

Nationality and Borders Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

Clause 11

BARONESS LISTER OF BURTERSETT
BARONESS NEUBERGER

Page 13, line 44, at end insert –

“(2A) For the purposes of subsection (2)(b), the following will be regarded as having presented themselves “without delay” –

- (a) people who have experienced sexual violence;
- (b) people who have made a protection or human rights claim on the basis of gender-based violence;
- (c) people who have made a protection or human rights claim on the basis of sexual orientation, gender identity, gender expression or sex characteristics;
- (d) people who are a victim of modern slavery or trafficking;
- (e) people who are a victim of torture;
- (f) people who are suffering from a mental impairment;
- (g) people who are suffering from a serious physical disability;
- (h) people who are suffering from other serious physical health conditions or illnesses;
- (i) people who were under 18 years of age at the time of their arrival in the United Kingdom.”

Member’s explanatory statement

This probing amendment seeks to ascertain whether and to what extent certain vulnerable groups would be covered by the “without delay” condition.

Clause 12

BARONESS LISTER OF BURTERSETT
BARONESS NEUBERGER

Page 15, line 39, at end insert –

“(4A) In section 16 of the Nationality, Immigration and Asylum Act 2002 (Establishment of centres), after subsection 2 insert –

Clause 12 - continued

- “(2A) Accommodation provided under this section must –
- (a) have a capacity of no more than 100 residents, and
 - (b) provide any non-related residents at the centre with an individual room in which to sleep, such that residents are not required to share sleeping quarters with people to whom they are not related.”

Member’s explanatory statement

This amendment would amend the 2002 Act to ensure that accommodation centres are not too large and that residents are not required to share sleeping quarters with anyone they are not related to.

Page 15, line 39, at end insert –

- “(4A) In section 16 of the Nationality, Immigration and Asylum Act 2002 (Establishment of centres), at end insert –
- “(4) For the purposes of this Part, references to “persons” does not include –
- (a) children;
 - (b) women;
 - (c) individuals with a disability;
 - (d) individuals who have been referred to the National Referral Mechanism;
 - (e) individuals who have received a positive conclusive grounds decision following a referral to the National Referral Mechanism;
 - (f) survivors of torture;
 - (g) individuals who identify as LGBTQ+; and
 - (h) family members of any individuals referenced in this subsection.
- (5) For the purposes of this section, “family members” includes –
- (a) dependent children;
 - (b) partners/spouses;
 - (c) in relation to children –
 - (i) their siblings;
 - (ii) any other individual who is the relevant child’s guardian.”

Member’s explanatory statement

This amendment is to restrict the use of accommodation centres for accommodating people seeking asylum so that the stated groups and their family members cannot be accommodated in them.

Page 16, leave out line 13 and insert “(1), for “six months” substitute “90 days”.”

Member’s explanatory statement

Clause 11(9) currently amends the Nationality, Immigration and Asylum Act 2002 to allow the Secretary of State to increase the maximum length of time someone can be accommodated in an accommodation centre from the existing limit of six months. This amendment would remove that power and instead reduce the maximum stay to ninety days. This is in line with the maximum time the Home Office have said people should be accommodated in Napier Barracks.

Page 16, line 15, at end insert –

“(11) Omit section 36 of that Act (Education: general).”

Member’s explanatory statement

Section 36 of the Nationality, Immigration and Asylum Act 2002 prevents most children accommodated in accommodation centres from attending state schools. This amendment would remove that restriction.

After Clause 78

LORD GERMAN

Insert the following new Clause –

“Immigration health surcharge: exemption for international volunteers

- (1) Part 3 of the Immigration Act 2014 is amended as follows.
- (2) After section 38 (Immigration health charge), 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.

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18 January 2022
