

ILPA immigration update 30

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Minimum notice required before removal

On 26 July 2010, the High Court ruled that several exceptions used by the UK Border Agency as allowing someone to be removed with less than 72 hours notice were unlawful. Further details are given by the "Removals and Judicial Review 4" information sheet.

Asylum-seekers and permission to work

On 28 July 2010, the Supreme Court ruled that refused asylum-seekers who make a fresh asylum claim may apply for permission to work if they are waiting for 12 months or more for a decision from the UK Border Agency. See the "Permission to Work Judgment 2" information sheet.

Points Based System – changes for students and new forms

The UK Border Agency has made changes to the points based system affecting students. See: <http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/2010/july/45-changes-to-t4>

Various new points based system forms have been introduced from 30 July 2010. See: <http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/2010/275292/20-new-pbs-forms>

Certificates of approval for marriage

On 26 July 2010, the Government announced its intention to abolish the certificate of approval regime, which requires many migrants in the UK to get permission from the UK Border Agency before they are permitted to marry. Background information is given by the May 2007 and August 2008 "Right to Marry Judgment" information sheets, and more detail of the announcement is given at: <http://www.ind.homeoffice.gov.uk/sitecontent/newsfragments/32-coa-changes>

Detention of children

On 21 July 2010, the Government had said an announcement would be made shortly on the closure of the family unit facilities at Yarl's Wood. No announcement was made before Parliament went into recess. More information is given by the "Detention of Children 3" information sheet.

Evidence of permission to work

New guidance has been published for employers on employing asylum-seekers, refugees and those granted humanitarian protection. The UK Border Agency has also confirmed that an indefinite leave to remain stamp in an expired passport is evidence that a migrant is permitted to work. See:

<http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/2010/275292/03new-guidance-employers>

<http://www.ind.homeoffice.gov.uk/sitecontent/newsarticles/2010/275292/09expired-passport-ilr>

Homeless EEA nationals

The AIRE Centre, ILPA and Migrants' Rights Network have published a factsheet on the expulsion of homeless EEA nationals. It is available at: <http://migrantsrights.org.uk/publications/briefing-papers/factsheet-and-faq-expulsion-homeless-eea-nationals>