



Immigration and Asylum Accreditation Scheme

This is the Advance Material for the Level 1 Written Examination and relates to Question 1 and 2 of the examination. You should use these materials to research and prepare for the examination.

Please note that Central Law Training is unable to answer any questions in relation to the content of the Advance Material

Level 1 Advance Materials.

You have 2 emails from your Supervising Solicitor. Each email concerns a different client.

First Email

Date: 23rd June 2016
Email From: Supervising Solicitor
To: Level 1 Caseworker
Client: Florence Edefughe

I took instructions today from a new client called Florence Edefughe. These are set out below. Please prepare to advise Florence, when she comes to see you on 30th June 2016.

Attendance Note

Florence is a national of Nigeria who first entered the United Kingdom in August 2011, aged 19, with entry clearance for degree-level studies. Florence's family is based in Lagos and is relatively wealthy and influential. Her father paid for her tuition fees, accommodation and subsistence on the understanding that Florence would return to Nigeria after the studies were completed. Florence has remained in the UK beyond the due date of expiry of her leave to enter, the 1st of November 2014, and has made no application to extend or vary that leave.

Florence had, during the currency of her leave, become pregnant from a brief relationship with a fellow Nigerian national student, who also had limited leave to remain in the UK and who subsequently returned to Nigeria. The child, a girl, was born on 5th February 2015 and is named Mary. Florence tells you that her ancestry is Yoruba and associated with Osun State, and although she grew up with her family in Lagos, her father continued and continues to be devoted to tribal traditions. Florence's father was also extremely upset and angry on learning that Florence was pregnant from a relationship outside of a traditional marriage and threatened to harm Florence for that, which he said had brought shame upon the family and the tribe. The tribe's traditions include female genital cutting of the eldest daughter of the family; Florence was her father's only

daughter and was subjected to the practice at the age of 4. Florence tells you that the experience was deeply traumatic, with ongoing negative repercussions for her physical and mental health; she deplores the practice and would go to any lengths to ensure that her daughter is not cut, which, she says, her father would insist on, albeit that he is, she believes, presently unaware that the child is female.

Florence had, during her studies, been lodging with a friend of her mother, whom she referred to as Aunty, but Aunty was the source of Florence's father learning of Florence's pregnancy, after which Florence left Aunty's household immediately. From that time, Florence was without financial support but she was able to stay with a young woman, Stella, whom she had met on her course and who took pity on her and remained in that situation through her pregnancy and childbirth and to date, although the friend's circumstances are changing and she has told Florence that she and Mary must leave shortly.

END OF FIRST EMAIL

Second Email

Date: 23rd June 2016
Email From: Supervising Solicitor
To: Level 1 Caseworker
Client: Kenneth Lyle D.O.B. 15th October 1991

I met with new client Kenneth Lyle today and took his instructions, which are set out below. There are a number of documents on the file as well.

He asked me for advice about bringing his partner, Jaden Tate, to the UK. I gave Kenneth an appointment with you at 9.30 am on Thursday 30th June 2016.

Attendance Note

Kenneth Lyle is a Jamaican national, granted refugee status in the UK, on 14th March 2016. He has 5 years' leave to remain in the UK.

Kenneth fled Jamaica after a male colleague at work had accused him of making sexual advances to him. Kenneth says that this colleague had figured out that Kenneth was gay and, being very homophobic, had made up this story and reported Kenneth to the police. The police had gone to Kenneth's home, where he lived with his sister, Rose Lyle and his partner Jaden Tate. Kenneth and Jaden were out at the time and Rose got rid of the police and went to find Kenneth to warn him. Kenneth knew that the police would find out about his relationship with Jaden and that they could both be jailed. With their cover blown they would not be able to live safely in Jamaica. The couple agreed that Kenneth should go to a country where they could live safely as a gay couple and, once settled, Jaden would follow. Kenneth did not return home, staying instead at a LGBTI (lesbian, gay, bisexual, transgender and inter-sex) safe house while he made arrangements to leave.

Kenneth applied for a visit visa to the UK and claimed asylum upon arrival on 14th September 2015. In his asylum interview, he explained that he had known Jaden since they were children and that they had become a couple early in 2013. Jaden had moved in with Kenneth, in the home of Kenneth's sister Rose in June 2013.

When he arrived in the UK, Kenneth rented a room in a shared house and lived on the money that he had brought with him from Jamaica. At the end of October 2015, Kenneth's money ran out and he moved into Home Office accommodation with section 95 financial support.

Kenneth attended his full asylum interview on 9th November 2015 and his asylum claim was refused on 19th November 2015 and he appealed to the First-tier Tribunal (Immigration and Asylum Chamber). His appeal was heard on 12th January 2016. The Immigration Judge accepted his account and allowed his appeal in a determination promulgated on 17th February 2016. On 21st March 2016, Kenneth received notification dated 3rd March 2016, from the Home Office, that he had been granted refugee status effective 14th March 2016. He received his biometric residence permit on 28th March 2016.

As a skilled graphic designer, Kenneth started work on 18th April 2016, at around the same time that his s95 support stopped. He received his first wage packet on 16th May 2016 and immediately moved into a one-bed rented flat and sent £400 to Jamaica for Jaden and Rose the following day.

On 21st May 2016, Rose phoned Kenneth from a pay phone. She said that, on 18th May 2016, the police had come to the house again and had taken Jaden in for questioning. They held him for one night and released him. As a result, Jaden is in hiding and Rose warned Kenneth not to try to contact either of them until things have cooled off.

I have put all of the following documents on the file:-

1. Asylum interview record (this sets out a full history of the couple's relationship).
2. Biometric residence card.
3. Home Office letter granting refugee status.
4. Tribunal determination.
5. Kenneth's signed authorisation to act.
6. A letter dated 5th June 2016, from Rose, confirming that Jaden and Kenneth became a couple in 2013 and moved into her home in June of the same year.
7. A copy of Rose's passport.
8. A copy of Kenneth's birth certificate.
9. A money transfer slip from Kenneth to Rose.

10. A copy of Rose's birth certificate, showing that she and Kenneth have the same parents and the same family name.
11. A copy of Jaden's birth certificate, showing parents whose names differ from Rose's.
12. A copy of Jaden's passport.
13. Several emails between Jaden and Kenneth dated from 14th September 2016 to 17th May 2016, including one from Kenneth, dated 18th February 2016, enclosing the Tribunal determination and proposing marriage.
14. A card in an envelope dated 24th February 2016, from Jaden to Kenneth, which reads: *"I live for the day of our marriage and know that we will have a long and happy life together"*.

Kenneth has instructed us to act for him in bringing Jaden to the UK. I gave Kenneth an appointment with you at 9.30 am on Thursday 30th June 2016.

Note to candidates: You do not actually have the listed documents. It is sufficient that you know their contents.

END OF SECOND EMAIL