

# No-show Home Office opens door to migrants



Thousands of immigrants are able take advantage of undefended appeal tribunals Gill Allen for The Times

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Thousands of appeals against immigration decisions are succeeding without the Home Office bothering to defend its original rejections.

*The Times* has learnt that the number of immigrants winning leave to remain in Britain when no official was present jumped by almost 50 per cent last year. More than 17,000 won appeals in such circumstances; five years ago the figure was less than 1,500.

In some instances the Home Office then counter-appealed at significant cost to the taxpayer.

Keith Vaz, chairman of the Commons Home Affairs Select Committee, said: "This is a shocking state of affairs. It represents a waste of money. I think in some cases they

cannot be bothered to turn up because they look at the papers and know they are not going to win. In other cases it is sheer inefficiency. There seems to be an attitude that they do not even care what the result is going to be.”

Critics argue that a migrant is more likely to win an appeal if there is no official present to defend decisions on rejected asylum applications, deportations and refusals of entry to the UK.

A surge in the number of appeals to the Asylum and Immigration Tribunals over the past five years has left the **UK Border Agency** struggling to cope. Last year 17,473 migrants won their appeals at hearings at which the Home Office was not represented by an official. A further 23,997 won appeals when it was represented. The figures were released by the Home Office in a parliamentary written answer.

The agency representative is supposed to defend the Home Office’s initial immigration decision, question the appellant and provide guidance for the judge presiding at the tribunal.

In their absence the judge must make a decision based on papers provided by the department.

The **Immigration Law Practitioners Association** said that it was in the interests of justice that both sides be represented. It said that the Home Office frequently sought to appeal cases after failing to field a presenting officer, which it described as an extraordinarily inefficient use of time and resources.

Sophie Barrett-Brown, its chairwoman, said: “It is difficult to know why presenting officers do not turn up. I have had cases where the original decision was indefensible and there has been an official present. There are other cases where there are quite complex arguments that should be argued in front of a judge and presenting officers are not there.”

Richard Simcox, of the **Public and Commercial Services Union**, said that there were not enough staff to cope with the number of appeals. “It will get worse if there are cuts in staff,” he added.

Damian Green, the Immigration Minister, said that he had launched an initiative to improve the system. Lawyers representing immigrants said that the agency’s failure to turn up at appeals made their jobs easier. They said they had a greater chance of success if a client was not cross-examined.

It can also mean that the real concerns behind an immigration officer’s decision to reject an applicant are not properly aired.

Mr Simcox said: “It is essential that officials are given the time to carry out their roles properly to ensure appeal cases are handled effectively and fairly.”

The Government introduced a temporary cap on migration two weeks ago. A permanent annual limit is to be imposed next April. Theresa May, the Home Secretary, said that an annual limit on non-EU economic migration was key to bringing net

**migration back to the level of the 1990s — tens of thousands instead of hundreds of thousands.**

**Mr Green announced a review of the student visa system after figures showed that 313,011 came from outside the EU last year.**

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