

**IN THE CARE TRIBUNAL**

**BETWEEN:**

**DR EBRIMA JALLOW**

**Appellant**

**-and-**

**NORTHERN IRELAND SOCIAL CARE COUNCIL**

**Respondent:**

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**Date:** Wednesday 7<sup>th</sup> June 2023 at 10.30am

**Venue:** The Tribunals Hearing Centre, Royal Courts of Justice, Belfast

**Tribunal:** Chairman: Stephen G Quinn K.C.  
Members – Agnes Lunny and Arthur Rainey

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**Tribunal Decision – Appeal Dismissed**

1. The Appellant did not have legal representation. Mr Peter Carson, Solicitor, DLS, Belfast, represented the Respondent. To commence the hearing and in accordance with Regulation 21 of the Care Tribunal Regulations (NI) 2005, the Chairman advised the hearing as to the order of proceedings the Tribunal proposed to adopt and asked if the Appellant was content to continue without legal representation or representation by someone who could assist him at the hearing. Dr Jallow indicated that he was happy to proceed. There had been a Directions Hearing on the 23<sup>rd</sup> February 2023, all of the Directions had been carried out and comprehensive Hearing Bundles had been prepared by the Respondent’s legal representatives. The Tribunal thanks them for their assistance in this matter.
2. The Chairman invited Mr Carson to make a short opening statement and he took the Tribunal to the Appeal Application, indicating that Dr Jallow was born on the 31<sup>st</sup> January 1986, that he was originally from Gambia and started a course at Queen’s University, Belfast in September 2021. He took us to the Resident’s Permit at page 11 of the Bundle and indicated that this would allow the Appellant to work 20 hours per week. In accordance with the Regulations, the Appellant applied for registration with NISCC and was registered on the 27<sup>th</sup> January 2022 on Part II of the Register for Domestic Care Workers.

3. The Appellant's Student Visa was revoked on the 26<sup>th</sup> March 2022 with Notice being sent to Dr Jallow on the 25<sup>th</sup> March 2022. It would seem that Dr Jallow was no longer enrolled in QUB as a student and, on page 102 of the Bundle, we were referred to a Home Office Immigration Enforcement document setting out the reasons why the Appellant's student visa had expired and, as QUB were the sponsor for the Visa, he was therefore an "overstayer" in the United Kingdom contrary to Section 24(1)(b)(i) of the Immigration Act 1971 (As Amended).
4. The Appellant's lack of a Visa or work permit was referred to the Preliminary Proceedings Committee of the NISCC who, after careful consideration of all of the relevant issues and the Regulations, suspended his registration with NISCC for six months. Arising out of all this it was clear that as Dr Jallow was not registered with NISCC and did not have a work permit, that he could not legally work in the UK and he was finally arrested and is currently on asylum bail and not allowed to work in this jurisdiction.
5. Dr Jallow wanted to speak on his own behalf and the Chairman advised him that he could either make a statement or give evidence on Oath. Dr Jallow decided to give evidence on Oath. He confirmed that he came from Gambia to QUB as a student on a student visa. He had qualified as a medical doctor in Cuba (the certificates were within the Bundle) and worked in Gambia as a doctor. His wife is still a student at QUB doing a course in public administration. He now lives in the Stranmillis area of Belfast. He told the Panel that he was initially secured by a QUB student visa with the University as his official sponsor. He came late to the course due to a family illness and he was using family money to pay for the course. He told us that the family funds were withdrawn due to another family member's ill-health which had to be funded. He was unable to pay the university fees and failed to get another sponsor. Obviously, he could solve his money problems by working and that was precisely what he was doing when he was arrested. The Respondent raised no issues about the Appellant's working history or his ability or suitability to work in the care industry in this jurisdiction. He was advised to seek legal advice and he saw a solicitor who gave him advice about an asylum application. He went on to tell us that his employer knew his situation and attempted to intervene and wanted to intervene as a sponsor and that is why he continued working.
6. The Chairman referred back to Mr Carson for comment and he respectfully submitted that the Care Tribunal has no powers, in these circumstances, to do anything other than uphold the decision of the PPC of the NISCC, in that an Interim Suspension Order was required and that it was appropriate and proportionate in the circumstances. Mr Carson submitted that as the Appellant did not have a Visa to work in the UK then no other decision could be made as it was a matter of public policy that a UK work visa is required to obtain registration with NISCC. We were told that the Interim Order was reviewed by the PPC who imposed a further Interim Suspension Order dated 23<sup>rd</sup> March 2023 for a eighteen months. This prohibits the Appellant from working as a Social Care Worker in the positions listed on the PPC Committee decision of 13<sup>th</sup> March 2023, on pages 74 and 75 of the Hearing Bundle.
7. The Tribunal retired for fifteen minutes to consider the facts of the case and unfortunately could come to no other decision other than uphold the suspension imposed by the PPC on the 23<sup>rd</sup> March 2023 and therefore Dr Jallow's appeal is dismissed. However, the Panel unanimously agreed that:

- (a) It was clear from the personal references included in the Hearing Bundle that there were absolutely no issues whatsoever about Dr Jallow being an intelligent, enthusiastic and committed worker in the Care Homes and the Hospitals in which he was employed. The Respondent raised no issues about Dr Jallow's fitness to work in a health and care setting other than his lack of a visa.
  - (b) It is unusual to see a qualified medical doctor working in a position of a Care Worker and that could only be of benefit to the care industry in Northern Ireland.
  - (c) Though we have no jurisdiction over the case as it would be against public policy to allow Dr Jallow to work without Home Office approval and a work Visa for this jurisdiction, we found Dr Jallow to be an honest and forthright witness in his own cause, he was clearly a man who was trying to work to make a life for his family and we applaud his work ethic. He told us a little bit about the discrimination he faced in his home country and we are saddened to hear about the difficulties he suffered. If Dr Jallow was to be successful in his asylum application then this Tribunal would wholeheartedly recommend him as a worker in the care industry in this jurisdiction.
8. The Chairman requested that Mr Carson make our comments known to the PPC of Northern Ireland Social Care Council and we also do this through this short Judgment.
9. No other Orders required.

**Stephen G Quinn K.C.**  
**Chairman of the Care Tribunal**

**Agnes Lunny and Arthur Rainey**  
**Members of the Care Tribunal**

**Dated this 21<sup>st</sup> day of June 2023**