



Appeals Clauses of the Immigration, Asylum and Nationality Bill 2005

ILPA is anxious to inform affected agencies and individuals about the changes to immigration appeals in the latest immigration legislation, the *Immigration, Asylum and Nationality Bill 2005*, which is currently being considered by Parliament.

The government gave no hint of their intention to make the proposed changes. They have not explained the full significance and effect of the changes. The provisions in the Bill are complex and not readily understood unless read by reference to other immigration legislation.

The changes are significant. People refused visas to come to the UK for example as fiancées, carers, students, work permit holders, business persons etc. will no longer have a right of appeal if they are refused entry clearance.

The changes will also affect people with leave to remain in the UK. As the law presently stands a student, family member or work-permit holder refused an extension of stay in the UK has a right of appeal against the refusal and may remain in the UK while that appeal is being heard. About one third of these appeals are successful – that is one third of the Home Office refusal decisions are wrong. The Bill will prevent people from appealing whilst they are in the country and a person refused permission to stay will be compelled to leave the country immediately. Applicants appealing from abroad have far less chance of winning their appeals. The Home Office will be represented at their appeal hearing but the applicant will be unable to attend the hearing to give evidence.

The Bill also has the appalling effect of criminalizing all people refused extensions of stay in the UK. These will be people here lawfully, whether as employees, students, family members or business people. As soon as they are refused an extension of stay they may be detained and removed. If they do not leave the UK, they are committing a criminal offence and may be arrested by a police officer or immigration officer and if convicted, may be imprisoned for up to six months.

This is not 'streamlining' the appeal system as the government claims. It is subverting and stacking the appeal system. The changes will affect the families, livelihoods and careers of lawful immigrants and disrupt the workings of educational institutions and businesses by forced departures.

ILPA encourages people to consider the effect of the Bill, to read our detailed written documentation to explain the changes and to PROTEST to defeat these changes.

For further information, briefings and updates please contact Alison Harvey, Legal Officer, alison.Harvey@ilpa.org.uk telephone: 020 7251 8383.

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