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Dear Albert,

Immigration Bill – Measures on bank accounts

During the course of the Immigration Bill Committee consideration on Tuesday the honourable member for Holborn and St Pancras expressed general support for the Government's measures on bank accounts but concern about the position of individuals who might find their accounts closed in error. I outlined the safeguards that will be in place to prevent this occurring and to correct an error in the rare event that one does occur. As requested, I am writing to confirm these details.

As I said on Tuesday, the Home Office will only share the details of those migrants who are liable for removal or deportation from the UK, such as those who have exhausted all appeal rights. This will include people who have been served with a deportation order or enforcement papers or who have absconded from immigration control. They will be fully aware of the reasons why they are considered to be disqualified persons.

Details of such individuals are already shared with the anti-fraud organisation Cifas for the purpose of enabling banks to comply with the Immigration Act 2014, and to assist in the prevention of fraud. The accuracy of the data is subject to rigorous checks by the Home Office before it is shared.

This is reflected by the fact the Home Office receives very few complaints or enquiries from banks and individuals regarding the current sharing of data under section 40 of the Immigration Act 2014. Only three official complaints have been received since the Home Office started to share data with Cifas in 2011.

Under the new provisions the Home Office will be notified by banks when they believe an account holder is a disqualified person. It will then carry out a further thorough check before the bank will be required to take any action to close an account. The bank will be notified if circumstances have changed and the person is no longer disqualified. This double check will act as a further safeguard to make sure that the bank acts on the most up to date information.

Individuals whose accounts are subject to closure will be informed by their bank of the reason why, provided that it is lawful to do so. If, despite all the checks, a person still considers they are lawfully present and that incorrect information has been provided, they will be given the information they need to contact the Home Office swiftly so that any error can be rectified. As is currently the case with data provided to Cifas, the Home Office will be able to correct any error in real time so that the person's details will be immediately removed from the data which is shared with banks. In the unlikely event that an account is closed by mistake, the situation regarding the person's status can be swiftly rectified in this way without the serious consequences for the individual that have been envisaged.

If an account is closed, any credit balance will not be withheld from the individual but returned to them by the bank in the normal way.

I hope this letter assists the Committee. I am copying this letter to Committee members and will place a copy in the library of the House.

*Yours ever,
Robert*

**ROBERT BUCKLAND QC MP
SOLICITOR GENERAL**