CONTENTS

Forewo	ord		ν
Preface			vii
Table of		tutes	xxiii
	Table of Statutory Instruments		
	Table of EU Legislation		
Table of	of Inte	rnational Treaties and Conventions	xxxvii
Table of			xli
10	J		
Chapt	er 1	History of the Refugee Convention, Sources of Refugee	
		nd Principles of Interpretation	1
1	The S	Status of the Convention in English Law	2
2		ces of Refugee Law	6
	(a)	The Qualification Directive	6
	(b)	The Travaux Préparatoires	9
	(c)	The United Nations High Commissioner for Refugees	10
		The UNHCR Handbook	12
		Human rights instruments	15
	(f)	Decisions from Foreign Courts	16
	(g)	Academic Authority	18
3		truction of the Convention	18
Chapt	er 2	Well-founded Fear	31
		Standard of Proof	31
2	Gene	eral Approach to the Assessment of Historical Facts	38
	(a)	The Spirit of the Enquiry	39
	(b)	The UNHCR Handbook	41
3	Fairr	ness and the Fact-Finding Process	42
4	Conf	identiality	43
5	Feati	ures of the Asylum Seeker's Account	44
	(a)	Discrepancies	44
	(b)	Fear of the Authorities	52
	(c)	Interviews	53
	(d)	Legal Representation at Interview	55
	(e)	Witnesses of Trauma; Victims of Sexual Abuse	56
	(f)	Vagueness; Political and Religious Knowledge	59
	(g)	Dishonesty	59
×.	(h)	Exaggeration	62
	(i)	Plausibility	62
	(j)	Plausibility and the Reasonable Man	66
	(k)	Extraneous Considerations	67
6	Rele	vant Factors Taken into Account by the Secretary of State	68
	(a)	Failure to Claim Asylum in a Third Country	71
	(b)	Failure to Claim Asylum at the Border	73
	(c)	Delay in Claiming Asylum	74

	(d)	Intention to Return to the Country of Origin	76
	(e)	Corroboration	76
		Demeanour	79
		Language Analysis	80
	(h)	Evaluating Sexuality	81
7		ective Fear	82
8		ctive Risk	83
	(a)	The Reality of Risk	87
	(b)	Conjecture and Inference	87
	(c)	Objective Risk: Timing of the Enquiry	89
9	Obje	ective Risk: Factors in the Assessment	91
	(a)	Focus on the Country of Origin	91
	(b)	Sources of Information; the Fate of Returnees; Diplomatic	0.1
		Assurances	91
	(c)	Prominence of the Individual	94
	(d)	- C.1 Cl. Landler	97
	(e)	Generic Risk	97
10		gments on Foreign Countries	99
11	The	Relevance of Past Events	100
12	2 The	Relevance of Past Persecution	100
13	3 Cha	nge of Circumstances in the Country of Origin	104
	Risl	Based on Future Conduct	107
15	The	Country of Origin – Departure and Return	109
	(a)	Delay in Leaving the Country	109
	(b)	Departure from the Country of Origin	110
	(c)	Return to the Country of Origin	111
	(d)	Risks arising from mode of return	112
~ 1e	6 Ass	essing Risks from Post-Departure Events	115
	(a)	Fears Arising from Enquiries by the Status Determination	
	(33)	Authorities	115
	(b)	Fears Arising from Claiming Asylum	116
	(0)		
ha	nter 3	Persecution	119
1	Per	secution and human rights	121
1	1 01	Analysing Human Rights Abuses: Domestic and	
		International Perspectives	132
2	Per	secution, State Protection, and Non-State Actors	133
3		stematic III-treatment	135
4	-	ristence and Persecution	136
5		verity of Persecution	137
6		neral Approach to Persecution	138
7		rms of Persecution	139
8		ysical Harm	140
C) 111	Threats of Harm	142
9) Th	e Subjective Nature of Persecution	143
	0 Sir	ngling Out for Persecution	144
	10 Sil	rsecution of Family Members	145
		rocious Past Persecution	147
	LZ AL	TUCTUUS I UST I OTSCOMMON	

			Contents
13	Perse	ecution, Socio-Economic Rights and Discrimination	148
085	(a)	Denial of Employment as Persecution	151
	(b)	Denial of Education as Persecution	153
		ecution and Armed Conflict	154
		ecution and Persecution	159
15	(a)	The Criminalisation of the Exercise of Human Rights	164
	(b)	Sexuality and Persecution	168
	(c)	The Overcoming of Conscience as Persecution	173
	(d)	Military Service Cases	174
	(e)	Political Offences	189
	(f)	Prosecution by States not Recognised by the International	
	(-)	Community	193
	(g)	Laws in Desuetude	194
	(h)	Illegal Departure from the Country of Origin	195
	(i)	Violation of Laws regarding Population Control	196
16	Inab	ility to Return to the Country of Origin; Deprivation of	
6gr		onality Mark with the last till	198
			202
Chap	ter 4	The Convention Reasons and Causation	203
181	Race		204
2		onality	207 207
3	Reli		213
4	Poli	tical Opinion	220
	(a)	Attributed Political Opinion	223
	(b)	Future Activities	225
5	Mer	mbership of a Particular Social Group	240
	(a)	Women as a Particular Social Group	240
	(b)		242
	(c)	Family as Particular Social Group	246
	(d)	Shared Employment and Particular Social Group	240
	(e)	Victims of Criminals, Guerrillas and Forced	246
		Conscription as Members of a Particular Social Group	248
£95	(f)	Population Control and Particular Social Group	252
6		isation Of:	252
	(a)	'For Reasons Of'	255
	(c)	Discrimination and Causation	256
	(d)	Intention and Causation	259
	(e)	Mixed Motives and Causation	262
	(f)	Inferences and Causation	202
Char	ntor 5	Protection Against Non-State Actors and Internal	
	-	cation	265
874		n-state Actors	265
384	(a)	Inability and Unwillingness; The History of	
	(4)	'Sufficiency of Protection'	267
	(b)		269
	(c)		272
	(d)		275

	(c) marviduanised consideration	277
	(1) Expectations of the Hadiotteles	280
	(g) States Chable to Grant I tationally	283
	(II) I Totoction via Trimetas	285
2	Internal Relocation	286
Chap	ter 6 Countries of Nationality and Habitual Residence,	
S	Statelessness and the Establishment of Nationality	311
1	The Country of Nationality	311
2	Multiple Nationalities	312
3	Exclusion due to National Protection	315
4	Statelessitess	317
5	The Country of Former Habitaan Residence	321
6	The Burden and Standard of Proof in the Assessment of	
	Nationality	324
7	Applications for Nationality	324
8	Establishing Nationality	326
Chap	oter 7 Particular Categories of Asylum Seeker	331
1	Refugees 'Sur Place'	331
	(a) Activities in the Country of Asylum	331
	(b) Failed Asylum Seekers	336
2	Gender	340
	(a) Substantive Law Issues and the Gender Guidelines	340
	(b) Sexual Violence and Persecution	341
	(c) Persecution: Differential Access to the Criminal	
	Justice System; Female Genital Mutilation; Arranged	
	Marriages	343
	(d) Women and Convention Reason	345
	(e) Sexual Violence and Convention Reason	349
	(f) Women and State Protection	349
	(g) Women and Internal Relocation	351
	(h) Gender: Procedures and Evidence	352
	(i) Female Genital Mutilation	354
3	Minors	354
	Age Assessment	361 365
4	Trafficking	369
5	Mentally Ill Applicants	309
Chap	pter 8 Cessation, Cancellation and Exclusion	371
1	The Cessation Clauses	371
2	Cancellation of Refugee Status	378
3	Article 1D: exclusion due to other UN assistance	378
4	Article 1F: Exclusion Due to Serious Wrongdoing	384
	(a) Exclusion on Appeal	388
	(b) 'Serious Reasons for Considering'	391
	(c) Expiation and Proportionality	395
	(d) Article 1(f)(a): Crimes Against Peace	396

			Com	CIICS
	(e)	Article 1(f)(a): War Crimes		398
	(f)	Article 1(f)(a): Crimes against Humanity		400
	(g)	Serious Non-Political Crimes		405
	(h)	Acts Contrary to the Purposes and Principles of the		
	(11)	United Nations		415
	(i)	Terrorism and Exclusion		420
	(j)	Complicity		421
	(k)	Command Responsibility		426
	(1)	Membership of Organisations		427
	(m)	Defences to Exclusion: Coercion and Following		
		Orders		430
	(n)	Defences to Exclusion: Lack of Capacity, Duress		
		and Self-Defence		431
	(o)	Family Members and Children		432
Chan	4 a m 0	The Protection Owed to Refugees		435
_	The	Prohibition on Refoulement: Article 33		435
00		D C 1-1-1-1		441
	(a) (b)			444
	(c)	National Security Cases		448
2	(C)	rd Country Cases: The Situation in Principle		450
2	1 1111	The Impact of Status Determination Abroad		458
3	Refi	agees Lawfully in the Country of Application: Article 32		460
4	Pen	alties for Illegal Entry: Article 31		462
7	(a)	'Without Delay'		463
	(b)	- 1 1 D 1 1		464
		'Good Cause'		464
		'Penalty'		465
	(e)	Future Application of Article 31		465
5	Pro	tection and the Declaratory Nature of Refugee Status		465
	110			
		a Common Acylum System and		
Chaj	oter 1	0 Common European Asylum System and		467
	Subsi	diary or Humanitarian Protection European Union Asylum Framework – the CEAS		468
1		Bus Tampara Pasalutions and Positions		472
	(a)	Pre-Tampere Resolutions and Positions The Dublin Convention 1990		475
	(b)	Council Directive Laying Down Minimum Standards		.,.
	(c)	for the Reception of Asylum Seekers		478
	(4)	The 'Dublin II Regulation' 2003		481
EOL	(d)	Council Directive on the Right to Family Reunification		489
	(e)	'The Refugee Qualification Directive'		492
	(f) (g)	Council Directive on Asylum Procedures		507
2	Sul	osidiary or Humanitarian Protection in the UK		517
2	(a)	Qualification for Humanitarian Protection		517
	(a)	· · · · · · · · · · · · · · · · · · ·		524
	(c)	Beneficiaries of Humanitarian Protection		526
	(d)	CAY : Destruction		528

Rights and Fundamental Freedoms, 1950 (a) The Nature of the Protected Rights and Fundamental Freedoms (b) Implementation (c) The European Court of Human Rights 2 Domestic Application of the European Convention on Human Rights and the Human Rights Act 1998 (a) The Human Rights Act 1998: Summary of Most Relevant Provisions (b) Very Limited Retrospective Effect of the HRA 1998 3 The Human Rights Act 1998 and Immigration Control (a) Applicability of the HRA 1998 in Immigration Cases (b) The Immigration and Asylum Chamber of the Tribunal and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (f) Internal Protection, Relocation and Article 3 (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1 (b) Article 4	Chapt	ter 11 Asylum and the Human Rights Convention The European Convention for the Protection of Human	533
(a) The Nature of the Protected Rights and Fundamental Freedoms (b) Implementation (c) The European Court of Human Rights 539 (d) The Human Rights Act 1998 (a) The Human Rights Act 1998: Summary of Most Relevant Provisions (b) Very Limited Retrospective Effect of the HRA 1998 (a) The Human Rights Act 1998 and Immigration Control (a) Applicability of the HRA 1998 in Immigration Cases (b) The Immigration and Asylum Chamber of the Tribunal and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases (a) Applicability of Article 3 in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection (604 Cases (a) Article 2 and Thirteenth Protocol, Article 1 (624 Cases (a) Article 2 and Thirteenth Protocol, Article 1	1	District and Englamental Freedoms 1050	533
Freedoms (b) Implementation (c) The European Court of Human Rights 2 Domestic Application of the European Convention on Human Rights and the Human Rights Act 1998 (a) The Human Rights Act 1998: Summary of Most Relevant Provisions (b) Very Limited Retrospective Effect of the HRA 1998 3 The Human Rights Act 1998 and Immigration Control (a) Applicability of the HRA 1998 in Immigration Cases (b) The Immigration and Asylum Chamber of the Tribunal and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Appeals to the Court of Appeal (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability of Article 3 in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection (601 602 603 604 604 605 605 606 606 606 607 607 608 609 609 609 609 609 609 609 609 609 609		Kights and Fundamental Freedoms, 1950	333
(b) Implementation (c) The European Court of Human Rights 540 2 Domestic Application of the European Convention on Human Rights and the Human Rights Act 1998 (a) The Human Rights Act 1998: Summary of Most Relevant Provisions (b) Very Limited Retrospective Effect of the HRA 1998 3 The Human Rights Act 1998 and Immigration Control (a) Applicability of the HRA 1998 in Immigration Cases (b) The Immigration and Asylum Chamber of the Tribunal and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability of Article 3 in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			536
(c) The European Court of Human Rights 2 Domestic Application of the European Convention on Human Rights and the Human Rights Act 1998 (a) The Human Rights Act 1998: Summary of Most Relevant Provisions (b) Very Limited Retrospective Effect of the HRA 1998 3 The Human Rights Act 1998 and Immigration Control (a) Applicability of the HRA 1998 in Immigration Cases (b) The Immigration and Asylum Chamber of the Tribunal and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			
2 Domestic Application of the European Convention on Human Rights and the Human Rights Act 1998 (a) The Human Rights Act 1998: Summary of Most Relevant Provisions (b) Very Limited Retrospective Effect of the HRA 1998 3 The Human Rights Act 1998 and Immigration Cases (b) The Immigration and Asylum Chamber of the Tribunal and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			
Human Rights and the Human Rights Act 1998 (a) The Human Rights Act 1998: Summary of Most Relevant Provisions (b) Very Limited Retrospective Effect of the HRA 1998 3 The Human Rights Act 1998 and Immigration Cases (b) The Immigration and Asylum Chamber of the Tribunal and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			340
(a) The Human Rights Act 1998: Summary of Most Relevant Provisions (b) Very Limited Retrospective Effect of the HRA 1998 3 The Human Rights Act 1998 and Immigration Control (a) Applicability of the HRA 1998 in Immigration Cases (b) The Immigration and Asylum Chamber of the Tribunal and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1	2	Domestic Application of the European Convention on	E 15
Relevant Provisions (b) Very Limited Retrospective Effect of the HRA 1998 3 The Human Rights Act 1998 and Immigration Control (a) Applicability of the HRA 1998 in Immigration Cases (b) The Immigration and Asylum Chamber of the Tribunal and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1		Human Rights and the Human Rights Act 1998	343
(b) Very Limited Retrospective Effect of the HRA 1998 3 The Human Rights Act 1998 and Immigration Control (a) Applicability of the HRA 1998 in Immigration Cases (b) The Immigration and Asylum Chamber of the Tribunal and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Appeals to the Court of Appeal (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			5.40
3 The Human Rights Act 1998 and Immigration Control (a) Applicability of the HRA 1998 in Immigration Cases (b) The Immigration and Asylum Chamber of the Tribunal and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			
(a) Applicability of the HRA 1998 in Immigration Cases (b) The Immigration and Asylum Chamber of the Tribunal and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1		(b) Very Limited Retrospective Effect of the HRA 1998	
(b) The Immigration and Asylum Chamber of the Tribunal and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1	3	The Human Rights Act 1998 and Immigration Control	
and the Human Rights Act 1998 (c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1		(a) Applicability of the HRA 1998 in Immigration Cases	553
(c) Asylum Support Adjudicators (now judges of the First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1		(b) The Immigration and Asylum Chamber of the Tribunal	
First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1		and the Human Rights Act 1998	554
First-tier Tribunal) and the Human Rights Act 1998 (d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1		(c) Asylum Support Adjudicators (now judges of the	
(d) The Standard of Review on Appeal in Human Rights Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1		First-tier Tribunal) and the Human Rights Act 1998	556
Cases (e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1		(d) The Standard of Review on Appeal in Human Rights	
(e) Bail Decisions and Human Rights (f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			558
(f) Appeals on Human Rights Grounds before the Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			562
Special Immigration Appeals Commission (g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			
(g) The Effect of the HRA 1998 on Judicial Review Claims (h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			562
(h) The Effect of the HRA 1998 on Appeals to the Court of Appeal The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			
(h) The Effect of the HRA 1998 on Appeals to the Court of Appeal 4 The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1		(g) The Effect of the first 1996 on the second	563
Appeal The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1		(b) The Effect of the HR A 1998 on Anneals to the Court of	
The Convention Rights Generally in the Context of Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			567
Immigration Cases The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1	1	Appeal The Convention Dights Congrelly in the Context of	501
The Extent to which Convention Rights are Relevant in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1	4		568
in Terms of Deportation or Removal 5 Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1		Immigration Cases The Estant to which Convention Dights are Polevent	300
Article 3 of the Human Rights Convention and its Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1 624			570
Applicability in Immigration Cases (a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			370
(a) Applicability of Article 3 in Immigration Cases (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection (Cases) (a) Article 2 and Thirteenth Protocol, Article 1 (b) The Absolute Absolute 3 579 (c) The Absolute 3 579 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Government Gov	5		576
(a) Application of Article 5 In Analogue (b) The Absolute Nature of the Right under Article 3 (c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection (6) Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1 (b) The Absolute 3 579 (c) The Absolute 3 582 (d) Eventually 10 Applies		Applicability in Immigration Cases	
(c) The Threshold or Level of Severity of Mistreatment Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1			
Necessary to Amount to a Violation of Article 3 (d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1		(b) The Absolute Nature of the Right under Article 3	5/9
(d) Burden and Standard of Proof and Assessment of Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1 624		(c) The Threshold or Level of Severity of Mistreatment	500
Facts in Article 3 Immigration Cases (e) Sufficiency of Protection in Article 3 Immigration Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1 598 604 605 606 607 608 609 609 609 609 609 609 609		Necessary to Amount to a Violation of Article 3	582
(e) Sufficiency of Protection in Article 3 Immigration Cases 604 (f) Internal Protection, Relocation and Article 3 612 (g) Article 3 in Health Cases 613 (h) Beneficiaries of Article 3 Protection 621 6 Other Incorporated Human Rights Relevant to Asylum Cases 623 (a) Article 2 and Thirteenth Protocol, Article 1 624		(d) Burden and Standard of Proof and Assessment of	
Cases (f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1 604			598
(f) Internal Protection, Relocation and Article 3 (g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1 624		(e) Sufficiency of Protection in Article 3 Immigration	
(g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1 613 624		Cases	
(g) Article 3 in Health Cases (h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1 624		(f) Internal Protection, Relocation and Article 3	
(h) Beneficiaries of Article 3 Protection 6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1 621 622			613
6 Other Incorporated Human Rights Relevant to Asylum Cases (a) Article 2 and Thirteenth Protocol, Article 1 623			621
Cases (a) Article 2 and Thirteenth Protocol, Article 1 623	6		
(a) Article 2 and Thirteenth Protocol, Article 1			623
(05			624
			625

			Contents
	(c)	Articles 5 and 6	626
	(d)	Article 7	630
	(e)	Article 8	631
	(f)	Articles 9, 10 and 11	634
	(g)	Article 12 and Protocol 1, Article 2	636
	(h)	Article 14	637
CI.	4 10	Claiming Asylum in the United Kingdom	639
	clair	ns for Asylum within the Context of Immigration Law	639
1		Port Applications	645
	(a)	In-country Variation-Based Applications	647
	(b)	Deportation	649
	(c)	Administrative Removal	656
_	(d)		660
2		sideration of Asylum Claims	660
	(a)	The Procedure	663
	(b)	Spouses, Children and Dependants	664
	(c)	Child Applicants	666
	(d)	Victims of Trafficking	667
	(e)	Criteria for Assessing Asylum Claims in the UK	674
3	With	ndrawal of Asylum Claims and Voluntary Departure	677
4		isions on Asylum Claims and their Consequences	677
	(a)	Grant of Asylum as a Refugee	680
	(b)	The Gateway Protection Programme	681
	(c)	Refugees and Family Reunion	001
	(d)	Exceptional Leave, Humanitarian Protection and	686
	()	Discretionary Leave	686
	(e)	Humanitarian Protection	688
	(f)	Discretionary Leave	000
	(g)	Appeal Rights for Persons Granted Humanitarian	691
		Protection or Discretionary Leave	692
	(h)	Outright Refusal of Asylum Claim	693
	(i)	Refusals in Variation Cases	075
	(j)	Notification of Refusals, Removal Directions and	694
_	~	Rights of Appeal	074
5		tifications of Asylum Claims by the Secretary of State	696
		their Refusal	696
	(a)	Clearly Unfounded Certifications	070
	(b)	Certifications on the Basis of Exclusion from the	704
	()	Benefits of the Refugee Convention	707
804	(c)	Certifications on National Security Grounds	708
6		sh Claims for Asylum Following Earlier Refusal	708
	(a)	The Judgment in Onibiyo	711
U.S.	(b)	Immigration Rules, Paragraph 353	711
7		newal of Refugee Status and Humanitarian Protection	713
8		nsfer of Refugee Status	/10
	(a)	European Agreement on the Transfer of	718
		Responsibility for Refugees 1980	718
	(b)	Home Office Practice on Transfer of Refugee Status	/10

9	Ending Refugee Status and Humanitarian Protection and Revocation of Indefinite Leave	721
Chant	er 13 Treatment of Asylum Seekers	725
	Fingerprinting and Application Registration Cards (ARCs)	725
1	Induction Centres	726
2		727
3	Liability of Asylum Seekers to Detention	736
4	Detention pending consideration of asylum claims	739
5	The Detention and Control of Suspected Terrorists	741
6	Temporary Admission, Bail and Habeas Corpus	741
7	Employment for Asylum Seekers	
8	Welfare Support for Asylum Seekers	749
9	The Scheme for Asylum Support	750
10	Failed Asylum Seekers	757
11	Persons released on bail	758
12	Accommodation Centres	759
13	Eligibility for Asylum Support	761
	Unaccompanied asylum seeking children	764
15	Asylum Seekers entitled to Social Security Benefits	766
16	Refusal of support – Late Claim for Asylum	768
17	Application for Support: False or Incomplete Information	771
	Ending of Eligibility for Support	772
19	2 1 60	773
20	The state of the s	774
Chap	ter 14 Third Country Cases	777
1	Introduction	777
2	The UK Domestic Approach up to 2004	777
_	(a) Initial Development of the Approach to Third Country	
	Removals Prior to 1996	777
	(b) Third Country Cases under the Asylum and Immigration	
	Act 1996 and the Immigration and Asylum Act 1999	780
3	The UK Approach since 2004	791
3	- 1 1 1 1	
	(a) Third Country Cases under the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 and	
		791
	the Immigration Rules	171
	(b) Practical Application and the Effect of the Dublin II	798
	Regulation Third	170
	(c) Exercise of Discretion in Whether to Remove to a Third	000
	Country	802
	(d) Human Rights and Third Country Removals	808
4	Judicial Supervision in Third Country Cases	813
	(a) Appeals	813
	(b) Judicial Review	819
Char	oter 15 Statutory Rights of Appeal	825
Cha _k	The Development of the Right of Appeal in Asylum Cases	825
1	The state of the s	
	(a) Appeal Rights prior to the Nationality, Immigration and Asylum Act 2002	825
	allu Asylulli Act 2002	020

Appellate Court from the SIAC in Asylum Cases

Judicial Review in Asylum Cases where Suspensive

Statutory Right of Appeal is denied

6

868

868

Chap	ter 16	Procedure before the First-tier Tribunal; Evidence	
l	efore	the Immigration and Asylum Chambers	875
1		edure	875
1	(a)	Introduction	875
	(b)	Pre Hearing Issues	884
	(c)	Conduct of the Appeal and Directions	903
	(d)	Appeals – Withdrawal, Abandonment, Determinations	
	(u)	without Hearings and in the Absence of a Party	950
	(0)	Representation	959
	(e)	General Procedure	977
	(f)	Determinations	980
	(g)	Fast Track	984
0	(h)	rast flack	988
2		ence	988
	(a)	General Principles	991
	(b)	Forms of Evidence	1015
	(c)	Expert Evidence	1015
		C. H. C. A. C. Tribunal and Dragodures	
Chap	oter 17	Challenging the First-tier Tribunal and Procedures	1035
	in the	Upper Tribunal	1033
1	App	eals and Review of First Instance Decisions: Practice and	1037
	Proc	edure for Challenges via the First-tier Tribunal	1037
	(a)	Introduction	1037
	(b)	Decisions which may be Challenged by Appeal or	1027
		Review	1037
	(c)	Jurisdiction upon Review and Appeal	1038
	(d)	The Tribunal's Own Duty to identify Errors of Law	1040
	(e)	Permission to Appeal to the Upper Tribunal via the	4044
		First-tier Tribunal – Time and Procedure	1044
	(f)	Service	1046
	(g)	The Respondent's Duties of Service	1047
	(h)	Content and Treatment of the Application	1049
	(i)	Tribunal's Duty regarding Review	1051
	(j)	Review of Determination for Administrative Error	
	07	and Slips	1053
	(k)	Consequences of Procedural Irregularities	1053
	(1)	Transitional Cases: Time Limit for Making	
	(-)	Applications	1055
	(m)	- 11 1 C D 1	1055
	(n)	Fast Track Cases	1056
2	Anı	peals and Review of First Instance Decisions: Practice and	
_	Pro	cedure for Challenges in the Upper Tribunal	1056
	(a)	Application for Permission to Appeal to the Upper	
	(a)	Tribunal: Direct Applications	1056
	(b)	Considerations regarding Permission to Appeal	1057
	(c)	Late Applications to the Upper Tribunal	1059
		Grant or Refusal of Permission to Appeal	1059
	(d)	Response to the Notice of Appeal	1059
	(e)	Reply	1060
	(f)	ICDI Y	

			10/0
	(g)	Constitution of the Upper Tribunal	1060 1061
3	Proce	eedings in the Upper Tribunal	1061
	(a)	Upper Tribunal: Character	1062
	(b)	General Powers of the Upper Tribunal	1002
	(c)	Objectives of Upper Tribunal; Duties of Parties;	1063
		Case Management	1064
	(d)	Variation of Grounds	1065
	(e)	Remittal to the First-tier Tribunal	1067
	(f)	Remittal back to the Original Immigration Judge	1068
	(g)	Re-Making of Decisions in the Upper Tribunal	1069
	(h)	Fresh Evidence	1070
	(i)	Approach to Original Determination	1071
	(j)	Transfer of Proceedings	1071
	(k)	Transitional Cases	1072
	(1)	Events Leading to Deemed Abandonment	1072
	(m)	Service of Decisions	1072
	(n)	Irregularities in the Upper Tribunal	207-
	(0)	UNHCR in the Upper Tribunal; Representation	1073
	()	Generally Times the Henor Tribunal	1073
	(p)	Time in the Upper Tribunal	1073
	(q)	Fast Track Cases P. L. Sarior Immigration Judiciary	1074
4		Role of the Senior Immigration Judiciary	1074
	(a)	The Tribunal and Consistency	1075
	(b)	Precedent and 'Starring' Reporting of Tribunal Determinations	1078
	(c)	The Role of the Tribunal in giving Country Guidance	1080
_	(d)		1084
5		ors of Law Common Errors of Law	1084
	(a)	Error of Law and Fresh Evidence	1087
	(b)	Erroneous Exercise of Jurisdiction by Tribunal	1091
	(c)	The 'Three Month Rule': Delay in the Credibility	
	(d)	Assessment	1094
	(-)	Determinations	1097
	(e)	Findings of Fact	1100
	(f)	Flawed Findings of Fact	1102
	(g)	Reasons	1104
	(h)	Reasons and Credibility	1108
	(i)	Submissions and Authorities	1109
	(j)	a challenges to	
	(k)	conduct of the Hearing	1110
6	Ch	allenging the Upper Tribunal	1112
6		· · · · · · · · · · · · · · · · · · ·	
	(a)	Appeal: Procedure	1112
	(L)	the contract of the country of the country	
	(b)	decision to the Upper Tribunal: Powers	1112
	(0)		1113
	(c)		
	(d)	Appeal: Transitional Cases	1113
		Appear. Transitional Cases	

	(e) (f)	Challenges to the Upper Tribunal made to the Court of Appeal Directly Asylum Appeals in the Court of Appeal	1114 1116
Index			1119