

# ILPA immigration update 58

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## Legal Aid cutbacks

The residence test is still poised for introduction in May – subject to the outcome of the legal challenge brought by the Public Law Project. As previously explained in our most recent Information sheet on [Legal Aid](#) (December 2013), this will severely curtail access to the justice across all areas of civil law. Meanwhile, the Civil Legal Aid (Remuneration) (Amendment) (No. 3) Regulations 2014 are due to come into force on 22 April. These regulations will make it harder for individuals to obtain legal aid for judicial review and form part of what seems to be an ongoing government policy to reduce access to this remedy. The Rt Hon Mr Miliband MP has recently tabled an [Early-Day Motion](#) asking for them to be annulled. ILPA's submission on the impact of these Regulations is [here](#).

## Upcoming Legislation

- ***Immigration Bill***

The Immigration Bill finished Committee state in the House of Lords this week and moves to the Report stage on 1 April. Clause 60, which would permit the Home Secretary to deprive British nationals of their citizenship even in situations that would render them stateless, was given particular scrutiny by Peers. ILPA opposes this clause; for further information see our Information Sheet: [Deprivation of Citizenship](#). ILPA has prepared a number of briefings which consider this clause and other aspects of the Bill: see our dedicated [Briefings](#) page for more.

- ***Criminal Justice and Courts Bill***

The Criminal Justice and Courts Bill is at Committee Stage in the House of Commons. This Bill contains provisions which would reduce access to judicial review and increase the costs risks involved in litigation, which would make it more difficult for people to find lawyers willing to take on their cases. ILPA is concerned that these changes will reduce access to justice. To find out more, see our Information Sheet: [Criminal Justice and Courts Bill 2014](#). ILPA's written evidence to the Public Bill Committee of 21 March 2014 is available [here](#).

- ***Draft Modern Slavery Bill***

This draft Bill has been given close scrutiny by a Joint Committee, to whom ILPA gave [oral evidence](#) this month. The Committee's report is awaited. It is to be hoped that when a Bill is published it will include victim protection measures in addition to its focus on the criminals who exploit them.

## **Syrian crisis**

The refugee crisis in Syria shows no signs of abating, with the numbers of refugees having recently topped 2.5 million, the vast majority of whom are in refugee camps in countries bordering Syria. UNHCR is calling on countries outside the region to volunteer to take in 30,000 of the most vulnerable refugees. While the UK government has declined to join UNHCR's scheme, it has set up its own similar programme, with 500 places available for Syrian refugees: see our Information Sheet: [Vulnerable Persons Relocation Scheme](#). The first of these individuals arrived this week. This scheme is separate from the UK's resettlement programme, the 'Gateway Protection Programme' which is 10 years in operation this month. See further our Information Sheet: [Gateway Protection Programme](#).

The government has also recently extended a visa concession for Syrian nationals already in the UK, making it easy for them to extend visas to remain in the country. Details of this concession are set out in our Information Sheet: [Extension of Syrian Concession](#).

## **Clarification of the EU law rules on free movement for families**

A recent judgment from the Court of Justice of the European Union has clarified the law on free movement and derivative rights of residence for family members. This has implications for the UK's recent changes to the European Economic Area Regulations, as detailed in our previous Information Sheet: [New European Free Movement Regulations](#). A discussion of the impact of the case is contained in our Information Sheet: [EU Free Movement: 'Surinder Singh' cases](#).

## **New European Court of Human Rights case on family life**

Also on the topic of family life, the European Court of Human Rights has addressed the issue this month in a case called [Biao v Denmark](#) (App no. 38590/10). The Court considered a Danish law which requires naturalised Danish citizens (as distinct from citizens by birth) to hold their citizenship for 28 years before gaining the right to bring non-EEA family members to reside with them in Denmark. The Court narrowly held (by four votes to three) that this does not constitute unlawful discrimination contract to Article 14 ECHR and found no breach of Article 8.