



information sheet

Simplification Project 2

18th March 2008

In June 2007 the Government began a project to simplify UK immigration law. Information about this and the initial consultation on the project was provided in the August 2007 "Simplification Project" information sheet.

This information sheet provides an update on the simplification project.

What has happened since June 2007?

In June 2007, the Government published *Simplifying Immigration Law: an initial consultation*. Responses to this consultation were requested by 29 August 2007. The Government published a report of the responses to the initial consultation in December 2007. These publications are available at:

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/simplification1stconsultation/>

In February 2008, the Government published *Path to Citizenship: next steps in reforming the immigration system*. The paper is available at:

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/pathtocitizenship/>

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What is to happen next?

By the end of November 2008, the Government intend to introduce a new immigration Bill in Parliament. It is intended that this Bill will consolidate and simplify UK immigration and nationality law.

Before then, by summer 2008, the Government intend to allow for further consultation by publishing a draft of this Bill. However, they have made clear that this draft Bill is likely to be incomplete; so it will not allow for consultation on all the proposals contained in the Bill that will be presented to Parliament in November.

In the meantime, the *Path to Citizenship* paper allows for consultation upon some of the proposals that the Government intend to include in the November Bill. The remainder of this information sheet provides details and commentary upon some of these proposals.

Proposals to change how an immigrant to the UK may become a British citizen

The *Path to Citizenship* paper mainly sets out proposals relating to how certain immigrants may become British citizens. Further information about these proposals on citizenship are available from the "Path to Citizenship" information sheet.

General grounds for refusal

There is a vague proposal to set out general grounds upon which an immigration application (to come to or stay in the UK) may be refused. It is also proposed to introduce bans on re-entering the UK for those who have been removed from the UK.

However, two weeks before the paper was published the Government introduced specific changes to the Immigration Rules, including changes to the general grounds upon which applications may be refused and including re-entry bans. More information on this is available from the information sheets on "Immigration Rules – general grounds for refusal" and "Immigration Rules

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– general grounds update”.

Other proposals

Other general proposals include:

- reforming the scheme for providing housing and welfare support for asylum-seekers
- replacing “removals” and “deportations” with one process of “enforced departure”
- replacing “entry clearance”, “leave to enter” and “leave to remain” with one status called “permission”
- replacing “cancellation” (of limited leave) and “revocation” (of indefinite leave) with one procedure for “cancellation”
- specifying in the Immigration Rules particular types of evidence that may be required in order to demonstrate an entitlement to come to or remain in the UK
- introducing a points based system for economic migration into the Immigration Rules to replace many of the categories currently in the Immigration Rules
- introducing powers to establish a biometric identity card system for immigrants

Some of the proposals are simply unclear. The proposals for reforming asylum support include that the legislation should be made clearer. That would be welcome. However, it is not clear what further changes to the support system are envisaged.

Other proposals appear to propose nothing more than what the Government has already done or announced. As indicated above, changes to the Immigration Rules are introducing re-entry bans and have made changes to the general grounds for refusal. The proposals on biometric identity documents and the points based system also seem to be things that have already been introduced or are in the process of being introduced.

Many of the remaining proposals seem, on their face, to be little more than changes in terminology (i.e. merely about renaming procedures or statuses). However, some of these may have significant legal implications. For example, it is not clear how temporary admission (or the proposed new special immigration status – see August 2007 “Special Immigration Status” information sheet) will fit with the proposals for a single “permission” status to replace entry clearance, leave to enter and leave to remain.

One general concern is the Government’s intention to reduce discretion available to those who decide applications to come to or stay in the UK. Reducing discretion risks creating systems that are arbitrary and unlawful because such systems are unable to fully take into account the particular circumstances of the individuals whose lives they determine.