

Nationality and Borders Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

Clause 9

LORD MOYLAN

Leave out Clause 9 and insert the following new Clause—

“Deprivation of citizenship

(1) For section 40 of the British Nationality Act 1981 substitute—

“40 Deprivation of citizenship

- (1) Subject to the provisions of this section, the Secretary of State may by order deprive any British citizen to whom this subsection applies of his British citizenship if the Secretary of State is satisfied that the registration or certificate of naturalisation by virtue of which he is such a citizen was obtained by means of fraud, false representation or the concealment of any material fact.
- (2) Subsection (1) applies to any British citizen who—
 - (a) became a British citizen after commencement by virtue of—
 - (i) his registration as a British citizen under any provision of this Act; or
 - (ii) a certificate of naturalisation granted to him under section 6; or
 - (b) being immediately before commencement a citizen of the United Kingdom and Colonies by virtue of registration as such a citizen under any provision of the British Nationality Acts 1948 to 1964, became at commencement a British citizen; or
 - (c) at any time before commencement became a British subject (within the meaning of that expression at that time), or a citizen of Eire or of the Republic of Ireland, by virtue of a certificate of naturalisation granted to him or in which his name was included.
- (3) Subject to the provisions of this section, the Secretary of State may by order deprive any British citizen to whom this subsection applies of his British citizenship if the Secretary of State is satisfied that that citizen—
 - (a) has shown himself by act or speech to be disloyal or disaffected towards Her Majesty; or

Clause 9 - continued

- (b) has, during any war in which Her Majesty was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or
 - (c) has, within the period of five years from the relevant date, been sentenced in any country to imprisonment for a term of not less than twelve months.
- (4) Subsection (3) applies to any British citizen who falls within paragraph (a)(ii) or (c) of subsection (2); and in subsection (3) “the relevant date”, in relation to a British citizen to whom subsection (3) applies, means the date of the grant of the certificate of naturalisation by virtue of which he is such a citizen.
- (5) Before making an order under this section the Secretary of State shall give the person against whom the order is proposed to be made notice in writing informing him of the ground or grounds on which it is proposed to be made and of his right to an appeal under section 40A.
- (6) The Secretary of State –
- (a) shall not deprive a person of British citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a British citizen; and
 - (b) shall not deprive a person of British citizenship under subsection (3) if it appears to him that that person would thereupon become stateless.
- (7) The preceding provisions of this section shall apply in relation to British Overseas Territories citizens and Overseas Territories citizenship as they apply in relation to British citizens and British citizenship, but as if in subsection (2)(a)(ii) the reference to section 6 were a reference to section 18.”
- (2) Omit section 40B of the British Nationality Act 1981.”

Member’s explanatory statement

This amendment would restrict the power of the Secretary of State to deprive a British citizen of nationality to (a) naturalised and registered citizens who had fraudulently obtained that status and (b) naturalised citizens in specified circumstances if doing so would not render the person stateless.

After Clause 12

BARONESS STROUD
BARONESS LISTER OF BURTERSETT
BARONESS PRASHAR

Insert the following new Clause –

“Changes to the Immigration Act 1971

- (1) The Immigration Act 1971 is amended as follows.
- (2) After section 3(2) (general provisions for regulation and control) insert –

After Clause 12 - continued

- “(2A) Regulations under subsection (2) must provide that persons, and adult dependants of persons who are applying for asylum in the United Kingdom are granted permission by the Secretary of State to take up employment if—
- (a) a decision at first instance has not been taken on the applicant’s asylum application within six months of the date on which the application was made, or
 - (b) a person makes an application or 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.
- (2B) For the purposes of subsection (2A), regulations must ensure that permission granted allowing people applying for asylum in the United Kingdom, and their adult dependants, to take up employment, is granted on terms no less favourable than the terms granted to a person with recognised refugee status.
- (2C) This permission is to be valid until the claim is determined and all appeal rights have been exhausted, and individuals granted permission to work will be issued with physical proof of the right to work.”

After Clause 37

LORD KIRKHOPE OF HARROGATE

Insert the following new Clause—

“Refugee resettlement

- (1) The Secretary of State must arrange for the resettlement in the United Kingdom of at least 10,000 refugees each year.
- (2) This section comes into force one month after the day on which this Act is passed.”

Member’s explanatory statement

This clause will require the UK to resettle at least 10,000 refugees to the UK each year.

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17 January 2022
