

ILPA information sheet

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Family Visit Visas

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The Immigration Rules determine who can come to the UK. There are different categories of visitor, for example, children or business persons and 'family visitors' are just a 'type' of 'General Visitor'. However, there is a specific application form¹ to complete if applying for a visa to visit family in the UK. The Home Office also publishes Guidance² for applicants.

General Grounds for Refusal

An application may fail because the application does not satisfy the specific requirements for a family visitor because the application was not supported by the required evidence or because the applicant falls foul of the "general grounds for refusal." The Immigration Rules contain a section which sets out grounds for refusal that are not about specific categories but instead apply to most immigration categories, including family visit visa applications. There are serious implications to being refused under the 'general grounds' than for other reasons.

An application may be refused by reference to the general grounds of because the entry clearance officer believes the applicant has:

- Made false representations;
- Provided false documents or information;
- Not disclosed facts that are relevant to the application;
- Used deception in the application;
- Previously overstayed or breached a previous visa or the conditions of their stay.

An applicant refused under general grounds for refusal may also be excluded from entering the United Kingdom for up to 10 years.

The refusal of a visa by the UK may also have serious consequences for travelling elsewhere as many countries ask if a visa has ever been refused in any country.

If refused a visa to visit family in the UK

Currently a person who has been refused a visa to visit their family in the UK has three options:

- To ask the Home Office (entry clearance manager) to review the decision (known as administrative review);
- Make a new application to the entry clearance post (British High Commission or Consulate);
- appeal to the Immigration and Asylum Tribunal against the decision to refuse.

¹ <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/visas/vaf1b.pdf>

² <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/visas/vaf1-guidance.pdf>

BUT, the Home Office is removing the right of appeal against refusal of family visit visas. From 25 June 2013, administrative review or making a new application will be the **only** options available to those who have been refused a visitors visa to visit their family in the UK.

What does this mean in practice?

The Home Office believes that reviewing or renewing an application for a visa will, in many cases, be the cheapest and fastest option for those wishing to travel to the UK. However, the practice, speed and effectiveness of the administrative review process and the time-frame for consideration of visa applications varies widely from post to post.

The right of appeal to an independent Tribunal risks largely acted as a check on decision-makers, ensuring some degree of 'accountability' and there is a risk that, without this safeguard, poor and/or unfair decision-making at some posts may go unchallenged.

What can we do?

Renewing the application and/or asking for an administrative review may be an option for some applicants, particularly those who are able to provide relevant evidence to counter the reasons for the refusal. However for those who cannot, the only way to challenge a refusal may be by way of a judicial review. The cost of judicial review can be very high and the process can take a long time.