

## Mark Allison

**Call:** 2016

**Specialist in:**

- Personal Immigration
- Business Immigration
- Civil Actions Against Public Authorities
- Direct Access Trained



## Experience

Mark regularly appears in the First-tier and Upper Tribunals in London and other locations, representing clients in the full range of cases within the jurisdiction, including appeals (asylum, human rights, EEA and EU settlement scheme) and applications for bail. He has also developed a public law practice primarily built on challenges to immigration-related decisions. Mark previously practised as a criminal defence advocate and draws upon this experience, particularly in the context of deportation appeals and bail hearings.

## Immigration

Mark has secured successful outcomes for asylum clients who fear persecution for many different reasons from a wide range of countries:

- Albania (re-trafficking)
- Algeria (sexuality)
- Afghanistan (age; political opinion)
- Bangladesh (sexuality; political opinion)
- Burundi (political opinion)
- Democratic Republic of Congo (political opinion)
- Egypt (Coptic Christianity)



- Eritrea (imputed political opinion)
- Ethiopia (political opinion; re-trafficking)
- Iran (sexuality/atheism; Kurdish political opinion)
- Iraq (Kurdish political opinion)
- Jordan ('honour' violence)
- Malaysia (sexuality)
- Nigeria (political opinion)
- Kenya (domestic violence)
- Pakistan ('honour' violence)
- Somalia (imputed political opinion)
- Vietnam (political opinion).

Through this experience, he has become adept at advancing arguments on a range of related legal issues, including trafficking, age-disputes, cessation of refugee status and exclusion from international protection.

Mark regularly represents clients in human rights appeals against deportation orders, effectively utilising his experience from criminal practice. He has secured successful outcomes for both 'medium' and 'serious' offenders in the FTT.

Mark represents clients in entry clearance and in-country Article 8 appeals. He has considerable experience in EEA cases involving issues such as deportation, derivative rights and alleged sham marriages, as well as appeals concerning rights in the EU settlement scheme.

Mark delivers regular seminars on topical issues. Past topics have included video-link evidence from abroad (<https://www.onepumpcourt.co.uk/seminars/hong-kong-nationals-bno-status-and-video-link-evidence-from-abroad/>), deportation, exclusion and losing EUSS status (<https://www.onepumpcourt.co.uk/wp-content/uploads/05-EEA-09112020.pdf>) and preparing and conducting sexuality-based appeals (<https://www.onepumpcourt.co.uk/seminars/preparing-and-conducting-sexuality-based-appeals/>).



Mark regularly drafts grounds identifying arguable errors of law and has appeared in over 30 Upper Tribunal hearings since 2017, advancing arguments on a range of complex issues in asylum, human rights, EEA and deportation appeals, including:

*SB (vulnerable adult: credibility) Ghana* [2019] UKUT 00398  
<https://tribunalsdecisions.service.gov.uk/utiac/2019-ukut-398>

Represented client challenging deportation to Ghana in which the Upper Tribunal issued guidance on the assessment of credibility in respect of vulnerable adults.

*ZA (Reg 9. EEA Regs; abuse of rights) Afghanistan* [2019] UKUT 00281  
<https://tribunalsdecisions.service.gov.uk/utiac/2019-ukut-281>

Successfully argued error of law in case concerning the question of whether client's sponsor had 'genuinely' exercised treaty rights in another EEA country before returning to UK, applying Citizens' Rights Directive, EEA Regulations and related case law; the Upper Tribunal clarified that intention and motivation are not directly relevant to the assessment of whether employment is genuine and effective.

*MR (Afghanistan) v SSHD (1 September 2022)*  
<https://tribunalsdecisions.service.gov.uk/utiac/ia-02780-2021>

Successfully argued errors of law in analysis of both asylum and Article 8 in respect of an FTT appeal held shortly after the re-establishment of the Taliban regime: "*I wish to observe my thanks to... Mr. Allison for... erudite and very helpful submissions during a lengthy hearing.*"

*CT (Poland) v SSHD (31 March 2022)*

<https://tribunalsdecisions.service.gov.uk/utiac/da-00348-2019>

Successfully argued that Tribunal had made material error of law by refusing adjournment in EEA deportation appeal to obtain HMRC records, which subsequently established that client had obtained permanent residence.

*COI (Nigeria) v SSHD (28 May 2021)*

<https://tribunalsdecisions.service.gov.uk/utiac/pa-00552-2019>

Established error of law based on FTT's failure address risk on return based on client continuing his limited political activity and then persuaded Upper Tribunal to allow the

substantive appeal on the same basis at the re-hearing.

*BPK (Iran) v SSHD (17 September 2020)*

<https://tribunalsdecisions.service.gov.uk/utiac/hu-13030-2019>

Drafted grounds of appeal addressing multiple aspects of FTT determination; Upper Tribunal agreed that error of law was established by judge's consideration of material published after hearing and client was granted leave to remain following remittal.

*MSS (Somalia) v SSHD (12 December 2019)*

<https://tribunalsdecisions.service.gov.uk/utiac/pa-02286-2019>

Drafted grounds establishing error of law on two separate bases in asylum appeal concerning risk from Al Shabaab and then represented client in successful FTT appeal following remittal.

*TTN (Vietnam) v SSHD (9 October 2019)*

<https://tribunalsdecisions.service.gov.uk/utiac/pa-04545-2019>

Successfully argued error of law based on inadequacy of reasons in support of adverse credibility findings in asylum appeal: *"We also accepted Mr Allison's criticism of the FtT's assessment of the appellant's account of her attendance and arrest at the demonstration... We accept Mr Allison's submission that it is unclear from the reasoning what more the FtT expected... the appellant to have done, such that she would not have adverse inferences against her credibility..."* Subsequently represented client in successful FTT appeal following remittal.

*AA (Iraq) v SSHD (9 April 2019)*

<https://tribunalsdecisions.service.gov.uk/utiac/pa-10173-2017>

Successfully challenged dismissal of deportation appeal based on inadequate consideration of risk on return to Iraq without CSID and exclusion from humanitarian protection. Appeal allowed following re-hearing on Article 8 grounds.

*RB (Mauritius) v SSHD (14 March 2019)*

<https://tribunalsdecisions.service.gov.uk/utiac/hu-16261-2016-ors>



FTT determination set aside on basis of defective consideration of whether it was reasonable to expect a child to leave the UK where the parents had no independent right to remain (s.117B(6) NIAA). Appeal allowed following Upper Tribunal re-hearing based on submissions regarding application of *KO (Nigeria)*.

*SSHD v HW (Afghanistan) (6 February 2019)*

<https://tribunalsdecisions.service.gov.uk/utiac/pa-13530-2017>

Initially represented client in FTT deportation appeal allowed on basis of Article 8, which arose from six year sentence of imprisonment imposed when client was a young child. Successfully argued no error of law in SSHD appeal to the Upper Tribunal.

*KM (Iraq) v SSHD (15 October 2018)*

<https://tribunalsdecisions.service.gov.uk/utiac/pa-00739-2018>

Successfully argued error of law based on failure to properly consider risk on return in event that client continued her political activity as a blogger. Subsequently represented client in successful FTT asylum appeal following remittal.

## **Public law**

Mark drafts grounds for judicial review on a range of immigration-related matters. He represents clients in the Upper Tribunal and Administrative Court.

Through drafting judicial review grounds and applications for interim relief, Mark has secured release before and after the grant of permission in the Administrative Court and has assisted clients to achieve favourable settlements following transfer to the County Court.

Mark drafts grounds challenging clearly unfounded certifications and other immigration decisions without a right of appeal, as well as delay on the part of the Home Office in making immigration decisions. He also has experience in challenging local authority age-assessments, having appeared in the Administrative Court to successfully argue that permission should be granted and drafted grounds successfully challenging the failure to provide reasons and accommodation pending a Merton-compliant age-assessment.

Mark has recently acted for a client whose EUSS deportation appeal was certified under



regulation 16 of the Immigration (Citizens' Right Appeals) (EU Exit) Regulations 2020. By drafting grounds challenging the lawfulness of the underlying 'conductive' decision, it was possible to ensure that the client remained in the UK to give evidence in his successful appeal in the First-tier Tribunal.

### **Previous experience**

Mark previously practised as a criminal defence barrister, representing clients in Crown Court trials, sentence hearings, plea and trial preparation hearings, as well as conviction appeals from magistrates' courts.

Mark's interest in immigration law developed during his stint as a volunteer caseworker with Bail for Immigration Detainees (BID). Prior to completing pupillage at One Pump Court in 2017, he practised as an immigration solicitor. He primarily represented clients in the Detained Fast Track (DFT) process, through which he acquired experience of preparing complex asylum appeals within short time frames. Mark's last asylum case resulted in a successful public law challenge to a refusal to remove a client from the DFT process despite evidence of trafficking, thereby contributing to the suspension of the DFT in July 2015 (*R (on the application of IK, Y, PU) v Secretary of State for the Home Department*, CO/479/201).

Mark qualified as a solicitor whilst working as a legal adviser at Nottingham Magistrates' Court where he provided advice to lay magistrates in adult, youth and family courts. Prior to this he worked for several years investigating potential miscarriages of justice at the Criminal Cases Review Commission. Mark's legal analysis of the implications of an apparently unsigned indictment led to convictions being set aside by the House of Lords (*R v Clarke and McDaid* [2008] UKHL 8).

### **Pro bono**

Mark undertakes pro bono work for Bail for Immigration Detainees (BID) and Refugee & Migrant Forum of East London (RAMFEL).

## **Education**

LLM Human Rights and Criminal Justice (Distinction)

LLB Law



## Memberships

Immigration Law Practitioners' Association (ILPA)

Constitutional and Administrative Law Bar Association (ALBA)

