



GARDEN COURT CHAMBERS

Stephanie Harrison QC

YEAR OF CALL: 1991 | YEAR OF SILK: 2013



Described as a "brilliant advocate", Stephanie is a leading public law practitioner who has appeared at all court levels. Her multi-disciplinary practice spans the breadth of public law and civil liberties.

Stephanie's cases include those arising from unlawful detention, national security, official misconduct, abuse of power, child sexual exploitation, equality and discrimination, minority rights and civil rights protest and injunctions.

She also has considerable expertise in cases involving closed material procedures.

Stephanie is regularly involved in test case litigation and has been instrumental in winning some of the most important cases within her areas of specialism in recent times.

Much of her work is high profile and receives media coverage. She is passionate about upholding and advancing the rights of vulnerable, minority groups and children.

Stephanie was appointed as legal counsel to the Equality and Human Rights Commission

(EHRC) in 2015 and is head of the Garden Court Public Law team.

Stephanie is ranked for Administrative and Public Law, Civil Liberties and Human Rights and Immigration in both the Legal 500 and Chambers UK Bar Guide. She has been shortlisted for Human Rights and Public Law Silk of the Year by Chambers Bar Awards 2019. She won the Liberty Human Rights Lawyer of the Year Award 2013, the Chambers UK Bar Human Rights and Public Law Junior of the Year award 2012, and was shortlisted for Public Law Silk of the Year at the Legal 500 Awards 2017.

"A brilliant lawyer who fights her client's corner with everything she's got." "She's one of the go-to silks for false imprisonment and immigration matters."

CHAMBERS UK, 2020 (CIVIL LIBERTIES AND HUMAN RIGHTS)

"She's a go-to silk for juniors, whose experience covers the whole range of immigration, asylum and SIAC. She's an excellent and well-researched advocate." "Absolutely brilliant on her feet: a first-class advocate and a fearless tactician. She's great in difficult cases."

CHAMBERS UK, 2020 (IMMIGRATION)

"Fiercely intelligent and a real fighter – definitely someone you want on your side."

LEGAL 500, 2020 (CIVIL LIBERTIES AND HUMAN RIGHTS)

"She is the go-to expert for matters relating to immigration detention."

LEGAL 500, 2020 (IMMIGRATION)

"She is brilliant in court, an excellent barrister." "She is a really meticulous and fierce advocate."

LEGAL 500, 2020 (ADMIN & PUBLIC LAW)

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

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ADMINISTRATIVE AND PUBLIC LAW

Highly regarded as a leading and versatile public law practitioner, Stephanie has over twenty years' experience representing claimants in complex judicial review (JR). She has particular expertise in claims arising from unlawful detention, official misconduct, abuse of power, and discrimination and minority rights.

Her varied practice is evident from cases ranging from the constitutional right to JR, bail and national security and secret evidence procedures to discriminatory denial of healthcare on grounds of gender identity discrimination. Stephanie is the leading practitioner in JR challenges to the lawfulness of treatment and detention of vulnerable adults including those with serious mental illness, trafficking victims, pregnant women and children.

Stephanie has a truly strategic approach to cases and has a proven track record of bringing test case litigation in a wide variety of areas of public law. These include challenges relating to the rights of minorities, including the ban on gay and lesbians in the military and the Article 8 rights of transgender people.

She was one of the lead counsel in successfully challenging the legality of the Detained Fast Track Asylum system in the UK, leading to its suspension and the Government admitting the fast track process was unfair and breached the Equality Act 2010 and the UK's trafficking obligations.

She won the Chambers and Partners Human Rights and Public Law Award in 2013 and was shortlisted for the Legal 500 Public Law Silk of the Year 2017.

NOTABLE CASES

R (Medical Justice and 7 Ors) v Secretary of State for the Home Department [2017]

Stephanie was leading Counsel for the lead claimant, Medical Justice, and two individual claimants in a test case challenging the adoption by the Secretary of State of a more restrictive definition of torture in her new Adults at Risk statutory guidance issued under s. 59 Immigration Act 2016. As a result of this challenge, the Secretary of State was ordered to reissue guidance that protects torture victims from harm in detention.

B (Algeria)(Respondent) v SSHD [2018]

Stephanie was leading Counsel for the respondent in this major Supreme Court judgment which considered the correct approach to the availability of immigration bail when detention powers, in line with the Hardial Singh principles, are exhausted. Originally considered within SIAC, this case had a national security context. The Supreme Court unanimously dismissed the SSHD's appeal.

VC v Home Secretary [2018]

Stephanie was leading Counsel in this test case concerning whether the Home Secretary had acted unlawfully and in breach of the Human Rights Act when she detained a severely mentally disordered offender who lacked mental capacity to take steps to challenge the legality of his detention. The case concerned whether the Home Secretary breached Article 3 ECHR, the Equality Act and her own detention policy. The case was successful in the Court of Appeal.

AM (Afghanistan) v SSHD [2017]

Widely reported guideline case in which Stephanie appeared as leading Counsel. The Court of Appeal provided guidance on the correct approach to be followed by all Tribunals determining asylum claims made by unaccompanied children and other vulnerable asylum seekers. The case was also very important in creating a right to a litigation friend in the Tribunals.

R (AJS and AJU) [2018]

Stephanie appeared as leading Counsel representing a detained father (AJS) and his daughter in their linked judicial review and civil damages challenges. The case was successful and father and daughter were reunited. The Home Office accepted that AJS was unlawfully detained for the entirety of his detention. There were multiple breaches of the Home Office's published policy relating to Detention and Family Separation and they agreed to pay the Claimants £50,000 in damages.

MA v SSHD [2018]

This case concerned a highly vulnerable victim of torture with serious mental ill health who was subject to repeated physical and mental ill treatment, including derogatory abuse by G4S guards at Brook House IRC, recorded in footage broadcast on the BBC's *Panorama* programme in September 2017. Stephanie appeared as leading Counsel and secured permission to seek an independent public inquiry into the evidence of systematic abuse that was taking place at the Immigration Removal centre.

Hussein & Ors v SSHD & G4S (Liberty intervening)[2018]

In this high-profile challenge, the Court held that the Secretary of State had interfered with and indirectly discriminated against the rights of Muslims protected under human rights and Equality Act 2010 duties, to properly observe their faith through prayer owing to the conditions of the Brook House detention centre, to

include being forced to pray next to dirty, recently used, open toilet pans, in crowded rooms, while locked in overnight.

IMMIGRATION LAW

Stephanie has vast experience in the most complex immigration and asylum claims. Her expertise spans the areas of deprivation and refusals to citizenship and naturalization, fresh and certified claims for asylum, detention and conditions of detention, challenges to deportation and cases involving national security. Stephanie frequently appears in the highest courts in landmark cases.

Stephanie's recent immigration practice has focused more heavily on policy challenges and often have a large crossover with her other specialisms including public law, civil liberties and equality and discrimination. She has led a number of high-profile judicial review challenges to the lawfulness of policy and practice relating to the detention of vulnerable adults, families and children in the detained fast track and immigration detention generally.

She is highly committed to progressing the rights of immigrants and asylum seekers and has worked tirelessly to positively change the experiences of immigrants coming within the jurisdiction of the UK authorities.

Stephanie was awarded Liberty Human Rights Lawyer of the Year 2013 for "her prowess as an advocate for human rights and commitment to progressing the rights of immigrants and asylum seekers and contesting oppressive anti-terrorism measures".

She is ranked in Band 1 for Immigration within Chambers & Partners.

NOTABLE CASES

Stephanie's range is reflected in landmark cases such as: *Shah and Islam* (a Pakistani woman accused of adultery - ('women as a social group' - House of Lords); *Adimi* (the prosecution of asylum seekers for false documents); *Baumbast*, European Court of Justice (freedom of movement and enduring rights to education); *Singh* (Court of Appeal, family life and adopted children), *Januzzi* (internal flight alternative); *EM Lebanon* (House of Lords, rights of women, human rights and local law); *A* (House of Lords, indefinite detention of foreign nationals), *W* (Algeria, Supreme Court, confidentiality orders in Article 3 claims).

CIVIL LIBERTIES AND HUMAN RIGHTS

Stephanie's multi-disciplinary practice has a strong emphasis on civil liberties, human rights and equality and anti-discrimination.

The use of international human rights law including the European Convention on Human Rights is integral to her practice, and she has considerable expertise in this area. Stephanie is sought after for her particular expertise in claims arising from unlawful detention, official misconduct, and discrimination and minority rights where she is a leader in the field of challenging the use of civil injunctions by public authorities and corporations to prevent and restrict the Article 10 and 11 ECHR rights of protesters and campaigners.

She has been involved in pioneering test case litigation relating to the rights of minorities including the ban on gay and lesbians in the military and the Article 8 rights of transgender people. She also has considerable experience in acting for victims of trafficking and modern slavery.

Stephanie has a wealth of experience in progressing the rights of immigrants and asylum seekers and contesting oppressive anti-terrorism measures. She is a pre-eminent practitioner in national security and counter terrorism cases, including challenges to the fairness of secret evidence procedures, and the human rights issues arising from deportation on national security grounds and the use of control orders/TPIMS relating to Article 2/3, 5 and 6 ECHR.

NOTABLE CASES

UK Oil & Gas Investments PLC & Ors v Persons Unknown & Ors [2018]

Stephanie appeared as lead Counsel for environmental campaigners Weald Action Group and Friends of the Earth in this high-profile challenge seeking to overturn a broad injunction being sought by UK Oil and Gas against "persons unknown", prohibiting lawful acts of protest against fracking activities.

VC v Home Secretary [2018]

Stephanie was leading Counsel in this test case concerning whether the Home Secretary had acted unlawfully and in breach of the Human Rights Act when she detained a severely mentally disordered offender who lacked mental capacity to take steps to challenge the legality of his detention. The case concerned whether the Home Secretary breached Article 3 ECHR, the Equality Act and her own detention policy. The case was successful in the Court of Appeal.

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case challenging the adoption by the Secretary of State of a more restrictive definition of torture in her new Adults at Risk statutory guidance issued under s. 59 Immigration Act 2016. As a result of this challenge, the Secretary of State was ordered to reissue guidance that protects torture victims from harm in detention.

B (Algeria)(Respondent) v SSHD [2018]

Stephanie successfully represented the respondent, B, in his challenge against the Home Office/Special Immigration Appeals Commission (SIAC) and conflict with Article 5 ECHR. The Supreme Court rejected the Home Secretary's argument that strict conditions of bail under Schedule 2 of the Immigration Act 1971 could be imposed indefinitely. This case led to a major ruling on powers to restrict the liberty and freedoms of those who cannot lawfully be detained.

MS v SSHD [2017]

Stephanie acted as leading counsel in this case challenging the limitations and conditions to the claimant's civil liberties of the SSHD's Restricted Leave Policy. The claimant, a Sikh Indian national who had resided in the UK for 20 years with his British family, had been refused indefinite leave due to his historical links to terrorist activities in India. He was not entitled to protection from the Refugee Convention; however, he could not be removed because to do so would breach his human rights due to the real risk of persecution. The court held that the restricted leave conditions restricted MS's liberty to live his life, there was no need for the conditions and it was irrational not to grant indefinite leave. A residence condition was ultra-vires of the powers under the 1971 Act.

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 contributed articles to *Legal Action* and *Socialist Lawyer*.

AWARDS

Stephanie was shortlisted for Public Law Silk of the Year at the Legal 500 Awards 2017. Stephanie is convener of the Garden Court Public Law team. In 2016 Garden Court Chambers won the Human Rights and Public Law Set of the Year at the Chambers Bar Awards.

She won the [Liberty Human Rights Lawyer of the Year Award 2013](#) for her work as an advocate and for her commitment to progressing the rights of immigrants and asylum seekers and contesting oppressive anti-terrorism measures.

Stephanie won the [Human Rights and Public Law Junior of the Year](#) award 2012, at the prestigious Chambers UK Bar 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.

EDUCATION

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

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