



## Practice

Stephanie practises predominantly in public and administrative law with a strong emphasis on civil liberties and anti-discrimination. She has expertise in all areas of immigration and asylum law and practice. She is committed to maintaining an appellate practice in hearings before the Adjudicator and the Immigration Appeal Tribunal and has extensive experience of judicial review and the Higher Courts including as junior counsel in the House of Lords in *Shah and Islam* (women as a social group) and *Salem* (asylum seekers and entitlement to benefits) *Adan and Auitseguer* (Germany as a safe third country).

The use of international human rights law including the European Convention of Human Rights is now integral to practice and she has considerable expertise in this area as well as experience in applications direct to the European Court of Human Rights. She is also competent in all matters of European Community law including EC Association Agreements. She was junior counsel in the case of *Baumbast and R* (free movement, the rights of children and family life) in the European Court of Justice.

Stephanie's practice also includes civil actions, mainly against state authorities, in particular arising from Immigration Act detention and discrimination-related cases.

Other immigration related areas: expertise in social welfare and housing law is essential to immigration and asylum practice. She has an established expertise in these areas and all matters relating to the support of asylum seekers and their families. She has developed a specialisation in family law cases with a strong immigration aspect, particularly Children Act applications, inter-country adoptions and abductions. She has expertise in immigration related criminal matters and the use of anti-terrorism legislation.

**Anti-terrorism:** Stephanie has appeared before the Special Immigration Appeals Commission in national security deportations including on behalf of two appellants interned under the Anti-terrorism, Crime and Security Act 2001 as well as advising and representing organisations banned under the Terrorism Act 2000 in the Proscribed Organisations Commission.

Awards

Jointly with other lawyers involved in legal cases seeking equality for lesbians and gay men, Stephanie was awarded the Stonewall Equality Award in 1997.

## Publications

Blake and Fransman's Immigration, Nationality and Asylum under the Human Rights Act: chapter on Article 14 discrimination and the ECHR; The Law and Practice in the Application of the Dublin Convention in the UK: European Institute of Public Administration.

- Contributor to 5th edition of Macdonald's Immigration Law and Practice.
- Contributor to Halsbury's Laws of England: Nationality, Immigration and Asylum.
- Contributor to Liberty's on line service on discrimination law. Has

### Year of Call

1991

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### Education

BSc Politics and Sociology (Bristol), MSc International Relations and Economics (LSE), CPE (Polytechnic of Central London)

### Practice Areas:

Stephanie Harrison is a member of the following Practice Areas:

- Claims Against The Police & Public Authorities
- Community Care
- Employment, Discrimination and Professional Regulation
- Immigration - Asylum and Human Rights
- Immigration - Business and Private
- International Advice and Litigation
- Public & Administrative Law

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contributed articles to Legal Action and Socialist Lawyer.

## Notable Cases

Stephanie has appeared in numerous reported cases. The following is a summary of her most important recent work.

### ASYLUM

**Shah and Islam v SHHD, HL** (see above)

**Lul Omar Adan and others, HL** (see above)

**R v Uxbridge Magistrates Court ex parte Adimi and others, DC** (Article 31)

**Thomas Danian v IAT, CA** (bad faith)

**SSHD v Danaie, CA** (Adjudicator's finding binding on SSHD)

**Salem v SSHD CA, HL** (benefits)

**Muktia Singh v SSHD, SIAC** (Article 3) ECHR/National Security Deportation

### IMMIGRATION

**R v SSHD ex parte Arman Ali** (recourse to public funds and Article 8)

**R v SSHD ex parte Obi** (illegal entry and British citizenship)

**Baumbast and R v SSHD, ECJ** (free movement rights)

### DETENTION

**R ( HBH) (Disputed Minors) v Secretary of State for the Home Department** [2009] EW HC 928 (Admin)

Successful challenge to the Home office policy in respect of disputed minors and age determination for those facing prosecution for immigration related offences quashed as unlawful. Culmination of 4 years of litigation involving over 50 children wrongly detained as adults on the basis of unlawful; age assessments and entitled to damages.

**R ( MT) v Secretary of State for the Home Department** [2008] EWHC (Admin)  
Established that Home office responsible for the failures of third party contractors in detention centre when they fail to apply detention centre Rules and /or give effect to policy.

Civil claims for damages for unlawful immigration act detention is a specialist area that Stephanie Harrison covers and in 2008/9 she has successfully represented significant number of Claimant's seeking compensation for unlawful immigration act detention through mediation and settlement. For example:

**Bikunga family** : £150,000 for two periods of unlawful detention of a family

**Akinfenway v Home Office:** unlawful detention in breach of policy re torture



victims

**Paul Singh v Home Office:** detention of a British Citizen due to unlawful foreign prisoners policy

**Sylivi Kamojour v Home Office :** detention in breach of policy re those with mental illness

**AH v Home Office** Civil claim against the Home Office arising from the detention on national security ground pending deportation, raising complex legal issues re Article 5 and tort of false imprisonment .

## NATIONAL SECURITY CASES

Stephanie Harrison is one a small group of barristers specialising in immigration related national security and terrorist related cases. Appearing in SIAC first in 2000 and in the litigation relating to the legality of detentions under the Anti Terrorism Crime and Security Act 2001 leading to judgment of HL in *A and Others* [2004] ( detention in breach of Art 5 ECHR) and the substantive appeals leading to *A and Others* ( No 2) [2006] ( use of torture evidence).

## SPECIAL IMMIGRATION APPEALS COMMISSION

**VV ( deportation to Jordan) and Others** ( concerning revocation of bail)

**Sihali v SSHD** (removal to Algeria with assurances) ( appeal pending in July)

**TT v SSHD** (removal to Algeria with assurances) ( appeal pending)

**VV, OO and PP :** appeals pending in the Court of Appeal against decisions by SIAC to uphold deportation decisions on nationals security grounds.

## CONTROL ORDERS

Stephanie Harrison has been involved in Control Order cases as a junior and as leading counsel cases include:

**JJ and Others , MB and Others** ( HL quashed CO as a breach of Article 5 and ruled on the scope of Article 6 in Control order proceedings)

**AH v Secretary of State for the Home Department** ( control order upheld- but established no power to carry out personal searches under a CO) . On appeal to C/A

**Secretary of State v NN** [2009] Control order imposed on Iraqi national because of alleged involvement in attack planning in 2005. NN was of one of the original litigants in the JJ and Others

**Secretary of State for Home Department v AV** [2009]

## JUDICIAL REVIEW

**AKA MH and Others** [2009] EWCA Civ 287 Represented three Claimants in test case litigation about refusal of British nationality on public interests grounds - issue of the nature of the procedural protection and use of Special Advocates was dealt with by Court of Appeal.



## CIVIL LIBERTIES AND HUMAN RIGHTS

Stephanie Harrison is leading in the field of challenging the use of civil injunctions to prevent or restrict protest rights. Has been involved in a serious of cases including:

**R (EM (Lebanon)) [2008] UK HL 64** ( removal of a Lebanese woman and her son to circumstance were mother would be deprived of custody and car of son because of Sharia law) lead by Frances Webber landmark case concerned with interpretation of flagrant breach of a fundamental human rights and established for the first time in any jurisdiction that a breach of Article 8 of the ECHR could prevent expulsion of a foreign national.

**EDO MBM v Smash EDO:** ( antiwar protest /use of representative proceedings against unincorporated associations/ Protection from Harassment Act /Art 10 and 11 ECHR )

**Heathrow v Garman [2007]** ( use of representative proceedings against unincorporated associations/ Protection from Harassment Act /Art 10 and 11 ECHR )

**Npower v Carroll and Others [2007]** (environmental protest/ use of representative proceedings against unincorporated associations/ Protection from Harassment Act /Art 10 and 11 ECHR )

**Oxford University v Webb and Others** ( protests against vivisection and animal experiments / use of representative proceedings against unincorporated associations/ Protection from Harassment Act /Art 10 and 11 ECHR )

**Glaxo Smith Klein Beecham v Webb** ( protests against vivisection and animal experiments/use of representative proceedings against unincorporated associations/ Protection from Harassment Act /Art 10 and 11 ECHR )

**Crawley and Horsham Hunt v Wilde and Others** ( anti illegal hunting/ use of representative proceedings against unincorporated associations/ Protection from Harassment Act /Art 10 and 11 ECHR ) Successfully resisted injunction in trespass and harassment against hunt monitors in 2009.

## PUBLIC LAW

In 2008/9 instructed by Steve Lodge at Public Law Solicitors, Birmingham to challenge by way of judicial review polices of Health Authorities policies to refuse funding for gender reassignment treatment. Two cases relating to the policy of the Health Commission for Wales resulted in an entire review of the entire policy for Wales and a grant of funding.

Other cases have settled but in **R (C) v Staffordshire PCT** permission has been granted to challenge the policy including on grounds of discrimination and a full hearing is yet to be listed.

Also successful appeal in the first case under the Gender Recognition Act 2004 instructed by Steven Lodge.



Barrister profile

# Stephanie Harrison



**N v Secretary of State for the Home Department, CA (Human Rights Act damages)**