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Family Visit Visa Appeals

Under the Crime and Courts Bill those applying to come to the United Kingdom to visit family, if refused a visa, will no longer be able to appeal against that decision. They will have to make a new application instead. ILPA has written briefings on this Bill opposing this clause (available at <http://www.ilpa.org.uk/pages/briefings-on-the-crime-and-courts-bill-2012.html>), however attempts to amend the Bill to remove the clause or to change it have not yet succeeded. The Bill is still before the House of Commons and is not yet law.

New Fees Proposed

Fee increases for visa applications made overseas, and in the UK will take effect from 6 April 2013, subject to Parliamentary approval. The new fees can be seen on the UK Border Agency website under a 'latest news' item dated 25 February 2013 at

<http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2013/february/29-new-fees>

Legal Aid Tenders

There will be new legal aid contracts, covering the period 2013 to 2016 from 1 April 2013. These will be in asylum only, as there will no longer be legal aid for immigration. Contracts allocate firms and organisations a fixed number of initial cases (applications to the UK Border Agency) although there are no limits on the number of cases that they can do in the higher courts, such as judicial reviews. Lots of firms bid for contracts and cases have been allocated evenly to successful bidders, which means that most firms have been allocated only about 100 initial cases, regardless of size. The tender process did not do much to differentiate between those who bid on the grounds of 'quality and therefore most of those who bid got a contract. It will be difficult to survive on such small contracts, especially for big firms and it is anticipated that it will get harder to find a legal aid representative for an asylum field case.

The Civil Legal Aid (Merits Criteria) Regulations 2013 were made on 22 January 2013 and come into force on 1 April 2013. The regulations set out in which circumstances a case will be considered strong enough to qualify for legal aid. There is also a "means" test – if people have more than the permitted levels of income or savings they will not be eligible for legal aid. For more information on legal aid in practice after 1 April 2013, please see information sheet Legal Aid update 14 <http://www.ilpa.org.uk/resources.php/17567/legal-aid-14-update-13-march-2013>

It will be vital to monitor the effect of the legal aid changes. There will no doubt be lots of initiatives to do this. We wanted to make sure you were in a position to start. We have prepared two forms, one for legal representative, one for NGOs and others working with migrants. Any help you can provide in filling in all or some of as many of these forms as possible would be super. You can use the information you collect for your own purposes and we should also be delighted to receive it at ILPA.

Fundamental review of the First Tier Tribunal

The Ministry of Justice is conducting a review of the First Tier-Tribunal. The proposals include tribunal judges issuing decisions without written reasons and the use of preliminary hearings to help manage cases and ensure that when it comes to the full hearing of the case, it is ready to be heard. ILPA has submitted a response to the consultation which can be found at: <http://tinyurl.com/av7w245>

Family Migration

Since the introduction of the new rules on family migration, the Upper Tier Tribunal has given two reported decisions dealing with Article 8 of the European Convention on Human Rights in the context of the new rules. See information sheet, Family Migration Article 8 (3)

<http://www.ilpa.org.uk/data/resources/16611/12.12.21-Article-8-No-3.pdf> and Article 8 (4)

<http://www.ilpa.org.uk/resources.php/17566/article-8-4-update-13-march-2013>.