

# Single Subject Programme

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## Immigration

### **EXTRACTS**

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# The SAS Law In Practice Course

## TUTOR'S NOTES

### Immigration

- 1 Welcome onto the Immigration / CM-AL2, SAS Programme.
- 2 The purpose of this programme is to equip you with the necessary skills that will enable you to represent a firm of lawyers at an immigration interview.
- 3 You will learn some basic immigration law, including the nature and background to different types of immigration cases. In addition, you will gain an insight into the role of an Legal Clerk at an immigration interview and the powers that are entrusted to you in carrying out your duties.
- 4 It must be said that, although immigration cases do not involve a large amount of direct client representation, in many cases you are perceived to be - in the eyes of the client - the actual lawyer who has been employed to manage his/her case. A great deal may be expected of you. The client will entrust his present well-being and future hopes in your hands. He/she will rely on you to make sure that their case is put across to the immigration authorities in the most favourable and just manner.
- 5 As a result of this, for a legal clerk to be of maximum assistance and value to his/her client, a good knowledge of procedure, an understanding of the background to a case together with a basic knowledge of current immigration law and how it applies to a particular case, becomes paramount.
- 6 It is the purpose of this course to teach you the skills that you will need to effectively carry out your role. At the end of this level, you should be able to represent a client on behalf of his/her lawyer at almost any type of immigration interview.

## A LAWYER CALLS YOU

### ACTION

Read the situation on page 1 of your CM-AL2

### QUESTIONS

- 1 On receiving the telephone call from the lawyer - using what you have learned on the SAS Legal Training Programme on previous levels - what information would you seek to obtain over the telephone from the lawyer who is instructing you?
- 2 Before reading page 2 of your CM-AL2.  
When you think of immigration cases, at what type of locations could you expect immigration interviews to take place?

Write your answers on the Answer sheet.

## IMMIGRATION INTERVIEW ATTENDANCES

### ACTION

Read page 3 of your CM-AL2

## COLLECTING THE FILE

### ACTION

Read the situation on page 4, then read over pages 15-18 of your CM-AL2

**18** Pages 15-18 represent the documents that are held on a typical immigration file. In addition to these documents, a file may also contain notes from a previous hearing. As stated, immigration files tend to be thin, unlike files in civil and criminal hearings which tend to have bundles of documents relating to case history.

## QUESTIONS

- 6 If page 15 were not in your file, do you think this could pose any problems when attending an interview? Explain.
- 7 Briefly state what page 16 is saying?
- 8 Briefly state what page 17 is saying?

Write your answers on the Answer sheet

## AT INTERVIEWS

### ACTION

Read the situation on page 8 of your CM-AL2

21 In order to carry out your role to the best of your ability there are some important things that you should be aware of before actually proceeding with an immigration interview.

22 Firstly, before proceeding with an interview, always ensure that the client is feeling well enough to be interviewed. This is important because, if the client informs you that he/she feels that they are not in a fit state to be interviewed, then the client has the right to have the interview postponed to a later date. Simply inform the interviewing officer that your client is unwell and will not be in a fit state to answer any questions that day.

### MEANINGS

**P.A.Q:** Stands for Political Asylum Questionnaire. This contains details of the client's history and the full notes of all the questions and answers during the interview, as recorded by the immigration officer.

**Independent record:** The notes that you as the clerk have taken during the interview.

### ACTION

Read over page 12 of your CM-AL2

28 The page you have just read contains the type of information that should be included on your invoice. On reading page 12 did you notice that unlike normal clerking, at say a criminal trial, the time you spend discussing the case with the client is marked down as a 'conference'.

## REMINDERS

### ACTION

Taking an overall view of what you have learned so far (paragraphs 1-27) on the role of an legal clerk at an immigration hearing, make a note on page 13 of your CM-AL2 of the things which you feel would be important to remember when attending an immigration interview.

## ASYLUM INTERVIEW

29 Pages 20-27 are notes from an actual immigration interview at Heathrow Airport. The client is seeking asylum in the UK. Before a decision is finally made the client may be called back to attend a number of interviews. Their purpose will be to seek clarification on certain matters and to test the validity of statements made.

### SUMMARIZE

Pages 20-27 onto page 14 of your CM-AL2

### QUESTIONS

- 12 On reading the notes on pages 20-27, did you find the interview was fair?
- 13 Would you have intervened anywhere in the interview? If Yes, state at which question and give reason(s).
- 14 In your opinion, is there any evidence of lying that the immigration authorities may detect?
- 15 Do you think that this application for asylum would be successful?

Write your answers on the Answer sheet.

## END OF EXTRACTS IMMIGRATION TN-AL2

**The SAS Law In Practice Course**

**COURSE MATERIAL**

**Immigration**

**Attending an  
Immigration Interview**

## **A LAWYER CALLS YOU**

### **Situation**

**You have been asked to attend an immigration Interview. Some times you will be told to go and meet the client straight from your home without first picking up the file; which in any event may have only a couple of documents in it. After obtaining the client's name also ask for the following.**

## LOCATIONS

### **Situation**

**You have been told to meet your client at one of the locations listed below.**

## **IMMIGRATION INTERVIEW ATTENDANCES**

It has been an accepted practice for many years for lawyer's representatives to accompany clients on immigration asylum interviews at the Home Office and the immigration service.

The advantages to an applicant of having a representative present are ..

## COLLECTING THE FILE

### Situation

**On collecting the file you notice that the file is very thin. You open it up and all there is inside is...**

# TYPES OF CASES

## VISITORS

Visitors are usually granted entry to the UK on proof of some sort of invitation or letter from: e.g. relatives; friends; company or establishment, either for a holiday, for business or other purposes, if they meet the requirements of maintenance and accommodation and the immigration officer is satisfied that they have an intention to return home.

Where an immigration officer at the port of entry has a suspicion about a visitor, further investigations may become necessary. Where the visitor has been refused entry, temporary admission may be granted with further instructions to report back to the port on a given date.

## MARRIAGE

It is possible for someone who is settled in the UK to bring his/her fiancé/fiancée in anticipation of marriage, but an entry clearance is needed for this purpose. This incoming fiancé/fiancée will initially be admitted for a period of six months, and an extension of stay may be granted subject to a further prohibition on employment and providing satisfactory evidence that the marriage will take place soon afterwards.

A passenger seeking admission to the UK as the spouse of a person who is present and settled in the UK must hold an entry clearance granted for that purpose. The spouse can either come into the UK together with his/her settled spouse, or come alone to join him/her.

### **What is needed for the interview:**

- proof of marriage in form of original marriage certificate
- proof that the couple are free to marry
- evidence of financial support available in the UK, e.g. recent pay slips and/or bank statements
- evidence of accommodation in the UK

## AT INTERVIEWS

### Situation

**Due to the fact that immigration officers have so much power you wonder what you can expect And what your role is for example.**

## **THE ROLE OF A LAWYER'S REPRESENTATIVE**

1. The function of a clerk attending immigration interviews is to take a **complete contemporaneous note of EVERYTHING THAT IT SAID**. A useful method of recording the interview is ...

## **A CASE EXAMPLE**

### **Situation**

**You have just been handed a case file and have been asked to attend a Political Asylum Immigration interview and take notes.**

**In addition to yourself, your client, an independent interpreter, the immigration officer and the official interpreter will be present.**

# STUART SLATER & CO LAWYERS

513 Leabridge Road (First Floor)  
Leyton London E10 7EQ  
Tel: 0208-534 3312; Fax: 0208-556 7511

HM Immigration Office  
Terminal 3  
Heathrow Airport  
Hounslow, Middlesex  
TW6 1RN

Our ref:

Your ref:

Date:

PA/2209

22/04/2007

Dear Sirs

**RE: OUR CLIENT ALENA ABDILI - HOME OFFICE REF - TN3/94/337**

This is to introduce our representative Mr Julian Hunte who will be assisting our above named client at the interview on 24th April 2007 at your offices.

Please ...



Port reference: TN3/94/337  
Home Office Reference:

IS 96

HM IMMIGRATION OFFICE TERMINAL 3,  
HEATHROW AIRPORT - LONDON  
HOUNSLOW  
MIDDLESEX TW6 1ND

Tel: 0181 745 690

IMMIGRATION ACT 1971

NOTIFICATION OF TEMPORARY ADMISSION TO  
A PERSON WHO IS LIABLE TO BE DETAINED

To: MRS ALENA ABDILI

LIABILITY TO DETENTION

A You are a person who is liable to be detained\*

TEMPORARY ADMISSION RESTRICTIONS

B I hereby authorise your (further) temporary admission to the United Kingdom subject to...



**Immigration and  
Nationality Department**

Lunar House 40 Wellesley Road  
Croydon CR9 2BY  
Telephone: 0181 760 0000

Home Office Reference:

PHOTO

Port Reference: TN3/94/337

*The person named below has applied for asylum in the United Kingdom and this is under consideration. The applicant may not...*

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Leyton London E10 7EQ  
Tel: 0208-534 3312; Fax: 0208-556 7511

HM Immigration Office  
Terminal 3  
Heathrow Airport  
Hounslow, Middlesex  
TW6 1RN

our ref:  
PA/2209

your ref:

date:  
22/04/07

Dear Sirs

**Re: Our Client: ALENA ABDILI - Home Office Ref: TN/94/77334**

We write with regard to our client's application for political asylum in the UK.

As you are aware, we feel that our client has genuine and valid grounds for claiming asylum in the UK. Her husband, Mohammed Abdili, faces grave persecution from the police in Kenya due to his ...

## ASYLUM INTERVIEW

24/4/07

ALENA ABDILI

JULIAN HUNTE

I/Officer: Mr John Stevens

travel: 12.40 - 2.10pm

4.45 - 6.30

Interview: 2.55 - 4.30

Heathrow Airport / Term 3

Independent Interpreter : Miss J Nami

Official Interpreter: Fathi Abdul

Expenses: £6.70 Travelcard / 90p telephone

O/Interpreter clarifies client understands and is happy to be interviewed.

Q where did you arrive in the UK from

A Kenya

Q can you remember the flight

A no

Q date of arrival

A came in March 8th approx (Ramadan)

Q method of leaving Kenya

A I left Nairobi by plane

Q when

A 12th not sure of month

Q any difficulties leaving Kenya

A no

Q do you have a passport  
A yes  
Q did you claim Asylum in any other countries on way to UK  
A no I thought they would outcast me  
Q why  
A they were rude, didn't feel like asking them  
Q who are they  
A people at the airport  
Q ever travelled to any other countries  
A no  
Q was your travel arranged via an agent  
A no my husband only  
Q what did husband do  
A I'm not sure, but he did everything via a lawyer, I think  
Q ever lived for more than 2 months in any other country apart from Kenya  
A no  
Q any passports obtained from any other country  
A no  
Q husbands name  
A Mohamed Abdili  
Q date of birth  
A not sure he's 35 yrs  
Q nationality  
A Kenyan  
Q occupation  
A fishmonger  
Q present address

A not sure of PO. Box number,  
Mombassa,  
Kenya

Q how many children do you have

**END OF EXTRACT CM AL2 IMMIGRATION**