

Nationality and Borders Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

After Clause 10

BARONESS BENNETT OF MANOR CASTLE

Insert the following new Clause—

“Repeal of power to deprive citizenship except for cases of fraud etc.

In section 40 of the British Nationality Act 1981 (deprivation of citizenship) omit—

- (a) subsection (2), and
- (b) subsection (4).”

Member’s explanatory statement

This would repeal the power of the Secretary of State to deprive British citizenship except in cases where it was obtained by means of fraud, false representation or concealment of material fact.

Insert the following new Clause—

“Right to appeal deprivation of citizenship to a Tribunal

In section 40A(2) of the British Nationality Act 1981 (deprivation of citizenship: appeal) omit paragraph (c).”

Member’s explanatory statement

This would repeal the broad "public interest" discretion which allows the Secretary of State to certify that an appeal against deprivation of citizenship must go to the Special Immigration Appeals Commission instead of a Tribunal.

After Clause 37

LORD DUBS

Insert the following new Clause –

“Unaccompanied refugee children: relocation and support

- (1) The Secretary of State must, within six months of the day on which this Act is passed, make arrangements to relocate to the United Kingdom and support a specified number of unaccompanied refugee children from countries in Europe.
- (2) The number of children to be resettled under subsection (1) must be determined by the Government in consultation with local authorities.
- (3) The relocation of children under subsection (1) is in addition to the resettlement of children under any other resettlement scheme.”

Member’s explanatory statement

This new Clause introduces a safe route for unaccompanied children from countries in Europe to come to the UK.

Clause 65

LORD PADDICK

Leave out Clause 65 and insert the following new Clause –

“Civil legal aid under section 9 of LASPO: add-on services in relation to the national referral mechanism

- (1) In Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services qualifying for legal aid), after paragraph 32A insert –

“Pre-national referral mechanism advice

- 32B(1) Civil legal services provided to an individual in relation to referral into the national referral mechanism and connected immigration advice.

General exclusions

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

Specific exclusions

- (3) The civil legal services described in sub-paragraph (1) do not include –
 - (a) advocacy, or
 - (b) attendance at an interview conducted by the competent authority under the national referral mechanism for the purposes of a reasonable grounds decision or a conclusive grounds decision.”
- (2) In regulation 5(1) of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (S.I. 2013/480) (exceptions from requirement to make a determination in respect of an individual’s financial resources), after paragraph (1) insert –

Clause 65 - continued

“(m) civil legal services described in paragraph 32B of Part 1 of Schedule 1 to the Act (civil legal services provided to an individual in relation to referral into the national referral mechanism).”

Member’s explanatory statement

This amendment facilitates access to legal advice at as early a stage as possible in trafficking cases, by removing the requirement for it to be attached to an existing immigration or asylum matter.

Clause 66

LORD PADDICK

Lord Paddick gives notice of his intention to oppose the Question that Clause 66 stand part of the Bill.

Member’s explanatory statement

This is contingent on Lord Paddick’s amendment to replace Clause 65 (“Civil legal aid under section 9 of LASPO: add-on services in relation to the national referral mechanism”); Clause 66 would no longer be required if that amendment is agreed to.

After Clause 78

LORD ALTON OF LIVERPOOL

Insert the following new Clause—

“British National (Overseas) visas: eligibility

- (1) Within two months of this Act being passed, the Secretary of State must amend the immigration rules to ensure that all persons meeting all the conditions set out in subsection (2) are eligible to apply for the British National (Overseas) visa.
- (2) The conditions in this subsection are that—
 - (a) the person has at least one parent who is a British national (overseas);
 - (b) the person was born in or after 1997; and
 - (c) the person is currently resident in Hong Kong or the United Kingdom.”

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7 January 2022
