

Joseph Byrne

Call: 2016

Contact Joseph Directly: 020 7353 6802 or



Joseph is an immigration, civil and public law barrister with a particular focus on human rights and asylum law, public inquiries and actions against the police. He is known for combining rigorous legal analysis with an accessible and empathetic approach to lay clients.

Common to much of Joseph's work is his interest in civil liberties, human rights and the relationship between the individual and the state. He has a strong theoretical grounding in public law, with academic research focused on the legitimate ambit of *Wednesbury* unreasonableness and proportionality review.

Joseph's busy immigration practice sees him regularly appearing in the First-Tier and Upper Tribunal, with extensive experience in human rights, asylum, deportation and EEA/EUSS appeals, judicial review and bail hearings.

Public inquiries have formed a large part of his practice in recent years. Joseph is instructed in relation to two of the most significant inquiries of recent years, the Grenfell Tower Inquiry and the Covid-19 Inquiry.

In addition to actions against the police for false imprisonment, assault, misfeasance, malicious prosecution and related matters, Joseph's civil practice encompasses a wide range of advocacy and advisory work arising from contractual, property, landlord/tenant, RTA, personal injury and other civil disputes.

Joseph completed pupillage at Goldsmith Chambers. His early practice had a significant emphasis on criminal work which equipped him with keen advocacy skills and a deep understanding of the criminal justice system, from which many related areas of his current practice continue to benefit. Prior to the Bar, Joseph read Law at the University of Cambridge, completed a Research Masters in Law at Queen Mary University London and volunteered at South West London Law Centres.

Location

Goldsmith Building Temple
London
EC4Y 7BL

Contact Us

T: +44 (0)20 7353 6802
F: +44 (0)20 7583 5255
E: clerks@goldsmithchambers.com
DX: 376 Chancery Lane

Publications

'Reconstructing Judicial Review' (Publication Review), P. L. 2018, Oct, 788-791

Immigration

Joseph regularly appears in the First-Tier and Upper Tribunal with particular experience in human rights, asylum, deportation and EEA/EUSS appeals, judicial review and bail hearings. He also accepts instructions in relation to civil claims for unlawful immigration detention.

Joseph has a strong commitment to improving access to justice and accepts pro bono instructions from organisations including Bail for Immigration Detainees (BID) and the Refugee and Migrant Forum of Essex and London (RAMFEL).

Recent notable cases include:

IN, HN and JN v SSHD: Article 8 adult dependent relative appeal representing an elderly Indian couple and the severely disabled adult son they are no longer able to care for without the assistance of family in the UK.

OO v SSHD: Successful FTT deportation appeal following OO's conviction for affray, relying on the unduly harsh effect of deportation on OO's ex-partner's daughter, upheld in the Upper Tribunal.

MH v SSHD: Successful long residence appeal in which the Tribunal accepted that MH's 3C leave had continued to run since a 2015 human rights application which the SSHD had incorrectly treated as 'varied' by a subsequent (refused) EEA residence card application.

FA v SSHD: Successful Article 8 appeal on behalf of a divorced victim of domestic abuse facing stigmatisation on her return to Pakistan.

SM and JU v SSHD: Successful Article 8 appeal representing SM (and her infant son) who fell just short of 20 years' residence in the UK following a 7 year delay in the SSHD refusing her asylum application. Acted pro bono, instructed by RAMFEL.

MS v SSHD: Successful challenge to the Tribunal's dismissal of MS's asylum appeal following the FTTJ's erroneous understanding of his power to direct the SSHD to disclose evidence.

R (on the application of AA) v SSHD: Granted permission to bring judicial review proceedings in relation to the SSHD's failure to consider AA's further submissions as a fresh claim.

Joseph has regularly represented clients pro bono in bail hearings instructed by BID.

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Inquests and Inquiries

Joseph is instructed as Junior Counsel to the Grenfell Tower Inquiry, focused on the circumstances of and leading up to the tragic fire on 14 June 2017. Since 2019 his work has touched all aspects of the Inquiry process, from document review, evidence requests and the management of expert evidence to drafting cross-examination plans, assisting leading counsel during public hearings and report-writing.

Joseph is also instructed by the Welsh Government in relation to the Covid-19 Inquiry.

Actions Against The Police

Drawing upon his experience of criminal practice, police procedure, civil litigation and immigration law, Joseph is well-placed to assist clients with claims against the police or immigration authorities. Joseph has advised and represented claimants in relation to unlawful arrest, false imprisonment, unlawful/excessive detention, assault and battery, malicious prosecution, misfeasance in public office, trespass to goods and property, unlawful search and seizure and related property actions.

Civil

Joseph's civil practice spans a wide range of County Court work. He frequently represents clients in small claims, fast track and multi-track cases in cases involving:

- Contractual disputes
- Landlord and tenant / housing
- Commercial property
- Defamation
- Actions against the police
- Road traffic accidents
- Personal injury
- Credit hire
- Debt recovery
- Equitable remedies

Memberships

The Honourable Society of Lincoln's Inn

Lord Denning Society

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