



Adrian Berry

YEAR OF CALL: 1998



<https://www.gardencourtchambers.co.uk/assets/images/resize/original/1924.png>



Adrian's core public law practice spans a range of inter-related areas concerning citizenship, migration, human rights, international protection, and social assistance.

He acts and advises across the field of public law. He provides advice and advocacy services. He accepts instructions via a solicitor or other licenced professional client. In addition, he is acts for clients directly under the Bar Public Access scheme.

Adrian acts for individuals, communities and, where appropriate, NGOs and international organisations. He accepts instructions to assist persons with applications, reviews and legal remedies in courts and tribunals. He also acts as a consultant to NGOs and international organisations, to assist with strategic litigation, analyses and reports of immigration and nationality law and practice, and actions plans for reform.

Adrian practises in the Administrative Court, the Immigration Tribunals, the Administrative Appeals Chamber of the Upper Tribunal, Appeal Courts, County Courts, and the Special Immigration Appeals Commission (SIAC). He has acted in cases before the Court of Justice

of the European Union (CJEU) and with petitions to the European Court of Human Rights.

A list of some of his notable cases is set out below.

He writes a blog on migration, citizenship and free movement called Cosmopolis. He also has a website on Nationality and Citizenship law. As an immigration barrister he is widely known, not just for his casework, but also for his policy work and contribution to debates on immigration and nationality law.

"An absolutely brilliant brain and a delight in equal measure. One of the finest legal minds in EU and immigration law of our time."

CHAMBERS UK, 2020

"Without doubt one of the brightest barristers in the field."

LEGAL 500, 2020

"He is the undoubted authority on EEA and UK nationality law. He is always ready to go the extra mile and undertakes in-depth research for each matter, no matter how busy he is. He provides comfort and confidence to clients but also explains matters to them with exceptional clarity."

CHAMBERS UK, 2020

"He is second to none on EU issues." "Has extensive knowledge across all areas of immigration, asylum and nationality law."

CHAMBERS UK, 2019

"His brain works at frightening speed. Highly regarded for his expertise on nationality law."

LEGAL 500, 2019

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

contactmyclerks@gclaw.co.uk | [+44 \(0\)20 7993 7600](tel:+442079937600)

You can also contact Adrian directly:

adrianb@gclaw.co.uk | [+44 \(0\)20 7993 7706](tel:+442079937706)

BRITISH NATIONALITY LAW, NATIONALITY LAW CODES, AND STATELESSNESS

Adrian has an extensive practice in British nationality law, both (1) in historic Commonwealth-based claims and (2) in contemporary issues concerning the automatic acquisition of citizenship, naturalisation and registration, as well as deprivation and loss of British nationality. He advises on claims to be a British citizen, British Overseas citizen (BOC), British overseas territories citizen (BOTC), British National (Overseas) (BN(O)), British protected person (BPP) or British subject.

He also regularly advises on the conflict of nationality laws for people with multiple nationalities, who hold or seek to hold both British nationality and other foreign nationalities, where the other countries are intolerant of multiple nationalities. In these cases he acts in partnership with foreign lawyers to resolve the conflict of laws between nationality law codes, as well as issues concerning domicile and tax. He also advises on the use of passports as markers of nationality.

As regards statelessness issues, he acts and advises in relation to statelessness cases, including in relation to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. He works on cases concerning stateless persons in detention, the regularization of stateless persons, and the welfare of stateless persons. He has worked with Asylum Aid and the Equal Rights Trust on statelessness issues and – as a member of the UNHCR London panel of counsel – he advises UNHCR on statelessness issues. He is a member of the Advisory Council of the European Network on Statelessness (ENS).

He has contributed to all chapters and parts of *Fransman's British Nationality Law* (3rd edition 2011), contributed the nationality law chapters to the *JCWI Handbook 2006*, contributed to *Jackson and Warr's Immigration Law and Practice* (2008) on the Right of Abode, contributed the nationality law chapters to the *Blackstone's Guide to the Borders, Citizenship and Immigration Act 2009* (OUP 2010), advised JCWI on government nationality proposals, and contributed to responses to government consultation papers and advised peers in the House of Lords for ILPA.

He has written on the relationship between British nationality and EU citizenship in *Deprivation of Nationality and Citizenship – The Role of EU Law*

Journal of Immigration Asylum and Nationality Law Volume 28 Number 4 2015 pp. 355-366. In addition, he has provided advice in *Chagos Islanders v UK* (ECtHR) on the position of the Chagos Islanders in British nationality law.

He provides training on British nationality law and has taught nationality law as part of international public law to LLM students. He was a member of the group of nationality law experts reviewing the draft Protocol to the African Charter on Human and Peoples' Rights on the right to Nationality and the Prevention and Prohibition of Statelessness in Africa. He was a member of the Home Office Earned Citizenship Strategic Advisory Group.

INVESTOR, ENTREPRENEUR, HIGH VALUE AND ECONOMIC MIGRATION (INC WORK PERMITS)

Adrian acts for individuals, commercial undertakings, and institutions in relation to matters arising for economic migrants under the Points-Based System (Tiers 1, 2 and 5) and other routes. Among other things, he provides advice to individuals, sponsors, and banks and financial entities, in relation to the Tier 1 (Investor) route, the Tier 1 (Entrepreneur) route, Tier 2 work permits and Tier 2 Intra-Company Transfers (ICTs), and to individual and sponsors under other routes.

He regularly advises on the issues that arise for migrants and for employers in relation to unlawful employment and civil penalties (including county court appeals), including scenarios where the employer holds a sponsor licence. He also works with employment lawyers to advise on the cross-over between immigration sponsorship, breaches of immigration law, employment rights law, and dismissal law, in relation to migrants. He writes on economic migration issues. In addition, he provides strategic advice to professional associations, commercial entities and community interest groups on the use of the economic migration routes and the opportunities for lobbying the UK Home Office on areas of concern.

EU CITIZENSHIP AND FREE MOVEMENT

Adrian has an extensive practice in relation to both EU citizenship and the free movement of persons under EU law. He has appeared in numerous cases before the Court of Justice of the European Union (CJEU) (including *Chen*, *Teixeria* and *Dias*) and in numerous reported cases in domestic UK courts. He has a particular interest in EU law as it applies to EU citizens and third country nationals in immigration and social welfare cases.

As regards immigration law, he advises on free movement of persons under Directive 2004/38/EC, deportation, rights of residence derived from other EU law provisions, Posted Workers rights, and the use of the Charter of Fundamental Rights to protect family members of EU migrants.

As regards social welfare cases, he also advises on entitlement to social assistance under EU law, the co-ordination of social security (Regulation 883/2004), and the right to equal treatment in social policy and education matters.

As regards EU citizenship, he advises on rights derived from EU citizenship (*Zambrano* related rights) and associated social welfare rights, see for example his case of *Pryce v Southwark* in the Court of Appeal.

He has provided advice and assistance on EU law issues to the AIRE Centre, FEANTSA, and ILPA, among others. He has written extensively about the welfare of EU migrants, see *Macdonald's Immigration Law and Practice; Housing Law Handbook* (Law Society 2009); *Support for Asylum Seekers and other Migrants* (Legal Action Group, 2009); and *Social Rights under Directive 2004/38/EC* Journal of Immigration Asylum and Nationality Law Volume 21 Number 3 2007 pp. 233-244.

HUMAN RIGHTS AND FAMILY REUNION

Adrian advises and acts across the range of human rights issues that affect his clients, deploying human rights arising under the ECHR, the EU Charter of Fundamental Rights, the Common Law and other human rights catalogues, as appropriate. In immigration proceedings he acts for clients with family reunion issues and those who seek to rely on the European Convention on Human Rights. He has a particular interest in the intersection between immigration proceedings and family proceedings, and the procedural protection afforded by article 8 ECHR, see for example *Mohan v Secretary of State* [2012] EWCv Civ 1363, Court of Appeal. He advises on human rights and fundamental rights to European NGOs working variously on nationality, statelessness and homelessness issues.

INTERNATIONAL PROTECTION, REFUGEE LAW AND ASYLUM, EXTRADITION

Adrian acts for a small number of clients with complex and sensitive asylum and international protection claims. Many of his clients have extensive political and economic interests in the country from which they have fled, have a high profile and are also liable to extradition. He works in partnership with extradition

lawyers, immigration solicitors, country experts and commercial advisors to provide a comprehensive service.

He provides advice and representation in matters arising under the 1951 Refugee Convention, the Refugee Qualification Directive (2004/83/EC) and the European Convention on Human Rights. He also acts in European Arrest Warrant (EAW) and Extradition cases and appeals. He also acts for a small number of clients with general asylum claims, including clients with multiple nationalities, statelessness issues, difficult issues in relation to a nexus to a Refugee Convention reason, and those subject to removal under the Dublin Regulation. He writes on Refugee law issues. He is a contributor to *Asylum Law and Practice* (Bloomsbury Professional, 2010).

SETTLEMENT, PERMANENT RESIDENCE AND CITIZENSHIP FOR HIGH-VALUE MIGRANTS

Adrian provides strategic advice on settlement and citizenship options for persons looking to secure settlement, permanent residence and citizenship in the UK and elsewhere. He works in partnership with lawyers in other jurisdictions and with tax and financial advisors to ensure that clients are able to undertake the strategic planning necessary to optimise their position.

STUDENT MIGRATION

As regards students and matters arising under Tier 4, Adrian advises and acts for individuals migrating to the UK. He also for schools, and colleges in relation to sponsor licences (issue, suspension and revocation matters). In addition, he provides strategic advice to professional associations, commercial entities and community interest groups on the use of the student migration routes and the opportunities for lobbying the UK Home Office on areas of concern.

GENERAL IMMIGRATION LAW

Adrian acts and advises clients with issues arising under general immigration law. In addition to the work described above, he advises and acts for clients seeking to enter and remain in the UK under the Immigration Rules and on the options outside of the Immigration Rules. He also acts for clients who are unlawfully detained, those facing deportation as 'foreign criminals' or facing removal proceedings, and those who cases require a detailed knowledge of the structure of immigration control under the Immigration Act 1971.

He has also advised and represented OISC advisors in disciplinary matters before the First-tier Tribunal (Immigration Services). He is a contributor to *Macdonald's Immigration Law and Practice*. He advises and acts for landlords subject to Home Office civil penalties under the 'right to rent' provisions of the 2014 Immigration Act.

HOMELESSNESS, HOUSING AND MIGRANT WELFARE

Adrian regularly acts and advises in all areas of homelessness and allocations law concerning matters that are amenable to judicial review and in statutory homelessness appeals in the county court. In particular, he specialises in eligibility issues for migrants, appearing in numerous, reported cases. He has also provided HLPAs with training and workshops on eligibility issues.

Adrian's expertise in social housing is in securing accommodation and housing for migrants. He provides a distinct service to solicitors with migrant clients based on being a one-stop shop on account of his fluency in housing, immigration, nationality, EU, ECHR and social security law. Where possible he solves problems in one of these areas by finding solutions in another.

In 2010 he was counsel in the first housing case (one of two linked cases) to reach the Court of Justice of the European Union from a British court, see *Teixeira v London Borough of Lambeth* [2010] EUECJ C-480/08. In addition he has a string of reported cases demonstrating his expertise in helping migrants secure: homelessness assistance, asylum support accommodation, accommodation for children leaving care, and housing benefit. He is responsible for many of the homelessness 'eligibility' cases decided in the Court of Appeal in recent years.

Adrian has developed a deep interest in migrant welfare, housing and support matters under different statutory regimes. His clients often have issues that touch on the Housing Act 1996, Community Care provisions, the Children Act 1989, and asylum support matters. He has particular expertise in asylum support, has a detailed knowledge of the asylum support system and has written extensively on support for asylum seekers.

He is widely published on social housing for migrants having contributed to the chapter in *Macdonald's Immigration Law and Practice* on 'Asylum Support, Housing and Community Care'; contributed the chapter in *Asylum Law and Practice* (Bloomsbury Professional, 2010), on the accommodation, housing and support of migrants 'Treatment of Asylum Seekers'; and contributed the chapter in the *Housing Law Handbook* (Law Society, 2009), on 'Housing outside the Parts 6 and 7 of the Housing Act 1996'.

He also wrote the chapter in *Support for Asylum Seekers and other Migrants* (Legal Action Group, 2009) on benefits, including housing benefit.

He has a particular specialism in EU law as it applies to EU citizens and third country nationals in social housing, welfare and immigration cases, appearing in numerous reported cases. He is the author of ‘*Social Rights under Directive 2004/38/EC*’ *Journal of Immigration Asylum and Nationality Law* Volume 21 Number 3 2007 pp. 233-244.

COMMUNITY CARE AND WELFARE BENEFITS

Adrian acts and advises clients in the First-tier and Upper Tribunal in social security and pensions cases, including but not limited to cases that touch on immigration issues, EU law issues, pensions and points of statutory construction.

He has also acted in such cases, many reported, before the Administrative Court, the Court of Appeal and by way of reference before the European Court of Justice. He contributed the chapter on benefits to *Support for Asylum Seekers and other Migrants* (Legal Action Group, 2009). He has a particular expertise in the co-ordination of social security for migrants under EU Regulation 883/2004. In community care matters, he acts and advises clients, and migrants, in particular on access to social assistance and entitlement under EU law.

NOTABLE CASES

Notable cases include:

R(ML(Morocco) v Secretary of State for the Home Department [2016] EWHC 2177 (Admin), High Court. A period of 10 months’ detention under immigration powers while the Secretary of State tried to obtain an emergency travel document for a stateless individual was not unlawful. **Lopes v London Borough of Croydon [2016] EWCA Civ 465, Court of Appeal.** The court determined the correct destination for appeals where there had been an appeal to the county court which had made a determination as to costs and the parties wished to appeal the costs order. **London Borough of Croydon v Y [2016] EWCA Civ 398, Court of Appeal.** A judge should have granted a local authority’s application to strike out or stay an asylum seeker’s challenge to an age assessment unless he consented to further age assessments where such an order was reasonably necessary to enable the local authority to defend the challenge and the asylum seeker’s refusal to give his consent was unreasonable. The principles from *Starr v National Coal Board*

[1977] 1 W.L.R. 63 were not confined to private law litigation. **Secretary of State for Home Department v Ojo [2015] EWCA Civ 1301, Court of Appeal.** The acquisition of a permanent right of residence depended on continuous residence with a qualifying status. Residence and immigration status were not analogous and a period during which the requisite financial dependency had been broken could not be ignored. **R(Bondada) v Secretary of State for the Home Department [2015] EWHC 2661 (Admin), High Court.** An applicant who had been born in India to a father who had acquired British citizenship prior to her birth established her entitlement to British citizenship by descent, pursuant to the British Nationality Act 1981 s.11(1), where her mother's passport from 1978 provided clear evidence of her parentage and her parents' marriage. **Secretary of State for Work and Pensions v SF [2015] UKUT 502 (AAC), Upper Tribunal.** Pregnancy and childbirth were not of themselves enough to take a woman off the employment market and so outside the scope of TFEU art.45; a woman was protected by her worker status until such time, not exceeding the "reasonable period" contemplated by Saint Prix, as she showed an intention not to be part of the employment market. **B(Eritrea) v Secretary of State [2015] EWCA Civ 141, Court of Appeal.** A Refugee was lawfully entitled to benefits from the date his status was established **R(Kondrak) v Secretary of State [2014] EWHC 639 (Admin), High Court.** The detention of a Polish national pending administrative removal was unlawful from the outset **R(Foo Ann Ku) v Secretary of State [2013] EWHC 3881 (Admin), High Court.** At the date of removal of a British Overseas Citizen (BOC) the Secretary of State had reason to believe that the individual would be admitted to Malaysia **Pryce v London Borough of Southwark, Secretary of State for the Home Department intervening [2012] EWCA Civ 1572 (7 November 2012) Court of Appeal** Whether an unlawfully present parent of a British citizen/EU citizen child derived a right of residence from the need to enable the child to enjoy the genuine substance of his rights as an EU citizen in the country of his birth; whether EU citizenship after the case of Zambrano could confer a directly effective right of residence on that parent that rendered her eligible for homelessness assistance. **Mohan v Secretary of State for the Home Department [2012] EWCA Civ 1363 (23 October 2012) Court of Appeal** The extent of the procedural protection afforded by article 8 ECHR, when immigration expulsion proceedings are afoot but family proceedings concerning contact with a child are not yet complete. **SL v Westminster City Council, Medical Foundation for the Care of Victims of Torture and MIND intervening [2011] EWCA Civ 954 (10 August 2011) Court of Appeal** (acted for Medical Foundation by way of written submissions) The correct approach to the construction of s 21(1)(a) of the National Assistance Act 1948 as regards 'care and attention' and whether accommodation is 'otherwise available' when considering whether there is a duty to provide residential accommodation. **Secretary of State for Work and Pensions v Maria Dias [2011] EUECJ C-325/09 (21 July 2011) European Court of Justice** Whether periods of residence completed prior to the

transposition of Directive 2004/38/EC contribute to the acquisition of the right of permanent residence. Whether periods of residence completed in reliance on a Residence Permit contribute to the acquisition of a right of permanent residence. **PM (EEA – spouse - "residing with") Turkey [2011] UKUT 89 (IAC) (7 March 2011) Upper Tribunal** Regulation 15(1)(b) of the Immigration (European Economic Area) Regulations 2006 applies to those who entered a genuine marriage where both parties have resided in the United Kingdom for five years since the marriage; the EEA national's spouse has resided as the family member of a qualified person or otherwise in accordance with the Regulations and the marriage has not been dissolved. The "residing with" requirement relates to presence in the UK; it does not require living in a common family home. **R(on the application of Birara) v Hounslow Borough Council [2010] EWHC 2113 (Admin) (16 July 2010) Administrative Court** Accommodation for Children Leaving Care: Whether a local authority's decision to cease to provide a young person previously under its care with support and accommodation once she turned 21 could not stand where, in reaching that conclusion, it had failed to have regard to its own policy to continue to fund education past 21 in exceptional circumstances. **Teixeira (European citizenship) [2010] EUECJ C-480/08 Teixeira v London Borough of Lambeth and another C-480/08 (23 February 2010) European Court of Justice** Whether an EEA national who is both a former worker and the primary carer of her children who are in education, is eligible for homelessness assistance by virtue of enjoying a right to reside pursuant to Article 12 of Regulation (EEC) 1612/68. **R (Ghai v Newcastle City Council and Others & Secretary of State for Justice (Interested Party) & (1) Ramgharia Gurdwara, Hitchin (2) Alice Barker Welfare & Wildlife Trust (3) Equality & Human Rights Commission (4)Hindu Merchants Association (interveners) [2010] EWCA Civ 59 (2010) 3 All ER 380, (2010) 7 EG 101 (CS), Times, February 18, 2010 (10 February 2010) Court of Appeal** Whether the wishes of an orthodox Hindu that his remains be cremated on a traditional fire could be accommodated under the Cremation Act 1902 and the Cremation (England and Wales) Regulations 2008, whether the kind of structure that he found acceptable for his cremation was a "building" within s of the 1902 Act. **Malekout v Secretary of State for Work & Pensions [2010] EWCA Civ 162 (02 February 2010) Court of Appeal** Whether for payments to be disregarded under the Income Support (General) Regulations 1987 Sch.9 para.15(5A)(e) for the purposes of assessing a claimant's entitlement to income support, the agreement giving rise to the payments, and not just the payments themselves, had to have been made in consequence of personal injury to the claimant. **HS v Secretary of State (29 January 2010) SC/69/2008 Special Immigration Appeals Commission** Whether the exclusion a foreign national resident in the UK was in the interests of national security and compatible with Article 8 ECHR. **Low & Ors, R (on the application of) v Secretary of State for the Home Department [2010] EWCA Civ 4 (14 January 2010) Court of Appeal** Whether

the decision of the Secretary of State to refuse residence documents to third country nationals otherwise unlawfully present in the UK was contrary to the freedom to provide services under Article 49 of the EC Treaty when such nationals were temporarily employed by an Irish company with a contract to provide services in the UK. **Novitskaya v London Borough of Brent & Anor [2009] EWCA Civ 1260 (01 December 2009) Court of Appeal** Whether a claim for housing benefit can be made without using explicit words to indicate that a claim for housing benefit is being made. The judgment benefits vulnerable persons who make defective claims for housing benefit. **Secretary of State for Work and Pensions v Dias [2009] EWCA Civ 807 (31 July 2009) Court of Appeal** Whether a EU Residence Permit confers eligibility for income support on a single female head of household who left work to care for her child by virtue of Article 16 of Directive 2004/38/EC or Article 18 of the EC Treaty; referred to the European Court of Justice. **Yesiloz v London Borough of Camden & Anor [2009] EWCA Civ 415 (20 May 2009) Court of Appeal** Whether a Turkish asylum seeker on temporary admission and subject to immigration control, as a citizen of a state that had ratified ECSMA, and in respect of whom some provision had been made in social security legislation, ought to be considered as having a right to reside for housing benefit purposes. **Barry v London Borough of Southwark [2008] EWCA Civ 1440 (19 December 2008) Court of Appeal:** Whether an EEA national was eligible for homelessness assistance as a worker where he had worked for two weeks at a tennis championship and sought to retain worker status. **BY v Secretary of State for the Home Department [2008] UKSIAC 65/07 (07 November 2008) Special Immigration Appeal Commission** The application of EU law to an entry clearance application where national security forms the ground for exclusion. **Baiai & Ors, R (On The Application of) v Secretary of State For The Home Department [2008] UKHL 53 (30 July 2008) House of Lords** Whether the scheme introduced by the Secretary of State that limited the rights of those subject to immigration control to enter into a civil marriage infringed the European Convention on Human Rights 1950 Art.12 and was therefore unlawful. The objection inherent in the scheme applied just as much in the case of an illegal entrant as in the case of persons with very limited permission to remain. **Humphries & Ors v Secretary of State for Work and Pensions [2008] EWHC 1585 (Admin) (09 July 2008) Administrative Court** Child Support Agency (CSA) The application of the ex gratia compensation scheme and the use of administrative complaints procedures. **Ehiabor v Royal Borough of Kensington & Chelsea [2008] EWCA Civ 1074 (08 May 2008) Court of Appeal** Homelessness: whether a child born in the UK to a person subject to immigration control, who had never left the country, could be a 'person from abroad' for the purposes of homelessness legislation. **Secretary of State for Work and Pensions & Anor v Boyle & Anor [2008] EWCA Civ 210 (31 January 2008) Court of Appeal** Child Support Agency: The correct construction of secondary legislation where there is an interim maintenance assessment and information is provided to enable a full maintenance

assessment to be made. **Christie v Department for Constitutional Affairs & Anor [2007] UKEAT 0140_07_2307 (23 July 2007) Employment Appeal Tribunal** Whether a part-time fee paid tribunal chairman was a 'worker' within the meaning of the Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Part Time Workers Framework Directive (97/81/EC). **FD (Algeria) v Secretary of State for the Home Department [2007] EWCA Civ 981 25 September 2007) Court of Appeal** Whether the Secretary of State can rely on the unlawful presence of an unmarried partner of an EEA national to refuse a residence card, notwithstanding that they are in a durable relationship and whether the Secretary of State can apply the domestic immigration rules to the application (case settled). **Rowley & Ors v Secretary of State for Department of Work and Pensions [2007] EWCA Civ 598 (19 June 2007) Court of Appeal** Whether the Secretary of State for Work and Pensions owed a common law duty of care in negligence to an applicant for child support under the Child Support Act 1991 as such a duty would be inconsistent with the statutory scheme. **Baiai & Ors, R (on the application of) v Secretary of State for the Home Department & Anor [2006] EWHC 1035 (Admin) (10 May 2006) Administrative Court** Whether human rights damages are available and should be awarded to a person where there is a breach of Article 12 and Article 14 ECHR. **Paul-Coker, R (on the application of) v London Borough of Southwark [2006] EWHC 497 (Admin) (03 March 2006) [2006] HLR 32 Administrative Court** Homelessness, interim accommodation pending Review, there was an unreasonable refusal letter failing to adequately adequately apply the ex parte Mohammed test in context of an arguable habitual residence of Claimant. **YD (Turkey) v Secretary of State for Home Department [2006] EWCA Civ 52 (08 February 2006) Court of Appeal:** Inherent power of Court of Appeal to order stay on removal where an appeal from AIT lodged out of time. **Mohamed, R (on the application of) v London Borough of Harrow [2005] EWHC 3194 (Admin) (13 December 2005) [2006] HLR 18 Administrative Court** Homelessness, Interim accommodation pending Review, whether EC workers and EU citizens excluded from consideration. **R (Conde) v Secretary of State [2005] EWHC 62 (Admin) [2005] HLR 452 Administrative Court:** Availability of Children Act services to work seekers from EU Member States. **Burns, R (on the application of) v London Borough of Southwark [2004] EWHC 1901 (Admin) (19 July 2004) Administrative Court:** Whether local authority entitled to rely on Home Office view of immigration status or whether it is required to make its own enquiries. **Chen and Others (Free movement of persons) [2004] EUECJ C-200/02 (19 October 2004) [2005] QB 325, [2005] All ER (EC) 129 [2004] 3 CMLR 1060 European Court of Justice:** Right to reside in UK of primary carer of an EU/Irish citizen in context of right to reside under Article 18 of the EC Treaty. **Zardasht, R (on the application of) v Secretary of State for Home Department [2004] EWHC 91 (Admin) (23 January 2004) [2004] All ER (D) 196 (Jan) Administrative Court:** Destitution of asylum seekers,

ambit of Article 3 ECHR **A, X and Y, & Ors v Secretary of State for the Home Department [2002] EWCA Civ 1502 (25 October 2002) Court of Appeal**: Article 15 ECHR, Derogation, Detention, Discrimination, Article 14 ECHR, Terrorism, National Security. **Secretary of State For The Home Department v. Rehman [2001] UKHL 47 (11th October, 2001) [2003] 1 AC 153, [2002] 1 All ER 122 House of Lords**: Deportation and National Security.

WHAT OTHERS SAY

Adrian is ranked in both legal directories for immigration. He is ranked in Tier 1 in the Legal 500 2019 and Band 1 in Chambers UK 2019.

In Chambers UK he has been described as having “real flair” and as being “excellent on EU points.” In the Legal 500 he has been described as ‘an “EU whiz-kid” who manages to “unscramble the EU and social security minefield with ease”’, as having ‘an extensive British nationality law practice’, and as someone whose “commitment to ensuring that EU law can be used to benefit people who would otherwise be destitute is unwavering.”

In **Chambers UK 2019**, it is written that “He is second to none on EU issues.” “Has extensive knowledge across all areas of immigration, asylum and nationality law.”

In **Legal 500 2019**, it is written that “His brain works at frightening speed. Highly regarded for his expertise on nationality law.”

In **Chambers UK 2018**, it is written that “He impresses with his clear analytical thinking and an unrivalled knowledge of the law. In the era of Brexit, he is unquestionably the man to go to for EEA and nationality matters.”

In **Legal 500 2017**, it is written that “He is a genius; a walking encyclopaedia in both nationality law and European law.”

In **Chambers UK 2017**, Adrian is described as “An exceptionally skilled junior, whose practice is heavily focused on British nationality and EU free movement law. He routinely receives instructions from large-scale corporations in major commercial immigration matters.” “An absolutely brilliant brain and a delightful personality – always a pleasure to work with.” “One of the finest legal minds of our time.”

In the **Legal 500 2016**, it is written that “His knowledge of the EU aspects of immigration law is unrivalled.”

In **Chambers UK 2016**, it is written that “He remains one of the few true experts on nationality law.” “He knows EEA law inside out. He is a seasoned High Court advocate and is so well connected in the world of immigration law, domestically and throughout Europe.”

In **Legal 500 2015**, Adrian is described as “Analytical, and extremely clever at complex law; the best of any barrister at EU and nationality law.” Regarding his social housing practice, “His depth of knowledge is excellent.”

In **Chambers UK 2015**, it is written that Adrian “has an excellent reputation for his work on British nationality, international protection and asylum matters. He is often called upon to advise the UNHCR on statelessness, and he provides businesses, schools and individuals with information on Tier 1 and Tier 4 applications. He is described as “incredibly knowledgeable across all areas of UK immigration law and always willing to take the time to have something run by him.” “Very impressive on nationality issues and statelessness, and a very good advocate and communicator.”

In **Chambers UK 2014**, Adrian is described as a “guru on European immigration issues,” and as “thorough and highly knowledgeable.” “In EU law he really is the person.” Regarding his practice in social housing, he is described as “bright and articulate,” Adrian Berry has extensive knowledge of the eligibility of EU nationals to housing rights. “He’s really stepped up as a leading junior on EU-related housing cases.” “He’s consistently turning out quality Court of Appeal and European work.” Sources praise him for his ability to convey complex arguments in a concise, clear and persuasive manner.”

In **Legal 500 2014**, Adrian is highlighted in Social Housing where it is said that “his knowledge of European Law is exceptional and his drafting is precise and clear.” He is also highlighted in Immigration where it is noted that “judges listen to him.”

PRO BONO AND COMMUNITY WORK

- European Human Rights Advocacy Centre (EHAC)

PUBLICATIONS

Books

- *Macdonald’s Immigration Law and Practice* (2015) contributor
- *Fransman’s British Nationality Law* (3rd edition, 2011) contributor to all chapters.

- *Asylum Law and Practice* (Bloomsbury Professional, 2010), contributed the chapter on ‘Treatment of Asylum Seekers’
- *Blackstone’s Guide to the Borders, Citizenship and Immigration Act 2009* (OUP, 2010) co-author (wrote the chapters on British nationality)
- *Housing Law Handbook* (Law Society, 2009), co-author, contributed the chapter on ‘Housing outside the Parts 6 and 7 of the Housing Act 1996’
- *Support for Asylum Seekers and other Migrants* (Legal Action Group, 2009), contributed the chapter on benefits.
- *Blackstone’s Guide to the Criminal Justice and Immigration Act 2008* (2009) (contributed the chapter on ‘Foreign Criminals’/Special Immigration Status)
- *Jackson and Warr’s Immigration Law and Practice* (4th Edition, 2008) (contributor, ‘The right of abode’/British nationality)
- *JCWI Immigration, Nationality and Refugee Law Handbook 2006* (contributor, British nationality chapters)
- *Dealing with your Dismissal* (Hodder Headline 2000), author (concerning dismissal and redundancy law)

Articles

- *Deprivation of Nationality and Citizenship – The Role of EU Law* *Journal of Immigration Asylum and Nationality Law* Volume 28 Number 4 2015 pp. 355-366
- *The Right to Marry and Immigration Control: The Compatibility of Home Office policy with Article 12 and Article 14 ECHR in Baiai* *Journal of Immigration Asylum and Nationality Law* Volume 23 Number 1 2009 pp. 41-50
- *Border Trouble: The UK Borders Act 2007* *New Law Journal* 158 NLJ 201 8 February 2008
- *Social Rights under Directive 2004/38/EC* *Journal of Immigration Asylum and Nationality Law* Volume 21 Number 3 2007 pp. 233-244
- [*The Supple Uses of EU Law: Fighting Gender Discrimination*](#), *Cosmopolis* (blog), 6 June 2019

TRAINING AND SEMINARS

Adrian provides training courses in British nationality law, EU law, immigration law, community care law, migrant welfare law, housing law, social security law and immigration law. He has provided accredited training for the Academy of European Law, Garden Court Chambers, ILPA, HLPAs, JCWI, Legal Action, law centres, and local authorities. Private training on tailored topics can be provided on request. He has taught

International Migration Law to LLM students.

BLOGS

Cosmopolis

Nationality and Citizenship Law

Facebook page for Cosmoplilos

EDUCATION

- MA (1994)
- M. Litt. (1996)

PROFESSIONAL MEMBERSHIP

- Administrative Law Bar Association (ALBA)
- Immigration Law Practitioners' Association (ILPA) (Chair)
- Social Security Law Practitioners' Association (SSLPA)
- Haldane Society

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

contactmyclerks@gclaw.co.uk | [+44 \(0\)20 7993 7600](tel:+442079937600)

You can also contact Adrian directly:

adrianb@gclaw.co.uk | [+44 \(0\)20 7993 7706](tel:+442079937706)



57-60 Lincoln's Inn Fields, London, WC2A 3LJ

Email: info@gclaw.co.uk

Tel: +44 (0)20 7993 7600

DX: 34 Chancery Lane