Daniel Grütters

Call: 2017

Specialist in:

- Housing & Community Care
- Personal Immigration
- Business Immigration
- Prison Law
- Civil Law
- Inquests & Public Inquiries Team
- Court of Protection
- Civil Actions Against Public Authorities
- Direct Access
- Modern Slavery & Trafficking Team
- Direct Access Trained

Experience

Daniel is ranked in the Legal 500, and has a civil and public law practice. He is a specialist in the following areas: housing and community care, civil actions against the State, police and prison inquests, and immigration and asylum. Daniel acts for claimants, appellants and bereaved families. He has particular experience in cases involving discriminatory conduct by public authorities. Before coming to the Bar, Daniel was the international law adviser at the British Red Cross.

Daniel specialises in homelessness appeals and is especially knowledgeable about the relief and prevention duties, including their interaction with other duties under the Housing Act 1996. He regularly represents tenants in possession claims and claimants in judicial review proceedings. He has notable experience in assisting vulnerable clients and handling cases concerning capacity, the Equality Act 2010 and human rights issues.

Daniel is regularly instructed in judicial reviews involving unique and complex civil liberties and human rights points. He represents bereaved families in police and prison related

inquests. He has a particular interest in actions against the State, including claims involving unlawful imprisonment, assault and battery by police officers, and malicious prosecution. He regular appears in contested multi-track trials.

Daniel acts for claimants in appeals and judicial reviews, and has notable experience in relation to unlawful detention, deportation and asylum claims. He has particular expertise in EEA-related matters, including on the interaction between the Withdrawal Agreement and the Immigration Rules.

Pro Bono

Daniel is passionate about access to justice and does a significant amount of pro bono work. At the annual Bar and Young Bar Conference 2021, Daniel was awarded the Young Pro Bono Barrister of the Year Award.

Notable cases

Poplar HARLCA v Kerr [2025] 2 WLR 503 (CA)
The tenant held the property on an assured tenancy. The landlord obtained an order for possession on the discretionary ground for possession, which the court suspended pursuant to section 9 of the 1988 Act. Subsequently, the landlord sought possession on the mandatory ground for possession and applied for the suspended order to be made into an outright order. The district judge granted the landlord's application. The circuit judge dismissed the tenant's appeal, holding that a suspended order for possession carried with it an implicit liberty to apply which gave the court power to vary it in the manner sought by the landlord. The tenant appealed, contending that neither section 9 nor an implied liberty to apply empowered the court to vary a suspended order for possession originally made on a discretionary ground by making an unconditional order on a mandatory ground.

Lewison LJ, with whom Newey and Arnold LJJ agreed, dismissed the appeal, agreeing with the approach of the district judge. An application for permission to the Supreme Court is outstanding.

R (oao ZRR) v Bexley LBC [2024] EWHC 2073 (Admin)
The claimant applied for judicial review of the defendant local authority's alleged failure to secure suitable accommodation for her and her children under s.190 of the Housing Act 1996, and to conduct a lawful needs assessment of her children under s.17 of the the Children Act

1989.

Ground 1: Whether the defendant's decision that the B&B was suitable accommodation was irrational. Where a local housing authority was satisfied that an applicant was homeless and eligible for assistance but became homeless intentionally, then the duty it owed depended on whether the applicant had a priority need. If so, then pursuant to s.190(2)(a) of the 1996 Act, it had to secure accommodation for such period as would give the claimant a reasonable opportunity of securing accommodation. The B&B room offered to the Claimant had not discharged the defendant's duty to the claimant under s.190(2)(a). Ground 1 succeeded.

Ground 2: Whether the defendant had failed to conduct a lawful needs assessment of the claimant's children. Pursuant to s.17(1) of the 1989 Act, a local authority had a duty to safeguard and promote the welfare of children in need. A child without accommodation was a child in need. The defendant's report was silent as to how the younger child's education needs would be met in Manchester. The educational needs of the younger child were a matter that required consideration when assessing whether to offer the family short term accommodation in Manchester. The analysis of whether to offer accommodation in Manchester for 28 days as a response to concerns regarding the children was flawed for a failure to take lawful account of the younger child's education needs. Ground 2 succeed, too.

R. (on the application of Islam) v SSHD [2024] EWHC 1838 (Admin)
The claimant had applied for judicial review of HM Passport Office's decision, on behalf of the defendant Secretary of State, to refuse his application for a British passport.

In September 2018 the defendant decided to deport the claimant because of his criminal convictions, and on the basis that he was not a British citizen. The FTT allowed the claimant's appeal and determined that the claimant was a British citizen and was not liable to deportation. The defendant did not seek to appeal the FTT's decision to the Upper Tribunal.

In 2023 the claimant applied for a British passport after several others had been refused. His latest application included a copy of the FTT's decision. The defendant refused to grant his application on the basis that he was not a British citizen.

The Court held that the FTTs decision could potentially give rise to an issue estoppel as between the claimant and the defendant as a matter of law. It was a judicial adjudication in a matter involving the same parties in which it had found the facts and applied the law to determine the issues and the claim. The decision arose out of a contested hearing at which it

had heard and considered evidence and heard argument from representatives on both sides. The decision had not been the subject of a successful appeal, or an appeal at all and still stood. Issue estoppel prevented an issue that had been decided as a necessary part of a decision in previous litigation from being reopened in later litigation involving the same parties. It could apply where an injustice would be caused if it was not applied. It could not be said that the FTT's conclusion on citizenship was plainly perverse or manifestly premised on some error of law. If the defendant considered the FTT's decision was deficient in its reasoning or otherwise wrong, an appeal to the UT could have been pursued. The FTT's finding that the claimant was a British citizen gave rise to an issue estoppel and there was no sufficient reason for concluding that in the interests of justice estoppel should not bite in respect of the decision to refuse the claimant a passport.

The defendant's decision was quashed and a declaration was granted that the passport office had unlawfully refused the claimant's passport application, given that there was an unchallenged finding by the FTT that he was a British citizen.

Woolley v Ministry of Justice [2024] EWHC 304 (KB)
The claimant appealed against the county court's decision to approve the amount of the claimant's costs budget in a personal injury action in circumstances where the other side's costs budget had been agreed.

The claimant argued that, in determining which costs of the claimant's budget were reasonable and proportionate, the judge explicitly refused to have regard to the defendant's. The claimant contended that the judge's disregard for its own costs budget amounted to an error of law because CPR r.3.17 required her, when making any case management decision, to have regard to any available budgets of the parties, and because it was a relevant consideration in determining which of the claimant's costs were reasonable and proportionate.

Kerr J held that the county court judge had closed her mind to any argument based on a comparison with items in the defendant's costs budget. She did not claim or demonstrate familiarity with the defendant's budget, nor the figures in the defendant's Precedent R. Her responses to any of the claimant's attempts to refer its budget showed that she was not prepared to entertain arguments based on its content. She had thereby disregarded a relevant consideration. The defendant's budget was not intrinsically irrelevant, as some comparison between budgets might be informative. The defendant's budget did not become irrelevant merely because it had been agreed or because the judge might have disagreed with

the reasonableness of the amounts in it. The claimant was entitled to make submissions about it and had been prevented from doing so. It followed that there was a serious procedural or other irregularity within CPR r.52.21(3) and the appeal was allowed.

Zaman v Waltham Forrest LBC and Uduezue v Bexley LBC [2023] P.T.S.R. 1643
In conjoined appeals, the appellants appealed against County Court decisions that the two respondent local authorities had each discharged their duty under s.193(2) of the Housing Act 1996 by offering them suitable accommodation in the private rented sector outside their districts.

Uduezue submitted that the local authority had failed to consider the possibility of offering her two-bedroom accommodation; failed to investigate the impact of a 20-mile move on her eldest child; and made an offer which did not properly qualify as a PRSO. Prompted by the decision in Norton v Haringey LBC [2022] EWCA Civ 1340, she also sought permission to argue that the offer was invalid because, when making it, the local authority had not complied with its obligation to inform her of the implications of s.195A(2). The Court of Appeal allowed her to amend her Grounds of Appeal to rely on Norton, finding that not every Ground of Appeal was required to raise an important point of principle and practice. The appeal was allowed on that amended Ground.

What the directories say

“Daniel is not afraid of working into the small hours & then appearing fresh & sharp at court the following morning – never jaded, bristling with ideas & challenges, and with pinpoint advocacy.”

“Daniel gives clients frank and firm advice in a calm and compassionate way. He takes into account wider strategic considerations while keeping focused on his clients’ objectives.”

“He shows great attention to detail, is approachable, and a very strong advocate.”

“Daniel made me feel like he had a handle on the case. He was so succinct, so powerful and to the point. Regarding how he homed in on details, I was so impressed.”

Chambers & Partners (2026) Inquests & Public Inquiries: Up and coming

“He is effective, thorough and responsive when advising on highly complex matters.”

"Daniel is clever, articulate, and has an approach to casework which is methodical, clear and concise. He has an excellent manner and is easy to work with. A rising star to watch out for."

"He is highly knowledgeable, providing clear and strategic advice, and consistently demonstrates strong advocacy skills in both courtroom settings and negotiations."

Chambers & Partners (2026) Social Housing: Up and coming

Cases

R (HI) v Secretary of State for the Home Department

One Pump Court pupils Joseph Maggs and Emma Talbot explore a recent Upper Tribunal and Court of Appeal decision concerning a Palestinian citizen of Israel and the law of substantive legitimate expectation. Joseph and Emma are currently completing their first six and will be available to take instructions from April 2026.

R (HI) v SSHD

On 16 December 2025, the Court of Appeal dismissed the application by the Secretary of State for the Home Department (SSHD) for permission to appeal against the decision of the Upper Tribunal (UT) in *R (HI) v SSHD* JR-2024-LON-002059. One Pump Court's David Chirico KC and Daniel Gru?tters acted for HI in both the UT and the Court of Appeal, instructed by the Joint Council for the Welfare of Immigrants.

The UT found that when withdrawing the refusal of HI's asylum claim the day before his appeal hearing in the First-Tier Tribunal (FtT) with a view to granting him asylum, the representations made by the SSHD gave rise to a substantive legitimate expectation that he would be granted refugee status. The SSHD failed to establish that it was fair and proportionate to resile from her promise, and accordingly the UT ordered the SSHD to grant HI refugee status.

Background

HI, a Palestinian Muslim with Israeli citizenship, was born in Israel in 1999 but has lived in the UK since 2000, save for 14 months spent in Israel between 2014 and 2015. As a child he was diagnosed with Familial Mediterranean Fever and Ehlers-Danlos syndrome and suffered from recurrent mental ill-health, although his symptoms were managed with the assistance of his

support network in the UK.

While HI's mother and siblings were granted indefinite leave to remain in 2018, his applications for leave were refused. He claimed asylum on 12 September 2019 on the grounds that he would face persecution from the Israeli authorities for his pro-Palestine political opinions, which he expressed *sur place* on social media and at demonstrations, and that he feared non-state actors on account of his ethnicity (Palestinian) and religion (Islam). He also made an Article 8 claim. The SSHD refused both on 23 October 2022.

The substantive legitimate expectation

HI appealed the refusal decision to the FtT and submitted three separate bundles of evidence, including reports from multiple sources regarding the mistreatment of Palestinians in Israel both before and after 7 October 2023 (the date of the Hamas-led attack), set against evidence of his physical and mental vulnerability. The SSHD failed to review the decision in accordance with standard FtT directions and HI applied for the appeal to be listed for a hearing, citing the impact of the delay on his mental health.

On 11 March 2024, the day before the hearing, a Senior Caseworker and a Home Office Presenting Officer (HOPO) reviewed the merits of HI's asylum claim and decided that his appeal was likely to succeed. The refusal decision therefore fell to be withdrawn and refugee status granted, subject only to standard security checks. The HOPO made three relevant communications that day (set out in detail at UT ¶¶26-31), which were said to have given rise to a substantive legitimate expectation (SLE) that HI would be granted status:

(1) An email to the FtT and HI's solicitors confirming that: *"the [SSHD] wishes to grant [HI] Refugee Status and thereby seeks permission to withdraw their decision"*.

(2) A letter to the FtT and HI's solicitors confirming the same: *"This matter has been reviewed ahead of the scheduled hearing. […] In the light of the review, it has been concluded the decision to refuse is no longer appropriate and the immigration decision is therefore withdrawn. It is anticipated that refugee leave will be granted, subject to any further checks which are required and the appellant providing any documents requested. If leave is not granted a new decision will be made."*

(3) A telephone call to HI's solicitors reassuring them that refugee status would be granted, subject only to security checks.

A FtT caseworker had meanwhile decided to treat the appeal as withdrawn, which was upheld by FtT Judge Mills who noted that there was no reason to believe that the SSHD was being *"disingenuous"* about her intentions (UT ¶31). HI made no subsequent challenge to the FtT's decision, focussing instead on urging the SSHD to implement her decision expeditiously.

The SSHD resiles

Internal Home Office communications disclosed later under the duty of candour (reviewed in detail by the UT at ¶¶32-42) show that in addition to the HOPO and Senior Caseworker, multiple senior Home Office officials contemporaneously understood that a binding "withdrawal to grant" (as opposed to a "withdrawal to reconsider") decision had been made on 11 March 2024. By mid-April 2024 the position had, however, been reversed.

In an email to other senior officials on 16 April 2024, Rachel Bickerton, head of Asylum Decisions Policy, asserted that HI's was "a very weak claim" and thereafter the SSHD decided that a "withdrawal to reconsider" decision had been made – or, if it was a "withdrawal to grant" decision, set about resiling from it (UT ¶42).

On 23 May 2024 the SSHD issued a fresh decision refusing HI's claim on its merits. The decision "completely ignored" the promises made on 11 March 2024 and did not provide any justification for resiling from them (UT ¶43). HI's solicitors began pre-action correspondence and on 2 August 2024 HI applied to the UT for judicial review of the May decision on two grounds:

(1) The SSHD's decision amounted to an unlawful frustration of the SLE created on 11 March 2024.

(2) The SSHD's delay in granting HI asylum was irrational, unreasonable and/or incompatible with his Article 8 rights.

The SSHD promptly withdrew the May decision before issuing a further refusal decision on 23 September 2024. This was in substance identical to the May decision, save for a few additional paragraphs purporting to set out the reasons for resiling from the promise to grant refugee status. These amounted to different ways of saying that the decision was wrong on the merits, but *"no detail supporting these assertions was provided"* (UT ¶49). HI amended his grounds of claim to cover the September decision.

Upper Tribunal judgment

HI's claim proceeded to a rolled-up hearing on 8 April 2025, where the UT granted the SSHD an adjournment to enable her to file and serve a witness statement addressing the reasons for the decision to not give effect to such representation as were made on 11 March 2024 that HI would be granted asylum status subject only to security checks.

On 28 July 2025, the claim returned for the rolled-up hearing before the UT, now with an additional witness statement from Ms Bickerton. On 12 September 2025, the UT handed down its detailed and carefully reasoned judgment, allowing the claim on both grounds.

At ¶¶60-67 the UT gave an overview of the relevant case law on SLE (all cases unrelated to immigration and asylum), including Lord Kerr's summary in Re Finucane's application [2019] UKSC 7 at ¶¶58-62. At ¶68 the UT distilled the four-stage approach to be taken in SLE cases:

(1) ***Representations:*** *To establish the asserted SLE the Applicant bears the burden of proving that the Respondent made representations which were clear and unambiguous in relation to the granting or continuation of the claimed substantive benefit or right (which may be conditional or unconditional) which gives rise to the SLE.*

(2) ***Scope of SLE:*** *The Applicant bears the burden of proving the terms and the scope of the asserted SLE arising from the representations.*

(3) ***Class of beneficiaries:*** *The Applicant bears the burden of proving that he/she/it was the person to whom the representations were directly made or was within the class of persons who were entitled to rely upon them or that it was reasonable for the Applicant to rely upon them without more.*

(4) ***Fair Justification:*** *Good administration requires public authorities to be held to their promises/representations. However, the Applicant will not be able to rely on a proven SLE arising from the representations if: (a) the Respondent provides sufficient justification. That may for instance be a clear and obvious mistake made leading to the representations or an overriding interest arising from the duties and responsibilities involved in the proper discharge of their functions or a change in the macro-political situation or policy; and (b) the Court considers that the Respondent's justification for overriding the SLE of the applicant was fair and proportionate in all of the circumstances.*

Before applying the law to the facts, the UT made a number of preliminary, contextual findings. First, that withdrawal is a *"substantive step in the appeal with real consequences"*

and not a *"backdoor route to obtain further time"* (UT ¶69). Second, with reference to Awuah and Others (Wasted Costs Orders – HOPOs – Tribunal Powers) [2017] UKFTT 00555 (IAC), that a HOPO acts as the alter ego of the SSHD in appeal proceedings and has the authority to make binding withdrawal decisions and to communicate with the appellant accordingly (UT ¶¶70-71, ¶76). Third, that the SSHD's contention that asylum decisions can only be made by one department (Asylum Operations) and not another (Appeals, Litigation and Administrative Review) was not supported by any law or policy, and was belied by the contemporaneous view of HI's solicitors, the FtT and the majority of the Home Office officials who had been involved in this case (UT ¶¶72-75).

The UT dealt briefly with the creation of the SLE:

(1) The representations of 11 March 2024 amounted to a *"clear and unambiguous"* undertaking by the SSHD to grant HI's asylum claim, subject only to security checks. It was significant that the SSHD opted for the "withdrawal to grant" and not the "withdrawal to reconsider" route, both of which were open to her under rule 17 of the FtT Rules (UT ¶¶77-78).

(2) The scope of the SLE was also clear and unambiguous, and it was immaterial that security checks were a condition of the grant.

(3) HI was plainly the beneficiary (UT ¶¶79-80).

HI had discharged the burden of proof in stages one to three.

The core issue of fair justification (stage four) was dealt with at greater length. The UT gave short shrift to the SSHD's attempt to evade the question by asserting that there is no difference between a "withdrawal to grant" and a "withdrawal to reconsider" decision. This was *"wrong in fact, wrong in law and inappropriate both in the context of the FtT Rules r.17 and the established practice"* (UT ¶82).

The UT carefully considered the justifications put forward by the SSHD. Her submission that the 'withdrawal to grant' decision was irrational was not made out. The decision was based on *"an evaluative judgment of multifactorial evidence"* (UT ¶85), including country conditions evidence pre-and post-dating 7 October 2023 and unchallenged medical evidence of HI's personal circumstances and vulnerabilities. It was therefore reasonably open to the decision makers on 11 March 2024 to conclude that, in his particular case, HI was reasonably likely to

suffer treatment amounting to persecution on return to Israel (UT ¶86).

The fact that another Home Office official, in this instance Ms Bickerton, took a different view of the merits of the claim was not a fair justification (UT ¶83). The reasons set out in the September decision, that the claim lacked merit, also fell short of fair justification because they contained no detail (UT ¶84).

That the scope of the SLE was limited to one person, a factor highlighted in *Finucane* at ¶58, was also relevant. Although not a precondition of an SLE, HI's reliance on the SLE and the consequent detriment pointed towards unfairness. He lost the opportunity for judicial determination of his appeal which, had it gone ahead, was highly likely to succeed because the HOPO's instructions were to concede the claim (UT ¶87). The SSHD also failed to point to any countervailing change in policy or macro-political objectives (UT ¶85).

The SSHD had therefore failed to show that it was fair and proportionate to resile from the SLE.

Court of Appeal decision

The SSHD successfully applied for a stay of the UT's order requiring the SSHD to grant HI refugee status, and sought permission from the Court of Appeal on four grounds:

(1) The UT erred in finding that unfairly resiling from a SLE can lead to a mandatory order requiring the SSHD to grant refugee status, Refugee status can only be granted where a claim objectively satisfies the Convention definition.

(2) The UT adopted an incorrectly narrow view of the circumstances in which it is open to the SSHD to depart from a SLE. The SSHD was entitled to resile from the SLE given her conclusion that HI did not satisfy the Convention definition.

(3) The UT erred in finding that a) the telephone conversation of 11 March 2024 gave rise to a SLE and b) that HI relied on that conversation to his detriment.

(4) The UT erred in finding that a formal or authoritative decision was made on 11 March 2024 to grant HI refugee status.

In an order dated 16 December 2025, Lady Justice Andrews refused permission on all grounds. None of them had a realistic prospect of success and there were no other compelling reasons to grant permission. In her reasons she began by accepting that the UT's

findings on the SLE were *"unassailable"* (CoA ¶2).

Ground 1 therefore failed because it was based on a *"false premise"* and *"mischaracterisation"* of the UT's decision (CoA ¶3). The UT did not compel the SSHD to grant refugee status because of historical unfairness or public law error. It found that the SSHD had already made the substantive decision through her officials (see UT ¶79). *TN (Afghanistan) v Secretary of State for the Home Department [2015] UKSC 40* therefore did not apply. Ground 4 failed for the same reason (CoA ¶6).

Ground 2 similarly failed because it was clear from UT ¶81 that the correct approach was taken to determining whether resiling from the SLE was justified, namely fair justification and not whether the withdrawal to grant decision underlying the SLE itself was *"irrational"* (CoA ¶4).

Ground 3(a), as well as being an argument that was not before the UT, failed because there was no principled basis for distinguishing the telephone conversation from the other representations made on 11 March 2024. Ground 3(b) failed because the FtT was still seized of HI's appeal after the HOPO's telephone call. HI had the opportunity to appeal the FtT's decision to consent to the withdrawal of his appeal, but renounced it on the basis of the HOPO's representations. The evidence on this ground was *"all one way"* (CoA ¶2).

Commentary

Towards the end of its decision (see UT ¶¶89-94) the UT sets out a clear summary of the general principles that the tribunals will apply when deciding whether a "withdrawal to grant" decision by the SSHD gives rise to an enforceable expectation that the appellant will be granted refugee status:

(1) In appeals before the FtT, the representations made by HOPOs in the course of proceedings, whether to appellants or the Tribunal, are binding on the SSHD.

(2) This includes the authority to make both "withdrawal to reconsider" decisions and "withdrawal to grant" decisions.

(3) The "further checks" which follow a "withdrawal to grant" decision are well-established to be related to criminality and security and, significantly, do not involve a reconsideration of the claim on its merits.

(4) Hence if a HOPO withdraws a decision and informs the Tribunal or the appellant that leave will be granted subject to "further checks", this creates a SLE that leave will be granted, absent anything relating to criminality and security which would justify not granting leave.

(5) If the SSHD subsequently reconsiders the claim on its merits and refuses it for some other reason, she has frustrated the SLE. Any such frustration must be justified in accordance with the principles which apply to the frustration of SLEs (see UT ¶68).

(6) Crucially for HI, the fact that a different official within the Home Office disagrees with the "withdrawal to grant" decision is unlikely to constitute a fair justification.

This case is also a particularly stark example of bureaucratic cruelty by the Home Office. Compounding the delays in progressing HI's appeal, the SSHD sought to override the decision of her own officials that he met the Refugee Convention definition, causing prolonged suffering for HI and unnecessarily taking up court time and public money. It is concerning that media reports and the political pressure this brought to bear on the Home Office may have been allowed to interfere with asylum decision making.

As a public law jurisdiction, the UT was not asked to, and did not make, any findings in respect of country conditions in Israel. Nevertheless, it is of note that Home Office decision makers concluded that a Palestinian citizen of Israel could suffer persecution on return, and that both the UT and Court of Appeal accepted that it was a rational decision based on all the evidence before them. The 11 March 2024 decision minute (quoted at UT ¶32) is worth reading for practitioners, as it demonstrates the interaction between HI's particular vulnerabilities and the *"substantial evidence of systematic discriminatory practises against Palestinians in Israel: apartheid, forced removal, restrictions of rights and exclusion from society."*

MK v Lambeth LBC

Ahmed represented MK in an appeal challenging the decision of the Council in refusing to provide the MK with accommodation pending the determination of the main homelessness appeal. The appeal challenged the decision on the basis, amongst other things, that the Council had failed to consider MK's children's circumstances when deciding whether to provide accommodation pending appeal. The grounds and skeleton argument were prepared by Daniel Grütters as instructed counsel for the main homelessness appeal.

Ahmed was able to successfully persuade a judge on the aforementioned basis that the refusal to provide accommodation pending appeal was flawed and thereby the judge quashed that decision and directed the Council to reconsider the same. MK was subsequently provided with accommodation pending appeal.

Ahmed was instructed by Amandeep Baines at Duncan Lewis Solicitors.

Publications

Contributor to the Legal Aid Handbook 2020/21 (LAG)

The only comprehensive guide to the legal aid scheme, the Handbook is the one book no legal aid lawyer can afford to be without. It covers the legal framework of the scheme, with full discussion of civil, criminal and family legal aid, and analysis of the leading case-law since LASPO.