

Foreign nationals in the criminal justice system



A seminar for criminal, prison and immigration law practitioners

14th September 2006 : 9.30am – 5pm

"The Home Office has failed to develop a coherent strategy for foreign national prisoners who represent one in eight of the prison population. Despite being held in record numbers, foreign national prisoners often lack basic information about prison rules and the legal system, struggle to gain accurate legal and immigration advice and, in the general confusion, many are held beyond their prison discharge date or released without proper planning." Juliet Lyon, director of the Prison Reform Trust (26/04/2006)

In the current political and legal climate, the lines between immigration law, criminal and prison law are becoming increasingly blurred. To provide a more effective service to foreign nationals, legal advisers must develop awareness and understanding of the overlap between these three complex areas.

Garden Court North is recognised as one of the leading sets in the country for its provision of specialist advice on all aspects of asylum, immigration and nationality law. Melanie Plimmer appeared in the recent landmark victory against anti-terror laws (control orders). Members of the immigration team are therefore well placed, along with members of our criminal, prison law and civil actions practice groups, to present a multi-disciplinary seminar which will cover conviction, detention and deportation of foreign nationals. A guest speaker from **Greater Manchester Immigration Aid Unit** will also feature.

Who should attend? Practitioners of criminal and prison law who need knowledge of immigration law and practice. Equally, immigration law practitioners who need understanding of criminal and prison law. Practitioners undertaking civil actions against the police or Home Office will also gain insight into overlapping criminal, prison law and immigration law issues relevant to foreign national clients. Some areas may be of more practical application than others depending upon your area of legal focus, however each of the speakers will be mindful of this and the wider context and implications for overlapping areas of practice will be considered in each paper.

The seminar will cover:

1. A practical brief on how to identify the legal issues specific to foreign prisoners at the police station and in prison, and how to make initial representations on their behalf – Hermione McEwen, GMIAU
2. Available remedies to foreign nationals detained in prison under immigration or criminal law – Alex Durance, Garden Court North
3. An update on the treatment of foreign nationals in the UK suspected of involvement in terrorist-related activity under the Prevention of Terrorism Act 2005 – Melanie Plimmer, Garden Court North
4. Civil remedies against the police and Home Office for unlawful detention in the High Court and County Court: a practical guide – Nick Stanage, Garden Court North
5. Categorisation and re-categorisation of foreign national prisoners, and the power to detain post-sentence – Pete Weatherby, Garden Court North
6. The criminal perspective: recommendations for deportation in criminal courts; immigration offences which are criminal offences (including Javeharefard) and also routine offences e.g. failure to present documents – Farrhat Arshad and Peter Hodson, Garden Court North

Lunch and course materials will be provided

Cost: £50 + VAT (£58.75 incl VAT @ 17.5%). For voluntary organisations we offer a reduced rate of £35 + VAT (£41.13 incl VAT @ 17.5%).

Accreditation: This course will be accredited by the Law Society and attracts **6 CPD points**.

Venue: CUBE, Portland Street, Manchester

Speakers

Farrhat Arshad



Alex Durance



Peter Hodson



Hermione McEwen
GMIAU



Melanie Plimmer



Nick Stanage



Pete Weatherby



Booking information

Please complete the attached booking form and return to Chambers with a cheque payable to "Chambers of Ian Macdonald QC".

For more information please contact Helen Ray or Andy Flannigan.



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Speaker profiles:

Farrhat Arshad

(Barrister, Garden Court North Chambers, call 1998)

Farrhat specialises in crime, prison law and inquests. She acts for defendants in criminal proceedings, particularly in cases involving human rights or civil liberties points. Practices extensively in serious criminal work in the Crown Court. Recently appeared for Miller in *R v Javaherifard and Miller* (2006) a leading case on the construction of s.25 Immigration Act 1971. Also acts for claimants in civil actions against the police and judicial review arising out of the above areas.

Alex Durance

(Barrister, Garden Court North Chambers, call 1997)

Alex is a public law practitioner with emphasis on asylum, immigration, housing, community care and human rights. Particular interest in judicial reviews of all public bodies and tribunals including decisions relating to asylum support, asylum third country, immigration decisions. Alex is recommended by Chambers and Partners Legal Directory as a leading immigration specialist.

Peter Hodson

(Barrister, Garden Court North Chambers, call 1994)

Peter undertakes a full range of criminal defence work including offences against the person, kidnap and false imprisonment, fraud, large scale public order offences, drugs offences. Recently appeared for Javaherifard in *R v Javaherifard and Miller* (2006) a leading case on the construction of s.25 Immigration Act 1971. Also specialises in Personal Injury, with particular interest in occupational diseases and injuries.

Hermione McEwen

(Greater Manchester Immigration Aid Unit (GMIAU))

Hermione, senior solicitor at GMIAU, has practised immigration and asylum law since 1998, in private practice and in the not for profit sector. She regularly visits detainees in local prisons. She has written and delivered training courses for OISC registration, trained on the 2006 Act for ILPA, trained for HJT and JCWI for LSC accreditation, been an assessor for CLT for the LSC accreditation. She sits on the ILPA Executive Committee. Hermione was featured in *The Times* as Lawyer of the Week (11/7/06) after she acted for one of the six men in the High Court case which ruled that the six control orders issued under the Government's anti-terror laws breached the human rights of the suspects.

GMIAU, is a publicly funded body which offers free and expert advice and assistance on all issues of immigration, nationality and asylum.

Melanie Plimmer

(Barrister, Garden Court North Chambers, call 1996)

Melanie specialises in public law with particular experience of representing individuals against the state in the following areas: human rights, immigration and asylum, prison and discrimination. Melanie has recently appeared in the Administrative Court and Court of Appeal in the landmark case considering the compatibility of control orders with the ECHR (*SSHD v JJ; KK; GG; HH; NN; LL* [2005] 1 WLR 2859). She has also been involved in numerous judicial review applications relating to foreign national prisoners. Melanie is recommended by Chambers and Partners Legal Directory as a leading immigration specialist.

Nick Stange

(Barrister, Garden Court North Chambers, call 1997)

Nick specialises in public law, especially judicial review and actions against police, prisons and UK immigration service; inquests and Art 2 ECHR claims arising from deaths in custody and hospitals; asylum, immigration and unlawful detention; freedom of expression and assembly and public order including terrorism offences. Nick is recommended by Chambers and Partners Legal Directory as a leading specialist in both immigration and police law. He has worked with the Palestinian Centre for Human Rights in Gaza and the West Bank observing prison conditions under the Israeli occupation.

Pete Weatherby

(Barrister, Garden Court North Chambers, call 1992)

Pete specialises in human rights and civil liberties issues and cases with a political or prison law element. He has represented prisoners in a number of leading release date and false imprisonment cases. His prison law practice includes High Court applications (particularly judicial review), appearances in ECHR in the leading case of *Ezeh & Connors* (Article 6 and adjudications) and House of Lords in *Middleton v Home Secretary* (ambit of Article 2 and neglect verdicts) and in *R v Governor of Brockhill ex.p Evans* (calculation of remand time). He is recommended by Chambers and Partners Legal Directory as a leading human rights specialist. Pete has also written and delivers a 5-day comprehensive prison law course for lawyers.

People's rights through justice

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