



information sheet

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Updated 01 November 2016

IMMIGRATION ACT 2016: OVERVIEW

The Immigration Bill completed its passage through parliament and became an Act of Parliament on 12 May 2016, though the majority of its provisions did not come into force on that date. This information sheet provides an overview of the changes brought about by the Immigration Act 2016 and explains how and when its provisions enter into force. Separate information sheets provide more detail on each topic. Follow the links to read more about any issue.

When do the provisions of the Immigration Act 2016 come into force?

Different sections of the Immigration Act enter into force and become law at different times. Most provisions are brought into force through the Government making commencement orders. Two commencement orders have so far been made. Other provisions will be brought into force at later dates through further orders.

What does the Immigration Act 2016 do?

The Government has stated that the purpose of the Immigration Act 2016 is to tackle illegal immigration by making it harder to live and work without permission in the United Kingdom. The Act not only makes changes to immigration law and practice but also to areas such as housing, social welfare and employment in order to create a 'hostile environment'.

Part One: Labour market enforcement and illegal working

The Immigration Act 2016 introduces new measures aimed at enforcing [labour market](#) standards such as the payment of national minimum wage. Under provisions in force from 12 July 2016, a new body will be established with responsibility for developing an annual strategy to tackle non-compliance with these standards. The functions of the Gangmasters Licensing Authority, renamed Gangmasters and Labour Abuse Authority, will also be expanded. Further provisions that come into force on 25 November 2016 may require employers who breach labour market standards to take specific measures to comply with labour law under a new system of labour market enforcement undertakings and orders. Working like an ASBO for employers, breach of the order will be a criminal offence.

[Illegal working](#) is also a focus of this part of the Act. A new offence of illegal working entered into force on 12 July 2016, criminalising individuals who work while living in the UK unlawfully, or in breach of the conditions of their stay. Also in force are new illegal working provisions affecting employers, which widen the offence of employing an illegal worker and increase the penalties for doing so. Other provisions will make the right to work a requirement of licences for taxis (in force from 01 December 2016) and a requirement of personal or premises licences granted for the sale of alcohol or late night hot food and drink (not yet in force). There will also be new powers to close an employer's premises for a period of time where they are employing a person without the right to work and have previously been given a civil penalty or convicted of a criminal offence for doing so. These powers come into force on 01 December 2016.

Part Two: Access to Services

Under the 'right to rent' scheme, introduced by the Immigration Act 2014 and currently operating in England, landlords may not rent accommodation to people who do not have leave to enter or remain in the UK and risk fines if they do not make the proper checks. The Immigration Act 2016 will introduce further [restrictions](#)

[on the right to rent accommodation](#). When these come into force on 01 December 2016, landlords or their agents will risk prosecution for a criminal offence if they rent to an adult they know, or have reasonable cause to believe, is disqualified from renting by their immigration status. Landlords will be given new powers to evict people who are disqualified from renting. There will also be new restrictions on [driving in the UK and current bank accounts](#) for those without leave to enter or remain, building on measures introduced by the Immigration Act 2014 but not yet in force.

Part Three: Enforcement, including Detention and Bail

The Immigration Act 2016 introduces extensive new [powers of immigration officers](#), many of which are already in force. A new power for immigration officers to cancel '3C leave' (leave extended under section 3C of the Immigration Act 1971 if necessary while an application for further leave or to switch to a different category of leave is pending before the Home Office or is under appeal) comes into force on 01 December 2016. It may be used where a person has failed to comply with a condition of their leave or used deception.

New measures on [immigration detention](#) seek to address the serious criticisms of the welfare of vulnerable people in immigration detention made by Sir Stephen Shaw in his review of this issue. The Home Office is required to issue guidance on the detention of vulnerable people which it has done and there are now limitations placed on the detention of pregnant women. Temporary admission and bail will be replaced by a single new concept of [immigration bail](#) in provisions not yet in force. These also introduce automatic bail hearings for detainees other than those facing deportation after committing a criminal offence and new requirements of electronic monitoring ('tagging') as a condition of granting bail to many of those subject to deportation.

Part Four: Appeals

In [appeals](#) provisions coming into force on 01 December 2016, the Home Office will extend 'deport first, appeal later' provisions, currently applied to human rights appeals made by foreign nationals who have served a criminal sentence and face deportation, to all human rights claims except those involving asylum or Articles 2 or 3 of the European Convention on Human Rights (protecting the right to life and prohibiting torture and ill-treatment). This means that the Home Office will have the power to certify human rights claims, such as those relying on Article 8 of the European Convention on Human Rights (protecting the right to private and family life), with the effect that the applicant may only bring an appeal against a negative decision unless to do so would breach their rights under the European Convention on Human Rights.

Part Five: Support provisions

This part of the Act will make significant changes to access to [Home Office support and accommodation](#) for asylum seekers at the end of the asylum process and other migrants. Changes are made to [local authority support for migrant families with children](#) and [local authority support for care leavers](#). It sets out a scheme for the [transfer of responsibility of unaccompanied children](#) between local authorities so that responsibilities arising from the refugee crisis are shared more evenly across the country. The government commitment to relocate unaccompanied refugee children from Europe to the UK is also found in this section. Only these last two provisions are in force.

Part Seven: Language requirements for public sector workers

This part of the Act comes into force on 21 November 2016 and will place a duty on public authorities to ensure that each person who works for it in a 'customer-facing' role speaks 'fluent' English, defined as sufficient spoken English to enable the effective performance of their role. As part of these [language requirements for public sector workers](#), the public authority will have to operate a system under which the public may make complaints.

Part Eight: Fees and Charges

The Immigration Act 2016 makes provision for an [Immigration Skills Charge](#) to be levied on those hiring workers from outside the European Economic Area as skilled workers under the Points Based System. The money raised will be used by the Government to fund apprenticeship schemes. The provision is in force but the charge itself will not be introduced until April 2017.