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New Immigration Bill

In May 2015, it was announced in the Queen's Speech that a new Immigration Bill would be published within the next parliamentary year. The Government has recently indicated that this may be introduced to parliament as early as its next session in autumn.

The Government has stated that the Bill will contain proposals on:

- **Appeals:** to remove the right to appeal within the UK against a negative decision on immigration cases raising human rights grounds unless removal of the individual for the duration of the appeal would cause a real risk of serious, irreversible harm. This would extend to all cases those measures introduced by the Immigration Act 2014 for individuals who had committed offences and informally described as 'deport first, appeal later' provisions because those individuals were subject to deportation, a type of removal ordered where the Home Office considers the person's presence in the UK is not in the public interest (usually because of having committed offences).
- **Work:** to create a new enforcement agency to tackle employers who exploit or coerce people into work in the UK and to introduce a new offence of illegal working. The Government is also consulting on the introduction of a visa levy on businesses that employ skilled workers from outside the European Economic Area in order to fund apprenticeship schemes in the UK for British and European workers. This is part of the Government's aim to reduce the demand for skilled migrant labour from outside the Economic Area.
- **Services:** to enable banks to close current accounts held by those living in the UK without leave to enter or remain and to introduce provisions that make it easier for landlords and landladies to evict people in the same circumstances. The Government will also seek to extend its scheme requiring landlords and landladies to check the immigration status of tenants to the whole country though new legislation will not be necessary to do this.
- **Tagging:** to create a requirement that individuals are tagged if they are released on bail from immigration detention after having completed a criminal sentence.

Changes to the asylum support rate affecting families with children

The Home Office has changed how it calculates the rate of asylum support. The changes took effect on 10 August 2015 and reduce the amount of money that lone parents or families with children have to live on whilst their asylum claim is determined. Further information is available in ILPA's information sheet, [Asylum support: Level of support for asylum-seekers](#).

Consultation on support at the end of the asylum process

The Home Office has opened a new consultation on '[Reforming support for failed asylum seekers and other illegal migrants](#)'. The proposals include:

1. **Repealing section 4(1) Immigration and Asylum Act 1999** to end support for people who have been released from detention on bail or who have never claimed asylum but are on temporary admission and cannot leave the UK for 'exceptional and compelling' reasons;
2. **Limiting support under section 4(2) Immigration and Asylum Act 1999** to those who can show that they are making efforts to return to their country of origin or those who have lodged with the Home Office further submissions related to an asylum or article 3 (torture or inhuman or degrading treatment) of the European Convention on Human Rights claim;
3. **Ending support for refused asylum seekers with children** under s.95(5) Immigration and Asylum Act 1999 and providing support for a period to be determined (at least 28 days) to promote return to the country of origin; and
4. **Removing the right of appeal** against Home Office decisions to stop asylum support. It is not clear whether this would relate to all asylum support decisions or certain types.

ILPA encourages groups and organisations to respond to the consultation which has a deadline of 09 September 2015. Organisations are welcome to share copies of their responses with ILPA or, if not making a submission, to provide individual cases or examples to inform ILPA's submission.

Suspension of the Detained Fast Track process

The Home Office has suspended the Detained Fast Track process, an accelerated process for determining asylum claims while the individual making the claim is in detention. ILPA will publish an information sheet on the Detained Fast Track process and recent developments in its next series of information sheets.

Tier 2 Migration Route for Non-EEA Skilled Workers and the Immigration Cap

The Government has commissioned the Migration Advisory Committee to undertake a review of the Tier 2 Migration Route. This is the route under which skilled workers from outside the European Economic Area may apply to work in a particular job in the UK following an offer of skilled employment from a business or organisation that can demonstrate that it has been unable to secure a worker with the relevant skills from within the UK or the rest of the European Economic Area.

The Government made a commitment to reduce the level of net migration to the UK and the consultation proposes measures aimed at reducing the use of skilled labour from outside the European Economic Area to meet these targets.

An existing measure aimed at limiting the numbers of skilled workers who are able to enter the UK is the immigration cap. The cap restricts the numbers of visas that can be issued each month for migration into certain types of skilled employment in the UK. The cap was reached in June 2015 for the first time since the measure was introduced in 2011 and was reached again in July 2015, resulting in significant numbers of applications being refused and administrative difficulties for businesses in the UK.

See ILPA's information sheet on the [Points-Based System: The Tier 2 Migration Route for Skilled Workers and the Immigration Cap](#) for more information.

Statement of changes to the immigration rules

A new [Statement of Changes to the Immigration Rules](#) was announced on 13 July 2015. Most of the changes made relate to students applying under Tier 4 of the points-based system but there are also significant changes in other areas such as administrative review.

New students applying to study at publicly funded further education colleges will no longer be permitted to work in the UK (rights to work for other students are not affected). Students at colleges will also no longer be able to extend their stay as a student or switch into any other points-based route within the UK unless they are studying at a college recognised by the Home Office as offering 'pathway programmes' as preparation for higher education. Other students extending their leave in the UK will need to show that they are moving up a level on the National Qualifications

Framework unless their new course is related to their previous Tier 4 study or they can show that both courses together support their specific career goals. Maintenance requirements for all Tier 4 students starting courses in September 2015 are also being increased.

There are changes to [administrative review](#), the process introduced in 2014 for students and for other points-based applications in 2015 under which the Home Office may review certain decisions against which there is no right of appeal. The changes mean that if a person makes a fresh leave to remain application before their application for administrative review of a previous application has been decided, the administrative review application is treated as withdrawn. This has important consequences for a person's right to continue to study or to work in the UK. When a person with leave makes an application for administrative review within the time limits prescribed for this, their leave normally continues on the same terms and conditions until the application is decided, even if their leave would otherwise have run out. This is called "3C leave" because the provision under which leave is extended is section 3C of the Immigration Act 1971. Once the application for administrative review is withdrawn, the 3C leave ends and the new application will not revive it. This will mean that submitting a fresh application for leave to remain whilst an administrative review application is pending will result in an applicant in the UK being left with no leave.

A new right to request administrative review has been introduced for applicants refused leave to remain or indefinite leave to remain as a victim of domestic violence or as a bereaved partner. This will provide some measure of review in those cases where individuals have not expressly explained at the time of making their application that being made to leave the UK would breach their human rights and so have no right of appeal under the new appeals provisions introduced by the Immigration Act 2014.

New European Economic Area Regulations in effect from 06 April 2015

The Immigration (European Economic Area) (Amendment) Regulations 2015 (Statutory Instrument 2015 No. 694), came into effect 6 April 2015. ILPA has prepared an [information sheet \(available here\)](#) explaining the impact of these on the free movement of the EEA nationals in the UK.

The information sheet discusses the effect of the regulations on Croatian nationals working in the UK; non-EEA family members of EEA nationals travelling to the UK; the need for family members of students to have comprehensive sickness insurance; and on appeals.

Nationality: Registration as a British Citizen

Section 65 of the Immigration Act 2014 came into force on 06 April 2015. It amends the British Nationality Act 1981 to insert new provisions which change the rules on who can register as a British Citizen. ILPA has prepared an [information sheet on these provisions here](#).