Keelin McCarthy



Call: 2007

LinkedIn: https://www.linkedin.com/in/keelinmccarthy/

Specialist in:

- Personal Immigration
- Business Immigration
- Civil Law
- Modern Slavery & Trafficking Team
- Court of Protection
- Civil Actions Against Public Authorities
- Direct Access
- Specialist Family & Immigration Team
- Direct Access Trained

Experience

Keelin has a broad practice in all areas of immigration, asylum and nationality law, and related public law.

She is recognised for her immigration expertise in Chambers and Partners and in the Legal 500.

Keelin is a visiting lecturer at the University of Law, teaching human rights law and immigration law, and is also a pupillage supervisor. She is a regular author for legal publications and is a member of the Editorial Advisory Board of the Immigration Law Practitioners' Association (ILPA).

Profile

Keelin has particularly strong experience in claims involving unlawful detention, deportation, statelessness/deprivation of nationality, modern slavery, and cases raising overlapping

immigration/family issues. She acts as an expert witness on complex immigration matters in family court proceedings.

Notable cases

R (MM (Malawi) v SSHD [2018] EWCA Civ 2482 – Junior counsel for the Appellant in the Court of Appeal, in a leading case considering the legal test for international protection claims based on a medical condition. The Court examined the threshold to be met for such claims under Article 3 ECHR, as well as the procedural obligations on SSHD to conduct enquiries and/or obtain specific assurances as to the availability of treatment in the receiving state. The case was considered as a test case for the Supreme Court, but this became academic after further fact-finding.

Secretary of State for the Home Department v Minh [2016] EWCA Civ 565 – Junior counsel in a case examining the scope and threshold of the positive obligations on SSHD under Article 4 when determining the status of a victim of trafficking / modern slavery. Despite the Court of Appeal arguably erring in law in its findings on the "credible suspicion" test, appeal could not be pursued to Supreme Court due to loss of contact with client. The Article 4 issues remain to be examined by higher authority.

R (Tabrizagh and Others) v SSHD [2014] EWHC 1914 (Admin) **–** Junior counsel in a leading case addressing legality of return of asylum seekers to Italy under the Dublin Convention.

Munday v SSHD [2019] UKUT 91 – A reported decision examining the meaning of "human rights claim" and the circumstances in which an EEA application will also be a human rights application. In a linked challenge, permission granted to seek judicial review of SSHD's refusal to permit appellant to raise human rights grounds as a "new matter."

Jan (Upper Tribunal: set-aside powers) [2016] UKUT 00336 (IAC) A reported decision of the Upper Tribunal on the scope of its powers following the decision to set aside its own decisions.

R (Luma Sh Khairdin) v SSHD IJR [2014] UKUT 00566 – A reported judgment giving guidance on statutory duties of the tribunal in assessing proportionality under Article 8 ECHR. This was a successful judicial review of SSHD's refusal of leave to an adult dependent relative under Article 8 ECHR. Submissions described by the then Upper Tribunal Judge Peter Lane as "conspicuously well-argued".

Shah v SSHD –Article 8 appeal on basis of best interests of a child whose parents, both disabled, were struggling to provide the care she needs. Successful argument in favour of grandfather being permitted entry to the UK to assist with her care, despite there being no immigration category under which this is permitted.

Khan v SSHD – Successful judicial review of SSHD decision refusing indefinite leave to remain under the accelerated route to a Tier 1 entrepreneur and his family; case addressed whether could combine part time positions to meet requirement for number of jobs created; won on all grounds argued.

HJ v SSHD – Unusual appeal in which the North Korean minor sought to join her mother in the UK, travelling on a Chinese passport which was admitted to have been obtained by deception of the Chinese authorities as to the child's location of birth. Identity not accepted by SSHD on basis this could not be "a valid national passport." Wider circumstances in North Korea and China leading to passport's acquisition considered and appeal allowed under Article 8.

Umanets v SSHD – Successful appeal against "Operation Nexus" deportation of "Yellowist" artist Vladimir Umanets (Polish and Ukrainian national) who had been imprisoned for 2 years for criminal damage to a valuable Mark Rothko painting housed at the Tate Modern Museum. Metropolitan police gave evidence that Umanets represented the highest-harm criminal in his London borough on the basis of the high financial value of the art work damaged.

The New Yorker: A Vandal in The Tate.

R(AWM) v SSHD – Cart judicial review of Upper Tribunal's refusal to seek permission to appeal to itself. Sexuality-based claim in which appellant had purportedly written to Tribunal to withdraw her appeal and declare that she was lying about being a lesbian (later established that letter was in fact sent by a homophobic housemate). Irrational for judge to rely on the purported letter in refusing permission: permission granted. Upper Tribunal withdrew judge's decision and client later granted asylum.

Publications

1. Journal of Immigration, Asylum and Nationality Law (2024) Vol 38, No 4, IANL pp 377 – 381 'Case Comment: R (AM (Belarus)) v SSHD [2024] UKSC 13' Considers the

Supreme Court decision in R (AM (Belarus)) v SSHD holding that where a person could not be deported from the UK to their home country due to their own dishonest actions deliberately to thwart removal, it was not a breach of article 8 ECHR for the Home Secretary to maintain that person in limbo status, receiving just enough support from the UK state to avoid a breach of article 3, but refusing to allow them access to housing, employment, banking or full NHS services through a grant of leave to remain.

2. Journal of Immigration, Asylum and Nationality Law (2023) Vol 37, No 4, IANL pp 361 – 366 'Case Comment: R (Marouf) v SSHD [2023] UKSC 23' Considers the Supreme Court decision in R (Marouf) v SSHD holding that a challenge to the UK's Vulnerable Persons Resettlement Scheme by a Palestinian refugee who had fled the Syrian civil war but was unable to access the Scheme could not succeed under the Public Sector Equality Duty at section 149 of the Equality Act 2010, because that section does not apply extraterritorially.
3. Journal of Immigration, Asylum and Nationality Law (2022) Vol 36, No 4, IANL pp 348 – 352 'Case Comment: Basfar v Wong [2022] UKSC 20' Considers the Supreme Court decision in Basfar v Wong holding that a foreign diplomat could not claim immunity from suit in a modern slavery action against him by a domestic worker, because the conduct was within the "commercial activity" exception under article 31(1)(c) of the Convention on Diplomatic Relations 1961.
4. Journal of Immigration, Asylum and Nationality Law (2022) Vol 36, No 3, IANL pp 255 – 258 'Case Comment: R (on the application of TN (Vietnam)) v Secretary of State for the Home Department & Anor [2021] UKSC 41 ' Considers the Supreme Court decision in R (TN (Vietnam)) v SSHD on whether the invalidity of the Asylum and Immigration Tribunal (Fast Track Procedure) Rules 2005 meant that all decisions made by the First-tier Tribunal under those Rules were automatically null and void.
5. Journal of Immigration, Asylum and Nationality Law (2021) Vol 35, No 4, IANL pp 380 – 385 'Case Comment: G v G [2021] UKSC 9' Considers the Supreme Court decision in G v G examining the interaction between the 1980 Hague Convention and refugee law, and holding that a child named as a dependant on a parent's asylum application should ordinarily be understood as making a claim for asylum in their own right, such that the child cannot be refouled, and a Hague Convention return order cannot be implemented, pending the determination of the asylum application.
6. Journal of Immigration, Asylum and Nationality Law (2021) Vol 35, No 1, IANL pp 58-61

‘Case Comment: AA (Nigeria) v Secretary of State for the Home Department [2020] EWCA Civ 1296’ Considers the Court of Appeal decision in AA (Nigeria), the reasoning in which was later upheld by Supreme Court in HA (Iraq), RA (Iraq) and AA (Nigeria) v SSHD [2022] UKSC 22. Examines AA’s appeal against the dismissal by the Upper Tribunal of his appeal against deportation, in which the Court of Appeal gave guidance on the “unduly harsh” and “very compelling circumstances” tests under section 117C of the Nationality, Immigration and Asylum Act 2002, rejected the “impossible” baseline comparator test in deportation appeals affecting children, and identified four key authorities.

What the directories say

“Her work has been consistently reliable, technically strong, and strategically valuable.”

Legal500 (2027)

“Keelin McCarthy has impressed me and continues to do so with her deep knowledge of immigration laws.”

Chambers and Partners (2026)

“Keelin McCarthy is notably experienced in immigration matters involving children and an interface with family law. She has considerable knowledge of issues of nationality, detention and deportation.”

Chambers and Partners (2026)

“Keelin is an excellent barrister with a wide range of knowledge and depth.”

Chambers and Partners (2026)

‘‘Keelin is an outstanding immigration, asylum and human rights barrister. Her ability to simplify the most complex cases is extraordinary. Her pleadings are very thorough and persuasive, and her advice is accurate and to the point. She fearlessly represents her clients and always has the best interests of her clients at heart.”

Legal 500 (2025)

“She is very generous with her time and her training materials are some of the best we have

in immigration, asylum and human rights law”

Instructing solicitor (2024)

“Extremely dedicated to her clients, leaving no stone unturned and very thorough in her approach”

Legal 500 (2020)

“conspicuously well-argued”

Sir Peter Lane, former President of the Upper Tribunal (Immigration and Asylum Chamber)

“Despite living lawfully in the UK since 2003, I was wrongfully detained by the Home Office in 2017 and told I would be deported. I was held in dehumanising conditions at Brook House, treated as if I had no right to be here. […] Keelin fought for accountability and secured a six-figure settlement for the unlawful detention I endured. Her work was not only legally exceptional but her compassion and patience were a crucial support during this awful period. She treated me with dignity when the system did not.”

HR (Direct Access client)

“Keelin fought my case against the deportation order issued by the Home Office. A high-profile, exhausting, and deeply complex legal battle that lasted for years… She has a rare combination of brilliance and humanity. Charming, easy-going, and genuinely kind, with a great sense of humour that kept me hopeful throughout. Thanks to her unwavering belief and unmatched dedication, I am still here, free to live, work, and continue my residence in the UK.”

WU (Direct Access client)

Education

BA Law (Tripos Part I) History (Tripos Part II), Christ’s College, Cambridge University
MA Japanese Studies, Essex University
MSc International Development, School of Oriental and African Studies, London University
LLB (Graduate), Nottingham Trent University

Memberships

Immigration Law Practitioners' Association (ILPA) Constitutional and Administrative Law Bar Association (ALBA) Human Rights Lawyers' Association (HRLA) European Network on Statelessness (ENS) Anti-Trafficking Legal Project (ATLEP) Trafficking Compensation Action Group (TCAG) Court of Protection Bar Association (CPBA)

Languages

English (native), Japanese (limited working proficiency), French (limited working proficiency)

Cases

Upper Tribunal allows Adult Dependent Relative entry clearance appeal

Keelin McCarthy represented an elderly Indian couple who sought to join their son/sponsor in the UK under the notoriously-difficult ADR route. The Upper Tribunal allowed the appeal, finding that the appellants met all the requirements of the ADR route.

The key to success was provision of evidence that addressed each of the ADR requirements. The sponsor obtained medical and social worker evidence of the care needs of the parents, with tables setting out the availability in India of care and cost quotes for the same. The sponsor was also able to prove an extremely close bond to his parents.

The appellants were initially represented by Fragomens LLP and then by Direct Access.

The Upper Tribunal's judgment is not reported but its reasoning may assist in other ADR cases and can be accessed here.