

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Seventh Delegated Legislation Committee

DRAFT IMMIGRATION (PERSONS DESIGNATED
UNDER SANCTIONS REGULATIONS)
(EU EXIT) REGULATIONS 2020

Tuesday 15 September 2020

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The Committee consisted of the following Members:

Chair: JUDITH CUMMINS

Abrahams, Debbie (*Oldham East and Saddleworth*)
(Lab)

† Afolami, Bim (*Hitchin and Harpenden*) (Con)

Cooper, Yvette (*Normanton, Pontefract and
Castleford*) (Lab)

† Crosbie, Virginia (*Ynys Môn*) (Con)

† Daly, James (*Bury North*) (Con)

† Dines, Miss Sarah (*Derbyshire Dales*) (Con)

† Efford, Clive (*Eltham*) (Lab)

† Elmore, Chris (*Ogmore*) (Lab)

Grady, Patrick (*Glasgow North*) (SNP)

Hammond, Stephen (*Wimbledon*) (Con)

† Lewer, Andrew (*Northampton South*) (Con)

Lynch, Holly (*Halifax*) (Lab)

† Philp, Chris (*Parliamentary Under-Secretary of
State for the Home Department*)

† Pursglove, Tom (*Corby*) (Con)

Seely, Bob (*Isle of Wight*) (Con)

Sultana, Zarah (*Coventry South*) (Lab)

† Vickers, Martin (*Cleethorpes*) (Con)

Kevin Maddison, *Committee Clerk*

† **attended the Committee**

Seventh Delegated Legislation Committee

Tuesday 15 September 2020

[JUDITH CUMMINS *in the Chair*]

Draft Immigration (Persons Designated under Sanctions Regulations) (EU Exit) Regulations 2020

2.30 pm

The Chair: I recognise that it is very hot in here, so Members are more than welcome to remove their jackets. Before we begin, I remind Members about social distancing. Please make sure that you sit in the spaces that are clearly marked out. I also have a shout out for *Hansard*, who would be very grateful if you sent any speaking notes to hansardnotes@parliament.uk.

The Parliamentary Under-Secretary of State for the Home Department (Chris Philp): I beg to move,

That the Committee has considered the draft Immigration (Persons Designated under Sanctions Regulations) (EU Exit) Regulations 2020.

It is a great pleasure to serve under your chairmanship, Mrs Cummins, for, I think, the very first time. I will do my best to observe social distancing, which is something the Opposition spokesman, the hon. Member for Ogmore, should not find too challenging, given the numbers on his side. This is a narrow, technical matter, so I will not detain the Committee for long.

The regulations do not create any new powers but simply clarify which courts and tribunals will hear matters that may arise as a consequence of the Sanctions and Anti-Money Laundering Act 2018. SAMLA gives powers to the UK Government to designate certain people or organisations to be subject to sanctions, the consequences of which may include a travel ban on coming to the United Kingdom. It is conceivable that the people to whom that sanction is applied may already be in the United Kingdom, in which case they may wish to appeal against that decision on two grounds. They may wish to appeal against, first, the imposition of the sanction itself or, secondly, their removal from the territory of the United Kingdom.

The regulations simply clarify that, in challenging the sanction, the matter will be heard by either the High Court or the Court of Session in Scotland. However, the immigration aspect of such a removal from the territory, which they may say breaches their human rights under the European convention on human rights, will be heard by an immigration tribunal as is currently the case. The regulations therefore simply clarify which court the subject may go to and the jurisdiction used in such matters of appeal. If, on the one hand, they are appealing against the imposition of a sanction, it will be the High Court or the Court of Session. On the other hand, if they are appealing against their removal, they will go to the first-tier tribunal, as would happen with any normal immigration case.

We envisage fairly small numbers of cases because most people to whom international sanctions are applied tend to be outside the United Kingdom to start with, but the regulations provide helpful clarification as to which court or tribunal should handle each case. I commend the regulations to the Committee.

2.33 pm

Chris Elmore (Ogmore) (Lab): It is a pleasure to serve under your chairmanship, Mrs Cummins, for the first time after your many distinguished years in the Opposition Whips Office. I thank the Minister for his explanation of the regulations and for his understanding that my hon. Friend the Member for Halifax is unable to travel to Westminster to be here because a member of her household is awaiting covid test results. I say to the Minister that I might be lonely on the Opposition side of this Committee, but Labour Whips are never lonely, as Mrs Cummins knows.

The official Opposition welcome the regulations, which seek to ensure clarity when considering the human rights or protection claims of those subject to travel bans and sanctions under the Sanctions and Anti-Money Laundering Act 2018. We support the continued commitment of the UK to remain a resolute and robust actor against human rights abuses perpetrated by states and entities as legislated under the Act.

Given the seriousness of the alleged crimes of some of those subject to recent asset freezes and travel bans, including high-ranking Myanmar generals involved in the heinous crimes committed against the Rohingya population and Russian nationals involved in the death of Sergei Magnitsky, it is important that we can and do apply those sanctions.

However, as the Minister said, it is also crucial that domestic sanctions do not undermine fundamental rights or interfere with our obligations under the refugee convention. We recognise that such cases are likely to be limited in number, but it is vital that we delineate the process for legal challenge and clearly set out the boundaries, so that we can keep the immigration consequences of the sanction separate from the challenge of the sanction itself. We feel that the draft SI reflects that approach, and we support its aims. We note, however, that the clarity in the SI was asked for, and promised by Ministers, to coincide with the consideration in Committee, in the Lords, of the Sanctions and Anti-Money Laundering Act 2018. It is somewhat overdue.

I simply ask the Minister to confirm that where we have a legal process, as outlined in the regulations, with entirely appropriate and defined roles for legal representatives, those who undertake the work will not be deemed “activist lawyers”, as recently happened to those who simply sought to ensure that there was due diligence, and that legal obligations with respect to immigration cases were upheld by the Home Office. I hope that the Minister can reflect on that point, and I repeat that we will not oppose the regulations.

2.36 pm

Chris Philp: I shall be brief and avoid detaining the Committee on the wider issues. I extend my good wishes to the hon. Member for Halifax and her family and hope that they are safe and well, and I wish her a safe return to the House with all speed.

I will comment briefly on legal proceedings in immigration matters, because they are not strictly relevant to the regulations. We find that repeated, last-minute, and essentially vexatious claims are submitted with the purpose in mind of frustrating the removal of people who should not be in the country, including dangerous foreign national offenders. Such claims are often wholly without merit, and they are often submitted, intentionally at the very last minute, before they can be given proper consideration by a court—often late at night or in the early hours of the morning—and a judge may feel that there is no option but to suspend a removal or deportation pending proper consideration of the claim, even though it is subsequently found to have no merit.

That, in my view, is an abuse of process. The Government in no way condone it, and, as I said on the Floor of the House in response to an urgent question on 2 September, we are exploring legislation in that area, to make sure that the legal system is not abused as I just described. That is not directly relevant to the regulations, which I continue to commend to the Committee. I thank the shadow spokesman, the hon. Member for Ogmore, for his support in this matter.

Question put and agreed to.

2.37 pm

Committee rose.

