

Frances Allen

Call: 1995

Contact Frances Directly: 020 7353 6802 or
clerks@goldsmithchambers.com



Frances practises in public law with particular expertise in immigration and asylum, mental health and capacity, inquests (representing interested persons) and animal rights law. Frances also advises and provides expert opinions on immigration and nationality issues in family proceedings. In May 2017 she was appointed co-author of the Immigration Law Handbook.

She has extensive experience of representing vulnerable adults, persons who have been affected by traumatic events, unaccompanied asylum-seeking children and victims of trafficking.

In suitable cases Frances will undertake direct access work directly for members of the public.

Immigration

Frances has considerable experience and knowledge of all areas of immigration and asylum law and has advised, drafted grounds and represented at all levels. Frances also advises and provides expert opinions on immigration and nationality issues in family proceedings.

In May 2017 she was appointed co-author of the Immigration Law Handbook 10th edition.

She is meticulous in her preparation, which is the foundation for her frequent successes. She fights for her clients often thinking 'outside the box' but will always give realistic advice on the chances of success.

Her integrity and commitment to her work was recognised when she was asked to join a member of the fact-finding mission sent by the Parliamentary Human Rights Group to Pakistan in October 2006. The report entitled Parliamentary Human Rights Group Report: "Rabwah: A place for Martyrs" was published on 26 January 2007 and is reported on EIN (Electronic Immigration network) under country and human rights reports. The report formed the basis for the immigration tribunal's country guidance case of *IA and Others (Ahmadis: Rabwah) Pakistan CG* [2007]

Location

Goldsmith Building Temple
London
EC4Y 7BL

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Notable Cases

- *The Queen (on the application of SP (Sri Lanka)) v SSHD* (JR/532/2019): Permission granted on 25 June 2019 by UTJ Norton-Taylor. Challenge to the decision of the SSHD to refuse to accept further submissions as a fresh claim. Following the grant of permission, the SSHD conceded the claim.
- *The Queen (on the application of Lekhnath Gaire) v SSHD* (JR/ 6585/2018): Permission granted on 18 March 2019 by UTJ Dawson. Challenge to the decision of the SSHD to refuse the applicant his Tier 1 application. Following the grant of permission, the applicant was granted leave to remain in the UK.
- *The Queen (on the application of Aamir Sheraz) v SSHD* (JR/4706/18): Permission granted on 26 February 2019 by UTJ Arfon-Jones. Challenge by the applicant to the decision of the SSHD to refuse him ILR under paragraph 276D (long residence) with reference to 322(5) of the Immigration Rules.
- *The Queen (on the application of Umar Farooq Faisal) v SSHD* (JR/6941/17): Listed for substantive hearing on 18 July 2018 at Field House before Mr Justice Lewis. Challenge to the decision of the SSHD to refuse the applicant indefinite leave to remain as a Tier 1 (General) Migrant with reference to 322(5). Application for Judicial Review granted, decision to refuse indefinite leave to remain quashed and the SSHD ordered to pay the applicant's costs.
- *The Queen (on the application of Ranjana Sathasivan) v SSHD* (JR/7378/17): Permission granted on 21 February 2018 by Mr Justice Nicklin QC. Challenge by the applicant to the decision of the SSHD to refuse to accept further submissions as a fresh claim for asylum.
- *The Queen (on the application of Oluwaseun Oni Ogundipe) v SSHD* (JR/12489/16): Challenge by the applicant to the decision of the SSHD to certify the applicant's human rights claim as clearly unfounded under section 94(2). Issue was the lack of reasoning and/or analysis in the decision to certify. Following the grant of permission on 4 May 2017 at Field House, the Respondent agreed to withdraw the section 94(2) certificate.
- *The Queen (on the application of Ali Katabazi) v SSHD* (JR/9500/16): Judicial Review permission hearing on 12 April 2017 at Field House – permission granted on all grounds. Challenge by the applicant to the decision of the SSHD to grant the applicant 5 years leave to remain as a refugee and not indefinite leave to remain. Issue is the application of Article 20(3) of the Qualification Directive and the Respondent's policy on vulnerable individuals.
- *The Queen (on the application of Ismailov) v SSHD* (JR/3660/2016): Listed for substantive hearing on 25 January 2017 at Field House. Challenge by the applicant to the decision of the SSHD to certify the applicant's human rights claim under s94(2) as clearly unfounded. Application for Judicial Review refused but leave to appeal to the Court of Appeal granted in light of the case of *Paposhvili* and the impact on the cases of *N v. Secretary of State for the Home Department* [2005] 2 AC 296, as interpreted by the Court of Appeal in *GS (India) v. Secretary of State for the Home Department* [2015] 1 WLR 3312. Pursuant to a consent order the Respondent has agreed to reconsider Mr Ismailov's case.
- *The Queen (on the application of Kathiravan Kaliyamurthy) v SSHD* (JR/3192/17): The applicant challenged the decision of the SSHD to refuse him Indefinite Leave to Remain (ILR). Issue was whether continuing to work on an "unofficial" basis amounted to employment for the purposes of paragraph 245AAA of the Immigration Rules. Following the grant of permission on 26 October 2017 at Field House, the applicant has been granted ILR in the UK.
- *The Queen (on the application of Sydney Gerald Osei-Akoto) v FTT* (SSHD was an interested party) (JR/5332/2016): Rolled up permission and substantive hearing on 31 October 2016 at Field House. Challenge by the applicant to the decision of a FTTJ to grant the SSHD an extension of time to apply for permission to appeal to the Upper Tribunal. Permission granted and application for judicial review granted. The decision of the FTTJ to grant the SSHD an extension of time to appeal was quashed. Further

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to written submissions a costs decision promulgated on 27 February 2016, awarded the applicant costs from the issue of JR proceedings.

- *Muthulingam Kishnamenan & 50 Others v Secretary of State for the Home Department*(2016): Application to set aside determinations heard under the Immigration (Fast Track Procedure) Rules (FTR) 2005. Applications adjourned pending a ruling in the High Court on the lawfulness of the 2005 FTR.
- *AA (Upper Tribunal-review power) Uzbekistan* [2015] UKUT 00330 (IAC): Setting guidance on the Tribunal's power to review its own decision under the Procedure Rules.
- *NP (Sri Lanka) v The Secretary Of State For The Home Department* [2015] EWCA Civ 975: Challenge by the applicant to the Tribunal's consideration of documentary evidence and the impact on credibility.
- *The Queen (on the application of Prenga, Jaku & Khaled) v Secretary of State for the Home Department* [2014] EWHC 605 (Admin): Challenge by the Claimants to the SSHD's consideration of their fresh claims and the effect of the Legacy Programme on such claims.

Publications

- Co-editor of the Immigration Law Handbook
- Contributing author to [Lexis PSL Immigration](#)

Inquests and Inquiries

Within the coronial arena, Frances is dedicated to the rigorous search for the answers, which bereaved families need in order to comprehend their loss, particularly where agents of the state have been involved in the death. Her background in human rights law provides her with a strong foundation in this area of law where the focus is on seeking the truth to ensure failings are exposed and there is accountability where appropriate.

Frances can draw on her long experience of representing in complex cases involving expert reports from multiple agencies and the sensitive drawing out of evidence from traumatised individuals and families.

Frances is a member of the [INQUEST Lawyers Group](#).

Animal Rights

Frances has a long-standing interest in animal rights and studied Zoology at University. On gaining tenancy in 1997, Frances set up [ALAW -UK Centre for Animal Law](#) with a colleague. She is currently on their Senior Policy Team.

Frances has a vast experience of challenging decisions of government departments by way of Judicial review and can assist with advice on the merits of a challenge through to drafting pre action protocols and representing at Court.

In addition, Frances is known for her attention to detail and ability to peruse numerous documents from different sources and to quickly absorb and assimilate facts and identify relevant issues from complicated instructions. Her cases are often complex and include detailed expert reports from a variety of sources. Frances is particularly adept at quickly identifying admissibility issues and gaps in evidence relating to issues in dispute or where evidence is unclear. This makes her ideal as Disclosure Counsel.

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Publications

Case analysis of R (on the application of Highbury Poultry Farm Produce Ltd) v CPS UKSC [2020] UKSC 39

Appointments

- Northern Ireland Bar (2014)
- England & Wales Bar (1995)
- Co-Author of the Immigration Law Handbook 10th edition

Memberships

- EIN
- ILPA
- RLG
- ALAW

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