

Rights Removal Bill*: Key Concerns



Diluting our right to private and family life (Article 8)

*We think this is a more suitable name for the Government's new "bill of rights" Bill.

Our right to respect for private and family life, home and correspondence (Article 8 in the Human Rights Act) goes to the heart of what it means to live in society in the UK. It is about respect for us as individuals, our relationships with others, and the decisions that public bodies make about us every day. If those public bodies, or Government, have not considered this right, we can use the law in conversations to change this, and the Human Rights Act means we can ask a court to review the situation. This is a key form of accountability and fairness that makes us all stronger in a healthy democracy.

The Rights Removal Bill seeks to cut off certain groups of people from accessing their Article 8 right.

THE PUBLIC SAID...

In the public consultation, 82% were opposed to all of the Government's suggested changes to the deportation framework.

The Independent Review were not asked to consider Article 8 and deportations, further calling the evidence base for change into question.

THE GOVERNMENT SAID...

— “
The Bill will apply when a court considers deportation laws, especially those that may seek in the future to make it more difficult for foreign criminals to use Article 8 to appeal their deportation.
” —

BIHR SAYS ...

This is a deliberate misrepresentation of how our human rights work, and an extraordinary limitation on the right to respect for private and family life, which goes against the foundation of human rights – that they are universal.

Clause 8 in the Rights Removal Bill will force UK courts to find that the use of a law to deport someone is not incompatible with their Article 8 right, unless it would cause 'exceptional and overwhelming' harm that is incapable of being avoided or is 'irreversible' to a person's child or dependent. The dependent must be a British citizen, have 'settled status' in the UK, or if they are the individual's child, have lived in the UK continuously for seven years.

The very purpose of human rights laws is that the Government should not get to pick and choose whose rights they uphold and whose they do not.

This will completely eradicate the Article 8 right of the individual being deported and will virtually remove the Article 8 right of that individual's children and dependents.



Diluting our right to private and family life (Article 8)

Thanks to Article 8, homosexuality is no longer criminalised, our employers can't secretly spy on our emails, and the police can't search us without reasonable suspicion. Article 8 protects your right to respect for your private life, your family life, your home and your correspondence (letters, telephone calls and emails, for example).

A participant on BIHR's Plain Language Workshop

The Bill completely misunderstands the UK's international obligations and how our human rights consequently work domestically. We are signed up to the European Convention on Human Rights (ECHR). There is no provision under Article 8 of the ECHR saying this right can be removed from certain groups of people in an immigration context.

Decisions about any restriction of Article 8 must be made on a case-by-case basis, with the courts looking at the circumstances of the individual in question and drawing on case law.

If the Government goes ahead with the Rights Removal Bill as it is, it is very likely to result in breaches of the ECHR because it does not offer the courts the ability to assess and balance each case on its individual facts.



[Read Yolande's story, a woman fleeing domestic violence who used Article 8 to stay with her children](#)

Preventing courts from engaging in a case-by-case balancing exercise considering the individual's rights and the wider public interest for or against deportation will create an arbitrary and unfair framework.

History tells us that the moment human rights stop being universal, the effectiveness and extent of human rights protections for everyone will be undermined. Limiting Article 8 in one context risks limiting it in all the other important contexts across people's lives in the UK, from health care to housing to policing.



[Read Robert's story, a gay disabled man who used Article 8 to participate in his local community.](#)

Our human rights are universal. They protect everyone equally from the abuse of state power, whatever that abuse and whoever the individual is. Limiting human rights for any group of people is not only discriminatory, but undermines the very point of human rights. Article 8 is about respect for us as individuals and our relationships with others. Having a human right that protects these fundamental parts of our lives should be celebrated. Weakening Article 8 in any context risks a chilling impact – discouraging individuals from raising it and public officials from considering and respecting it.

Ultimately, the Rights Removal Bill will cause confusion; undermine the public interest; and, crucially, will have serious impacts on people's human rights with corresponding serious negative consequences for their and their family's lives.

Rather than pursue an unprincipled, unevidenced and unworkable solution to a non-problem with the Bill, we should preserve what we have, keeping our human rights, including Article 8, universal and for everyone.