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Immigration Bill 2015

The Government introduced its new Immigration Bill to the House of Commons on 17 September 2015. This sheet provides an overview of some of the changes the Bill seeks to implement and of the next steps in the parliamentary process. There is much to analyse in the detail of the Bill and further briefings will follow on specific areas.

Human rights appeals

The Bill seeks to remove to remain in the UK while appealing on human rights grounds against an immigration decision unless to leave the UK would cause 'serious and irreversible harm'. This extends to all individuals the provisions that are currently in force for foreign national offenders. This would not affect appeals brought under the Refugee Convention or Article 3 of the European Convention on Human Rights (the right to be free from torture, inhuman or degrading treatment or punishment) but would affect human rights appeals brought under article 8 of the European Convention on Human Rights, the right to private and family life. Individuals would be required to bring any appeal against a wrong decision from outside the UK, causing the separation of families, disruption to an established life in the UK and practical difficulties in appealing from abroad.

Access to services

More measures are proposed in this Bill to extend the 'hostile environment' that the Government seeks to create for people living in the UK without legal status. These are likely to lead to discrimination affecting people with citizenship or legal residence, such as those from ethnic minorities, and preventing them from accessing services also.

The **right to rent scheme** introduced under the Immigration Act 2014 requiring landlords and landladies to check immigration status documents and not rent to people disqualified from renting by their immigration status, is being extended across the country without the need for any change to legislation. Alongside this, the Bill enables landlords and landladies to evict people whose immigration status means that they have 'no right to rent'. It also creates a new criminal offence, with a maximum five year prison sentence, for landlords and landladies who know or have reasonable grounds to believe that their property is occupied by a person who does not have the 'right to rent'.

Banks and building societies will be required periodically to check the immigration status of current account holders and to notify the Home Office if a person does not have the correct legal status. They will be required to facilitate the closure of bank accounts held by those without legal status.

The Bill creates a **new offence of driving whilst not lawfully resident in the UK** and powers that enable police and immigration officers to search for and seize driving licenses.

Provision of support

The Bill seeks to repeal section 4 of the Immigration and Asylum Act 1999 and replace this with a new section 95A of the Immigration and Asylum Act 1999 limited to providing support to failed asylum seekers who can show that they are destitute and that there is a genuine obstacle to removal. The Bill leaves the detail of what will be considered a genuine obstacle to removal and how support will be provided to the Home Office to determine in regulations. There would also be no right of appeal against decisions to refuse or discontinue support under this section.

Families with children who reach the end of the asylum process would no longer qualify for support under section 95 of the Immigration and Asylum Act 1999. This means they will be unable to access support if they do not meet the criteria of the new section 95A provision.

Support under section 95 Immigration and Asylum Act 1999 would be extended to those who lodge further submissions, however this only protects those making further submissions on refugee and humanitarian protection grounds and only if these have not been considered by the Home Office within a specified timeframe.

Bail and electronic tagging

The Bill seeks to create a new framework for immigration bail replacing temporary admission and other forms of temporary release for people who are liable to be detained or are seeking release from detention. The Secretary of State would have wide-ranging powers to impose conditions on immigration bail, including electronic monitoring requirements.

Illegal working

The Bill would create a new criminal offence for people working illegally with a maximum prison sentence of 51 weeks and/or a fine. New powers are created for the immigration service to seize earnings and close down businesses.

Immigration skills charge

The Bill would create a power for the Secretary of State to require employers to pay an immigration skills charge for each skilled worker that they sponsor from outside the European Economic Area. The amount of the fee and any exemptions would be determined in later regulations and the money raised would be used to fund apprenticeships in the UK.

Missing from the Bill

There are measures that many organisations would like to see introduced in any new Bill. These include a **time limit on detention**, **judicial oversight of detention** and **reforms to citizenship laws**.

Next steps in the parliamentary process

There will be a general debate on the Bill in the House of Commons called 'second reading' which will take place on **13 October 2015**. Briefings to MPs for this debate are best focused on highlighting your main areas of concern in the Bill and the things you would like to see included in it.

The detail of the Bill will then be considered by a smaller committee of the House of Commons in a series of public debates in which amendments to clauses will be put forward, debated and sometimes voted on. This will be the opportunity to provide briefings on specific issues in the Bill which cause concern and seek changes.

Information about the Bill as it passes through parliament can be accessed at this link:
<http://services.parliament.uk/bills/2015-16/immigration.html>