Anthony Vaughan specialises in human rights and administrative law. He is instructed by individuals, charities, companies and other organisations who are bringing or defending claims against public bodies, both in public and private law.

“He's hugely efficient and is really good at responding quickly to unexpected dilemmas that pop up in a case because he's such a quick thinker. He's exceptionally good on technical work and highly complex cases involving high net worth individuals.”

CHAMBERS UK, 2020

“He is very able, has good technical skills and pays close attention to statutes and procedural rules.”

LEGAL 500, 2020
“He is good at the complex drafting needed for difficult cases. Clients love him.”
CHAMBERS UK, 2019

“Hailed by peers, he routinely acts on behalf of high-profile individuals in challenges against decisions of the Home Office, particularly regarding deportation or removal actions.”
CHAMBERS UK, 2018

“You always know he will prepare a case to the highest possible standard and give pragmatic advice.”
LEGAL 500, 2017

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ADMINISTRATIVE AND PUBLIC LAW

Anthony is a public and administrative law specialist. His cases frequently involve an international element and challenge the conduct of major Government departments including the Home Office, Foreign Office, Ministry of Defence and the Ministry of Justice. Issues often involve confidentiality, deprivation of liberty, destitution, procedural fairness, inter-state relations, national security, international protection, modern slavery and Closed Material Procedures.

Anthony has recently been involved in a number of challenges to the operation of Schedule 10 to the Immigration Act 2016 (immigration bail). These cases have concerned access to accommodation and the exercise of curfew powers, as well as related asylum support and community care issues.

NOTABLE CASES
Supreme Court rules against Home Office on "indefinite bail" powers

*B (Algeria) v Special Immigration Appeals Commission* [2018] UKSC 5, [2018] AC 418. B’s very stringent bail conditions, which were akin to those imposed on a control order, were quashed. In an important affirmation of the right to liberty, the Supreme Court ruled that SIAC had no power to impose bail on a person who could not lawfully be detained. SIAC’s original rulings are [here](#) and [here](#).

Court of Appeal addresses remedies for "out of country" deprivation of citizenship orders and appeals in national security cases

*R (W2) v Home Secretary* [2017] EWCA Civ 2146. An important case on the remedies available where a deprivation of citizenship order is made while the subject is outside of the UK, following *Kiarie & Byndloss*. The Court of Appeal ruled that W2 needed to apply for leave to enter in order to be present at his deprivation appeal, and the question of the fairness of that appeal could be decided as a preliminary issue.

High Court rules that bail accommodation system is operating unlawfully

*Sathanantham & others v Home Secretary* [2016] EWHC 1781 (Admin) - In a case brought by Leigh Day with the assistance of Bail for Immigration Detainees (BID) following the release of BID's report - *'No place to go: delays in provision of s4(1)(c) bail accommodation'* - the High Court found that the Home Office system for allocating bail addresses to high-risk immigration detainees was operating unlawfully and called for an "overhaul" of the system.

Court of Appeal upholds new policy on detained asylum claims

*TH (Bangladesh) v Home Secretary* [2016] EWCA Civ 815 - this was a significant challenge to the "Detained Asylum Casework" fast-track procedure for deciding asylum claims in detention. Although the Home Secretary was found to have breached equality duties, the High Court upheld the lawfulness of the policy ([2016] EWHC 1331 (Admin)) and the Court of Appeal agreed.

Detained Fast Track suspended after Home Office accepts unacceptable risk of unfairness

*R (JM & others) v Home Secretary, Immigration Law Practitioners' Association (Intervening)* [2015] EWHC 2331 (Admin): Instructed by the Intervener, the Immigration Law Practitioners Association, this was a major test case on the legality of the Detained Fast Track system, which led to the Immigration Minister suspending the DFT process for determining asylum claims in detention. The Home Secretary agreed that the DFT "created an unacceptable risk of unfairness to vulnerable or potentially vulnerable individuals".

In 2015-2016, Anthony was involved in advising refugees and asylum seekers living on the UK’s Sovereign Base Areas in Cyprus as to their right to enter the United Kingdom, involving the extraterritorial effect of the Refugee Convention.
IMMIGRATION: ASYLUM AND HUMAN RIGHTS

Anthony is highly experienced in successfully conducting claims involving international protection and human rights, where risks of unlawful killing, the death penalty, indiscriminate violence, torture, unfair trials, arbitrary detention, adverse prison conditions and other discriminatory ill-treatment are faced in consequence of removal from the UK. He acts on behalf of all types of clients, from unaccompanied children to politicians and royalty. He is accustomed to working on complex cases involving extradition, Interpol and third country issues, where politically motivated legal proceedings are faced in the country of origin.

Anthony also has detailed knowledge and experience of the law relating to Article 8 ECHR and private/family-based immigration cases, particularly in cases involving minors. He was a co-author of Immigration Practice and Procedure in Family Proceedings (Jordans, 2013) and has also written articles on the leading cases in this area. He has broad knowledge of the domestic and international law on the best interests of the child, having been involved in the leading case on family tracing duties and unaccompanied minor asylum seeking children, AA (Afghanistan) (SC) – see below. Other cases include R (Shah) v SSHD [2014] EWHC 2191 (Admin) (Every Child Matters policy was non-compliant with s 55 of the Borders Citizenship and Immigration Act 2009); and DS (India) v SSHD [2009] EWCA Civ 544 (pre-section 55 case relying on best interests principle in ECHR and international law).

Anthony has vast experience defending deportation action, including obtaining revocations of “out of country appeal” certifications under s 94B/Reg 33; Anthony was involved in a leading case on this issue in the context of deprivation of citizenship: see W2, above (“Administrative and Public law”). He has significant experience in challenging action taken on “non-conducive” grounds including to the grant and conditions of Restricted Leave, revocation of ILR and deprivation of British citizenship. Much of this work involves Closed material procedures in the Special Immigration Appeals Commission and within the High Court under Part 82 CPR.

NOTABLE CASES

Ten-year fight against "deportation with assurances" policy ends in success

W & others v Home Secretary (SC/39/2005), 16 April 2016: long-running national security related deportation appeals allowed under Article 3 ECHR. The case was a significant test of the Government’s "Deportation with Assurances" policy. The Special Immigration Appeals Commission ruled that diplomatic assurances negotiated with the Algerian Government could not prevent a real risk of torture, inhuman or degrading treatment of the appellants on return to Algeria.
Supreme Court examines family tracing duties for unaccompanied minors


Court of Appeal overturns SIAC on "deplorable" prison conditions

BB, PP, U & others v Home Secretary [2015] EWCA Civ 9 - Court of Appeal ruling on prison conditions and Article 3 ECHR, and the test for effective verification in "Deportation with Assurances" cases. SIAC was found to have misdirected itself in dismissing deportation appeals in spite of evidence of "deplorable" detention conditions in the country of return, in which the appellants would likely be held.

Decision to strike out a protection appeal for "abuse of process" is overturned

B v Home Secretary [2015] EWCA Civ 445: the Court of Appeal ruled that SIAC's decision to strike out B's human rights appeal on the grounds that B had abused the Commission's processes in refusing to disclose his identity, was unlawful. On remittal of the case, SIAC later dismissed the Home Secretary's strike out application and allowed the appeal (2016).

Successful "Cart JR" quashing Tribunal's refusal of permission to appeal

R (RQ (Jordan)) v Upper Tribunal (IAC) [2014] EWHC 559 (Admin): the Upper Tribunal's refusal of permission to appeal was quashed where the First-tier Tribunal had unfairly refusal to adjourn and remove an asylum appeal from the Detained Fast Track in spite of RQ's intention to rely on expert evidence. Judgment here.

Clarification of "second appeals test" in international protection appeals

JD (Congo) & others v Home Secretary [2012] EWCA Civ 327, [2012] 1 WLR 3273: the leading case on the application of the second appeals test when appealing from the Upper Tribunal to the Court of Appeal, including in international protection cases. The case clarified the more restrictive ruling in PR (Sri Lanka) shortly after the second appeals test was introduced. Read more.

**IMMIGRATION AND NATIONALITY LAW**

Anthony's expertise in all areas of immigration and nationality law enable him to give comprehensive and strategic advice, from visa applications to entitlement to a British passport.
Anthony advises individual and corporate clients on economic migration and settlement, PBS applications (including investors and entrepreneurs), and compliance issues/illegal working.

He is also well versed in EEA free movement law and the emerging EU Settled Status scheme and is contributing to a forthcoming book on these topics. He is also a contributor to the European Union law chapter of *Macdonald’s Immigration Law and Practice* (9th Edition), the leading textbook in the field.

Anthony is experienced advising on issues relating to British citizenship, including applications for naturalisation and challenging adverse decisions by judicial review, including in cases involving secret evidence.

**IMMIGRATION DETENTION CIVIL CLAIMS**

Anthony is highly experienced in conducting claims for damages arising from the unlawful use of powers under the Immigration Acts. His work in this area is broadly equally split between Part 7 claims in the Queen’s Bench Division/County Court, and claims for judicial review. His case load frequently involves high value and legally and factually complex claims, multiple Government departments, and novel questions of law and practice (see also Administrative & Public law above). He is adept at navigating the interaction between the public and private law jurisdictions.

**NOTABLE CASES**

**Bail accommodation failures led to unlawful detention of man despite grant of bail in principle**

*R (Diop) v Home Secretary* [2018] EWHC 1934 (Admin): A Senegalese man who was granted immigration bail, but was then kept in detention for almost a month because of the Home Office’s unlawful failure to provide him with bail accommodation, won his claim for false imprisonment based on material public law error.

**High Court rules that "every" detainee must provide a rule 34 medical examination within 24 hours of admission**

*R (KG) v Home Secretary* [2018] EWHC 1767 (Admin): the Court ruled that a torture victim was entitled to compensation after staff at two different detention centres failed to provide him with the required medical examinations under rule 34 of the Detention Centre Rules 2001, rendering his detention unlawful.

**Court of Appeal upholds lawfulness of policy on detained asylum claims**

*TH (Bangladesh) v Home Secretary* [2016] EWCA Civ 815 - this was a significant challenge to the "Detained
Asylum Casework” fast-track procedure for deciding asylum claims in detention. Although the Home Secretary was found to have breached equality duties, the High Court upheld the lawfulness of the policy ([2016] EWHC 1331 (Admin)) and the Court of Appeal agreed.

**Detained Fast Track suspended after Home Office accepts unacceptable risk of unfairness**

*R (JM & others) v Home Secretary, Immigration Law Practitioners' Association (Intervening) [2015] EWHC 2331 (Admin) - instructed by the Immigration Law Practitioners' Association, this was a major test case on the legality of the Detained Fast Track system, which led to the Immigration Minister suspending the DFT process for determining asylum claims in detention. The Home Secretary agreed that the DFT ”created an unacceptable risk of unfairness to vulnerable or potentially vulnerable individuals”.

**EQUALITY AND DISCRIMINATION**

Anthony advises individuals and organisations on equality and discrimination issues arising in the delivery of goods and services, and in the employment field. He has appeared in multi-day discrimination trials in the employment tribunals, County Court and High Court.

Previous work has included a successful challenge to the discriminatory refusal of British citizenship on grounds of “illegitimacy”; numerous claims for race and sex discrimination against public bodies in the employment field; succeeding in disability related discrimination claims in the ET; and advising on healthcare inequalities and access to NHS treatment in the context of judicial review, in addition to the cases listed here.

**NOTABLE CASES**

**Home Secretary breached equality duty in considering detained asylum claims**

*R (Hossain & others) v Home Secretary [2016] EWHC 1331 (Admin). The High Court found that the Home Secretary had breached the public sector equality duty (s 149 of the Equality Act 2010) in rolling out a new policy governing the expedited processing of asylum claims in detention.

*R (JM & others) v Home Secretary, Immigration Law Practitioners' Association (Intervening) [2015] EWHC 2331 (Admin) - major test case on the legality of the Detained Fast Track system (Anthony was instructed by the Immigration Law Practitioners Association). The Home Secretary agreed that the DFT operated without full compliance with section 149 of the Equality Act 2010 to the extent that certain vulnerable groups were at unacceptable risk of unfairness. Read more here.

**Female canoeist files discrimination claim against "male only" event**

*R (Rippington) v London Organising Committee of the Olympic Games*
(2012) - Anthony was instructed by a female canoeist in a claim for judicial review against LOCOG concerning gender imbalance in the Olympic canoeing programme.

**BACKGROUND**

Anthony trained at Garden Court and, before this, was active in several human rights organisations in the Caribbean and Central America. He worked at Jamaicans for Justice (Kingston, Jamaica), where he provided significant research assistance in *Michael Gayle v Jamaica* (Inter-American Commission on Human Rights 2005), concerning the unlawful killing of a mentally ill man by security forces.

Anthony also worked at Derechos en Acción, Guatemala City, on an IACHR application responding to assassinations of landless farmers by persons connected with the banana industry. Prior to that, funded by the European Commission, Anthony worked at the Independent Jamaica Council for Human Rights, Kingston, on capital appeals to the Privy Council, in particular, *R v Kenneth Clarke* [2004] UKPC 5. He also volunteered for the London Detainee Support Group, and Enfield Law Centre providing welfare benefits advice to unaccompanied minor refugees.

**PUBLICATIONS**


EDUCATION

- BA (University of Cambridge)
- LLM (Distinction) (School of Oriental and African Studies, University of London)

PROFESSIONAL MEMBERSHIP

- Immigration Law Practitioners Association (ILPA)
- Liberty

LANGUAGES

- Spanish (conversational)

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