CONTENTS—SUMMARY

Foreword	V
Preface	vii
List of Abbreviations	xvii
Table of Cases	xix
Table of Statutes	xxxi
Table of Statutory Instruments	xxxvii
Table of European Legislation	xliii
Table of International Legislation	xlv
1. Introduction	1
2. Asylum	5
3. Article 3 of the European Convention on Human Rights	
(Prohibition of Torture and Inhuman or Degrading Treatment)	41
4. Article 8 of the European Convention on Human Rights	
(Right to Respect for Private and Family Life)	95
5. Other Human Rights Articles Potentially Applicable in the	
Asylum and Human Rights Context	151
6. Rights of Appeal	209
7. Certification and Removal	325
8. Detention and Bail	359
9. Future Reforms	419
Appendices	425
Index	521

CONTENTS

Foreword	V
Preface	vii
List of Abbreviations	xvii
Table of Cases	xix
Table of Statutes	xxxi
Table of Statutory Instruments	xxxvii
Table of European Legislation	xliii
Table of International Legislation	xlv
1. Introduction	
2. Asylum	
A. History of the Refugee Convention	2.01
B. The Key Provisions of the Refugee Convention	2.12
C. Implementation of Convention in United Kingdom Law	2.21
D. Article 1A(2)—Introduction	2.29
E. Well-founded Fear of Persecution	2.34
F. Persecution	2.41
G. Causation—'For Reasons Of'	2.52
H. Convention Reason	2.58
I. Internal Relocation	2.72
J. Article 1C—Cessation	2.83
K. Article 1D—UNRWA	2.89
L. Article 1F—Exclusion of Undeserving Individuals	2.91
M. Practice and Procedure Note	2.97
Assembling the claim	2.97
Credibility The investment of the second of	2.98
Testing the claimant's account Supporting evidence	2.99
Independent reporting	2.101
Expert evidence	2.102
Legal analysis	2.103

	Home Office policy instructions Home Office country information Other sources of guidance and evidence	2.104 2.105 2.106
3.	Article 3 of the European Convention on Human Rights (Prohibition of Torture and Inhuman or Degrading Treatment)	
	A. Application of the Convention by the Domestic Courts and the Use of Strasbourg Jurisprudence	3.01
	B. Article 3 and Burden and Standard of Proof	3.08
		3.29
	C. Inhuman and Degrading Treatment and Punishment D. Torture	3.27
		3.37
	E. Spectrum of Article 3 Cases and the Scope for State Action	3.52
	F. State Protection and Non-State Actors	3.65
	G. Medical Conditions and Insufficiency of Treatment	3:77
	H. Suicide Risk	3.102
	I. Removal to Conditions of Extreme Poverty or Upheaval	3.127
	J. Destitution/Refusal of Asylum Support	3.129
	K. Dispersal	3.142
	L. Practice and Procedure Note	3.146
	Dealing with medical evidence	3.146
	Choosing the medical expert	3.152
	Home Office policies and guidance	3.154
	Asylum Policy Unit Notices	3.154
	Asylum Policy Instructions Asylum Process Manual	3.154 3.154
	Immigration Directorate Instructions (IDIs)	3.154
	M. Practice and Procedure Note	3.155
	Country Guideline Determinations/starred appeals	3.155
	Practitioners' checklist	3.158
	Robinson exception to consideration of obvious points of law not in	
	the Grounds of Appeal	3.168
4.	Article 8 of the European Convention on Human Rights (Right to Respect for Private and Family Life)	
	A. Rights Protected	4.01
	B. Burden and Standard of Proof	4.64

	C. Appeals	4.68
	D. Immigration Rules and Home Office Policies	4.88
	E. Practice and Procedure Note	4.145
	Marriage applications	4.145
	F. Practice and Procedure Note	4.152
2	Positive State obligations and damages for breach of Article 8	4.152
5.	Other Human Rights Articles Potentially Applicable in the Asylum and Human Rights Context	
	A. Introduction	5.01
	B. Article 2—The Right to Life	5.13
	C. Article 4—Prohibition of Slavery and Forced Labour	5.29
	D. Article 5—Right to Liberty and Security	5.38
	E. Article 6—Right to a Fair Trial	5.92
	F. Article 7—No Punishment without Law	5.115
	G. Article 9—Freedom of Thought, Conscience, and Religion	5.117
	H. Article 10—Freedom of Expression	5.121
	I. Article 12 and Article 14—Right to Marry and Prohibition of Discrimination	5.128
	J. Article 8 and Article 14—Right to Respect for Family and Private Life and Prohibition of Discrimination	5.148
	K. Practice and Procedure Note	5.151
	Home Office policies on leave to be granted following a successful	
	human rights claim	5.151
	Humanitarian protection	5.152
	Discretionary leave	5.161
	Temporary protection	5.170
	Leave outside the rules Documentation	5.172
		7.17
6.	Rights of Appeal	
	A. Old Rights of Appeal	6.01
	B. The Current Appeals System	6.06
	C. Rights of Appeal	6.13
	D. Grounds of Appeal	6.60

	_			
	E.	Exceptions and Limitations	(5.63
	F.	In-Country and Out of Country Appeal Rights		5.81
	G.	The One-Stop Procedure		5.96
	Η.	Suspensory Effect of Pending Appeals	6.	104
	I.	Jurisdiction—Powers of the Tribunal	6.	113
	J.	Appeals from the Asylum and Immigration Tribunal	6.	153
		Transitional Appeal Provisions	6.	227
		Practice and Procedure Note	6.	229
		Constitution of the Tribunal		234
		Representation and parties to an appeal		238
		Notice of decision		244
		Contents of notice		245
		Invalid notice		247
				249
		Service of notice Natice of appeal		252
		Notice of appeal Consumds of appeal		261
		Grounds of appeal Samine of motion of appeal		267
		Service of notice of appeal Time limit for appealing to the AIT		
		Time limit for appealing to the AIT		270
		Notice of appeal where there is no relevant decision		277
		Late notice of appeal		279
		Imminent removal cases		289
		Filing of documents by the respondent		291
		Certification of pending appeal		296
		Withdrawal of appeals		297
		Abandonment of appeal		300
		Notice of hearing		305
		Standard directions		308
		Case Management Review hearings and directions		309
		The Tribunal hearing		339
		Procedure at the hearing		351
		Evidence		377
		Fast Track Appeals	6.	390
7.	Ce	rtification and Removal		
	A.	Third Country Certification—Dublin Convention and		
		Safe Third Country Certification	7	7.01
	B	Third Country Certification		7.03
		Dublin Convention Certification		7.25
	O.	Dubin Convention Certification	/	.4)

D. Clearly Unfounded Certification—Section 94, 2002 A	7.41
E. Earlier Right of Appeal Certification—Section 96 2003	2 Act 7.53
F. National Security—Section 97 2002 Act	7.57
G. National Security: Deportation—Section 97A	7.59
H. Grounds of Public Good—Section 98 2002 Act	7.60
I. Certification Under the 2006 Act—Refugee	
Convention Certification—Section 55	7.61
J. Fresh Claims and Further Representations	7.65
K. Removal Cases—Injunctions and Emergency Injunction	ons 7.71
L. Practice and Procedure Note	7.84
Home Office guidance to caseworkers and policy	7.84
Home Office guidance to caseworkers on 'clearly unfounded	
certification'—section 94 of the 2002 Act	7.89
Challenging certification	7.91
Home Office policy on removal	7.103
8. Detention and Bail	
A. Introduction	8.01
B. Powers to Detain	8.07
C. Bail	8.52
D. Temporary Admission	8.120
E. Fast Tracking	8.136
F. Controlled Legal Representation (CLR)	8.143
G. Practice and Procedure Note	8.149
Home Office policies	8.149
Form IS 91R Reasons for detention	8.154
H. Practice and Procedure Note	8.154
Vulnerable detainees	8.154
UNHCR Guidelines on Detention of Asylum Seekers	8.156
9. Future Reforms	
Appendix 1: Model JR Grounds	427
Appendix 2: Model JR Permission Grounds	430
Appendix 3: Model Grounds of Appeal	434
Appendix 4: Model Skeleton Argument 1	438

Appendix 5: Model Skeleton Argument 2	442
Appendix 6: The Asylum and Immigration Tribunal Procedure	
Rules (2005), Effective from 10.04.07	447
Appendix 7: The Asylum and Immigration Tribunal (Fast Track	
Procedure) (Amendment) Rules 2005, Amended	
on 13.11.06	473
Appendix 8: Discretionary Leave	483
Appendix 9: Humanitarian Protection	495
Appendix 10: DP 3/96—Marriage Policy	515
Index	521