



**The strength and depth to give  
you the specialist Immigration  
expertise you need.**



**Legal Aid Specialists**

[www.duncanlewis.com](http://www.duncanlewis.com)

## Unparalleled specialist expertise

Duncan Lewis has probably the largest Immigration practice in the country. It means we can sub-divide our departments and so give each client an expert with great experience in the particular area where they need assistance.

We have a dedicated team of more than 80 trained and accredited Immigration practitioners who are able to provide expert professional advice and assistance for all types of Immigration matters.

## Outstanding service for every client

Duncan Lewis has been awarded a Category 1 Franchise from the Legal Services Commission. This means that, in many cases, we can provide legal advice and assistance, which is free to you. This covers the most straightforward applications, but also includes complex cases in the Asylum and Immigration Tribunal and the High Court, which would otherwise cost many thousands of pounds.

The quality of our work is repeatedly demonstrated by the very high success rates achieved in cases that we take on. We strive to make our services as accessible as possible to everyone, conducting numerous advice surgeries and also taking on some cases on a pro bono basis where legal aid is not available. We consistently strive to provide high levels of legal advice and service to all those in desperate need of Immigration advice.

## Commitment to quality

We have achieved Quality Mark accreditation for Lexcel (the Law Society's quality mark) and Investors in People. We have also been awarded 10 franchises by the Legal Services Commission and have been awarded Category 1 status in many areas, including Immigration.

All of our immigration caseworkers have achieved Level 2 accreditation or are working towards this goal. The majority of our solicitors are Law Society Panel Members in their chosen fields and some have Advanced Panel Membership as well.

We strive to build on these standards through excellent training and are one of the largest training contract providers in the country.

## Creating new law

Duncan Lewis has its own dedicated Public Law team made up of highly skilled fee earners, including a number who trained as barristers – who undertake complex appeal cases up to the Court of Appeal and State Court. Many of these cases raise new and important issues, which create legal precedents for the future. A selection of our reported cases can be found at the end of this brochure and on our website at [www.duncanlewis.com](http://www.duncanlewis.com)

## Staff that are as diverse as our clients

We are absolutely committed to the diversity of our workforce, which reflects the diversity of our client base. Our legal staff between them speak over 70 languages and we have access to interpreters of all nationalities and dialects in the unlikely event that a language is not spoken in house.

## Accessibility

We try and make ourselves available to our clients at all times which are necessary for the proper conduct of a case – including providing a 24 hour service in departments where reassurance and assistance may be needed outside of office hours.

## Involvement in the community

We are committed to building long-term relationships with private, public and charitable organisations in the immigration field in order to deliver the best quality legal service to our clients.

Our enviable success rate has led us to become well respected by other professionals and within the local community. This allows us to continue building on our pro bono work with local communities and charitable organisations.

# Why choose Duncan Lewis?

# Partners

We are committed to building long term relationships with private, public and charitable organisations in the immigration field in order to deliver the best quality legal service to our clients.

Our Partners have been appointed not just on the basis of their legal expertise, but also because of their strong belief in the work that Duncan Lewis does and their commitment to working with all stakeholders in the immigration field to ensure that our clients receive the service to which they are entitled.



**Neeven Galal**

Hackney Office  
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*“Timely access to good quality legal advice plays an essential part in the effective and fair operation of the UK’s asylum system.”*



**Sangita Shah**

Hackney Office  
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*“Freedom from arbitrary arrest and imprisonment is a fundamental human right. It is imperative that asylum seekers have access to advice to determine whether their detention is lawful or not.”*



**Ayan Yalchin**

Hackney Office  
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**Email:** ayany@duncanlewis.com

*“The right to acquire a British Citizenship is an important rite of passage for many people who have been living in the UK and are proud to call it their home – regardless of their historical roots.”*



**Alice Boyle**

Shepherds Bush Office  
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*“The extension of the European Union means that more people than ever have an automatic right to work in the UK – although there are still rules, which people need to comply with to ensure that their employment is lawful.”*



**Jason Bruce**

Shepherds Bush Office  
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*“Unlike most EU Countries, and contrary to the recommendation made by the UN, there is no legal limit to the time a person may be held in immigration detention in the UK. It is therefore essential that the asylum seekers have advocates acting on their behalf.”*



**Sheila Montgomery**

Shepherds Bush Office  
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*“Within the context of immigration there is an unwillingness to accept that asylum seekers are for the most part, genuine. Every individual has the right to a fair hearing and failure to consider all the evidence and facts can lead to an unjust appeal.”*



**Naim Rahman**

Hackney Office  
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*“It is important that any civilised society has a policy of providing a safe haven for all people who are persecuted in their country of origin for reasons, which relate to their religious, social or political beliefs.”*



**Vicash Ramkisson**

Harrow Office  
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*“The economic growth in Britain would not have been possible without an effective Managed Migration policy.”*



**Brian Naumann**

Shepherds Bush Office  
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*“Our crowded and under resourced Immigration Tribunals are under pressure to deal with a huge number of cases. The ability to appeal decisions which are the result of an incorrect understanding of facts or a failure to correctly apply the law, is vital in a fair legal system.”*



**James Packer**

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*“The arbitrary use of power but government or public bodies is one of the most fundamental breaches of the rule and the ability to seek judicial review of the decisions of public bodies is one of the cornerstones of our democracy.”*



**Adam Tear**

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*“The power to detain individuals exists within the United Kingdom, and therefore it is an essential part of our service to protect the integrity of our clients to question the means of their detention.”*

# Summary of our Immigration Services

## General Immigration

We can assist clients with the following types of legal matters under General Immigration:

- Assisting those that are here illegally or have overstayed to regularise their stay
- Deportation / Illegal Entry
- Discretionary applications made outside the Immigration Rules
- Domestic Violence victims
- EEA Association Agreement Applications
- Entry Clearance
- EU Residence Applications
- Family Reunion applications and appeals
- Judicial Review
- Married & Unmarried Partner Concession Application & Appeals
- Naturalisation
- Port Emergencies
- Sponsorship
- Spouses & Partners
- Students
- Travel Document Applications

## Refugee & Asylum Law

We assist and represent asylum seeker clients from all over the world at all legal stages from Interviews to Appeals.

Our experienced team assist a variety of clients including; children, mental health patients, HIV/AIDS patients, victims of torture and detained clients for the following:

- Asylum Applications, Interviews and appeals to the Asylum Immigration Tribunal and the Higher Courts
- Bail Applications
- Detention Centre Visits
- Exceptional Leave to Remain
- High Court Judicial Review applications and appeals to the Higher Courts
- Humanitarian Protection and Discretionary Leave to Remain
- Human Rights Appeals
- National Asylum Support Service(NASS) Appeals

## Visas & Work Permits

We have extensive experience of preparing and submitting visa applications. Examples of visas are listed below:

- Ancestry Visa
- Ankara Agreement
- Au-pair Visa
- Business Visa
- Elderly Dependant Visa
- Extending or Varying a Visa
- Highly Skilled Migrant Programme
- Holiday Maker Visa
- Judicial Review
- Medical Visa
- Sector Based Scheme
- Spouse Visa
- Student Visa
- Visiting Visa
- Work Permit

# Asylum & General Immigration

**Asylum is a form of protection which allows individuals to remain in the United Kingdom provided that they meet the criteria for being accepted as refugees, and they are not barred for any other reason. In order to be considered a refugee, a person who arrives in the United Kingdom has to demonstrate that they are unable or unwilling to return to their country of origin, because they fear persecution in their homeland for reasons of; race, religion, and nationality or for being a member of a particular social or political group.**

Every year, thousands of people come to the United Kingdom because they are in fear for their lives. Duncan Lewis acts to ensure that they are not returned to their country of origin where they are able to prove the real need for them to stay in this country for reasons of their own safety.

We assist and represent asylum seeker clients from all over the world at all legal stages from Interviews to Appeals:

- Asylum Applications, Interviews, Appeals to Tribunal and High Court
- Bail Applications
- Detention Centre Visits
- Entry Clearance
- High Court Judicial Review Applications
- Humanitarian Protection and Discretionary Leave to Remain
- Human Rights Appeals
- National Asylum Support Service (NASS) Appeals

Duncan Lewis has one of the largest specialist asylum teams in the country. With our depth of experience and our access to the most up to date technology, we ensure our lawyers have access to all of the latest legal developments, so that you are guaranteed the best possible representation in connection with your asylum claim or appeal.

## Heads of Department



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# Detention / Fast Track

**The UK has a difficult balance to strike between its genuine desire to be a safe haven for those who seek asylum and the need to maintain an effective immigration control.**

The Fast Track system, supported by the use of immigration detention centres such as Colnbrook, Harmondsworth, Oakington and Yarls Wood, is now the main procedure used to process applications made on arrival, which can be decided in a relatively short time. Even if people make an in-country application they may still be detained and faced with a Fast Track procedure based on the assumption that their claim can be determined fairly quickly based on available evidence.

This quick procedure is used despite the fact that applying immigration law is complicated, not least because the rules change frequently and the interpretation of those rules is also subject to new rulings by the courts.

Legal representation is essential to ensure that the rules are applied correctly in each case.

Duncan Lewis' accredited case workers are experts in identifying those cases where it is appropriate to invoke the latest Fast Track Procedure rules, which enable an applicant for asylum to be removed from the procedure. Due to the fast paced nature of these matters, it is important that clients are able to access legal advisors quickly. Duncan Lewis has 80 accredited members of staff who are on hand to promptly address clients' concerns and ensure that their rights are protected. Representations are sent to the Home Office at the earliest possible stage and we ensure that the appropriate legal remedy is pursued in each case.

If the Home Office fails to act on compelling representations to remove an appropriate case from the Fast Track process we can help in relation to making an application for Judicial Review of the Home Office decision. Working closely with our experienced Public Law team, we have extensive experience of making claims which result in compensation from the Home Office for unlawful detention in appropriate cases; and an impressive track record in connection with bail applications, which can result in significantly less time being spent in detention.



**You can find more information about our Immigration team and the services they provide, as well as all other areas of law that Duncan Lewis can help advise you on, by contacting us directly on our telephone number 020 7923 4020 or by visiting our website at www.duncanlewis.com**

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# Minors

**The definition of an unaccompanied asylum seeking child is; "someone who is or appears to be under eighteen, at the time of making the asylum application and has no adult relative or guardian to turn to, or care for them, in the UK."**

The UK Border Agency does not consider a child to be unaccompanied if he or she is being cared for by an adult prepared to take responsibility for them. The UK Border Agency staff will involve social services in any case where there is concern about the child's relationship with the 'responsible' adult.

We have vast experience in representing accompanied or unaccompanied asylum seeking children and in view of their potential vulnerability ensure particular priority and care is given to the handling of their case. We have over 60 Level 2 senior caseworkers, all aware of the Home Office policy in relation to minors. They liaise with public authorities like the Social Services and charities such as the NSPCC to ensure that best and appropriate attention is provided to the children.

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We assist, represent and accompany asylum seeking children from all walks of life prior to making an application for asylum and throughout the asylum process including appeals.

We also have vast experience in instructing experts to carry out an age assessment in cases where a child's age is disputed by the authorities.

It cannot be expected for a child to always have the same degree of understanding as an adult of their circumstances or of the reasons for their claimed persecution. Our team of experienced caseworkers work closely with the children to ensure a detailed account of their claim is provided to the UK Border Agency in order for a fair decision to be reached.



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# Domestic Violence

**Victims of domestic violence with immigration uncertainties are often in the harrowing position of not only being emotionally or physically abused by a family member or partner; but often isolated and worried about whether they are allowed to stay in the UK legally. We at Duncan Lewis can help.**

We have extensive immigration and European Law specialists throughout our London based offices that offer vast experience and skill in working with such clients in a sensitive and confidential manner.

We can provide you with free legal advice and assistance. We will explore your circumstances and using the law we can advise and assist on what needs to be done to help you regularise your stay in the UK and provide specialist appeal advocates to represent you in any subsequent immigration appeals.

As we are currently the largest civil legal aid supplier in the UK, we have specialised teams that can also assist you with many non-immigration related problems such as housing, family or welfare issues that you may experience as a result of being a victim of domestic violence

## The Law

The UK Border Agency allows certain victims of domestic violence (spouses, unmarried partners and civil partners of a person settled here or an EEA national exercising their EC rights) to make a formal application under the Immigration Rules or European law to get permission to stay in the UK. If you are a fiancée or a victim of domestic violence of a person that is not settled here or an EEA national, we can assist in making a compassionate application to the UK Border Agency.

The UK Border Agency is fully aware that not all domestic violence is physical and not always between intimate partners. Their definition is: "Any incident of threatening behaviour, violence or abuse (psychological, physical sexual, financial or emotional) between adults who are or have been intimate partners or family members regardless of gender or sexuality."

With our substantial experience and legal knowledge, clients can be assured that they will receive the best possible advice and representation in connection with their domestic violence matters.

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# Advocacy / Reconsideration

**Duncan Lewis has its own team of in-house advocates who specialise in representation at Immigration Tribunal Hearings. The department assists and advises on every decision to refuse an application that is made by the Home Office or decisions to refuse entry made by British overseas missions. It may be that you require advice on whether or not the best option for you is in fact to appeal a decision or to make an application with more supporting evidence. It may be that you require assistance in appealing the decision to refuse you political asylum in the UK or to grant you leave to remain as the spouse of a British citizen. Whatever your situation, we have a court advocate with expert knowledge of the appeals system who will know best how to present your case and advise you fully on the strength of pursuing your appeal. We are also able to assist where your appeal has already been heard, and you need advice on reconsideration.**

Reconsideration is the process where an individual who has unsuccessfully appealed against an immigration decision of any kind can apply to the court to have the decision looked at again in certain circumstances.

Under this process a written application is submitted to argue that the decision of the previous tribunal was wrong, because of a mistake in correctly applying the law. If the court agrees that there may have been an error then there will be a further hearing. At this hearing legal arguments will be heard to decide whether the immigration appeal should take place again.

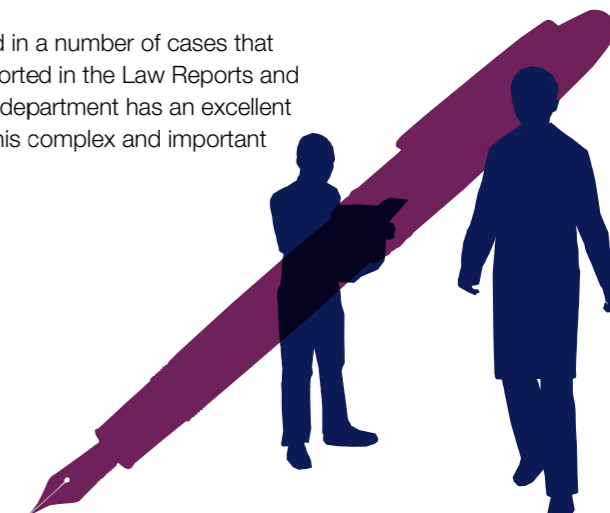
This could happen where an Immigration Judge has failed to fully take into account important evidence, where he has failed to apply the correct legal principles or where the decision given does not set out properly the reasons that the original decision was reached.

Reconsideration is a complex area of law. It requires particular expertise in knowing the latest immigration rules and any decisions of the courts which interpret those rules. For this reason Duncan Lewis has teams of lawyers who are dedicated to this work, including those who have trained as barristers, who are well equipped to handle the advocacy requirements of the Reconsideration process.

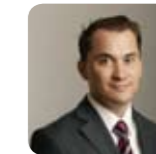
Duncan Lewis has vast experience in reconsideration applications and appeals in all areas of immigration law, from human rights appeals to spouse visa appeals. We have succeeded in challenging decisions in a whole host of situations, including where information that relates to a specific country has been inaccurately recorded by Immigration Judges and where the earlier appeal was considered under the incorrect Immigration Rules.

We scrutinize the Court's decision in great detail in every case to ensure that every individual gets a fair and just hearing by checking that there has not been any failure to consider all of the evidence or the personal circumstances of an individual in their earlier appeal hearing.

We have acted in a number of cases that have been reported in the Law Reports and our Advocacy department has an excellent reputation in this complex and important area of law.



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# Managed Migration

**Our Managed Migration department has an outstanding rate of success. We only take on cases we feel have proper merit, ensuring your money is well spent and maintaining our reputation as the Managed Migration specialists of choice.**

Your personal case handler will process your application, advise and assist in proof and documentation as well as guide you to the correct type of visa application.

At all times throughout your case Duncan Lewis are monitoring progress and managing the conduct of your application directly through their contacts within the UK Immigration Authorities.

We take on cases from all over the world and have the ability to deal in all languages through our extensive network of interpreters and experts. Whatever your reasons for wanting to gain entry to the UK, you can be assured that Duncan Lewis have the resources to deliver on all the following types of applications:

- All types of Entry Clearance
- Applications under European Union Legislation
- Applications for British Nationality

- Association Agreement Applications – Particularly under the Ankara Agreement
- Extension of Leave
- Indefinite Leave to Remain
- Naturalisation
- Personal Immigration Matters – this includes marriage applications, civil partnership applications, unmarried and same sex partner applications, applications for family members and dependants and visitor applications
- Tier 1 – Points Based System – student applications at all levels, entrepreneurs and investors.
- Tier 2 – Sponsorship of a Non-EU Migrant Worker
- Tier 3 – (General) Skilled Worker (Sports People & Entertainers)
- Tier 4 – Adult and Child Student Applications
- Tier 5 – Youth Mobility and Temporary Workers
- Travel Documents

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# Public Law

**Public law relates to cases where the Courts can help individuals that have been treated unfairly by a public body, such as a government department or immigration officer. If it can be shown that the public body has acted towards them in an arbitrary, unfair, irrational or illegal manner, then it may be possible to have the original decision overturned and to claim damages.**

For example you may wish to challenge the decision of the Home Office in connection with a decision relating to your immigration status. Alternatively you may wish to challenge the decision of an NHS Trust, which has refused to provide you with treatment that you urgently need. All such decisions need to be made by the relevant body within the rules that govern them. Sometimes officials can misinterpret those rules, either because they are acting deliberately maliciously, or because they have made a genuine error of judgment. In either event, Duncan Lewis can help you challenge the decision through the Courts in order to ensure that the rules are applied correctly and that the right decision is instated.

**You can find more information about our Public Law team and the services they provide, as well as all other areas of law that Duncan Lewis can help advise you on, by contacting us directly on our telephone number 020 7923 4020 or by visiting our website at [www.duncanlewis.com](http://www.duncanlewis.com)**

Duncan Lewis has experience in all aspects of judicial review, including obtaining emergency Orders and other interim injunctions to prevent breaches of human rights, following up judicial reviews with actions for damages in both the County and High Courts and successfully pursuing judicial review matters to the Court of Appeal and House of Lords. We have acted in a number of high profile cases and our experienced department has a commitment to quality and professionalism.

The high number of reported cases where Duncan Lewis has been involved in the most novel and complex human rights claims have been instrumental in the department obtaining its deserved reputation for excellence.

Our work has been audited by the Legal Services Commission which has awarded us Category 1 status. We have also been granted devolved powers to grant emergency legal aid. This enables us to act for you in urgent situations without having to make a separate application, thus reducing delay where time is of the essence.

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# Reported Cases

## **ND (Guinea) V SSHD (2008) Ca (Civ Div)**

The Applicant was granted permission by the Court of Appeal to appeal solely on the immigration Judge's rejection of the claim under Art.8. The SSHD conceded that there had been such an error, and agreed that the appeal should be allowed and the matter remitted to the AIT. It was held that if a discrete element of the original decision was faulty, that alone could be considered in a remittal. In this case, it was open to the tribunal under the AIT (Procedure) Rules 2005 R.51 to admit any further evidence that justice made it appropriate to admit and the facts were at large on the remittal appeal on Art.8. If the Appellant wished to adduce fresh evidence that changed his case and improved it, it was open to him to follow the route of making a fresh claim. The court accordingly ordered that the Appellant's appeal be allowed, the tribunal's decision in respect of Art.8. be quashed, and the case be remitted to the tribunal for determination of the appeal under Art.8.

## **Hassan Adbi & Ors [2008] EWHC 3166 (Admin)**

The issue common these five cases was the validity of a Government policy relating to the detention of foreign national prisoners (FNPs) pending their deportation from the UK. Until April 2006 the published policy with regards to FNPs, as well as others, who it was proposed should be deported involved (putting in shortly) a rebuttable presumption in favour of release. However, after that date there was introduced a policy with regards to the FNPs which involved a presumption in favour of detention – whether rebuttable or irrebuttable being an issue. It was held that the policy introduced from April 2006 was unlawful as being contrary to law and the provisions of paragraph 2 of Schedule 3 to the 1971 Act (as interpreted by **Sedrati**). Such policy was also unlawful as being insufficiently published or accessible prior to its publication in the Enforcement Instructions and Guidance issued on 09.09.2008. The policy as published on 09.09.2008 remained unlawful, as being contrary to the provisions of paragraph 2 of Schedule 3 to the 1971 Act (as interpreted by **Sedrati**). Each claim for damages for wrongful detention on the part of the claimants Ashori, Madani, Mighty and Lumba fails. The remaining parts of the claim of the claimant Adbi are adjourned for further decision.

## **R (On the Application of AM) v Secretary of State for the Home Department [2007] EWHC 867 (QB)**

A failed Iraqi asylum seeker's detention for a period of approximately nine months whilst awaiting deportation was arguably unlawful because of its length, the impossibility during that period of his removal to southern Iraq, and the unlikelihood of his absconding.

## **RC (Nigeria) v Secretary of State for the Home Department (2007) EWCA Civ 549**

A woman applying for indefinite leave to remain in the United Kingdom as a dependant relative of her daughter could not fall within the definition of "widow" under the Immigration Rules (HC 395) paragraph 317(i)(a) where she had separated from her husband, even though he was no longer supporting her financially.

## **TM (Jamaica) & Anor v Secretary of State for the Home Department [2007] EWCA Civ 178**

The Immigration Appeal Tribunal had not erred in determining that an adjudicator had made no error of law in his treatment of the evidence of the sexual activity of a minor, who had sought leave to enter the United Kingdom to settle with her sponsor mother, and had directed himself properly as to whether the case before him was sufficient to meet the requirements of the Immigration Rules paragraph 297 and the European Convention on Human Rights 1950 Art.8.

## **Sithokozile Mlauzi v Secretary of State for the Home Department (2005) EWCA Civ 128**

The Immigration Appeal Tribunal had not been entitled to interfere with a factual finding of an asylum adjudicator's determination that the option of internal relocation had not been open to the appellant.

## **Secretary of State for the Home Department v Arif Aga (2005) EWCA Civ 1574**

A claim for refugee status was remitted to the Immigration and Asylum Tribunal since there had been an error of law by an immigration adjudicator by equating the claim to an earlier claim by a relative, and there had also been an error in the subsequent overruling of that determination by the Immigration Appeal Tribunal by its failure to deal with the issue of delay and failure to fully engage the adjudicator's determination.

## **R (on the application of DB) (Claimant) v Immigration Appeal Tribunal (Defendant) & Secretary of State for the Home Department (Interested Party) (2005) EWHC 59 (Admin)**

A decision of the Immigration Appeal Tribunal not to extend time for an appeal was quashed and the matter remitted to the IAT to consider whether it would be unjust not to extend time in the case of an asylum seeker suffering from HIV and leprosy and being treated with a combination of drugs not available in Uganda who had an arguable case that his return to that country would be a breach of his human rights.

## **Levent Tezgel v Secretary of State for the Home Department (2004) EWCA Civ 1766**

Given that there was an unchallenged finding that a Turkish asylum seeker had been subjected to ill treatment, once it had been determined that there was no evidential basis to show that he would have raised suspicions on arrival at the airport in Turkey, it had been incumbent upon the appeal tribunal to determine whether he would have been subjected to ill treatment if he returned to his home village, or whether internal relocation was an option.

## **Modupe Abiola Odelola v Secretary of State for the Home Department (2009) UKHL 25**

Applications for leave to enter or leave to remain had to be considered in the light of the version of the Immigration Rules in force at the date of decision and not according to whatever earlier version was in force at the time when the leave application was made. Where an application became doomed to fail because of a subsequent change in the Rules, it was entirely fair for the secretary of state to refund the application fee to the applicant.

## **R (on the application of (1) ZO (Somalia) (2) MM (Burma)) v Secretary of State for the Home Department: R (on the application of DT (Eritrea)) v Secretary of State for the Home Department (2009) EWCA Civ 442**

A person whose asylum claim had been finally determined against him or her and who made a subsequent claim for asylum in that country came within the ambit of Directive 2003/9 and so was able to enjoy the benefits of art.11(2) of that Directive.

## **Gulhanim Yesiloz (formerly known as Gulhanim Aykac) (Appellant) v Camden London Borough Council (Respondents) & Secretary of State for work & pensions (Intervener) (2009) WCA Civ 415**

The list of persons in the Housing Benefit Regulations 2006 reg.10(3B) who were not to be regarded as "persons from abroad" was a comprehensive list, and did not include nationals of states who were party to the European Convention on Social and Medical Assistance.

## **R (on the application of Asekun) v Secretary of State for the Home Department (2009) QBD (Admin)**

The detention of a failed asylum seeker pending his deportation was lawful and his detention had not been unreasonably prolonged.



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