

Sarah Pinder

Call: 2006

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Sarah practises in public law with particular expertise in immigration and asylum. Sarah is also developing her practice in community care, social welfare, mental health and capacity law and continues to practice in family law representing in children cases. She has been recommended as a Leading Barrister in Band 4 in immigration law by the *Legal 500*. In the 2020 edition, Sarah is described as having 'a very effective, calm and considered approach in advocacy, an attribute which is often well-received by judges.' She has been previously recommended for being 'a real rising star' and 'an excellent advocate with a high success rate because of her aptitude and preparation', whose 'standout qualities are how approachable, level-headed, smart and patient she is'.

Sarah is ranked in the *Legal 500 2021* edition, Immigration, (Tier 4 – *Leading Juniors*) 'Her level of knowledge and practical know-how in immigration matters is unparalleled and she shows a genuine interest in every matter she takes on.'

In chambers, Sarah is joint-head of the immigration team with her colleague Samina Iqbal. She is also committed to providing training to pupil barristers and was approved to become a pupil supervisor in 2019.

Sarah regularly advises and provides expert opinions on immigration and nationality issues in family and other court proceedings. 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, Sarah will undertake direct access work directly for members of the public.

Sarah has been appointed as a fee-paid First-Tier-Tribunal Judge of the Immigration and Asylum Chamber, sitting in Birmingham IAC. In July 2015, Sarah was also appointed as an Independent Funding and Costs Adjudicator for the Legal Aid Agency.

Sarah is bi-lingual in French and has a good working knowledge of German.

Location

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Immigration

Sarah is a highly effective and sensitive advocate and is passionate for the field of immigration law, having worked in the field for nearly 20 years. Sarah represents in all aspects of immigration, asylum and human rights law in the immigration tribunals, the High Court and the Court of Appeal. She also specialises in judicial reviews, including certification cases, unlawful detention/false imprisonment claims, PBS, long residence and tax/deception cases as well as complex nationality matters, including Windrush and possible claims to British citizenship from British Overseas Citizens and other such nationalities. Sarah has a particular interest in cases involving children and their best interests.

Sarah is frequently instructed by solicitors to provide expert, independent opinions in immigration and nationality law for parties in family, extradition and other legal proceedings.

Sarah also delivers training for **ILPA** in relation to the latest immigration developments and is a contributor to **Lexis Nexis PSL**'s practice notes. Sarah is very experienced at delivering training doing so for a variety of training companies and CPD providers (**MBL Seminars**, **Lexis Nexis**, **CLT**, **AstenJ Professional Training & Law Friends Society**) and as part of in-house programmes for solicitor firms and second-tier organisations and associations. Sarah welcomes these opportunities as a way of updating herself on the law and current practice and liaising with fellow practitioners in a more informal and dynamic environment.

Selected Training

["Applications for costs and other procedural conundrums in the FTT and UT\(IAC\)"](#) – ILPA November 2020

["Covid-19 Measures in Immigration"](#) – Goldsmith Chambers 2020

["Update – EU Settlement Scheme"](#) – Goldsmith Chambers 2020

["From Tier 1 Entrepreneurs to Innovators – A Whistle-Stop Tour"](#) – May 2019, **Law Friends Society** with promotion clip [here](#)

["Brexit – Where are we going?"](#) – October 2019, **Law Friends Society** with promotion clip [here](#)

["The Minefield of Tier 1 Entrepreneur Applications & the Genuineness Test"](#) – July 2019, **AstenJ Professional Training**

["Innovator applications – Are they for real !?"](#) – October 2019, **AstenJ Professional Training**

["Article 8 ECHR Update"](#) – September 2019 & February 2020, **Society of British-Bangladeshi Solicitors & AstenJ Professional Training**

Webinar on [Hostile Environment Measures](#) with Samina Iqbal (2019) – Lexis Nexis.

Notable Cases include:

- *Commonwealth Veterans v SSHD & SSD*– Sarah is representing eight Fijian HM Forces veterans in a group Judicial Review claim against the Defence and Home Secretaries. The Claimants challenge Home Office and Ministry of Defence (MOD) practices, which include failures to follow their own guidance and duties with regard to Foreign and Commonwealth HM Forces personnel at discharge, impacting hugely on the Claimants' (and others') rights to reside in the UK. The Claimants also argue unfair and inconsistent

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practices at the Home Office. On application fees, the Claimants seek a declaration that charging veterans and their families such high settlement application fees is unfair, discriminatory and contrary to the express terms of the Armed Forces Covenant. Media coverage of the case includes: [The Guardian 8th March 2020](#), [9th March 2020](#) (quoting Sarah), [20th May 2020](#), [The Times](#), [The Daily Telegraph 15th March 2020](#) & [4th April 2020](#), [BBC News 28th May 2020](#).

- Granted permission to apply in judicial review proceedings in the High Court in a claim involving a dual-British national challenging the fairness and rationality of the SSHD's British passport policy "*Use and Change of Names*" of 16 August 2016.
- Granted permission to appeal by the Court of Appeal in judicial review proceedings where the Upper Tribunal refused permission to apply to a team of Tier 1 Entrepreneurs. Grounds of appeal included procedural unfairness and irrationality.
- Granted permission to apply for judicial review following an oral renewal hearing in a Tier 1 (Entrepreneur) entry clearance case raising irrationality and unfairness grounds in response to a 'genuineness' refusal. This was the second time permission had been granted in the same case as the first set of proceedings settled and the applicant was then refused entry clearance again. Eventually, the Applicant was granted LTR as a Tier 1 (Entrepreneur).
- Granted permission to apply for judicial review in a fresh claim raising issues of trafficking and the impact of a previous detention as part of the Detained Fast Track.
- *Reah, R (on the application of) v Secretary of State for the Home Department (IJR)* [2016] UKUT 55 (IAC)
- *LH & IP (gay men: risk) Sri Lanka CG* [2015] UKUT 00073 (IAC)
- *EV (Philippines) & Others v Secretary of State for the Home Department* [2014] EWCA Civ 874 – Sarah drafted grounds for permission to appeal to the Court of Appeal, securing permission (was unable to represent at the appeal hearing due to being on maternity leave). This case is regarded as a leading authority on the interplay between the best interests of children and the public interest in removing families with children, who do not otherwise have the right to remain in the UK.
- *AK & SK (Christians: risk) Pakistan CG* [2014] UKUT 00569 (IAC)
- Commonwealth HM Forces veteran Judicial review challenge and unlawful detention claim – Sarah represented a detained former member of HM forces from the Commonwealth. The case received substantial press coverage: [The Telegraph 14.11.2013](#), [The Times 14.11.2013](#), [The Daily Mail 15.11.2013](#), [The Independent 16.11.2013](#), [The Guardian 16.11.2013](#) & [The BBC 16.11.2013](#)
- *Rajbhandari (PBS: funds – available) Nepal* [2012] UKUT 364 (IAC)

Publications

- "*Immigration Law and Tier 1 Entrepreneur Applications*" with Law Brief Publishing Ltd.
- Contributing author to [Lexis PSL Immigration](#).

Public Law

Sarah practises in public law with particular expertise in immigration and asylum. She has become particularly specialised in public law claims involving Foreign and Commonwealth members or former members of HM Forces. Sarah is also developing her practice in community care, social welfare, equality and discrimination law, mental health and capacity law.

Sarah has extensive experience of representing vulnerable adults, persons who have been affected by traumatic

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events, unaccompanied asylum-seeking children and victims of trafficking.

Sarah has advised in age dispute cases and represented in complex cases involving issues of mental capacity, no recourse to public funds and a person's assessment under the Care Act. Sarah is frequently instructed to advise and represent in trafficking and modern slavery cases as well as unlawful detention and complex nationality cases where issues of public interest and/or good character arise. Sarah is also currently involved in applications and judicial reviews under the Windrush scheme.

Notable Cases include:

- *Commonwealth Veterans v SSHD & SSD*– Sarah is representing eight Fijian HM Forces veterans in a group action against the Defence and Home Secretaries. The Claimants challenge Home Office and Ministry of Defence (MOD) practices, which include failures to follow their own guidance and duties with regard to Foreign and Commonwealth HM Forces personnel at discharge. The Claimants also argue unfair and inconsistent practices at the Home Office and seek a declaration that charging veterans and their families such high settlement application fees is unfair, discriminatory and contrary to the express terms of the Armed Forces Covenant. Issues have also arisen concerning access to free NHS health-care. Media coverage of the case includes: [The Guardian 8th March 2020](#), [9th March 2020](#) (quoting Sarah), [20th May 2020](#), [The Times](#), [The Daily Telegraph 15th March 2020](#) & [4th April 2020](#), [BBC News 28th May 2020](#).
- Granted permission to apply in judicial review proceedings in the High Court in a claim involving a dual-British national challenging the fairness and rationality of the SSHD's British passport policy "*Use and Change of Names*" of 16 August 2016.
- *R (ona PB) & another v SSHD*(2016) – Represented Claimant mother and child in Judicial Review proceedings challenging the imposition of a 'no recourse to public funds' condition with the Claimant's local authority joined as a party. The claim was settled after permission was granted in the Claimant's favour and focused on the child's best interests. The case also involved an appeal to the Court of Appeal in relation to there being 'no order for costs', for which permission was granted and which was subsequently settled in the Claimant's favour at the door of the court.
- Commonwealth HM Forces veteran unlawful detention claim – Sarah represented a detained former member of HM forces from the Commonwealth. The case received substantial press coverage: [The Telegraph 14.11.2013](#), [The Times 14.11.2013](#), [The Daily Mail 15.11.2013](#), [The Independent 16.11.2013](#), [The Guardian 16.11.2013](#) & [The BBC 16.11.2013](#).

Family

Sarah has developed an expertise in family law, specialising in children law, including both private disputes over child arrangement orders and public / care proceedings. Through this, Sarah has been able to pursue her keen interest in crossover areas concerning children, their best interests and their interplay.

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Appointments

Fee-paid First-Tier-Tribunal Judge in the Immigration and Asylum Chamber (January 2019)

Independent Funding Adjudicator, Legal Aid Agency (July 2015)

Memberships

Human Rights Lawyers Association

Immigration Law Practitioners Association

Bar Human Rights Committee (Member of Drafting Committee 2015-2019)

Awards

Shortlisted '*Outstanding Returner of the Year*' – Women in Law Awards 2020

Shortlisted '*Barrister of the Year*' – Inspirational Women in Law Awards 2020

Nominated '*Junior Pro Bono Barrister of the Year*' – Bar Pro Bono Awards 2020

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