



BAR COUNCIL NEWS UPDATE – FRIDAY 1 DECEMBER 2017

Immigration – indefinite detention

[Buzzfeed](#), [Home Office \(blog\)](#), [The Times](#) (Print & online), [LawCareers](#), [Law Society Gazette](#), [The Brief](#), [Politics Home](#), [Barrister Magazine](#), [New Law Journal](#) - Judges, barristers, solicitors and immigration specialists have voiced a string of concerns about the government's treatment of immigration detainees. They spoke under conditions of strict anonymity for an independent study commissioned by the Bar Council and published this week, *Injustices in Immigration Detention*, written by Dr Anna Lindley of the School of Oriental and African Studies (SOAS), University of London.

Andrew Langdon QC, the chair of the Bar, said in response to the report: “This is a very detailed and well-researched report drawing on interviews with judges, barristers, solicitors and a range of specialists. It shows that there is a growing sense of frustration with how the Home Office manages immigration detention. The Home Office is one of the great offices of state, but the quality of its decision-making is unacceptably poor. Dr Lindley’s research paints a picture of officials acting with little accountability, unable or unwilling to pursue obvious and viable alternatives to detention. It is right that government should set immigration and removal targets according to the mandate for which it was elected, but given that the liberty of the individual is at stake, proper scrutiny is essential[...]

“The quality of decision-making by immigration officers is exacerbated by the difficulties faced by detainees in obtaining legal advice and representation. Dr Lindley found that in some areas, over 30% of detainees making a bail application before a tribunal judge do so without a lawyer to represent them.

“The complexity of immigration law is also at fault. It is a constantly shifting and highly politicised area of law, such that there is a dearth of settled case law to guide the judges. The law allows a wide degree of discretion, resulting inevitably in considerable inconsistency[...]. Many people are surprised to learn that

individuals can be locked up indefinitely in prison conditions, not for committing a criminal offence but for administrative convenience whilst their immigration status is decided or arrangements are made for their removal.”

QASA

[The Brief](#), [Legal Futures](#), [Law Society Gazette](#) - The legal media report that the Bar Standards Board (BSB) has “effectively killed” the Quality Assurance Scheme for Advocates (QASA) today – six years after it was meant to come into force – by saying it was pulling out to go in a different direction to assure the quality of criminal advocates.

QASA was originally meant to start in December 2011, but speaking at today’s Westminster Legal Policy Forum, **BSB director-general Dr Vanessa Davies** explained that since then, the regulator has substantially changed its approach to regulation.

Chair of the Bar, Andrew Langdon QC, said: “The birth of QASA was not celebrated by many and its death will be mourned by fewer. I welcome the BSB decision, which is plainly sensible. It is well known that many barristers were unhappy with the proposed scheme, not least because it risked placing both advocates and judges in a problematic position, given their respective roles during a trial.

“Similarly, the Bar does not recognise that the concept of a ‘plea only advocate’ was compatible with the role of defence counsel. It is evident that the BSB are now adopting a strategy which avoids those problems. They have rightly moved on, and the approach has become more sophisticated. The demise of QASA allows space for the Bar itself... to reinforce standards in a more flexible and proportionate way.”

Junior Bar

[Legal Cheek](#) – Legal Cheek reports on the **Chair-Elect of the Bar, Andrew Walker QC’s** speech to the Institute of Barristers’ Clerks conference, in which he said he expressed his deep concern over the dwindling numbers of junior barristers.

Andrew Walker QC, said that while numbers at the senior end of the bar had “rocketed” over the years, the picture was “less rosy” among junior ranks. He

said: "To put it bluntly, we are recruiting and retaining ever fewer new tenants, and have been for over a decade, and the bar is steadily growing older."

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Joanna Cherry QC MP ✓
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A very special evening at @TheTempleChurch with @thebarcouncil & @RefugeeTales discussing Indefinite Detention & #theRuleofLaw. Beautiful reading by Niamh Cusack. Pleased to reassure audience of @theSNP MPs support for an end to indefinite detention



10:52 PM - 30 Nov 2017

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Andrew Langdon QC

@westcrct

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We risk failing to pass the most basic test of a civilised society- how we treat the most vulnerable among us.



10:32 AM - 30 Nov 2017

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