



## Barrister profile

# Omar Shibli



## Practice

Omar became a tenant at Garden Court in 2007 after successful completion of his pupillage. He is a practitioner specialising in asylum, immigration and family law, with a particular interest in child protection and cross-over work between these areas.

His practice in immigration includes immigration rules, EEA, deportation and asylum appeals. In that context his work has included representation of a number of unaccompanied asylum seeking children. Notable work to date includes assistance on an application to the European Court of Human Rights, regarding the potential use of Interpol as a mechanism of persecution by member states.

In family law he practices in both private and public law proceedings, acting for parents and children, both in their own right and through children's Guardians. His varied practice ensures he appears before a variety of Tribunals including: Family Proceedings Courts, County Courts, the High Court and Court of Appeal.

Omar has a developing High Court practice. In immigration law he has experience of making judicial review applications, including urgent applications for interim relief. In family law he has appeared before the High Court, both in care proceedings and wardship proceedings under its inherent jurisdiction. Omar also has a developing Court of Appeal practice which includes arguing complex points of statutory construction.

Omar's expertise lies particularly in cases of cross-fertilisation between immigration and family law. A number of his family cases are those in which a proper understanding of the client's immigration status in those proceedings is vital to ensure their best interests are represented. Similarly, he has acted in immigration proceedings where the Asylum & Immigration Tribunal had to consider the Article 8 rights of a family faced with removal, where one child of the family was to remain in the UK under local authority care.

## Background

Before joining Garden Court, Omar undertook extensive work for Bail for Immigration Detainees, a charity working with asylum seekers in detention. In that capacity, he assisted in running workshops on bail at Colnbrook IRC, helping litigants in person to present their own applications.

Notable work included the preparation of legal bulletins on removals to Iraq, DRC and Zimbabwe. In particular, Omar's work on the Zimbabwe legal bulletin during the *'Zimbabwe Bail Project'* in summer 2005 led to the release of over 50 litigants in person from immigration detention.

Pro bono work has included work for the Children's Legal Centre, the Asylum Support Appeals Project and the Kurdish Human Rights Project. Omar has travelled extensively and undertaken work for the Karen Hilltribes Trust in north-west Thailand.

## Notable Cases

**AS(Afghanistan) & NV(Sri Lanka) v Secretary of State for the Home Department** [2009] EWCA Civ 1076 - This was a case about the scope of the

### Year of Call

2006

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### Education

MA (Cantab); BA Law, University of Cambridge. Bar Vocational Course (Outstanding), College of Law.

### Practice Areas:

Omar Shibli is a member of the following Practice Areas:

- Family
- Immigration - Asylum and Human Rights
- Immigration - Business and Private

### Garden Court Chambers

57 - 60 Lincoln's Inn Fields  
London WC2A 3LJ  
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Asylum & Immigration Tribunal's jurisdiction to hear appeals on grounds that have been raised by appellants after the Secretary of State has made a decision refusing an initial application. It was NV's case that statute allowed her to do so. The appeal concerned interpretation of the one-stop appeals system governing immigration and asylum appeals, set out in a complex statutory scheme within the Nationality, Immigration and Asylum Act 2002.

Omar was Counsel in the case for NV at initial appeal before the Asylum & Immigration Tribunal, on reconsideration and on renewal of permission to the Court of Appeal. In particular, he acted on a pro bono basis following the first instance appeal, to enable the appeal process to continue whilst legal aid was secured for the appellant. In the order granting permission to appeal to the Court of Appeal, Sedley LJ described Omar's skeleton argument as "well composed and helpful". This was the same skeleton argument relied on in the substantive Court of Appeal hearing.

In the substantive Court of Appeal hearing, Omar was led by Rick Scannell, also of Garden Court Chambers. NV's appeal was successful, and the result has had far reaching consequences. As well as reversing previously accepted Tribunal authority (EA (s 85(4) explained) Nigeria [2007] UKAIT 00013), the appeal widened the scope of the Tribunal's jurisdiction to hear appeals, putting it in the position of becoming, in many cases, a first instance decision maker, and so positively affecting the prospects of many appellants.

**MA(Pakistan)** (IA/19452/2008, 10th January 2010) - In deportation proceedings at second stage reconsideration, Omar represented an appellant who had 31 convictions for 85 previous offences. The appellant suffered from a number of mental and behavioural disorders (depression, emotionally unstable / borderline personality disorder, polysubstance abuse, learning disability) as well as physical disorders (diabetes, epilepsy). He had a history of attempted suicide and repeated self-harm. Omar was successful in winning MA's appeal on both Articles 3 and 8, based on his risk of suicide on return.

## Societies

Family Law Bar Association

Profile updated August 2010