

Border Control Bill

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Make provision about the requirements for non-UK citizens seeking leave to enter the United Kingdom; to make provision about a process for the removal from the United Kingdom of non-UK citizens in certain circumstances and on the basis of established criteria; 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 removed from the United Kingdom is hereby reaffirmed.

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2 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 removed from the United Kingdom.

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3 Repeal of Section 7 of the Immigration Act 1988

Section 7 of the Immigration Act is hereby repealed.

4 Registration certificates

- (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, resident's permit or other official document must apply for a registration certificate to confirm their right of residence in the United Kingdom.

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- (2) *Registration certificates are to be issued and administered by the Secretary of State.*
- (3) The Secretary of State must (subject to subsection (5)) make regulations prescribing the content of application forms for registration certificates and the grounds on which an application made may be granted or refused.
- (4) Any power to make regulations under this Act is exercisable by statutory instrument. 5
- (5) A statutory instrument containing regulations 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 30 June 2019 without legal authority or without having applied for a registration certificate under Section 4 above shall be guilty of an offence.
- (2) Any person who after 30 June 2019, 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) 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 Border Control Act 2018.
- (2) This Act shall come into force on the day on which it is passed. 30
- (3) This Act extends to England and Wales, Scotland and Northern Ireland.

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*Presented by Mr Christopher Chope
supported by
Mr Peter Bone, Mr Ranil Jayawardena,
Eddie Hughes, Philip Davies, and
Sir Edward Leigh.*

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to be Printed, 5th September 2017.*

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