Alex Burrett

Call: 1999

LinkedIn:
https://www.linkedin.com/in/alex-burrett-805a2918
Twitter: https://twitter.com/alexburrett

Specialist in:

- Personal Immigration
- Business Immigration
- Direct Access
- Direct Access Trained

Experience

Alex has a substantial level of experience in all areas of Immigration, human rights, business, EU, and nationality law. He is ranked in the Chambers UK Bar Guide 2026 and the Legal 500 2026 for immigration. As a leading junior he gives clear strategic advice and is able to offer creative and practical solutions to clients. He is regularly instructed in appeals to the Upper tribunal, Court of Appeal and in judicial reviews before the High Court and Upper Tribunal and has outstanding cases currently before the European Court of Human Rights.

His expertise, in Nationality law covers acquisition, naturalisation and registration as well as loss of nationality and he is regularly instructed on citizenship deprivation and exclusion cases in SIAC and has been at the forefront of some of the most signifcant nationality cases in recent years. He also assists in advising overseas British nationals (and their descendants) in securing their rights and frequently acts for clients whose appeal involves close family members such as a spouse, parent, or a child.

Alex is often instructed to act for individuals, businesses, and institutions in relation to matters arising for investors, innovators, and entrepreneurs. He advises corporations and entities on illegal working and liability risks. And on issues that arise for business and individuals applying for working visas under the skilled route or intercompany transfer route.

As a Direct Access qualified Barrister, Alex helps clients navigate challenging immigration issues with clarity and a considered approach. He provides bespoke advice, careful case preparation and committed representation at every stage.

Alex is a reviewer for the Bar Pro Bono unit Advocate, and a keen follower of Liverpool Football Club.

What the directories say

“Alex, apart from being a great human, is an extremely experienced counsel. He is easy to approach to ask for assistance, and he has helped me to learn difficult areas of law.“

Chambers & Partners (2026) Immigration (Band 3)

“He is always responsive and helpful, particularly for urgent and complex matters.”

Chambers & Partners (2026) Immigration (Band 3)

“His ability to handle the most complex cases with precision, clarity and unwavering dedication is truly impressive.”

Chambers & Partners (2026) Immigration (Band 3)

Memberships

ILPA and Bar Human rights committee

Cases

D10 v Secretary of State for the Home Department [2025] UKSIAC SC/181/2021

One Pump Court pupil Joseph Maggs explores a recent citizenship deprivation appeal in the Special Immigration Appeals Commission. One Pump Court’s Alex Burrett appeared on behalf of the Appellant, instructed by Sunita Joshi of JD Spicer Zeb Solicitors, and led by Hugh Southey KC of Matrix Chambers.

This blog was originally published on Free Movement. Joseph is currently completing his first six and will be available to take instructions from April 2026.

The Special Immigration Appeals Commission has dismissed an appeal against a decision to

deprive a refugee father of two of his British citizenship for national security reasons. The case is *D10 v Secretary of State for the Home Department [2025]* UKSIAC SC/181/2021.

Background

D10, a non-European national, arrived in the UK in 2002 and was granted asylum. His wife joined him in 2005. They naturalised and have two British children. The eldest is an adult but thinks and behaves like an eight-year-old and attended a school for children with special educational needs or disabilities in the UK.

In May 2019, D10 was arrested under a European Arrest Warrant and in November 2020 extradited to Greece on drug trafficking charges. In January 2021, the Home Office concluded that he is an agent of his home country's intelligence service and deprived him of citizenship under section 40(2) of the British Nationality Act 1981, on the grounds that it was conducive to the public good to do so.

D10 was acquitted by a Greek court in April 2022 and subsequently removed by the Greek authorities to his home country, where he says he keeps a low profile. His family joined him there in summer 2023.

The appeal

SIAC treated D10's eight grounds of appeal as four main grounds:

1. The Home Secretary's decision was unreasonable;

2. It breached D10 and his family's Article 8 rights;

3. It placed him at real risk of being subjected to treatment contrary to Articles 2 and 3 on return to his home country; and

4. It was not kept under review during the appeal.

All grounds were dismissed.

SIAC began by considering two cross-cutting issues: the impact of the decision on D10's family, and the relevance to the decision of his acquittal in Greece.

The impact of deprivation on the family was limited:

The decision to deprive D10 of his citizenship does not prevent the family from living together:

they continue to live together in the country. Nor does it prevent D10's wife and children from living in the United Kingdom – they may continue to do so if they wish. Nor does it, in itself, necessarily prevent D10 from living with his wife and children in the United Kingdom. (¶39)

SIAC relied on Aziz v SSHD [2018] EWCA Civ 1884, which established that where an individual is in-country at the time of deprivation, the Home Office is not required to conduct a ***"proleptic"*** analysis of whether it would lead to deportation. Applied by analogy to out-of-country deprivation cases, this meant:

it is necessary to consider only the direct impact of the deprivation decision on family life, as opposed to seeking to forecast the outcome of an application for entry clearance. (¶40)

It was immaterial that D10 was being held outside the UK against his will, that the Home Office appears to have waited until he was outside the UK before making the decision or that, as SIAC says later in the judgment, the main goal of the decision was "*to keep D10 outside the United Kingdom"* (¶51).

As for the acquittal, it was understandable that D10 thought the decision was "influenced…by the suggestion that he had been involved in importing a huge quantity of class A drugs" (¶42). However, *"having considered the totality of the OPEN and CLOSED evidence"*, the acquittal was *"of no, or at best marginal, relevance to the decision"*. The decision was based entirely on the assessment that D10 was an intelligence agent.

Whether the deprivation was reasonable in the circumstances

There was therefore no basis for arguing that the decision was unreasonable for failing to have regard to the acquittal or the family. That left the question of whether the underlying basis for deprivation was reasonable.

Much of the open evidence concerned the nature of D10's relationship with a relative whose links to intelligence he was aware of. He denied it was anything more than friendly and familial. This was disputed by the other live witness, an MI5 agent, who was unable to explain why in open evidence.

SIAC accepted that

we are in no position to find, on the OPEN evidence alone, that there was a basis to assess that D10 was himself an agent of the country's intelligence service. Mere association with

someone who D10 believed to have connections with the country's intelligence service is not (nearly) sufficient. (¶47)

But as so often in deprivation appeals, the national security evidence heard behind closed doors was decisive. SIAC found that it not only established that the Home Secretary's conclusion about D10 being an agent was justifiable – it was also *"highly likely to be correct"* (¶27, ¶49). The decision was therefore one which was reasonably open to her.

Human rights arguments

The Article 8 ground was dismissed "*by reference, principally, to the decision in Aziz*" (¶53). In any event, SIAC indicated that were it to conduct a proportionality exercise,

we would unhesitatingly conclude that any impact on the family life of D10 and his family was justified as being necessary for, and proportionate to the legitimate aim of protecting the national security of the United Kingdom. (¶51)

On Articles 2 and 3, SIAC held that because D10 was out-of-country at the time of deprivation, he fell outside the primarily territorial jurisdiction of the ECHR, and deprivation is *"the antithesis of the exercise of control"* necessary to found extraterritorial jurisdiction (¶62, quoting S1, T1, U1 and V1 v SSHD [2016] EWCA Civ 560). It was not accepted that there is an exception to the rule where an appellant is involuntarily outside the UK or on the territory of another Council of Europe member.

SIAC nevertheless considered risk on return in relation to the Home Secretary's own policy applying the safeguards in Articles 2 and 3. It concluded that the factors that gave rise to D10's asylum claim no longer applied. Closed evidence was again relied upon, with the probable fact that he is an agent being a "*strong protective factor against mistreatment"* (¶65).

Reference was also made to country conditions guidance and the fact that D10 had now lived in his home country for some time without encountering difficulty, save for two incidents which SIAC found either did not amount to inhuman or degrading treatment or were implausible.

The review obligation

SIAC did not accept that the Home Office failed to keep the decision under review in light of new evidence about the acquittal and D10's family. Unsurprisingly, permission to introduce an additional ground of failing to provide reasons which engaged with the acquittal or family life

was refused.

A separate ground concerning delay and EU procedural safeguards was also dismissed. The timing of the decision, which occurred suspiciously soon after D10 was extradited, could only be addressed by reference to closed evidence, and the Special Advocates did not advance any argument as to delay.

Commentary

This is yet another example of the inherently mysterious – and for appellants, unfair – nature of deprivation appeals. The national security case, the contents of which will never be disclosed to D10, formed the basis for much of SIAC's open reasoning.

Since the Supreme Court's decision in Begum v SIAC [2021] UKSC 7, deprivation appeals have been limited to public law grounds save for human rights arguments, which are considered on their merits. This case shows how heavily restricted such arguments can be in light of Aziz and jurisdictional obstacles.

It appears all too easy for the Home Office to circumvent human rights considerations, including the best interests of children (a phrase which appears only once in the judgment despite the obligation in section 55 of the Borders, Citizenship and Immigration Act 2009).

This may not be the end of the road for the family. Even if further appeals in this case are unsuccessful, similar issues could be raised in an entry clearance challenge. Although, in reality, it is difficult to see how that could succeed without the justification for deprivation falling away.

D8 v SSHD [2022] UKSIAC SC/179/2020

Successful application for bail from SIAC in a case where the applicant had had his refugee status revoked on NS grounds.

D8 V SSHD [2022] UKSIAC SC/179/2020

https://www.bailii.org/uk/cases/SIAC/2022/SC_179_2020.html

The applicant D8 is an Iranian national who had his refugee status revoked and was excluded from the UK on National Security grounds on the basis that he had an Islamist mind- set, was supportive of ISIL and had re-availed himself of the protection of Iran. After entering the UK in breach of the exclusion order D8 was detained at HMP Belmarsh in March 2021. Following a bail application before the Special Immigration Appeals Commission ("SIAC") on 15 June 2022, The Honourable Mr Justice Lane recognised that the significant period D8 had spent in bail as well as being an Adult at risk (level 2) strengthened his case for bail and that it was also significant that he had not absconded previously in the UK when claiming asylum and would likely pursue his case against exclusion and revocation in an appeal hearing before SIAC. In granting bail SIAC recognised that the national security case against D8 that risk was not sufficient so as to outweigh his case for bail.

Acting for D8 was Alex Burrett led by Samantha Knights KC and instructed by Sunita Joshi of JD Spicer Zeb Solicitors

ULLAH v SSHD [2022] EWCA Civ 550

https://www.bailii.org/ew/cases/EWCA/Civ/2022/550.html

The appellant Mr Ullah ("A") was a national of Pakistan who appealed a decision to the Court of Appeal against a refusal to grant him permission to apply for judicial review. A had sought a judicial review of a refusal to grant him a tier 2 employment visa having been previously granted a visa by the same employer. The Secretary of State in dealing with his application accepted that administrative mistakes had been made in considering the employer's certificate of sponsorship but that the delay on over 9 months in reconsidering the application was not unlawful. The Court of Appeal in dismissing the appeal considered that the A was not entitled be informed that that the employer was being investigated or had withdrawn their sponsorship and that the delay was not unlawful as the Secretary of State was entitled to investigate the sponsor.

Alex Burrett was instructed by Mr Ullah on a direct access basis

ROBA (OLF – MB confirmed) Ethiopia CG [2022] UKUT 1 (IAC)

https://www.bailii.org/uk/cases/UKUT/IAC/2022/1.html

https://freemovement.org.uk/ethiopia-still-not-safe-for-oromo-liberation-front-supporters-country-guidance-confirms

ROBA v SSHD was an important country Guidance case on Ethiopia before the Upper tribunal in which a panel stated that the risk categories in MB (OLF and MTA – risk) Ethiopia CG[2007] UKAIT 30 should continue to apply because there was not a “durable change in circumstances” in Ethiopia before the Upper tribunal it was confirmed

that the risk categories in MB (OLF and MTA – risk) Ethiopia CG[2007] UKAIT 30 should continue to apply because there was not a “durable change in circumstances” in Ethiopia. Roba also confirms that those who have a significant history, known to the authorities, of OLF membership or support, or are perceived by the authorities to have such significant history will in general be at real risk of persecution by the authorities. The Tribunal also held that ‘Significant’ should not be read as denoting a very high level of involvement or support. Rather, it relates to suspicion being established that a person is perceived by the authorities as possessing an anti-government agenda.

Alex was instructed by Kam Dhanjal of JD Spicer Zeb Solicitors

O3 v Secretary of State for the Home Department [2020] UKSIAC SC – 147 – 2018

https://www.bailii.org/uk/cases/SIAC/2020/SC_147_2018.html

O3 who had Indefinite leave to remain in the UK was subject to deportation as the Secretary of State considered he was aligned with ISIL and if he was allowed to stay he may plan and execute a high casualty attack. On appeal against the SSHD decision, the special immigration appeals commission concluded that O3 was a risk to the national security as he was aligned with ISIL and aspires to carry out attack planning in the UK. Further that there was no risk to him on removal for reasons set out in the confidential annexe.

Alex Burrett acted for O3 and was led by Hugh Southey KC instructed by Sunita Joshi of JD Spicer Zeb solicitors

SINGH v SSHD [2019] EWCA Civ 1504, 22 August 2019

A ‘rare’ successful application to reopen and overturn a final decision of the Court of Appeal This case is significant in that it establishes that final decisions of the Court of Appeal can be reopened, if it can be demonstrated that the integrity of the earlier proceedings had been

critically undermined. The appeal was eventually remitted back to the Upper Tribunal who allowed the appeal applying KO Nigeria [2018] UKSC 53

https://www.bailii.org/ew/cases/EWCA/Civ/2019/1504.html

K (a child) v SSHD [2018] EWCH 1834 (Admin)

This case concerned paternity of a child for the purposes of acquiring British citizenship. K's passport was withdrawn and she was informed that she was not 'British' even though she could prove by DNA that her father is British. Section 50(9A) of the British Nationality Act 1981 says that if a woman is married at the time of a child's birth, for the purposes of British nationality law, her husband will be deemed to be the father, even if there is irrefutable proof that another man is the biological father.

On K's application for judicial review, the Administrative Court declared that section 50(9A) of the British Nationality Act 1981 (the BNA) is incompatible with Article 14 ECHR, read with Article 8 ECHR because it discriminates unlawfully against children whose mothers are married to a man other than the child's father when the child is born. An affected child will not be entitled to British nationality through the biological father but could apply to be registered at the 'discretion' of the Home Secretary, at a fee currently of over a thousand pounds (£1012) and, if aged over 10 years subject to a requirement to be of 'good character'. The judge concluded that although 'certainty' under the law was a legitimate aim, the aims did not justify such a fee nor the risks associated with the discretion whether to grant citizenship rather than a right to claim it as the child of a British citizen.

The Secretary of State appealed. Permission was granted on the basis that it was arguable that the judge had failed to consider the wider impact of her conclusions on, for example, children born through surrogacy. However, the appeal was later withdrawn with the effect that the declaration made by the court below remains in place

Alex Burrett acted for K in the High Court instructed by Hina Kargar of Lawlane solcitors

http://www.bailii.org/ew/cases/EWHC/Admin/2018/1834.html

PHAM v SSHD [2018] EWCA Civ 2064

The issue in this case was whether the decision to deprive Pham (convicted of terrorism offences and currently incarcerated in the United States) of his British citizenship was justified

or should be subject to a Lumsdon (R (Lumsdon & Ors) v Legal Services Board [2015] UKSC 41) least restrictive measure criteria when assessing the proportionality of the decision to withdraw citizenship. The Court, whilst recognising the importance of nationality and citizenship, held that a British citizen can be deprived of his citizenship if he shows disloyalty to the state.

https://www.bailii.org/ew/cases/EWCA/Civ/2018/2064.html

MK (A CHILD BY HER LITIGATION FRIEND CAE) V SSHD [2017] EWHC 1365 (ADMIN) [2017] 6 WLUK 215

This test case involved a stateless child (MK) born in the UK in November 2010. Her parents were both nationals of India. MK had made an application for registration as a British citizen under Schedule 2 of the British Nationality Act 1981. It was determined that MK was entitled to register as a British citizen as she was and is stateless as she does not have Indian nationality. This case is important for those children who are born in the UK and who by the age of 5 have no nationality. (http://www.bailii.org/ew/cases/EWHC/Admin/2017/1365.html)

PHAM V SSHD [2015] UKSC 19

Appeal to the Supreme Court from the Court of Appeal. The appellant was born in Vietnam and as a young child came to the United Kingdom, acquiring British citizenship at the age of 12. Aged 21 he converted to Islam and thereafter became an Islamic extremist. On 20 December 2011 the respondent made an order under s.40(2) of the British Nationality Act 1981 depriving him of British nationality on the ground that it would be conducive to the public good because the Security Service assessed that PHAM was involved in terrorism related activities. He was subsequently extradited to the United States of terrorism charges. The appellant argued that the respondent's decision was in breach of s.40 (4) as it rendered him stateless and contrary to EU law. The Supreme Court upheld the Court of Appeal's decision.

https://www.supremecourt.uk/cases/docs/uksc-2013-0150-judgment.pdf

O3 v SSHD [2019] UKSIAC SC_147_2018

https://www.bailii.org/uk/cases/SIAC/2019/SC_147_2018.html

In the bail application of O3 v SSHD, the Special Immigration Appeals Commission confirmed that, as with regular immigration detainees, those facing deportation on national security

grounds are entitled to a presumption of bail. In deciding whether to grant bail to such detainees, the Commission must balance that presumption with the national security risk assessment by the Security Service and decide if the Commission can impose conditions to address the risk.

For further information as to background and analysis see detailed post by Daniel Grutters here
https://www.onepumpcourt.co.uk/news/daniel-grutters-explores-siac-judgment-on-terrorism-suspects-facing-deportation/

Alex Burrett acted for O3 and was led by Hugh Southey KC instructed by Sunita Joshi of JD Spicer Zeb Solicitors