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Press Release, 23 September 2010

“Judicial Review of coalition government’s immigration caps”

The Joint Council for the Welfare of Immigrants has launched a legal challenge to the interim immigration caps imposed by the coalition government on 28 June 2010. The interim cap will be replaced by a permanent cap in 2011. The justification for the eventual permanent cap and the current interim cap has been to “scale back net migration to the levels of the 1990s” and to stop a sudden “surge in applications” respectively.

Habib Rahman, Chief Executive of the Joint Council for the Welfare of Immigrants said:

“JCWI is very concerned about the immense damage the interim cap appears to already be doing to British businesses. We are also concerned by its harsh and disproportionate nature. JCWI considers that the caps are a further attempt by the government to blame part of the financial difficulties the country finds itself in on migrants. The idea of immigrants coming to the UK and “taking our jobs” no longer has a place in modern Britain. Migrants fill the skills gap, create jobs and help rejuvenate the economy”.

JCWI’s lawyer, Shahram Taghavi of Simons Muirhead & Burton, said:

“The coalition government has once again sought to rush through significant changes to the United Kingdom’s immigration laws while sidestepping proper Parliamentary process. The Court of Appeal ruled earlier this Summer that the Secretary of State has adopted her Points-Based System in a partially unconstitutional manner. Lord Justice Sedley:

'But the law . . . cannot simply abandon a constitutional principle which for four centuries has stood as a pillar of the separation of powers in what is today a democracy under the rule of law. The answer has to be that ministers are to be expected to do what is required of them: Parliament will expect the Home Secretary to lay before it any rules by which he or she proposes to manage immigration; the courts will expect such rules, like any other source of law, to be those and only those which have Parliament's approval . . .'

I am therefore surprised to see that, despite that ruling, the Secretary of State has again sought to avoid Parliamentary scrutiny on such an important change to British immigration laws, a change which, unusually, also impacts upon British businesses”.

The case is expected to be heard by the High Court in October.

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