



# Alex Grigg

YEAR OF CALL: 2007



Alex Grigg is a barrister and mediator specialising in public and civil law. His areas of specialist expertise include immigration, asylum, unlawful detention, planning, housing and environmental law.

Alex has a wide-ranging mediation practice, from commercial disputes to public law and international dispute resolution.

Alex represents clients in the Tribunals, County Courts, High Court, Court of Appeal and European Court of Human Rights. He has particular experience in complex judicial reviews, acting both as sole counsel and as a led junior.

Alex is a CEDR accreditor mediator, and a member of the [Garden Court Mediation Panel](#). He is also an adviser to [The Oxford Process](#) conflict resolution programme. Alex has experiencing mediating in disputes between private individuals, dispute between private individuals and public bodies, and disputes between public bodies.

"Alex is very approachable and has an in-depth knowledge of community care, public and immigration law. He provided thorough advice, prepared meticulous written arguments and delivered very persuasively in court. He was also very inclusive with our vulnerable client and great at

explaining complex legal issues."

RADHI SHAH, CORAM CHILDREN'S LEGAL CENTRE

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"Alex was an invaluable member of our team in the Rwanda litigation. His advice and written work were prompt, thorough, clear, and of the highest standard. Alex's oral advocacy was also outstanding. I strongly recommend him."

TOUFIQUE HOSSAIN, DUNCAN LEWIS SOLICITORS

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"Alex is an excellent barrister with substantial Housing Law knowledge and experience. His determination and tenacity in his pursuit of justice for his clients is worth mentioning. He has a holistic approach in bringing immigration, community care and broader public law expertise to his housing cases with remarkable success."

SIVA SIVAPUNNIYAM, TYRER ROXBURGH

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"Alex Grigg is regularly instructed in complex judicial review challenges. His submissions are always well drafted and to the point. He is an effective advocate who works hard to achieve the right results for his clients."

BAHAR ATA, DUNCAN LEWIS SOLICITORS

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"Alex is approachable, extremely helpful and a pleasure to work with. Alex combines his immigration and public law expertise with strategic common sense and creativity, achieving great results for his clients. He dealt with high-level judicial and Home Office interventions with composure and effectiveness."

TOUFIQUE HOSSAIN, DUNCAN LEWIS SOLICITORS

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"Alex is easily approachable, listens well, and gives clear, accurate and concise advice. His willingness to step in, often at short notice, on the most complex cases shows his commitment to achieving justice for people in need. His approach with lay clients is admirable and he is exceptional at explaining complex legal issues in a straightforward and simple way."

SIVA SIVAPUNNIYAM, TYRER ROXBURGH

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If you would like to get in touch with Alex please contact the clerking team:

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## IMMIGRATION LAW

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Alex is able to assist both publicly-funded and private clients in the full range of immigration work, from human rights, asylum and deportation issues to complex commercial immigration. He has experience in Tribunal appeals, further appeals up to the Court of Appeal, judicial reviews, bail applications and detention claims, including claims seeking damages, and has appeared in courts and Tribunals up to the Court of Appeal and European Court of Human Rights.

Alex was instructed in the recent litigation challenging the Home Secretary's decisions to remove asylum seekers to Rwanda, appearing as sole counsel for *HTN* when successfully obtaining an interim injunction against removal from the Court of Appeal, and in interim proceedings in the High Court, then afterwards as a led junior for *HTN* and in the generic challenge to the policy.

Alex has experience and expertise in the full range of asylum and human rights cases. His recent cases include:

**Contesting decisions limiting the scope of the 'particular social groups' protected by the Refugee Convention**

**Securing variation of onerous bail conditions**

**Appeals raising exclusion issues based on serious criminality**

**Obtaining urgent injunctions against removal, both on the papers and in out-of-hours appearances**

**Disputing 'fresh claim' and other decisions excluding in-country rights of appeal**

**Challenging adverse age assessment decisions**

**Challenging decisions on asylum support under sections 4 and 95 of the Immigration and Asylum Act 1999**

**Commercial immigration under the Points-Based System.**

He is able to advise on pre-application strategy, as well as assist with challenging adverse decisions by administrative or judicial review. He can act for both private individuals and companies, including those applying for sponsor licences or seeking to avoid or dispute sponsor licence compliance action. Alex's experience as a mediator in commercial disputes means he is well placed to understand the needs and strategic

objectives of commercial actors.

## **NOTABLE CASES**

### ***R (H) v SSHD [2023] EWHC 2758 (Admin)***

Alex is representing the Claimant 'H', an Albanian national, in a judicial review of the SSHD's decision to treat H's asylum claim as clearly unfounded. Permission was granted by the High Court on the strength of Alex's criticisms of the SSHD's approach to objective evidence of conditions in Albania and the applicable country guidance.

### ***BS v SSHD***

Judicial review of the SSHD's delay in deciding family reunion applications made by BS and her children, Afghan nationals. Alex is advancing arguments relating to substantive and procedural rights under Article 8 ECHR.

### ***KZ (China) v SSHD HU/01630/2022***

Asylum appeal on long residence grounds. The FTT found that removal was disproportionate notwithstanding an absence from the UK breaking continuity of residence, accepting Alex's submissions that the terms of the Respondent's guidance supported the exercise of discretion in KZ's favour.

### ***R (MG) v SSHD JR-2023-LON-001499***

Judicial review of a decision to vary bail conditions to increase the frequency of in-person reporting from monthly to fortnightly. Following the lodging of grounds drafted by Alex, the SSHD agreed to reduce the frequency of in-person reporting to once every six months, and to pay MG's costs.

### ***HD & ND v SSHD (CO/2058/2023)***

Judicial review of the SSHD's failure to register an asylum claim, and consequent withdrawal of accommodation and financial support from an Afghan couple and their children. HD and ND were both Afghan nationals. ND had previously withdrawn an asylum claim, while HD was coming to the UK for the first time. Despite both HD and ND expressing a fear of harm in Afghanistan, only one asylum claim was registered, in ND's name. That claim was then treated as void, as ND was required to follow the 'fresh claim' process to raise any new asylum claim.

The case was resolved by consent following the lodging of grounds prepared by Alex. A claim was registered in HD's name, and the family were returned to asylum accommodation.

### ***SA v SSHD (JR-2022-LON-000760)***

SA was an Afghan national resident in the UK with family stranded in Afghanistan. SA had naturalised as a British citizen, so his family were not eligible for family reunion but had to make fee-paid applications under Appendix FM. They were unable to afford the fee, so applied to the SSHD for fee waiver. Alex was instructed in SA's judicial review of the SSHD's delay in deciding that fee waiver application. He advanced arguments concerning rationality, frustration of the purpose of the Rules, and Article 8 ECHR. The case was resolved by consent following the SSHD's agreement to expedite consideration of the fee waiver applications.

### ***AAA & Ors v SSHD [2022] EWHC 1922 (Admin), [2022] EWHC 3230 (Admin) and [2023] EWHC 55***

Alex represented the Claimant 'HTN' in the judicial review proceedings in the High Court challenging the Secretary of State's decisions to remove asylum seekers to Rwanda. Alex was initially instructed as sole counsel, obtaining a rule 39 indication from the European Court of Human Rights and an interim injunction from the Court of Appeal protecting HTN from removal.

He appeared again unled on interim issues before the High Court and thereafter as junior counsel for HTN as well as the generic claimants, successfully persuading the Court to quash the Secretary of State's decisions to treat HTN's asylum claim as inadmissible and human rights claim as clearly unfounded. Alex contributed to the preparation of the successful grounds for appeal to the Court of Appeal.

### ***MO (PA/07143/2019)***

Asylum appeal raising issues concerning the treatment of physical and mental disabilities as representing 'particular social groups' under the Refugee Convention. The Upper Tribunal accepted Alex's submissions that the FTT had erred by failing to treat both blind people and individuals suffering severely poor mental health as 'particular social groups' in Nigeria, setting aside the FTT's decision.

### ***Abdul (section 55 - Article 24(3) Charter) [2016] UKUT 106 (IAC)*** (Led by Stephen Knafler QC)

An EEA deportation case, where Mr Justice McCloskey held that Article 24(3) of the EU Charter of Fundamental Rights creates a free standing right (although not absolute).

### ***The Queen (on the application of HOD, by the Official Solicitor as his litigation friend) v Secretary of State for the Home Department [2015] EWHC 1594 (Admin)***

Where the Court, having previously ordered his release, declared that HOD had been unlawfully detained for seven months and nine days.

***Peart v Secretary of State for the Home Department [2012] EWCA Civ 568*** (Led in the Court of Appeal by Stephen Knafler QC)

Deportation appeal allowed on the basis that the immigration judge had failed to properly consider the appellant's child's best interests, failed to consider the best interests of all family members cumulatively and in the round, and had failed to give the appellant credit for evidence of positive change.

***JO (qualified person - hospital order - effect) Slovakia [2012] UKUT 00237 (IAC)***

Lord Justice McFarlane held that an EEA national does not cease to be a qualified person as a result of being detained in a hospital pursuant to an order of the court under the Mental Health Act 1983, having not been convicted of any criminal offence.

Submissions in the Court of Appeal in ***SY (Syria) v Secretary of State for the Home Department C5/2010/0388*** were described by Lord Justice Moses as 'excellent and helpful', made with 'great good sense' and 'considerable insight'.

## IMMIGRATION DETENTION

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Alex is regularly instructed in cases challenging ongoing detention of foreign nationals under immigration powers, or seeking damages for detention in the civil courts. He is available to be instructed from the earliest stages of a case, and has a track record of securing favourable settlement agreements including payment of substantial damages.

### NOTABLE CASES

***JM v SSHD (AC-2023-LON-003049)***

Alex represented the claimant JM in this judicial review of his ongoing detention by the Home Office. Despite agreement from the SSHD that JM should be released, more than a month later JM remained in detention.

Alex secured interim relief requiring the SSHD to urgently make a decision on the provision of asylum accommodation to enable JM's release from detention. JM was moved to this accommodation and released from detention. The claim is to be transferred to the High Court to continue as an action for damages.

***AB v The Home Office (K01CL723) (ongoing)***

Claim for damages for historic detention on grounds of incompatibility with the Hardial Singh principles.

### ***AR v The Home Office (Ko2CL077) (ongoing)***

Claim for damages for historic detention on grounds of the Home Office's failure to take action to progress removal.

### ***EH v SSHD (CO/1685/2023) (ongoing)***

Application for judicial review of a fresh claim decision and Claimant's detention in consequence of that decision. Alex is advancing arguments on the ramifications of unlawful immigration decisions for the lawfulness of consequent detention, an area presently subject to conflicting High Court authorities.

### ***The Queen (on the application of HOD, by the Official Solicitor as his litigation friend) v Secretary of State for the Home Department [2015] EWHC 1594 (Admin)***

Where the Court, having previously ordered his release, declared that HOD had been unlawfully detained for seven months and nine days.

## **HOUSING LAW**

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Alex regularly advises and represents tenants in a broad range of hearings, including rent arrears, disrepair, homelessness and anti-social behaviour. Alex has had significant success in obtaining substantial damages for clients in counter-claims brought against possession proceedings.

### **NOTABLE CASES**

#### ***Tahir v Aghri & Anor (claim for possession of residential premises) [2023] EW Misc 2 (CC) (17 May 2023)***

Alex represented the Defendants in possession proceedings, securing substantial damages totalling £46,500 in a counter-claim for disrepair, harassment, unlawful eviction and breach of tenancy deposit obligations. The judge noted Alex's "helpful written and oral argument", and accepted submissions that he should award both aggravated and exemplary damages.

#### ***Lambeth LBC v ZL (Legal Action February 2023, p 33; County Court at Clerkenwell and Shoreditch)***

The tenant brought a counterclaim for disrepair in response to possession proceedings brought by the council. Default judgment was obtained against the council, and Alex represented the tenant in the hearing for assessment of damages. Alex secured substantial damages of £19,350, consisting of 40% of rent from the outset of possession, 90% of rent from the collapse of the bedroom roof, and 95% of rent for the winter period

when the roof remained unrepaired. Alex successfully argued that the judge was entitled to award damages exceeding those which had been pleaded, the pleadings having been made before Alex was instructed.

***Assured Property Services v Ooo* (Legal Action September 2017, p 31; County Court at Edmonton)**

Alex successfully represented the tenant in possession proceedings. DJ Lethem held that the landlord had contravened Gas Safety regulations by failing to serve a gas safety certificate prior to occupation of the premises by the tenant. The Judge set aside a possession order and dismissed the claim for possession, awarding costs to the tenant.

***Hammersmith and Fulham LBC v Patterson* (Legal Action May 2016, p 40; County Court at Willesden)**

Alex successfully represented the tenant in an appeal against a possession order. The tenant was an 'introductory tenant' in council accommodation. HHJ Karp accepted Alex's submissions that the Council's s. 128 possession notice was invalid as imposing an extra-statutory condition that a review request be made in writing only.

***Cutler v Barnet LBC* 2014 EWHC 4445 (QB)**

This was a successful appeal to the High Court, allowed by Mr Justice Supperstone on five grounds. It was held that the absence of a formal application under CPR 23 was not conclusive. CPR 3.8 & 9 do not require the application for relief to be made in writing. The judge had power under CPR 3.8 to determine the application and indeed could have done so of his own initiative. The Court should have balanced the CPR 3.9 factors and considered proportionality and the overriding objective, but had failed to do so. Debarring the Appellant from defending possession of her home purely on the basis that there had been no formal written application under CPR 23 amounted to a breach of Article 6.

***London Borough of Hammersmith and Fulham v Sean Patterson* (HHJ Karp, Willesden County Court, 3rd September 2013)**

A successful appeal was based on the proposition that a notice under sections 125 and 128 of Housing Act 1996 was invalid when it imposed a mandatory extra-statutory condition to request a review 'in writing'. Alex has advised on the settlement of other similar cases.

In *Fakhari v Newman* (Legal Action June 2010 p35) significant damages were awarded for disrepair and unlawful eviction. Damages included £2,000 for harassment and £2,000 for exemplary damages.



## COMMUNITY CARE

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Alex has experience representing vulnerable care-leavers seeking support from local authorities. He has recently had success before the High Court in challenging a local authority's refusal to conduct a 'human rights assessment' to assess the needs of a care-leaving failed asylum seeker who was in the process of making a fresh claim.

Alex is also experienced representing asylum seekers and others seeking accommodation and other support from the Home Office.

### NOTABLE CASES

#### ***K v SSHD (AS/23/12/45940)***

Alex is instructed in this lead case in the Asylum Support Tribunal, addressing the scope of the Tribunal's jurisdiction to consider the lawfulness of eviction from asylum accommodation following a contested decision to treat an asylum claim as implicitly withdrawn.

#### ***R (GA) v SSHD (AC-2023-LON-002995)***

GA was an asylum seeker who was evicted from Home Office accommodation following a decision to treat his asylum claim as implicitly withdrawn. Alex prepared grounds challenging GA's eviction and the implicit withdrawal decision, advancing arguments relating to article 3 ECHR, the statutory support regime, and common law reasonableness. The case raises issues about the SSHD's broader approach to pursuing evictions in circumstances where it is clear that an asylum seeker will wish to renew their claim and cannot be expected to leave the UK.

Alex obtained urgent interim relief for the client, who was duly restored to accommodation pending the outcome of the claim.

#### ***R (DK) v London Borough of Croydon [2023] EWHC 1833 (Admin) (Led by Irena Sabic KC)***

Represented the claimant DK in a challenge to Croydon's refusal to provide care-leaver support. DK was an Albanian national who had claimed asylum in the UK and been cared for by Croydon. Croydon withdrew support when DK's asylum claim was refused, and refused DK's requests to reinstate support when he submitted a fresh claim. Following the hearing before the High Court, Croydon agreed to reconsider its decision to refuse support, and conduct a human rights assessment.

The Court accepted submissions from Alex and his leader Irena Sabic KC that it should decide the issue notwithstanding Croydon's concession, and held that Croydon's failure to conduct a human rights assessment had been unlawful. Judgment on the question whether DK was in fact entitled to support was stayed pending Croydon's human rights assessment.

### ***R (IL) v SSHD CO/1472/2023***

Alex represented the Claimant IL, a Ukrainian national with two minor children seeking asylum in the UK, in a challenge to the SSHD's failure to provide the family with suitable accommodation. The claim was resolved by consent with the SSHD agreeing to provide the accommodation sought, and to pay IL's costs.

## **PLANNING LAW**

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Alex has appeared in planning and environmental cases at public inquiries, in the Magistrates' Court, County Court, Administrative Court and Court of Appeal. He has wide experience of planning inquiries, from pupillage and practice.

During pupillage, Alex assisted in the drafting of an application to Strasbourg regarding the Convention compatibility of the construction of 'dwelling house' under s.171(B)(2) TCPA 1990. The case settled, allowing the applicant to remain in a simple and unconventional dwelling. Alex has advised and represented in numerous cases involving Gypsies and Travellers.

### **NOTABLE CASES**

#### ***Mendip District Council v Arjuna of Avalon & Ors (D00YE132)***

Alex represented a number of Defendants resisting an eviction claim by Mendip District Council. Following Alex's submissions, the court accepted that the Defendants had a 'seriously arguable' defence to the proceedings under article 8 of the European Convention on Human Rights.

#### ***Ashford Borough Council v R & Others (2016) QB***

Mr Justice Hickinbottom granted but suspended the operation of an injunction, allowing a Gypsy family to remain on their land pending the outcome of their planning appeal.

***The Queen on the Application of Connors and Doe v Secretary of State for Communities and Local Government [2016] EWHC Admin***, a judicial review in the wake of the declaration in R.

***(Moore and another) v Secretary of State for Communities and Local Government (Equalities and Human Rights Commission intervening)* [2015] EWHC 44 (Admin)**

Mr Justice Collins considered Boddington principles regarding the lawfulness of decisions pursuant to unlawful policies but concluded that the proper forum for this was the existing s288 appeal, which Collins J suggested the SSCLG would be 'very sensible' to concede.

***Meisels v Secretary of State for Communities and Local Government and East Hampshire District Council* (2016) QB section 288 appeal addressing procedural fairness.**

***Stevens v Secretary of State for Communities and Local Government and Guildford Borough Council* [2013] EWHC 792 (Admin)**

This was a statutory challenge brought in respect of a planning inspector's decision to refuse temporary planning permission for a Gypsy site. The Claimant argued that the Inspector had failed to take account of the best interests of the children in accordance with the principles laid down by Baroness Hale in the Supreme Court decision in *ZH (Tanzania) v SSHD* [2011] UKSC 4. Mr Justice Hickinbottom accepted that the principles were relevant and gave guidance on their application in planning cases but concluded that on the facts of this case the Inspector had (by other means) complied with those principles (led by Marc Willers QC).

**Led by Marc Willers QC, in the High Court *Broxbourne Borough Council v Robb* [2011] EWHC 1626 (QB), [2011] All ER (D) 197 (Jun), and Court of Appeal [2011] EWCA Civ 1355.**

Mr Justice Cranston held that the local authority had discharged its duty under s.71 of the Race Relations Act 1976. Although it had not made any explicit reference to the provision in its papers, it was found that, in substance, the council had had regard to the special position of Gypsy and Traveller occupants of the site.

It was accepted that the decision to instigate proceedings had been taken in the context of there being no alternative authorised sites available. The presence on the site of long-term residents who were not affected by the injunction did not preclude the local authority from taking committal proceedings against people like Mr Robb who were not long-term residents.

It could not be said that Robb's appeal against change of use had real prospects of success, so that was not a compelling factor in favour of variation. The provision of stability and education for his children was a primary consideration but, in considering proportionality, Mr Justice Cranston held that very great weight had to be given to Robb's 'conscious defiance' of the law in establishing his home on an environmentally protected site.

The Court of Appeal held that Mr Justice Cranston's decision to make Mr Robb subject to a suspended committal order in respect of his failure to comply with an injunction prohibiting any residential development

of a plot of land designated for leisure use was a proportionate response and could not be impugned.

## **PUBLIC LAW**

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Alex has a broad public law practice and a record of securing positive outcomes for his clients. His writing on constitutional and public law issues arising out of the government's Rwanda policy and proposed legislation ([\*\*Blog: Irena Sabic KC and Alex Grigg Reflect on the Rwanda Bill\*\*](#)) has recently been cited in a House of Commons Research Briefing ([\*\*Safety of Rwanda: legal commentary\*\*](#)).

## **NOTABLE CASES**

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He appeared again unled on interim issues before the High Court and thereafter as junior counsel for HTN as well as the generic claimants, successfully persuading the Court to quash the Secretary of State's decisions to treat HTN's asylum claim as inadmissible and human rights claim as clearly unfounded. Alex contributed to the preparation of the successful grounds for appeal to the Court of Appeal.

## **EDUCATION**

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**MA (Hons)**

**LLB**

## **PROFESSIONAL MEMBERSHIP**

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**Administrative Law Bar Association (ALBA)**

**Housing Law Practitioners Association (HLPAs)**

**Immigration Law Practitioners' Association (ILPA)**

## **LANGUAGES**

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**Spanish**

**French**

**Catalan**

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