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Immigration Bill: a quick fix?

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Governments past and present have perennially struggled with the politically explosive issue of immigration, and the most recent attempt to tackle this issue was announced in the Queen's Speech on Wednesday. Although the Immigration Bill announced therein sets out clear aims and purposes, a glance at the proposed measures gives rise to cause for much concern.

In 2006, the then-Home Secretary John Reid described the immigration system as "not fit for purpose", a claim that was repeated earlier this year in a **Home Affairs Committee report (http://www.parliament.uk/documents/commons-committees/home-affairs/HC792-UKBA-Q3-Report-FINAL.pdf)** into the UK Border Agency. If the Government only needed to respond to the criticisms in the Committee's Report, it would perhaps have set out a considered programme for reforming the immigration system so that it is fair and efficient. However, the Government has instead solely responded to the recent success of UKIP in the local elections, and thus the Immigration Bill is largely a populist measure that seeks to put into place 'quick fixes.'

It is ironic that the Bill as presented earlier this week is "not fit for purpose", in the sense that the proposed measures will do little to achieve the stated aim of the Bill. The stated aim of the Bill is to "ensure that this country attracts people who will contribute and deter those who will not", but it is difficult to see how the proposed measures will achieve that aim.

The Government proposes that private landlords must check the immigration status of their tenants. It is not clear though how this will deter "non-contributors" from coming to the UK. It might make it harder for illegal immigrants to secure accommodation, but this will only be the case if the Government registers every private landlord and keeps track of their tenancies. Such governmental interference is at odds with both Conservative and Liberal Democratic ideology. Worryingly, the most likely effect that this provision will have will be to create greater friction between ethnic groups in society, as landlords turn away people with "foreign-sounding" names regardless of their immigration status, just to be on the safe side. Creating such tensions, and jeopardising integration, is hardly the best way of solving the immigration debacle.

The Bill would also "regulate migrant access to the NHS, ensuring that temporary migrants make a contribution." The details of this are sketchy to say the least, and it is difficult to say what effect this will have on immigration until the details have been fleshed out. It might well deter people from migrating to the UK just to make use of free health services, but the people who do this are a small minority of all immigrants, legal or otherwise.

Of course, the centrepiece of the Immigration Bill is aimed at securing the removal of "foreign criminals." This has been the Government's bug-bear for several years now, not helped by inaccurate media reports about how the right to family life, contained in the European Convention on Human Rights, has prevented the government from deporting allegedly dangerous and violent offenders. The Immigration Bill would give the force of primary legislation to the policies contained in the Immigration Rules, which state that judges should presumptively deport foreign criminals except in "exceptional circumstances." This would essentially mean a back-to-front approach to human rights. Usually, it is presumed that we have our rights (such as the right to family life) protected, unless the government can show a good reason for limiting the enjoyment of our rights. Under the proposed changes, individuals would now have to prove that they deserve to have their rights protected because they have "exceptional circumstances." A similar approach in respect to prisoners' rights has already been struck down by the European Court of Human Rights (Dickson v UK), and the Bill is therefore setting the UK on yet another collision course with the Strasbourg Court.

The Bill also contains proposals for tightening the appeals process so that those subject to deportation orders cannot appeal the decision, and the "Bill would close a number of gaps in enforcement officer's powers." Again though, no details are given of how these gaps are to be closed. If it were straightforward, then surely one of the previous 11 immigration bills that have been proposed since 1996 would have dealt with this.

Ultimately, the Bill is a curious mix of populist rhetoric and statements that rather miss the point – much like Theresa May's infamous **reference (http://www.bbc.co.uk/news/uk-politics-15171980)** in 2011 to the illegal immigrant who could not be deported because "he had a pet cat." Just as May had to backtrack over the accuracy and usefulness of this claim, so the government will likely have to amend if not scrap at least some of the more unworkable proposals in the Bill.

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