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Consultations and Responses

Procedure Rules

ILPA has responded to the Tribunal Procedure Committee consultation on amendments to Tribunal Procedure (Upper Tribunal) Rules 2008 which anticipates the transfer of judicial review cases from the High Court to the Upper Tribunal. The proposed date for the transfer of immigration and nationality judicial reviews to the Upper Tribunal is 1 October 2013. See ILPA's response here: <http://www.ilpa.org.uk/data/resources/18197/13.06.20-ILPA-response-to-TPC-re-consultation-on-amendments-to-Tribunal-Procedure-UT-Rules-2008-arising-from-statutory-changes-to-jr.pdf>

More on fee remission

The government's response to the consultation on fee remission in the First-tier Tribunal Immigration and Asylum Chamber was published on 26 March 2013 and implemented on 1 April 2013. The Government decided to go ahead with fees in the First-tier Tribunal despite strong and reasoned criticism. Meanwhile the Ministry of Justice has consulted on changes to fee remission arrangements across all courts and tribunals. ILPA's response reiterates its opposition to fees in the Tribunals, see <http://www.ilpa.org.uk/data/resources/17861/13.05.15-ILPA-Response-fee-remission-court-trib.pdf>

The Low Commission

A Commission led by Lord Low is looking at the provision of legal advice, see http://www.lowcommission.org.uk/dyn/1364901360390/Low_Commission_Context_Paper_On_Immigration_and_Asylum.pdf. Although the Low Commission has largely been overtaken by the government's 'Transforming Legal Aid' consultation, ILPA has responded, highlighting the adverse consequences of changes based on a position that immigration is a matter of 'personal choice', the removal of immigration legal advice from the scope of legal aid and the anticipated impact of further proposed changes to the legal aid given the complexity of immigration and asylum law and procedure and the reduction in provision of specialist legal advice in this area. For ILPA's response to the Low Commission context paper, see <http://www.ilpa.org.uk/data/resources/18002/13.05.30-ILPA-submission-to-the-Low-Commissions-Context-Paper-on-Asylum-and-Immigration.pdf>.

Training package for detainee custody officers

The Independent Advisory Panel on Non-Compliance Management is a group appointed by the Home Office to produce a bespoke training package for use by detainee custody officers who escort adults being removed from the UK. The Panel is considering

- safe and appropriate methods to return individuals to their country of origin; and
- how the needs of those subject to removal are acknowledged and met; and
- how the use of force can be minimised and only deployed when necessary and proportionate to the circumstances.

The Panel invited evidence on the quality and safety of their proposals. See ILPA's response here: <http://www.ilpa.org.uk/data/resources/18144/13.06.07-ILPA-submission-to-Independent-Advisory-Panel-on-Non-Compliance-Management.pdf>

Information Sheets

Children's Best Interests

On 29 May 2013, the UN Committee on the Rights of the Child issued General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, see <http://www2.ohchr.org/english/bodies/crc/docs/GC.14.pdf>. See http://www.ilpa.org.uk/data/resources/18297/13.07.04-Childrens_Best_Interests_4-FINAL.pdf

Family Migration

On 10 June 2013, the All Parliamentary Group on Migration published a report of their inquiry into the changes to the immigration rules regarding family migration, see <http://www.appgmigration.org.uk/family-inquiry>. They found that the changes brought in on 9 July 2012 were separating families including the virtual closure of the adult dependent relative category. See <http://www.ilpa.org.uk/data/resources/18294/13.07.04-Family-migration-the-rules-revisited.-pdf.pdf>

Unaccompanied Migrant Children

On 12 June 2013, the Parliamentary Joint Committee on Human Rights published a report, "Human Rights of unaccompanied children in the UK", see <http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news/publication-of-first-report-human-rights-of-unaccompanied-migrant-children-and-young-people/>. For more information on the Committee's findings and conclusions see http://www.ilpa.org.uk/data/resources/18296/13.07.04-JCHR-Unaccompanied_Migrant_Children-FINAL.pdf

Medical examinations

From 1 July 2013, further countries have been added to Appendix T which lists those countries considered to have a high incidence of active pulmonary tuberculosis and applicants from which are required to undergo TB screening if applying in certain categories, see Statement of Changes HC 244 here <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/statementsofchanges/2013/hc244.pdf?view=Binary>. For further information see http://www.ilpa.org.uk/data/resources/18295/13.07.04-Medical_Examinations-FINAL.pdf