

David Chirico KC

Position: KC | **Call:** 1970 | **Solicitor:** 2023

Specialist in:

- Personal Immigration
- Business Immigration
- Civil Law
- Inquests & Public Inquiries Team
- Civil Actions Against Public Authorities
- Modern Slavery & Trafficking Team



Experience

David specialises in all areas of immigration and asylum law. He has a particular focus on claims relating to complex questions of immigration rules and policy, asylum claims based on sexual and gender identity, claims relating to people who suffer from mental and physical illness, and claims involving rights of children. He shares One Pump Court's commitment to equal access to justice without discrimination and to upholding the rule of law.

He works particularly with clients whose asylum claims raise issues relating to sexual/gender identity, who suffer from mental and physical illness, in cases involving complex family histories and needs, with clients whose claims are based on religious identity, with unaccompanied minor asylum-seekers, with clients faced with conducive deportation decisions under the old or the new ('automatic') provisions, and with clients facing removal to other EU states either under the Dublin Regulation or for public policy reasons.

Alongside his work in (and on appeal from) the Tribunals, he has a large and varied judicial review practice, covering all areas of immigration law, including challenges to fresh claim and certification decisions, citizenship challenges, third-country cases, policy and implementation challenges, and refusals to waive fees or permit access to public funds.

Many of his clients have been detained by the Secretary of State, and David has an established practice in false imprisonment and related civil claims.

With the rest of the Immigration Team at 1 Pump Court, David is committed to the provision of high-quality representation to people who do not have the means to pay for it themselves, whether through legal aid or by other arrangements, including pro bono work, CFAs and realistic agreed fees.

Career

Called to the Bar in 2002, he previously worked in the Czech Republic for the European Roma Rights Center, as a caseworker and helping in the preparation of strategic litigation on discrimination in the criminal justice system, access to education, and access to housing. On return to the UK, he was a Post-Doctoral Research Fellow in Central European Studies at University College, London, and was regularly called upon to act as an expert on the situation of Czech and Slovak Roma at all levels of the immigration appellate system in the UK (see e.g R (ZL and VL) v SSHD [2003] EWCA Civ 25).

David has been at 1 Pump Court since 2002. In addition to giving open and in-house seminars on behalf of 1 Pump Court, David regularly trains for the Immigration Law Practitioners' Association. He has also delivered training in recent years for ECRE, the Danish Refugee Council, and the Italian immigration practitioners' association (ASGI), and he has spoken at conferences organised by JUSTICE and by the Bar European Group, and volunteers for UK Lesbian and Gay Immigration Group (UKLGIG). He is a trustee of UKLGIG and of the development charity PIN-UK..

What the directories say

"David is a stellar practitioner with an unparalleled creativity, breadth and depth to his practice and commitment to achieving the best possible outcomes for clients."

"David is a standout: he is super clever and very sharp. He combines this with endless commitment to his clients. He brings real expertise to every case."

"David is excellent at presenting complex, novel arguments in a way that is highly compelling. He demonstrates an incredible knowledge and takes a sophisticated approach to arguing legal points."

Chambers & Partners (2026) Immigration (Band 2)



2024 Silks Ranked: Tier 1: “A true leader in the field of immigration and migrants rights. David takes an inventive and strategic approach to the work whilst always putting the client first.”

Legal 500 (2025)

(Leading Juniors) Ranked: Tier 1: “Brilliant legal mind, creative in terms of strategy, willing to run novel points and has a tenacious spirit in fighting cases hard to the very end.”

Legal 500 (2021)

(Leading Juniors) Ranked: Star individual: “A highly respected practitioner who continues to handle a broad range of matters, including complex deportation and removal cases, often on behalf of vulnerable clients.”

“He reminds me of what I thought being a lawyer was all about. One of the most passionate advocates I have instructed: he routinely goes above and beyond the call of duty, and is highly intelligent and persuasive.”

“David is a complete star. I think he really is a standout immigration practitioner, because he’s formidably good at everything he does and has incredible compassion for clients.”

Chambers & Partners (2020)

Cited as a leading junior in Immigration (including business immigration):

“Any client is very lucky indeed to have him fighting on their behalf”

Legal 500 (2017)

Chambers and Partners, 2014

“Super-committed – he puts so much into his cases and gets really good results... He’s passionate about his cases and a brilliant drafting machine. Works wonders with vulnerable clients and fights to the last on their behalf.”

Chambers and Partners, 2015

“He is very clever, very thoughtful and his written work is first-class.”

Legal 500, 2013

“Completely committed to every case he works on,” and “very professional and meticulous.”



Chambers and Partners, 2013

“Unanimously praised to researchers by an impressive number of leading claimant solicitors. His commitment to his clients and to the field of immigration law is total. His intellect, determination and work rate mean that once you instruct him, you want him on as many cases as possible.”

Education

BA (1st Class) – Modern and Medieval Languages – Trinity College, Cambridge

PhD – Czech literature – Trinity College, Cambridge

Memberships

ILPA

CPBA

Languages

Italian, French, Portuguese, Czech, Slovak

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.”

BEL, BEB, BCC, BEC, BKJ and BDM v Secretary of State for Foreign Commonwealth and Development Affairs

[AC-2025-LON-000997]

The High Court has quashed a decision of the Foreign Secretary refusing to help a family of six Palestinians leave Gaza. Mr Justice Chamberlain’s significant ruling requires the Foreign Secretary to “*think again*” and make a new, lawful decision on the family’s request for help.

The family were represented by Ben Bundock (One Pump Court), led by Tim Owen KC (Matrix) alongside Tim James-Matthews (Matrix), instructed by Jenni Whitaker and Liz Barratt of Bindmans, supported by trainee solicitor Shivani Soni.

The family – a father, mother, and four children (two young adults, two children) – have been living in extreme peril and deprivation. One of the children was recently hit by shrapnel from a tank shell when seeking food at an aid distribution site. Despite holding conditional entry clearance to join their British relative in the UK since January 2025, the family have been unable to leave Gaza. Israel controls the movement of Palestinians out of Gaza and will only currently look at requests for people to leave if they are made by another state.

Mr Justice Chamberlain found serious flaws in the Foreign Secretary’s decision-making. First, the FCDO had not properly grappled with whether the Claimants’ entry clearance, granted on the basis of a close family connection to a British citizen, meant they should be provided with consular assistance. Secondly, the FCDO had severely limited the people they would help leave Gaza due to concerns about opening the ‘floodgates’, but had not actually considered the number of people in Gaza in the same position as this family – people in Gaza with entry clearance to the UK – revealed during at the hearing to be just 38. Thirdly, the FCDO had said asking Israel to let the family leave would spend “*political and diplomatic capital*” with Israel, but had treated it as irrelevant that senior members of the Israeli government have made statements suggesting that they want Palestinians to leave Gaza if another country is willing to accept them, and that the Israeli authorities had written to the FCDO inviting them to put forward names of Palestinians for evacuation.

The Foreign Secretary initially argued that the family’s claim was ‘non-justiciable’ because it intruded into a “*forbidden area*” of foreign affairs, meaning that the courts should not entertain



it. By the time of the hearing, the Foreign Secretary accepted that the claim was justiciable in full, a position which Mr Justice Chamberlain noted was “correct”.

David Chirico KC, also instructed by Bindmans, acted for the family in their successful appeal to the Upper Tribunal. Rachel Francis, instructed by Wilsons, is acting in a number of claims against the Foreign Secretary on behalf of other families in Gaza, with co-junior Asma Nizami (Doughty Street) and led by Amanda Weston KC (Garden Court). Catherine Robinson has also been working on these claims.

The clients remain in Gaza at extreme risk, and members of chambers continue to carry out urgent work seeking to secure their exit.

[Read the full judgment here.](#)

[Read the press release from Bindman’s here.](#)

[Read BBC news coverage here.](#)

G5 v SSHD [2024] SIAC

David Chirico KC and Margo Munro Kerr were instructed by Alex Rowe and Dan Furner at Birnberg Pierce in a successful application to set aside a strike out order and to extend time for an appeal against deprivation of citizenship before the Special Immigration Appeals Commission (SIAC).

The Applicant, G5, was deprived of his citizenship in 2022, due to an assessment that he was involved in serious organised crime (facilitating immigration offences). The decision to deprive him of his citizenship was certified under section 40(2) of the British Nationality Act 1981, because the Secretary of State considered that it involved information which should not be made public in the interest of national security.

Although G5 was abroad at the time of the decision he was able to make his way back to the United Kingdom using his British Passport. He instructed a lawyer to appeal the decision to deprive him of his citizenship, however the lawyer submitted the appeal out of time. The appeal was struck out, but the lawyer did not inform G5 of this.

G5 was later convicted of an immigration offence for re-entering the UK without valid entry clearance, a deportation order was issued, and he was detained under immigration powers.



In 2024, while in detention, G5 instructed Alex, David and Margo to assist him. They were able to obtain orders from SIAC setting aside the strike out order and extending time for the submission of the appeal. The substantive hearing concerning G5's deprivation of citizenship is yet to be heard.

Meanwhile Alex made human rights submissions against G5's deportation, and Margo represented him at a successful immigration bail hearing.

AXB v SSHD (Art 3 health: obligations; suicide)

Guidance from the Upper Tribunal on the procedural duty under Article 3 ECHR in 'medical' cases:

The burden is on the individual appellant to establish that, if he is removed, there is a real risk of a breach of Article 3 ECHR to the standard and threshold which apply. If the appellant provides evidence which is capable of proving his case to the standard which applies, the Secretary of State will be precluded from removing the appellant unless she is able to provide evidence countering the appellant's evidence or dispelling doubts arising from that evidence. Depending on the particular circumstances of the case, such evidence might include general evidence, specific evidence from the Receiving State following enquiries made or assurances from the Receiving State concerning the treatment of the appellant following return.

SM (and others) v SSHD [2018] UKUT 00429

Lead case considering the risk of a breach of Article 3 in respect of the return of asylum seekers to Italy under the Dublin Convention. All other cases in the Upper Tribunal were stayed behind this case. The Upper Tribunal in a ground-breaking case and for the first time found a potential breach of Article 3 for vulnerable returnees to Italy.

R (SA) v SSHD

[2015] UKHC 1611 (Admin)

The Claimant had applied when aged 17 for registration as a British citizen, but had been refused registration on account of a conditional discharge for possession of cannabis. The question for the Court was whether (i) the policy relating to 'good character' in registration applications for children aged 16 and 17 is irrational and/or discriminatory; (ii) whether he



policy is compatible with the requirement to have regard to the best interests of the child; and (iii) whether the policy was lawfully applied in any event in SA's case. The Court found for the Claimant on all grounds, and took the opportunity to give important guidance on the correct approach to 'good character' requirements when applied to a child; also to the need to give cogent reasons if difference age-groups of children are to be treated differently; also to the applicability of Article 8 in nationality contexts (a matter which was fundamentally disputed by the Secretary of State). The Court declared the Secretary of State's then applicable policy on good character of children to be unlawful.

RM (Sierra Leone) v SSHD

[2015] EWCA Civ 541

In what circumstances could weight be attached to a linguistic analysis report which did not comply with the relevant practice directions?

R (MS and others) v SSHD

[2015] EWHC 1095 Admin)

Administrative Court considers the correct approach to claims based on feared mistreatment of asylum-seekers and beneficiaries of international protection in Italy.

NB permission has been granted to appeal this judgment on all grounds in the Court of Appeal.

R (Kannathasan) v SSHD

[2015] UKHC 3574 (Admin)

Judicial Review concerning the lawful approach to a claim that a person's removal from the UK would breach a person's Article 3 rights because of a real risk of suicide in the country of return. The specific question was (i) the lawful approach, on a 'fresh claim', to medical evidence about suicide risk (in light of potentially conflicting authority); and (ii) the question whether the threshold, where suicide risk is relied upon, is the 'exceptional' threshold referred to in the N v UK litigation, or a different / lower one. The Court found for the Claimant in on both of these legal issues, giving guidance in the process. On the facts, there was a real prospect of showing that K would commit suicide if returned to Sri Lanka, notwithstanding the lack of objective risk of torture. In those circumstances, the claim succeeded.



BXS v Secretary of State for the Home Department

[2014] EWHC 737 (Admin)

Judicial review of the SSHD's refusal to consider an in-country application to revoke a deportation order from an EEA national and a decision to certify the Claimant's human rights application.

