at the time of a person's removal from prison under section 260, the person was in prison following recall under section 254.
- 11 Any direction of the Board made in relation to the person under section 255C or 256A before their return to the United Kingdom is to be treated as having no effect.
- 12 The person is to be treated as if—
- (a) they had been recalled under section 254 on the day on which they returned to the United Kingdom, and
 - (b) they were not suitable for automatic release (see section 255A)."

Member's explanatory statement

This new schedule inserts a new Schedule 19B into the Criminal Justice Act 2003 to make modifications of that Act in relation to prisoners who have returned to the UK after their removal from prison. It is introduced by section 261 of that Act, which is amended by NC12.

Tom Pursglove

NS3

To move the following Schedule—

"SCHEDULE

Working in United Kingdom waters: consequential and related amendments

Immigration Act 1971 (c. 77)

- 1 The Immigration Act 1971 is amended as follows.
- 2 In section 8 (exceptions for seamen etc), after subsection (1) insert—
“(1A)Subsection (1) does not apply in relation to a member of the crew of a ship who is an offshore worker within the meaning of section 11A.”
- 3 In section 11 (references to entry etc), after subsection (1) insert—
“(1ZA)See also section 11A (additional means by which persons arriving in United Kingdom waters for work can enter the UK).”
- 4 In section 28 (proceedings for offences)—
 - (a) before subsection (1) insert—
“(A1)Proceedings for an offence under this Part that is committed in the territorial sea adjacent to the United Kingdom may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.”;
 - (b) in subsection (2A), for “section 25 or 25A” substitute “this Part”.

- 5 In section 28L (interpretation of Part 3) —
- (a) in subsection (1), at the beginning insert “Subject to subsection (1A)”;
 - (b) after subsection (1) insert—
- “(1A)In this Part “premises” also includes any artificial island, installation or structure (including one in the territorial sea adjacent to the United Kingdom).”
- 6 In section 28M (enforcement powers in relation to ships: England and Wales), in subsection (2)(a)—
- (a) for “section” substitute—
 - “(i) section 24B,”;
 - (b) for “, and” substitute “, or”
 - (ii) section 21 of the Immigration, Asylum and Nationality Act 2006, and”.
- 7 In section 28N (enforcement powers in relation to ships: Scotland), in subsection (2)(a)—
- (a) for “section” substitute—
 - “(i) section 24B,”;
 - (b) for “, and” substitute “, or”
 - (ii) section 21 of the Immigration, Asylum and Nationality Act 2006, and”.
- 8 In section 28O (enforcement powers in relation to ships: Northern Ireland), in subsection (2)(a)—
- (a) for “section” substitute—
 - “(i) section 24B,”;
 - (b) for “, and” substitute “, or”
 - (ii) section 21 of the Immigration, Asylum and Nationality Act 2006, and”.
- 9 (1) Schedule 2 (administrative provision as to control on entry etc) is amended as follows.
- (2) In paragraph 2—
- (a) in sub-paragraph (1), for the words from “who have” to “United Kingdom)” substitute “within sub-paragraph (1A)”;
 - (b) after sub-paragraph (1) insert—

“(1A) The persons are—

- (a) any person who has arrived in the United Kingdom by ship or aircraft (including transit passengers, members of the crew and others not seeking to enter the United Kingdom);
- (b) any person who has arrived in United Kingdom waters by ship or aircraft who the immigration officer has reason to believe is an offshore worker.

- (1B) In sub-paragraph (1A), “offshore worker” and “United Kingdom waters” have the same meaning as in section 11A.”
- (3) In paragraph 27—
- (a) after sub-paragraph (1) insert—
- “(1A) Sub-paragraph (1) also applies to the captain of a ship or aircraft arriving in United Kingdom waters if—
- (a) there are offshore workers on board, or
- (b) an immigration officer has informed the captain that they wish to examine any person on board in the exercise of the power under paragraph 2.
- (1B) In sub-paragraph (1A), “offshore worker” and “United Kingdom waters” have the same meaning as in section 11A.”
- (4) In paragraph 27B—
- (a) after sub-paragraph (1) insert—
- “(1A) This paragraph also applies to ships or aircraft—
- (a) which have offshore workers on board, and
- (b) which—
- (i) have arrived, or are expected to arrive, in United Kingdom waters, or
- (ii) have left, or are expected to leave, United Kingdom waters.”;
- (b) after sub-paragraph (9A) insert—
- “(9B) “Offshore worker” and “United Kingdom waters” have the same meaning in this paragraph as in section 11A.”
- (5) In paragraph 27BA—
- (a) after sub-paragraph (1) insert—
- “(1A) The Secretary of State may also make regulations requiring responsible persons in respect of ships or aircraft—
- (a) which have offshore workers on board, and
- (b) which—
- (i) have arrived, or are expected to arrive, in United Kingdom waters, or
- (ii) have left, or are expected to leave, United Kingdom waters,
- to supply information to the Secretary of State or an immigration officer.”;
- (b) in sub-paragraph (2), after (1)” insert “or (1A)”;
- (c) after sub-paragraph (5) insert—
- “(5A) For the purposes of this paragraph, “offshore workers” and “United Kingdom waters” have the same meaning as in section 11A.”
- 10 (1) Schedule 4A (maritime enforcement powers) is amended as follows.
- (2) In paragraph 1(2), after the opening words insert—
- “the 2006 Act” means the Immigration, Asylum and Nationality Act 2006;”.
- (3) In paragraph (2)(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (4) In paragraph (3)(1)(a), for “25, 25A and 25B” substitute “24B, 25, 25A or 25B of this Act or section 21 of the 2006 Act”.
- (5) In paragraph 4(1), for “25, 25A or 25B” substitute “24B, 25, 25A or 25B of this Act or section 21 of the 2006 Act”.

- (6) In paragraph 12(2), after the opening words insert—
“the 2006 Act” means the Immigration, Asylum and Nationality Act 2006;”.
- (7) In paragraph 13(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (8) In paragraph 14(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (9) In paragraph 15(1), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (10) In paragraph 23(2), after the opening words insert—
“the 2006 Act” means the Immigration, Asylum and Nationality Act 2006;”.
- (11) In paragraph 24(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (12) In paragraph 25(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (13) In paragraph 26(1), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.

Immigration, Asylum and Nationality Act 2006 (c. 13)

- 11 In section 21 of the Immigration, Asylum and Nationality Act 2006 (offence of employing a person who is disqualified from employment by their immigration status), after subsection (3) insert—
- “(3A) Proceedings for an offence under this section that is committed in the territorial sea adjacent to the United Kingdom may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (3B) Section 3 of the Territorial Waters Jurisdiction Act 1878 (consent of Secretary of State for certain prosecutions) does not apply to proceedings for an offence under this section.””

Member’s explanatory statement

This new schedule makes consequential and related amendments in NC20.

Stuart C McDonald
Anne McLaughlin

NS2

To move the following Schedule—

“REMOVAL OF ASYLUM SEEKER TO SAFE COUNTRY

In section 77 of the Nationality, Immigration and Asylum Act 2002 (no removal while claim for asylum pending), after subsection (2) insert—

“(2A) This section does not prevent a person being removed to, or being required to leave to go to, a third State if all of the following conditions are met—

- (a) the removal is pursuant to a formal, legally binding and public readmission agreement between the United Kingdom and the third State;
- (b) the State meets the definition of a safe third State set out at section 14 of the Nationality and Borders Act 2021, as shown by reliable, objective and up-to-date information;
- (c) the person has been found inadmissible under section 80B of the Nationality, Immigration and Asylum Act 2002;
- (d) the third State in question is the State with which the person was found to have a connection under Section 80B of the Nationality, Immigration and Asylum Act 2002;
- (e) taking into account the person’s individual circumstances, it is reasonable for them to go to that State; and
- (f) the person is not a national of that State.””

Member’s explanatory statement

This new schedule modifies the circumstances in which a person can be removed to, or required to leave to go to, a safe third State.

Order of the House

[20 July 2021]

That the following provisions shall apply to the Nationality and Borders Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 4 November 2021.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

Order of the Committee**[21 September 2021]****That—**

1. the Committee shall (in addition to its first meeting at 10.25 am on Tuesday 21 September) meet—
 - (a) at 2.00 pm on Tuesday 21 September;
 - (b) at 11.30 am and 2.00 pm on Thursday 23 September;
 - (c) at 9.25 am and 2.00 pm on Tuesday 19 October;
 - (d) at 11.30 am and 2.00 pm on Thursday 21 October;
 - (e) at 9.25 am and 2.00 pm on Tuesday 26 October;
 - (f) at 11.30 am and 2.00 pm on Thursday 28 October;
 - (g) at 9.25 am and 2.00 pm on Tuesday 2 November;
 - (h) at 11.30 am and 2.00 pm on Thursday 4 November;
2. the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 21 September	Until no later than 11.25 am	British Red Cross
Tuesday 21 September	Until no later than 2.45 pm	Immigration Services Union; Joint Council for the Welfare of Immigrants
Tuesday 21 September	Until no later than 3.15 pm	Derbyshire Police
Tuesday 21 September	Until no later than 4.00 pm	Kent County Council; Westminster Council
Tuesday 21 September	Until no later than 4.30 pm	Fortinus Global Ltd

Date	Time	Witness
Tuesday 21 September	Until no later than 5.15 pm	National Crime Agency
Thursday 23 September	Until no later than 12.15 pm	Migration Watch
Thursday 23 September	Until no later than 12.45 pm	The Hon George Brandis QC; High Commissioner for Australia to the United Kingdom
Thursday 23 September	Until no later than 2.30 pm	United Nations High Commissioner for Refugees
Thursday 23 September	Until no later than 3.15 pm	Siobhán Mullally, United Nations Special Rapporteur on Trafficking in Persons; Dame Sara Thornton, Independent Anti-Slavery Commissioner
Thursday 23 September	Until no later than 4.00 pm	Refugee Council; Refugee Action; Women for Refugee Women
Thursday 23 September	Until no later than 5.00 pm	ECPAT; European Network on Statelessness; Immigration Law Practitioners Association

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 8; Schedule 1; Clauses 9 to 21; Schedule 2; Clauses 22 to 26; Schedule 3; Clauses 27 to 39; Schedule 4; Clauses 40 and 41; Schedule 5; Clauses 42 to 71; new Clauses; new Schedules; remaining proceedings on the Bill;
4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 4 November.

Notices Withdrawn

The following notices were withdrawn on 25 October 2021:

NC41
