



VISA BYTES

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Points based system challenged

The introduction of the points based system was hasty and not well thought out. It has also resulted in a number of trivial refusals which have caused unnecessary problems for a wide categories of applicants. Furthermore the guidance which is supposedly there merely to flesh out the Immigration Rules appears at times to create new powers which are unlawful.

Points based System challenges

The Court of Appeal will hear 5 linked cases challenging the very rigid approach under the Points Based System where applications have been refused for trivial reasons.

There is also a High Court challenge on the arbitrary introduction of the Points Bases system and the rules relating to Tier 1 (General). This case is due to be heard on the 25th May.

Case on Evidence of funds under the Points Based System

A recent case established that the requirement to show evidence of funds for the previous 3 months at the time of the application requires approval of Parliament as it is an important change. The Policy which established this rule was not in existence at the time Parliament approved the Rules therefore the condition is unlawful and was disregarded in a recent case.

Tier 4 Students

There is a high court challenge against the decision to increase the minimum level of English language courses which can be taken. The result of this is that students must be at level B1 which is equivalent to an A* in a foreign language GCSE!! The absurd result of this is that people wanting to study English must already be proficient in the language! The case is due to be heard before the summer recess.

Volcanic Ash arrangements out of country applicants

British and EEA/EU Nationals

Any British and EEA/EU nationals holding expired documents (together with any family dependents) should be referred to your local Immigration Liaison Manager (ILM) or Port of Arrival for authority to carry to the UK.

UK Visa Nationals Holding Expired Visas

UK visa nationals will continue to require a valid visa for travel to the UK including any that have expired since 15 April 2010.

Maria Fernandes is a principal of Fernandes Vaz solicitors who specialise in immigration and nationality law. She has substantial experience of immigration and is an accredited member of the Immigration Law Panel.