Deborah Revill



Call: 2009

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Specialist in:

- Business Immigration
- Direct Access
- Direct Access Trained

Experience

Deborah specializes in immigration law. She is particularly interested in deportation cases involving ‘serious harm’ and ‘persistent offenders’, the proper interpretation of Appendix FM, and the reasonableness test under s117B(6) of the Nationality, Immigration and Asylum Act 2002. She has considerable experience of asylum appeals by Sri Lankan nationals and Christian converts.

Alongside her regular court appearances, Deborah is an accomplished written advocate; she frequently wins cases on the basis of her drafting alone and is regularly praised by judges for the quality of her skeleton arguments, grounds of appeal, and judicial review grounds. She enjoys identifying and advancing novel points of law, and frequently challenges common Home Office and Tribunal assumptions and practices.

Before coming to the Bar, Deborah worked for the Immigration Advisory Service (formerly the UK’s largest provider of legal advice on immigration and asylum), and was accredited by the Office of the Immigration Services Commissioner. She then spent a year as the employee of two direct access immigration barristers. She completed pupillage in a predominantly criminal set and, on accepting tenancy there, chose to work exclusively in immigration law, going on to establish a successful practice in the field almost from scratch before moving to more

specialist chambers.

Deborah provides expert advice on immigration law for family court proceedings and is a contributor to Free Movement, the widely read and highly respected immigration law blog.

Some notable cases include:

AK v SSHD: Successful appeal against revocation of protection status for a Gambian national granted refugee status during childhood.

XP v SSHD: Successful asylum appeal for a young Albanian man whose family had been targeted by a criminal gang.

JT v SSHD: Successful asylum appeal for a Georgian victim of domestic violence whose protection claim was made 16 years after her arrival.

DP v SSHD: Long-running asylum proceedings (involving three hearings in the First-tier Tribunal and two in the Upper Tribunal) in respect of a vulnerable Sri Lankan national who was wrongly accused of assisting the LTTE. It was ultimately accepted that, notwithstanding his Sinhalese ethnicity, his lack of political activity, and the passage of nearly 10 years, he would be at risk on return.

R (WD) v SSHD: Judicial review of a decision to grant the Applicant leave to remain under the Partner route after a successful appeal despite her not having applied for leave in that capacity. The Court of Appeal granted permission to appeal and the case was subsequently settled by consent.

SB v SSHD: Human rights appeal in which the First-tier Tribunal accepted that the combination of lengthy absence from country of origin, responsibilities towards an unwell adult daughter, and the best interests of the Appellant's granddaughter constituted 'insurmountable obstacles' to the continuation of family life outside the UK. The SSHD's appeal to the Upper Tribunal was unsuccessful.

Education

Bar Vocational Course, BPP Law School (Leeds): Outstanding

Graduate Diploma in Law, BPP Law School (Leeds): Distinction

BA (Hons) Philosophy and Theology, University of Oxford: 2:1

Cases

SB v Secretary of State for the Home Department

CA-2022-000256

This is an appeal to the Court of Appeal arguing that the Upper Tribunal was wrong to hold (1) that third-party support could not be relied on in the absence of 'spare' funds ringfenced for the Appellant and Sponsor's sole use; and (2) that the Appellant's use of the NHS meant she was not 'financially independent' for the purposes of s117B(3) of the Nationality, Immigration and Asylum Act 2002.

IM v Secretary of State for the Home Department

HU/04964/2018

The Appellant was a 'foreign criminal' following his conviction for an offence that had caused serious harm. In dismissing his deportation appeal, the Upper Tribunal found that the public interest was increased by multiple criminal offences of which the Appellant had been accused but not convicted. The Secretary of State was aware of these allegations but had chosen not to rely on them in her decision. Following grounds of appeal citing s117C(7) of the Nationality, Immigration and Asylum Act 2002, the Upper Tribunal reviewed and set aside its own decision, acknowledging that the unproven allegations should not have been considered. On a rehearing, very compelling circumstances were found and the appeal was allowed.

AE (Nigeria) v Secretary of State for the Home Department

The Appellant was liable to deportation as a 'persistent offender'. The Upper Tribunal held that there was significant public interest in his deportation and concluded that there were not 'very compelling circumstances' notwithstanding that he had never been to prison, had spent all but five years of his life in the UK, and had a British partner and child.

The Court of Appeal granted permission to appeal on the basis that the Tribunal arguably erred in failing to have regard to the low-level sentences imposed when determining offence seriousness and hence the extent of the public interest in deportation under s117(2) of the Nationality, Immigration and Asylum Act 2002. The Secretary of State then conceded the

appeal prior to the hearing and granted the Appellant leave to remain.

R (on the application of VY) v Secretary of State for the Home Department

The Applicant had appealed against the refusal of a permanent residence card as the family member of a qualified person. The Secretary of State initially disputed that she had made a decision carrying a right of appeal but, after this issue was determined in the Applicant's favour, withdrew the decision and said she would issue the card sought. The Applicant therefore agreed to the withdrawal of his appeal.

Subsequently, the Secretary of State reneged on her promise, refusing to issue the card or even to reconsider the application, and maintaining that there had been no right of appeal against the earlier decision.

The Applicant lodged a judicial review claim, arguing that the promise to issue a permanent residence card – which had induced him to consent to the appeal's withdrawal – had created a legitimate expectation which the Secretary of State was now unjustifiably seeking to frustrate. After permission was granted on the papers, the Secretary of State agreed to issue the document sought.

R (on the application of Abidoye) v Secretary of State for the Home Department

[2020] EWCA Civ 1425

The Appellant had previously won a deportation appeal based on his family life and been granted leave to remain. Although he had not reoffended and his family life had not changed, the Secretary of State made a fresh deportation decision, relying on the stricter criteria introduced by the Immigration Act 2014.

The Appellant contended (1) that the absence of express retrospectivity provisions meant the new Part 5A could not apply to someone who had previously won an appeal and whose circumstances remained the same; and (2) that s6 of the Human Rights Act 1998 meant the courts should entertain the present argument notwithstanding his former representatives' failure to raise it in earlier proceedings.

The claim was unsuccessful in the High Court and Court of Appeal; an application has been

made to the European Court of Human Rights.

LT (Kosovo) and DC (Jamaica) v Secretary of State for the Home Department

[2016] EWCA Civ 1246

Appeal to the Court of Appeal addressing the meaning of 'serious harm' in paragraph 398(c) of the Immigration Rules.

Omenma (Conditional discharge – not a conviction of an offence)

[2014] UKUT 314 (IAC)

The Appellant had pleaded guilty to shoplifting, for which she received a conditional discharge. When subsequently applying for leave to remain, she answered 'no' when asked whether she had 'been convicted of any criminal offence'. Her application was refused on the basis that this was a false representation.

In the First-tier Tribunal, the argument had focused on whether the Appellant was subjectively dishonest. Deborah was instructed for the first time in the Upper Tribunal and identified that, under the Powers of Criminal Courts (Sentencing) Act 2000, a person receiving a conditional discharge is deemed not to have a conviction for any purpose other than the criminal proceedings in question. Accordingly, the Appellant had told the truth in her application and should not have been refused for false representations. The appeal was allowed.

Publications

Dealing with curtailment and cancellation

https://www.lexisnexis.com/uk/lexispsl/immigration/document/393827/5KT4-1YH1-F18H-74DM-00000-00/Dealing%20with%20curtailment%20and%20cancellation

Case note on R (Kalsi & Ors) v Secretary of State for the Home Department

https://www.bloomsburyprofessionalonline.com/view/journal_immigration/JINL_35-3-2102283.xml

Free Movement articles

https://freemovement.org.uk/author/drevill/