



BAR COUNCIL NEWS UPDATE – MONDAY 12 FEBRUARY 2018

Immigration detention

[Metro](#) and [Buzzfeed](#) report on access to justice for those challenging Home Office decisions in immigration.

Chair of the Bar Andrew Walker QC told BuzzFeed News: “For people fighting immigration cases, the stakes are high, so it is essential that the Home Office makes the right decisions about who it removes and detains, but the quality of Home Office decision making is notoriously poor, as borne out by research undertaken for the Bar Council and many other organisations.

“For those caught up in the system, the challenges are then compounded by labyrinthine laws, which change constantly.

“The potential injustice that this brings about makes it even more important that those affected have proper access to professional legal advice. Yet no legal aid is available in most areas of immigration law, and while detainees can in principle obtain legal aid to challenge their detention, the level of advice and access to lawyers that this provides in reality is shamefully inadequate.”

Walker added: “It is right that the government should set parameters for immigration and removal according to the mandate on which it was elected, but those parameters must be implemented and operated fairly and lawfully. What is actually happening runs counter to the basic principles of the rule of law. Poor-quality decision making and lack of access to justice in immigration cases are a stain on the reputation of our system.”

Equality and Diversity

[New Law Journal](#) and [The Gazette](#) report on the Bar Council’s guide to encourage chambers 'to adopt good and better practice wherever possible instead of the bare minimum'.

The guide states that, as a 'very minimum', the policy should clearly describe who can apply under the policy, any restrictions, whether the tenant will be entitled to a rent-free period, and whether the tenant will be required to contribute other elements of their chambers' rent or expenses.

Brexit

Legal Cheek - Professors, QCs and a host of Lords and Baronesses put their heads together this week to consider what type of court should govern the final Brexit deal and citizen rights post-Brexit.

[Commenting on an EFTA alternative to the CJEU] **Hugh Mercer QC**, who was giving evidence to the committee alongside Barnard earlier this week, was more optimistic about the UK docking with the EFTA court. Mercer, the chair of the Bar Council's Brexit Working Group, argued that "its style of reasoning" was closer to the UK courts than the CJEU. He even felt that there was every possibility "British lawyers could participate in the court".

TOP BAR COUNCIL TWEETS @ <https://twitter.com/thebarcouncil>



Chair of the Bar, Andrew Walker QC, on immigration detention, legal aid & LASPO
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The number of people given public funding to fight an immigration case is lower than in any previous quarter on record, BuzzFeed News can reveal.
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We want to hear views on #CourtReform from legal professionals. We'll be at Cardiff Magistrates Court on 26 February – please join us: bit.ly/2Fkd5NL
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