

ILPA Immigration Update 67

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Immigration Act 2014 – Administrative Review

The Immigration Act 2014 makes drastic reductions to rights of appeal to the First-tier Tribunal (Immigration and Asylum Chamber). A person will only be entitled to appeal to the Tribunal against a: refusal of a human rights claim, refusal of a “protection” claim, namely a claim for refugee or for humanitarian protection status, or revocation of a “protection” status. Many of those who lose rights of appeal will be entitled to an internal Home Office administrative review. Administrative review is when a person asks the Home Office to look at its decision again. If the Home Office does not change its mind, then the only route of challenge will be judicial review in the High Court, a costly and time-consuming remedy. For further information see our [Information sheet: Immigration Act 2014 – Administrative Review](#).

New rules affecting visitors, asylum and Points Based System applicants

A new set of rules for visitors to the United Kingdom will affect all visit visa applications made on or after the 24 April 2015. The changes are brought about by the [Statement of Changes to the Immigration Rules HC 1025](#). The new rules aim to simplify the process of obtaining a visitor visa. When the new rules come into force, anyone entering the UK in the ‘standard visitor’ category will be able to carry out some ‘business activities’ and also take a holiday. The separate category of “business visitor” will disappear. For further information on this and other changes, see our [Information note: Visitors: New immigration rules](#). This statement of changes has also affected applicants under the Points Based System. Tier 2 of the Points-Based System regulates workers with an offer of a skilled job from a licensed employer. Updates have been made to the annual minimum salary thresholds for people applying for leave as Tier 2 workers. These are the minimum amounts a person must be earning to come to the UK under Tier 2. For example, the new salary threshold for Tier 2 (General) is £20,800. Changes have also been made to the Tier 4 (General) Student category, requiring further specific certificates for those studying matters potentially linked to technology used in terrorism. Changes have also been made to when an asylum claim will be treated as implicitly withdrawn, the length of leave given to asylum seekers and delays in the route to settlement. An information note on this will be available next month.

Syrian nationals: New immigration rules

[Statement of Changes to the Immigration Rules HC 1116](#) was published on 16 March 2015. The Immigration Rules have been amended to narrow the exemption from the requirement to hold a transit visa to travel to the UK for Syrian nationals. The *transit without visa* concession will now not apply to citizens or nationals of Syria holding a temporary visa for the purpose of business, pleasure or medical treatment (US immigration categories B-1 and B-2) for the United States of America. The Government says that there is evidence that Syrian nationals have been using this exemption from the requirement to hold a transit visa to travel to the UK to claim asylum, rather than to pass through the United Kingdom en route to the United States and describes this, in the Explanatory Memorandum to the Statement of Changes, as abuse. For further information see our [Information note: Syrians - New immigration rules](#).

Registering as a British Citizen

On 6 April 2015 section 65 of the Immigration Act 2014 comes into force. It amends the British Nationality Act 1981 to insert new provisions 4E to 4J which change the rules on who can register as a British Citizen. The changes correct some, but not all, of the present day effects of the historical discrimination against those born “illegitimate” or “out of wedlock” prior to 1 July 2006 by allowing many persons born before that date who were unable to acquire British citizenship through their British fathers because their British fathers were not married to their mothers to register as British citizens. An information note will be on the website shortly on this topic.

Modern Slavery Act

The Bill became an Act of Parliament on 26 March 2015. The act can be found here: [Modern Slavery Act 2015](#). An information note with the main provisions of the Act will be available next month.

Review into the welfare in detention of vulnerable persons

Following the report of the All Party Parliamentary Groups on Refugees and on Migration into immigration detention, and the Channel 4 undercover filming in Yarls Wood, the Home Secretary has appointed Stephen Shaw CBE, the former Prisons and Probations Ombudsman, to head a review of the welfare in detention of “vulnerable” persons. The terms of reference of the review do not allow Mr Shaw to consider the decision to detain. The deadline for submitting evidence is the end of May 2015. Further information can be found [here](#).