# UK tribunal grants indefinite leave to remain to Ghanaian overstayer amid human rights debate



Joyce Baidoo, a Ghanaian national, has been granted permission to stay in the UK despite her illegal immigration status, which she has maintained for over 25 years. Her case has drawn attention to the complexities of immigration law and the broader issues surrounding human rights and deportation policies in the UK. Overstaying her visa since 2000, Baidoo was already a convicted criminal before the immigration tribunal ruled in her favour. Initially jailed for ten months in 2007 for using false identity documents, she faced an order for deportation. Yet, the tribunal found her claims compelling enough to grant her leave to remain, citing significant obstacles to her reintegration into Ghanaian culture and the detrimental impact her deportation would have on her mental health.

The tribunal's ruling hinged on Baidoo's assertion that her long absence from Ghana would create severe challenges for her, including a lack of family support and limited employment opportunities. This aspect of her case echoes sentiments expressed in other recent rulings, where the Home Office has had its decisions challenged on the grounds of potential harm to individuals upon return to their home countries. A similar case involved a Nigerian mother and her child, where the court intervened based on the child’s best interests and the mother’s mental health, showcasing a trend in which courts emphasise humane considerations over strict immigration policy.

The evolving landscape of UK immigration law is further illustrated by the actions of the Criminal Cases Review Commission (CCRC), which has begun assisting asylum seekers in overturning convictions related to illegal entry. This initiative has resulted in over 30 convictions being quashed, enabling individuals to secure refugee status. Critics of this approach argue that it may undermine deterrence and strain the commission's resources.

The emotional tenor of these cases is heightened by broader concerns regarding human rights abuses in the UK's immigration system. The unresolved issues surrounding the Windrush compensation scheme, where many from the Windrush generation were wrongfully deemed illegal immigrants, highlight ongoing challenges for individuals navigating UK immigration. Despite being reinstated as British citizens, many are still facing difficulties accessing compensation, reinforcing the argument for a more compassionate and accountable immigration process.

While Baidoo’s case may seem to reflect a pressing need for humanitarian considerations, it has not escaped political scrutiny. Many politicians are questioning the implications of such rulings on overall immigration policy, voicing concerns that they may set precedents encouraging further illegal immigration. This scepticism is echoed in cases like that of a Nigerian woman, who, despite failed asylum attempts, was granted the right to remain in the UK based on perceived threats stemming from her association with a separatist group in Nigeria, sparking significant political backlash.

As recent judicial decisions continue to shape the immigration landscape, they stimulate a broader discourse about the balance between maintaining secure borders and upholding the UK's commitments to human rights. Each case not only reflects the personal struggles of those involved but also exemplifies the thorny intersection of legal frameworks, human compassion, and the changing face of British immigration policy.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.express.co.uk/news/uk/2062780/illegal-migrant-allowed-stay-uk> - Please view link - unable to able to access data
2. <https://www.telegraph.co.uk/news/uknews/immigration/12090822/Revealed-Government-body-helps-asylum-seekers-quash-convictions-for-illegal-entry-to-Britain.html> - An official UK government body, the Criminal Cases Review Commission (CCRC), is assisting asylum seekers in overturning convictions related to illegal entry into Britain. This initiative has led to over 30 convictions being quashed, enabling individuals to secure refugee status and remain in the UK. The CCRC has waived its usual rules, fast-tracking numerous asylum cases, which has raised concerns among MPs about potential impacts on deterrence and the strain on the commission's resources.
3. <https://www.independent.co.uk/news/uk/home-news/home-office-ordered-to-bring-back-migrant-mother-and-fiveyearold-son-deported-to-nigeria-10193656.html> - The UK Home Office has been ordered to return a Nigerian mother and her five-year-old son to the UK after their deportation to Nigeria. The court ruled that the Home Office failed to consider the child's best interests, particularly the mother's mental health implications upon return. The case highlights the complexities of deportation decisions and the importance of considering the welfare of children in such proceedings.
4. <https://www.cnn.com/2023/06/22/europe/windrush-compensation-scheme-home-office-intl-cmd/index.html> - Thousands of individuals from the Windrush generation, who were wrongfully classified as illegal immigrants by the UK Home Office, are still awaiting compensation. Despite the reinstatement of their British citizenship, many face challenges accessing the compensation scheme. The situation underscores the ongoing struggles of those affected by the Windrush scandal and the need for effective remedies for human rights abuses.
5. <https://www.gbnews.com/news/migrant-crisis-failed-asylum-seeker-granted-right-stay-britain> - A Nigerian woman, after eight failed asylum attempts, was granted the right to stay in the UK by joining the Indigenous People of Biafra (IPOB), a group labeled a terrorist organization by Nigeria. Despite her involvement being acknowledged as a ploy to bolster her asylum claim, Upper Tribunal Judge Gemma Loughran ruled that she faced a 'well-founded fear of persecution' in Nigeria due to her association with IPOB. This decision has sparked criticism from UK politicians, with Shadow Justice Secretary Robert Jenrick calling it a 'sick joke.'
6. <https://www.gbnews.com/news/migrant-crisis-uk-court-accused-bowing-down-echr-gazan-family-ukrainian-refugee-scheme> - British judges have been accused of 'bowing down to the ECHR and international law' after allowing a Gazan family to remain in the UK, despite applying under a scheme meant for Ukrainian refugees. The family, whose home was destroyed by an airstrike, initially had their claim denied but were granted asylum after a judge ruled their 'extreme and life-threatening' situation outweighed the 'public interest' of the UK's entry rules. This decision has raised concerns about the application of international law in UK immigration cases.
7. <https://www.ahotoronline.com/visa-fraud-uk-bans-4-mps-for-10-years/> - Four Ghanaian Members of Parliament (MPs) have been banned from entering the UK for ten years due to visa fraud. The MPs, including George Boakye and Richard Acheampong, facilitated the illegal stay of their relatives in the UK by providing false information in visa applications. The UK authorities have imposed these bans as part of efforts to deter visa misuse and uphold immigration integrity.