



Practice

Duran Seddon practices in all areas of immigration, asylum, nationality and human rights. He also practices in other areas of public law such as welfare and social security.

Duran has been involved in a range of leading and high profile cases over the years including *Onibiyo* (first major asylum 'fresh claim' case and first return to Nigeria following the execution of the Delta campaigners); the Oakington Detention Centre case; the Afghan-Hi-jack case; *Singh & Singh* (first SIAC asylum case); *Huang & Kashmiri* (leading article 8 case); *Szoma -v- DWP* (social security and lawful presence); *R (C) -v- Minister of Justice* (breach of article 3 in use of restraint on children in Detention Training Centres); *EB (Kosovo)* (leading case on article 8 and delay) (a list of significant reported cases follows below).

In the last few years, Duran has been instructed to assist, advise and represent in cases involving very senior political and business figures from Russia, the republics of the former Soviet Union, Nigeria, Bangladesh (and most recently, Egypt) who have been subject to politically motivated prosecution for alleged offences of fraud and corruption. The cases have involved applications before the Europe Court of Human Rights as well as lengthy applications (investor 'switching', asylum, human rights) and appeal processes in the UK.

He continues to act for clients at all levels, from international cricket and basketball stars to impoverished Chagos Islanders seeking residence and support in the UK.

Duran has also made significant contributions to the stock of published knowledge in the areas in which he practices. As well as making past contributions to *Macdonald, Macdonald, Halsbury's Laws* and books on welfare and migration for CPAG, he is the main author of JCWI's *Immigration, Asylum and Nationality Handbook* (the highest selling text on UK immigration law) and Editor of JCWI's *Guide to the Points Based System*. Both of the last two publications were purchased by the Ministry of Justice *en masse* and distributed to each Immigration Judge. He is also on the editorial board of *Immigration and Nationality Law & Practice*.

Significant reported cases

MS (Palestinian Territories) -v- SSHD [2010] UKSC 25, [2010] INLR 475 (Supreme Court) Jurisdiction of the AIT in case involving an immigration 'decision to remove' where removal not legally feasible pursuant to Schedule 2 1971 Act.

Huang & Kashmiri -v- SSHD [2007] UKHL; [2007] 2 AC 167 (HL)
Approach of the Court to the Strasbourg concept of 'proportionality' and the intensity with which the Court must conduct its review of executive decisions in this area. The immediate context was Article 8(2) ECHR and the question whether 'true exceptionality' was the proper bench-mark before the immigration appellate authorities.

Saadi -v- UK, Applcn No 13229/03, 29 January 2008 (Grand Chamber, European Court of Human Rights)

This case had previously been determined in the High Court, Court of Appeal and House of Lords (as well as the first Chamber of the ECtHR) and was a challenge to the Oakington Detention Centre regime - the flagship fast-track asylum processing centre - by which asylum seekers are detained for the administrative

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Education

BA (Hons), CPE

Practice Areas:

Duran Seddon is a member of the following Practice Areas:

- Immigration - Asylum and Human Rights
- Immigration - Business and Private
- Public & Administrative Law
- Welfare Benefits

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purpose of determining their claims.

F (Mongolia) -v- (1) AIT; (2) SSHD [2007] EWCA Civ 769 [2007] 1 WLR 2523, Times 28 August 2007 (CA)

Intervention by the Public Law Project to challenge to the regime of statutory review whereby immigration applicants are prevented from access to the High Court by way of judicial review,

EB (Kosovo) -v- SSHD [2008] UKHL 41, [2008] 3 178 (HL)

The issue before their Lordships was the effect of Home Office administrative delays in decision-making in asylum claims with the result that the applicant puts down roots in the UK and established family and private life connections here under Art 8 ECHR. In May 2008, the House of Lords gave judgment for the appellant (EB).

R (AC, by his litigation friend) -v- Secretary of State for Justice [2009] 1 QB 657

The Court of Appeal quashed the Secure Training Centre (Amendment) Rules 2007 which added to the criteria upon which physical restraint/removal from association can be used on children in secure training centres, that such powers could be triggered in order to ensure "good order and discipline". The Rules were quashed on the grounds that the Secretary of State had failed to consult the Children's Commissioner, or conduct a race equality impact assessment. In addition, the Court of Appeal held that the Rules were in violation of Articles 3 and 8 ECHR. T

Szoma -v- Secretary of State for Department for Work and Pensions [2006] 1 AC 564 (House of Lords)

Asylum-seekers in the UK with temporary admission were 'lawfully present' under the relevant Income Support Regulations, themselves based on obligations under the Council of Europe Social Charter and the European Convention on Social and Medical Assistance and the

R (S) -v- SSHD [2005] INLR 575 (Admin Court and CA)

The 'Afghan Hi-jackers' case: policy of Secretary of State to deny leave to asylum seekers successful in ECHR claim and to leave them in legal limbo was outwith the powers of the Immigration Act 1971.

R v SSHD ex parte Mersin [2000] INLR 511

Principles relating to prejudicial delay in issuing immigration status papers

Holub v SSHD [2001] 1 WLR 1359 CA

Right to education under Article 2, First Protocol ECHR and extra-territoriality of ECHR

R v SSHD ex parte Onibiyo [1996] QB 768 CA

The foundation case establishing the concept of 'fresh' asylum claim and setting down the criteria making a fresh claim which was subsequently written into the Immigration Rules.

R v Radiom & Shingara [1997] ECR I-3341 ECJ

Legal remedies under Council Directive (EEC) 64/221 for those excluded from reliance on EU rights of free movement

R (Mani) v Lambeth LBC [2002] 5 CCLR 487

Access to s.21 1948 Act support; first instance



R (Anufrijeva, Mambakasa) v SSHD [2004] QB 1124

Test case on principles relating to damages for breaches of human rights, in particular Article 8 ECHR

R (Alexis, Anamaly & Naraina) v West Sussex County Council

Citizenship under British Overseas Territories Act 2002 and claims to community care support against local authority

Ex Parte Reffell

Test case concerning the right of access of foreign visitors to care under the national health service

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