

Emma Harris

Call: 2011

Contact Emma Directly: 020 7353 6802 or



Emma has a mixed practice which spans the areas of immigration, refugee & asylum, public law and a number of different areas within civil law. She welcomes instructions that are either privately funded or legally aided and is also happy to assist on a Public Access basis where appropriate.

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.

Beyond Windrush, Emma is also committed to *pro bono* work and routinely appears in bail hearings on behalf of BID.

Location

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Notable Cases

PO (DRC) v SSHD – Emma is currently instructed in a case which has been designated as Country Guidance before the Upper Tribunal which is intended to address the election of President Tshsekeedi and the impact of his election on the risk on return to the Democratic Republic of Congo for political opponents and failed asylum seekers.

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

Emma has presented webinars on the nationality law behind the Windrush Scandal, and on the Hong Kong BN(O) Visa due to be offered from January 2021.

Civil

Emma has developed her practice in many areas of civil law. She advises and appears on applications and trials conducted in fast-track and multi-track cases. Emma acts for landlords and tenants in the fields of residential and commercial property including in claims for possession, forfeiture and in 1954 Act proceedings. Emma advises and assists in all aspects of real property, including boundary disputes, nuisance, trespass, adverse possession, and legal and equitable interests in land.

Emma also accepts instructions in actions against the police.

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Extradition

Emma's extensive experience in making human rights submissions means that she is also available to accept instructions in the field of extradition law. She has applied to the CPS Extradition Panel to broaden her experience in this field.

Inquests and Inquiries

Emma accepts instructions to represent and advise interested persons and represent in Coroners' inquests and in public inquiries.

Memberships

Immigration Law Practitioners Association

Administrative Law Bar Association

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