

IMMIGRATION UPDATE



Priti Patel
Senior Partner / Solicitor
priti@ashnorton-solicitors.com

Over the years we have seen many Home Office Ministers heads roll over immigration issues and it's become a great concern to the public. Once again immigration is at the forefront, a political hot potato, especially since the recent council and by elections where UKIP managed to secure significant support for their views on immigration. It seems to have caused a knee jerk reaction. We have a coalition government talking tougher measures to be introduced. The Queens speech in early May brought this home.

As a practitioner in this field for over 20 years, there have been significant changes in the field of immigration. This has meant dealing with a large number of complex changes made to the law and guidance. The Changes are

happening almost every few months and aside from creating a challenge for legal advisers in keeping up to date, this pace of change is also an issue for caseworkers at Home Office. With the added spotlight from the media, on the severe backlogs of pending applications at the Home Office, caseworkers are under a great deal of pressure to meet targets and it seems just issue decisions.

It can be said that the decision makers approach over the years has also changed there is a culture and focus on reducing the number of overall migration. It is as if the decision makers are finding ways to refuse applications without taking any account of the human and emotional factors into consideration. It seems that the general principles of fairness and legality take a backseat and the focus is on limiting overall migration.

At Ash Norton Solicitors we deal with a significant caseload of appeals against immigration decisions both in-country and overseas visa refusals for various areas, including marriage and family dependents. We have noticed the changes in the decision making and it is very poor sometimes. In some cases documents are overlooked or alleged by Entry Clearance Officers to be fraudulent when there is no evidence of fraud. We are able to challenge the decision making before the first tier immigration Judges. Some Judges have openly highlighted the poor quality of the decision making process in their written decisions, by home office and Entry Clearance Officers. In a recent case we were able to overturn a refusal decision for a spousal visa where documents although

provided were overlooked by the officer. Representations and a request for a review was successful and the couple did not have to proceed with the appeal and were reunited in the United Kingdom. Unfortunately not all cases have a happy ending, one particular case relating to a professional couple. Their application was delayed by the Home Office. Even with the intervention of Member of Parliament no decision was forthcoming. The wife an academic, missed an opportunity to attend a world conference as a nominated Speaker. Eventually the couple could not wait and withdrew their case and returned to India.

If you are going to marry or are married and intend to make an application to sponsor your spouse from overseas, it is particularly important to identify the requirements under the immigration rules and ensure they are met when you submit the visa application. Recent changes to the spousal visas means that you have to show a minimum level of income of £18,600.

All aspects of the requirements must be met or the application will fall for refusal. This means having to go through a lengthy process of appeal, incur costs and more importantly having to wait before you can start your married life together with your spouse.

Whether your application is a Points Based System application or relating to marriage or family visas, you will find that the application process has become substantially more difficult to negotiate without legal advice.



Suite 7, Level 5, Westworld, Westgate, Ealing. London W5 1DT
Tel: 0208 997 1345 • Fax: 0203 667 3799
priti@ashnorton-solicitors.com • www.ashnorton-solicitors.com