



Duncan Lewis

Court of Appeal in landmark case sends message to the Home Secretary that the powers of one of the great offices of state appear to have been so misused as to rob the successive administrative decisions of legal authority.

Ms Pengayo was studying with Leave in the United Kingdom. She enrolled upon a course at an approved college in accordance with Home Office Guidelines. Later however the college was removed from the register because it had been found to be issuing some bogus qualifications. Ms Pengayo asked the Home Office for advice and was advised to find a new course which she did. Notwithstanding this, six months later, the Secretary of State issued a decision to remove her from the United Kingdom. The manner in which he made his decision was designed to prevent Ms Pengayo from appealing whilst in the United Kingdom.

The Court of Appeal in a judgement issued yesterday 11th November 2010 have described the actions of the Secretary of State as making '*a shameful decision*' and found that their attempt to stifle the right of an appeal was '*a serious abuse of power*'. In an important judgement the Court of Appeal clarified the jurisdiction of the tribunal to hear appeals against these decisions in certain circumstances, whilst underlining that judicial review will always lie against decisions of this kind. A full copy of the judgement can be found located in our reported cases section of the website. A full length article will be produced about this case for our next mailing list.