

A Day in the Life of an Upper Tribunal Judge

An Upper Tribunal Judge writes about their experience in the role below.

Permanently in top gear

A colleague once described working as a judge in the Upper Tribunal (Immigration and Asylum Chamber) (UTIAC) as being permanently in top gear. UTIAC considers statutory appeals from the First-tier Tribunal and has jurisdiction (transferred from the High Court in 2013) in most judicial review matters in immigration and asylum, but not, for example, challenges to the validity of legislation or challenges to detention. There is continual legal discourse within the chamber and my ever kind, patient and helpful colleagues are happy to debate complex or esoteric legal points when time permits.

No day is the same – and nor is a week!

No day is the same and I describe a week in order to better to reflect the variety. As day dawns, I check my online alerts from Lexis, Lawtel and other key sources including the latest country information notes from the Secretary of State. Whenever there is a spare moment in the day, I also check Bailii for the latest cases and read the most important judgments identifying key passages for my electronic database. The pace is fast moving, and so is the law – a legal day is a long time in UTIAC.

A typical Monday

On Monday I conduct a list of judicial review ‘oral renewal’ permission applications. These applications challenge, often with copious supporting documentation, refusal decisions by the Secretary of State on asylum and human rights claims and other immigration matters. As the name implies, the applications have already been refused on the papers and the renewal at an oral hearing, before a different judge, allows further challenge. Success for the applicant is important as it might afford a revisiting of the decision by the Home Office or the possibility of a ‘full merits’ statutory appeal. The list usually comprises 6 or 7 cases, each listed for an hour. These oral hearings are keenly contested, mostly by counsel, and each one demands an immediate ex tempore judgment in quick succession. After the hearings, the decisions must be drafted in detail (to assist litigants in person and reduce transcript requests) before I leave for the evening. There will be no time the following day to draft and email the orders.

How I spend my Tuesday

On Tuesday I am the judge ‘on duty’, which involves dealing with urgent administrative matters such as making directions for forthcoming hearings, considering adjournment and interpreter applications and liaising with judges on particular cases. This dovetails with a paper list of applications for permission to appeal, whereby it is necessary to read the decisions of the First-tier Tribunal in depth and consider any grounds of challenge from appellants or the Secretary of State. All grants or refusals need to be written and forwarded for issue. At 4.15 pm, I attended the ‘Reporting Committee’, which selects cases of the

UTIAC for reporting in order to provide a body of legal guidance. There is often extensive critical appraisal and discussion of a handful of cases which we pre-read. We reach an agreement on the cases to be reported and the 'head note' (key guiding passages) and key words to assist in any legal searches on the UTIAC website. That evening I read the Court of Appeal judgment which considered one of my decisions in a judicial review application on the cessation of refugee status.

A Wednesday of 'immediates'

On Wednesday I am the 'immediates' judge at Field House. This entails addressing urgent ex parte judicial review applications to prevent removals by aeroplane – sometimes scheduled in a few days' time, but sometimes within the hour. It assists if the applicant's submissions are succinct, and documents prudently selected because deadlines are so tight; occasionally the documents are voluminous. The cases come in at random throughout the day and require absolute focus, so that the orders can be issued as quickly as possible and notified to the Secretary of State before the plane leaves.

My Thursday and Friday

On Thursday and Friday, I am interviewing for the Judicial Appointments Commission in the competition for Deputy Upper Tribunal Judges – although with an interlude back at Field House in order to draft an order on an application to the Court of Appeal. Life beckons – I have to sign off now.