

ILPA immigration update 65

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New Removals procedures suspended

The charity Medical Justice has successfully challenged the new removals regime introduced by the Immigration Act 2014 resulting in the suspension of the relevant policy. The new regime purported to end the current practice of the sending a person copies of “removal directions” which serve to make individuals aware of their proposed removal from the UK. Instead, people would have received a single decision, a refusal, which would have included notification of their liability to removal and after 72 hours, they would have become liable to removal – without further notification, even if many years passed before anyone tried to remove them. Medical Justice formally threatened legal action on the basis that the new policy was unlawful. The Government agreed to suspend the removals policy with immediate effect and to consider amending it. This is a significant victory for Medical Justice, who was represented *pro bono* by the Public Law Project. See further ILPA’s information sheet: [Immigration Act: Removals](#).

New process for making further submissions

The process for submitting additional information in asylum or human rights claims, or submitting a new application / making a “fresh claim”, is set to change this month. At the moment people with older cases (those commenced prior to March 2007) must submit the information in person in Liverpool, whereas people with cases that commenced after March 2007 can submit information at their local UK Visas and Immigration reporting centre. From 26 January 2015, everyone is required to travel to Liverpool to make such submissions, in person, at a pre-arranged appointment. The requirement to travel to an appointment in Liverpool is likely to be a significant barrier for many failed asylum seekers, unable to work and with minimal support, who may be deterred from submitting vital new information about the risks they would face in their home country. There is no reimbursement of travel expenses. If a person has a serious illness or disability or wishes to argue that there is another reason why cannot travel, for example that small children would have to travel long distances with them, they can apply to be excused from the requirement to travel to Liverpool, at the discretion of UK Visas and Immigration.

Stricter rules for British Citizenship

The Government has issued new policy on the meaning of “good character” for the granting of British citizenship. It is a requirement of the law that British citizenship can only be granted to people “of good character”. The new policy penalises people who have had breached immigration law in the past. For example, anyone who entered the UK unlawfully

is barred from becoming a citizen until 10 years have passed since the date of the relevant transgression. Trafficked persons are often brought to the UK against their will by those controlling them, yet they will still be subject to these new rules.

European Free Movement

The Irish High Court has this month issued an important [judgment](#) awarding €100,000 to a claimant for a breach of European Free Movement rules by the Irish immigration authorities which had denied him the ability to work. The case, *Ogieriakhi -v- Mnister for Justice and Equality*¹, was referred to the Court of Justice of the European Union by the Irish Court. The case may encourage more claims of damages for such breaches in other EU states in future. Also on the topic of EU free movement, ILPA's Information Sheet: [European Jobseekers](#), explains the changes made last year for European Economic Area nationals who are seeking work in the UK.

¹ [2014] IEHC 582