HOUSE OF LORDS Library Briefing

Immigration and Social Security Co-ordination (EU Withdrawal) Bill
HL Bill 121 of 2019–21

The Immigration and Social Security Co-ordination (EU Withdrawal) Bill is a government bill. The bill has nine clauses and three schedules. The bill's two main purposes are:

- to repeal retained EU law on free movement to bring EU, EEA EFTA (Iceland, Liechtenstein and Norway) and Swiss citizens within a single UK immigration system (part 1 and schedule 1); and
- to provide a power to amend, via regulations, retained EU law governing social security coordination (part 2 and schedules 2 and 3).

The bill would also confirm the existing rights of Irish citizens following the ending of freedom of movement. Ending freedom of movement was a Conservative Party manifesto commitment at the 2019 general election.

The bill was not amended during its committee stage in the House of Commons. At report stage, the House of Commons agreed to the Government's amendments to the bill. These amendments narrowed the bill's delegated powers to change social security coordination legislation in areas of devolved competence. They were made as a result of the Scottish Government's decision not to support a legislative consent motion for the bill. Four non-government amendments were defeated on division. These were on the following subjects:

- Providing for an independent review of the bill's impact on, for example, the health and social care workforce and the adequacy of public funding for the sectors.
- Limiting immigration detention to a period of no longer than 28 days.
- Delaying the application of 'no recourse to public funds' conditions during the Covid-19 pandemic until Parliament decided to reinstate them.
- Ensuring that an unaccompanied child, spouse or vulnerable or dependant adult who has a family member who is legally present in the UK would continue to have the same rights to family reunion as they would have had under Regulation (EU) No 604/2013.

The bill passed third reading in the Commons by 342 votes to 248.

Charley Coleman | 10 July 2020

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1. What would the bill do?

The Immigration and Social Security Co-ordination (EU Withdrawal) Bill is a government bill that was introduced in the House of Commons. It passed third reading on 30 June 2020. It had first reading in the House of Lords on 1 July 2020. A version of the bill was introduced in the 2017–19 parliament. It completed its committee stage in the House of Commons but fell at prorogation prior to the December 2019 general election.[1]

This government bill has nine clauses and three schedules. The bill's two main purposes are:

- to repeal retained EU law on free movement to bring EU, EEA EFTA (Iceland, Liechtenstein and Norway) and Swiss citizens within a single UK immigration system (part 1 of the bill and schedule 1); and
- to provide a power to amend, via regulations, retained EU law governing social security coordination (part 2 of the bill and schedules 2 and 3).

The bill would also confirm the existing rights of Irish citizens following the ending of freedom of movement.

The ending of freedom of movement has been Conservative Party policy under both Theresa May and Boris Johnson. It was a manifesto commitment at the 2019 general election.[2]

Implications of Brexit

The withdrawal agreement between the UK and the EU provides for EU law (with limited exceptions) to continue to operate in the UK until the end of the transition period. This includes freedom of movement. The agreement also provides that the rights of those EU citizens in the UK at the end of the transition period are protected (and vice versa).[3]

The withdrawal agreement was given effect in UK domestic law through the European Union (Withdrawal Agreement) Act 2020. The UK has implemented its obligations under the withdrawal agreement through the establishment of the EU settlement scheme.[4] EEA and Swiss citizens are able to apply for a new immigration status. The scheme grants applicants either settled or pre-settled status, depending upon how long the applicant was resident in the UK prior to their application date.[5] Eligibility ends after 31 December 2020, although people in the UK prior to that date can continue to

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[1] The bill's explanatory notes state that: The only changes made were minor drafting clarifications in places, and updates to the list of retained EU law to be repealed to avoid duplication of changes already made through the Immigration, Nationality and Asylum (EU Exit) Regulations 2019 (2019/745) which come into force on 31 December 2020 (Explanatory notes, para 3).

[2] Conservative Party, *Conservative Party Manifesto 2019*, November 2019, p 20.

[3] Similar provision is made under the EEA EFTA Separation Agreement and the Swiss Citizens' Rights Agreement.

[4] House of Commons Library, *EU Settlement Scheme*, 25 February 2020, p 4.

[5] UK Government website, 'Apply to the EU Settlement Scheme (settled and pre-settled status): What you'll get', accessed 8 July 2020. Settled status would grant a right to remain in the UK for as long as an individual wanted, pre-settled status would grant rights to remain in the UK for a five-year period. Individuals who are awarded pre-settled status can apply for settled status once they have reached five years' continuous residence.

apply up until 30 June 2021. After 31 December 2020, EEA and Swiss citizens will be subject to a new single immigration system that would apply to all arrivals in the UK.

The Government intends to introduce a new points-based immigration system, which would take effect from January 2021 and apply to anyone wishing to come to the UK.[6] The Government published a policy statement on 19 February 2020 that stated:

> We will replace free movement with the UK's points-based system to cater for the most highly skilled workers, skilled workers, students, and a range of other specialist work routes including routes for global leaders and innovators. We will not introduce a general low-skilled or temporary work route. We need to shift the focus of our economy away from a reliance on cheap labour from Europe and instead concentrate on investment in technology and automation. Employers will need to adjust.
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> However, the settlement scheme for EU citizens, which opened in March 2019, has already received 3.2 million applications from EU citizens who will be able to stay and work in the UK. This will provide employers with flexibility to meet labour market demands.[7]

The Immigration and Social Security Co-ordination (EU Withdrawal) Bill does not implement this new immigration system. The new system would be implemented through changes made to the immigration rules, rather than in primary legislation.[8]

Law Commission review

The Law Commission has conducted a review into simplifying the immigration rules.[9] The commission reported in January 2020 and made 41 recommendations.[10] The first recommendation was that "that the immigration rules be overhauled".[11] The Government responded to the commission's report in March 2020. The Government said it accepted this recommendation and that it aimed to "complete this overhaul by January 2021".[12]

1.1 Clauses 1 to 4 (and schedule 1): Measures relating to ending free movement

Repeal of retained EU law

The incorporation of EU law on free movement into UK domestic law is provided for by the European Union (Withdrawal) Act 2018, as amended (EUWA 18). It would continue to provide for the free movement of EU, EEA EFTA[13] (Iceland, Liechtenstein and Norway) and Swiss citizens to the

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[6] UK Government website, 'New immigration system: what you need to know', 8 April 2020.

[7] HM Government, *The UK's Points-Based Immigration System: Policy Statement*, February 2020, CP 220, pp 3–4.

[8] House of Commons Library, *The New Points-Based Immigration System*, 11 May 2020, p 4.

[9] Law Commission, 'Simplifying the Immigration Rules', accessed 8 July 2020.

[10] Law Commission, *Simplification of the Immigration Rules: Report*, January 2020, HC 14 of session 2019–21.

[11] ibid, p 186.

[12] Home Office, *Simplifying the Immigration Rules: A Response*, March 2020, p 2.

[13] Those members of the European Free Trade Association that are part of the European Economic Area that is not Switzerland.

UK until the relevant retained EU law was repealed (subsequently referred to as EEA and Swiss citizens for brevity).

During the transition period freedom of movement continues under the terms of the withdrawal agreement. The Government has confirmed its intention to repeal freedom of movement legislation in order for EEA and Swiss citizens to be subject to immigration control under the Immigration Act 1971, following the end of the transition period at the end of December 2020.[14]

Clause 1 introduces schedule 1, which makes provisions to:

> (a) end rights to free movement of persons under retained EU law, including by repealing the main provisions of retained EU law relating to free movement, and
> (b) end other EU-derived rights, and repeal other retained EU law, relating to immigration.[15]

Part 1 of schedule 1 would provide for the repeal of EU law on freedom of movement in EU-derived UK domestic legislation, such as section 7 of the Immigration Act 1988, which currently "exempts EU citizens from requiring leave to enter or remain in the UK".[16]

Part 2 would amend article 1 of the 'Workers Regulation' (Regulation (EU) No 492/2011). Paragraph 4(2) of part 2 of schedule 1 would provide that:

> (2) The other provisions of the Workers Regulation cease to apply so far as—
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> > (a) they are inconsistent with any provision made by or under the Immigration Acts (including, and as amended by, this Act), or
> > (b) they are otherwise capable of affecting the interpretation, application or operation of any such provision.

The bill's explanatory notes provide an example of the effect of this in practice:

> For example, this will prevent an individual claiming they have a right of residence in the UK under article 10 of the Workers Regulation on the basis their child is in education here; this does not prevent the resident child of an EEA citizen who is legally resident and employed in the UK from being able to rely on article 10 to access UK education on the same conditions as a British citizen.[17]

Part 3 of schedule 1 would disapply other retained EU law relating to freedom of movement.[18] For example, rights that are currently directly effective in the UK under section 2(1) of the European Communities Act 1972 (and would otherwise continue to apply under section 4 of the EUWA 18

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[14] Explanatory Notes, para 1. For further information on the operation of freedom of movement in the EU see: European Parliament, *Free Movement of Persons*, February 2020.

[15] Immigration and Social Security Co-ordination (EU Withdrawal) Bill, clause 1.

[16] Explanatory Notes, para 1.

[17] ibid, para 66.

[18] ibid, para 68.

after the transition period ended). It would also provide that specific provisions in the Swiss free movement agreement[19] would also "cease to be recognised and available in domestic law".[20]

Irish citizens: entitlement to enter or remain without leave

Clause 2 of the bill would insert a new section 3ZA into the Immigration Act 1971 (1971 Act). This would provide that Irish citizens would not require leave to enter or remain in the UK unless they were the subject of a deportation order, exclusion decision or an international travel ban.[21]

Clause 2 would ensure the status of Irish citizens in the UK was protected when freedom of movement rights end in the UK for EEA and Swiss citizens. The explanatory notes state that at present Irish citizens rely on rights under the Immigration Act 1971 or under EU freedom of movement depending upon whether they entered through the common travel area (CTA) or from outside it:

> Currently, due to the interplay between domestic legislation and EU free movement rights, a distinction exists between those Irish citizens who enter the UK from Ireland or the Crown Dependencies (the common travel area (CTA)) and those who enter from a point of departure outside the CTA. Under the Immigration Act 1971, Irish citizens entering the UK from another part of the CTA do not require leave to enter or remain in the UK but otherwise are subject to immigration control, for example if travelling to the UK from outside the CTA.[22]

The bill would provide "the same immigration status to all Irish citizens that are currently only provided for in the Immigration Act 1971 for those travelling from within the CTA".[23]

Whilst the bill does not affect the CTA arrangements as set out in section 1(3) of the Immigration Act 1971, clause 2(3) would amend section 9 of the 1971 Act (which relates to further provisions about the CTA) to ensure a consistent approach to how Irish citizens are treated for immigration purposes in line with section 3ZA.[24] Similarly, clause 2(4) would amend schedule 5 of the 1971 Act "which deals with the integration of UK law and the immigration law of the Islands (Jersey, Guernsey and Isle of Man), to align the approach to Irish citizens as set out in section 3ZA".[25]

Clause 3 would ensure that part 1 of the bill (and associated provisions of part 3) would be covered by references to "the Immigration Acts" in other enactments. It would also provide that part 1 was not part of retained EU law.

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[19] The agreement between the European Community and its member states, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (done at Luxembourg on 21 June 1999) (Immigration and Social Security Co-ordination (EU Withdrawal) Bill, schedule 1, para 5(2)).

[20] Immigration and Social Security Co-ordination (EU Withdrawal) Bill, schedule 1, para 5(1).

[21] Explanatory Notes, para 30.

[22] ibid, para 29.

[23] ibid.

[24] ibid, para 32.

[25] ibid, para 33.

Clause 4(1) contains provisions allowing the secretary of state to make regulations through which further provisions could be made:

> The secretary of state may by regulations made by statutory instrument make such provision as the secretary of state considers appropriate in consequence of, or in connection with, any provision of this part.

Clause 4(2) would provide that these regulations could amend primary legislation passed before or in the same session as the act, or retained direct EU law:

> (2) The power to make regulations under subsection (1) may (among other things) be exercised by modifying—
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> > (a) any provision made by or under primary legislation passed before, or in the same session as, this Act;
> > (b) retained direct EU legislation.

Clause 4(5) also states that regulations made under 4(1) could (among other things) modify "provision relating to the imposition of fees or charges which is made by or under primary legislation passed before, or in the same session as, this Act.".

Delegated powers

The first statutory instrument containing regulations under clause 4(1) would be subject to the made-affirmative procedure.[26] Subsequent instruments that would amend primary legislation (whether alone or with other provision) would be subject to the affirmative procedure. Other instruments would be subject to the negative procedure.

The House of Lords Delegated Powers and Regulatory Reform Committee considered the previous version of the bill.[27] The committee's report was published prior to the withdrawal agreement between the UK and the EU being ratified and prior to the UK's exit from the EU.

The committee described the delegation of power in clause 4(1) as "very significant" given the scope of the clause and the context in which it could be used:

> The combination of the subjective test of appropriateness, the words "in connection with part 1", the subject matter of part 1 and the large number of persons who will be affected, make this a very significant delegation of power from Parliament to the executive.[28]

The committee said it was "frankly disturbed" about the use of the phrase "in connection with" in the

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[26] Explanatory Notes, para 39.

[27] House of Lords Delegated Powers and Regulatory Reform Committee, *Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, 30 January 2019, HL Paper 275 of session 2017–19.

[28] ibid, para 15.

clause.[29] It argued that:

> This would confer permanent powers on ministers to make whatever legislation they considered appropriate, provided there was at least some connection with part 1, however tenuous; and to do so by negative procedure regulations (assuming no amendment was made to primary legislation).[30]

The committee recommended that the words "in connection with" were removed from the clause.[31]

Clause 4(1) is the same in the 2019–21 bill as it was in the bill from the 2017–19 session. This was the subject of an amendment moved by Stuart C McDonald, Shadow SNP Spokesperson for Immigration, Asylum and Border Control, at the 2017–19 bill's committee stage.[32] Caroline Nokes, then Minister for Immigration, responded to the amendment arguing that the use of the phrase was appropriate given the number of places in the statute book which referenced EEA nationals in "numerous different ways, not always by reference to free movement rights".[33] She argued that "the inclusion of "in connection with" is more appropriate to describe the provision that needs to be made for some of those cases".[34]

The committee also expressed "significant concerns" about clause 4(5). The committee argued that the clause would confer a "broad discretion" on ministers to enable them to "levy fees or charges on any person seeking leave to enter or remain in the UK who, pre-exit, would have had free movement rights under EU law".[35] The committee said the delegated powers memorandum for the 2017–19 bill downplayed the significance of clause 4(5).[36] The committee recommended that clause 4(5) be removed from the bill unless the Government could provide a "proper and explicit" justification for the power and an explanation of how it intended to use it.[37] The delegated powers memorandum for the 2019–21 bill added the following example for how the power might be used:

> For example, to remove the exemption on EEA citizens from the immigration skills charge as part of the Government's plans for the global points-based immigration system (details of which were published in the policy statement "the UK's points-based immigration system" on 19 February 2020). This will align the position between EEA and non-EEA citizens in respect of

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[29] House of Lords Delegated Powers and Regulatory Reform Committee, *Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, 30 January 2019, HL Paper 275 of session 2017–19, para 30.

[30] ibid.

[31] ibid, para 32.

[32] House of Commons, *Public Bill Committee: Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, 26 February 2020, amendment 1, p 2.

[33] HC *Hansard*, 26 February 2020, col 185.

[34] The amendment was defeated on division by 10 votes to 9 (HC *Hansard*, 26 February 2020, col 189). Clause 4 was also the subject of the debate at the 2019–21 bill's committee stage. For further discussion, see: House of Commons Library, *Immigration and Social Security Co-ordination Bill 2019–21: Progress of the Bill*, 29 June 2020, pp 12–7).

[35] House of Lords Delegated Powers and Regulatory Reform Committee, *Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, 30 January 2019, HL Paper 275 of session 2017–19, para 31.

[36] See: Home Office, *Immigration and Social Security Co-ordination (EU Withdrawal) Bill: Memorandum from the Home Office to the Delegated Powers and Regulatory Reform Committee*, December 2018, para 15.

[37] House of Lords Delegated Powers and Regulatory Reform Committee, *Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, 30 January 2019, HL Paper 275 of session 2017–19, para 33.

this charge.[38]

At the time of this briefing's publication, the committee had not published a report on the 2019–21 bill.

Part 1 of the bill would come into force on a day appointed under regulations made by the secretary of state.[39] This could include a specific time on a day.[40]

Further reading

- House of Commons Library, *The New Points-based Immigration System*, 11 May 2020

Commons Library briefing which discusses the Government's plans to introduce a new points-based immigration system which would apply to all new arrivals in the UK from January 2021.

1.2 Clause 5 (and schedules 2 and 3): Power to modify retained direct EU legislation relating to social security coordination

Amongst its provisions, clause 5 of the bill would provide an "appropriate authority"[41] with the power to modify, by regulations, specified pieces of retained direct EU legislation[42] on social security coordination. These are listed in clause 5(2) as follows:

> (a) Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems;
> (b) Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004;
> (c) Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community;
> (d) Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71;
> (e) Regulation (EC) No 859/2003 extending Regulation (EEC) No 1408/71 to nationals of non-EU Member Countries.

Together, these are referred to as the EU social security coordination regulations (SSC regulations)

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[38] Home Office, *Immigration and Social Security Co-ordination (EU Withdrawal) Bill: Memorandum from the Home Office to the Delegated Powers and Regulatory Reform Committee*, 5 March 2020, para 19.

[39] Immigration and Social Security Co-ordination (EU Withdrawal) Bill, clause 8(1).

[40] ibid, clause 8(6).

[41] Defined under clause 5(7) as the secretary of state or the Treasury; a Northern Ireland department, or a Minister of the Crown acting jointly with a Northern Ireland department.

[42] Those EU laws that were directly effective in UK law whilst the UK was a member, and that will continue to form part of UK domestic law after the end of the transition period because they were retained under the provisions of the EUWA 2018.

by the bill's explanatory notes.[43]

Clause 5(3) would provide that the power to make regulations under clause 5(1) would include the power:

> (a) to make different provision for different categories of person to whom they apply (and the categories may be defined by reference to a person's date of arrival in the United Kingdom, their immigration status, their nationality or otherwise);
> (b) otherwise to make different provision for different purposes;
> (c) to make supplementary, incidental, consequential, transitional, transitory or saving provision;
> (d) to provide for a person to exercise a discretion in dealing with any matter.

Clause 5(4) would provide that the power in clause 5(3)(c) would include:

> (a) any provision made by primary legislation passed before, or in the same session as, this Act;
> (b) any provision made under primary legislation before, or in the same session as, this Act is passed;
> (c) retained direct EU legislation which is not mentioned in subsection (2).

Clause 5(5) and (6) would provide that any rights, powers, liabilities, obligations, restrictions, remedies and procedures that continue to have effect in UK domestic law through section 4 of the EUWA 18 cease to be recognised and available where they are inconsistent with (or could affect the interpretation, application or operation of) regulations made under clause 5.

Clause 5(7) provides a definition of "appropriate authority". The Government amended this at the bill's Commons report stage to remove reference to "a devolved authority" and to refer only to a Northern Ireland department.[44] The clause now reads:

> In this section, "appropriate authority" means—
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> > (a) the Secretary of State or the Treasury,
> > (b) a Northern Ireland department, or
> > (c) a Minister of the Crown acting jointly with a Northern Ireland department.

Clause 5(8) and (9) introduce schedules 2 and 3.

The SSC regulations provide for a reciprocal framework but do not provide for a single EU system. The European Commission has explained that there are four main principles:

- You are covered by the legislation of one country at a time so you only pay contributions in one country. The decision on which country's legislation applies to you will be made by the social security institutions. You cannot choose.

[43] Explanatory Notes, para 14.
[44] See section 3.1 of this briefing for further information.

- You have the same rights and obligations as the nationals of the country where you are covered. This is known as the principle of equal treatment or non-discrimination.
- When you claim a benefit, your previous periods of insurance, work or residence in other countries are taken into account if necessary.
- If you are entitled to a cash benefit from one country, you may generally receive it even if you are living in a different country. This is known as the principle of exportability.[45]

The bill's explanatory notes further explain that:

> The SSC regulations provide for member states to consider periods of work, insurance or residence in another member state when determining entitlement to benefits, which is known as "aggregation". The SSC regulations also enable individuals, in certain circumstances, to receive certain benefits from the UK irrespective of where they, or the person they are claiming in respect of, reside in the EEA (i.e. UK nationals and EEA citizens can export benefits from the UK).[46]

The clause is intended to allow the Government (or, where appropriate, a Northern Ireland department) to make regulations to implement new policies on social security coordination that might be necessary subject to the UK's negotiations on its future relationship with the EU.[47]

Social security coordination is covered by the withdrawal agreement agreed between the UK and the EU.[48] For those individuals covered by the provisions of the agreement (primarily those EU citizens living or working in the UK at the end of the transition period, and those UK citizens living or working in the EU), existing EU rules on social security coordination would continue to apply to them after the transition period ends.[49] The Government has stated that future changes to the social security coordination made under the bill would not be applied to this cohort as long as they remained within scope of the agreement.

In February 2019, the UK and Irish governments reached agreement on continued social security coordination.[50] The UK Government has explained that the international treaty would ensure that "the position of British and Irish citizens who move, or have moved, between the UK and Ireland will not change following the UK's exit from the EU".[51]

Delegated powers

The House of Lords Delegated Powers and Regulatory Reform Committee considered the previous

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[45] European Commission, 'Employment, social affairs and inclusion: EU social security coordination', accessed 6 July 2020. For a more detailed discussion of social security coordination see: House of Commons Library, *The Immigration and Social Security Co-ordination (EU Withdrawal) Bill 2019–21*, 12 May 2020, section 4.

[46] Explanatory Notes, para 15.

[47] ibid, para 41.

[48] Similar provision is made under the EEA EFTA Separation Agreement and the Swiss Citizens' Rights Agreement.

[49] Explanatory Notes, para 17.

[50] Foreign and Commonwealth Office, 'UK/Ireland: Convention on Social Security [CS Ireland No 1/2019]', 12 February 2019.

[51] Explanatory Notes, para 19.

version of the bill.[52] The committee's report was published prior to the withdrawal agreement between the UK and the EU being ratified and prior to the UK's exit from the EU. Clause 5 in the 2019–21 bill remains substantively similar to clause 5 in 2017–19 bill.

The committee describe the power in clause 5(1) as "very broad" and "widened even further" by clause 5(3) and (4).[53]

The committee described the justification for taking the power, as given in the memorandum accompanying the 2017–19 bill, as "inadequate" for "a wholesale transfer from Parliament to the Government of power to legislate in a field that could […] have a major impact on large numbers of UK citizens resident in EEA member states, and EEA nationals resident in the UK".[54] It argued that an exceptional justification was needed in the case of a "clause so lacking in any substance whatsoever that it cannot even be described as a skeleton".[55] The committee recommended that clause 5 was omitted from the bill because it contained an inappropriate delegation of power.

At the time of this briefing's publication, the committee had not published a report on the 2019–21 bill.

Part 2 would come into force on such day as the secretary of state or the Treasury may by regulations made by statutory instrument appoint.[56] This could include a specific time on a day.[57]

For a summary of debate on clause 5 at the 2019–21 bill's committee stage please see:

- House of Commons Library, *Immigration and Social Security Co-ordination Bill 2019–21: Progress of the Bill*, 29 June 2020, pp 17–21

Further reading

- House of Commons Library, *The UK-EU Future Relationship Negotiations: Social Security Co-ordination*, 11 June 2020

[52] House of Lords Delegated Powers and Regulatory Reform Committee, *Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, 30 January 2019, HL Paper 275 of session 2017–19.

[53] Clause 5(4) is drafted differently in the 2019–21 bill. In the 2017–19 bill this stated that "the power to make provision mentioned in subsection (3)(c) includes power to modify—(a) any provision made by or under primary legislation; (b) retained direct EU legislation which is not mentioned in subsection (2)". In the 2019–21 the powers to modify included "(a) any provision made by primary legislation passed before, or in the same Session as, this Act; (b) any provision made under primary legislation before, or in the same Session as, this Act is passed; (c) retained direct EU legislation which is not mentioned in subsection (2)".

[54] House of Lords Delegated Powers and Regulatory Reform Committee, *Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, 30 January 2019, HL Paper 275 of session 2017–19, para 45.

[55] ibid, para 48.

[56] Immigration and Social Security Co-ordination (EU Withdrawal) Bill, clause 8(3).

[57] ibid, clause 8(6).

1.3 Remaining clauses

The remaining clauses of the bill cover interpretation, extent, commencement and the bill's short title.

The bill would extend to England and Wales, Scotland, and Northern Ireland.[58] Part 1 and sections 6 and 9 (as they relate to part 1) could be extended by order in council to:

> (a) any of the Channel Islands;
> (b) the Isle of Man;
> (c) any of the British overseas territories.[59]

Clause 7(3) would provide that:

> A power listed in subsection (4) may be exercised so as to extend, with or without modifications, to any of the Channel Islands or the Isle of Man any repeal or other amendment, made by Part 1, of legislation to which the power relates.[60]

2. House of Commons: Second reading and committee stage

The bill had its second reading in the House of Commons on 18 May 2020.[61] The bill passed its second reading by 351 votes to 252.[62] The bill was considered in a public bill committee over eight sittings between 9 and 18 June 2020. Several amendments were discussed but no amendments were made to the bill.[63]

Second reading debate

Priti Patel, the Home Secretary, said that the bill delivered on the Government's promise to end freedom of movement, "take back control of our borders and restore trust in the immigration system".[64] She argued that the bill would pave the way for the Government's new points-based immigration system.[65] This would be "firmer, fairer and simpler".[66] The Home Secretary referred to the bill's provisions on Irish citizens, saying that the Government was "enormously proud of our deep and historical ties with Ireland" which was why the bill would protect the rights of Irish citizens.[67] She

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[58] Immigration and Social Security Co-ordination (EU Withdrawal) Bill, clause 7(1).

[59] ibid, clause 7(2).

[60] The powers in clause 7(4) are the following: (a) section 36 of the Immigration Act 1971; (b) section 163(4) of the Nationality, Immigration and Asylum Act 2002; (c) section 60(4) of the UK Borders Act 2007.

[61] HC *Hansard*, 18 May 2020, cols 398–468.

[62] ibid, cols 464–7.

[63] For a detailed discussion of the bill's committee stage see: House of Commons Library, *Immigration and Social Security Co-ordination Bill 2019–21: Progress of the Bill*, 29 June 2020.

[64] HC *Hansard*, 18 May 2020, col 399.

[65] The Government published a policy paper on its proposed system on 19 February 2020, see: Home Office and UK Visas and Immigration, 'The UK's points-based immigration system: policy statement', 19 February 2020. Also see: House of Commons Library, *The New Points-Based Immigration System*, 11 May 2020.

[66] HC *Hansard*, 18 May 2020, cols 399.

[67] ibid, col 400.

also said that the Government had been clear that any future arrangements on social security "must respect Britain's autonomy in setting its own rules".[68] As a result, arrangements would change. Priti Patel said that the right to export child benefits would end as announced in the budget, for example. She stated that the bill would enable the Government to deliver on that commitment.

Speaking for the Opposition, Nick Thomas-Symonds, Shadow Home Secretary, argued that the bill sent a message that "the 180,000 EU nationals in the NHS and the care sector" were "no longer welcome".[69] Citing a labour force survey by the Institute for Public Policy Research, he expressed concern that 69% of EU migrants who currently work in the UK would not be eligible for a visa if the Government's proposed immigration system applied to them.[70] Referencing the House of Lords Delegated Powers and Regulatory Reform Committee, Mr Symonds also expressed concern about the scope of the powers in the bill:

> Let us be clear: the bill allows the Government to create a new system through statutory instrument. Ministers are asking this House for a blank cheque, for the trust of Members to go away and implement a new system, and for an executive power grab that reduces the role of this House in shaping it.[71]

He said that Labour would be voting against the bill.[72]

Stuart C McDonald, Shadow SNP Spokesperson for Immigration, Asylum and Border Control, argued that the bill would make it hard to recruit NHS, social care and other staff.[73] He argued that freedom of movement has worked well.[74] Instead of continuing this he argued the bill would "expand the reach of the UK's domestic rules—a complicated mess of burning injustice and bureaucracy", which is why he said that the SNP would vote against the bill.[75]

Christine Jardine, Liberal Democrat Spokesperson for Home Affairs, said she was disappointed that the Commons had been presented with a bill that would end freedom of movement "without offering a fair, compassionate and effective alternative".[76] She argued that the bill could have "profound" and negative effects on society and culture which is why she would be voting against it.[77]

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[68] HC *Hansard*, 18 May 2020, col 401.

[69] ibid, col 402.

[70] ibid. Those already in the UK before the end of the transition period would be eligible to apply for settled or pre-settled status under the UK's EU resettlement scheme.

[71] ibid, col 403.

[72] ibid, col 405.

[73] ibid, col 407.

[74] ibid.

[75] ibid.

[76] ibid, col 424.

[77] ibid, col 425.

3. House of Commons: Report stage

3.1 Government amendments

Government amendments 1 to 31 were agreed to without division.[78] The amendments related to powers under clause 5 to modify retained direct EU legislation relating to social security coordination.

A supplemental delegated powers memorandum the Government published explains that the amendments reflect the Scottish Government's decision not to support a legislative consent motion[79] for the bill:

> The amendments remove delegated powers relating to social security coordination for Scottish ministers in areas of devolved competence and also limit the power of a Minister of the Crown so that they cannot make provision that falls within Scottish legislative competence.[80]

The memorandum explained that the amendments were in accordance with the Sewel convention that the Government does not normally legislate on devolved matters without the consent of the devolved legislature.

3.2 Non-government amendments

At report stage, four non-government amendments were divided upon. All four were rejected on division.

New clause 1: Duty to commission an independent evaluation: Health and social care sectors

New clause 1 was an amendment tabled by Brendan O'Hara, Shadow SNP Spokesperson on Inclusive Society. It was also signed by Alliance, Green Party, Liberal Democrat and Plaid Cymru MPs.

It would have provided for the appointment of an independent evaluator to conduct a review of the impact of the bill on the following:

> (a) the health and social care workforce;
> (b) the efficiency and effectiveness of the health and social care sectors;
> (c) the adequacy of public funding for the health and social care sectors; and
> (d) such other relevant matters as the independent evaluator sees fit.[81]

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[78] House of Commons, *Votes and Proceedings*, 30 June 2020, p 2.

[79] Scottish Government, *Legislative Consent Memorandum: Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, June 2020.

[80] Department for Work and Pensions, *Immigration and Social Security Co-ordination (EU Withdrawal) Bill: Supplementary Delegated Powers Memorandum*, 22 June 2020, p 1.

[81] House of Commons, *Consideration of Bill (Report Stage): Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, new clause 1(5), p 2.

The new clause would have required the evaluator to consult several different individuals including UK and devolved government ministers and persons who required health and social care services. A report would have had to be laid before Parliament within one year of the Act passing. The Government would have to ensure the report was debated "and voted upon" in both Houses.[82]

Speaking to the amendment, Brendan O'Hara stated that the new clause was needed because those working in the health and social care sector, and service users, did not share the Government's "faith" in its proposed points-based immigration system.[83] Mr O'Hara said that the new clause was supported by 50 organisations including:

> […] the Bevan Foundation; the Church of Scotland; Unison; the MS Society; the Scottish Council for Voluntary Organisations; the Centre for Independent Living in Northern Ireland; Disability Wales; the National Carers Organisation; Macmillan Cancer Support; the Royal College of Physicians of Edinburgh; social workers in Scotland, Wales and Northern Ireland; the Voluntary Organisations' Network North-East; and the Alliance for Camphill.[84]

He argued that the health and social care sector was having recruitment problems and that "there is genuine concern in the sector that the Government do not know what to do about it, and it is a concern that is only heightened by what is contained in the bill".[85] Mr O'Hara said that he believed that freedom of movement had been beneficial to the country and expressed concern that the Government had not considered the impact of the bill on the health and social care sector. He argued that an independent review would be prudent and ensure that changes to the immigration system "however inadvertently" did not adversely impact the care needs of vulnerable people.[86]

Holly Lynch, Labour Shadow Home Office Minister, said that Labour supported new clause 1.

Responding for the Government, Kevin Foster, Parliamentary Under Secretary of State for the Home Office, said that the Government would be introducing a health and social care visa. This would provide eligible workers with "fast-track entry" and reduced visa fees. Salary thresholds under the visa would be based on "the relevant national pay scales".[87] Mr Foster said that details would be confirmed shortly. He said that the Government wanted more UK-based workers to take up roles within the health and social care sector.

Kevin Foster also explained that the Migration Advisory Committee (MAC) would be able to produce reports on how the migration system was working. This included looking at areas of its choice as well. Mr Foster said that "in future there will be the ability to lobby the MAC to independently decide to undertake reviews, rather than rely on the Government instructing it".[88]

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[82] House of Commons, *Consideration of Bill (Report Stage): Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, new clause 1(9), p 3.

[83] HC *Hansard*, 30 June 2020, col 205.

[84] ibid.

[85] ibid, col 206.

[86] ibid, col 207.

[87] ibid, col 259.

[88] ibid, col 260.

New clause 1 was defeated on division by 344 votes to 247.[89]

New clause 7: Time limit on immigration detention for EEA and Swiss nationals

New clause 7 was an amendment tabled by David Davis (Conservative MP for Haltemprice and Howden). It had cross-party support.

New clause 7 would have provided that qualifying EEA and Swiss nationals could not be held in immigration detention under a 'relevant detention power' for more than 28 days. If such a person was still in detention at the expiry of the 28-day period, then the secretary of state must release them. The secretary of state could not re-detain the individual unless they are satisfied that there has been a material change in circumstances. Relevant detention power would mean a power to detain under the following:

> (a) paragraph 16(2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal);
> (b) paragraph 2(1), (2) or (3) of Schedule 3 to that Act (detention pending deportation);
> (c) section 62 of the Nationality, Immigration and Asylum Act 2002 (detention of persons liable to examination or removal); or
> (d) section 36(1) of UK Borders Act 2007 (detention pending deportation).[90]

The provisions would not apply if the secretary of state certified that the person was being detained in the interests of national security.

Speaking to his amendment, David Davis asserted that people held in immigration detention were held "without trial or due process, oversight or basic freedoms".[91] He also expressed concern about the mental health impact of individuals not knowing when they might get released. Mr Davis said that whilst the number held in detention had reduced, it is "still nowhere near right" and that a 28-day limit was needed.

He referenced a government briefing note which he said claimed that "97% of the occupants of immigration holding centres are foreign national offenders".[92] However, Mr Davis argued that this was because a "significant majority" of people in detention had been released under Covid-19 emergency arrangements. David Davis said that whilst some of those held in immigration detention were foreign national offenders this proportion over five years was 22%; never more than 23% and normally at 19% to 20%. He argued that "that tells us that four out of five detainees in these centres have no criminal action against them whatever".[93]

David Davis said that the Home Office was "not fit for purpose in managing deportations". He said

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[89] HC *Hansard*, 30 June 2020, cols 265–8.

[90] House of Commons, *Consideration of Bill (Report Stage): Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, new clause 7(4), p 11.

[91] HC *Hansard*, 30 June 2020, col 215.

[92] ibid.

[93] ibid.

one of the purposes of his proposed new clause was to "force the Home Office to get its act together, deal with the villains and stop punishing the innocent".[94]

Holly Lynch, Labour Shadow Home Office Minister, said that Labour supported new clause 7.[95] She said this reflected "sustained" cross-party support for limiting immigration detention to 28 days.

Responding for the Government, Kevin Foster, Parliamentary Under Secretary of State for the Home Office, said that detention was an essential part of effective immigration control. However, it should be "firm, fair and humane and is only used where other options cannot be".[96] Mr Foster said that the Government was "progressing ambitious reforms to our immigration detention system, in line with several strategic priorities". He said that the immigration detention estate was now more than 40% smaller than in 2015. He also said that for the year ending December 2019, 74% of individuals were detained for 29 days and "just 2%" were held for more than six months.

On the issue of deportation, Kevin Foster stated that the asylum and removal system needed to work faster, more cleanly and more fairly. He said that the Home Office was developing legislative measures to reform the operation of the law in this area".[97]

New clause 7 was defeated on division by 332 votes to 252.[98]

Further information

- House of Commons Library, *Immigration Detention in the UK: An Overview*, 12 September 2018

New clause 13: Exemption from no recourse to public funds

New clause 13 was a Labour Party amendment.

It would have provided that section 3(1)(c)(i) and (ii) of the Immigration Act 1971 could not be applied to persons who had lost rights because of freedom of movement being ended. New clause 13 could only be disapplied unless a resolution was passed by each House of Parliament:

> "Exemption from no recourse to public funds
>
> (1) This section applies during the current Covid-19 pandemic, as defined by the World Health Organisation on 11 March 2020.
> (2) Section 3(1)(c)(i) and (ii) of the Immigration Act 1971 cannot be applied to persons who have lost rights because of section (1) and Schedule 1 of this Act.

[94] HC *Hansard*, 30 June 2020, col 217.
[95] ibid, col 214.
[96] ibid, col 260.
[97] ibid, col 261.
[98] ibid, cols 270–4.

> (3) This section could not be disapplied unless a resolution was passed by each House of Parliament."[99]

The member's explanatory statement stated that the new clause would "delay application of no recourse to public funds rules during the current pandemic and until such time as Parliament decides".[100]

Residence permits may include a condition that the individual has no recourse to public funds.[101] In such cases they are unable to claim most benefits, tax credits or housing assistance that are paid by the state. This includes income-based jobseeker's allowance, income support, working tax credit and housing benefit.[102] Public funds do not include benefits that are based on national insurance contributions. These benefits include contribution-based jobseeker's allowance, incapacity benefit and statutory maternity pay.[103]

Speaking to the amendment, Holly Lynch, Labour Shadow Home Office Minister, said that Labour had already asked the Government to lift no recourse to public funds as a condition of an individual's migration status "to ensure that nobody was left behind in the public health effort undertaken to fight against coronavirus".[104]

Holly Lynch referenced an exchange between Stephen Timms (Labour MP for East Ham) and the Prime Minister during his appearance before the House of Commons Liaison Committee's meeting on 27 May 2020. Mr Timms raised the situation of two of his constituents who worked but "the husband's employer did not put him on the job retention scheme, so he has zero income".[105] Whilst his wife still worked her income did not cover their rent. Mr Timms asked the Prime Minister whether it was wrong that "a hard-working, law-abiding family like that is being forced into destitution by the current arrangements?". The Prime Minister responded saying that:

> Clearly people who have worked hard for this country, who live and work here, should have support of one kind or another, but you have raised a very, very important point if a condition of their leave to remain is that they should have no recourse to public funds. I will find out how many there are in that position and we will see what we can do to help.[106]

Holly Lynch said that although new clause 13 had been drafted to fit within the scope of the bill, it "would start to deliver on the spirit of the Prime Minister's commitment".[107]

Responding for the Government, Kevin Foster, Parliamentary Under Secretary of State for the Home

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[99] House of Commons, *Consideration of Bill (Report Stage): Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, new clause 7(4), p 16.
[100] ibid.
[101] UK Visas and Immigration, *Guidance: Public Funds*, 17 February 2014.
[102] ibid.
[103] ibid.
[104] HC *Hansard*, 30 June 2020, col 210.
[105] House of Commons Liaison Committee, *Oral evidence from the Prime Minister, HC 322*, 27 May 2020, Q67.
[106] ibid, Q68.
[107] HC *Hansard*, 30 June 2020, col 277.

Office, said that there were safeguards in place "to ensure that vulnerable migrants who are destitute or at imminent risk of destitution and have community care needs, including issues relating to human rights or the wellbeing of children, can receive support".[108] He said that the Government recognised and was grateful for the contributions of migrants "especially during the recent pandemic".

Mr Foster also stated that the Government had made more funding for local authorities available and made it easier for people to apply to have no recourse to public funds conditions lifted:

> We have provided more than £3.2 billion of additional funding in England and further funding in the devolved administrations to support local authorities to deliver their services, including helping the most vulnerable. We have also made it more straightforward for those here on the basis of family life or human rights to apply to have the "no recourse to public funds" condition lifted, with change of condition decisions being prioritised and dealt with compassionately.[109]

New clause 13 was defeated by 337 votes to 248.[110]

New clause 29: Family reunion and resettlement

New clause 29 was tabled by Yvette Cooper, chair of the Commons Home Affairs Committee and Labour MP for Normanton, Pontefract and Castleford. It had cross-party support.

New clause 29(1) would have provided that:

> The secretary of state must make provision to ensure that an unaccompanied child, spouse or vulnerable or dependant adult who has a family member who is legally present in the United Kingdom has the same rights to be reunited in the United Kingdom with that family member as they would have had under Commission Regulation (EU) No 604/2013.[111]

New clause 29(2)(a) would have provided that the secretary of state must amend the immigration rules to preserve the effects in the UK of Regulation (EU) No 604/2013 for the family reunion of unaccompanied minors, spouses and vulnerable or dependant adults. New clause 29(2)(b) would require the secretary of state to lay before Parliament a strategy for "ensuring the continued opportunity for relocation to the UK of unaccompanied children present in the territory of the EEA, if it is in the child's best interests". Both would have to be done within six months beginning on the day on which the bill was passed. New clause 29(3) would provide for the definition of "family member" and "relative".

The member's explanatory statement for new clause 29 states that:

> This new clause would have the effect of continuing existing arrangements for unaccompanied

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[108] HC *Hansard*, 30 June 2020, col 262.

[109] ibid.

[110] ibid, cols 275–8.

[111] House of Commons, *Consideration of Bill (Report Stage): Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, new clause 7(4), pp 26–7.

> asylum-seeking children, spouses and vulnerable adults to have access to family reunion with close relatives in the UK.[112]

Regulation (EU) No 604/2013 provides criteria and mechanisms for determining the EU member state responsible for examining the application for international protection lodged in a member state by a third-country national or stateless person.[113] It is sometimes referred to as the Dublin III regulations. During the passage of the EUWA 18 through Parliament concern was raised about how the UK's withdrawal from the EU could affect unaccompanied children under the regulations. Dublin III would not apply to the UK after the end of the transition period.[114] Under section 17 of the EUWA 2018 as originally passed, the Government would have had to seek to negotiate an agreement with the EU under which unaccompanied asylum-seeking children in the EU would be able to join relatives lawfully resident in the UK and vice versa. This provision was added to the EUWA 2018 as a result of a Lords amendment originally moved by Lord Dubs (Labour), although the final text of the EUWA 2018, as originally passed, reflected further amendments made by the Commons before the Act received royal assent.[115] However, section 17 was amended by section 37 of the European Union (Withdrawal Agreement) Act 2020 (EUWAA 20). This provided that the Government would no longer be obliged to try to negotiate such an arrangement. Instead, it would have to lay before Parliament a statement of policy in relation to future arrangements between the UK and the EU about unaccompanied asylum-seeking children. It would have to do this within two months of the bill receiving royal assent. During report stage of the EUWAA 20, Baroness Williams of Trafford, Minister of State at the Home Office, stated that "I assure noble Lords that the Government are intent on pursuing an agreement no less than that which we would have pursued under the original section 17".[116]

The Government published its statement of policy on 16 March 2020.[117] This document reiterated a statement contained in the Government's paper *The Future Relationship with the EU: The UK's Approach to Negotiations*:

> The UK has made a specific commitment to seek to negotiate a reciprocal agreement for family reunion of unaccompanied children seeking asylum in either the EU or the UK, with specified family members in the UK or the EU, where this is in the child's best interests.[118]

The policy statement said that the Government was seeking to negotiate with the EU in line with this commitment.[119] In May 2020, the Government published a series of draft legal texts as part of its negotiations with the EU on the future relationship with the UK.[120] This included a draft agreement on

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[112] House of Commons, *Consideration of Bill (Report Stage): Immigration and Social Security Co-ordination (EU Withdrawal) Bill*, new clause 7(4), p 27.

[113] Eur-Lex, 'Regulation (EU) No 604/2013', June 2013.

[114] House of Commons Library, *The UK's Refugee Family Reunion Rules: A Comprehensive Framework?*, 27 March 2020, p 17.

[115] For further details, see: House of Lords Library, *European Union (Withdrawal) Bill: Lords Report Stage*, 14 May 2018, pp 59–62; and *European Union (Withdrawal) Bill: Commons Consideration of Lords Amendments*, 15 June 2018, pp 12–15.

[116] HL *Hansard*, 21 January 2020, col 1050.

[117] Home Office, *Statement of Policy in Relation to Family Reunion of Unaccompanied Children Seeking International Protection in the EU or the UK*, March 2020.

[118] HM Government, *The Future Relationship with the EU: The UK's Approach to Negotiations*, February 2020, CP211, para 54.

[119] Home Office, *Statement of Policy in Relation to Family Reunion of Unaccompanied Children Seeking International Protection in the EU or the UK*, March 2020, para 3.

[120] Prime Minister's Office and 10 Downing Street, 'Our approach to the future relationship with the EU', May 2020.

the transfer of unaccompanied asylum-seeking children.[121]

Speaking to the new clause, Yvette Cooper said that it sought only to "continue the UK's current commitments to help child refugees".[122] She argued that the draft legal text published by the Government in May 2020 represented "a major downgrade in support and rights" for unaccompanied child and teenage refugees:

> All it does is allow EU member states to request the transfer of an asylum claim. There is no obligation on the UK even to consider it, never mind accept it. There are no objective criteria on which an application could be based, no appeal rights and no safeguarding timetables to make sure that a case does not drift endlessly, leaving a child in danger and in limbo, and the child with no family will no longer have legal rights.[123]

Yvette Cooper argued that the Government did not have to wait for the negotiations to be completed. She argued that the UK should continue support regardless of "whatever other countries decide".

Tim Loughton, a member of the Home Affairs Committee and Conservative MP for East Worthing and Shoreham, echoed Yvette Cooper's comments about the Government's draft legal text. He asserted that "the text intentionally avoids providing rights to children, contains no appeal process and attempts to be beyond the reach of the United Kingdom courts".[124] He also said that should negotiations with the EU not succeed, the UK could put in place its own scheme and that was what the new clause sought to achieve.[125]

New clause 29 was substantively the same as new clause 46, which had been debated during the bill's Commons committee stage. New clause 46 had been withdrawn after debate and not pushed to a division.[126]

Holly Lynch, Labour Shadow Home Office Minister, said that Labour also supported new clause 29.[127] When speaking about new clause 46 at committee, Holly Lynch said Labour was concerned that the Government's current proposals were not mandatory and would lead to reunification of children with their families only at the discretion of government.[128] She said her party wanted to see a system that retained the family reunion route under Dublin III for all families.

Responding for the Government, Kevin Foster, Parliamentary Under Secretary of State for the Home Office, said that the Government was committed to the principle of family reunion and supporting

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[121] HM Government, *Draft Working Text for an Agreement Between the United Kingdom of Great Britain and Northern Ireland and the European Union on the Transfer of Unaccompanied Asylum-seeking Children*, May 2020.

[122] HC *Hansard*, 30 June 2020, col 222.

[123] ibid, cols 222–3.

[124] ibid, col 209.

[125] ibid, col 210.

[126] ibid, col 305. For a further discussion of this debate see: House of Commons Library, *Immigration and Social Security Co-ordination Bill 2019–21: Progress of the Bill*, 29 June 2020, pp 25–7.

[127] HC *Hansard*, 30 June 2020, col 213.

[128] ibid, col 302

vulnerable children.[129] However, he argued that new clause 29 did not recognise current routes for family reunification or the negotiations that the Government was pursuing with the EU on "new reciprocal arrangements for the family reunion of unaccompanied asylum-seeking children in either the UK or the EU, as set out in the draft legal text". Mr Foster stated that a negotiated state-to-state referral and transfer system "would provide clear and consistent processes between the UK and EU member states, ensuring appropriate support for the child and guaranteeing reciprocity". He argued that new clause 29 sought guarantees that could not be provided for in UK domestic law by itself. On existing routes, Kevin Foster said that routes for family wishing to enter or remain in the UK based on family relationships, and "those who are post-flight family of a person granted protection in the UK" would remain in place at the end of the transition period.

New clause 29 was defeated on division by 332 votes to 255.[130]

Further reading

- House of Commons Library, *The UK's Refugee Family Reunion Rules: A Comprehensive Framework?*, 27 March 2020
- Home Office, *Dublin III Regulation*, 30 April 2020

4. House of Commons: Third reading

There was no debate at third reading. The bill was passed by 342 votes to 248.[131]

[129] HC *Hansard*, 30 June 2020, col 263.
[130] ibid, cols 280–3.
[131] ibid, cols 287–90.