

Immigration Bill

Factsheet: Overview of the Bill

The Immigration Minister Mark Harper MP said:

“The United Kingdom has a long and proud history of immigration. Our immigrant communities are a fundamental part of who we are and we are a richer and stronger society because of them.

“But the public expects and deserves an immigration system that is fair to British citizens and legitimate immigrants and tough on those who abuse the system and flout the law.

“The Immigration Bill will stop migrants abusing public services to which they are not entitled, reduce the pull factors which draw illegal immigrants to the UK and make it easier to remove people who should not be here.

“We will continue to welcome the brightest and best migrants who want to contribute to our economy and society and play by the rules. But the law must be on the side of people who respect it, not those who break it.”

Background:

Immigration is down by almost a fifth since its peak in 2010 and net migration is down by a third. The Immigration Rules have been reformed to cut out abuse where it was rife while at the same time maintaining the UK's position as an attractive place to live and work for the brightest and best from around the world. But there is still more to do.

As things stand, it is too easy for people to live and work in the UK illegally and take advantage of our public services. The appeals system is like a never-ending game of snakes and ladders, with almost 70,000 appeals heard every year. The winners are foreign criminals and immigration lawyers – while the losers are the victims of these crimes and the public. It is too difficult to get rid of people with no right to be here.

This is not fair to the British public and it is not fair to legitimate migrants who want to come and contribute to our society and economy.

What we are going to do:

- Reform the removals and appeals system, making it easier and quicker to remove those with no right to be here;
- End the abuse of Article 8 – the right to respect for private and family life;
- Prevent illegal immigrants accessing and abusing public services or the labour market.

How we are going to do it:

The Bill will make it:

- (i) easier to identify illegal immigrants by extending:
 - powers to collect and check fingerprints;
 - powers to search for passports;
 - powers to implement embarkation controls;
 - powers to examine the status and credibility of migrants seeking to marry or enter into civil partnership.

- (ii) easier to remove and deport illegal immigrants by:
 - cutting the number of decisions that can be appealed from 17 to 4 – preserving appeals for those asserting fundamental rights;
 - extending the number of non-suspensive appeals. Where there is no risk of serious irreversible harm, we should deport foreign criminals first and hear their appeal later;
 - ensuring the courts have regard to Parliament's view of what the public interest requires when considering Article 8 of the European Court of Human Rights in immigration cases;
 - restricting the ability of immigration detainees to apply repeatedly for bail if they have previously been refused it.

- (iii) more difficult for illegal immigrants to live in the UK by:
 - requiring private landlords to check the immigration status of their tenants, to prevent those with no right to live in the UK from accessing private rented housing;
 - making it easier for the Home Office to recover unpaid civil penalties;
 - prohibiting banks from opening current accounts for migrants identified as being in the UK unlawfully, by requiring banks to check against a database of known immigration offenders before opening accounts;
 - introducing new powers to check driving licence applicants' immigration status before issuing a licence and revoking licences where immigrants are found to have overstayed in the UK.

In addition the Bill also contains measures to:

- introduce a new requirement for temporary migrants who have only a time-limited immigration status to make a contribution to the National Health Service;
- give the Office of the Immigration Services Commissioner new powers to better regulate the immigration advice sector, to protect migrants from exploitation and prevent spurious and inappropriate applications which waste public funds and delay the handling of immigration cases;
- simplify the current fees legislation, which is spread across a number of different Acts, amending the criteria and process in regards to the Home Office's ability to charge fees for immigration services.

Taken together, these measures aim to make the UK the least attractive destination for illegal immigrants, reinforcing the message that we welcome legal migrants who contribute to our economy and society but we will take firm action against those who break the rules.

The Bill will benefit:

British citizens and legal migrants by:

- Deterring illegal migrants from coming to the UK in the first place;
- Allowing the Home Office more effectively to identify, and enforce the removal, of illegal migrants;
- Encouraging more of those people who are here unlawfully to leave;
- Reducing the cost to the taxpayer of the immigration system through fewer appeals and more cost recovery through fees;
- Reducing pressure on services therefore freeing up capacity for the lawfully resident population.

Next steps:

- We intend the Bill to complete its Parliamentary passage during the third session of this Parliament and once Royal Assent has been received, for the measures in the Bill to be implemented from summer 2014 onwards.

Q&A:

Why is there nothing in the Bill to stop migrants accessing benefits?

DWP have already taken powers in the Welfare Reform Act to prevent illegal migrants from receiving contributory benefits and statutory payments (such as Statutory Maternity Pay) if they have no right to work in the UK at the point of claim. The government are also taking steps to further tighten migrant access to benefits. New powers in primary legislation are not required for this:

- The Home Office is creating a new statutory presumption that the EU right to reside as a jobseeker, and consequently access to benefits, will stop after six months – unless the person can prove they are actively seeking work and have a real chance of getting a job. To introduce this measure we will amend the Immigration (European Economic Area) Regulations 2006 to come into effect in January 2014.
- DWP are also strengthening the Habitual Residence Test. All migrants, including British nationals returning from a period living or working abroad, have to satisfy the test to claim income related benefits. DWP have improved the question set and this will be supported by an intelligent by design IT system that will tailor the questions asked to individual circumstances. The strengthened test will be introduced by the end of 2013.

Further reading

Each of the proposed measures in the Bill is the subject of a detailed fact sheet. For more information and to view supporting documentation, please see the Bill web pages on the government website:

<https://www.gov.uk/government/organisations/home-office/series/immigration-bill>

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