

Immigration Law Fact Sheet

What is immigration law?

This area of law covers everything in relation to someone's nationality and their immigration into or out of the country. It can be split into two main areas:

- Immigration for individuals; and
- Immigration for businesses.

Immigration for individuals

This area of immigration law involves supporting individuals through their immigration process, whether they are:

- Coming to the UK as the wife/husband/partner/child of a British citizen,
- Applying for nationality after having been in the UK for a sufficiently lengthy period of time, or,
- Applying to enter or remain in the UK as someone who is going to invest a significant amount in a UK business or set up their own UK business which will boost the economy in this country.

Individuals may also apply to stay in the UK as they are seeking asylum because it is not safe for them to live in their own country or because their human rights would be infringed if they were sent back to their home country.

Immigration for businesses

This area of immigration law involves supporting businesses requiring immigration assistance such as when they wish to employ foreign workers here in the UK.

Key topics covered by this area of law

- Sponsor Licences – companies need to apply for a licence from the Home Office to be able to employ foreign workers;
- Transfers of people between countries within the European Union
- Refusals of immigration related applications, and appeals
- Judicial Review of decisions

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- Human Rights and Asylum
- Investors
- Entrepreneurs
- Indefinite Leave to Remain – when someone earns the right to stay in the UK permanently,
- Family migration
- International Surrogacy – when couples use a surrogate from another country to have their baby.

What skills does an immigration lawyer need?

An immigration lawyer must be flexible and responsive. The law in this area is constantly changing and it is important that an immigration lawyer stays informed to ensure they are making the correct applications and submissions on behalf of their client.

An immigration lawyer must be a good communicator particularly as they often work with clients who do not have English as their first language.

It is vital that immigration lawyers have good attention to detail, as when preparing documents it is vital that they comply with the Immigration Rules and any errors could lead to applications being rejected. An immigration lawyer must also be skilled in drafting as they will prepare submissions and documents in support of applications which must demonstrate how their client complies with the Immigration Rules at the time.

Good case management is also required to keep on top of the progress of multiple cases where the applications are at different stages.

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Recent updates and cases

Windrush

The “Windrush generation” are those arriving in the UK between 1948 and 1971 from Caribbean countries who helped build industry in the UK. No record was kept of those who came to the UK or their immigration status. This makes it difficult for many of the Windrush generation to prove they are in the UK legally. Many are now being told they need to provide evidence of how they came to be here if they are to remain in the UK and get treatment from the NHS despite living here for most of their lives.

Brexit

It is impossible to write about immigration law without mentioning the ‘B’ word....Brexit! As the UK negotiates its way out of the European Union, it is still unclear how the UK is going to handle immigration once it leaves the EU. The government know this is a huge issue and many EU citizens who currently live in the UK are very worried about what will happen next.

Before Brexit, EU citizens had special rights of free movement if they were going to work, look for work or study in other EU states. For example, UK citizens could go and work in Spain without having to apply for a visa. We do not know if EU citizens will get any special treatment at all after Brexit or if they will be subject to the same blanket policies as non-EU citizens. We would refer you to the [Brexit pages](#) on our website for lots of updates in this respect.

Please note: The materials on the resources pages are in no way purporting to be a comprehensive analysis of any of the areas of law they cover. They provide a high level overview of various legal concepts which the students will be tested on for the purposes of the Legal Apprentice competition.