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# Immigration: Key legal developments

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*“The problem is that once you scratch the surface it suddenly gets very complicated”*

Guardian newspaper - Downing Street source

# Content

- educational oversight
- the visitor category
- the next legal hurdles

# Educational oversight

- appointment process
- expertise & technical knowledge of the EO body
- charges and terms of business
- quality of inspection/report
- competing aims – inspectorate vs. consultancy arm
- rationality of being suitable for student visitors but not general students
- alternative inspection and accreditation schemes
- legal redress: is a public law function being exercised?  
judicial review or general commercial law challenges  
i.e. breach of contract

# Visitors

- the no study condition
- paragraph 41(v) principal Immigration Rules 1994 (HC395) - visitors must not “intend to undertake a course of study”
- UKBA email to Nichola Carter dated 10.5.13 – “English language courses would need to be held at accredited establishments. However, if...the individual wants to do a one off class for 3 hours during his holiday, we would be flexible and allow that on a tourist visa because the individual isn’t following a course”

# Visitors

- Sawmynaden (Family visitors - considerations)  
Mauritius [2012] UKUT 161 (IAC) (16 April 2012)
- effect of non-compliance on those with and those without a sponsor licence
- extended student visitor visa

# The next legal hurdles

- credibility interviews
- landlord checking
- access to the NHS
- general clampdown on anyone who is considered to be an illegal migrant

# Outline of our services

- international students: strategy and growth plans
- complex immigration law and policy issues
- tier 4 compliance work
- legal challenges
- all other categories of immigration law



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