

ILPA immigration update 34

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Legal Aid

More information sheets are now available to help those trying to understand or respond to the current Legal Aid consultation. The “Legal Aid 9” and “Legal Aid 10” information sheets provide information about two sections of the consultation questions (about proposals on scope and a telephone helpline). The “Legal Aid Proposals – Children” provides information about how the proposals would affect children (particularly those in the immigration and asylum systems).

Children

On 16th December 2010, the Immigration Minister made a written statement to Parliament concerning the Government’s commitment to end the detention of children. The statement is available at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/news/wms-review-end-of-detention.pdf>

However, the statement does little more than confirm the position described in the November 2010 “UKBA Family Returns Pilot” information sheet.

Meanwhile, there have been important judgments in the courts concerning how the best interests of children must be given a primary consideration in immigration cases. More information is provided by the “Children’s Best Interests” information sheet.

Revised policy guidance

The UK Border Agency has announced that it has revised several of its policy instructions concerning family migration, detention and how it transfers cases within its various departments. For more information, see:

<http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/2011/jan/06-revised-family-members>

<http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/2010/dec/82-detention>

<http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/2010/dec/83-transfer-refer>

The revised guidance includes new guidance on the English language and knowledge of life in the UK requirements relating to spouses and partners wishing to come to or stay in the UK; and on the conduct of detention reviews by the Criminal Casework Directorate (the part of the UK Border Agency responsible for matters of detention and deportation of those who have been convicted of offences in the UK).

Withdrawal of R(S) policy

On 20 December 2010, the UK Border Agency withdrew its R(S) policy. This policy had been introduced in 2008 to address cases where a person had been refused asylum despite an existing policy to grant exceptional leave to remain (ELR) to those of that person’s nationality not having been applied. The R(S) policy concerned cases of those who had claimed asylum several years ago. However, where a previous ELR policy was not applied when it should have been, this may still be highly relevant to the person’s case. (In 2003, the Home Office stopped making grants of ELR.)

<http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/2010/dec/57-rs-policy>