

Emma Harris

Call: 2011

Contact Emma Directly: 020 7353 6802 or



Emma's is an experienced practitioner specialising in commercial litigation, contractual disputes, property litigation (including landlord and tenant and housing law) and actions against the police. She also practices in all areas of immigration, refugee & asylum and public law.

Civil

Commercial & Civil Litigation

Emma prides herself on providing pragmatic and cost-saving advice in commercial and general civil litigation matters and is an experienced and detail-oriented drafter of statements of case. On those occasions where cases do proceed to court she is a tenacious trial advocate.

Land & Property

Emma has an established practice in all matters concerning land where she accepts instructions in property, housing and trusts law. Emma acts for both landlords and tenants, privately and on a legal aid basis, including in complex claims for possession, unlawful eviction, housing disrepair, homelessness, forfeiture and in 1954 Act proceedings.

Emma advises and assists in all aspects of real property, including boundary disputes, easements, nuisance, trespass, adverse possession, and legal and equitable interests in land.

Emma routinely appears in the First-Tier Tribunal (Residential Property Chamber) in appeals against the imposition of financial penalty notices, improvement and prohibition notices. Emma has very useful insight into the way in which these appeals are defended having previously represented Central Bedfordshire Council and advised on the development of policy documents. Emma continues to be available for consultation on the development of policies by

Location

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local authorities in order to ensure their ongoing compliance with statutory changes and developments in the case-law.

Actions Against the Police

Emma has experience of and accepts instructions in actions against the police. She advises, drafts and appears in court in relation to claims for wrongful arrest, false imprisonment, assault/battery, trespass, misfeasance, and personal injury arising from police conduct. She also advises in relation to the powers and responsibilities of police officers when detaining a person under the Mental Health Act 1983. Emma is a member of the Police Action Lawyers Group (PALG).

Immigration/Civil

Because of her expertise in immigration law, Emma is also uniquely placed to advise and represent in cross-over matters between civil and immigration law including false imprisonment and unlawful detention claims and appeals against civil penalty notices imposed on businesses for employing illegal workers.

Recent cases:

JC v AD (2022) – drafting *Particular of Claim* in a *fraudulent misrepresentation claim*

A (Occupant) v London Borough of Newham & H (Managing Agent) – Advising and appearing for a letting agency in a matter to determine the repairing obligations of an agency where they let properties to a local authority to enable the local authority to fulfil its duty to provide accommodation to homeless individuals. Questions to be determined included whether it is the local authority or the agent who is a “landlord” under these arrangements and whether any cause of action exists for the occupant of a property in disrepair against either the local authority or the letting agent.

NPower v AP (Fast Food Business) – Advising, drafting and appearing for the Defendant in an ongoing contractual dispute over gas payments where the Court has so far been persuaded to set aside default judgment on the basis that the Defendant has a realistic prospect of successfully defending the claim. Issues include whether a deemed contract can arise with a gas supplier and a new commercial leaseholder at a time when no gas meter is installed.

A (Company) v SSHD (2021) – Acting for the alleged employee, a successful appeal against the imposition of a civil penalty notice where the Judge was persuaded that not all work by an illegal worker will render a business liable to pay a penalty and that it is employment under a contract that is required – see Emma’s Civil Watch [practice note](#) for more detail.

N v HR Ltd (Managing Agent) (2020) – Advising and representing a letting agent in an unlawful eviction claim where the occupant had been granted interim accommodation by the local authority pending the determination of their homelessness claim. In reliance on the case of [ZH and CN, R \(on the applications of\) v London Boroughs of Newham & Lewisham \(Rev 1\) \[2014\] UKSC 62](#) the claim for unlawful eviction was struck out as it was successfully argued that such occupants are not covered by the Protection from Eviction Act 1977 and that such evictions do not require a court order for possession.

HP Ltd (Managing Agent) v P (Tenant) [2020] – Advising the landlord on the impact of the judgment of [Trecarrell House Ltd v Rouncefield \[2020\] EWCA Civ 760](#) in circumstances where the landlord was seeking possession under the accelerated section 21 route but where there were gaps of more than 12 months between gas safety certificates.

T (Solicitors Firm) v RG Ltd (2020) – Representing the Claimant firm against the provider of their serviced offices in a claim for breach of contract where the Defence was struck out and summary judgment was entered by persuading the Court to take a strict approach to a Defendant who had filed but failed to serve a Defence to the claim.

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Immigration

Emma is an experienced immigration, asylum and nationality law specialist. She advises on complex legal issues and routinely appears in the First-Tier and Upper Tribunals on appeals and in public law proceedings. She is also increasingly instructed in cases progressing to the Court of Appeal. Emma provides advice and drafts grounds of appeal at all levels. Emma has also assisted clients involved in age disputes and those who have been victims of trafficking and/or modern slavery.

In immigration law more generally Emma assists and advises on applications within the Points Based System, drafts applications for administrative review and appears regularly in appeals on Article 8 and EEA matters.

Emma has a particular passion for nationality law and has experience in advising as well as representing on public law nationality and statelessness matters. Emma has helped to set up a new Windrush legal clinic and has been advising and assisting people on a pro bono basis where they have been affected by the Windrush Scandal on the question of immigration status, nationality and the availability of compensation. Emma's nationality work has also included the representation of former Malaysian nationals who have taken British Overseas Citizen ("BOC") status and children born in the UK without a nationality. She founded the [Nationality Advice Service](#) to assist clients with any nationality issues they have on a Public Access basis and the site is also used to provide updates and articles from practitioners on nationality law topics.

Notable Cases

KG (Sri Lanka) v SSHD – Court of Appeal Ref: C2/2018/2874 – Granted permission to appeal to the Court of Appeal on 10 February 2020. Found to be arguable that the SSHD had breached her duty under Article 22 of the Procedures Directive by compelling *KG* to attend an interview at the Sri Lankan High Commission where it was reasonable foreseeable that he would be questioned about his asylum claim.

NK (Sri Lanka) v SSHD – PA/02052/2019 – Success in the UT against the SSHD's appeal in an Article 1F case where *NK* had been found in the FT to have made out a defence of duress. The FTJ had neglected to deal with one limb of the test for duress and the Home Office had been granted permission on that basis. In order for it to show that it was a material error, the Home Office had to argue that the harm caused by the Appellant's actions (extra-judicial killing) was a "greater harm" than what he feared (torture and sexual abuse). The UT agreed that this was a grotesque stance and dismissed the appeal.

Uddin v SSHD – Court of Appeal Ref: C9/2018/2394/PTA – This matter settled prior to the Court of Appeal making a decision on permission. It involved a challenge to the more restrictive definition of "relative" adopted by the SSHD under the 2016 EEA Regulations when compared with the 2006 EEA Regulations. Relatives of an EEA national's spouse had been expressly excluded in the SSHD's policy.

Teh v SSHD [2018] EWHC 1586 (Admin) – Emma, led by Sarabjit Singh QC, successfully argued that British Overseas Citizens ('BOCs') holding no other nationality are stateless for the purposes of Article 1(1) of the 1954 Convention relating to the Status of Stateless Persons and paragraph 401 of the Immigration Rules.

CAL (Sri Lanka) v SSHD – PA/06980/2018 – Emma successfully argued in the UT that the FTJ had failed to correctly apply the CG case of *GJ (Sri Lanka)* by finding that her client had given evidence to the Lessons Learned and Reconciliation Commission in Sri Lanka about a "white van abduction", but was not at risk on return because he had not given evidence about a "war crime". The success of the case turned on the definition of a "war crime".

Training

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Emma has presented webinars on the nationality law behind the Windrush Scandal, on the Hong Kong BN(O) Visa and on Hamid Courts.

Appointments

2023-to date: Fee Paid First-Tier Tribunal Judge

Memberships

Immigration Law Practitioners Association

Administrative Law Bar Association

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