



Navi joined Garden Court Chambers in June 2009 having previously been a tenant at Tooks Chambers where he completed his second sixth pupillage in 2001. Navi is a practitioner specializing in International Human Rights law, European Union free movement law and Immigration and Asylum law. He undertakes advocacy at Adjudicator, IAT, High Court and Court of Appeal level. Navi also provides advice and representation on a broad range of Public law areas, in Prison law, inquests and civil claims for unlawful detention.

Navi has been recommended by Chambers & Partners for Immigration and Asylum law since 2007 and has developed a strong and successful Administrative Court and Court of Appeal practice in this area. Chambers UK 2010 notes that he is

*"...popular with instructing solicitors. "Passionate, personable and with phenomenal advocacy skills," Ahluwalia is with increasing frequency attracting clients seeking immigration advice."*

## Immigration and Asylum Law

Navi regularly appears before the Tribunal, Administrative Court and Court of Appeal on all areas of Immigration law. He provides advice and representation on the full range of immigration law, including, asylum, nationality, deportation, entry clearance, applications for leave to remain, in particular under the Points Based System, commercial immigration, fresh claims and emergency injunctions to prevent removal. In 2009, in *SE and CJ v. SSHD (CO/2093/09)* he brought the first judicial review challenge to the maintenance requirements of the Points Based System, resulting in the Secretary of State for the Home Department conceding the case and granting the Claimant leave to remain as a Tier 1 (General) migrant, paving the way for similar claims to be brought by others refused leave on the same basis. In the same year, in *Metwally and others v. SSHD (CO/12448/08)*, the Secretary of State's conceded a challenge to his policy to refuse indefinite leave to remain to family members of a person designated by the United Nations as linked to Al Quaida. In *Gibson and others v. SSHD* he successfully challenged the Secretary of State's decision to refuse to grant the claimants indefinite leave to remain in line with his policy DP 5/96, again resulting in the case being conceded. He has been successful in a series of judicial review challenges to the delay in the Secretary of State issuing documentation to refugees following successful appeals: *Mopfu v. SSHD (CO/2278/09)*, *Nagarajah v. SSHD (CO/9365/08)* and *Okwedy v. SSHD (CO/12358/2009)* all resulting in the Secretary of State conceding the cases.

Navi also lectures widely on immigration and asylum law both in house and for JCWI and ILPA and is a contributor to *Macdonald's Immigration Law & Practice*.

## Notable cases

**IM (Zambia) v. Secretary of State for the Home Department** [2008] EWCA Civ 944

**Brooks v. Secretary of State for the Home Department** [2006] EWCA Civ 920

**BK (Zimbabwe) v. Secretary of State for the Home Department** [2008] EWCA Civ 510

**M (DR Congo) v. Secretary of State for the Home Department** [2003] UKIAT 00054

**Year of Call**  
2001

**Email Address**  
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**Telephone**  
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**Education**  
LL.M. (International Law)  
LSE, Bar Vocational  
Course (1995), Middle  
Temple, called 2001

**Languages**  
Punjabi and French

**Practice Areas:**  
Navtej Singh Ahluwalia is a member of the following Practice Areas:  
- Immigration - Asylum and Human Rights  
- Immigration - Business and Private  
- Immigration - Public Access  
- Inquests  
- Public & Administrative Law

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**Fairaidon Osman v. Secretary of State for the Home Department** [2002] UKIAT 0000224

## Recent Seminars

Introduction to Free movement law  
ILPA March 2009

Challenges under the Points based System  
HJT July 2009

Directive 2004/38: a practitioners guide to European Union free movement law,  
Tooks Chambers, October 2008

Automatic Deportation and UK Border's Act 2007  
Tooks Chambers, October 2008

Judicial Review - A Practical Guide,  
Tooks Chambers, September 2008

## International Human Rights Law

As the former Assistant Director at the AIRE Centre (Advice on Individual Rights in Europe) Navi has been involved in over 40 applications to the Court of Human Rights, the Human Rights Committee and the UN Committee Against Torture. In 2009, he was instructed on behalf of the Sikh community to challenge the ban on "ostentatious religious symbols" in French schools on behalf of Sikh school boys excluded from French public schools. He is recognized by the Council of Europe as an expert on international human rights law and has lectured widely in central and eastern Europe at judicial training seminars on almost all Articles of the European Convention on Human Rights, in particular Articles 2, 3, 5, 6, 8, 9, 10, 14 ECHR and Articles 1,2 and 3 of Protocol 1 to the Convention. He additionally runs the Advanced Human Rights Law for Immigration Practitioners Course for JCWI and HJT. He provides case-notes for the European Human Rights Reports and has contributed to a number of publications on human rights law.

### Notable cases

**Osman v United Kingdom European Court of Human Rights** [1998] 29 EHRR 245

Liability of the police in civil claims

**T.I. v United Kingdom, European Court of Human Rights Application No 43844/98**

Removal to safe third countries under the Dublin Convention

**P. S. S. v Canada, United Nations Committee Against Torture, Communication No. 66/1997**

First successful application of the use of interim measures by UNCAT to prevent removal of an Indian national convicted of the assassination of Indira Gandhi to India.

Navi was involved in drafting applications and observations in the following cases

**Bensaid v. United Kingdom** (2001) 33 EHRR 205

Whether removal of Algerian national suffering from psychotic delusions was



contrary to Articles 3 and 8 ECHR

**Cooke v. Austria** (2002) 31 EHRR 338  
Interference with the private correspondence of prisoners

**Osu v. Italy** (Application No. 36534/97)  
Inability to appeal against a criminal conviction made in absentia

**Powell v. United Kingdom** (Application No. 45300/99) Admissibility  
Whether doctors owe a duty of candour to the parents of a child who negligently died in hospital

**Singh v. United Kingdom** (Application No. 30024/96) Admissibility  
Removal of the family members of a person wanted by the Indian authorities in connection with terrorist activities.

**Cardoso and Johansen v. United Kingdom** (Application No. 47061/99)  
Admissibility  
Removal of the same-sex partner of British national

**Davenport v. Portugal** (Application No. 57862/00) Admissibility  
Length of proceedings in civil courts

**Taylor v. United Kingdom** (Application No. 48864/99) Admissibility  
Whether the sentence imposed on young offender, for an offence committed whilst a child was contrary to Article 7 ECHR

## Publications

European Human Rights Reports, Sweet & Maxwell (contributor)

Problems raised by certain aspects of the present situation of Refugees from the standpoint of the European Convention on Human Rights. Human Rights No.9 rev., Council of Europe 2000 (contributor)

Immigration & Asylum law and the Human Rights Act 1998 (Blake & Fransman, Eds) Butterworths, 2000, contributor

## Training seminars

Judicial responsibility: Fair trial under the Serbian Code of Criminal Procedure, Belgrade, Council of Europe Judicial Training, Belgrade, Serbia, November 2008, Council of Europe expert

Judicial responsibility: Fair Trial under the Bosnian Code of Criminal Procedure, The right to liberty of the person; Positive obligations under Article 2 ECHR: the role of the judge in investigating custodial deaths, Sarajevo, Bosnia and Herzegovina, Council of Europe Judicial Training, November 2008, Council of Europe expert

Fair Trial and Detention under the European Convention on Human Rights, Council of Europe Programme for the Supreme Court of Serbia, With European Court of Human Rights Judges Popovic and Vajic Belgrade September 2007.

The right to privacy under the European Convention, Judicial Training Centre, Belgrade,



June 2007 Council of Europe expert

The Rights of Refugees and Internally Displaced Persons: complementary protection under the European Convention, Chechnya, Russia, July 2007, Council of Europe expert

The right to life and the right to private life under the European Convention on Human Rights, Croatian Helsinki Committee, Dubrovnik, June 2007

The right to life and the obligations for Prosecutors under the European Convention on Human Rights, Prosecutors Centre for Training, Ukraine, February 2006 Council of Europe expert

## Other Areas of Law and Practice

Navi provides advice and representation on a broad range of public law areas, in particular in inquests, prison law, and in civil actions for unlawful detention. He was junior counsel to Michael Mansfield QC for Mohammed Al Fayed in the Inquest into the deaths of Princess Diana and Dodi Al Fayed and drafted the application for judicial review against the refusal of the Deputy Coroner to convene a jury for the inquest: Paul & Al Fayed (R on the application of) v Deputy Coroner of the Queens Household & Assistant Deputy Coroner for Surrey [2007] EWHC 408 (Admin).

He has appeared for prisoners in prison adjudications, Parole Board hearing and in a number of judicial review applications on behalf of prisoners: Barnsley (R on the application of) v Secretary of State for the Home Department [2002] EWHC 1283 (Admin). In Nazamba v. Secretary of State for the Home Department, (CO/1245/2006) he successfully challenged the decision to refuse to transfer the applicant from a prison to an Immigration Detention Centre on completion of his sentence. In Dunn v. Secretary of State for the Home Department, he successfully challenged by way of an application for Habeas Corpus the decision to detain a prisoner on the basis of mistaken identity. In Gajtani v. Secretary of State for the Home Department he obtained damages by settlement for the continued detention of a prisoner granted bail on the basis of the failure to set up an electronic tag, contrary to the Secretary of State's policy.

Navi is an active member of the Sikh Human Rights Group, active on behalf of the Sikh community in Europe, reporting on human rights abuses in the sub-continent, and was the campaigning and researching organization for those acting in Chahal v. United Kingdom (1996) 23 EHRR 413. Navi regularly attended sessions of the Commission on Human Rights, the Sub-commission on the Protection of Minorities and the Working Groups on Arbitrary Detention and Involuntary Disappearances to deliver interventions and provided a series of briefing seminars on human rights in the sub-continent to the Special Rapporteurs on Torture, Freedom of Religion and Women's rights in Geneva and New York.

Navi remains a serving member of the management committee of the AIRE Centre and continues to assist in its projects and training seminars.

## Societies

- Administrative Law Bar Association
- Immigration Law Practitioners' Association
- Inquest Lawyer's Group



## Barrister profile

# Navtej Singh Ahluwalia



- Liberty
- Haldane Society of Socialist Lawyers
- Society of Black Lawyers

## Personal

Navi is married with two children. He has a passion for soul, funk, and Latin jazz music and has, without question, one of the best record collections at the Bar.

Profile updated July 2009