



UK Borders Bill

At this time, the UK Borders Bill is being considered by a Public Bill Committee of the House of Commons. The Committee is made up of 17 MPs. A majority are Labour party members, which reflects the Government's majority in the Commons. The Committee will complete its consideration of the Bill and possible amendments on 22 March. It will then report back to the Commons. A further debate (called Third Reading) will be held in the Commons, before the Bill is passed to the House of Lords for consideration.

New Powers

The Bill proposes substantial extensions of powers for Immigration Officers, including:

- **A power to detain for up to three hours any person passing through a UK port.** This power will not apply in Scotland. It may be used if the immigration officer believes the person is of interest to the police for a criminal offence. This power has no particular relevance to immigration matters. Obstructing an immigration officer exercising this power will itself be a criminal offence. [Clauses 1-4]
- **A power to require any person with limited leave to enter or remain to report or reside at a particular address.** These requirements may be imposed upon any immigrant who does not have indefinite leave to remain. This includes refugees, students, business people, workers and visitors. There is no restriction on when or how the power may be exercised. It may include weekly or daily reporting. [Clause 16]
- **A power to seize cash held by any person.** This power may be used if the immigration officer believes the cash is related to criminal activity. If an immigration officer finds cash in the possession of someone who does not have permission to work, the cash may be seized if the immigration officer believes it has been earned through illegal working. [Clause 20]
- **A power to enter and search a person's home in order to search for and seize that person's passport.** This power may be used if a person is arrested by the police, and it is suspected that the person is not British. The reason for the arrest may have no relevance to immigration matters. [Clause 40-41]

Biometrics

The Bill proposes to introduce a system of biometric registration for immigrants in the UK. The powers currently envisaged by the Bill will allow biometric and other personal information to be held indefinitely. It will also allow that information to be passed to other agencies and be used for purposes that are not yet defined. A person may be required to show a biometric identity card in order to take employment, receive benefits or access education. [Clauses 5-15]

Deportation

The Bill includes new provisions relating to deportation. It will mean that some people will be deported from the UK without any consideration of their personal circumstances. Those affected will be people, who have been convicted and sentenced to a period of imprisonment in the UK. However, this will include someone convicted of a shoplifting or graffiti offence, if they have been sent to prison for even a few days. The Bill will mean they must be deported and excluded from returning to the UK, even if they have been living here for many years. There are

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some exceptions to this, including: (i) children; (ii) refugees and others where the deportation would infringe human rights; and (iii) EC nationals. [Clauses 28-35]

ILPA has several concerns with the Bill. We have written briefings for MPs and given evidence to the Public Bill Committee. More information is available on our website.

A copy of the Bill may be found at (there will likely be amendments made in due course):
<http://www.publications.parliament.uk/pa/cm200607cmbills/053/2007053.pdf>

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