

# Human Rights Internship Report

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I want to express my gratitude to the Human Rights Lawyers' Association, without whose funding I could not have undertaken a four month internship at The AIRE Centre in London. In terms of the legal casework, research and technical experience gained, this internship developed my understanding of how to facilitate in practice the realisation of rights which exist in law - through advice, training, and strategic litigation - in ways which have already made me a more useful volunteer representative and researcher.

Currently a part time candidate for an LLM in International Human Rights, having converted to Law two years ago, my aim is to practise as a public law and human rights barrister, focusing on international social justice, laws around issues of class, disability, race, gender and sexuality, and immigration & asylum. It was for these reasons that I applied to be an AIRE Centre intern.

AIRE advises individuals of their rights in European human rights law and European Union law, particularly individuals who are vulnerable because of their circumstances (such as victims of human trafficking or domestic violence) or because of their legal status (in immigration and asylum law for example). Written advice is given in response to requests from individuals as well as legal practitioners, and staff lawyers represent clients in tribunals where appropriate, challenging government decisions which would violate civil and social rights protected under European law.

The centre takes cases to the European Court of Human Rights (ECtHR) on behalf of individuals, as well as intervening in cases to offer expert opinions on legal issues (such as whether national security concerns might justify deporting someone to potential torture in *Chahal v UK*, or whether protections set out in the European Convention on Human Rights (ECHR) might apply to individuals from the *Chagos Islands* who were deported from their homes in degrading circumstances by the British government in the 1960s). The centre is also a research hub, providing technical and policy assistance to legal advisers, lawyers and judges throughout Europe, through projects such as the West Balkans Rule of Law project, which I was able to contribute to during my internship, producing policy papers on various aspects of the ECHR.

As an intern I was given responsibility for a mixed caseload of around 40 cases, which required written advices to be drafted in response to questions from individuals and legal practitioners which engaged points of European law. These were mainly concerned with immigration, social security and family matters. I also acted as the caseworker and liaison between client and staff lawyer in cases involving tribunal hearings. This meant maintaining contact with the client to ensure the progression of a case, and working to evidence all the legal arguments identified by collating bundles of documents and authorities, and meeting witnesses to take statements on issues relevant to the case.

I was the caseworker in an appeal against deportation from the UK on behalf of an EEA citizen resident in the UK from the age of nine, who was being treated by the UK government as a serious threat to the interests of public policy or public security, on the grounds that she had served a sentence for carrying cannabis into the UK. At the end of her sentence she was taken from prison to an immigration removal centre. AIRE was successful in demonstrating that because the appellant had resided in the UK for over ten years, under European law the government might justify deporting her only if that decision was based on imperative grounds of public security.

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The reasoning behind this provision is that the greater the degree of integration of union citizens in a member state, the closer they come to being protected against expulsion from that member state in which they have made their life, as are nationals of that member state by virtue only of their nationality. European law seeks to ensure that all EEA citizens are treated equally. The imperative test, to be applied to EEA citizens with ten or more years' residence, is that of threat to national security. The Secretary of State for the Home Department had applied the wrong test in this case, justifying a removal decision in terms of public policy because the appellant could re-offend at some point in the future. However, AIRE won the case by demonstrating that, just as a British national might be deemed likely to re-offend following an initial conviction, an EEA citizen who has resided in the UK for ten years or more does not face the extra penalty of deportation, where there are no imperative grounds for removing that individual because s/he is a threat to national security.

In addition to legal casework, during my internship I researched and wrote policy papers and articles as a researcher for the West Balkans project, which the AIRE Centre conducts as part of a programme to promote the rule of law in Serbia and Montenegro. This gave me the chance to work in depth on various articles of the ECHR, reading case law on each provision and considering the jurisprudence of the Strasbourg court on issues such as fair trial and freedom of information. I quickly learned to produce thoroughly referenced research under pressure, on such topics as regional standards for criminal trials (for a monitoring project in Montenegro) and privacy (for a grant proposal to the European Commission by the Centre for Human Rights in Belgrade).

Working as an intern in an office where staff lawyers are constantly under pressure to produce legal analysis meant opportunities arose to contribute research on issues such as the extraterritorially applicability of the ECHR in light of the ECtHR judgement in the leading case of *Al-Skeini*, which was handed down during my internship. AIRE was asked to contribute submissions on the significance of *Al-Skeini* for the *Chagos Islands* litigation, and I had the chance to write on this in collaboration with another intern, under the direction of the Director. Being involved in the construction of analysis by a team, and following step-by-step how staff lawyers approach complex legal reasoning, was the most valuable experience because I was able to feel under the same time-pressures to deliver careful analysis as professional lawyers. This insight into strategic litigation, in terms of factoring in how submissions will be received and responded to, and how that should impact the arguments to be advanced, was new, exciting and, again, something impossible to pick up on outside of practical internship experience.

Working with clients towards solutions already provided for them in European law, but that had yet to be identified, unpacked and made to change their circumstances, enabled me to develop a deeper appreciation of precisely how casework functions to translate abstract legal principles into everyday implications for individuals. Through the internship I found out how to work with clients and witnesses in order to evidence a case, and how to theorise and articulate that case as a legal argument. The interplay between equality under the law and in life was made out in ways I could not have hoped to experience without AIRE. For this reason I would offer my thanks to everyone at the centre who gave me work and supervised it, and of course to the Human Rights Lawyers' Association whose generosity and commitment to facilitating the education of trainee human rights advocates meant I could work as an intern.