

**Submission ID**

333

**Title (required)**

Adversarialism in the Immigration Tribunal

**Stream or current topic (required)**

Administrative justice

**Abstract (required)**

The Immigration Tribunal provides an important independent judicial remedy for applicants who wish to challenge decisions made by the Home Office. In terms of its procedures, the Immigration Tribunal is known for employing an approach which is paradigmatically adversarial (Ryder & Hardy 2019).

Through my PhD research, by combining empirical evidence and socio-legal reflections, I have sought to understand 'adversarialism' in the First Tier Tribunal Immigration and Asylum Chamber and in this paper I present some of the findings. By drawing on qualitative research data collected at the field site: the Immigration Tribunal in Glasgow, I consider adversarialism through examining judicial approaches and noting the role of workgroup dynamics.

This paper appraises the extent to which hearings in the Immigration Tribunal adopt an adversarial hearing format. Through examining judicial approaches, I develop a typology for reflecting on differing judicial interventions: 'a ladder of judicial intervention'. The ladder challenges the binary understanding, often depicted in the literature, and shows that judges adopt a range of context sensitive approaches to hearing. Through examining the existence of and practices of the workgroup (judges, clerks, Home Office representatives and legal representatives) I observed that examples of cooperation and empathetic engagement also operate to challenge the narrative that the tribunal has a purely adversarial approach.

Ryder, E. and Hardy, S. (2019) *Judicial Leadership: A New Strategic Approach*, Oxford University Press.

**Submissions**

SUBMISSIONS ARE CLOSED

 Deadline - Monday, 9th January, 2023 Outcome notification - Monday, 23rd January, 2023333. [Adversarialism in the Immigration Tribunal](#)

EDIT

Program session: Administrative Justice 5

SUBMISSION

COMPLETE

DECISIONS

ACCEPTED 

