



immigration update

UK Borders Act 2007

The Act received Royal Assent on 30 October. However, with one exception (section 17), its various provisions are not yet in force.

Section 17 of the Act confirms that for the purposes of asylum support, an asylum-seeker retains that status (and any entitlement to support) beyond the date on which asylum is refused for so long as an appeal can be brought in time; and during the course of any appeal that is brought.

Points Based System

On 5 December the Home Secretary made a further announcement about the in-coming Points Based System.

At the same time, the Border and Immigration Agency published a Statement of Intent setting out plans for how sponsorship (of students and workers) will work in the new system. For further information about sponsorship see the "Points Based System – Sponsorship" information sheet.

Marriage & immigration

Also on 5 December, the Border and Immigration Agency published two consultations concerning marriage. For further information about these consultations and the proposals being made, see the "Marriage & Immigration" information sheet.

Darfur and Zimbabwe decisions

On 14 November, the House of Lords gave judgment in the Darfur case concerning whether it was reasonable to expect someone who faced persecution in Darfur to relocate to Khartoum. Further information on this judgment is available from the "Darfur Judgment 2" information sheet.

On 10 December, however, the Immigration Minister confirmed that there would be no enforced removals to Sudan until investigations into a report by the Aegis Trust were complete. The report is available at:

<http://www.aegitrust.org/images/PDFs/lives%20we%20throw%20away%20final.pdf>

On 29 November, the Asylum and Immigration Tribunal issued new country guidance on Zimbabwe in a determination called *HS (Zimbabwe)* [2007] UKAIT 00094. Although the Tribunal's findings go further than previous decisions on Zimbabwe in certain respects, they did not conclude that every refused asylum-seeker was at real risk on return to that country merely by having claimed asylum in the UK. The determination is available at: <http://www.bailii.org/uk/cases/UKIAT/2007/00094.html>

An application to appeal to the Court of Appeal has been made in the Zimbabwe case.

Legal Aid

The Legal Services Commission have invited legal advisers to tender for contracts to do legal aid work in immigration removal centres. Further information about this is available from the "Legal Aid 4 – Future of Legal Aid" information sheet.

Simplification

On 6 December the Border and Immigration Agency published a summary of the responses it received to its initial consultation on simplifying immigration law. That summary is available at: <http://www.ind.homeoffice.gov.uk/aboutus/newsarchive/simplifyingimmigrationlaw>

Migration Advisory Committee

This new committee, which is to advise the Home Office on how the labour market should affect immigration policy, met for the first time on 7 December. Information about the committee is available at: <http://www.ind.homeoffice.gov.uk/aboutus/newsarchive/expertstoassessmigrationneeds>

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