

ILPA immigration update 57

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Shauna Gillan ILPA Legal Officer 020-7490 1553 shauna.gillan@ilpa.org.uk

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

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Immigration Bill moves to the Lords

The Immigration Bill had its third reading in the House of Commons on 30 January. A last minute amendment by the Home Secretary has resulted in a new clause that will make it possible for her to render British citizens stateless, by depriving them of their nationality. ILPA prepared a detailed briefing¹ on this new addition to the Bill, which joins a raft of measures which are of concern (see our Information Sheet: [Immigration Bill](#)). The Bill has now moved to the House of Lords and will have its second reading on 10 February.

Good news: Challenge to residence test gets the go ahead

The Public Law Project (PLP) has been granted permission to bring a judicial review by the High Court for their challenge to the legality of the proposed residence test for legal aid (the introduction of which has been pushed back to May 2014). PLP are arguing that the test is unlawfully discriminatory, among other things, and have been granted a Protective Costs Order to enable them to pursue the litigation in the public interest with a degree of insulation from the costs of the Government legal team should they lose. Under current government proposals, organisations such as PLP will have to demonstrate they have a “sufficient interest” to be allowed to bring this kind of public interest case, but will be barred from receiving a Protective Costs Order if they have a “private interest”. This could mean that challenges like this could in future be much more difficult to bring: see further our Information Sheet: [Changes to Judicial Review](#).

New EU Regulation “Dublin III” now applicable

The Dublin Regulation, an EU law which deals with all intra-European transfers of applicants for asylum or humanitarian protection, has been changed. The new version (“Dublin III”) contains improved protections for applicants. A new clause in Article 3(2) provides that Member States should not transfer to other States that are experiencing systematic deficiencies giving rise to a risk of breaches of human rights; this gives effect to judgments of the European Court of Human Rights and the Court of Justice of the European Union which both ruled that transfers to Greece should be stopped on grounds of human rights violations in the reception conditions and asylum procedures in that country. See further ILPA’s [Information Sheet](#) on this topic.

Bulgaria in crisis

In a damning [report](#) released on 2 January, UNHCR has called for a halt on transfers of asylum seekers to Bulgaria under the Dublin Regulation. The country has experienced a sharp increase in its refugee population since August 2013, due to the conflict in Syria.

¹ [Briefing on Deprivation of Citizenship](#), ILPA website, 29 January 2014

UNHCR believes that the situation has deteriorated to such an extent that applicants in that country currently face a real risk of inhuman and degrading treatment due to systemic deficiencies in the asylum procedure and “deplorable” reception conditions. The European Council on Refugees and Exiles (ECRE) has [echoed](#) UNHCR’s call for a halt to transfers.

New Bill to tackle Trafficking and Slavery

The Government has released a draft Bill on Modern Slavery which aims to tackle this problem in the UK. It contains provisions to increase the penalties for those involved in human trafficking and forced labour to life imprisonment. For a full explanation of what the Bill entails, see ILPA’s [Information Sheet](#) on this topic. The Government has stated that it intends to introduce a Bill to Parliament in May 2014.

Plans afoot to Charge Migrants for Healthcare

The Government plans to change the rules for access to the National Health Service. Current proposals include new eligibility checks for everyone (to be conducted by your GP), imposing a charge on migrants of £150-£200 per year of stay, and charging visitors (retrospectively) for Accident and Emergency treatment in hospitals. Details of the proposed changes are in ILPA’s Information Sheet: [Charging for Healthcare](#).

New countries now subject to TB screening

UK Visas and Immigration have increased the number of countries from which a person will require a Tuberculosis (TB) screening certificate if s/he wishes to come to the UK for more than six months. A total of 51 new countries, including Russia, Korea and China, have been added to the list, which now totals 96: the full list is available [here](#). The compulsory TB screening will cause additional delay and expense for nationals of those countries wishing to move to the UK.

Pending Consultations

- The Home Office are [consulting](#) on the detention of persons with mental health problems, with a deadline of 21 March 2014 for responses.
- The Justice Committee is undertaking an inquiry into the impact of changes to civil legal aid and has issued a [call for evidence](#), with a deadline 30 April 2014.
- The Joint Committee on the Draft Modern Slavery Bill have also issued a [call for evidence](#), with a very short response deadline of 10 February 2014.