

Immigration and Asylum appeals – a fresh look



London, July 2018 - On Monday 2nd July 2018 at Kingsley Napley LLP, JUSTICE launches its latest Working Party report, *Immigration and Asylum appeals – a fresh look*. [JUSTICE's Working Party](#) was concerned with the considerable challenges faced by the UK immigration and asylum appeals system. The Working Party took a holistic view of the process - from Home Office refusal decisions, through statutory appeals and judicial review process to the right of appeal to the Court of Appeal.

A high percentage of successful appeals against Home Office decisions; instances of poor-quality and exploitative representation; and the recent removal of appeal rights have put pressure on a system that is already complex and subject to frequent change.

The Working Party report also comes at a time of significant change to the justice system through the HMCTS Reform Programme, which is aimed at the modernisation and digitisation of the system. The Reform Programme is complemented by Home Office projects to improve initial decision-making, with the aim of reducing the number of unnecessary appeals.

Professor Sir Ross Cranston, Chair of the Working Party, said,

“The Immigration and Asylum appeal system suffers from widely reported deficiencies and a culture of non-compliance with the rules and practice directions. This leads to high volumes of cases in the appeals system and lengthy delays. The Working Party recognised that the reforms underway present an opportunity to improve the processes, but considered that further measures are needed to effect meaningful change.”

With the benefit of evidence from a wide range of expert consultees, and working with the judges, HMCTS, the Ministry of Justice and the Home Office throughout, Working Party members have formulated 48 practical recommendations for change.

These include:

- Better communication between the parties at the decision-making, pre-hearing and hearing stages to ensure all relevant evidence is considered.
- Getting Home Office decision-making right first time and building in an effective review system as key to delivering a better appellate system.
- Ensuring the move to online processes enhances rather than reduces the ability of people to participate – through clearer forms, translation, security measures and careful consideration of video hearing roll out.
- Reducing unsupervised, unqualified and poor quality representatives purporting to provide advice and assistance to appellants through heightened scrutiny mechanisms.

- Promoting the important role of tribunal case workers and judicial case management to improve tribunal efficiency.
- Retaining rights of appeal as a fundamental safeguard but streamlining certain permission and review processes.

Andrea Coomber, Director of JUSTICE, explains,

“In an arena where appellants are often highly vulnerable and many cases involve fundamental and non-derogable rights, it is particularly important that our immigration and asylum appeal procedures are as fair and robust as possible. This report demonstrates that all actors involved need to improve the quality and efficiency of their processes so as to ensure that those who are entitled to remain in the UK are able to do so in a timely manner”.

Notes for editors

1. JUSTICE has a long history of using Working Parties of its membership to effect systemic changes within the legal system. For example, the Ombudsman system and Criminal Injuries Compensation Board were set up on the recommendation of previous JUSTICE Working Parties.
2. This Working Party, set up and supported by JUSTICE and drawn from its membership, included experts from the legal profession and beyond. The Working Party was chaired by Sir Ross Cranston. He worked alongside Diana Baxter, Marian Cleghorn, Michael Fordham QC, Professor Nick Gill, Suzanne Lambert, Jawaid Luqmani, Dr Rowena Moffatt, Sonali Naik QC, Professor Martin Partington CBE, Professor Robert Thomas, Andrew Tingley, Catriona Jarvis, Veronica Lowe, Christopher Randall, Judge Buckwell (FTTIAC), Judge Easterman (FTTIAC), Judge Kopieczek (UTIAC) and Resident Judge Zucker (FTTIAC). Garrie Hall (HMCTS), Tom Matley (HMCTS), James Stevens (the Home Office), Paula Waldron (Ministry of Justice) and James Wrigley (Ministry of Justice) attended the Working Party in an observer capacity. We are very grateful to Kingsley Napley LLP and the Paul Hamlyn Foundation for supporting the Working Party.
3. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system in the United Kingdom. For more information, please visit www.justice.org.uk
4. Please direct queries to Jodie Blackstock, Legal Director on jblackstock@justice.org.uk