

Nationality and Borders Bill

AMENDMENTS

TO BE MOVED

ON REPORT

[Supplementary to the Marshalled List]

Amendment
No.

After Clause 12

BARONESS HOLLINS
BARONESS HAMWEE

30A★

Insert the following new Clause—

“Review of the well-being of refugees and asylum seekers

- (1) The Secretary of State may from time to time commission a review of the processes and services in place with regard to the well-being of refugees and asylum seekers.
- (2) The review must be carried out by a body or bodies with the necessary specialist expertise.”

Member’s explanatory statement

This new Clause would make provision for the Secretary of State to commission a review of the processes and services for the well-being of refugees and asylum seekers.

After Clause 39

LORD COAKER
THE LORD BISHOP OF LONDON
LORD PADDICK

58A★

Insert the following new Clause—

“Secure reporting for victims of crime

- (1) The Secretary of State must, in regulations, make provisions for the prohibition of automatic sharing of personal data of a victim or witness of crime for immigration purposes.
- (2) In section 20 of the Immigration Act 1999, after subsection (2B) insert—
“(2C) This section does not apply to information held about a person as a result of the person reporting criminal behaviour which they are a victim of or a witness to.””

Member's explanatory statement

This new Clause would prevent immigration data being shared about a victim or witness of crime who reports an offence. This is to ensure victims are able to approach the authorities for assistance without fear of immigration repercussions as a result of that contact or resultant data sharing with immigration enforcement.

After Clause 56

BARONESS NEUBERGER
BARONESS LISTER OF BURTERSETT
BARONESS HAMWEE

64A★ Insert the following new Clause –

“Age assessments: restrictions

- (1) Age assessments under section 49 or 50 must only be undertaken if there is significant reason to doubt the age of the age-disputed person.
- (2) A person conducting age assessments under section 49 or 50 must be a local authority social worker.
- (3) Age assessments must be undertaken in accordance with the Association of Directors of Children's Services Age Assessment Guidance or equivalent guidance in Scotland, Wales and Northern Ireland.
- (4) When an age assessment is conducted, a process must be used that allows for an impartial multi-agency approach, drawing on a range of expertise, including from –
 - (a) health professionals,
 - (b) psychologists,
 - (c) teachers,
 - (d) foster parents,
 - (e) youth workers,
 - (f) advocates,
 - (g) guardians, and
 - (h) social workers.
- (5) When making regulations under section 51, the Secretary of State must not specify scientific methods unless the Secretary of State receives written approval from the relevant medical, dental and scientific professional bodies that the method is both ethical and accurate beyond reasonable doubt for assessing a person's age.
- (6) Any organisation developed to oversee age assessments must be independent of the Home Office.
- (7) The standard of proof for an age assessment is reasonable degree of likelihood.”

After Clause 78

BARONESS HOLLINS
BARONESS HAMWEE

84A★ 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.
- (2) Guidance under this section must have regard to the following matters in particular—
 - (a) the importance of assessing, preventing or delaying the development of health and care needs of refugees and asylum seekers and the importance of assessing and addressing such needs that already exist;
 - (b) the need to protect people from abuse and neglect.
- (3) The Secretary of State may from time to time revise a code.
- (4) 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 (3).”

Member’s explanatory statement

This new Clause requires the Secretary of State to lay codes of practice before Parliament providing for guidance regarding the health and care needs of any asylum seeker or refugee.

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25 February 2022
