



.....

Information Pack:

00459:Salaried Immigration Judge of the Asylum
and Immigration Tribunal

.....

CONTENTS

INTRODUCTION.....	1
ARE YOU ELIGIBLE?	2
REASONABLE ADJUSTMENTS	5
JOB DESCRIPTION	5
THE SELECTION PROCESS.....	7
CONTACTS AND FURTHER INFORMATION	11
JAC NOMINATED REFEREES	13
JAC COMMISSIONERS	14

INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the post of Salaried Immigration Judge of the Asylum and Immigration Tribunal (AIT).¹ The JAC has been asked to select 21 candidates suitable for appointment. The Business Area anticipate that there will be a rolling programme of appointments made across England, Wales and Scotland. There are 11 immediate vacancies to be drawn from the list as follows: Birmingham (2 vacancies), Bradford (2 vacancies), London South West - Hatton Cross (5 vacancies), Newport (1 vacancy) and Stoke (1 vacancy). The remaining 10 candidates will be placed on a list and appointed as and when future vacancies arise.

These challenging posts require a high level of judicial skill and experience in dealing with cases of legal and factual complexity while ensuring high standards of case management. In addition you will also be expected to promote a collegiate environment across the Tribunal.

This pack contains the information that you need about the appointments. It includes the eligibility criteria and the job description. It also describes the selection process that the JAC will follow, with relevant dates and advice on how to prepare for the various stages of this process.

Before you can be considered for appointment, there are eligibility requirements that you must meet (see Page 2). The JAC is also required to assess your character. Before applying you should read these requirements and the guidelines that the JAC uses to assess character. These can be found on our website (www.judicialappointments.gov.uk) along with outline terms and conditions of service and terms of appointment for these posts. You will also need to demonstrate the qualities and abilities required for this office (see the application form).

The independent JAC selects candidates for judicial office. It does so on merit, through fair and open competition, from the widest range of eligible candidates.

The closing date for applications is noon on 28 January 2010.

¹ From 15 February 2010 (i.e. when the functions of the Asylum and Immigration Tribunal are transferred to the First-tier Tribunal), the post will be known as Salaried Judge of the First-tier Tribunal (Immigration and Asylum Chamber).

ARE YOU ELIGIBLE?

To be eligible for appointment as Salaried Immigration Judge of the Asylum and Immigration Tribunal you must meet the following requirements.

The following are not the only criteria and candidates will need to demonstrate the qualities and abilities required for this office.

Statutory requirement

Under Paragraph 1 of Schedule 4 of the Nationality, Immigration and Asylum Act 2002, as amended by paragraph 2 of Schedule 1 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, and para 37 of Schedule 10 of the Tribunals, Courts and Enforcement Act 2007, a person is eligible for appointment as a member of the Tribunal only if he—

1. (a) satisfies the judicial-appointment eligibility condition on a 5- year basis,
 - (b) is an advocate or solicitor in Scotland of at least 5 years' standing,
 - (c) is a member of the Bar of Northern Ireland, or a solicitor of the Court of Judicature of Northern Ireland of at least five years' standing;
 - (d) in the Lord Chancellor's opinion, has legal experience which makes him as suitable for appointment as if he satisfied paragraph (a), (b) or (c), or
 - (e) in the Lord Chancellor's opinion, has non-legal experience which makes him suitable for appointment.
2. A person appointed under sub-paragraph (1)(a) to (d) shall be known as a legally qualified member of the Tribunal.

In order to meet the statutory qualifications for appointment, a solicitor (or a salaried judicial office holder who was formerly a solicitor) must appear on the Roll.

For those qualified in England and Wales, the Tribunals Courts and Enforcement Act (TCE) 2007 has introduced the '**judicial-appointment eligibility condition**'. Where this applies, eligibility for judicial office is no longer based on possession of rights of audience for a specified period. You will have to show that:

- you have possessed a relevant legal qualification;
- for the requisite period; and
- that whilst holding that qualification you have been gaining legal experience as set out in section 52(2) to (5) of the TCE Act 2007, and relates to a period engaged in law related activities.

Relevant Qualification in England and Wales

You have a relevant qualification if you are a solicitor or barrister or a Fellow of the Institute of Legal Executives.

You will be considered eligible as a solicitor when your name is first entered on the roll kept under section 6 of the Solicitors Act 1974. You will be considered eligible as a barrister:

- a) when you have completed pupillage in connection with becoming a barrister or

- b) if you are not required to undertake pupillage in connection with becoming a barrister, when you are called to the Bar of England and Wales.

When applying for a judicial appointment under (b) you will need to provide details in the Application Form of why you are not required to undertake pupillage.

Legal Experience

In order to be eligible for judicial appointment, you must not only be in possession of the relevant qualification, but must also have been engaged in 'law related activity' whilst holding that qualification.

Meaning of Law Related Activity

An activity is considered to be a law related activity whether or not it is undertaken for remuneration, and whether or not it is undertaken on a full or part-time basis.

Each of the following is a relevant law related activity:

- a) The carrying out of judicial functions of any court or tribunal
- b) Acting as an arbitrator
- c) Practice or employment as a lawyer
- d) Advising (whether or not in the course of practice or employment as a lawyer) on the application of the law
- e) Assisting (whether or not in the course of such practice) persons involved in proceedings for the resolution of issues arising under the law
- f) Acting (whether or not in the course of such practice) as mediator in connection with attempts to resolve issues that are, or if not resolved could be, the subject of proceedings
- g) Drafting (whether or not in the course of such practice) documents intended to affect persons' rights or obligations
- h) Teaching or researching law
- i) Any activity that in the relevant decision makers opinion is of a broadly similar nature to an activity within paragraphs (a) to (h)

The Ministry of Justice has provided the following guidance

Category b) is intended to cover arbitration where legal disputes are resolved on a reasonably formal, structured basis. For example, it would cover arbitration governed by the Arbitration Act 1996, and carried out by a person who is accredited by a body such as CEDR (Centre for Effective Dispute Resolution).

Categories d) – g) are also intended to cover activities which are carried out on a reasonably formal, structured basis, for example volunteers who give legal advice in a law centre, or citizens advice bureau. However, it is not intended to cover (say) a person who gives informal advice to friends and neighbours.

Category (e) is intended to cover legal assistance, rather than other kinds of support.

Category (g) is intended to cover drafting which involves legal judgment and skill, such as drafting contracts and leases. It is not intended to cover drafting which may affect rights or

obligations, but are essentially administrative tasks, e.g. filling in enforcement orders, or penalty notices.

The purpose of (i) is to cover the possibility of some kinds of law-related activity that might not quite fit within (a) – (h).

Your engagement in law-related activities during a period will be disregarded if the engagement is 'negligible in terms of the amount of time engaged'.

Previous service in a judicial office

The Lord Chancellor expects candidates to have normally served in a judicial office in a fee paid or salaried capacity for at least two years or to have completed 30 sitting days before the closing date for applications.

Age

There is no upper or lower age limit for candidates apart from the statutory retirement age of 70. The age at which someone is appointed must allow for a reasonable length of service before retirement, usually about two years.

Nationality

You must complete a declaration of your nationality in the Application Form. In order to qualify for this post, you must be a citizen of:

- the United Kingdom; or
- another Commonwealth country; or
- the Republic of Ireland

Character

The JAC is required by statute to appoint only persons of good character. In order to make these assessments we have developed Good Character Guidance which you can find on our website at www.judicialappointments.gov.uk. You can also write to us to request a copy (see the 'Contacts and Further Information' section of this Information Pack for our contact details).

The Good Character Guidance gives you some indication as to whether anything in your past conduct or present circumstances might affect your application for judicial appointment. You should read it carefully before completing the Application Form.

Good character questions and declarations

You are required to answer a number of questions related to good character in the Application Form and must make appropriate declarations as requested.

Applicants for judicial appointments are not protected by sections 4(2) and 4(3) of the Rehabilitation of Offenders Act 1974. Any convictions which would normally be regarded as having expired under that Act should therefore be declared in writing (Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975). You must provide details of all offences for which you have been convicted or cautioned. Details should include the nature of each offence, date of conviction or caution and the penalty imposed.

Where proceedings of any kind are pending, you should give details of the offence with which you have been charged or the disciplinary process you are subject to and, if known, the date when the case or action may be heard. It is important that you inform us of the outcome of any case or action concluded while your application is under consideration. Similarly, if you are

charged with any offence or any action is brought against you after submitting your application you should inform us immediately (see the 'Contacts and Further Information' section of this Information Pack).

In all cases, please provide as much detail as you can and indicate if there are any mitigating factors that you think the JAC should take into account in assessing your good character.

Good character checks

The JAC will also carry out checks on all candidates whom it intends to recommend for appointment. Further information about these checks will be provided separately to relevant candidates.

Failure to have declared any matters that come to light from these checks may prejudice the outcome of your application.

Disqualification

You should note that the House of Commons Disqualification Act 1975 applies to this office.

REASONABLE ADJUSTMENTS

The JAC is committed to considering any reasonable adjustments needed to ensure that you can participate in the selection process fairly. The Application Form asks you to identify any arrangements and adjustments you may require. Requests will be considered on a case-by-case basis and the information given will not be used in selection decisions.

If you are recommended for appointment, reasonable adjustments will be considered if you have a disability under the meaning of the Disability Discrimination Act, as they are for serving judges. Any reasonable adjustments to enable you to take up appointment will be discussed separately with you by the AIT after the JAC has made its recommendation.

JOB DESCRIPTION

The Ministry of Justice has provided the following information.

OFFICE OF IMMIGRATION JUDGE OF THE ASYLUM AND IMMIGRATION TRIBUNAL

JOB DESCRIPTION [and Notes on Jurisdiction]

1. Office & Jurisdiction

All Immigration Judges will generally preside as single judges to determine first instance appeals against asylum and immigration decisions made by the Government. However, they may also be invited to sit on panels of judges. The current sitting pattern is such that Immigration Judges will have a one-day hearing, and one-day writing up the determination, alternating. Also, the requirement is that writing days must be at the allocated hearing centre. This working pattern is currently under active review.

Immigration Judges will be expected to promote a collegiate environment across the organisation and to participate in the drive towards maintaining and promoting the quality and consistency of the Tribunal's decisions.

2. Main Activities

a. Judicial

Keeping abreast of legal developments

- To have sound knowledge of the law, Procedure Rules and Practice Directions and to keep abreast of legal developments.

Preparing for hearings and case management

- To prepare for hearings by reading and assimilating papers in an appeal or application before it commences, including the study of written documents and reports.
- Case management
 - To conduct Case Management Reviews, identifying the key issues of the appeal or application and issuing appropriate directions to the parties, specifying where further evidential documents are required.
 - To deal with any other interlocutory matters, as required.

Presiding over hearings

- To control (in accordance with the relevant law and practice) the manner in which appeals or applications are conducted.
- To ensure that parties, whether present or represented or not, are enabled to have their appeal or application presented, and have them considered, as fully and as fairly as possible, including, where appropriate, taking the initiative at the hearing in order to ensure that all relevant matters are covered, whether specifically raised by the parties or not.
- To promote the most expeditious dispatch of business compatible with the interests of justice.
- To maintain the authority and dignity of the Tribunal.
- To take a full and accurate note of the evidence.
- To decide issues of law and procedure which may arise during an appeal or application.

Sitting as a member of a panel

- To sit as a member of a panel, as required.

Determination of Appeals

- To decide appeals or applications by finding facts, applying the relevant law to them and giving a reasoned written determination, referring to established law and guidance, and stating the decision and the reasons for the decision.
- To give any directions necessary to give effect to the determination.
- To finalise decisions for promulgation by Administrative Staff expeditiously and within timetables laid down in Procedure Rules and/or by the President.

Miscellaneous

- To participate in the performance appraisal and mentoring schemes and identify training and development needs with the Designated Immigration Judge.
- If required and in accordance with the Appraisal Scheme, to conduct appraisals of other Immigration Judges and provide appropriate feedback.
- To attend internal and external training courses and attend other training as appropriate.
- To participate, as required, in an out-of-office hours scheme which will provide cover for urgent Tribunal business.

Salaried part-time working

Salaried part-time working will be available for these posts, subject to the needs of the Tribunal. The Tribunal has indicated that whole sitting days are required with a minimum of 60% full-time equivalent. Final working patterns will need to be discussed and agreed between successful candidates and the Tribunal at the time of the appointment. Such appointments are permanent and are subject to the same terms and conditions of service as for full-time appointments. If you are interested in salaried part-time working please state this in the Application Form; your preference for salaried part-time working will not affect the assessment of the merit of your application in any way. However, if you are recommended for appointment by the JAC and the Lord Chancellor accepts that recommendation, the information will be passed to the Ministry of Justice.

THE SELECTION PROCESS

Application form

Details of the qualities and abilities against which you will be assessed are set out below and in the Application Form. You can draw on your full range of work and personal experience to demonstrate these qualities and abilities including, for example, voluntary work or any publication to which you have contributed. Please be specific in giving information.

QUALITIES AND ABILITIES

Applicants for this selection exercise will be assessed against the following qualities and abilities:

The abilities marked with an asterisk are particularly pertinent to this post.

1. Intellectual Capacity *

- A high level of expertise in your chosen area.
- Ability quickly to absorb and analyse information.
- Appropriate knowledge of the law and its underlying principles, or the ability to acquire this knowledge where necessary.

2. Personal Qualities

- Integrity and independence of mind.
- Sound judgement.
- Decisiveness.
- Objectivity.
- Ability and willingness to learn and develop professionally..

3. An Ability to Understand and Deal Fairly

- Ability to treat everyone with respect and sensitivity whatever their background.
- Willingness to listen with patience and courtesy.
- Ability to enable parties to present their case.

4. Authority and Communication Skills

- Ability to explain the procedure and any decisions reached clearly and succinctly to all those involved.
- Ability to inspire respect and confidence.
- Ability to maintain authority when challenged.

5. Efficiency

- Ability to work at speed and under pressure.
- Ability to organise time effectively and produce clear reasoned judgments expeditiously.
- Ability to work constructively with others including leadership and managerial skills where appropriate.

Timetable

Closing date for applications	28 January 2010 (noon)
Provisional dates for qualifying tests	15-22 March 2010
Provisional date(s) for selection days	10-18 May 2010

Shortlisting

The next step in the process is a qualifying test. The qualifying test will be the sole method used to shortlist candidates for selection days for this selection exercise.

All eligible candidates will be invited to a written test, provisionally set for 15-22 March 2010.

You will be put in the position of a Salaried Immigration Judge and required to analyse the information provided, identify issues and apply the law to reach a reasoned decision.

The test will be a case study based on a fictional scenario which will raise substantive and procedural issues of law. You will be provided with relevant supporting material on the day of the test.

Outcome of the qualifying test

Following the test, if you are shortlisted, you will be invited to a selection day. The selection of candidates for selection day will be based solely on the results of the qualifying test. All of the qualities and abilities detailed will be assessed at the selection day stage. Further details will be sent with your invitation to attend. We are sorry that we are not able to provide written explanations to candidates who are not shortlisted.

References

We may seek information from people who are well placed to comment on how you meet the qualities and abilities. Referees are usually approached before the selection day takes place and will be encouraged to draw on appraisal material if it is available. The material provided by referees will usually inform decisions at selection day and will be available to Commissioners at the final selection decision stage.

Any candidate who is a member of the Asylum and Immigration Tribunal should not nominate the Deputy Presidents, Mark Ockelton or Libby Arfon-Jones, as a referee. Neither will be providing references for this selection exercise. You may wish however, to nominate the Resident Senior Immigration Judge.

Candidate nominated

You are invited to nominate up to three referees who know you well either personally or professionally. **We strongly recommend that you check with your referees that they are not conflicted.**

JAC nominated

The JAC may also request references from those identified in the section of this pack titled 'JAC nominated referees'.

Please provide the name, title, position and address of your relevant judicial and professional referees. You may also tell us if you do not wish us to approach the relevant professional referee now, but you must give reasons. If you do not currently hold a judicial office and have excluded your relevant professional referee, you must suggest an alternative referee who is familiar with your work.

Selection days

If you are shortlisted you will be invited to a selection day. The selection day for this exercise will consist of a panel interview and presentation. Further details will be sent with any invitation to attend. The overall assessments made by the panel are provided to Commissioners when they make their selection decisions.

Statutory consultation

As required by the Constitutional Reform Act 2005 (CRA), the Commission must consult the Lord Chief Justice and a second person, who has held the office or has other relevant experience, about those candidates it is minded to select. For this exercise the second consultee will be Lord Justice Carnwarth.

Character checks

The JAC is required to select only persons of good character. The JAC will carry out checks on all candidates likely to be considered for selection and the results of these checks, together with information declared by candidates in the Application Form, will be assessed.

Selection decisions

The Commission, sitting as a committee, will consider the information gathered about candidates, which includes the overall assessment report from the selection day panel, to select those candidates to recommend to the Lord Chancellor.

The JAC has been asked under section 94 of the CRA to create a list of people suitable for appointment to this position. Appointments may be made from this list should vacancies arise. There are currently 11 immediate vacancies to be filled from this list: Birmingham (2 vacancies), Bradford (2 vacancies), London South West - Hatton Cross (5 vacancies), Newport (1 vacancy) and Stoke (1 vacancy).

Report to the Lord Chancellor

The Commission reports its final selections to the Lord Chancellor. The Lord Chancellor can accept or reject this recommendation, or ask the Commission to reconsider it. The Lord Chancellor may not select an alternative candidate.

Conflict of interest

The Judicial Appointments Commissioners are listed at the back of this pack. You should not nominate a Commissioner as a referee. You should also state in the Application Form if you are in any way related to, or known to, any of the Commissioners and give details.

Outcome of the selection exercise

You will be advised of the outcome of your application in writing.

If you are unsuccessful at the selection day stage of the process, you can request a written explanation. You should make this request within six weeks of the date of the letter informing you that you have not been successful. We will aim to respond to your request within four working weeks.

Training

Training will be provided for successful candidates as appropriate and required.

Complaints procedure

If you are dissatisfied with any aspect of the way your application has been handled, please refer to the JAC's published complaints procedure, which is available from our website, or in writing on request.

Further information

The terms and conditions for this post can be found on the JAC website: www.judicialappointments.gov.uk . Further information regarding the AIT can be found at: www.ait.gov.uk

For further information about the selection process and the requirements of the Constitutional Reform Act (CRA) 2005 please consult our website: www.judicialappointments.gov.uk

CONTACTS AND FURTHER INFORMATION

Obtaining an application form

All the information about applying for this selection exercise is available at www.judicialappointments.gov.uk .

Please contact the Judicial Appointments Applications Service (JAAS) team at the JAC if you wish to request a hard copy of the Application Form or Information Pack, or if you have any questions about submitting your application.

If you need the form and/or pack in a different format, for example Braille, please contact the JAAS team.

Submitting your application

Once completed your Application Form should be submitted via our secure online process by going to www.judicialappointments.gov.uk and selecting 'Submit your Application'.

Acknowledgement of your application

When you submit your application by our secure online application process you will receive an immediate acknowledgement. You may also request an auto generated e-mail confirming successful receipt.

If you choose to submit your application by post, you should receive an acknowledgement of your application within five working days of receipt. If you do not, please contact the JAAS team by telephone or e-mail.

Contact details

1. JAAS

Reference: 00459 (Please use this reference on all communications)

Judicial Appointments Commission
3rd Floor, Steel House
11 Tothill Street
London
SW1H 9LH

DX 149822 WESTMINSTER 6

E-mail: jaas@jac.gsi.gov.uk

Telephone: 0203 334 0123

2. Selection Exercise Team:

Sheila Newman	0203 334 0082	Assistant Director
Andrew Le-Bigot	0203 334 0321	Deputy Selection Exercise Manager
Chukwuma Uju	0203 334 0106	Team Leader

E-mail addresses:

sheila.newman@jac.gsi.gov.uk

andrew.le-bigot@jac.gsi.gov.uk

chukwuma.uju@jac.gsi.gov.uk

tribunalsteamb@jac.gsi.gov.uk

Fax: 0203 334 0133

3. Director:

Sarah Gane **0203 334 0567**

Email: sarah.gane@jac.gsi.gov.uk

JAC NOMINATED REFEREES

The JAC may also request references from those categories listed below.

Judicial referees

If you hold a judicial office not in this list, please contact the JAC so that we can consider who should be nominated as your judicial referee.

- If you sit on the Asylum and Immigration Tribunal, the Resident Senior Immigration Judge.
- If you sit on a Tribunal other than Asylum and Immigration, the Tribunal President or equivalent.
- If you are a Recorder, the Resident Judge, the Designated Civil Judge or the Designated Family Judge in the court(s) where you sit most often.
- If you are a Deputy District Judge, the local Designated Civil Judge.
- If you are a Deputy District Judge of the Principal Registry of the Family Division (PRFD), the Senior District Judge (PRFD).
- If you are a Deputy District Judge (Magistrates' Courts), the Senior District Judge (Magistrates' Courts).

Professional referee

- If you are a solicitor, an attorney or a Fellow of ILEX, your managing partner or relevant equity partner.
- If you are a barrister, your Head of Chambers or, if in Northern Ireland, your senior member of the Bar Library.
- If you are an advocate, the Dean of the Faculty of Advocates (Scotland only).
- If you are employed, your line manager or equivalent.

The Judicial Appointments Commissioners are listed at the back of this pack. You should not nominate a Commissioner as a referee.

JAC COMMISSIONERS

Chairman of the JAC

Baroness Usha Prashar CBE

Members

Mrs Justice Jill Black DBE

Dame Lorna Boreland-Kelly DBE

Professor Dame Hazel Genn DBE QC

Lady Justice Heather Hallett DBE

Sir Geoffrey Inkin OBE

Her Honour Judge Frances Kirkham

Mr Edward Nally

Ms Sara Nathan OBE

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Mr Jonathan Sumption OBE QC

Lord Justice Roger Toulson