



"His personal approach is valued by sources, ...his 'affable, outside the box style endears him to peers and clients alike'."

**Chambers & Partners 2009**

"[a] reputation for sector-defining work in immigration and race relations"

**Chambers & Partners 2008**

"Sources recognise him for his work on the overlap between crime and immigration..."

**Chambers & Partners 2008**

## Practice

Immigration & race relations: Ian has been involved with race relations and immigration law since the days of opposition to the Commonwealth Immigrants Act 1962. He was a member of a small group of Society of Labour Lawyers and of the Campaign Against Racial Discrimination (CARD) legal group in the 1960s, which helped draft proposals for race relations law in the United Kingdom.

He wrote his first book for Butterworths on immigration and race relations law in 1969. His book Macdonald's Immigration Law and Practice (now co-edited with Frances Webber) is about to go into its 6th edition and is the standard textbook used by most immigration practitioners, immigration officials, Adjudicators and Judges.

In 1981 he represented families of those who had died in the Deptford fire and became famous for riding his bike from the inquest to the High Court to challenge rulings of the coroner. In 1987 he was appointed chair of an inquiry into racial violence in Manchester Schools, following the murder in the playground of 13-year-old Ahmed Ullah by another pupil. His widely proclaimed report was published in book form under the title Murder in the Playground. In 1998 he was leading counsel for Duwayne Brooks in the Lawrence Inquiry, helped to run community self defence on behalf of young Asian clients, who mobilised to resist attacks by racist mobs on their community in Burnley in 2002, and was briefed with Terry Munyard in autumn 2003 on behalf of the Sylvester family in the Inquest into the death under police restraint of the late Roger Sylvester.

On the immigration front, Ian has been instructed in many of the well-known anti-deportation campaign cases and has been counsel, both as junior and as silk, in numerous reported immigration cases from Immigration Appeal Tribunal level up to the House of Lords, and has been to Strasbourg and to the European Court in Luxembourg.

His immigration practice continues to cover the whole field of immigration law, both court work and advice. He advises various football clubs and other sporting bodies as to overseas professional staff.

In 1998 he was appointed by the Attorney General as special advocate to the Immigration Appeals Commission dealing with national security cases, and acted in that capacity in both pre and post 9/11 appeals. He resigned in December 2004 in protest against the indefinite detention powers without trial imposed by the Anti Terrorism Crime and Security Act 2001, and has since acted in control order appeals. He represents immigration clients at the ECHR and ECJ.

### Year of Call

1963

### Email Address

ianm@gclaw.co.uk

### Telephone

020 7993 7800

### Queen's Counsel

1988

### Education

MA, LLB (Cantab),  
Bencher of the Middle  
Temple, Honours Grand  
Knight of the Order of  
Liberty (Portugal)

### Languages

French (fluent), some  
Spanish.

### Practice Areas:

Ian Macdonald QC is a  
member of the following  
Practice Areas:

- Crime
- Extradition Law
- Immigration - Asylum and Human Rights
- Immigration - Business and Private

### Garden Court Chambers

57 - 60 Lincoln's Inn Fields  
London WC2A 3LJ  
Tel 020 7993 7600  
Fax 020 7993 7700



**Criminal law:** Ian started out in criminal law by doing cases of malpractice for the West Indian Standing Committee in the 1960s and was involved in major political trials during the 1970s and 1980s (see notable cases, below). He has appeared in countless murder and other serious criminal cases., including the most recent terrorist trials.

## Background

Ian was born in Glasgow and remains committed to his Scottish heritage. Friends went to the Scottish Bar and prospered, but apart from reading for the English Bar in the Faculty of Advocates' Library in Edinburgh, and being in a Swiss law firm in Geneva, he has so far stuck to the English Bar, where he has built up a very successful criminal and immigration practice.

## Chambers

Ian started life at the Bar in a very establishment set, specialising in local government and planning law, and had done a bit of teaching at what is now Kingston University. Then he heard of a zany bunch of young radicals who had set up shop in Lincoln's Inn just after finishing pupillage, and rushed to join them. Thus began Garden Court in 1974. He was joint head of chambers with Owen Davies, until he relinquished the baton in 2002.

Ian is also head of the associated set of Chambers (Garden Court North) in Manchester.

## Notable Cases

Ian has appeared in many leading political cases. These include the Mangrove Nine, Angry Brigade, Balcombe Street siege, Black parents and students' association cases in London and Manchester, including Jackie Berkeley, Newham Seven, DPP v Rose (HL), Satpal Ram, and the Ordtech (arms to Iraq) appeal case. Many of his cases have been reported in the law reports.

## Criminal Law cases

- **R v Husband and Biggs** (Jan 2009) ( Another 'Baby P' type case ) read news story
- Advised **Libyan Abdelbaset Ali** in his Appeal in the Scottish Courts in the Lockerbie bombing case (2008)read news story
- **R v Omar Altimimi** (2007) (offences under Terrorism Act; first trial in Manchester involving allegations of conduct linked to "Middle Eastern" terrorism)read news story
- **R v Dhiren Barot** [2007] EWCA Crim 1119 (April 2007) (leading authority on sentencing of those convicted of the most serious terrorist offences) read news story
- Successfully defended **Brian Haw** in his continuous demonstration outside Parliament (2006)read news story

## Immigration Law Cases

- Acting for Liberty (intervener) in **RB (Algeria) & Anor v Secretary of State for the Home Department : OO (Jordan) v Secretary of State for the Home Department** [2009] UKHL 10 (HoL case in December 2008 on memoranda of understanding re alleged terrorists - Algerian (linked Abu Qutada case)



- Acted for **Sultan of Pahang in SS and Others (Sovereign immunity claim - Certificate conclusive) Malaysia** [2009] UKAIT 00007 to decide whether the Sultan's security and domestic staff were exempt from immigration control by reason of sovereign immunity (appeal ongoing).
- Leading counsel in immigration **Judicial Review alleging discrimination against Iraqi males** within a certain age band in imposing the need to obtain entry clearance (Case settled 2009).
- Leading counsel in **OO v Secretary of State for the Home Department** [2008] EWCA Civ 747; [2008] Imm AR 747 which overruled an earlier line of AIT decisions on consequences of students failing an exam or changing their courses. > judgment
- Leading counsel in **Abdi and Others v Secretary of State for the Home Department** [2008] EWHC 3166 Admin (unlawful detention policy for foreign criminals on release from their prison sentence) > judgment .
- Counsel for Appellant where **Secretary of State for the Home Department** tried to use Memorandum of Understanding with China in a non-terrorist context (possible death penalty for corruption (settled in 2008 after protracted appeal and JR proceedings).

#### Inquests

- Ongoing inquest into death of victim shot by police in London which involves undisclosed secret information, which may make it impossible to hold an Article 2 (ECHR) compatible inquest.
- Counsel for family following restraint death in Prestwich regional secure hospital in Greater Manchester

#### Judicial Review/Public Law

- **Lexi Holdings Plc v Luqman & Ors** [2008] EWHC 151 (Ch) (15 January 2008) (release on temporary licence; conviction for contempt of court; PSO 6300) read the judgment

#### Publications

Resale Price Maintenance (1964); The Land Commission Act 1967 (co-author); Race Relations and Immigration Law (1969); Race Relations: The New Law (1977); Macdonald's Immigration Law and Practice (6th ed, due 2005) with Francis Webber and other members of the immigration team in Chambers; Supplement to the 6<sup>th</sup> edition on (2006) with Ronan Toal; The New Nationality Law with Nicholas Blake (1984); former consultant editor Butterworth's Encyclopaedia of Forms and Precedents; and Nationality and Immigration. Has written numerous articles on (inter alia) immigration, counter terrorism, race and employment law for New Law Journal, IDS Brief Supplements, Oxford Economic Law Review, Race & Class Today, the national media, Immigration, Asylum and Nationality Law and for journals in Canada and the United States. Ian is on the editorial board of Immigration, Asylum and Nationality Law.

#### Other

British Representative on the Commission Spéciale pour l'Étude des Lois Anti-trust (1963-65), Member of the Commission of inquiry into the disappearance of General Delgado (1965), Member of the legal committee on inquiry into student sit-ins at Manchester University (1971), Member of independent trade union committee of inquiry into events on the right-to-work march on Friday 19 March 1976, chairman



## Barrister profile

# Ian Macdonald QC



of inquiry into racial violence in Manchester schools - Murder in the Playground (1988).

### **Societies**

Immigration Law Practitioners' Association (President since 1984), Administrative Law Bar Association, Bar European Group and Criminal Bar Association.

### **Languages**

French (fluent), some Spanish.

(Last Updated: October 2009.)