

ILPA immigration update 31

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Asylum-seekers and permission to work

On 28 July 2010, the Supreme Court ruled that refused asylum-seekers who make a fresh asylum claim may apply for permission to work if they are waiting for 12 months or more for a decision from the UK Border Agency on their fresh claim. On 19 August 2010, the UK Border Agency announced changes to the Immigration Rules in response to this judgment. These changes are explained in the "Permission to Work Judgment 3" information sheet.

New English language requirements

From 29 November 2010, the UK Border Agency will introduce a new English language requirement for those applying to join or remain with spouses or partners in the UK. Information about this is available at:

<http://www.ind.homeoffice.gov.uk/sitecontent/newsfragments/26-english-language-partners>

<http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/2010/275292/46-english-test-partners>

From 11 August 2010, the UK Border Agency has introduced a requirement for English language testing for adult migrant students to be taken with specified agencies. Those studying at degree level or higher, or on foundation degree courses, or on English language courses are not affected. More information is available at:

<http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/2010/275292/38-selt-for-tier-4>

UK Border Agency survey of settlement applications

Those who have recently made an application for settlement are invited to take part in an online survey by the UK Border Agency. The survey asks several questions about applicants' experience of the application process, including whether the applicant had any help in making the application and how useful that help had been. One of the reasons for the survey is explained to be to help the UK Border Agency decide whether to introduce a Settlement Checking Service, which would mean local authorities checking and keeping a copy of any application. The survey can be found at:

<http://www.ind.homeoffice.gov.uk/sitecontent/newsfragments/34-survey-settlement-applicants>

Legal representatives and same day service

Certain immigration applications may be made at Croydon and receive a decision on the same day. These attract a higher fee. These 'same day' application can only be made by legal representatives. From 16 August 2010, tier 4 (student) applications have been added to the limited list of applications that can be made by this service. More information is available at:

<http://www.ind.homeoffice.gov.uk/sitecontent/newsfragments/33-same-day-service>

Refugee family reunion

Several years previously, the Immigration and Nationality Directorate (what is now the UK Border Agency) withdrew its asylum policy instruction on Family Reunion so as to revise the policy, but this remains outstanding. Information on refugee family reunion is available from two information sheets: "Refugees and Family Reunion" and "Refugees and Family Reunion – separated children".