

Tough New British Laws To Combat Visa Fraud And Immigration Abuse

Embassy of the UK

Tough New Laws To Tackle Visa Cheats From 01 April 2008.

Visa cheats who try to access to the UK by using false documents or deception will from today face an automatic ban. Applicants who have previously breached UK immigration laws by staying in the UK illegally or working without permission will also be banned from coming to the UK.

The visa service welcomes over 2 million people a year to the UK, and delivers first class customer service to genuine applicants. The tough new measures target the minority of individuals who try to abuse the rules.

All applicants for a UK visa are required to provide fingerscans as part of the application process. This identifies if they have previously broken the rules in the UK or have made an application in a different name. Developments in risk assessment and forgery identification have also made it far easier to uncover the cheats.

These developments are good news for the majority of travellers. By quickly identifying who the high risk applicants are, UKBA is also able to quickly identify and welcome legitimate travellers.

The British Government is committed to a firm but fair migration system. It openly encourages and welcomes newcomers, travellers and visitors who want to work hard, play by the rules and who enrich the UK culturally and economically. But it will hold newcomers to account for their actions if they break the rules – whether that is overstaying their visa or attempting fraud or forgery.

What Are The New Laws?

From 1 April, we are changing the Immigration Rules to prevent anyone who has previously broken our immigration laws, (e.g. worked illegally, overstayed for more than 28 days, come here illegally or used deception in a visa or other application), from coming to the UK for a fixed period.

Applicants who have used deception (used a false document, lied, withheld information) in a previous application will be banned from the UK for ten years.

Applicants who have breached immigration laws in the UK will be banned from coming back to the UK for a lengthy period. The length of time will depend on how the individual left the UK after his or her breach of the law- i.e.:

- 1 year if he or she left voluntarily at his or her own expense;
- 5 years if he or she left voluntarily at public expense; and
- 10 years if he or she was removed or deported.

We are making these changes for two main reasons:

- So those who break our immigration laws face a clear sanction; and
- To give those who are currently in the UK illegally an incentive to leave of their own accord (anyone who was in the UK illegally and left voluntarily between 17th March and 1st October will not face the automatic ban).

Q&A

Q. Isn't it rather draconian to exclude people for such a long time?

A. No. These people have broken this country's immigration laws and cannot complain if we hold this against them if they apply to come to the UK.

Q. Will there be any exceptions to the new Rules?

A. Yes, the new rules will not apply to people who are currently in the UK illegally and who go home before 1 October. These rules will also be subject to our human rights laws. So if it would breach an applicant's rights under the European Convention on Human Rights to exclude him from the country (e.g. if it would breach his right to family life), we would not apply the new Rules to him;

Q. Can I appeal against the ban?

A. No, not as such. You can only appeal if there is a right of appeal for the category in which you applied e.g. there is a full right of appeal for family visits but not for non-family visits. But all applicants will have limited rights of appeal under the Human Rights Act or Race Relations Act.

Q. Can I still apply for a visa if I am banned from the UK?

A. Yes but your application will automatically be refused. No refunds will be given.

Q. How will I know how long I am banned from the UK for?

A. The length of the ban will be stated in the letter given to you when you are refused a visa.

Q. Will I get a visa once the ban is over?

A. You will still have to satisfy the other requirements of the immigration rules.

Q. Why are you imposing this change retrospectively- i.e. on applicants who may have broken the law years ago?

A. The changes have been introduced to co-incide with the introduction of the Points-Based System (PBS) - part of the biggest shake up to our immigration system in over 40 years. PBS is based on the principle of structured decision-making using objective criteria. However, the old Rules were rather subjective, as whether a person should be excluded because of a previous immigration breach depended wholly on the caseworker's discretion. The old General Grounds For Refusal were not therefore really suitable for PBS. However, we had to ensure that the new grounds applied to breaches that took place before they came into force. Otherwise, previous offenders would be able to come back to the UK freely. That is because we will have scrapped the old rules that allow us to refuse a migrant because of his or her immigration history, and because there will be no "intention to leave" test in PBS.

Q. According to your guidance, deported criminals can apply to come back after ten years, even if they have committed really serious offences. How can you justify treating someone who has been refused for submitting a false document in a visa application as harshly as you would a murderer or rapist?

A. We do not accept this analogy. Deported criminals are, in principle, excluded from coming back forever, though they can currently apply to have their Deportation Orders lifted after a period of up to ten years.

Q. Why are you reducing the period of exclusion for people who left voluntarily? Surely they are all offenders and should be treated the same way?

A. We wish to give those who are here unlawfully an incentive to go home of their own accord, rather than putting us to the expense of detaining and removing them. We believe that a shorter period of exclusion will do this.

Q. So does that mean that any illegal immigrant can simply go home and come back in after a year (or straightaway if he goes before 1 October)?

A. No. Applicants will still need to meet the specific requirements of the Immigration Rules they are applying under even after their exclusion period has passed. For example,

a former overstayer applying to come here as a visitor will still need to convince us that he or she intends to leave the UK after the visit.

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