

ILPA immigration update 29

The ILPA information service is funded by the Joseph Rowntree Charitable Trust

Steve Symonds ILPA Legal Officer 020-4790 1553 steve.symonds@ilpa.org.uk

Immigration Law Practitioners' Association www.ilpa.org.uk 020-7251 8383 (t) 020-7251 8384 (f)

21st July 2010

Legal Aid

At the end of June, the Legal Services Commission (LSC) announced the names of organisations that have been offered legal aid contracts (for immigration and asylum) from October 2010. A complete picture of the size of contracts offered to individual organisations has not been made publicly available. However, it is clear that in some areas no contracts have been offered, some organisations have not been offered contracts and several others have been offered very much smaller contracts than they had bid for or currently have.

Shortly before this, the Refugee and Migrant Justice (formerly known as the Refugee Legal Centre) has closed. Information about client's files is available at:

http://refugee-migrant-justice.org.uk/?page_id=4

Economic Immigration Cap

The UK Border Agency has published a consultation on the Government's proposal for an economic immigration cap. Further details are available from the "Economic Immigration Cap" information sheet.

Points Based System – recent judgments

Two recent judgments on the Immigration Rules and the Points Based System have ruled that it is unlawful for the Government to seek to introduce additional requirements for immigration applications outside of the Immigration Rules. These rulings highlight the importance that the Rules are subject to proper opportunity for Parliamentary scrutiny. The Court of Appeal judgment in *Pankina* and the High Court judgment in *English UK Ltd* are respectively available at:

<http://www.bailii.org/ew/cases/EWCA/Civ/2010/719.html>

<http://www.bailii.org/ew/cases/EWHC/Admin/2010/1726.html>

Refugees granted leave to remain for 5 years

From 30 August 2010, those granted refugee leave or humanitarian protection for 5 years will start to come to the end of their 5 years leave. They will need to apply for indefinite leave to remain. Someone who does not do so before his 5 years leave expires may suffer several problems – including losing any entitlement to work or receive benefits, or that any application for indefinite leave to remain is dealt with more restrictively. The UK Border Agency has published information about making applications for indefinite leave to remain for these people. See:

http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/2010/july/28settlement_protection

Lesbian and gay asylum-seekers

The Supreme Court has overruled decisions of the UK Border Agency, Tribunal and Court of Appeal that lesbian and gay asylum-seekers can lawfully be expected to return to their home countries and act discreetly in order to avoid persecution. More information is available from the "Lesbian and Gay Asylum-Seekers" information sheet.