



Practice

Rick has a practice covering all areas of immigration and asylum at all levels, particularly refugee law, human rights and European Union free movement law. In 2004 he wrote (with Nicola Rogers) the only text on free movement of persons following the accession in May 2004 of the ten new EU member States. A major part of his practice comprises judicial review and statutory appeals to the Court of Appeal. He has appeared before the European Commission of Human Rights (MAR v United Kingdom); the European Court of Human Rights (TI v United Kingdom) and the European Court of Justice (Bidar v United Kingdom).

In 1998, the Attorney General appointed Rick as Special Advocate to the Special Immigration Appeals Commission (to represent the interests of the appellant in 'national security' cases in proceedings from which the appellant is excluded). He was instructed in a number of such cases, most recently to represent the interests of persons certified by the Home Secretary as suspected international terrorists, under the Anti Terrorism Crime and Security Act 2002. However, Rick resigned as a Special Advocate in January 2005 taking a principled position following the Government's failure to release the Belmarsh detainees in spite of the December 2004 decision of the House of Lords that their detention was contrary to their human rights. Rick has been undertaking leading junior work since October 1998.

Publications

Rick writes extensively on immigration law. His publications include:

- Macdonald's Immigration Law and Practice, 6th edition, 2001 (contributor, to be published 2005)
- Free Movement of Persons in the Enlarged European Union (co-author with Nicola Rogers), published by Sweet & Maxwell, 2005.
- Halsbury's Laws of England vol 4(2) (Reissue) (contributor to the British Nationality, Immigration and Asylum title)
- Macdonald's Immigration Law and Practice, 5th edition, 2001 (contributor)
- Butterworths Handbook on Immigration Law (joint editor, Butterworths, 2001)
- Butterworths Immigration Law Service (editor since 1997)
- Immigration, Nationality and Asylum under The Human Rights Act 1998 (Blake and Fransman, Butterworths, 1999) (contributor)
- Legal Action (1985 to 2002) (Recent Developments In Immigration Law) and Current Law Statutes (he annotated four major immigration statutes: Asylum and Immigration Act 1996; Special Immigration Appeals Commission Act 1997; Immigration and Asylum Act 1999 (with others) and Nationality, Immigration and Asylum Act 2002 (with others)).

Other activities

Rick has been an active member of Immigration Law Practitioners' Association (ILPA) since its foundation in 1983. He returned to the Executive Committee in 1999. He has been chair of ILPA since its 2000 AGM. Rick regularly undertakes training in his chosen field, in the UK and abroad, for ILPA, Liberty, the UNHCR and others. In September 2001, he taught human rights and asylum in Montenegro for the AIRE Centre at a Council of Europe sponsored conference for judges and lawyers. He has been regularly instructed in family cases as an immigration law

Year of Call

1986

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Education

BA, LL.M (Cantab)

Practice Areas:

Rick Scannell is a member of the following Practice Areas:
- Immigration
- Public & Administrative Law

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expert and over the years has regularly commented as such on broadcast media (radio and television).

Societies

Administrative Law Bar Association, JUSTICE, ILPA, Haldane Society and Legal Action Group.

Notable Cases

- **N v SSHD [2003]** CA (Article 3 ECHR and AIDS)
- **Kanyenkiko v SSHD [2003]** (abandoned appeals)
- **Khan v SSHD [2003]** CA (fresh evidence)
- **SSHD v Kulek [2002]** CA (scope of appeals to Tribunal)
- **Sepet and Bulbul v SSHD [2001]** HL (refugees and conscientious objection to the performance of military service)
- **Djebari v SSHD [2002]** CA (Algerian at risk of treatment contrary to Article 3 ECHR) (leading)
- **S and others v SSHD [2002]** CA (position of Serbs in Croatia)
- **Saadi and others v SSHD [2001]** HL (Article 5 ECHR legality of detention of asylum seekers at 'Oakington Reception Centre') (leading, except in the Lords)
- **Diriye and others v SSHD [2001]** CA (scope of asylum appeal where "exceptional leave to remain" granted)
- **Jain v SSHD [2000]** CA (homosexuality as basis of refugee claim) (leading)
- **Azad v SSHD [2001]** CA (validity of marriage)
- **TI v United Kingdom [2000]** ECtHR (scope of UK's ECHR obligation returning failed asylum seeker to Germany)
- **R v SSHD, ex p Chew [2000]** QBD ("long residence concession" and legitimate expectation)
- **MAR v United Kingdom [1997]** ECommHR (scope of UK's Article 3 ECHR duty in respect of drugs offender who was a danger to community)
- **T v SSHD [1996]** HL (scope of non political offence in the exclusion clauses)
- **M v Home Office [1994]** HL (amenability of Home Secretary to contempt)
- **Re T [1994]** CA (scope of "family" jurisdiction in immigration case)
- **Oladehinde and Alexander v SSHD [1991]** HL (scope of immigration officer's powers)