



immigration update 11

Children Act 2004, section 11

On 17 March 2008, the House of Lords voted to adopt an amendment to the Children and Young Persons Bill that would make the Border and Immigration Agency subject to the duty in section 11 of the Children Act 2004.

Section 11 requires listed agencies to make arrangements so that they have regard to the need to safeguard and promote the welfare of children. When section 11 was first introduced, immigration officers and others responsible for immigration were excluded from this duty.

Previous attempts to extend the ambit of section 11 to those responsible for immigration have been defeated by the Government by small margins. The vote on 17 March was carried by 173 to 119 votes.

Code of Practice on safeguarding children

The Government introduced a requirement in the UK Borders Bill to make the Border and Immigration Agency have regard to a code of practice for safeguarding children.

The Government did this in response to the pressure during the passage of the Bill to make the Border and Immigration Agency subject to section 11.

A draft code of practice is now available for consultation. A copy of the draft code and information about how to respond to the consultation is available at: <http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/keepingchildrensafe/>

Points based system

Tier 1 (for highly skilled migrants) of the points based system was introduced on 29 February. More information is available at: <http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/newpointslive>
<http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/newpbsbegins>

Naturalisation applications

On 18 March, the Border and Immigration

Agency announced that there were delays in its dealing with applications for naturalisation as a British citizen. See: <http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/nationalitydelays>

Enforcement Instructions and Guidance

The Operational Enforcement Manual has been replaced this month with the Enforcement Instructions and Guidance. These are available at: <http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/newpbsbegins>

Further leave for those who do not meet the English and life in UK requirements for indefinite leave to remain

When introducing English and life in UK requirements for those applying for indefinite leave to remain (settlement) – see April 2007 information sheet on “Applying for Settlement” – the Government introduced a transitional arrangement so that those who could not meet these requirements could apply for further leave to remain for a temporary period.

The transitional arrangements were to end on 31 January. However, these have been extended to a date not yet fixed. See <http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/languageandlifeextension>

Legacy cases

The Case Resolution Directorate is expected to shortly introduce arrangements so that it is possible to find out which team at the directorate is responsible for a particular legacy case.

It is also expected to introduce a new procedure for writing to individuals or their legal representatives when a particular legacy case is selected for consideration. When these arrangements are finally worked out, there will be a further information sheet on “Legacy Cases”.

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