

THESE NOTES ARE FOR THE USE OF SWVG MEMBERS ONLY.

**LEGAL SITUATION in an increasingly hostile environment.**

General Meeting.  
April 2015

These notes supplement those already on the website.

- A. Clients who have been granted asylum and therefore have Refugee Status do not have to pay the recently introduced renewal fees.
- B. Asylum seekers may be refused asylum but are granted LR on grounds of Article 8 (Human Rights). In the past this has been the case with quite a number of our clients.
- C. Article 8 & Family applications for Leave to Remain.
  - 1. There is no legal aid funding for Article 8 & family life applications for leave to remain. In addition, each applicant now has to pay a fee of £601.
  - 2. If LR is granted, will be Discretionary LR for 2 ½ years at most. Have to reapply every 2 ½ years on a 10 year route to Indefinite LR.
  - 3. Each renewal application requires the payment of fees - £601 per person. Also, there is active review of the application every time.
  - 4. There is no legal aid funding for Article 8 & family life applications for leave to remain. In addition, each applicant now has to pay a fee of £601.
  - 5. If LR is granted, will be Discretionary LR for 2 ½ years at most. Have to reapply every 2 ½ years on a 10 year route to Indefinite LR.
  - 6. Each renewal application requires the payment of fees - £601 per person. Also, there is active review of the application every time.
  - 7. If a solicitor is used there would be no Legal Aid available, so there would also be legal fees.
  - 8. We are advised to get at least one hour of legal advice.
  - 9. Legal Aid funding for Judicial Reviews is now removed, unless you get permission to appeal. Still have to apply for Legal Aid.
- D. The Immigration Act 2014. – ‘hostile environment has now started’
  - 1. Banks have to check immigration status of anyone trying to open a new bank account and refuse and report anyone without leave.
  - 2. DVLA are now revoking driving licences for those who lose their right to remain or who come to their attention as never having had any LR.
  - 3. Lots of information sharing between various agencies.
- E. Home Office plans to clear backlog of outstanding Fresh Claims in the next 3 months.
  - 1. If the Fresh reps are accepted as a FC but still refused, an appeal can be made (10 working days allowed). There are no appeal fees if the claim was for asylum.
  - 2. If Fresh Reps not accepted as a Fresh Claim, there is no right of appeal. Can only be challenged by Judicial Review – we may need to ask for Jo’s advice. There is a 3-month deadline.
  - 3. If your client receives a refusal letter from the Home Office, discuss this ASAP with a member of the Legal Help Team who can help with the appeal procedures.** Team members are – Christine Knight; Anne Leeming; Angela Sealey; Andrew White; Wendy Arrowsmith; Xanthe Hackett. SWVG has a Legal Help Team who can help with the appeal procedures.

Angela Sealey 11.04.15.

