Immigration Bill 2015-16: House of Lords Committee Stage Briefing

Why are we contacting you

We continue to have grave concerns of the overall impact of the Immigration Bill 2015/16 on race relations in the UK. We believe many of the provisions contained in this Bill are unnecessary, particularly as the provisions in the 2014 Act are still not fully in force. The proposals in the Bill taken together build on damaging provisions contained in the 2014 Act, will encourage race discrimination, and greatly damage race relations in the UK. The Bill risks taking the UK back 30 years in race relations and undermining much of the progress made since the 1980s to advance race equality.

Proposed Stop, search and seizure powers

We are exceptionally concerned about the expansion of ‘Stop and Search’ style powers in the Bill and the associated seizure powers. Stop and Search has been shown to have been applied in both racially and religiously discriminatory manners. Equally importantly, it and has been acknowledged by the Home Secretary to have caused a breakdown in community relations.

The powers in the Bill are much broader than the current powers available to the Police, for example under PACE (the Police and Criminal Evidence Act 1984), and are to be given to a range of enforcement officers and agents who will be less accountable than Police Officers and less qualified. The powers contained in the Bill are littered throughout the text and provisions. However, the scope of search powers contained in the Bill are broad, intrusive, and liable to be carried out in a racially biased manner. These search powers include:

- In Part 2, Clause 41 allows an ‘Authorised Officer’ to search a premises or vehicle for a driving licence. Clause 42 makes it a criminal offence punishable by up to 52 weeks in prison for someone without immigration status to drive a vehicle.
- The Policy Equality Statement says the decision to stop a driver on suspicion of being an undocumented migrant and having a UK driving licence “cannot be based on a person’s race.” Similarly, the statement says “police will be acting on an objective basis when stopping drivers” for driving while illegally in the UK. This ignores current evidence on car stops. At present, the Police have the power to stop vehicles without a reason. In 2014, HMIC conducted a survey of over 10000 drivers. The survey found 7-8% of white drivers had been stopped in their vehicles in the last two years compared with 10-14% of Black and minority ethnic drivers. The survey suggested black and

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1 Reference to the Immigration Bill 2015/16 reference the Bill in the House of Lords as at 1/03/16 (HL Bill 79)

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minority ethnic drivers were less likely to be given a reason for being stopped and more likely to have their vehicle searched.\(^4\)

- Part 3, clauses 44-52, and Schedule 1 all expand the ability of Immigration Officers to enter premises without a warrant. Some of the provisions around illegal working do not even require an Immigration Officer to have “reasonable belief” or suspicion to enter a premises.
- Clause 45 allows an Immigration Officer to search a premises to search for documentation in a premises they are lawfully in. Clause 46 allows an Immigration Officer to seize a wide range of materials during these searches.
- Clause 49 allows for a full search of the person in finding nationality documents. Clause 50 allows for these documents to be seized.

Baroness Lawrence, speaking on these powers at Committee Stage said:
"It is not hard to foresee the impact of such a move on police/community relations: police conducting traffic stops—which disproportionately affect BME drivers—and checking on their immigration status; police and immigration officials interchangeably searching individuals and their premises for driving licences on the basis that the individual is suspected of being here unlawfully.”

Concerns have also been raised by Lord Paddick and the National Black Police Association, who warned of a return to “the bad old days of the SUS laws”, creating “the conditions for making every person of colour in the UK a priori suspect, and a potential illegal immigrant”.

**We are asking you to support amendments to these powers that will either remove or mitigate them.** A full list of Amendments being moved on the report can be found here: [http://www.publications.parliament.uk/pa/bills/lbill/2015-2016/0096/amend/ml096-I.htm](http://www.publications.parliament.uk/pa/bills/lbill/2015-2016/0096/amend/ml096-I.htm)

March 2016

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