



VISA BYTES

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Compulsory English tests for family members

The UK Border Agency has announced that from 29 November 2010 migrants who want to enter or remain in the UK as the partner of a British citizen or a person settled here will need to show that they can speak and understand English, by taking an English language test with one of UKBA's approved test providers. This list is not yet available.

The new rules will apply to anyone applying as the husband, wife, civil partner, unmarried partner, same-sex partner, fiancé(e) or proposed civil partner of a British citizen or a person settled in this country.

The tests will be compulsory for those applying from within the UK as well as visa applicants from overseas.

Certificate of approval to marry to be abolished

The government has announced its intention to abolish the Certificate of approval scheme after a number of successful legal challenges. A Remedial Order under the Human Rights Act 1998 has been laid in Parliament to achieve this aim.

At present, any migrant who is already in the UK and is subject to immigration control must apply for a certificate of approval before they can get married or register a civil partnership in this country (unless they are getting married within the Anglican Church).

The government is now seeking to remedy the declaration by the UK courts that the scheme is incompatible with Article 14 of the European Convention on Human Rights (read with Article 12).

The scheme will remain however in place until it is abolished. This is likely to be in late 2010 or early 2011.

Settlement Checking Service pilot

The UK Border Agency have started a pilot with some local authorities to see if it is viable to have a settlement checking service like the Nationality checking service currently being offered. The service will involve a trained local authority officer in checking the application, copying and sending original passports by post and submitting the rest of the application via secure mail. The service will not include advice, casework or decision making.

The list of Local Authorities invited to participate in the pilot scheme is as follows:

- London Borough of Brent
- Cambridgeshire County Council
- London Borough of Barnet
- Manchester City Council
- Oxfordshire County Council
- Liverpool City Council
- Leeds City Council
- Cardiff City Council
- South Lanarkshire County Council
- Newcastle City Council
- Dudley Metropolitan Borough Council
- Stockport Metropolitan Borough Council

Maria Fernandes has been in practice exclusively in immigration for the past 25 years and is accredited in Immigration Law by the Solicitors Regulation Authority. Fernandes Vaz is based at 87 Wembley Hill Road Wembley in Wembley and can be contacted by telephone on 02087330123, by email on info@fernandesvaz.com.