

United Kingdom Borders (Control and Sovereignty) Bill

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Make provision for the re-establishment of the control and sovereignty of policy, administration and all other matters relating to the United Kingdom's borders with the European Union and to the entry and exit to the United Kingdom of foreign nationals; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Sovereignty of Parliament over United Kingdom borders

The sovereignty of the United Kingdom Parliament to determine which non-UK citizens may enter the United Kingdom and to determine the circumstances in which non-UK citizens may be required to leave the United Kingdom is hereby reaffirmed.

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2 Repeal of section 7 of the Immigration Act 1988

Section 7 of the Immigration Act 1988 is hereby repealed.

3 Regulation of entry by non-UK citizens

Notwithstanding the provisions of the European Communities Acts, or of any other Act or Order, Regulation or Directive, the United Kingdom retains the exclusive right to regulate entry by non-UK citizens to the United Kingdom and to determine the circumstances in which non-UK citizens may be required to leave the United Kingdom.

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4 Certificates of temporary residence

- (1) From the date of the coming into force of this Act and notwithstanding the provisions of the European Communities Act 1972, any non-UK citizen resident in the United Kingdom without the authority to remain in the United Kingdom provided by a current visa, visa waiver, residence permit or other official document must apply for a certificate to confirm their right of temporary residence in the United Kingdom.

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- (2) *Certificates are to be issued and administered by the Secretary of State.*
- (3) The Secretary of State shall make orders prescribing the content of application forms for certificates of temporary residence and for the grounds on which an application made may be granted or refused.
- (4) Any power to make an order under this Act is exercisable by statutory instrument. 5
- (5) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- 5 Offences** 10
- (1) Any person who is present in the United Kingdom after 31st December 2020 without legal authority or without having applied on or before 31st December 2020 for a registration certificate under Section 4 above shall be guilty of an offence.
- (2) Any person who, after 31st December 2020, enters or attempts to enter the United Kingdom without legal authority shall be guilty of an offence. 15
- 6 Penalties**
- (1) A person guilty of an offence under section 5 is liable on summary conviction –
- (a) to imprisonment for a term not exceeding six months; or
 - (b) to a fine which in Scotland or Northern Ireland may not exceed £5,000; 20
 - (c) or to both.
- (2) Any person who is convicted of an offence under section 5 shall be subject to a deportation order unless the Secretary of State deems such a deportation order to be against the public interest.
- (3) For the purposes of subsection 2 above, a deportation order shall be deemed to be in the public interest unless a certificate to the contrary has been submitted by the Secretary of State to the Court. 25
- 7 Short title, commencement and extent**
- (1) This Act may be cited as the United Kingdom Borders (Control and Sovereignty) Act 2016. 30
- (2) This Act shall come into force on the day on which it is passed.
- (3) This Act extends to England and Wales, Scotland and Northern Ireland.

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*Ordered to be brought in by Andrew Rosindell,
Mr Henry Bellingham, Mr Douglas Carswell,
Sir William Cash, Mr Jeffrey M. Donaldson,
Frank Field, Mr Roger Godsiff,
Kate Hoey, Ian Paisley,
Tom Pursglove, Gavin Robinson and
Mr Laurence Robertson.*

*Ordered, by The House of Commons,
to be Printed, 15 September 2015.*

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