

Law - emigration law

Law



Emigration law a) supporting arguments by C C argues that establishing a permanent place to live will help the children access better medical and educational facilities. The education act 1996 allows the state secretary the responsibility of ensuring proper education to the inhabitants of England. According to the act, the children's education should be in line with the wishes of their parents. In addition, the act states that the education offered to children should not violate their religious or philosophical values. In this case, it is against the law for the local authority to refute Cs application considering that a permanent establishment will allow access to proper education. Cs wish is for the children to access education from the current place. 1 The National Health Service act 1977 requires access to health care in order to improve the welfare of all the people. The local authority's action will influence access to this facility. The claims of privacy violation by C are true under the human rights act. 2 A person living in UK has a right to privacy; this includes life with siblings or family. In the case of *Connors v United Kingdom* (2004), the council expelled the family of the applicant for causing nuisance. The family sued the council alleging that the expulsion was a breach of their privacy plus the right to enjoy their family life. The court found a violation of the right to value for the family. Considering that the family was from the Gipsy origin, it was vulnerable. 3 The court found a problem with the legal criteria used to settle the family because it failed to provide the right security to the nomadic family. The council had dishonored the right to the discretion because it was not necessary for economic or public welfare. In Cs case, eviction would mean disrespect for their home. It would violate article (8) which provides the duty for authorities to exercise proper respect for families. The law allows public authorities to violate this

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right only under unusual circumstances, for example, for safeguarding the welfare of people either economically, or for security plus safety of the public. 4 The law gives attention to vulnerable communities such as Gypsies with an exception of those whose settlement is unauthorized. The notion of privacy applying to UK law entails all aspects of a person, for example, psychological veracity, gathering of personal data, individuality and space. The court reviews the law governing these aspects before making judgments. b) Supporting the arguments by the local authority Section 87 of the 1990 Town and Country Planning act denies planning to various descriptions of land. Land that lies in a national park, area of protection and that intended for scientific research do not fall under the simplified planning Zone. 5 Most important in this scenario, the act refutes planning for land that appears part of the green belt. In addition, section 187 of the act states that in case a local authority finds it a necessity to stop any planning violation; it can seek an injunction via a request to the court. The court by applying the law can offer the injunction if it finds the action fundamental for restraining the planning breach. In the case of C and the local authority, the local authority has legal facts to seek an injunction from the court considering that the land is part of the green belt. 6 Under article, (8) the human rights act, 1998 considers caravans as home except when constructed in breach of the town development rules. The local authority's argument is applicable in court by following this rule. Although the law considers the Cs place as a home that deserves privacy and respect, the construction of such structures should adhere to the rules of town planning. In Chapman v. United Kingdom, the national authority refused the Gypsy family to place caravan in their land. The applicant argued that there was a breach of a right to family plus private

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life. 7 The court recognized the condition of the applicant as a minority owing to the use of caravans. This means an exceptional consideration is possible disregarding that it is a breach to occupy land restrained from planning. 8 The national authority's arguments for denying settlement were for the purpose of protecting the environment. The court's decision in this case was exceptional; it found that the needs presented by the authority were not necessary. If, the arguments were necessary the court still found a need to treat the gypsy uniquely owing to minority issues present in article 14 which safeguards susceptible groups from any form of alienation. If the local authority seeks an injunction and C goes to court. The court's decision will depend on the interpretation of article 14 and The Town and Country Planning act 1990. s87&187. Bibliography M Cousins, Architect's Legal Pocket Book Routledge, London, 2012, p. 309.