

INFORMATION ON HOME OFFICE INDEFINITE LEAVE AMNESTY FOR FAMILIES AND UNACCOMPANIED CHILDREN

Below are some recommendations for your solicitor on what to do if you applied for asylum as an unaccompanied minor before October 2000, or for families, if your child turned 18 before this date. Nothing with respect to ILR is definite yet, but it would be wise to take this document to your solicitor as soon as possible to find out whether it applies to you. We will update the website as we receive information.

The notes below were taken from a reputable legal website:

1. One off family exercise granting Indefinite Leave – application to unaccompanied minors

A former unaccompanied minor who was refused ILR under the exercise has been granted permission to apply for judicial review. He argued that because the exercise was set up to avoid uprooting children it would be illogical (and therefore unlawful) not to give ILR to minors who arrive unaccompanied but who would have qualified had they been accompanied by their parents. We will report on the outcome of the full hearing in due course.

2. At the last meeting I suggested a course of action for people to take with two groups of clients who could now potentially come within the ILR amnesty. These are:

- a Unaccompanied minors
- b Families where the youngest child turned 18 before the 2 October 2000

Both groups are currently excluded from the amnesty, but permission has been granted in judicial review proceedings that their exclusion is unreasonable.

Although the deadline for applying for the amnesty has passed, the IND have indicated that they have been accepting late applications. In the case of clients in these groups, late applications must be justified given that they would not have been included in the published criteria.

I would therefore suggest an immediate application if none has already been made, by post to :

ILR Concession
PO Box 1541
Croydon CR9 2YS

There is no need to submit a blank Family Questionnaire in the application at that stage.

If you already have an application in for someone in one of those groups and it is refused, whilst the test case judicial review proceedings are still pending, then you should make immediate representations, including a letter before action. That will probably now prompt a response from the Home Office with a standard letter saying that the file has been called for and they will reconsider the case in due course.