

The right to love and the Immigration Bill



The right to love

Loving and being loved by our family, friends and partners is the essence of being human. Forcibly separating people from their loved ones is an inhumane act. But this is the aim of the government's new proposed Immigration Bill.

What is the Immigration Bill?

The government says that the Immigration Bill is designed to create a 'hostile environment' for immigrants in the UK. It will effectively remove many non-British people's right to a family life, as well as ending free health care for migrants and stopping undocumented migrants from renting accommodation in the private housing markets.

Why the right to love?

Everyone has the right to love and be loved. Detention Action believes that people who have grown up in the UK or spent decades here with their families should not generally be separated from their loved ones. Article 8 of the European Convention on Human Rights sets out the right of every person to a family and private life, and has been incorporated into British law.

Unlucky in love

If non-British people are convicted of a crime which has a 12 month sentence, they can face deportation, even if they have worked and lived with their families in the UK legally for decades. Young people who arrived in the UK as toddlers can face deportation to a country they do not know, where they do not speak the language or know a single person. This can happen even if their entire family has settled here and are British citizens. Under the new Bill, they would have even fewer rights.

A crusade against families

Last year, the government began its crusade against the families of foreign ex-offenders. The first step was to change the law on access to free legal advice and representation. People who cannot afford to pay for a lawyer can no longer access legal aid to defend their right to a family life. Even if they have a strong case, they must represent themselves, against a Home Office represented by expensive lawyers funded by the taxpayer. The complexity of immigration law means that they have little chance to defend their rights.

The Home Secretary changed the Immigration Rules in 2012, setting out her interpretation of the right to family life: the government should be allowed to deport migrants who commit crimes in almost all circumstances, regardless of their families. As judges are independent from the government, they continued to follow the law and allowed some people to remain in the UK on the basis of very strong family ties. But now the government is changing the law by introducing a new Immigration Bill. This will effectively remove the right to family life from many migrants.

However, now the government intends to tear apart families without even a day in court for them to challenge the decision. Even if your case is so strong that your right to love will still in theory be protected, you may not in practice be able to access the law. The Bill threatens to allow the Home

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Office to deport people from the UK before their appeals have been heard. They will have to make their appeal, without a lawyer, from Somalia or Pakistan. For most, it will be impossible to return to the UK to see their loved ones.

A populist agenda

Despite the media hype about thousands of ‘foreign criminals’ avoiding deportation, the real numbers of people who currently win their right to remain in the UK on the basis of their right to family life is remarkably small – last year it was less than 150 people. The government is exploiting the issue to impress the tabloids by being tough on immigration.

Toby from Mauritius

“I came here when I was about six, my Dad had got into some serious trouble and people were threatening to kill him and me too so they left, and me and my brother followed a couple of years later. I grew up in East London and Worthing, near Brighton. My family over the years all became British, my parents work in an old people’s home. We never even left the UK to go on holiday. I couldn’t afford to become British though, it cost £1000 and my parents didn’t have the money because of the mortgage, and I was studying and then working as a mechanic and I couldn’t afford it either. I got into some trouble and went to prison; they let me out on bail and said I had to report every month to the police which I did. Recently I got involved in an argument with a man about my brother’s girlfriend, everyone was shouting and someone called the police and I didn’t do anything and wasn’t convicted of anything but they took me to a detention centre and now I am here like a caged dog. I love my family. I can’t remember anything about Mauritius and I don’t speak the language.”

Vincent from Guadeloupe

“It’s sad. I’ve been living in this country for practically my whole life and suddenly I found myself in detention facing deportation to a country that I don’t even know. I’ve made mistakes in the past but this is home to me. How can I be sent somewhere I don’t know, for reasons I don’t understand? I’m trying to better myself; I did a Plumbing NVQ in prison and I want to go somewhere with that. The next step for me is to do an apprenticeship but I can’t because of the bail conditions. I can be a useful member of society, but instead I’m in No Man’s Land under surveillance.”

Can love conquer all?

The Immigration Bill is going through Parliament now. If we put pressure on MPs to vote against it, then we have a chance of stopping it so that families will not be ripped apart.

Email your MP today asking them to vote against the Immigration Bill. Because everyone has the right to a family life.

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