

## PRESS RELEASE

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### **RAMFEL and Ms Adjei win their landmark judicial review against the Home Office.**

#### **Home Secretary acting irrationally and in breach of children's rights by failing to provide documents to thousands of migrants with lawful immigration status**

In a landmark judgment, the High Court has ruled that the Home Secretary's failure to provide people on '3C leave' with the means to prove their immigration status is unlawful. Echoing problems encountered by the Windrush generation, people on '3C leave' – an automatic form of immigration status when a person applies in-time to extend their visa<sup>1</sup> – are given no proof of their status. Evidence from the Claimants Ms Adjei and the charity RAMFEL and others demonstrated that this lack of proof of status led to serious hardship for a significant number of people – including loss of job offers and suspension from employment, termination of benefits, problems with renting and accessing higher education:

Mr Justice Cavanagh found that “[w]here these problems bite, the consequences are very severe indeed.” He observed that it “is not the fault of the applicants that the application to renew will not be determined before the expiry of the previous period of...leave”. [36]

The failure to provide those on 3C leave with a digital document, which the court ruled the Home Secretary is “readily” able to do, has left potentially hundreds of thousands of people wrongly classified as lacking immigration status and trapped by the government's hostile environment policies, denying them access to work and other essential services.

The court ruled that despite the Home Secretary's broad discretion in how to administer the immigration system, the failure to provide digital proof of status to those on 3C leave was irrational and thus unlawful. The decision frustrated the purpose of 3C leave and the aim of the hostile environment itself which should ensure that those with lawful immigration status are able to access the services they need. Further, the Home Secretary had breached his duty under section 55 Borders, Citizenship and Immigration Act 2009 to safeguard and promote the welfare of the children impacted.

The court held that “[t]he availability of a means of proving a person's immigration status and entitlements, without delay, whilst on section 3C leave, is necessary to make effective a legal right.” [205] Further, that: “this is a case in which the [Home Secretary] can take a straightforward step to avoid hardship for a substantial number of people, with no negative consequences for the Home Office or for the immigration regime.”

You can read the full judgment here: <https://www.ramfel.org.uk/news-and-blog/read-the-3c-judgment-here>

The challenge was brought by Ms Adjei and the migrant charity RAMFEL. They urge the Home Secretary to move swiftly to make the changes required by the High Court, to protect the hundreds of thousands of people at risk of becoming collateral damage to the hostile environment. See RAMFEL's press release on their website here: <https://www.ramfel.org.uk/news-and-blog/press-release-ramfel-and-ms-adjei-win-landmark-ruling-against-the-home-office>

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<sup>1</sup> Section 3C Immigration Act 1971

# Bhatt Murphy Solicitors

Ms Adjei said of the court's decision:

*"What I went through while I was waiting for my visa to be extended by the Home Office was incredibly stressful. I was unable to prove that I had the right to work so I was suspended from my employment as a healthcare support worker twice, without any notice. I have two children and I have to budget very carefully so we suffered real hardship when my wages suddenly stopped. I had to borrow money and visit a food bank just to get by. It was humiliating and scary as I didn't have any way to prove to my employer that I still had the correct immigration status and the right to work. So I am very happy that the court has made this ruling. It means that people like me who have to apply to extend their visas over and over, and who often have to wait a long time for an answer, will now be able to prove that we have the rights we say we have."*

Janet Farrell, solicitor at Bhatt Murphy solicitors who represented the Claimants said: *"This is a significant victory for my clients and all those who, through no fault of their own, are left undocumented in an environment which demands proof of immigration status in order to access work, housing and healthcare or hold a driving licence or bank account. Without the means to prove their legal entitlements under section 3C of the Immigration Act 1971, the Home Office left them vulnerable to the vagaries of the hostile environment, a system which is intended to make life as difficult as possible for those without proof of lawful status by design. My clients urge the Home Secretary to take the urgent steps necessary to remedy this and to provide those with legal rights under section 3C the means to prove them."*

## NOTE TO EDITORS:

RAMFEL is a charity that supports vulnerable migrants living in the London and Essex areas, providing casework support, on a range of legal issues, including regularising immigration leave, rough sleeping support, support with preventing homelessness, and crisis intervention services.

Ms Adjei is an individual who was adversely impacted by the SSHD's failure to issue her with any means to prove her legal immigration status and right to work whilst she was on 3C leave, suffering periods of suspension from employment which caused real hardship to her and her two children.

RAMFEL and Ms Adjei were represented by Janet Farrell and Christina Bodenes of Bhatt Murphy solicitors, instructing Stephanie Harrison KC of Garden Court Chambers and Shu Shin Luh of Doughty Street Chambers.

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