

IMMIGRATION GROUP ALERT

UPDATE ON KEY IMMIGRATION GROUP
ISSUES OF INTEREST TO STAKEHOLDERS

ISSUE NO. 9, AUGUST 2009



Dear Colleague

The last month has been eventful for the UK Border Agency with a number of key developments taking place.

Not least of these has been the passage of the Borders, Citizenship and Immigration Act 2009, which, amongst other things, has enable the agency to start consulting on proposed reforms to the citizenship process.

As well as going into more detail on these issues, this newsletter includes articles on the agency's policy on judicial review challenges, the opening of a new office in Belfast and enhancements to the way we are working with points based system sponsors.

Matthew Coats, Head of Immigration

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IMMIGRATION GROUP NEWS

UK Border Agency gets customs powers

UK Border controls were strengthened on 22 July as thousands of customs and immigration officers, sharing wide ranging powers, created a new unified force at the border following Royal Assent of the [Borders Citizenship and Immigration Act 2009](#). Frontline customs and immigration officers now work together with the power to quiz passengers on immigration and customs matters, meaning many passengers will face just one primary check point when coming in to the United Kingdom, speeding up their journey.

Since the creation of the UK Border Agency in April 2008, bringing together immigration, customs and visa checks, more than 3,500 officers have already been trained with the skills to carry out passport and customs checks.

On 5 August 2009, 4,500 HM Revenue and Customs staff formally become part of the UK Border Agency. This is a further step in the transformation of the agency and strengthens its ability to crack down on those attempting to smuggle drugs and weapons into the UK and ensures Britain continues to have one of the strongest borders in the world.

Further information can be found at: [UK Border Agency | Immigration Act gives UK Border Agency customs powers](#)

Earned Citizenship

The Borders, Citizenship and Immigration Act 2009 sets the framework for reforming the journey to citizenship, which strikes a balance between demonstrating commitment to the UK and gaining access to its privileges. In doing so, the Act breaks for the first time, the automatic link between coming to the UK to work or study temporarily and permanent settlement. On 3 August the UK Border Agency published a consultation on "Earning the right to stay: A new points test for citizenship".

The Public Consultation will seek views on the next phase of immigration reform. The UK Border Agency will be consulting on:

- introducing a new, points-based test for earned citizenship
- delivering the earned citizenship system in partnership with local authorities
- supporting migrants to integrate into their new communities
- managing the impacts of migration on the developing world

Taken together, the proposals in the consultation take the government's reform of the immigration system to the next stage – strengthening our control of those coming permanently to the UK, while supporting integration and managing the impacts of migration.

One of the existing requirements for citizenship is that applicants have to be of good character. Whilst someone who commits a serious crime is very clearly not of good character, we need to try to define the sorts of misdemeanours, short of criminal behaviour, that would lead us to doubt someone's character, loyalty or commitment to the UK. Citizenship is a privilege, not a right and we believe that migrants who want to make Britain their long term home should speak English, obey the law and do their best to integrate in to British society.

The UK Border Agency thinks it right to consider what it can do in cases where migrants fail to integrate into British life and over the coming 12 weeks will be consulting on the document and would welcome contributions on the specific proposals within it. The UK Border Agency is keen to work with stakeholders to develop these ideas further and will be hosting a series of regional events in September and October. For more information about the events please contact: CitizenshipPointsmailbox@homeoffice.gsi.gov.uk.

This consultation paper is available [online](#).

In order to request a hard copy of the document or the pro-forma response questionnaire, please email: CitizenshipPointsmailbox@homeoffice.gsi.gov.uk.

The deadline for formal responses to the consultation is midnight on 26 October 2009.

Identity Cards for Foreign Nationals update



The Identity Cards for Foreign Nationals programme team and operational units have been working with the Identity and Passport Service to establish extra biometric enrolment facilities this summer at a number of their passport interview offices, to help make it easier for the increasing number of foreign nationals required to apply for an ID card as part of their immigration application.

The office at Elephant and Castle in London has been open for appointments since the middle of June, whilst Birmingham and Derby opened on 28 July 2009. A further site at Brighton will open shortly.

These facilities supplement agency enrolment booths at offices in Cardiff, Croydon, Glasgow, Sheffield, Solihull, Liverpool and the new Public Enquiry Office in Belfast. Belfast PEO is now offering a premium (or same day) application service as well as enrolling biometrics for postal applicants. Premium applicants receive a decision on their immigration application on the day. If successful the applicant's identity card is then sent to them by secure delivery.

Asylum support rates

From 6 July changes to asylum support rates came into effect which saw a rise in support for many asylum seekers. Asylum support rates are reviewed on an annual basis and increases have previously been based on the Consumer Price Index for September, which in September 2008 was 5.2% and represented a significant annual peak.

This review takes place in a difficult economic climate and the asylum support budget presents a significant financial challenge to the agency. In this context, the agency has considered a number of different factors in setting the support rates for the coming year to ensure that the essential living needs of asylum seekers are met within current budgetary constraints. The agency has also started to think about how existing support categories may be simplified. This has required consultation across government and which accounts for some delay in implementing the rates change.

| New support rates | |
|--|--------|
| Qualifying couple | £69.57 |
| Lone parent aged 18 or over | £42.16 |
| Single person aged 25 or over, excluding lone parent (where the decision to grant support is made prior to the 5th October 2009 and the person has or will have reached age 25 prior to that date) | £42.16 |
| Any other single person aged 18 or over, excluding lone parent | £35.13 |
| Person aged at least 16 but under 18 (except a member of a qualifying couple) | £38.18 |
| Person aged under 16 | £50.81 |

From 5 October 2009, the distinction between single applicants aged 18 to 24 and those over 25 will end. With the exception of lone parents, all single childless adults applying for support on or after 5 October will receive the same rate of £35.13. There will be no changes to Section 4 support rates.

Case Resolution Directorate performance update

On 7 July, Lin Homer wrote to the Home Affairs Select Committee (HASC) and provided an update on the UK Border Agency's progress resolving the asylum backlog and deporting foreign criminals. At the end of May 2009, the Case Resolution Directorate (CRD) had completed over 197,500 cases, an increase of just over 40,000 since our last update to the HASC at the end of January. Of the 197,500 conclusions, over 68% were

either removals or 'other' conclusions such as erroneous/duplicate records, while 32% were grants. This demonstrates we are on track to resolve the asylum backlog by summer 2011.

At Lin Homer's last appearance before the HASC, the committee indicated that they would like to see the agency clear the backlog faster. The Permanent Secretary has since confirmed in his session with the Public Accounts Committee that the UK Border Agency will try to do so and has been evaluating the options about how the agency could most efficiently use additional resources. Agency plans are progressing well and it is expected that a significant number of additional administrative staff will join CRD, on a temporary basis, in the course of the next few months with the intention of freeing up trained caseworkers to make more decisions.

If you would like a copy of the full letter from Lin Homer to Keith Vaz, Chair of the HASC, please send your request to: caseresolution@homeoffice.gsi.gov.uk.

PBS update

Changes to the points-based system

The UK Border Agency have announced a number of measures designed to address concerns that our customers have raised and to ensure that the system continues to facilitate the trade, travel, and study that benefits the UK.

The UK Border Agency are:

- Exploring the possibility of creating a new employer led route to allow UK businesses to recruit the interns they need.
- Revising the agency's "milk round" recruitment requirements to achieve a truer test of the resident labour market whilst better meeting business needs.
- Outlining agency plans to further develop our IT system to make it even easier for customers and sponsors to navigate the system.
- Creating an escalation route for University Vice-Chancellors and Academic Registrars through the use of a dedicated mailbox for urgent incidents requiring immediate attention, with a guaranteed response within 72 hours.
- Modifying agency guidance around maintenance to resolve some of the issues that Universities have alerted us to.
- Introducing new rules that deliver a more responsive and straightforward system for bringing researchers and academic visitors to the UK.
- Improving the agency website so it is easier for students to access information about studying in the UK.
- As the Points Based System continues to bed in the agency will, where appropriate and practicable, endeavour to contact customers to correct minor omissions or errors in their applications.

PBS is a flexible system which allows the UK Border Agency to control who comes to the UK to work and study. Given the economic circumstances and the action the agency are taking to be more selective, it is expected the number of migrants coming to the UK from outside the EEA will fall during the next financial year.

In order to maintain this control the UK Border Agency will continue to take strong action against those who seek to abuse this or any other route into the UK. The agency is increasing its responsiveness to reports of abuse. In July the agency revoked the licences of 3 colleges where it had evidence of deliberate breaches of immigration rules.

For further information on the new measures, revised sponsor guidance, and how to contact PBS please go to the [PBS pages on the website](#).

Update to Tier 4 Implementation Plan

A revision to Phase 3 of the Tier 4 Implementation Plan has recently been approved by Phil Woolas, Minister for borders and immigration. The revision means that Tier 4 Phase 3 will no longer be split into two stages, as per the published Implementation Plan, instead, Phase 3 will be implemented in one stage and the use of a Confirmation of Acceptance for Studies (CAS) during Phase 3 of Tier 4 will be voluntary.

The voluntary nature of this phase means that between autumn 2009 and February 2010 sponsors can issue either a visa letter or a CAS to in-country Migrants and during Phase 3; we will accept both visa letters and CAS as part of in-country Tier 4 applications.

It is important to note that during Phase 3, reporting on student activity is mandatory when a CAS is used in an application, but will remain voluntary where a visa letter is used. Out-of-country applications made during Phase 3 will still require a visa letter.

The implementation of Phase 4 of Tier 4 remains unchanged.

Sponsorship Management System: Reminder to Tier 4 Sponsors

All Tier 4 Sponsors are reminded that they are able to request additional Level 1 users for the Sponsorship Management System (SMS) through the IT currently available to them and are encouraged to request these additional access permissions at their earliest convenience.

Tier 4 Forms and Guidance

Following comments from the education sector, we have recently asked the Joint Education Taskforce (JET) to provide nominations for a Forms and Guidance sub-group. The purpose of this sub-group is to try and simplify the Tier 4 general and child application forms and guidance notes. The sub-group met on 16 and 17 June to discuss the sector's concerns with the current documents. As a result of these meetings, the PBS Operational Policy team has revised the layout of each application form into a "core" section and a series of annexes which are to be completed depending on the circumstance of each applicant. The draft versions of these forms and a revised guidance document have been sent to the sub-group, which reconvened on Tuesday 28 July to comment on the revisions.

Tier 4 Events

The PBS External Interfaces team has recently completed a series of 10 events targeted at Tier 4 sponsors ahead of the go-live date for Phase 3 in autumn. Sessions were held regionally, in Edinburgh, London, Manchester, Leeds, Birmingham and Cardiff. The purpose of the events was to inform sponsors about the phased implementation of Tier 4, in particular the revision to Phase 3 of the Implementation Plan, which has recently been approved by Phil Woolas. The events also included a demonstration of the current functionality of the Sponsorship Management System (SMS), screenshots from the development prototype specific to Tier 4 users, and a reminder for Tier 4 sponsors to request additional Level 1 users as early as possible. Feedback showed an increase in the knowledge of both PBS implementation and SMS by the majority of attendees. A number of valuable queries have been passed to the PBS Programme which will be examined to see if they can be implemented to further improve Tier 4 delivery.

Changes to UK Border Agency policy on Judicial Review challenges

The UK Border Agency is changing its policy on judicial review challenges in cases where it is seeking to remove people from the United Kingdom. The changes to the policy came into effect on 3 August. Read the [online news story](#).



Repayment scheme for Certificate of Approval Fees

On 30 July 2008 the House of Lords gave its judgment in the case of *Baiai* ([2008] UKHL 53). The Lords found that a Certificate of Approval (COA) application fee fixed at a level which a needy applicant could not afford might impair the essence of the right to marry (contrary to Article 12 of the European Convention on Human Rights). From 9 April 2009 the fee for an application for a COA for marriage or civil partnership has been suspended. The agency has now put in place a repayment scheme for those who can demonstrate that paying the fee caused them real financial hardship.

Details of the scheme, including the qualifying criteria, can be found on the request form and guidance which is on our [website](#).

STRATEGIC AND REGIONAL STAKEHOLDER GROUPS

Corporate Stakeholder Group (CSG)

The last meeting of the CSG took place on 9 July. Minutes of previous meetings are available [online](#).

National Migration Group (NMG)

The NMG provides a national consultative forum for the agency, the Regional Strategic Migration Partnerships, and other key partners/stakeholders to discuss migration issues. It also considers the impact of migration on local communities and service delivery. The next meeting will take place on 16 September in Manchester. Please contact Amanda.bryan@homeoffice.gsi.gov.uk for further information.

National Asylum Stakeholder Forum

The last NASF meeting took place on 22 July and included an update on the Earned Citizenship programme and Border, Citizenship and Immigration Bill. A discussion on removals followed, which focused on the criteria used for removals and how those to be removed are prioritised.

Further discussion took place on the future of the National Asylum Operational Forum and it has been decided that this stakeholder group should run for three months and then be reviewed. Stakeholders were also presented with a High Level Asylum Stakeholder Relationship and Interaction map (copies available by emailing Sheelagh Warde). The themed discussion for the afternoon was on the agency's response to the UNHCR's 5th report on the Detained Fast Track. A discussion took place on screening in relation to the DFT process and the agency will respond to these points before the next meeting.

The next meeting of the group will take place on 22 September and will focus on the roll-out of Local Immigration Teams and trafficking.

Minutes of previous meetings are available [online](#).

For further information please contact Adam.Whisker@homeoffice.gsi.gov.uk or Sheelagh.Warde2@homeoffice.gsi.gov.uk.

Children's Sub Group

The next meeting of the Children's Sub-Group is due to take place on Thursday 20 August 2009. Agenda items to be covered include: children in detention; exchange of information and informed consent, which will cover the roles of people involved in children's issues and requirements on behalf of UK Border Agency. Please contact Sheelagh.Warde2@homeoffice.gsi.gov.uk for further information.



NASF Case Resolution Sub Group

The group meets approximately every two months to discuss process, policies and progress relating to resolving older asylum cases.

The last meeting was on 21 July and the group will meet again on 3 September. Please contact caseresolution@homeoffice.gsi.gov.uk for further information and minutes of previous meetings.

Scottish Asylum Stakeholder Forum (SASF)

SASF feeds into the National Asylum Stakeholder Forum (NASF) and COSLA Strategic Migration Partnership. The forum enables UK Border Agency and key stakeholders to regularly discuss asylum policy and operational issues, and integration. It also contributes to creating or refining strategies, policies and operational guidelines; and gives strategic oversight to the services provided to asylum seekers in Scotland. The next meeting will be held on 6 August. Please contact George.Hughes@homeoffice.gsi.gov.uk for further information.

Voluntary Returns Steering Group (VRSG)

The VRSG was set up to explore strategic issues around voluntary return programmes and to contribute to the strategic direction and improvement of such programmes. The next meeting will be held on 10 September. Information about voluntary returns is available [online](#).

Detention Users Group (DUG)

The group consists of external stakeholders representing a number of non-governmental organisations with an interest in detention. Members meet typically in January, April, July and October each year. The last meeting took place on 27 July. Please contact carolyn.seaman@homeoffice.gsi.gov.uk for further information.

UK Border Agency entry clearance user panel

Minutes of previous meetings are available [online](#).

There is information about other stakeholder groups on the [UK Border Agency's website](#).

NEWS FROM ACROSS THE UK BORDER AGENCY

The Borders Citizenship and Immigration Act 2009

The [Borders Citizenship and Immigration Act 2009](#) received Royal Assent on 21 July 2009. This Act:

- Transfers customs powers and functions at the border from HM Revenue and Customs to the UK Border Agency
- Creates a new path to citizenship, ensuring citizenship is reserved for those who earn the right to stay
- Provides a number of changes to nationality law, including a new route to enable the children of foreign and Commonwealth members of the armed forces, and children born abroad to British mothers before 7 February 1961, to register as British Citizens
- Enables student's study to be linked to the particular institution in the UK which sponsors them under the Points Based System
- Extends powers to take fingerprints of foreign criminals, and extends powers of detention by immigration officers at ports to Scotland

- Allows for the transfer of 'fresh claims' judicial review applications to the Upper Tribunal, which is part of the new, unified tribunal system
- Introduces a new duty on the UK Border Agency to safeguard and promote the welfare of children in its work
- Strengthens the law on people trafficking.

Meanwhile, the agency is continuing work to simplify immigration law and will publish a full draft Simplification Bill and immigration rules framework later this year.

For further information please see the [Simplification website](#) or if you wish to contact us about Simplification, [please email us](#).

UK Border Agency Office Belfast

A new UK Border Agency office in Belfast is offering a wide range of local immigration services to the people of Northern Ireland. The office, at Drumkeen in the south of the city, was officially opened on Monday 20 July by Paul Goggins MP, Minister of State at the Northern Ireland Office. It will provide local immigration services including:

- immigration law enforcement, such as tackling illegal working
- enrolment of foreign nationals onto the [identity card scheme](#)
- asylum claim-handling and decision-making
- sharing of intelligence to help tackle criminality linked to the immigration system
- a reporting centre, for foreign nationals on bail in the community
- a [public enquiry office](#)

The creation of the Belfast office forms part of the UK Border Agency's drive to create up to 70 local immigration teams across the United Kingdom by December 2011, and to make those teams visible in the communities they serve.

Further information can be found at [UK Border Agency | UK Border Agency opens new 'one-stop shop' in Belfast](#)

UK Border Agency Public Polling Results

On 31 July the UK Border Agency published its public polling results for January 2008, September 2008 and March 2009. The web link to the results can be found [online](#).

LATEST NEWS ONLINE

You can keep up to date with latest news and announcements from the UK Border Agency by logging on to the [website](#).

Consultations

Charging consultation

Later this summer the UK Border Agency will publish a consultation document on charging for certain services it provides. A Written Ministerial Statement (WMS) has been issued to Parliament before the consultation process begins. A copy of the WMS is [online](#).



Oversight of the Immigration Advice Sector consultation

The purpose of this consultation is to seek views from the public and other stakeholders on the scope and structure of future regulation of the immigration advice and services sector. Full information can be found [online](#).

Earning the right to stay: A new points test for citizenship

The purpose of this consultation is to seek views on:

- introducing a new, points-based test for earned citizenship
- delivering the earned citizenship system in partnership with local authorities
- supporting migrants to integrate into their new communities
- managing the impacts of migration on the developing world

The full story can be found above under [Immigration Group News/Earned Citizenship](#). The consultation and further information can be found [online](#).

You can read and take part in UK Border Agency consultations by visiting [UK Border Agency | Current consultations](#)

You can read and take part in Home Office consultations by visiting [Home Office | Current consultations](#).

Contact Immigration Group Communications

If you require any further information, please contact:

- Adam Whisker on 020 8760 8004 or email: Adam.Whisker@homeoffice.gsi.gov.uk
- Sheelagh Warde on 020 8760 8239 or email: Sheelagh.Warde2@homeoffice.gsi.gov.uk