



Draft (partial) Immigration and Citizenship Bill

19th September 2008

In July 2008, the Government published the draft (partial) Immigration and Citizenship Bill. This information sheet provides general information about this draft Bill. It is intended that further information sheets on particular provisions of the draft Bill will be available in the months ahead.

The publication of the draft Bill is the latest step in the simplification project. Information about this project has been given in two "Simplification Project" information sheets of August 2007 and March 2008.

The draft Bill

The draft Bill sets out provisions which are intended to be included in a full Immigration and Citizenship Bill. The full Bill is expected to be introduced to Parliament in early 2009.

The draft Bill is partial – i.e. it is not complete. At the same time as publishing the draft Bill, the Government published a short document called *Making Change Stick*. This document gives a brief explanation of what is included in the draft Bill and what is not included but expected in the full Bill.

In the Foreword to *Making Change Stick*, Liam Byrne MP, Minister of State for Borders and Immigration writes:

"The biggest shake-up to our border protection and immigration system for over 45 years is well underway. Now we propose to replace almost all our current laws to make sure that these changes stick."

It is important that the Government intends to do much more than merely consolidate (i.e. put in one place, and get rid of duplication) immigration legislation. Instead it intends to replace that legislation. Important changes may be made. The draft Bill indicates that there may be many and serious changes.

The draft Bill and other information, including *Making Change Stick* is available at the following link. However, please note that the draft Bill is very long (over 200 pages). <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/immigrationandcitizenshipbill/>

What is included, and what is to come later

Making Change Stick has a table at page 9. This gives some indication of what the full Bill should contain, and what is currently included in the draft Bill and what will come later.

Important things in the draft Bill include provisions for:

- expulsion and exclusion of migrants
- regulating who has permission to enter and stay in the UK
- detention
- some of the detail about how migrants may naturalise as (become) British citizens
- immigration offences and preventing illegal working

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Some important things that are expected but not in the draft Bill yet include provisions for:

- asylum support
- regulation of immigration advisers
- oversight of the UK Border Agency
- the appeals system (beyond the initial appeal to the Asylum and Immigration Tribunal)
- limitations on migrants' access to services and benefits
- much of the powers available to immigration officers
- identity cards, and collection and storage of biometric and other personal data

Scrutiny of the draft Bill

The Home Affairs Committee has decided to consider the draft Bill as part of its ongoing enquiry into managed migration. The Committee has received written evidence, which it asked for by 17 September.

The Joint Committee on Human Rights has decided to consider the draft Bill. It has asked to be given written evidence by 31 October. Information about the Joint Committee's Call for Evidence on the draft Bill (and other legislation) is available from the Committee's press notice, which is available at: http://www.parliament.uk/parliamentary_committees/joint_committee_on_human_rights/jchrpn51_310708.cfm

Related ongoing work and consultations

The UK Border Agency has published a consultation on the future of the Asylum and Immigration Tribunal (AIT). It is proposed to make the AIT part of the new Tribunal system being established by the Tribunals, Courts and Enforcement Act 2007. If this proposal is taken forward, the AIT would effectively become a two-tier tribunal again – as it was before 2005, when the changes in the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 were brought into force. The UK Border Agency has asked for responses to this consultation by 16 October. A copy of this consultation is available at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/immigrationappeals/immigrationappealsconsultation?view=Binary>

The UK Border Agency is intending to shortly publish a consultation on the future of asylum support. It is not yet known when this will be published, or by when responses will be required.

Further information

Information on particular aspects of the draft Bill is available from further information sheets on the "Draft Bill"; and further information sheets on the Draft Bill will be available in the months ahead.