



Legacy Cases 6

3rd July 2008

Previous ILPA information sheets on “Legacy Cases” continue to provide useful information, and this information sheet should be read together with them. All previous information sheets are available at www.ilpa.org.uk/infoservice.html

This information sheet provides information on how and how individuals and their legal representatives can contact the Case Resolution Directorate.

General information

A short summary of information regarding legacy cases is provided in the General Information section of the “Legacy Cases 4” information sheet which accompanies this information sheet.

Contacting the Case Resolution Directorate

On 4 June 2008, the Case Resolution Directorate of the UK Border Agency implemented a procedure so that individuals or legal representatives can check whether the Directorate is aware of a legacy case. This procedure should also allow individuals or legal representatives to find out which of the Directorate’s teams is responsible for the particular case and to obtain an address to which to write to that team.

This information can be obtained from the Immigration Enquiry Bureau (IEB) by telephoning 0870-606 7766 (or on textphone 0800-389 8289). These lines are operated Monday-Thursday between 0900-1645; and Friday 0900-1630.

Before the IEB provides information, however, they may ask for the following information from the person calling:

- the individual’s HO reference number
- the individual’s full name
- the individual’s nationality
- the individual’s date of birth
- other relevant dates (e.g. when an application was submitted)

Why this procedure may be helpful

There are broadly four reasons why this procedure should be helpful for individuals and their legal representatives.

Firstly, the procedure provides an opportunity to check whether someone’s case is being treated as part of the legacy or not. IEB should be able to confirm this. If IEB say that the case is not being treated as part of the legacy, an individual may want to take legal advice before deciding whether to write to the UK Border Agency to ask that the case is treated in this way.

Secondly, the procedure provides a way to contact the Case Resolution Directorate to try to sort out any immediate problem an individual may have, if these problems are the responsibility of the UK Border Agency. One problem is where individuals have permission to work but need confirmation of this – e.g. because they were previously given permission to remain in the UK, and applied before that expired for it to be extended.

ILPA information service

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www.ilpa.org.uk/infoservice.html

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Information sheets provide general information only.

ILPA members listed in the directory at www.ilpa.org.uk provide legal advice on individual cases. ILPA does not.

Thirdly, the procedure provides a way to contact the Case Resolution Directorate to ask that an individual's case be dealt with immediately. The UK Border Agency policy on this explains that certain cases may be treated as expedited (i.e. dealt with immediately rather than left in the legacy queue). These include where the individual:

- urgently needs to travel overseas because (i) a close relative is ill; (ii) a close relative has died; or (iii) needs medical treatment abroad
- is someone whose family members have been granted permission to remain in the UK and his or her personal situation is no different to those family members
- is at risk of suicide or is some other way seriously and immediately vulnerable (e.g. in a situation of domestic violence)
- has an outstanding original asylum claim or human rights claim (a fresh claim for asylum will not of itself provide a reason for a case to be dealt with immediately – for information on fresh claims, see the “Fresh Asylum Claims” information sheet)
- has a case that has been seriously mishandled by the UK Border Agency (this might include a case where a previous Home Office policy to grant permission to remain in the UK has not been applied in the individual's case)

Just because a case is expedited (i.e. it is agreed to deal with it immediately) does not guarantee any particular result. Some cases may result in the individual being detained and removed. Individuals should consider taking legal advice before asking for their case to be treated as a priority.

Fourthly, the procedure provides a way to contact the Case Resolution Directorate to make a fresh claim or make further and up-to-date representations on an individual's case. The “Legacy Cases 5” information sheets explains why this may be important because some individuals may not receive any notice that their case is being considered before being detained or informed that they are to be immediately removed from the UK.

Case Resolution Directorate policy on expediting cases

This policy, which is referred to above, is available on the UK Border Agency website at:
http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/apunotices/crd_prioritiesexceptional.pdf?view=Binary