

## Samina Iqbal

Call: 1999

Contact Samina Directly: 020 7353 6802 or [clerks@goldsmithchambers.com](mailto:clerks@goldsmithchambers.com)



Samina is a senior public law and immigration practitioner with over 20 years' experience. Since 2000, Samina specialises in immigration law with a background in family law. Samina is ranked in the Legal 500 2021 edition, Immigration, (Tier 3 – *Leading Juniors*) 'Her exceptional clarity in arguments and attention to subtle details always leads her to shine in her work.'

Samina is also ranked as a leading junior within Chambers & Partners 2021 edition (Band 4) as a seasoned immigration practitioner with strong expertise in EU law, nationality law and human rights.

Her expertise in this cross over area is underlined by the article she co-authored on "*Family and Immigration Proceedings – treading the minefield for the practitioner*" for the Immigration, Asylum and Nationality Law Journal (IANLJ).

She is joint-head of the Immigration team with her colleague Sarah Pinder. She is also committed to providing training to pupil barristers and was approved to become a pupil supervisor in 2011. Samina was also first appointed as a Fee-Paid Judge in the First-Tier Tribunal (Immigration and Asylum Chamber) in 2006 and was at the time one of the youngest appointees. She has subsequently been appointed to the Social Entitlement Chamber in 2018 and in 2017, as an Environment and Traffic Adjudicator.

Samina is also regularly called upon as immigration expert on issues of nationality, status and rights of parties in Family Courts, Extradition proceedings and Personal injury claims.

Her growing proficiency in Unlawful Detention claims has led to her being commissioned to write a 'How to Guide on Unlawful Detention' by Law Brief Publishing Ltd.

In suitable cases, Samina undertakes direct access work for members of the public.

### ***Languages spoken:***

- Punjabi, Urdu, Hindi
- Kiswahili
- Basic German, Basic Italian

### Location

Goldsmith Building Temple  
London  
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# Immigration

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Her practice in this area of law has grown over the years, alongside her need to ensure that those most vulnerable members of society receive the best possible representation. She is passionate about access to justice and is committed to consistently delivering excellent service.

Samina has been instructed to act on a number of complex business immigration cases and she has never failed to impress clients with the depth and breadth of her knowledge, given her background in this area. Samina is approachable, with a very loyal following of clients, especially as she is known to be efficient and organised in her work.

Her practice in immigration is extensive, including being instructed regularly as counsel of choice, on public law challenges and appeals to the Court of Appeal. She has also in the past been instructed as counsel in a SIAC case.

Samina is currently involved in applications and judicial reviews under the Windrush scheme. She also delivers training for ILPA in relation to the latest immigration developments, is a contributor to Lexis Nexis PSL's practice notes and Butterworths Immigration Law Service.

## **Selected Training**

- [JR for OISC practitioners – ILPA \(2020\)](#)
- [Covid-19 Measures in Immigration – Goldsmith Chambers \(2020\)](#)
- [Update – EU Settlement Scheme – Goldsmith Chambers \(2020\)](#)
- [EU citizens in the UK after Brexit \(2019/2020\) – AstenJ Professional Training](#)
- [The Do's and Don'ts of EU Settled Status applications \(2019\) – Society of British-Bangladeshi Solicitors](#)
- [Unlawful Detention in Civil Courts \(2018/2019\) – Goldsmith Chambers, AstenJ Professional Training & Law Friends Society with promotion clip \[here\]\(#\)](#)
- [Webinar on \*Hostile Environment Measures\* with Sarah Pinder \(2019\) – Lexis Nexis](#)
- [Webinar on \*Immigration Law – Spring Update\* with Kezia Tobin \(2019\) – Lexis Nexis](#)

## **Other Training**

Samina's commitment to training newly qualified advocates, led to her co-founding, a pro-bono organisation, [WiGS](#) (Women Internationally Gaining Skills) to support female advocates, in countries where there is a greater need for legal representation of women appearing in Courts at all levels, and a marked absence of female advocates able to provide such representation. Samina trained in the 'The Hampel Method', used by the four Inns of Court in the UK. WiGS' and Samina's first project was met with immense positive and enthusiastic participation, running successfully from the 6th March 2020 to 8th March 2020 in Dhaka, Bangladesh.

## **Notable cases:**

- [AK \(Pakistan\) – C5/2020/0108 – Deport appeal by the SSHD, against allowed appeal](#)
- [Zekaj, R \(on the application of\) v Secretary of State for the Home Department \[2016\] EWHC 1643 \(Admin\) \(26 April 2016\)](#) -Permission refused by the High Court, subsequently granted by the COA on the papers – trafficking case – settled by consent on 16<sup>th</sup> January 2017
- [CD \(Jamaica\) C5/2015/2236 – deportation appeal of SSHD dismissed – 14<sup>th</sup> July 2016](#)
- [Agubata v Secretary of State for the Home Department \[2012\] EWCA Civ 140 \(26 January 2012\)](#)
- [MM and SA \(Pankina: near-miss\) Pakistan \[2010\] UKUT 481 \(IAC\)](#)
- [BB v SSHD: SC/26/2003](#) (SIAC case – Challenge to the decision of the Entry Clearance Officer to refuse entry to an Indian National resident in the UK on the basis of national security. Matter was conceded before it went to court on the basis of representation made.
- [HH \(Adjudicator reasoning – Risk on return\) Afghanistan \[2003\] UKIAT 00138](#)
- [The Secretary of State for the Home Department v Badu \[2002\] UKIAT 04731](#)
- [Alfred Buba, Skender Rama \(KLA – Deserters\) Kosovo CG \[2001\] UKIAT 00003](#)

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## Publications

Co-Authored – “*Family and immigration Proceedings – treading the minefield for the practitioner*” for the Immigration, Asylum and Nationality Law Journal (IANLJ) (Vol 33, No.3, 2019)

Contributing author to [Butterworths Immigration Law Service](#)

Contributing author to the [LexisPSL Immigration](#)

- Homeward Bound for Families Unlawfully Deported” – [LexisWeb](#)
- Practice Note on “Detention, temporary admission and bail” 2014 and 2015– [LexisWeb](#).
- Practice Note on “Illegal Working”- 2011 – [LexisWeb](#).

## Public Law

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Samina has an extensive public law practice, which spans challenges based on immigration, asylum and nationality law, Article 8 ECHR certification, unlawful detention, no recourse to public funds decisions, trafficking and modern slavery decisions, as well as national security measures such as deprivation of citizenship

Given her commitment to those vulnerable in society, she expanded her practice to include those who require assistance under community care law, equality and discrimination law, social welfare, mental health and capacity law

### *Notable cases*

- **SE v SSHD** (2019) – Successful challenge to the SSHD’s failure to make a lawful decision with reference to the A’s private life in accordance with their own policy guidance.
- **DBD – v SSHD** (2019) – Successfully challenged the SSHD’s failure to accept an EEA application as valid, on the basis that the sponsor under Regulation 9 of the EEA Regulations, would have to be born British, was discriminatory under EU and domestic law. Challenge based on a: i) Failure to make lawful decision under EU Law, ii) Failure to make lawful decision with reference to the British Nationality Act 1981, iii) Breach of Statutory Duty under Section 149, Equality Act 2010. Case successfully concluded by the SSHD conceding and agreeing to issue a new decision. The approach of the R demonstrated discrimination between nationality acquired at birth and that acquired through residence, which amounted to a breach not only of EU law but also domestic law. This judicial review challenge ensured the R’s decision-making was compliant with EU and domestic law and that the A was treated fairly and equitably on the basis of his sponsor’s nationality.
- **HMH v SSHD** (2019) – challenge SSHD certification of a failure to exercise the “most anxious scrutiny” when giving reasons why there were no very significant obstacles to reintegration and exceptional family life taking place abroad instead of in the UK.
- **GV v SSHD** (2018) – Granted permission to apply for JR in a Tier 1 (Entrepreneur) case on the basis that the SSHD’s failure to request missing documents, which the Applicant had clearly evidenced in his application, fell foul of the common law principles of fairness. Matter was settled by consent.
- **RS v SSHD** (2019) – Challenge to the SSHD’s failure to respond to s.120 notice of RS, following the grant of settlement to her husband, who was the applicant in the reported case of *R (on the application of Khan) v SSHD (dishonesty, tax return, paragraph 322(5))* [2018] UKUT 00384 (IAC). Matter settled by consent.
- **BS v SSHD** (2018) – Challenge to the SSHD’s assertion that TOEIC certificate fraudulently obtained and deception used in BS’s Tier 2 application. SSHD agreed to reconsider in line with *Khan & Ors v Secretary of*

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*State for the Home Department* [2018] EWCA Civ 1684

- **AK v SSHD** (2016) – Permission granted on 9 June 2017, to challenge SS certification of a failure to exercise the “most anxious scrutiny” when giving reasons why there were no insurmountable obstacles to family life – settled by consent.
- **JM v SSHD** (2016) – substantive JR dismissed – fresh claim in relation to disputed Eritrean/Ethiopian Nationality – 25<sup>th</sup> September 2016
- **MT v SSHD** (2015) substantive JR allowed – fresh claim in relation to Art 8 and carers – 9<sup>th</sup> May 2016
- **MB v SSHD** (2013) – Permission granted on fresh claim 5<sup>th</sup> October 2016 – settled by consent
- **Hormozi** CO/4803/2015 Hungary Dublin II – permission granted – settled by consent – 26<sup>th</sup> November 2015
- **SK v SSHD** (2013) – substantive JR dismissed – validity of application – 5th February 2015
- **R (on the application of Iqbal) v Secretary of State for the Home Department** [2014] EWHC 1822 (Admin)

## Appointments

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2018 – to date: Fee Paid Immigration Judge: Social Entitlement Chamber

2017: [Environment and Traffic Adjudicators](#)

2006 – to date: Fee Paid Immigration Judge: Immigration and Asylum Chamber

2004 – 2015: Adjudicator: LSC Funding Review for Immigration cases.

2011: Pupil Supervisor

## Memberships

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HRLA

ILPA

FLBA

BHRC

## Awards

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Winner ‘[Champion of the Year](#)’ – Inspirational Women in Law Awards 2020 (see [New Law Journal](#))

Nominated ‘[International Pro Bono Barrister of the Year](#)’ – Bar Pro Bono Awards 2020

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