



GARDEN COURT CHAMBERS

Sadat Sayeed

YEAR OF CALL: 2001



Legal 500 2022, Leading Junior

Sadat Sayeed is a leading practitioner specialising in advice, representation and advocacy in all areas of immigration, asylum, nationality, deportation, detention, national security, EU free movement and human rights law.

Sadat particularly specialises in complex, politically sensitive protection cases, the outcomes of which have the potential to impact on relations between states.

He has practised exclusively from Garden Court Chambers for the last 18 years and is ranked in Tier 1 of the leading immigration barristers in the Chambers UK Bar Guide.

Sadat is one of the editors of the forthcoming 10th edition of *Macdonald's Immigration Law and Practice* (having been a contributing author to the last four editions), and is an Assistant Consultant Editor of the British Nationality title in *Halsbury's Laws of England* (5th edition). He is also a member of the Editorial Advisory Board of the *Journal of Immigration, Asylum and Nationality Law*, and regularly writes for the leading public law practitioners' journal *Judicial Review*.

"He gives great attention to every detail, both legal and factual, and gives his all to ensuring that the case is prepared and argued to the highest standard." "The quality of his written work and advocacy is unsurpassed."

CHAMBERS UK, 2021 (IMMIGRATION, BAND 1)

"Routinely handles politically sensitive cases on behalf of high-profile individuals within the political, business and sporting worlds. He is particularly noted for his deep knowledge of human rights and refugee law."

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"He is a brilliant, hard-working barrister who brings passion, intelligence, and compassion to every case."

LEGAL 500, 2021 (IMMIGRATION)

"An absolute leader in his field, whose knowledge of Article 8 ECHR is unchallenged. Very much liked by clients and judges, and leaves no stone unturned." "He's extremely approachable, willing to listen and gives on-point advice. He's an excellent advocate too."

CHAMBERS UK, 2020

"An excellent barrister who takes on very complicated cases and accumulates understanding of the cases quickly" "So bright and brilliant at the law. Clients and judges love him. He is incredibly thorough and prompt in his preparation."

CHAMBERS UK, 2019

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

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IMMIGRATION: ASYLUM AND HUMAN RIGHTS

Sadat's practice particularly focuses on advice and representation in politically sensitive cases involving high profile and senior figures from the worlds of politics, business and sport. The outcomes in these cases regularly impact upon the UK's relations with other countries. Confidentiality prevents Sadat from identifying these individuals.

Sadat has acted for such clients from countries including the Russian Federation, Kazakhstan, Ukraine, Kyrgyzstan, Azerbaijan, Belarus, Georgia, Romania, Moldova, India, Egypt, Kuwait, Saudi Arabia, Libya, Syria, India and Mexico. In these cases Sadat provides initial strategic advice, he assists with the preparation of legally and evidentially complex applications (whether for asylum/human rights protection or for an immigration status) and provides representation before the immigration tribunals, the higher courts and the European Court of Human Rights. Within the context of these cases, he has a specific interest in the interplay between extradition and asylum proceedings, with many of his clients simultaneously facing extradition and seeking asylum. Sadat's practice also has an international dimension and his expertise in formulating political motivation arguments within extradition and international protection contexts is sought out across Europe.

Sadat has vast experience in helping clients to find innovative legal solutions to the most complex immigration situations. He has a deep understanding of the interaction of domestic immigration law (statute, Rules, guidance and case law), international legal instruments (UNCRC, EU law etc.), human rights law (domestic, ECHR and international), and political and policy considerations, and is able to deploy creative arguments on behalf of clients, both in the UK and abroad, who find themselves in difficult or novel situations. Sadat often advises such clients from the beginning of their legal journey, all the way through to the conclusion of litigation – these clients benefit, strategically, from engaging Sadat at an early stage, as he can ensure that critical evidential and legal markers are laid down at the very outset of the client's contact with the Home Office (in the event that the case proceeds to litigation).

Against this backdrop, Sadat has a flourishing practice in commercial immigration and provides advice and representation for the full range of cases arising from the 'Points Based System' and Appendix W of the Immigration Rules. He has particular expertise in the law, policy and practice relating to Tier 1 (Investor) Migrants and the Global Talent, Innovator and Start-up categories.

Sadat also has a particular interest in the law relating to Article 8 ECHR and has a long track record of success in helping families to reunite and/or remain together in the UK. In this context, he has expertise in economic

migration family life cases, refugee family reunion, entry clearance and leave to remain for partners and children, deportation, and the interplay between immigration and family court proceedings.

Sadat is a general editor of the forthcoming 10th edition of *Macdonald's Immigration Law and Practice*, the leading text in the field of immigration law, and he has been a contributing author to the 6th, 7th, 8th and 9th editions, having most recently authored the section entitled "Article 8 in the domestic courts", which has been a hugely controversial and constantly shifting area of law.

Finally, Sadat provides advice and representation in respect of the full range of nationality law issues that arise under the British Nationality Act 1981, encompassing entitlements to British citizenship (including BOTC cases), discretionary registration of children, Commonwealth tracing cases, former diplomats/international organisation employees who were exempt from immigration control, and good character litigation. He is Assistant Consultant Editor of the British Nationality title in *Halsbury's Laws of England* (5th edition).

NOTABLE CASES

R (on the application of Immigration Law Practitioners' Association) v (1) Tribunal

Procedure Committee, (2) Lord Chancellor [2016] EWHC 218 (Admin), [2016] WLR 3519

Public interest challenge brought on behalf of the professional body of immigration lawyers challenging the legality of Rule 13 of the Tribunal Procedure (First-Tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 which on its face gave the Tribunal the power to hold a closed material procedure in which evidence not disclosed to a party could be taken into account in the determination of an appeal.

Dmytro Firtash v United States of America - Regional Court, Vienna, Austria (30 April 2015)

Historic victory against an attempt by the USA to extradite Dmytro Firtash from Austria. In a landmark decision, the Regional Court in Vienna refused to order Firtash's extradition on the ground that the US request was politically motivated.

R (Anam) v Secretary of State for the Home Department [2010] EWCA Civ 1140, [2011] ACD 14

Appeal from the Administrative Court on the question of the legality of detention under Immigration Act 1971, with particular reference to the failure of the Secretary of State to apply his own policy on the detention of the mentally ill. The court considered the *Hardial Singh* principles as interpreted in *SK(Zimbabwe)* and the causation test as interpreted in *WL(Congo)*, and their impact upon the legality of the appellant's detention.

YD (Togo) v Secretary of State for the Home Department [2010] EWCA Civ 214 [2010] Imm AR 446

Concerned with the impact of recent ECHR case law on the settled test for relocation within Article 8 ECHR, as clarified by the House of Lords in *Huang, EB (Kosovo) and Chikwamba*.

JA (Ivory Coast) v Secretary of State for the Home Department; ES (Tanzania) v Secretary of State for the Home Department [2009] EWCA Civ 1353, [2010] Imm AR 381

Lead test cases on the issue of what meaning and weight should the courts give, within the proportionality balance under Article 8 ECHR, to former grants of leave to HIV sufferers on the basis that the UK had 'assumed responsibility' for their HIV treatment.

AM & AM (armed conflict: risk categories) Somalia CG [2008] UKAIT 00091

Country Guidance case on risk for Somali returnees, route and method of return, internal armed conflict, international humanitarian law and Article 15(c) Qualification Directive.

R (Warren) v Her Majesty's Assistant Coroner for Northamptonshire [2008] EWHC 966 (Admin), [2008] Inquest L.R. 65

Requirement for expert psychiatric evidence to be heard at an inquest in the context of the investigate obligation under Article 2 ECHR)

R (Parmaksiz) v Secretary of State for the Home Department [2006] EWHC 2235 (Admin)

Contempt of court against the Home Office for removal in breach of injunction.

O'Driscoll v Secretary of State for the Home Department [2002] EWHC 2477 Admin (Divisional Court), [2003] A.C.D. 35

Compatibility of s.16 of Terrorism Act 2000 with Articles 10 and 11 of ECHR.

ADMINISTRATIVE AND PUBLIC LAW

The nature of Sadat's practice, predominantly in the field of immigration, asylum and nationality, means that he is an accomplished public lawyer. The majority of his litigation case load is judicial review and so he is used to deploying the full range of public law, domestic and international human rights law arguments in these cases.

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R (on the application of Immigration Law Practitioners' Association) v (1) Tribunal Procedure Committee, (2) Lord Chancellor [2016] EWHC 218 (Admin), [2016] WLR 3519

Public interest challenge brought on behalf of the professional body of immigration lawyers challenging the legality of Rule 13 of the Tribunal Procedure (First-Tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 which on its face gave the Tribunal the power to hold a closed material procedure in which evidence not disclosed to a party could be taken into account in the determination of an appeal.

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WHAT OTHERS SAY

Chambers UK 2021 says: “Routinely handles politically sensitive cases on behalf of high-profile individuals within the political, business and sporting worlds. He is particularly noted for his deep knowledge of human rights and refugee law, regularly advising clients from Eastern European countries. He is adept at handling cases concerning deportation, extradition and international protection.” “He gives great attention to every detail, both legal and factual, and gives his all to ensuring that the case is prepared and argued to the highest standard.” “Sadat turns around advices and other work very quickly, has an excellent rapport with clients and can explain his advice very clearly.” “The quality of his written work and advocacy is unsurpassed.”

The Legal 500 2021 says: “He is a brilliant, hard-working barrister who brings passion, intelligence, and compassion to every case.’

Chambers UK 2020 said: “An absolute leader in his field, whose knowledge of Article 8 ECHR is unchallenged. Very much liked by the clients and judges, and leaves no stone unturned.” “He’s extremely approachable, willing to listen to queries and gives on-point advice which is always extremely relevant and pertinent. He’s an excellent advocate too.”

The Legal 500 2019 said: “His advocacy and preparation in Article 8 ECHR cases is unsurpassed.”

Chambers UK 2019 said: “An excellent barrister who takes on very complicated cases and accumulates understanding of the cases quickly.” “So bright and brilliant at the law. Clients and judges love him. He is incredibly thorough and prompt in his preparation and doesn’t leave things to the last minute.”

The Legal 500 2018 said ‘He is tenacious, creative, thinks well on his feet and is highly respected by judges.”

Chambers UK 2018 said: “He combines a first-class mind with an approachable personality.” “His pleadings are superb – he’s a really formidable opponent.”

The Legal 500 2017 said “He is very smart, and tenacious in his preparation.”

Chambers UK 2017 said “He is absolutely committed to each and every case.” “His written pleading is top-notch. He sets out arguments extremely clearly and persuasively.”

The Legal 500 2016 said “He has all the attributes of a barrister of the highest quality.”

Chambers UK 2016 said “Earns significant praise from his peers and solicitors for a practice that sees him instructed in complex and highly sensitive human rights and asylum proceedings. He also provides advice on

EU free movement law.” “He is brilliant. His written work is short but punchy and precise.” “He is approachable, has immense attention to detail and knows how to influence the judges he’s appearing before.”

Legal 500 2015 said “He is very committed to each and every client and will not rest until he has the best possible appeal prepared.”

Chambers UK 2015 said “A very successful junior with a wide-ranging practice that deals with various types of inter-country transfer from countries such as India, the Russian Federation, Kazakhstan and Ukraine. He advises a host of individuals, ranging from those who seek protection for political reasons to those in the top echelons of international sport. “He will not rest until an appeal is prepared as best as it can be. He has an excellent legal mind, and is pragmatic, approachable and able to explain things in a very understandable way.”

Chambers UK 2014 said “He handles the full range of immigration law but is especially experienced in politically sensitive asylum and human rights matters for high-profile businesspeople. He has further expertise in detention cases and is said to be “incredibly dedicated” to this work. “Clients love him and he doesn’t stop until his case is as good as it can be.” “He’s really good with vulnerable clients.”

BACKGROUND

Sadat Sayeed joined Garden Court Chambers in April 2002 as a second six pupil, under the supervision of Frances Webber. He completed his first six at Matrix Chambers as the pupil of Raza Husain (now QC). He became a tenant at Garden Court in October 2002.

In 2006, Sadat undertook a fellowship at the Center for Constitutional Rights in New York to specifically work on behalf of the detainees being held at Guantánamo Bay. His focus was on the international law aspects of the Guantánamo litigation, and he was involved in the drafting of the Center's submissions to the United Nations Committee Against Torture (on the USA’s compliance with the Convention Against Torture) and to the United Nations Human Rights Committee (on the USA’s compliance with the International Covenant on Civil and Political Rights). He also worked on the Guantánamo refugee issues.

From May 2009 to March 2010, Sadat was seconded to a firm of solicitors to work as in-house counsel on a set of high-level political asylum and human rights cases.

He was formerly a volunteer at Tower Hamlets Law Centre, working for the Immigration Group.

Sadat has an equal love of music, cricket and football. He is a long-standing Liverpool FC supporter.

PUBLICATIONS

Sadat is a general editor of the forthcoming 10th edition of *Macdonald's Immigration Law and Practice*. He was a contributing author to the 6th, 7th, 8th and 9th (current) editions.

Assistant Consultant Editor of the British Nationality title (Vol. 4) in *Halsbury's Laws of England* (5th edition).

Member of the Editorial Advisory Board of the *Journal of Immigration, Asylum and Nationality Law*.

'The Immigration Debate', in *Justice Matters: Essays from the pandemic*, Legal Action Group, (2020)

Co-authored with David Neale, '[Immigration and Asylum Case Law in 2018 \(Part 1\): Developments in Free Movement, Economic Migration, Nationality and Statelessness](#)', *Judicial Review*, Vol: 24, No: 2, (2019): 93-106

Co-authored with David Neale, '[Immigration and Asylum Case Law in 2018 \(Part 1\): Developments in International Protection and Human Rights](#)', *Judicial Review*, Vol: 24, No: 1, (2019): 19-31

Co-authored with David Neale, '[Immigration and Asylum Case Law since 2016 – A Complex Picture: Part 2](#)', *Judicial Review*, Vol: 22, No: 4, (2017): 349-364

Co-authored with David Neale, '[Immigration and Asylum Case Law since 2016 – A Complex Picture: Part 1](#)', *Judicial Review*, Vol: 22, No: 3, (2017): 277-294

'Guantánamo Bay - Five Years On', *Journal of Immigration, Asylum and Nationality Law*, Vol: 21, No: 2, (2007): 109-129

[Beyond the Language of "Deference"](#), *Judicial Review*, Vol: 10, No: 3, (2005): 111-120

Was a regular contributor to the *Administrative Court Digest* (formerly *Crown Office Digest*) and has written numerous articles in *Socialist Lawyer*.

AWARDS

CPE Bursary (1999), Major Scholar (2000) and Duke of Edinburgh Scholar (2000) (all from Inner Temple)

Pegasus Scholar (2006 - Inns of Court, Pegasus Trust)

EDUCATION

- BSc (Hons)
- CPE
- BVC

PROFESSIONAL MEMBERSHIP

- Immigration Law Practitioners' Association (ILPA)
- Administrative Law Bar Association (ALBA)
- Haldane Society of Socialist Lawyers

LANGUAGES

- Bengali (fluent)

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