

## **EXCLUSION OR DEPORTATION FROM THE UK ON NON-CONDUCTIVE GROUNDS: CONSULTATION DOCUMENT**

1. The Home Secretary has powers to exclude or deport non-UK citizens on the grounds that their presence in the UK is not conducive to the public good.
2. These powers apply both to those who are not yet in the UK (exclusions) and to those who have temporary or indefinite leave to remain in the UK (deportation).
3. The Home Secretary must and will act consistently, proportionately and reasonably in applying these powers, having regard to the importance of upholding UK values.
4. Where the Home Secretary is personally applying these powers to exclude, there is no statutory right of appeal although his decision can be challenged through judicial review. Where he is applying these powers to deport, or where other Home Office Ministers or Immigration or Entry Clearance Officers are applying them on his behalf to exclude or deport, there is a right of appeal.
5. As a general rule these powers have been exercised in the past against those the Government considers represent a direct threat to:
  - National security
  - Public order or the rule of law in the UK
  - Or the UK's good relations with a third country

and against those who were involved or, the Government has reason to suspect were involved, in war crimes or crimes against humanity regardless of whether convicted

6. The Home Secretary announced on 20 July that he would broaden the exercise of these powers to deal more fully and systematically with those who in effect, represent an indirect threat under the same categories, in particular those who foment terrorism or seek to provoke others to terrorist acts.

7. Because of the need to tread very carefully in areas which relate to free speech, the Home Secretary announced that he would consult on a list of unacceptable behaviours which demonstrate such an indirect threat. This list is indicative not exhaustive and is set out below.

### **List of Unacceptable Behaviours**

The list of unacceptable behaviours covers any non-UK citizen whether in the UK or abroad who uses any means or medium including: -

Writing, producing, publishing or distributing material

Public speaking including preaching

Running a website

Using a position of responsibility such as teacher, community or youth leader

To express views which the Government considers: -

- Foment terrorism or seek to provoke others to terrorist acts
- Justify or glorify terrorism

- Foment other serious criminal activity or seek to provoke others to serious criminal acts
- Foster hatred which may lead to intra community violence in the UK
- Advocate violence in furtherance of particular beliefs

and those who express what the Government considers to be extreme views that are in conflict with the UK's culture of tolerance

8. Anyone wishing to express views on this list should write to **[exclusionpolicyconsultation@homeoffice.gsi.gov.uk](mailto:exclusionpolicyconsultation@homeoffice.gsi.gov.uk)**