

Simplification to the Immigration Rules and its effects

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Introduction

The Immigration Rules hold paramount importance in controlling and monitoring the UK borders and non-British population. These rules expansively dictate the boundaries and movements of every non-British citizen; hence, they are relied upon widely by public bodies and the judiciary. The Immigration Act 1971¹ was initially passed to control the UK immigration system. However, the law under this statute has been developed on an ad hoc basis,² which has resulted in a convoluted set of laws being established.

The complexity of these laws stems predominantly from statutory provisions being continuously updated or amended and subjective judicial interpretations of the Immigration Rules being mostly inconsistent. These issues are exacerbated further by the ever-evolving social change surrounding immigration. These difficulties concerning the current Immigration Rules have led the Law Commission in its 13th programme of law reform to propose the idea that Immigration Rules need simplification urgently.

The current Immigration Rules

The existing Immigration Rules have faced heavy scrutiny and criticism over recent years for being excessively convoluted. Most noticeably, the Law Commission has criticised the rules and expressed that such criticism ‘is widely acknowledged’.³ This criticism is perhaps unsurprising due to the expansiveness of immigration law and the constant need to continuously update the Immigration Rules.

It is perhaps therefore unsurprising that the present-day simplicity of the Immigration Rules continues to be the subject of dispute and controversy, receiving heavy criticism from notable sources. Judges have repeatedly made negative comments on the current structure and complexity of these Immigration Rules. Lord Lloyd-Jones, for example, avowed that the Immigration Rules have “achieved a degree of complexity which even the Byzantine emperors would have envied”.⁴ Other members of the judiciary, such as Lord Carnwath, have gone further to encapsulate the rules as “an impenetrable jungle of intertwined statutory provisions and judicial reasoning”.⁵ These common resonations have resulted in applicants receiving sympathy for their attempts to navigate the UK’s immigration “maze”⁶ in even the highest court in the land.⁷

Therefore, it appears to be evident that the existing Immigration Rules are poorly drafted, uncodified and often incoherent⁸. This is not surprising given that the current Immigration Rules amount to a total of 1033 pages – this content has quadrupled since 2010. The constant updates to these rules have been inserted using a numbering and alphabetical system in an attempt to aid navigation. However, the reality is that it remains challenging to update the law at such a rapid rate coherently. The new rules which are given numbers and alphabetical letters do not always fall within a strict chronological framework due to inconsistencies. This results in an original structure effectively being destroyed and any sense of an ascending order being severely disrupted. Therefore, Lord Justice Beatson’s famous encapsulation of the development of the rules appears accurate, as his Lordship claims that the

¹ Immigration Act 1971.

² Browne K, *Immigration Law 2019* (College of Law Publishing 2019), page 22-40.

³ Green LJ and others, Thirteenth Programme of Law Reform (Open Government Licence 2020) https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7g/uploads/2020/01/6.6136_LC_Immigration-Rules-Report_FINAL_311219_WEB.pdf accessed March 17, 2020.

⁴ *Pokhriyal v Secretary of State for the Home Department* [2013] EWCA Civ 1568.

⁵ *Patel v SS for Home Department* [2013] UKSC 72.

⁶ *Khan v Secretary of State for the Home Department* [2017] EWCA Civ 424.

⁷ *Robinson v Secretary of State for the Home Department* [2019] UKSC 11.

⁸ “Simplification of the Immigration Rules Consultation - The Law Society Response” (The Law Society January 28, 2020) <https://www.lawsociety.org.uk/policy-campaigns/consultation-responses/simplification-of-the-immigration-rules/#> accessed March 15, 2020.

structuring resembles the buildings of “some shanty towns”, rather than “the grand design of Lutyen’s Delhi or Haussman’s Paris”.⁹ Whilst this is a common analogy, this comparison rightfully confirms the lack of quality and depth of the existing Immigration Rules.

Grave criticisms surrounding the incoherent, inconsistent and ineffective nature of the Immigration Rules reveals the extensive feeling of disquiet shared amongst academics and prominent members of the judiciary. This feeling of worry and distrust can be damning for the entire legal system. First, there is immense struggle experienced by both practitioners and vulnerable clients when relying upon these rules because they are overly complicated. This complexity of the Immigration Rules arguably threatens fundamental constitutional principles such as the rule of law. This principle dictates that all laws must ensure accountability, openness and provide access to justice.¹⁰ All of these factors reveal the current issues with the Immigration Rules, issues which appear to have gradually been exacerbated by adverse court rulings against the government. This is because in the majority of these cases lay clients have had no choice but to represent themselves as litigants-in-person. The complexity of the Rules, coupled with the fact that many clients who seek to rely upon the Rules have a limited understanding of the English language, ensures that access to justice remains restricted. Elias LJ perhaps recognised this issue most noticeably in *R (Iqbal) v SS for Home Departments*,¹¹ as his Lordship acclaimed there was an ‘overwhelming’ need for a simplification of the rules on this basis.

Potential simplification to the Immigration Rules

The Law Commission is an independent body whose aim is to ensure that ‘the law is as fair, modern, simple and cost-effective as possible’.¹² The board seeks the approval from the Lord Chancellor as required under the Law Commissions Act 1965 before undertaking new projects. The board of the Law Commission reflects the serious work it indulges in and therefore is occupied by highly experienced judges, barristers, solicitors, law scholars, the Head of Legal Services and the Head of Corporate Services. In its 13th programme of Law Reform, the report outlined the need for precisely 41 official recommendations to be able to simplify the Immigration Rules and continue towards achieving the Commission’s aim. Some of the significant changes proposed and the potential effects are as follows:

1. Changing the purpose of definitions by not including requirements in them and alerting all persons through an online platform which can be accessed by all regarding the pending alterations to the provisions. This will ultimately make it easier for practitioners and especially non-expert applicants to apply the rules accurately¹³.
2. Giving each paragraph a number only, rather than a confusing blend of letters and numbers with letters only being used for sub-paragraphs.¹⁴ This would be coupled with other measures in order to make the content more manageable. These include having a table of contents before every significant Part of the Rules and as per Recommendation 14, ensure that the numbering restart at the beginning of every section. As a result, the numbering system should be more understandable.
3. Furthermore, the new drafting guide in Appendix 6¹⁵ of the report advises on how the Laws should ideally “get straight to the point”, “use simple, everyday English” and avoid inserting words that have

⁹ *Khan v Secretary of State for the Home Department* [2017] EWCA Civ 424 .

¹⁰ Bingham T, *The Rule Of Law* (1st edn, Penguin Books 2011), page 110--127.

¹¹ *R (Iqbal) v SS for Home Department* [2015] EWCA Civ 838.

¹² ‘About Us’ (Law Commission- Reforming the Law, 2020) <https://www.lawcom.gov.uk/about/> accessed 23 April 2020.

¹³ Green LJ and others, Thirteenth Programme of Law Reform (Open Government Licence 2020) https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7g/uploads/2020/01/6.6136_LC_Immigration-Rules-Report_FINAL_311219_WEB.pdf page 101, accessed March 20, 2020.

¹⁴ Green LJ and others, Thirteenth Programme of Law Reform (Open Government Licence 2020) https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7g/uploads/2020/01/6.6136_LC_Immigration-Rules-Report_FINAL_311219_WEB.pdf accessed March 20, 2020.

¹⁵ Green LJ and others, Thirteenth Programme of Law Reform (Open Government Licence 2020) https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7g/uploads/2020/01/6.6136_LC_Immigration-Rules-Report_FINAL_311219_WEB.pdf page 214, accessed March 20, 2020.

alternative meanings. Although this guidance is not legally binding for the officials to follow, it aims to be the desired new standard while drafting UK's Immigration Laws.

4. Creation of an advisory committee that will review the Rules at regular intervals will eliminate any fear of sanctions or pressure to oblige to a legal command as its role will be to advise only. The Bar Council echoed "strong support"¹⁶ for this idea which indicates a positive acceptance from the judiciary. Since the task to overlook such a vast set of Rules can be demanding and time-consuming, the committee members would be individuals from all sectors, including Employment, Law, Business and Academia. This committee can ensure that the Rules stay aligned with the aims when they were first drafted.
5. Another improvement recommended is to produce the Immigration Rules online in the format of "booklets" that apply to each visa category¹⁷. In order to make the navigation of these Rules easier, Recommendation 39 states that hyperlinks would be used to guide a general user to the correct set of rules for them. This task has been given to the Home Office who are responsible for deciding whether to grant visas and passports¹⁸.
6. Instructions have been given to take a "less prescriptive approach to evidential requirements" which will allow officials to apply the Rules with a common-sense approach¹⁹. Subsequently, the aim is to make Rules more flexible where the Home Office has the option to ask for missing documents or eradicate their doubts and question why certain requirements have not been met. These actions will make the application process cost-effective by restricting the instances of appeals and long-winded cases. Another advantage of a less prescriptive approach is that fewer amendments to the Rules will be needed as officials can navigate less rigidly.
7. Moreover, Recommendation 25²⁰ attempts to further the prevention of constant additions to the Immigration Rules. The agenda is to only have two official declarations of modifications to the Rules annually, unless "an urgent need for additional change" is recognised.

The challenges

There is a consistent pattern in all recommendations to make the Immigration Rules less rigid, complicated and more verbose. However, it would be naïve to believe that these recommendations would be a permanent solution, as a single judgment cannot realistically obligate the government to make lengthy additions, up to 300 pages²¹ overnight. It must surely be understood that the simplification of these Rules will require consistent effort.

The *Alvi*²² principle set in 2012 made a monumental ruling, which has since had a significant, binding effect on the immigration system. The verdict in favour of Mr Alvi concluded that the government would have to include all of its requirements in the actual Rules, meaning Appendixes or subsidiary documents cannot become a part of the Immigration Rules. The reason being that this secondary information was not produced before Parliament under section 3(2) of the Immigration Act 1971. As a result, this

¹⁶ Green LJ and others, Thirteenth Programme of Law Reform (Open Government Licence 2020) https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/01/6.6136_LC_Immigration-Rules-Report_FINAL_311219_WEB.pdf page 119, accessed March 20, 2020.

¹⁷ Green LJ and others, Thirteenth Programme of Law Reform (Open Government Licence 2020) https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/01/6.6136_LC_Immigration-Rules-Report_FINAL_311219_WEB.pdf page 97, accessed March 20, 2020.

¹⁸ "About Us" (GOV.UK June 19, 2018) <https://www.gov.uk/government/organisations/home-office/about> accessed April 24, 2020.

¹⁹ Green LJ and others, Thirteenth Programme of Law Reform (Open Government Licence 2020) https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/01/6.6136_LC_Immigration-Rules-Report_FINAL_311219_WEB.pdf page 119, accessed March 20, 2020.

²⁰ Green LJ and others, Thirteenth Programme of Law Reform (Open Government Licence 2020) https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/01/6.6136_LC_Immigration-Rules-Report_FINAL_311219_WEB.pdf page 159, accessed March 20, 2020.

²¹ Green LJ and others, Thirteenth Programme of Law Reform (Open Government Licence 2020) https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/01/6.6136_LC_Immigration-Rules-Report_FINAL_311219_WEB.pdf accessed April 23, 2020.

²² *Alvi v Secretary of State for the Home Department* [2012] 1 WLR 2208.

significantly complicated the drafters' battle in keeping a balance between inserting all the requirements to simplify the Rules. The judiciary has clearly illustrated through *Alvi* that they will not hesitate to follow the law despite all its complications. In other words, judges are prepared to leave little avenue for a compromise of the idea to allow the government to make reasonable adjustments to simplify their task at the expense of making a layperson's attempt to follow the requirements considerably challenging. This unwavering approach can be supported by the Commission's recommendation for simplification, as this does not suggest the creation of gaps in the Rules. Instead, it opts to prioritise constitutional principles and the integrity of the rule of law.

Potential effects of the reform

If amendment to the Immigration Rules is successful with the inclusion of the Commission's Recommendations, the reform will give rise to possible positive impacts in several ways. With the modification expected to face some sort of criticism from challengers, these encouraging impacts will undoubtedly play a unique role in justifying the changes.

Firstly, there are notable claims from the Home Office that the simplification of the Rules is economically fruitful. Adapting the changes recommended by the Law Commission would save an estimated "£70m over the next 10 years."²³ Although finances are not the utmost priority in Immigration Law, it cannot be disregarded that the endless immigration appeals, judicial reviews and all the resources required in these procedures cost the Government and judicial system millions annually. This, in turn, undoubtedly places a strain on access to justice, which threatens the rule of law. A saving of £70 million per year could help to effectively curb this threat, by being utilised for the betterment of the legal system and more general immigration support. This potential saving and reallocation of resources provides the government with an opportunity to showcase its ability to function efficiently and indirectly earn the trust of taxpayers and non-British citizens for future endeavours.

Secondly, the judiciary will further be able to promote a system which is "easier and cheaper",²⁴ making the legal system somewhat fairer for everyone. The reason being, some clients face financial burden in hiring barristers or solicitors, which forces many to act as litigants-in-person. This places them at a significant disadvantage. The agenda of easier measures and overall practicality will allow for broader access to justice and a more streamlined society. The overbearing onus currently placed upon the judicial system and local charities seeking to help vulnerable clients will be significantly relieved. The action of simplification will raise the confidence of a non-expert upon the Immigration Laws, as they will be able to more easily navigate the rules or rely upon professionals if they cannot.²⁵

Thirdly, the availability of the updated Rules on an online platform reflects the legal system's effort to engage with modern society. Although the foundations of the system should remain unshaken, the laws must be reflective of the rapidly changing modern world including its ever-evolving relationship with technology. This reform will be beneficial in changing the ancient image of the UK's legal system and helping it to become more practically accessible. It will undoubtedly improve the transparency of the Immigration Rules and accessibility for laymen, who have little legal knowledge but a firm grasp of technology.

Fourthly, it is commendable that the Law Commission, while making the recommendations for a simplification of the Immigration Rules, has evaluated how it can prevent a decline in the Rules' standards. The stoppage of degradation is a crucial factor in ensuring that the Rules provide long-term stability. The acknowledgement for the need of maintenance to these Rules is an honest admission

²³ Bowcott O, "UK Immigration Rules Are Unworkable, Says Law Commission" (The Guardian January 14, 2020) <https://www.theguardian.com/uk-news/2020/jan/14/uk-immigration-rules-unworkable-law-commission> accessed March 19, 2020.

²⁴ Bowcott O, "UK Immigration Rules Are Unworkable, Says Law Commission" (*The Guardian* January 14, 2020) <https://www.theguardian.com/uk-news/2020/jan/14/uk-immigration-rules-unworkable-law-commission> accessed March 19, 2020.

²⁵ Green LJ and others, Thirteenth Programme of Law Reform (Open Government Licence 2020) https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11sxo24uy7g/uploads/2020/01/6.6136_LC_Immigration-Rules-Report_FINAL_311219_WEB.pdf accessed March 20, 2020.

from the Commission. This approach from the Law Commission is highly encouraging for all those who are dependent on these Rules as they will be able to trust and rely on them confidently.

Simplification in practice

The Law Commission's report is heartening, however its true impact will only be felt when it is successfully transferred into action. The consultation of the released report sets out two main possible methods:

1. The first one proposes for "common provisions" to be described as 'key provisions' at the start of the Rules, which will apply to different Immigration issues. The information in conjunction with these 'key provisions' will be detailed under the sub-heading of 'key information'. This measure will result in a clear and understandable structure to these Rules, which ultimately coherently simplifies them and reduces the need for repetition elsewhere. The use of 'key information' to provide all the necessary information for each 'key provision' will make it easier for the concerned to follow the Rules; one must remember that the ideology of the Rules should never be to make it difficult for the individual to understand the Law. For the Law to be applied to all involved parties equally, they must first be able to understand the Laws that bind them.
2. The alternative method suggested was to have all the Rules which applies to an Immigration issue under one heading and repeat this pattern throughout. As previously mentioned, this has been titled as the 'booklet' approach. This non-presumptive approach does well not to assume that everyone will rely on only 'key' provisions; they can also rely on other provisions without fear of a hierarchal structure being imposed on provisions. Furthermore, with its accessibility extended online, the technique would connect the centuries-old legal system with the modern-day way of life.

Although the Law Commission's report does not hold authoritative power on introducing these changes or deciding which route will be taken, it does rightfully present reasonings for its comprehensive suggestions. There is a visible lean towards the 'common provision' structure. However, the Commission recognises that there is a need for an "audit" of what determines a 'common' and 'key' provision to diminish accusations of vagueness. The review will also accurately distinguish the provisions which directly correlate with how a user will follow these requirements. Additionally, there is an intention for the 'booklets' containing Rules for each category to function as an appendix with the purpose of additional guidance. Thus, there is a clarification that these booklets will not likely have the equivalent status of 'Immigration Rules'. Regardless of the selected method, the success of either suggestion will depend on the government's ability to maintain the consistency of upkeeping the reform. There is always a risk of regression leading to ambiguity and complexity.

For a vulnerable client, the second method will sound familiar and perhaps will be easier to comprehend for they are likely to be experienced with following booklets. On the contrary, one could argue that the first method has the potential to guide the individual accurately and concisely without the repetition of legal jargon. Both methods can be effective and appropriate for many provided they are designed precisely. Still, the first method has the potential to meet the Commission's proposition to abridge the Rules, especially the length.

Statute or Case Law?

Case Law arguably can change laws unexpectedly or obligate the government to update statutes or, in this context, Immigration Rules, overnight. This reflects the unwritten constitution of our system, and some would argue that the constant changing of the legal system is for the betterment of the country as it attempts to keep the law up to date with modern immigration issues. However, this can also be problematic as influential figures, like Lord Carnwath, feel that it is the judiciary who are mostly to blame for the current mess.²⁶ The view that his Lordship and many others share consists of believing that such judicial interventions in immigration laws are only contributing further to the negative ad hoc developments in this area of Law.

²⁶ *Patel v SS for Home Department* [2013] UKSC 72.

Therefore, a viable argument is that statutes are ideally a direct pathway in which laws should seek reform. Any drastic alteration to the statute will allow for MPs to have their say, which in retrospect is the involvement of the nation, as each one of them represents their constituency. With the exception of emergency laws, the usual process calls for debates allowing opinions to be heard and could contribute towards passing laws which give satisfaction to the majority. Updated statutes and subsequently the Rules remain as the stepping stone for Immigration Law, subsequently providing stability until a need for further change is acknowledged.

Response from the Government

It is unsurprising that the Home Office's response to the Law Commission's report has been optimistic because all the recommendations have been met with either a partial or full acceptance²⁷. It would have been politically damaging especially with voters' confidence if the government did not agree with the recommendations reflecting the need for better accessibility and understanding of the law, as these updates are essential in upholding the rule of law. Moreover, this ideology is not new, as many key figures of influence have spoken positively for it, including Lord Neuberger, former President of the Supreme Court who expressed:

*"One access aspect of the rule of law which is sometimes overlooked is access to the law itself...access to statutes, secondary legislation and case law. It is of course a fundamental requirement of the rule of law that laws are clearly expressed and easily accessible... people should know, or at least be able to find out, what the law is."*²⁸

Therefore, the Home Office, in its response, has made an effort to provide examples of the coming reforms which look to reflect a much-needed simplification. For instance:

"Finding the right application form"

"Example: Ruby wants to make an application to stay in the UK. She knows what route she wants but does not know which application form to use."

NOW

Ruby searches online and finds several possible application forms which might fit her circumstances, but some of the names are unclear, including acronyms she does not understand (what does FLR stand for?). She thinks she has found the right form but while completing it, realises the questions don't seem to fit her circumstances. She is worried that she is applying on the wrong form but can't identify the right form. If she applies on the wrong form, her application will be rejected and will not be considered.

AFTER SIMPLIFICATION

Ruby looks at the Rules and sees that each route states what the relevant form is for that route."²⁹

In addition to these hopeful examples, the recommendation to create a simplification review committee is an indication that the government wishes to remain consistent in its agenda of simplifying the Rules. It has acknowledged the need for active monitoring of the Rules and hence aims to create a specialised

²⁷Simplifying the Immigration Rules (Open Government Licence 2020) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875205/24-03-2020_-_Response_to_Law_Commission_for_publication.pdf accessed May 7, 2020 .

²⁸ Neuberger L (July 3, 2017) <https://www.supremecourt.uk/docs/speech-170703.pdf> accessed May 7, 2020.

²⁹ Simplifying the Immigration Rules (Open Government Licence 2020) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875205/24-03-2020_-_Response_to_Law_Commission_for_publication.pdf accessed May 7, 2020.

dedicated committee. This saves time and diminishes the possibility of incoherency as the Committee's sole task is to ensure the simplification of the Rules. Thus, eradicating the "vicious circle" of complexity and making sure that the Home Office does not "repeat this pattern."

With this overwhelming positive response geared into action in January 2021, one must remain cautious and attentive to see whether these words will be fulfilled or not in the long term. Immigration Law can be volatile with each coming day. Hence, the benefit of the doubt cannot be given to the Government on this instance until a positive effect of the amendments is witnessed, especially considering this is not the first time a Government has set a target for betterment.

With the end of free movement between the EU and the United Kingdom, the reformed Immigration system gives the usual procedures a drastic alteration by introducing the globally recognised points-based system. Points will be assigned for specific skills, qualifications, salaries and professions. Therefore, an individual's visa application must have a certain amount of points³⁰ in order to qualify to enter the UK. This new Immigration Bill is monumental and historic as it marks the government getting "full control of UK borders for the first time in four decades",³¹ subsequently marking an end to its communal Immigration system with the EU.

Although the new reform has been presented to the UK's population as the ideal simplification in our Immigration system, there are waves of worries across various sectors. Even though the government has made calming re-assurances by extending visas for key workers, the concerns have amplified due to the continuous economic havoc caused by Covid-19. The much-anticipated simplification of the Immigration system post-Brexit, a points-based system allegedly designed to fit all, actually excludes many. The financial threshold for workers has been set at £25,600; an amount that does not cover 'low skilled', yet vital, workers across various sectors, especially Health and Social Care. There are grave concerns on how the Health sector will survive if a significant number of their workers do not qualify under the new system despite their need being visible during this pandemic. These unsettling times give rise to uncertainty on whether the simplified reform will achieve its aim as "new immigration rules are simply being ignored by the vast majority of employers...while they are fighting to stay afloat."³² Moreover, the havoc of Covid-19 is still continuing and has been since the introduction of the new immigration system; there is no data since its implementation till now that has not been tampered by the effects of the pandemic.

The increasing apprehension related to the pandemic contributes to the already existing concerns for the reform's impact, especially on small and medium-sized businesses who rely on workers that do not meet the earning threshold. Business owners, Directors and Union executives, have been notably vocal of their negative review with the director-general of the British Chambers of Commerce (BCC), controversially commenting on the need for the new Rules to be further "radically simplified"³³.

All the above reiterates the volatility of social context with unforeseen events occurring. Immigration laws, therefore, have to go through vast layers of considerations and amendments before the Rules are officially enrolled; it is vital to achieve a balance between political agendas and the demand from the economy.

Political interpretation

³⁰ Fouzder M, "Immigration Rules Simplification: Plan to Be Published 'Shortly'" (the Law Society Gazette February 19, 2020) <https://www.lawgazette.co.uk/news/immigration-rules-simplification-plan-to-be-published-shortly/5103145.article> accessed March 17, 2020.

³¹ Office H, "Landmark Immigration Bill to End Free Movement Introduced to Parliament" (GOV.UK March 5, 2020) <https://www.gov.uk/government/news/landmark-immigration-bill-to-end-free-movement-introduced-to-parliament> accessed April 16, 2020.

³² Staton B and Foster P, "Business Bridles at Rollout of Points-Based Immigration System" (Financial Times April 9, 2020) <https://www.ft.com/content/e93c8cb0-4878-46a3-875f-cac3d557896b> accessed May 7, 2020 .

³³ Inman P and Topham G, "New Immigration Rules: Where Will UK Find Its Drivers and Pickers?" (The Guardian February 18, 2020) <https://www.theguardian.com/uk-news/2020/feb/18/new-immigration-rules-where-will-uk-find-its-drivers-and-pickers> accessed May 10, 2020.

It is incredibly crucial to understand that 'simplification' of the Immigration system can have a varied interpretation when viewed from a political stance. Apart from the recognisable need for structural amendments and online accessibility, the government argues that the points-based system reflects the Law Commission's advice by describing it as "simple, effective and flexible³⁴." There is a repeated reminder of the equality that the new system promises to deliver with applications based on what "a person has to offer, not where they come from."³⁵ The Government's intention to "create a high wage, high-skill, high productivity economy",³⁶ showcases the party's political schema. Unfortunately, this raises concerns for abuse of political power as these Immigration policies are not the current reality of the UK economy; 'low skilled' workers from various sectors including Health, Hospitality and Retail make a significant contribution to the economy which cannot be undermined by political agendas. As a result, it can be argued that the points-based system can either be a straight-forward 'box-ticking' scheme or have an adverse effect to simplification with non-qualifying individuals possibly applying through non-conventional routes to enter the UK. This could leave Home Office officials in ambiguity and give rise to Appeals. Although there are reports of the points-based system working somewhat smoothly in Australia and Canada, one has to remember that the UK's economy has a different set of requirements and for decades had the advantage of EU workers to balance the ageing population which is no longer an option.

Conclusion

To recapitulate, there is minimal doubt that a need for simplification of the Immigration Rules has risen, a political need due to Brexit and a general need for the betterment of the Immigration system. Given that social and political factors influence the Immigration system, the 'need of the hour' reform could and has already experienced unexpected challenges from the change of Prime Ministers and their outlooks to a ravaging global pandemic. The current Rules and several Immigration Acts are evidence of the continuous effort to keep the Laws updated; however, the constant amendment has made it beyond comprehensible for an individual. The common ground of dissatisfaction is shared amongst judges, influential persons from the business world and the Law Commission itself.

The Commission's report rightfully highlights all the necessary amendments which contribute to more structured, fathomable and accessible information. The recommendations are justified and appropriate to guide the government in a path that will ultimately keep our rule of law intact, which is the prime objective. The government being in agreement with the Commission's report and pledging to simplify the Rules is an encouraging sign for many. Its effectiveness, however, lies solely on the correct implementation and maintenance by the Home Office which comes with minimal guarantee due to the possibility of volatility from case law and changing political leadership.

Nevertheless, when the highly debated modifications are activated for all, there should be regular monitoring from the Simplification Review Committee as promised. Additionally, the government has to ensure that their political aims of shifting the nation's economic structure by decreasing the number of low-skilled workers do not cause collateral damage to countless businesses. Finally, one must understand that the United Kingdom's Immigration System has experienced changes for decades and will continue to do so in the future; the Law Commission accepts that amendments are inevitable. Today we must make sure, with the availability of recourse to technology and sheer experience, that the laws

³⁴ "The UK's Points-Based Immigration System: Policy Statement" (GOV.UK February 19, 2020) <https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/the-uks-points-based-immigration-system-policy-statement> accessed May 10, 2020 .

³⁵ "The UK's Points-Based Immigration System: Policy Statement" (GOV.UK February 19, 2020) <https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/the-uks-points-based-immigration-system-policy-statement> accessed May 10, 2020 .

³⁶ "The UK's Points-Based Immigration System: Policy Statement" (GOV.UK February 19, 2020) <https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/the-uks-points-based-immigration-system-policy-statement>, accessed May 11, 2020 .

are simplified for the betterment of its users. The rule of law must remain as the epicentre of the Immigration system, for volatility is not an excuse to lose integrity and faith in the eyes of the public.

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