



“A prolific barrister who does a lot at a high level.” Chambers & Partners

Zane Malik QC is a leading barrister specialising in public law and human rights, with an emphasis on immigration, asylum, nationality, EU and regulatory law.

Before taking silk, he spent 9 years on the Attorney General’s Panel of Counsel to the Crown advising and representing the government along with his established private practice. He acts regularly at the highest levels, both for and against the government.

He has particular expertise in appellate work and Judicial Reviews. He appears regularly at the Upper Tribunal, the High Court, the Court of Appeal and the Supreme Court, where over 250 of his cases have been reported so far. He has conducted over 150 appeal hearings at Supreme Court and Court of Appeal level. The Upper Tribunal’s reporting committee (IAC) has reported over 70 of his cases to be cited as precedents in other cases. He often leads other barristers and legal teams in complex cases before the higher courts.

He contributes regularly to legal journals and other practitioners’ sources, and often speaks at legal conferences and professional development events.

He is also a Judge of the First Tier Tribunal (IAC) and a Deputy Judge of the Upper Tribunal (IAC).

PRACTICE AREAS

- Immigration, Asylum & Human Rights
- Nationality & EU
- Regulatory & Professional Discipline
- Administrative & Public

SECTORS

- Central Government
- Local Government
- Education
- Health & Pharmaceuticals
- Sport

PRACTICE AREAS

IMMIGRATION, ASYLUM & HUMAN RIGHTS

Zane Malik QC has extensive experience of immigration and asylum work. He has represented both individual applicants and the government in some of the most high-profile and landmark cases on the subject.

His current practice focuses on business and commercial aspects of Immigration law. He has a broad experience of advising and representing the government, national and multinational businesses and high net-worth and highly skilled individuals. This includes those falling within Tier 1 (investors, entrepreneurs and highly skilled migrants), Tier 2 (skilled migrants, intra-company transfers, support persons and ministers of religion) and Tier 5 (temporary workers). He also advises and represents educational institutions and international students, falling within Tier 4. His experience includes advising and representing individuals seeking entry or settlement in the United Kingdom under various other categories of the Immigration Rules (such as, family members, partners, parents, children, stateless individuals, workers and business and family visitors).

His practice in relation to asylum and human rights law includes advising and representing the government and those who seek international protection, refugee status and residence rights under the European Convention on Human Rights. This includes cases concerning asylum and humanitarian protection claims, fresh claims, family reunion, medical treatment and claims based on right of have respect for private and family life.

NATIONALITY & EU

Zane Malik QC has particular experience of nationality and EU law.

His current practice includes advising and representing the government and individuals in relation to claims concerning British citizenship and right of abode in the United Kingdom. This includes acquisition of nationality on the basis of birth, adoption, descent, registration and naturalisation. He has specialist knowledge as to the status and entitlements of British overseas citizens, British subjects and Citizens of the United Kingdom and Colonies. He has represented both the individual applicants and the government in many fact-finding trials concerning disputed identities and ancestry.

He has a broad practice as to EU law. This includes, in particular, advising and representing businesses and EU nationals (and their non-EU national family members) as to the right to free movement and implications as to Brexit. He also has experience of advising and representing the government and Turkish nationals and businesses in relation to entitlements arising from European Community Association Agreement with Turkey.

REGULATORY & PROFESSIONAL DISCIPLINE

Zane Malik QC regularly advises and represents individuals and institutions in regulatory and disciplinary proceedings.

His current practice includes cases involving the Solicitors Regulation Authority, the Legal Ombudsman, the Office of Immigration Services Commissioner, the Bar Standards Board, the General Medical Council and the Nursing and Midwifery Council. This includes representation at the hearings before disciplinary tribunals, associated Judicial Review challenges and appellate work. He has particular experience of advising and representing solicitors in relation to "Hamid" jurisdiction of the High Court and the Upper Tribunal.

He also has significant experience of advising and representing educational institutions and domestic businesses in relation to the Sponsorship Licence scheme. This includes challenges to suspension and revocation of Sponsorship Licences and issues concerning compliance and sponsorship obligations.

ADMINISTRATIVE & PUBLIC

Zane Malik QC has a wide range of experience in administrative and public law generally across several fields. He regularly acts, both for individual applicants and the government, in claims concerning challenges to administrative detention. He also advises and represents in cases involving prison law, local government, social security, state support and mental health.

SECTORS

CENTRAL GOVERNMENT

Zane Malik QC has extensive experience of advising and acting both for and against the central government. Zane's central government work covers a broad range of practice areas, including, Judicial Reviews, immigration and asylum, nationality and EU, administrative and public, human rights, Special Immigration Appeals Commission, prison, professional discipline and regulation, discrimination and public international law.

LOCAL GOVERNMENT

Zane Malik QC's local government work includes public funding, state aid, public sector equality duties, human rights and housing disputes. He has specialist knowledge of work at Social Entitlement Chamber and Valuation Tribunal, and appeals and Judicial Reviews arising from their decisions.

EDUCATION

Zane Malik QC has extensive experience of advising and acting for educational institutions in relation to licencing and regulation. He regularly advises and represents students and academics across a range of public law areas.

HEALTH & PHARMACEUTICALS

Zane Malik QC has extending experience of advising and acting for care homes in relation to licencing and regulation. He regularly advises and represents professionals working in health care sector across a range of public law areas.

SPORT

Zane Malik QC has experience in relation to applications under Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting) of the Points Based System in the Immigration Rules. He advises and acts for elite sportspersons and coaches intending to enter and stay in the United Kingdom. His work includes advising

and representing sports governing bodies and organisations as to their sponsorship licences required to sponsor sportsperson and temporary workers. He also advises and represents individual sportspersons and organisations as to disciplinary and regulatory matters.

CASES

(1) Supreme Court

- **AM (Zimbabwe) v Secretary of State for the Home Department** [2020] UKSC 17; [2020] 2 WLR 1152: Proper approach to Article 3 ECHR claims based on ill-health.
- **Patel v Secretary of State for the Home Department** [2019] UKSC 59; [2020] 4 WLR 18: Scope of the Zambrano principle and proper approach to the concepts of “choice” and “compulsion” for the purpose of the derivative right of residence.
- **Mirza, Iqbal and Ehsan v Secretary of state for the Home Department** [2016] UKSC 63 [2017] 1 WLR 85: Proper construction of section 3C of the Immigration Act 1971 and ambit of the common law duty of fairness on Secretary of State in deciding whether applications for variation of leave to remain are valid.
- **TN, MA and AA (Afghanistan) v Secretary of State for the Home Department** [2015] UKSC 72; [2015] 1 WLR 3083; [2015] 4 All ER 34; [2015] INLR 647; [2015] Imm AR 1162: Compatibility of domestic asylum appellate process with the EU law and reach of the Secretary of State’s obligations with regards to family tracing of unaccompanied minors.
- **Patel v Secretary of State for the Home Department** [2013] UKSC 72; [2014] 1 AC 651; [2014] 1 All ER 1157; [2014] INLR 205; [2014] Imm AR 456; [2013] 3 WLR 1517: Legality of the Secretary of State’s practice to issue removal decisions in isolation from decisions refusing variation of leave to remain.
- **Alam and Anwar v Secretary of State for the Home Department** [2013] UKSC 72; [2014] 1 AC 651; [2014] 1 All ER 1157; [2014] INLR 205; [2014] Imm AR 456; [2013] 3 WLR 1517: Construction of one-stop appeals provisions of the Nationality, Immigration and Asylum Act 2002, and scope of Article 8 “near miss” principle.
- **New London College v Secretary of State for the Home Department** [2013] UKSC 51; [2014] INLR 66; [2014] Imm AR 151; [2013] 1 WLR 2358; [2013] 4 All ER 195; [2013] PTSR 995: Legality of the system of management of educational institutions by the Secretary of State by way of policy guidance documents and sub-delegation of immigration function.
- **Alvi v Secretary of State for the Home Department** [2012] UKSC 33; [2012] 1 WLR 2208; [2012] 4 All ER 1041; [2012] Imm AR 998; [2012] INLR: Scope of the Crown’s prerogative to control immigration at common law; legality and effect of the Points Based System policy guidance documents and effect of the provisions that have not been laid before Parliament by the Secretary of State.
- **Munir v Secretary of State for the Home Department** [2012] UKSC 32; [2012] 1 WLR 2192; [2012] 4 All ER 1025; [2012] Imm AR 1038; [2012] INLR 546 Times Law Reports, August 6, 2012: Nature of the duty on the Secretary of State under section 3(2) of the Immigration Act 1971 and constitutional issues arising from the withdrawal by the Secretary of State of the so-called ‘seven years’ children policy.

(2) Court of Appeal

- **Kalsi v Secretary of State for the Home Department** [2021] EWCA Civ 184: Proper interpretation of Paragraph 39E of the Immigration Rules and scope of the Secretary of State's residual discretion.
- **Mozumder v Secretary of State for the Home Department** [2021] EWCA Civ 138: Proper approach to the costs in settled Judicial Review claims involving allegations of fraud as to TOEIC tests.
- **Taj v Secretary of State for the Home Department** [2021] EWCA Civ 19: Common law duty of fairness in Tier 1 (Entrepreneur) cases.
- **Baldha v Secretary of State for the Home Department** [2020] EWCA Civ 1494: Rule 322(5) cases involving applicants who have left the United Kingdom.
- **KB (Jamaica) v Secretary of State for the Home Department** [2020] EWCA Civ 1385: Deportation of foreign criminal ("medium" offender) and the "unduly harsh" test.
- **Hoque v Secretary of State for the Home Department** [2020] EWCA Civ 1357' [2020] 4 WLR 145: Proper interpretation of Paragraph 276B of the Immigration Rules and the exception for overstayers.
- **AA (Nigeria) v Secretary of State for the Home Department** [2020] EWCA Civ 1269; [2020] 4 WLR 145: Deportation of foreign criminal ("serious" offender) and the "unduly harsh" test.
- **G (A Child: Child Abduction)** [2020] EWCA Civ 1185: Interplay between the Convention on Civil Aspects of International Child and the Convention and Protocol relating to the Status of Refugees and relevant European Directives.
- **Akram v Secretary of State for the Home Department** [2020] EWCA Civ 1072: Re-opening of Rule 322(5) applications for permission refused before the Court of Appeal's judgment in Balajigari.
- **Chandran v Secretary of State for the Home Department** [2020] EWCA Civ 634: Proper interpretation of Paragraph 3.8 of the Asylum Policy Instruction (Dependants and Former Dependents).
- **LE (St Vincent And the Grenadines) v Secretary of State for the Home Department** [2020] EWCA Civ 505; [2020] 4 All ER 699; [2020] 4 WLR 56: Proper approach to the Armed Forces Covenant in case involving deportation of foreign criminals who have served in the Armed Forces.
- **Tahir Yaseen v Secretary of State for the Home Department** [2020] EWCA Civ 157; [2020] WLR 1359: Proper approach to "character" and "conduct" issues arising in tax related matters under Paragraph 276B(ii)(c) of the Immigration Rules.
- **Junied v Secretary of State for the Home Department** [2019] EWCA Civ 2293; [2020] 1 WLR 18: Legality of the "bank letter" requirement in Paragraph 41SD(c) of Appendix A to the Immigration Rules in relation to Tier 1 (Entrepreneur) Migrants, and the ambit of residual discretion in Points Based System cases.
- **Lal v Secretary of State for the Home Department** [2019] EWCA Civ 1925; [2020] 1 WLR 858: Proper approach to the "insurmountable obstacle" requirement in the context of Article 8 claims based on relationship with a settled person.
- **PK (Ukraine) v Secretary of State for the Home Department** [2019] EWCA Civ 1756: Entitlement of draft evaders facing non-custodial punishment under the Refugee Convention.
- **KN (DRC) v Secretary of State for the Home Department** [2019] EWCA Civ 1665: Proper construction of Paragraph 339A(v) of the Immigration Rules and Article 1C(5) of the Refugee Convention.

- **BK (Afghanistan) v Secretary of State for the Home Department** [2019] EWCA Civ 1358; [2019] 4 WLR 111: Proper approach the previous judicial determination and the ambit of Devaseelan guidelines.
- **Firdaws v First Tier Tribunal** [2019] EWCA Civ 1310: Proper construction of the commencement provisions as to section 15 of the Immigration Act 2014.
- **Kabir v Secretary of State for the Home Department** [2019] EWCA Civ 1163; [2019] 4 WLR 94: Proper approach to the applications to adduce new evidence at the Upper Tribunal in statutory appeals.
- **Jagadeep Kaur v Secretary of State for the Home Department** [2019] EWCA Civ 1101: Proper approach to challenges brought by individuals to retention of their passports by the Secretary of State and jurisdiction of the First Tier Tribunal and the Upper Tribunal to consider such challenges.
- **Harkirtan Singh v Secretary of State for the Home Department** [2019] EWCA Civ 1014: Scope of the Upper Tribunal's supplementary powers under section 25 of the Tribunals, Courts and Enforcement Act 2007 and its jurisdiction to revisit decisions to grant permission to apply for Judicial Review.
- **Sajjad v Secretary of State for the Home Department** [2019] EWCA Civ 720: Proper constructions of Paragraph 46-SD of Appendix A to the Immigration Rules in relation to those who seek further leave to remain as Tier 1 (Entrepreneur) Migrants based on their investments "in cash directly into one or more businesses in the UK" by way of director's loan.
- **Balajigari v Secretary of State for the Home Department** [2019] EWCA Civ 673; [2019] 4 ALL ER 998; [2019] 1 WLR 4674; [2019] INLR 619: Lead appeals on the application for Paragraph 322(5) of the Immigration Rules in relation to "tax discrepancy" cases.
- **Islam v Secretary of State for the Home Department** [2019] EWCA Civ 550; [2019] 4 WLR 63: Evidential requirements in Paragraph 41-SD(e) of Appendix A to the Immigration Rules for an applicant seeking leave to remain as a Tier 1 (Entrepreneur) Migrant and Paragraph 245AA of the Immigration Rules concerning missing documentation.
- **Hasan v Secretary of State for the Home Department** [2019] EWCA Civ 389: Proper construction of the words "received by the applicant" in Paragraph 34R(1) of the Immigration Rules and of Paragraph 245ZX(ha) of the Immigration Rules (5-years cap rule for international students), and the ambit of the Secretary of State's discretion to admit out-of-time administrative review applications.
- **Bhandari v Secretary of State for the Home Department** [2019] EWCA Civ 129: Procedural fairness issues arising in Points Based System appeals in the context of a case concerning an international student who was defrauded and paid £9500 for a false Confirmation of Acceptance for Studies.
- **KS (Iran) v Secretary of State for the Home Department** [2019] EWCA Civ 6: Appeal concerning issues as to internal relocation within Iran of a female asylum seeker and UNHCR guidelines.
- **Spahiu v Secretary of State for the Home Department** [2018] EWCA Civ 2604; [2019] 1 WLR 1297; [2019] Imm AR 524: Correctness of the Presidential guidance given at the Upper Tribunal as to the principles concerning applications to amend the grounds of Judicial Review.
- **Basir v Secretary of State for the Home Department** [2018] EWCA Civ 2612; [2019] 1 WLR 3057; [2019] Imm AR 515: Proper construction of section 3C of the Immigration Act 1971.
- **Kousar v Secretary of State for the Home Department** [2018] EWCA Civ 2462; [2019] Imm AR: Proper ambit of the Presidential guidance given at the Upper Tribunal in the case of Basnet as to the approach to disputes about validity of applications for leave to remain in the United Kingdom.

- **Pathan v Secretary of State for the Home Department** [2018] EWCA Civ 2103; [2018] 4 WLR 161; [2019] INLR 64; [2019] Imm AR 320: Duty of fairness in relation to Tier 2 (General) applications for leave to remain in the United Kingdom.
- **Awan v Secretary of State for the Home Department** [2018] EWCA Civ 1988: Application of Paragraph 245AAA of the Immigration Rules in relation to advertising material for Tier 1 (Entrepreneur) applications for leave to remain in the United Kingdom.
- **AA (Pakistan) v Secretary of State for the Home Department** [2018] EWCA Civ 1259: Jurisdiction of the Court of Appeal to decide issue of costs at an oral hearing where the parties have signed a consent order for the issue to be dealt with on paper.
- **Mudiyansele v Secretary of State for the Home Department** [2018] EWCA Civ 65; [2018] 4 All ER 35; [2018] 4 WLR 55; [2018] Imm AR 846: Lead appeals on the ambit of “evidential flexibility” policy and construction of Paragraph 245AA of the Immigration Rules.
- **Babar v Secretary of State for the Home Department** [2018] EWCA Civ 329; [2018] Imm AR 1001: Proper construction of Paragraph 276B(ii) of the Immigration Rules and “restricted leave” policy.
- **Parveen v The Secretary of State for the Home Department** [2018] EWCA Civ 932: Lead appeals on proper construction of Paragraph 276ADE(vi) of the Immigration Rules.
- **AM (Zimbabwe) and Nowar v Secretary of State for the Home Department** [2018] EWCA Civ 64; [2018] 1 WLR 2933; [2018] Imm AR 737; [2018] HRLR 9: Lead appeals on Article 3 claims made by foreign nationals on the basis of medical condition.
- **SM (Afghanistan) v The Secretary of State for the Home Department** [2018] EWCA Civ 32: Costs appeals dealing with the issues as to the costs arising from the claims stayed behind the Supreme Court litigation in *TN (Afghanistan)* [2015] UKSC 40.
- **Secretary of State for the Home Department v SC (Jamaica)** [2017] EWCA Civ 2112; [2018] 1 WLR 4004; [2018] Imm AR 680: Proper construction of Paragraph 399A of the Immigration Rules and section 117C of the Nationality, Immigration and Asylum Act 2002.
- **Anwar v Secretary of State for the Home Department** [2017] EWCA Civ 2134; [2018] 1 WLR 2591; [2018] INLR 127; [2018] WLR 2591: Proper construction of section 3(1) of the Immigration Act 1971 and the ambit of the Secretary of State’s power to impose immigration conditions on international students restricting their studies in the United Kingdom.
- **Patel and others v The Secretary of State for the Home Department** [2017] EWCA Civ 2028; [2018] 1 WLR 5245; [2018] INLR 179; [2018] 2 All ER 1093; [2018] Imm AR 584; [2018] 2 CMLR 22: Lead appeals on derivative claims for residence in the United Kingdom by those without rights of residence, based upon their care for British citizens who are their “direct relatives”, whether children or adults in need of care.
- **Ahsan and others v The Secretary of State for the Home Department** [2017] EWCA Civ 2009; [2018] HRLR 5; [2018] Imm AR 531; [2017] EWCA Civ 2009; [2018] INLR 207: Lead appeals on the adequacy of “out-of-country” appeals in cases concerning TOEIC English language test fraud.
- **Mudibo v Secretary of State for the Home Department** [2017] EWCA Civ 1949: Proper approach to “insurmountable obstacles” in Paragraph EX1 of Appendix A to the Immigration Rules.
- **Secretary of State for the Home Department v Mosira** [2017] EWCA Civ 407: Construction and effect

of Article 1C(5) of the Refugee Convention and Paragraph 339A of the Immigration Rules.

- **Khan v Secretary of State for the Home Department** [2017] EWCA Civ 424; [2017] 4 WLR 156: Proper construction of section 3C of the Immigration Act 1971 and the availability of Judicial Review in claims concerning the First Tier Tribunal's jurisdiction.
- **Singh (India) v Secretary of State for the Home Department** [2017] EWCA Civ 362; [2017] 1 WLR 4340 (Rafferty LJ, Ryder LJ and Henderson LJ): Proper construction of the appeal provisions in Part 5 of the Nationality, Immigration and Asylum Act 2002 and the ambit of the First Tier Tribunal's appellate jurisdiction.
- **NE-A (Nigeria) and HM (Uganda) v Secretary of State for the Home Department** [2017] EWCA Civ 239: Proper construction of sections 117A, 117B and 117C of the Nationality, Immigration and Asylum Act 2002.
- **Butt v Secretary of State for the Home Department** [2017] EWCA Civ 184: Proper approach to "precarious" status Article 8 claims.
- **Awuku No 2 v Secretary of State for the Home Department** [2017] EWCA Civ 178: Correctness of the Upper Tribunal's reported decisions in Kareem (Proxy marriages – EU law) Nigeria; [2014] UKUT 24 (IAC) and TA and others (Kareem explained); [2014] UKUT 316 (IAC).
- **Caroopen and Myrie v Secretary of State for the Home Department** [2016] EWCA Civ 1307; [2017] 1 WLR 2339; [2017] INLR 283; [2017] Imm AR 930: Lead appeals on the proper approach that the Judicial Review court should adopt in claims where a decision is defended with a "supplementary" decision letter, and where human rights are in issue.
- **AK (Afghanistan) v Entry Clearance Officer** [2017] EWCA Civ 1: An appeal concerning Article 8 issues arising from the refusal of an entry clearance application made by 11 children to join their refugee sister in the United Kingdom.
- **Oyekan v Secretary of State for the Home Department** [2016] EWCA Civ 1352: The effect of the Upper Tribunal's case management directions when granting permission to apply for Judicial Review and the extent to which they bind the presiding Judge at the substantive hearing; alternative remedy and costs.
- **Qadir and Majumder v Secretary of State for the Home Department** [2016] EWCA Civ 1167: The Secretary of State's appeal from the decision of the Upper Tribunal's Presidential Panel in lead ETS/TOEIC related appeals.
- **Behary and Ullah v Secretary of State for the Home Department** [2016] EWCA Civ 702; [2016] 4 WLR 136: Proper construction of the "established presence" requirement in Appendix C to the Immigration Rules for Tier 4 (General) students.
- **Koori v Secretary of State for the Home Department** [2016] EWCA Civ 552: The effect of the implied concessions made by the Presenting Officers at the appeal hearings and the proper construction of transitional provisions as to the enactment of Paragraph 276ADE of the Immigration Rules.
- **MA (Bangladesh) and AM (Bangladesh) v Secretary of State for the Home Department** [2016] EWCA Civ 175: The validity and ambit of "Tanveer Ahmed" principles in protection based appeals and their application in the light of *Singh v Belgium*.
- **Awuku No 1 v Secretary of State for the Home Department** [2016] EWCA Civ 1303: Proper construction of "spouse" in Citizens' Rights Directive 2004/28/EC and the Immigration (European

Economic Area Regulations) 2006, and whether validity of proxy marriages should be determined by reference to the United Kingdom's law or the law of the relevant EU state.

- **Thomas v Secretary of State for the Home Department** [2016] EWCA Civ 1: Proper construction of the Secretary of State's published policies on discretionary leave to remain and leave outside the Immigration Rules.
- **Hammad Raza v Secretary of State for the Home Department** [2016] EWCA Civ 36; [2016] Imm AR 682: Proper ambit of the leeway provided by Patel (revocation of sponsor licence – fairness) India; [2011] UKUT 00211 (IAC) in relation to students whose Tier 4 (General) sponsors lose their sponsorship licenses.
- **Secretary of State for the Home Department v Chirai** [2016] EWCA Civ 77; [2016] 4 WLR 58: Proper ambit of the consistency principle in decision making process by the Secretary of State and the scope of his obligation to comply with the appeal decisions.
- **Secretary of State for the Home Department v Khan** [2016] EWCA Civ 137; [2016] 4 WLR 56; [2016] Imm AR 853: Construction of the phrases "variation of application" in Immigration Act 1971, "variation for the purpose of an application" in Paragraph 34E of the Immigration Rules and "the date of an application" in Appendix C to the Immigration Rules.
- **Wasif and Hossain v Secretary of State for the Home Department** [2016] EWCA Civ 82; [2016] 1 WLR 2793; [2016] INLR 697; [2016] Imm AR 585: Proper approach to the test concerning "totally without merit" marking of Judicial Review claims.
- **Hassan aka SH (Pakistan) v Secretary of State for the Home Department** [2016] EWCA Civ: Proper construction of Paragraph 245AA of the Immigration Rules, and the ambit and application of the relevant evidential flexibility policy.
- **Secretary of State for the Home Department v Ize-Iyamu** [2016] EWCA Civ 118: Construction of the inter-linked provisions concerning right of abode and citizenship in the British Nationality Act 1948, the Nigeria Independence Act 1960, the Immigration Act 1971, the British Nationality Act 1981 and Borders, Citizenship and Immigration Act 2009.
- **Sayaniya v Upper Tribunal** [2016] EWCA Civ 85; [2016] 4 WLR 58: Legality of Paragraph 322(1A) of the Immigration Rules and reach of non-fettering of discretion principle.
- **Ufot v Secretary of State for the Home Department** [2016] EWCA Civ 298: Proper approach in cases where it is alleged that the Secretary of State has misplaced an application for leave to remain made to her, and scope of consequential exercise of residual discretion.
- **Bilal Ahmed v Secretary of State for the Home Department** [2016] EWCA Civ 303: Proper construction, ambit and effect of Articles 15, 31 and 35 of the Directive 2004/38/EC, Regulations 28 and 29 of the Immigration (EEA) Regulations 2006 and section 92(4)(b) of the Nationality, Immigration and Asylum Act 2002.
- **Manorama Patel v Secretary of State for the Home Department** [2015] EWCA Civ 1175; [2016] INLR 289; [2016] Imm AR 444; [2016] CP Rep 9: Legal status of oral decisions made by the Upper Tribunal and the ambit of its power to review, revisit or reverse grants of permission to appeal to itself.
- **BH (Eritrea) v Secretary of State for the Home Department** [2015] EWCA Civ 1177: Lead case on reception conditions in Malta for the purpose of returns under the Dublin Regulations.

- **Iqbal, Ehsan and Mirza v Secretary of State for the Home Department** [2015] EWCA Civ 388; [2016] 1 WLR 582; [2016] 1 WLR 582; [2016] INLR 367; [2016] Imm AR 77: Proper construction of section 3C of the Immigration Act 1971 and consequences of making an application for leave to remain that does not comply with the procedural requirements in the Immigration Rules.
- **Giri v Secretary of State for the Home Department** [2015] EWCA Civ 784; [2016] 1 WLR 4418; [2016] INLR 94; [2016] Imm AR 46: Proper role of the reviewing Court in Judicial Review claims challenging the Secretary of State's decisions based on allegations of deception and the correct standard of proof in such case.
- **Mehmood and Ali v Secretary of State for the Home Department** [2015] EWCA Civ 744; [2016] 1 WLR 461; [2015] INLR 827; [2016] 3 All ER 398; [2016] Imm AR 25: Lead appeals in the cases concerning removal decisions made by the Secretary of State following ETS/TOIEC test scam exposed by BBC Panorama, adequacy of out-of-country appellate process, reach of Judicial Review and constructions of various provisions in the Immigration Act 1971, the Immigration and Asylum Act 1999 and Nationality, Immigration and Asylum Act 2002.
- **Vikas Singh and Maneesh Singh v Secretary of State for the Home Department** [2015] EWCA Civ 630; [2016] Imm AR 1: Proper approach in Article 8 claims as to the relationship between parents and adult children, and siblings and tension between Kugathas and subsequent domestic and ECtHR case law.
- **Olatunde and Khotaja v Secretary of State for the Home Department** [2015] EWCA Civ 670; [2015] WLR 4602; [2016] Imm AR 15: Construction of section 85A of the Nationality, Immigration and Asylum Act 2002 (evidential bar in appeals to the First Tier Tribunal as to Points Based System appeals) and Paragraph 245DD(h) of the Immigration Rules (genuine entrepreneur test stipulation).
- **Singh and Khalid v Secretary of State for the Home Department** [2015] EWCA Civ 74: Proper approach to Article 8 claims following introduction of Appendix FM and Paragraph 276ADE of the Immigration Rules and construction of the implementation provisions in HC 194 and HC 565.
- **Oboh and Others v Secretary of State for the Home Department** [2015] EWCA Civ 514; [2015] INLR 633; [2015] Imm AR 1216: Legality of the Secretary of State's request for removal decisions policy and construction of section 3(2) of the Immigration Act 1971.
- **Sukhjeet Kaur v Secretary of State for the Home Department** [2015] EWCA Civ 13: Construction of academic progress requirement for international students as stipulated in Paragraph 120 of the Appendix A to the Immigration Rules and its relation to the common law duty of fairness.
- **Islam v Secretary of State for the Home Department** [2015] EWCA Civ 312: Interplay between Appendix FM and Paragraph 276ADE of the Immigration Rules and freestanding Article 8 claims and the ambit of the request for removal decisions policy.
- **Rasheed v Secretary of State for the Home Department** [2014] EWCA Civ 1493: Construction of various provisions of the Immigration Rules and policy documents concerning the deletion of Tier 1 (Post Study Work) category of the Points Based System.
- **HK (Sudan) v Secretary of State for the Home Department** [2014] EWCA Civ 1481: Reception Condition in Hungary for the purpose of removals under the Dublin Regulations.
- **Alladin and Wadhwa v Secretary of State for the Home Department** [2014] EWCA Civ 1334: Legality of grant of limited/discretionary leave to remain in the United Kingdom to families with children instead of indefinite leave to remain in the United Kingdom.

- **Qongwane and Others v Secretary of State for the Home Department** [2014] EWCA Civ 957; [2014] Imm AR 1179; [2015] INLR 213: Lead appeals on construction and effect of Paragraph 353B of the Immigration Rules.
- **Grace v Secretary of State for the Home Department** [2014] EWCA Civ 1334; [2014] WLR 3432: Proper approach to criteria for “totally without merit” marking of Judicial Review claims.
- **Edgehill and Bhojroo v Secretary of State for the Home Department** [2014] EWCA Civ 402; [2014] Imm AR 883; [2015] INLR 1: Construction of the transitional provisions in HC 194 and application for Appendix FM and Paragraph 276ADE of the Immigration Rules to applications made before their enactment on 9 July 2012.
- **Sandip Singh v Secretary of State for the Home Department** [2014] EWCA Civ 438; [2014] 1 WLR 3585: Vires and construction of Article 3(m) of the Excluded Decisions Order, ambit of the Lord Chancellor’s power under section 11(5)(f) of the Tribunals, Courts and Enforcement Act 2007 and the jurisdiction of the First Tier Tribunal and the Upper Tribunal as to the Fees Awards.
- **Sarkar v Secretary of State for the Home Department** [2014] EWCA Civ 196: Ambit of the Upper Tribunal’s appellate jurisdiction under section 12 of the Tribunals, Courts and Enforcement Act 2007.
- **Syed and Kamran v Secretary of State for the Home Department** [2014] EWCA Civ 196: Test cases on status of ACCA professional qualifications and assessments by UK NARIC.
- **JA (Afghanistan) v Secretary of State for the Home Department** [2014] EWCA Civ 450; [2014] 1 WLR 4291: Admissibility of controversial asylum interviews and duties on the Secretary of State when interviewing minors.
- **Pokhriyal v Secretary of State for the Home Department** [2013] EWCA Civ 1568; [2014] PTSR 4: Proper construction of the academic progress requirement for international students in Paragraph 120B of the Immigration Rules.
- **TN (Afghanistan) v Secretary of State for the Home Department** [2013] EWCA Civ 1609; [2014] 1 WLR 2095; [2014] 2 CMLR 31; [2014] INLR 542: Compatibility of section 83 of the Nationality, Immigration and Asylum Act 2002 with EU law, Article 39 of Procedures Directive and adequacy of protection offered by Judicial Review.
- **Vagh v Secretary of State for the Home Department** [2013] EWCA Civ 1253: Effect of Nationality Instructions issued by the Secretary of State on dual nationality holders in relation to the criteria specified in section 4B of the Nationality Act 1981 for registration as a British citizen.
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Proper construction of section 104(4) of the Nationality, Immigration and Asylum Act 2002 which provides an appeal to become abandoned on the Appellant's departure from the United Kingdom and reach of the Court of Appeal's supervisory jurisdiction in respect of abandoned appeals.

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construction subsequent to the Court of Appeal's judgment in *Pankina* and construction of Paragraph 276B of the Immigration Rules and section 13 of the UK Border Act 2007.

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2002 stipulating the grounds of which an appeal could be brought to the Tribunal and then to the Court of Appeal.

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(3) High Court

- **R (Xhelilaj) v Secretary of State for the Home Department** [2021] EWHC 408 (Admin): Proper interpretation of the Written Ministerial Statement on British passports and ambit of the Secretary of State's power to retain a British passport without depriving the holder of British citizenship.
- **R (LJ (Kosovo)) v Secretary of State for the Home Department** [2020] EWHC 3487 (Admin): Lawfulness of the Secretary of State's policy to restrict employment of asylum-seekers to the Shortage Occupation List.
- **R (Nmai) v Secretary of State for the Home Department** [2020] EWHC 1139 (Admin): Fact-finding substantive Judicial Review claim to establish a person's true identity and nationality.
- **R (AT (Guinea)) v Secretary of State for the Home Department** [2019] EWHC 1226 (Admin): Proper construction of the support provisions under sections 4 and 95 of the Immigration and Asylum Act 1999 and Schedule 10 of the Immigration Act 2016, and issues relating to legality of the detention.
- **R (Khajuria) v Secretary of State for the Home Department** [2019] EWHC 1226 (Admin): Challenge to the legality of Paragraph 46-SD(h)(i) of Appendix A to the Immigration Rules that requires those who seek further leave to remain as Tier 1 (Entrepreneur) Migrants to provide RTI, which is an acronym for "Real Time Information".
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- **Jetly v Secretary of State for the Home Department** [2019] EWHC 204 (Admin): Use to the "strike out" powers by the High Court to bring an end the Judicial Review claim which raised an issue as to the proper construction of section 4C of the British Nationality Act 1981 and associated statutory provisions.
- **R (Shaikh) v Secretary of State for the Home Department** [2019] EWHC 147: Challenge to the validity

of the service of a decision and issues as to procedural fairness and power to detain under the Immigration Act 1971.

- **R (Islam) v Secretary of State for the Home Department** [2018] EWHC 2939 (Admin): Legality of immigration detention and removal pending the resolution of a statutory appeal against the decision to refuse an EEA residence card application.
- **R (Teh) v Secretary of State for the Home Department** [2018] EWHC 1586; [2018] 1 WLR 4327: Challenge to the refusal to grant leave to remain to those British Overseas Citizens who renounced their Malaysian citizenship within an aim to settle in the United Kingdom and their admissibility to Malaysia for the purpose of Paragraph 403 of the Immigration Rules.
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- **R (Salih) v Secretary of State for the Home Department** [2018] EWHC 2539 (Admin): Challenge to the refusal to issue a British Overseas Citizen passport on the ground of disputed nationality and identity.
- **R (Seferi) v Secretary of State for the Home Department** [2018] EWHC 287 (Admin): Challenge to the Secretary of State's decision to prevent a couple from registering their marriage in the United Kingdom on the basis that it was a marriage of convenience.
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- **R (Hauradhun) v Secretary of State for the Home Department** [2017] EWHC 1677 (Admin): Proper construction of sections 11 and 14 of the British Nationality Act 1981.
- **R (Abbas) v Secretary of State for the Home Department** [2017] EWHC 78 (Admin); [2017] 4 WLR 34: Proper construction of section 76 of the Nationality, Immigration and Asylum Act 2002, and the approach of the reviewing Court as to the Judicial Review challenges to revocations of indefinite leave to remain on the grounds of deception.
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- **R (Veerabudren) v Secretary of State for the Home Department** [2015] EWHC 500 (Admin): Ambit and effect of the Court of Appeal’s judgment in *MM (Lebanon)* and the consequences of failing to consider Article 8 independently in refusing an application for leave to remain in the United Kingdom.
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- **R (London St Andrews College) v Secretary of State for the Home Department** [2014] EWHC 4328 (Admin): Lead challenge to the revocation of Tier 4 sponsorship licenses following the TOIEC/ETS English language test scam exposed by BBC Panorama investigation.
- **R (Amin) v Secretary of State for the Home Department** [2014] EWHC 4071 (Admin): Construction of the implementation provision in HC 194 and challenge as to the failure to independently consider Article 8 while refusing an application for leave to remain in the United Kingdom.
- **R (Muhammad Ali) v Secretary of State for the Home Department** [2014] EWHC 4393 (Admin): Proper ambit of the Upper Tribunal’s decision in *Patel* and common law duty of fairness in relation to international students seeking to study at institutions whose Tier 4 sponsorship licenses have been revoked.
- **R (Shabaz Ali) v Secretary of State for the Home Department** [2014] EWHC 3967 (Admin): Lead case as to the legality of the removal decisions (with no right of appeal) issued in respect of those individuals who relied on ETS/TOEIC English language test certificates following the scam exposed by

BBC Panorama investigation.

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- **R (Bhगत) v Secretary of State for the Home Department** [2014] EWHC 772 (Admin); [2014] WLR 3710: Construction of section 3C of the Immigration Act 1971 and validity of applications for leave to remain made while immigration appeals are pending with the First Tier Tribunal.
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Construction and effect of Paragraph 349 of the Immigration Rules (defendants of asylum applicants).

- **R (Nagre) v Secretary of State for the Home Department** [2013] EWHC 720 (Admin): Legality and ambit of the new Immigration Rules, introduced on 9 July 2012 by HC 194, to cover Article 8 claims.
- **R (Rraj and others) v Director of Legal Aid Casework** [2013] EWHC 1837 (Admin): Lead challenges to refusals by Legal Aid Casework to grant legal aid under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 in immigration Judicial Reviews.
- **R (Syed and Ahmed) v Secretary of State for the Home Department** [2013] EWHC 984 (Admin): Nature of ACCA qualifications and eligibility of ACCA professionals to qualify for Tier 1 (Post Study Work) category.
- **R (Sinha) v Identity and Passport Service** [2013] EWHC 711 (Admin): Application of the principles of res judicata in relation to nationality matters and proper approach in relation to Judicial Reviews of the Secretary of State's refusal to renew UK passports.
- **R (Thebo) v Entry Clearance Officer** [2013] EWHC 146 (Admin): Legality of the Paragraph 320(7A)/(7B) of the Immigration Rules and proper role of the Judicial Review Court in challenges to decisions taken under those provisions.
- **R (Rameez) v Secretary of State for the Home Department** [2013] EWHC 4302 (Admin): Construction and effect of Rules 10 (filing of late notice of appeal) and 17B (reinstatement of appeals struck out for fees reasons) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.
- **R (West London Vocational College) v Secretary of State for the Home Department** [2013] EWHC 31 (Admin): Legality of the Secretary of State's policy guidance concerning educational institutions and construction / rationality of the so-called refusal rate requirement.
- **R (Behary) v Secretary of State for the Home Department** [2013] EWHC 3575 (Admin): Construction of the established presence requirement for international students in Paragraph 14 of Appendix A to the Immigration Rules and the application of de minimis principle to the Immigration Rules.
- **R (Kola) v Secretary of State for the Home Department** [2013] EWHC 1434 (Admin): Legality of the delay by the Secretary of State in processing legacy backlog cases and effect of the deletion of Paragraph 395C of the Immigration Rules.
- **R (Kaur) v Secretary of State for the Home Department** [2013] EWHC 1406 (Admin): Construction of Paragraph 245AAA of the Immigration Rules and the duty of fairness on the Secretary of State in relation to the exercise of discretion under that provision.
- **R (Irfan Ahmed) v Secretary of State for the Home Department** [2013] EWHC 1536 (Admin): Legality of the processing by the Secretary of State of asylum claims under the Fast Track procedures in the circumstances where the stipulated deadlines are not met, and legality of the consequent detention in such cases.
- **R (Alladen) v Secretary of State for the Home Department** [2013] EWHC 1406 (Admin): Legality of the Secretary of State's policy to grant discretionary leave to remain, instead of indefinite leave to remain, to certain families with children in the United Kingdom.
- **R (Cayhono) v Entry Clearance Office** [2013] EWHC 365 (Admin): Construction of Paragraph 320(18) of the Immigration Rules which bars certain convicted individual from coming to the United Kingdom and its application in relation to those convicted in Indonesia for drug offences.

- **R (Sharma) v Secretary of State for the Home Department** [2012] EWHC 3930 (Admin): Meaning and effect of the CPR 54.7A which restricts Judicial Reviews of the non-appealable decisions of the Upper Tribunal.
- **R (Syed and Sbatha) v Secretary of State for the Home Department** [2012] EWHC 3370 (Admin): Reach of general risk caused by Inter-faith marriages in India in relation to certification under section 94 of the Nationality, Immigration and Asylum Act 2002 and scope of the duty under section 55 of the Borders, Citizenship and Immigration Act 2009.
- **R (Afzal) v Secretary of State for the Home Department** [2012] EWHC 1487 (Admin): Scope of the duty under s55 of the Borders, Citizenship and Immigration Act 2009 in relation to children not related to the applicant and the nature of the Secretary of State's residual powers.
- **R (Castro) v Secretary of State for the Home** [2012] EWHC 281 (Admin): Legality of the policy guidance documents requiring certain details to be present on the Confirmation of Acceptance for Studies (CAS) for international students.
- **R (Nirula) v First Tier Tribunal (Immigration and Asylum Chamber)** [2011] EWHC 3336 (Admin): Construction of section 92(4)(a) and 113(1) of the Nationality, Immigration and Asylum Act 2002 and nature of the bar in s92(1) of that Act.
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- **R (Khan) v Upper Tribunal (Immigration and Asylum Chamber)** [2011] EWHC 2763 (Admin): Practical guidance as to the procedure to be followed in the Judicial Review claims challenging non-appealable decisions of the Upper Tribunal.
- **R (M) v The Law Society and Solicitors Regulations Authority** [2010] EWHC 981 Admin; [2010] LSG 18; [2010] NPC: Construction and scope of section 37A and Schedule 1A of the Solicitors Act 1974 and effect of Rule 2.11 of the Solicitors' Code of Conduct in relation to common law right of solicitors to exercise lien.
- **R (Mirza) v Secretary of State for the Home** [2010] EWHC 2002 Admin: Legality of the Secretary of State's practice to segregate decisions as to leave from decisions as to removal.
- **M v London Borough of Tower Hamlets** [2010] EWHC 2921 (Admin); [2011] RVR 74: Construction and scope of Regulation 2 of the Council Tax (Liability for Owners) Regulations 1992 made under section 8 of the Local Government Finance Act 1992, which concerns 'a house in multiple occupation'.
- **R (AJ) v Secretary of State for the Home** [2010] EWHC 2780 (Admin): Availability of Judicial Review where the Secretary of State refuses a human rights claim without issuing an appealable decision to remove, and the standard to be applied in such claims.
- **R (Yasir Hussein) v Secretary of State for the Home** [2010] EWHC 1220 (Admin): Construction and scope of Paragraph 34J of the Immigration Rule and legality of the Secretary of State's practice of not permitting withdrawal of applications in certain cases.

- **R (Nadar) v Secretary of State for the Home** [2010] EWHC 1811 Admin: Effect of the Court of Appeal's judgment in H, Q and S in relation to claims under Paragraph 353 of the Immigration Rules.
- **R (Alvi) v Secretary of State for the Home** [2010] EWHC 2666 (Admin): Construction and effect of the Immigration Rules concerning Tier 2 category of the Immigration Rules.
- **R (Abbassi) v Secretary of State for the Home** [2010] EWHC 2894 (Admin): Effect of the withdrawal by the Secretary of State of Policy DP5/96 and its relation to Articles 8 and 14 of the ECHR.
- **R (Jisha) v Secretary of State for the Home** [2010] EWHC 2043 (Admin): Construction of the phrase "human rights claim" in section 113(1) of the Nationality, Immigration and Asylum Act 2002.

(4) Upper Tribunal (Reported Decisions)

- **Binaku (s.11 TCEA; s.117C NIAA; para. 399D)** [2021] UKUT 34 (IAC): Proper construction of section 11 of the Tribunals, Courts and Enforcement Act 2007, section 117C of the Nationality, Immigration and Asylum Act 2002 and Paragraph 399D of the Immigration Rules.
- **PK and OS (basic rules of human conduct) Ukraine CG** [2020] UKUT 314 (IAC): Country Guidance on Ukraine, conduct of military in the Anti-Terrorist Operation Zone and conscripts and mobilised reservists.
- **R (Dzineku-Liggison) v Secretary of State for the Home Department (Fee Waiver Guidance v3 unlawful)** [2020] UKUT 222 (IAC): Legality of the Secretary of State's fee waiver policy for human rights claims.
- **R (Mansoor) v Secretary of State for the Home Department (Balajigari – effect of judge's decision)** [2020] UKUT 126 (IAC): Effect of the Court of Appeal's judgment in Balajigari in relation to Judicial Review challenge to the grant of limited, as opposed to indefinite, leave to remain.
- **Buci (Part 5A: "Partner")** [2020] UKUT 87 (IAC): Proper construction of the word "partner" in Part 5A of the Nationality, Immigration and Asylum Act 2002 and associated Immigration Rules.
- **R (JW and others) v Secretary of State for the Home Department (Tier 1 Investor; control; investments)** [2019] UKUT 393 (IAC): Proper construction to the provisions in Appendix A to the Immigration Rules as to Tier 1 (Investor) Migrants, and investments via Maxwell Asset Management Limited and Eclectic Capital Limited.
- **KF and others (entry clearance, relatives of refugees) Syria** [2019] UKUT 413 (IAC): Proper approach to entry clearance applications made by family members of refugees to join them in the United Kingdom.
- **JG (s117B(6): "reasonable to leave UK) Turkey** [2019] UKUT 72 (IAC): Presidential guidance on proper construction of section 117B(6) of the Nationality, Immigration and Asylum Act 2002 and the Supreme Court's judgment in *KO (Nigeria)*.
- **R (Ahmed) v Secretary of State for the Home Department (para 276B – ten years lawful residence)** [2019] UKUT 00010 (IAC): Proper construction and effect of the exception in Paragraph 276B(v) of the Immigration Rules as to those who are seeking settlement on the grounds of 10 years' continuous and lawful residence.
- **BA (deprivation of citizenship: appeals)** [2018] UKUT 85 (IAC); [2018] Imm AR 807: Presidential guidance on the First Tier Tribunal's appellate jurisdiction in appeals concerning deprivation of British

citizenships.

- **R (Ahmed) v Secretary of State for the Home Department (3C leave – whether “granted”)** [2017] UKUT 489 (IAC); [2018] Imm AR 467: Proper construction the five-year cap for international students in Paragraph 245ZX(ha) of the Immigration Rules and its relation to 3C of the Immigration Act 1971.
- **EA and others (Article 3 medical cases – Paposhvili not applicable)** [2017] UKUT 445 (IAC): Effect of the Grand Chamber’s decision in *Paposhvili* on domestic Article 3 claims based on medical conditions.
- **R (Kamal) v Secretary of State of the Home Department** [2017] UKAITUR JR114172016: Ambit and application of Paragraph 322(5) of the Immigration Rules as to “tax discrepancy” cases.
- **R (Parveen and Saleem) v Secretary of State of the Home Department** [2017] UKAITUR JR94402016): Challenge to the refusal of indefinite leave to remain on character and conduct grounds.
- **R (Kashif) v Secretary of State for the Home Department (JR jurisdiction: applicant in Scotland) (IJR)** [2016] UKUT 375 (IAC): Vice Presidential guidance on the Upper Tribunal’s judicial review jurisdiction in relation to the applicants who reside in Scotland.
- **R (FT) v Secretary of State for the Home Department (“rolling review”; challenging leave granted)** [2017] UKUT 331 (IAC): Function of the Upper Tribunal in “rolling” Judicial Review claims and effect of the Secretary of State’s policies on victims of trafficking.
- **R (Samant) v Secretary of State of the Home Department** [2017] UKAITUR JR53712016: Proper approach to burden and standard of proof in relation to cases concerning Paragraph 322(5) of the Immigration Rules.
- **Elayi (fair hearing – appearance – India)** [2016] UKUT 508 (IAC): Proper approach in appeals where it is alleged that the Judge’s conduct at the hearing was improper.
- **Arshad and others (Tier 1 applicants – funding – availability – Pakistan)** [2016] UKUT 334 (IAC); [2016] Imm AR 1381: Presidential guidance on the provisions in the Immigration Rules concerning “venture capital” investments for the purpose of Tier 1 (Entrepreneur) category of the Points Based System.
- **SM and Qadir (ETS – Burden of Proof)** [2016] UKUT 229 (IAC): Presidential guidance on burden of proof and reliability of the “generic” evidence adduced upon by the Secretary of State in ETS/TOEIC related appeals.
- **R (Omowu) v First Tier Tribunal (extension of time for appealing: principles) (IJR)** [2016] UKUT 185 (IAC) [2016] Imm AR 822: Vice Presidential guidance on applications for extension of time as to the appeals to First Tier Tribunal and the Upper Tribunal.
- **R (Asif Raza) v Secretary of State for the Home Department (Bail – conditions – variation – Article 9 ECHR)** [2016] UKUT 132 (IAC) (IJR): Presidential guidance on jurisdiction of the First Tier Tribunal and the Chief Immigration Officer as to bail matters and variation in bail conditions, and proper approach to challenges based on Article 9 of the ECHR (right to religion) to curfew requirements.
- **Chege (“is a persistent offender”) Kenya** [2016] UKUT 187 (IAC); [2016] Imm AR 833: Construction of the phrase “persistent offender” in section 117D of the Nationality, Immigration and Asylum Act 2002 and Paragraph 398 of the Immigration Rules.
- **R (Abdulla) v Secretary of State for the Home Department** [2016] UKUT B1 (IAC): Proper approach in challenges based on inability of the Secretary of State to remove individuals to Iraq, and its

significance under Paragraph 353B of the Immigration Rules and associated published policy.

- **R (Dulagan) v Secretary of State for the Home Department** [2016] UKUT 136 (IAC) (IJR): Proper ambit and application of the judgments in Chikwama and Chen in Article 8 spouse applications, and subsequent Judicial Review challenges.
- **R (Miah) v Secretary of State for the Home Department** [2016] UKUT 23 (IAC) (IJR): Proper approach in Judicial Review claims challenging removal decisions made on the basis of an allegation of breach of immigration conditions following the enactment of the Immigration Act 2014.
- **R (Khan and others) v Secretary of State for the Home Department (common costs)** [2015] UKUT 684 (IAC) (IJR): Ambit of the Upper Tribunal's jurisdiction as to the common costs order application and proper approach to such applications.
- **R (Prodobreyev) v Secretary of State for the Home Department (On-line applications: evidence)** [2015] UKUT 699 (IAC) (IJR): Admissibility of screenshot evidence in Judicial Review arising from the issues concerning validity of online applications for leave to remain.
- **R (SA) v Secretary of State for the Home Department (human rights challenges: correct approach)** [2015] UKUT 536 (IAC) (IJR): Presidential guidance on proper approach in Judicial Review challenges to the decisions made under the Immigration Rules and on human rights grounds.
- **R (Masalakas) v Secretary of State for the Home Department (Regulations 24AA and 29AA of EEA Regs)** [2015] UKUT 677 (IAC) (IJR): Construction and effect of Regulations 24AA and 29AA of the Immigration (EEA) Regulations 2006.
- **R (J) v Secretary of State for the Home Department** [2015] UKUT 678 (IAC) (IJR): Proper approach in Judicial Review claim where the Secretary of State has agreed to reconsider further submissions by reference to Paragraph 353 of the Immigration Rules.
- **R (JM) v Secretary of State for the Home Department (Statelessness: Part 14 of HC 395)** [2015] UKUT 676 (IAC) (IJR): Construction of Paragraph 304 of the Immigration Rules and proper approach to claims made on the basis of alleged statelessness of children.
- **R (Amitkumar Patel) v Secretary of State for the Home Department (duration of leave – policy)** [2015] UKUT 561 (IAC) (IJR): Proper ambit of the judgment in SM concerning the 2009 Discretionary Leave policy instruction and claims as to entitlement for indefinite leave to remain of families with children.
- **Deelah and others (section 117B – ambit)** [2015] UKUT 515 (IAC): Presidential guidance on constructions and application of sections 117A and 117B of the Nationality, Immigration and Asylum Act 2002.
- **R (Saqib Khan) v Secretary of State for the Home Department (right of appeal; alternative remedy)** [2015] UKUT 353 (IAC) (IJR): Proper approach to be adopted in Judicial Review challenges raising disputes about right of appeal to the First Tier Tribunal.
- **R (Shabani) v Secretary of State for the Home Department (Legacy – Residence – SOS's Limited Duty)** [2015] UKUT 403 (IAC) (IJR): Upper Tribunal's review of the case law in relation to the so-called legacy cases and the Secretary of State's associated obligations.
- **R (Hagos) v Secretary of State for the Home Department (Dublin returns – Malta)** [2015] UKUT 271 (IAC) (IJR): Presidential guidance on reception condition in Malta for return under Dublin Regulations.
- **R (AB) v Secretary of State for the Home Department** [2015] UKUT 352 (IAC) (IJR): Deportation of

foreign criminal convicted for sexual offences and certification of his human rights claim.

- **R (HRP and Others) v Secretary of State for the Home Department** [2015] UKUT 351 (IAC) (IJR): Proper approach to Judicial Review challenges as to Paragraph 276ADE of the Immigration Rules and compatibility of the duty under section 55 of the Borders, Citizenship and Immigration Act 2009 with the Immigration Rules introduced by HC 194.
- **R (Oyekan) v Secretary of State for the Home Department** [2015] UKUT 410 (IAC) (IJR): Burden of proof in relation to proxy marriages and alternative remedy.
- **R (Chirairo) v Secretary of State for the Home Department** [2015] UKUT 411 (IAC) (IJR): The obligation of the Secretary of State to comply with the appeal determinations and application of consistency principle.
- **R (Lewis) v Secretary of State for the Home Department** [2015] UKUT 482 (IAC) (IJR): Challenge to a decision made under Paragraph 276ADE of the Immigration Rules and on free standing Article 8 grounds.
- **R (Kuruwitage) v Secretary of State for the Home Department** [2015] UKUT 402 (IAC) (IJR): Challenge to the removal decision made on the basis of an allegation of working in breach of immigration conditions and adequacy of the out-of-country appellate process.
- **R (Zia and Zubair) v Secretary of State for the Home Department** [2015] UKUT 191 (IAC) (IJR): Application of common law principle of legitimate expectation arising from the information given by the Secretary of State's employees on UK Visas and Immigration telephone helpline.
- **R (SN) v Secretary of State for the Home Department (striking out – principles)** [2015] UKUT 227 (IAC) (IJR): Presidential guidance as to the Upper Tribunal's powers to strike out Judicial Review claims for non-compliance with its orders and direction.
- **R (Vidales) v Secretary of State for the Home Department** [2015] UKUT 166 (IAC) (IJR): Application of the request of removal decisions policy in relation to overstayer children.
- **R (DN) (Sri Lanka) v Secretary of State for the Home Department** [2015] UKUT 97 (IAC) (IJR): Challenge to the refusal of further submissions as fresh claim and application of latest Country Guidance on Sri Lanka.
- **R (Raja) v Secretary of State for the Home Department** [2015] UKUT 58 (IAC) (IJR): Challenge to the refusal based on Appendix FM and Paragraph 276ADE/276B of the Immigration Rules made following settlement of an earlier Judicial Review claim by a consent order.
- **R (Khairdin) v Secretary of State for the Home Department (NIA 2002: Part 5A)** [2014] UKUT 166 (IAC) (IJR): Proper approach to sections 117A, 117B and 117C of the Nationality, Immigration and Asylum Act 2002 in Judicial Review claims pursued on Article 8 grounds.
- **R (Fakih) v Secretary of State for the Home Department** [2014] UKUT 513 (IAC) (IJR): Lead challenge to the policy of permitting no recourse to public funds to those who are given leave to remain on the basis of their exceptional circumstances.
- **Bhimani (Student: Switching Institution: Requirements)** [2014] UKUT 516 (IAC): Construction of section 3 of the Immigration Act 1971 and Immigration (Leave to Enter and Remain) Order 2002 and legal consequences of an international student changing his educational institution without seeking permission from the Secretary of State.

- **R (Mohamed Bilal Jan) v Secretary of State for the Home Department (section 10 removal)** [2014] UKUT 513 (IAC) (IJR); [2014] Imm AR 1004; [2015] INLR 226: Availability of Judicial Review in the circumstances where the impugned decision carries an out-of-country statutory right of appeal to the First Tier Tribunal and correctness / ambit of the High Court's judgment in *Thapa*.
- **Castro (Removals: s.47 (as amended)) Philippines** [2014] UKUT 234 (IAC): Construction of section 47 of the Immigration, Asylum and Nationality Act 2006, as amended by section 51 of the Crime and Courts Act 2013.
- **Nasim and others (Raju: reasons not to follow?)** [2013] UKUT 610 (IAC): Lead appeal on the effect of the Court of Appeal's judgment in *Raju* as to Tier 1 (Post Study Work) category.
- **Khanum & Others (paragraph 353B)** [2013] UKUT 311 (IAC): Lead appeals on the ambit of Paragraph 353B of the Immigration Rules enacted on deletion of Paragraph 395C of the Immigration Rules.
- **Singh (fee award: ancillary decision)** [2013] UKUT 179 (IAC): Jurisdiction of the Upper Tribunal to consider appeal against fee awards made by the First Tier Tribunal.
- **R (Matthew) v Secretary of State for the Home Department** [2013] UKUT 466 (IAC) (FCJR): Proper approach to repeat fresh claims following the Court of Appeal's Judgment in *TM (Whirligig Case)*.
- **Mushtaq (s.85A(3)(a): scope: academic progress) Pakistan** [2013] UKUT 61 (IAC): Construction of section 85A of the Nationality, Immigration and Asylum Act 2002 and Paragraph 120A of the Immigration Rules which stipulates the academic progress requirement for international students.
- **R (Mureed Hussain) v Secretary of State for the Home Department** [2013] UKUT 438 (IAC) (FCJR): Fresh claims jurisdiction of the Upper Tribunal to consider challenges arising from the legacy backlog case and proper approach to be taken in such cases.
- **Khatel and others (s.85A: effect of continuing application) Nepal** [2013] UKUT 44 (IAC); [2013] INLR 439: Lead Tier 1 (Post Study Work) category cases concerning individuals who graduated after the category was abolished on construction of sections 85, 85A and 120 of the Nationality, Immigration and Asylum Act 2002 and Table 10 of Appendix A to the Immigration Rules.
- **Adamally and Jaferi (section 47 removal decisions: Tribunal procedures) Sri Lanka** [2012] UKUT 414 (IAC); [2013] Imm AR 306: Tribunal procedures in relation to removal decisions issued by the Secretary of State under section 47 of the Immigration, Asylum and Nationality Act 2006.
- **MN and others (Ahmadis – country conditions – risk) Pakistan CG** [2012] UKUT 389 (IAC): Country guidance on condition of Ahmadis in Pakistan.
- **Mubu (immigration appeals – res judicata) Zimbabwe** [2012] UKUT 398 (IAC): Application of the public law principles of *res judicata* in relation to immigration appeal and proper approach to earlier appeal decisions.
- **Ali (s.120-PBS) Pakistan** [2012] UKUT 368 (IAC); [2013] Imm AR 165; [2013] INLR: Construction section 120 of the Nationality, Immigration and Asylum Act 2002 following enactment of section 85A of that Act.
- **Ahmadi (s.47: decision; validity; Sapkota) Afghanistan** [2012] UKUT 147 (IAC); [2012] Imm AR 875: Construction of section 47 of Immigration, Asylum and Nationality Act 2006 and legality of the Secretary of State's policy to issue removal decisions at the same time as refusing leave to remain.
- **Shahzad (s85A: Commencement) Pakistan** [2012] UKUT 81 (IAC): Effect of the Article 2 of the UK

Borders Act 2007 (Commencement No 7 and Transitional Provisions) Order 2011.

- **Fiaz (cancellation of leave to remain – fairness) India** [2012] UKUT 57 (IAC); [2012] Imm AR 497; [2012] INLR 385: Legality and effect of Article 13(5) of the Immigration (Leave to Enter) Order 2000 made under the provisions of the Immigration Act 1971; Legality of election by the Immigration Officer to use the cancellation provision instead of curtailment provision; Construction of Paragraph 321A of the Immigration Rules.
- **Patel (consideration of *Sapkota* – unfairness) India** [2011] UKUT 484 (IAC): Scope and reach of the Court of Appeal’s judgment in *Sapkota* and public law duty of fairness on the Secretary of State.
- **Butt (para 245AA(b) “specified documents” judicial verification) Pakistan** [2011] UKUT 00353 (IAC): Scope of Paragraph 245AA(b) of the Immigration Rules and the proper role of the Tribunal’s judges when an Appellant provides a document, for the first time, at the hearing so as to give to no opportunity to the Secretary of State to verify its authenticity.
- **Qureshi (Tier 4 – effect of variation – App C) Pakistan** [2011] UKUT 412 (IAC); [2012] Imm AR 171; [2012] INLR: Effect of variation of application under section 3C(5) of the Immigration Act 1971 on maintenance requirements in Appendix C to the Immigration Rules and construction of the expression “date of application”.
- **Kishver (“limited leave”: meaning) Pakistan** [2011] UKUT 00410 (IAC): Construction of section 10(i)(a) of the Immigration and Asylum Act 1999.
- **RG (Automatic deport – Section 33(2)(a) exception) Nepal** [2010] UKUT 273 (IAC); [2012] Imm AR 84; [2011] INLR 629: Effect of *Maslov v Austria* in automatic deportations under s32 of the UK Border Act 2007.
- **MU (‘statement of additional grounds’ long residence discretion) Bangladesh** [2010] UKUT 442 (IAC): Construction of section 3C of the Immigration Act 1971 and its relation to Paragraph 276B(i) of the Immigration Rule in cases where the required 10 years’ residence is accumulated while an appeal is pending.
- **MS (AS & NV considered) Pakistan** [2010] UKUT 117 (IAC): Effect of the Court of Appeal’s judgment in *AS* (Afghanistan) on appeals arising from the refusal of applications made under the Points Bases System.

RECOMMENDATIONS

“Admired as a barrister who enjoys bringing creative angles to immigration cases, and who has appeared in important cases before the Supreme Court.” – Chambers and Partners (2020)

“A prolific barrister who does a lot at a high level.” – Chambers and Partners (2019)

“He lives and breathes immigration law and picks his points carefully.” – Chambers and Partners (2018)

“Zane is an outstanding barrister with a tremendously good reputation, who instils confidence in his solicitors.” – Legal 500 (2021)

"He ... has a great legal mind in the field of immigration." – Legal 500 (2020)

"Fine knowledge of immigration law; regardless of the issue, he always has a solution." – Legal 500 (2019)

APPOINTMENTS

- Silk
 - Deputy Judge of the Upper Tribunal (IAC)
 - Judge of the First Tier Tribunal (IAC)
 - Attorney General's Panel B
 - Attorney General's Panel C
 - Call (Lincoln's Inn)
-

QUALIFICATIONS

- PGD (Professional Legal Studies)
 - LLM (International law and human rights)
 - LLB (Hons)
-

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