



The Honourable Mr Justice Ouseley  
Lead Judge  
Administrative Court  
By email

23 October 2012.

Dear Judge

We are writing to follow following receipt of a copy of the enclosed letter which was sent from Ms McMahon of Treasury solicitors to Mr David Magee today. ILPA is copied to letters sent to the Administrative Court about charter flights.

The letter was sent at 11.22 am; four hours and eight minutes before the flight was scheduled to leave, at 15.30 hours. The letter draws attention to errors in the UK Border Agency information about Sri Lanka which go directly to the question of the safety of that country for those facing return. That information has been in existence since at least 17 October 2012 when reference was made to it in a letter giving notice of the charter flight.

The letter is not marked urgent and the only request made of Mr Magee is that it be put before judges "at your earliest convenience." It states that its contents have been brought to the attention of Home Office decision-makers but no indication is given that they have been asked to take any action or review cases on the basis of it.

The corrections made to the letter of 17 October 2012 are far from insignificant:

*"This is incorrect data even from the sample of 13 provided to date as their claims were not based upon any return incident' **has been deleted.**"*

*"The penultimate sentence at 3.3.4 - 'This shows that almost half of the asylum claims were not accepted .....' has been amended to "The status of almost half of the asylum claims is unclear....."*

*"The third sentence at 13.6 – 'It is noted that of the 13 determinations submitted to the Agency, three of the claimants did not base their asylum claim on mistreatment after a return to Sri Lanka from the UK and a third case was a voluntary return from Switzerland, whose alleged ill treatment occurred 5 months after return' **has been deleted**"*

That the incorrect statements could have been included in the bulletin in the first place must cast doubt the reliability of all similar information.

ILPA is copied to letters sent to the Court from Treasury Solicitors so that we can alert representatives to their existence. Many of the emails enclosing the letters bear the legend

*Please note that TSol will not respond to any queries that you may have in relation to the charter or individual passengers and these would need to be directed to UKBA in the usual way in writing by fax if necessary.*

We alerted members who are on a dedicated list to receive these updates to it by 11.30am. We also sent the message more widely than the dedicated list in view of the short time limits and the gravity of its contents. We are aware that representations made on the basis of the letter have resulted in persons being taken off the flight. But we cannot be sure that all representatives have seen the letter or had chance to act in the tiny window given. There is the most grave risk that the safety of return of persons on the charter flight has been wrongly assessed on the basis of false information.

We ask that the Administrative Court take up with TSols the question of the unreliability of the information submitted to it and copied to us.

Yours sincerely

Alison Harvey  
General Secretary  
ILPA

cc. Sir Nicholas Blake, President, Upper Tribunal  
Ms Andrea McMahon, Treasury Solicitors  
Mr David Magee, Administrative Court