

Immigration & Human Rights

Legal Update | January 2020

Introduction

This legal update provides an overview of immigration law and human rights in the UK, including the Immigration Rules, asylum claims, human rights applications, and No Recourse to Public Funds. It is intended for practitioners working in immigration and public law.

Immigration Rules

The Immigration Rules set out the requirements for entry to and stay in the United Kingdom. Key routes include family visas, skilled worker visas, student visas, and settlement applications. The Rules are regularly updated and practitioners should check gov.uk for the current version.

Asylum Claims

A person may claim asylum in the UK if they have a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion (Refugee Convention 1951). Key principles:

- The burden of proof is on the applicant, but at a lower standard ('reasonable degree of likelihood')
- Past persecution may be evidence of future risk
- Internal relocation must be considered where relevant
- Country guidance cases provide authoritative findings on country conditions

Human Rights Claims

Article 8 ECHR protects the right to respect for private and family life. In immigration cases, the court must assess whether removal would be a proportionate interference with Article 8 rights. The Immigration Rules set out the requirements for leave to remain on human rights grounds.

No Recourse to Public Funds

Many migrants are subject to NRPF conditions, meaning they cannot access most benefits and social housing. However, local authorities retain duties under the Children Act 1989 (s.17) and Care Act 2014 regardless of immigration status. Key resources include the NRPF Network guidance.

Useful Resources

- GOV.UK - Immigration Rules
- UNHCR - Refugee Convention guidance
- NRPF Network - Local authority guidance
- Free Movement - Immigration law updates
- ILPA - Immigration Law Practitioners' Association

This document is for general information only and does not constitute legal advice.
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