

Conviction Quashed Following CCRC Referral

26 February 2021



The conviction of a man who presented a false identity document at Stansted Airport has been quashed, following a referral by the Criminal Cases Review Commission.

The Appellant was an Iranian national who pleaded to using a false identity document with intent in May 2006. After his release from prison, he sought asylum and was eventually granted refugee status. He has since become a naturalised British citizen.

The Criminal Cases Review Commission concluded that although he was correctly advised about whether he had a potential defence under section 31 of the Immigration and Asylum Act 1999 on the law as it was understood in 2006, that understanding was shown to be incorrect in of the subsequent House of Lords decision in *Asfaw*. It concluded that on the law as properly understood he had a

defence that quite probably would have succeeded, and that it would be an affront to justice for his conviction to stand.

Having heard argument, the Crown Court at Chelmsford concluded that the threshold for an Appellant to vacate his guilty plea on the basis of a change in the understanding of law was met. In consequence the Respondent offered no evidence and the conviction was quashed.

Miriam Smith appeared for the Appellant. She initially acted pro bono instructed by Advocate, and then was instructed by Philippa Southwell of Birds Solicitors.

Andrew Johnson appeared for the Respondent, instructed by the CPS Appeals and Review Unit.