

Nationality and Borders Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Second Marshalled List]

Amendment
No.

After Clause 37

BARONESS HOLLINS

119C★

Insert the following new Clause –

“Codes of practice

- (1) The Secretary of State must prepare and issue one or more codes of practice for the guidance of immigration officers, medical inspectors and other persons assessing the mental and physical health needs of any asylum seeker in accordance with the United Kingdom’s obligations under Article 12 of the International Covenant on Economic, Social and Cultural Rights 1966.
- (2) The Secretary of State may from time to time revise a code.
- (3) Before the end of each review period the Secretary of State must –
 - (a) review each code for the guidance of persons exercising functions under this section, and
 - (b) lay a report of the review before Parliament.But this does not affect the Secretary of State’s function under subsection (2).
- (4) A review period is –
 - (a) in relation to the first review, the period of 3 years beginning with the day on which this subsection comes into force, and
 - (b) in relation to subsequent reviews, each period of 5 years beginning with the day on which the report of the previous review was laid before Parliament.
- (5) The Secretary of State may delegate the preparation of the review or revision of the whole or any part of a code so far as he or she considers expedient.
- (6) It is the duty of a person to have regard to any relevant code if acting in relation to a person seeking asylum in one or more of the following ways –
 - (a) in a professional capacity;
 - (b) for remuneration;
 - (c) for a charity or other not-for-profit body.

After Clause 37 - continued

- (7) If it appears to a court or tribunal conducting any criminal or civil proceedings that—
- (a) a provision of a code, or
 - (b) a failure to comply with a code,
- is relevant to a question arising in the proceedings, the provision or failure must be taken into account in deciding the question.
- (8) In this section, “code” means a code prepared or revised under this section.”

Member’s explanatory statement

This amendment requires the Secretary of State to lay codes of practice before Parliament providing for guidance to assess the mental and physical health needs of any asylum seeker.

119D★ Insert the following new Clause—

“Codes of practice: procedure

- (1) Before preparing or revising a code under section (*Codes of practice*), the Secretary of State must consult—
 - (a) the Scottish Parliament,
 - (b) Senedd Cymru,
 - (c) the Northern Ireland Assembly, and
 - (d) such other persons as the Secretary of State considers appropriate.
- (2) The Secretary of State may not issue a code unless—
 - (a) a draft of the code has been laid before Parliament, and
 - (b) the 40 day period has elapsed without either House resolving not to approve the draft.
- (3) The Secretary of State must arrange for any code issued to be published in such a way as to bring it to the attention of persons likely to be concerned with its provisions.
- (4) “40 day period”, in relation to the draft of a proposed code, means—
 - (a) if the draft is laid before one House later than the other, the period of 40 days beginning with the later of the two days;
 - (b) in any other case, the period of 40 days beginning with the day on which it is laid before each House.
- (5) In calculating the period of 40 days, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.”

Member’s explanatory statement

This amendment requires the Secretary of State to consult before preparing codes of practice under the previous section.

Clause 64

LORD MORROW

171B★ Page 67, line 9, leave out subsections (4) and (5)

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.

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31 January 2022
