



GARDEN COURT CHAMBERS

Nicola Braganza KC

YEAR OF CALL: 1992 | YEAR OF SILK: 2022



Nicola is recognised as a leading barrister specialising in Equality and Discrimination Law, Public Law and Human Rights. Her broad practice spans the areas of Employment, Education, Community Care, Immigration and Asylum Law.

Nicola has considerable experience in bringing complex and large-scale challenges against the state, including civil claims for damages on behalf of individuals and groups. She has particular expertise in representing highly vulnerable adults and children, including victims of trafficking and modern slavery, and those held in immigration detention.

Nicola is currently acting for a number of serving, and previously serving, women in the Armed Forces, who were subjected to sexual abuse, and have brought claims of sex discrimination against the Ministry of Defence. See press coverage: [BBC News](#), [The Times](#) and the [Daily Mail](#).

Nicola also acts and advises in a range of other settings, in inquiries, internal disciplinary hearings and regulatory proceedings, including the Nursing and Midwifery Council.

Nicola sits as a Fee-paid Judge in the First Tier Tribunal (Special Educational Needs and Disability) and in the Employment Tribunal.

She regularly provides training and workshops on Equality and Discrimination law and has been an invited speaker at the European Academy of Law on EU Directives on Equality and Anti-Discrimination for many years.

"Her depth of knowledge, experience and expertise are exceptional."

CHAMBERS UK, 2023

"Nicola is personable, thoughtful and excellent to work with."

CHAMBERS UK, 2022 (CIVIL LIBERTIES & HUMAN RIGHTS)

"She is approachable and she gives clear and concise advice."

CHAMBERS UK, 2022 (EMPLOYMENT)

"A formidable advocate whose cross-examination skills are second to none."

CHAMBERS UK, 2022 (IMMIGRATION)

"Nicola is not only wholly committed to challenging discriminatory practices wherever they arise, but is extremely empathetic and has an ability to instil confidence in those around her. She is fearless and solicitors can always rely on Nicola to find the positive in any situation, and turn around any tricky moments. Instructing solicitors would trust her with any client and any case – she is that good."

LEGAL 500, 2022 (IMMIGRATION)

"A go-to barrister for immigration cases. She knows the law and policy inside out and they are excellent with the client. Reassuring and professional."

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

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You can also contact Nicola directly:

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EQUALITY AND DISCRIMINATION

Nicola is recognised as a leading barrister specialising in Equality and Discrimination Law, Public Law and Human Rights.

NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of recent notable cases.](#)

Essop v Home Office (UK Border Agency) [2017] UKSC 27

Nicola acted as junior counsel in the successful landmark indirect discrimination case on the application of section 19 of the Equality Act 2010 in claims of race and age indirect discrimination.

Downie v Coherent Scotland [2017] ET

Successful sex discrimination claim refusal of part-time hours to working mother.

Home Office (UK Border Agency) v Essop & Ors [2015] EWCA Civ 609

Test cases on the meaning of indirect discrimination and the application of section 19 of the Equality Act 2010 in claims of race and age indirect discrimination.

Dean v Home Office [2012] ET

Successful race and age indirect discrimination claim against the Home Office.

Marcus v Astrazeneca Ltd ET [2011]

Successful race direct discrimination claim against global pharmaceutical company.

A v B & C [2010] ET

Successful sexual orientation and disability discrimination claim by the longest suffering man with HIV.

Khoja v Metropolitan Police [2009] ET

Religious discrimination. Muslim caterer required to handle pork.

Hose Express Thurrock v Jacomb [2009] LTL 1/4/09

Disability discrimination post-*Malcolm*.

Ursell v Manor Bakeries Ltd EAT [2005] WL 21/2/05

Successful Employment Appeal Tribunal challenge on burden of proof post *Igen v Wong*; guidelines to employment tribunals, pregnancy discrimination, sex discrimination, unfair dismissal.

Parliamentary Comm. for Administration v Fernandez [2004] ICR 123

Indirect discrimination claim.

Jayasuriya v Meat Hygiene Service (2) Lincs Turkeys Ltd [2001] LTL

Liability under the Race Relations Act 1976.

Tchoulla v Netto Foodstores Ltd [1998] LTL

Guidance to employment tribunals in deciding race discrimination cases with litigants in person.

ADMINISTRATIVE AND PUBLIC LAW

Past notable cases can be viewed below.

R (on the application of Anjum) v Entry Clearance Officer, Islamabad (entrepreneur - business expansion - fairness generally)[\[2017\] UKUT 406 \(IAC\)](#)

R (on the application of Zhang) v Secretary of State for the Home Department [2014] EWHC 1310 (Admin)

Challenge to Defendant's immigration policy, delay and decision premised on error of fact.

The Queen (on the application of Prenga, Jaku and Khaled) v Secretary of State for the Home Department [2014] EWHC 605 (Admin)

Challenge by the Claimants to the Defendant's handling of legacy cases, those within the backlog of older unresolved asylum cases.

The Queen (on the application of Omokayode) v Secretary of State for the Home Department
[2014] EWHC 594 (Admin)

Challenge to the SSHD's decision to grant the Claimant limited discretionary leave to remain instead of indefinite leave to remain following a five-year delay handling her application for leave to remain and when her son had since been granted British citizenship.

IM (Nigeria) v SSHD [2013] EWCA Civ 1561

Challenge to SSHD's continued detention of hunger striker, whose physical health so deteriorated, an end-of-life plan prepared by the IRC nursing staff.

The Queen ex p S v SSHD [2013] EWHC (Admin)

Challenge to immigration detainee's unlawful detention and a hunger striker case, in which an interim injunction for detainee's immediate release was granted.

The Queen ex p Hakemi & Others v SSHD [2012] EWHC 1967 (Admin)

Judicial review concerning the Home Office's handling of immigration legacy cases, ministerial guidance, minister's powers and duties, and parliamentary scrutiny.

The Queen ex p G v SSHD [2012]

Judicial review of immigration detainee's unlawful detention and Article 8 claim, on which the detainee was subsequently successful and granted leave.

Ala Anufrijeva & Others v London Borough of Southwark [2004] 2 WLR 603

Guidance on damages under the Human Rights Act 1998.

R v (1) SSHD (2) SSWP, ex parte Nadezda Anufrijeva [2003] 3 WLR 252 HL

Successful House of Lords case on asylum support and the meaning of a determination.

R v SSHD, ex parte Consuelo Hashmi [2002] LTL 3/5/2002

Successful Court of Appeal challenge on legitimate expectation and the grant of Indefinite Leave to Remain (ILR)

R v (1) Ashworth Special Hospital Authority (2) Secretary of State for Health ex parte N
[2001] HRLR 46

Challenge to random telephone monitoring in high-security hospitals.

IMMIGRATION LAW

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AJ (Gambia) v SSHD(2016) EWCA 955

Article 3 inhuman or degrading treatment, leave to remain, medical treatment

NA & AA (Iraq) v SSHD [2009] EWHC 420

Home Office policy on Iraqi asylum seekers.

Mbanga v SSHD [2005] EWCA Civ 367, [2005] INLR 377

Successful Court of Appeal case on the consideration of medical evidence in asylum appeals.

SM and Others (Iraq) v SSHD [2005] UKIAT 00111

Country Guidance case on risk of return for Iraqi Kurds.

LW (Cancellation refugee status: UNHCR Note) Ethiopia [2005] UKIAT00042

R (Adam) v SSHD [2004] EWHC LTL

EMPLOYMENT AND DISCRIMINATION LAW

Past notable cases can be viewed below. [Click here to see a list of recent notable cases.](#)

Essop & Others v Home Office [2019]

Nicola acted on behalf of 47 PCS Union claimants as sole Counsel at the remitted hearing further to *Essop* [2017] USC27 in the Supreme Court, in which Nicola was junior Counsel. The case concerned the application of section 19 of the Equality Act 2010 in claims of race and age indirect discrimination. The remitted case was heard at the London South Employment Tribunal in 2019. Settlement was reached after the Home Office case collapsed mid cross-examination of its main HR witness on Day three. The Claimants received a payout of over £1 million. The case was reported in [The Guardian](#).

Plaistow v Secretary of State for Justice [2019]

In 2018 and 2019 Nicola successfully represented the claimant in a high-profile sexual orientation direct discrimination and victimisation claim against the Ministry Of Justice, *Plaistow v SSJ* [3400502/2016]. Reported in the [Guardian](#).

Essop v Home Office (UK Border Agency) [2017] UKSC 27

Nicola acted as junior counsel in the successful landmark indirect discrimination case on the application of section 19 of the Equality Act 2010 in claims of race and age indirect discrimination. Reported in the [Guardian](#).

***Downie v Coherent Scotland* [2017] ET**

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***Tchoulla v Netto Foodstores Ltd* [1998] LTL**

Guidance to employment tribunals in deciding race discrimination cases with litigants in person.

***Morse v Future Reality* [1996] ET**

Successful claim on downloading of sexually explicit images in the workplace - sexual harassment.

PROFESSIONAL REGULATION

Nicola acts for clients in a range of tribunals including the Nursing and Midwifery Council and other regulatory bodies.

MENTAL HEALTH LAW

In her mental health work, Nicola has acted for restricted patients at both Ashworth and Rampton High Security Hospitals in a number of judicial review challenges. These have ranged from the closure of the arts activities to the implementation of seclusion policies and the lawfulness of the NHS Safety and Security Directions 2000, including random telephone monitoring.

INQUESTS AND INQUIRIES

In July 2013, Nicola acted as Counsel to the People's Commission of Inquiry into the Secretary of State's closure of the emergency and maternity services at Lewisham Hospital, London. This was organised by the 'Save Lewisham Hospital' Campaign working together with Toops Chambers.

PRO BONO WORK

Registered with the Bar Pro Bono Unit, Nicola acts in discrimination cases.

Athens Legal Support Project

Nicola is part of the [Athens Refugee Legal Support Project](#) (RLS-Athens) a legal clinic which provides legal support to refugees in Athens.

Visit the [JustGiving page](#) and read Nicola's article in the Legal Action Group's November 2017 edition: '

[Refugee Legal Support Athens: seven months on - and the kindness of strangers'](#).

WHAT OTHERS SAY

Legal 500 2020: "Very experienced and knowledgeable at handling complex outside the immigration rules family reunion appeal cases."

Chambers UK 2019: "Has great communication skills and is willing to discuss potential arguments in complex cases."

Legal 500 2019: "She is incredibly sharp and fights for the client to the best of her ability." "Her empathy to the clients is something to be admired."

Chambers UK 2018: Ranked as a leading junior "who continues to receive praise for her work with vulnerable appellants and their families". Her caseload includes complex work regarding trafficking, FGM, domestic abuse cases and asylum-seeking children. "She is so committed. She's done a lot of work around the Calais camp and volunteers her services beyond the call of duty."

Legal 500 UK 2018: "Extremely committed to her clients and a real pleasure to work with." "She is able to develop highly persuasive arguments and get them across in plain language."

Chambers UK 2017: Ranked as a leading junior in immigration law, "Nicola has particular expertise with complex immigration cases." "She has amazingly in-depth knowledge and is prepared to go the extra mile for clients."

Legal 500 2017: Ranked as a leading junior in both employment and immigration law, "She has exceptional encyclopedic knowledge of disability discrimination." "She is extremely warm, calm and approachable, which makes it easier for vulnerable clients to open up."

Legal 500 2016: Ranked as a leading junior in both employment and immigration law, Nicola is "Very bright and very good with clients." "She has a great commitment to the work she does and always goes the extra mile for clients."

Legal 500 2015: Ranked as a leading junior in both employment and immigration law who is "extremely committed to her clients and a real pleasure to work with" and "able to develop highly persuasive arguments and get them across in plain language."

Legal 500 2014: Ranked as a leading junior in both employment and immigration law who is “committed and very accessible” and who “works hard to ensure good preparation.”

Legal 500 2013: Ranked as a leading junior in both employment and immigration law who “pursues every opportunity to resolve a problem”.

PUBLICATIONS

Nicola wrote an article on 'Human dignity - a lesser right for refugees?' in the European Human Rights Law Review, Issue 2, 2019.

Nicola has written on the [Free Movement](#) blog about the refugee camps in Calais and Dunkirk in January 2016 and also about the Athens Refugee Support Legal Support project in April 2017 .

She has also written in [Legal Action](#) in November 2017 on the Athens Refugee Legal Support Project.

Whilst at Toops Chambers and also at Garden Court, Nicola is a regular contributor to *Legal Action* both on the immigration law update series as part of the immigration team and on discrimination law. She is a co-author for Legal Action Group immigration and asylum updates.

In 2012 Nicola published an article on the devastating impact of Chris Grayling's proposed cuts to legal aid on the most vulnerable in our society for *Left Foot Forward*.

TRAINING AND SEMINARS

Nicola is a regular guest speaker on EU Equality and Anti-discrimination law at the Academy of European Law (ERA) in Trier, Germany, which is funded by the European Commission to provide judicial and legal training to practitioners in Member States.

Over the past years she has provided training and run workshops on EU equality and discrimination law for academics, practitioners and the judiciary in Trier, Barcelona, Warsaw and Budapest. Most recently she spoke on race discrimination at the Discrimination Law Association's AGM in November 2017.

Nicola also regularly gives seminars and provides in-house training for solicitors, law centres, NGOs, and educational establishments on immigration and asylum, including to lawyers working in Calais, Dunkirk and

Budapest with refugees.

Nicola is a co-convenor of the Refugee Working Group of the Immigration Law Practitioners' Association (ILPA).

Nicola gave the keynote speech at the launch of Public Law Project's 2023 [Tracking Automated Government \(TAG\) Register](#). She spoke on why transparency and meaningful equality impact assessments are vital to ensuring Automated Decision Making (ADM) operates without discrimination.

Nicola spoke at a Michael Rubenstein Employment Law [22 KCs Conference](#) on 'Discrimination Arising From Disability' on 5 October 2023.

EDUCATION

LLB (Honours)

PROFESSIONAL MEMBERSHIP

Administrative Law Bar Association (ALBA)

Immigration Law Practitioners' Association (ILPA)

Mental Health Lawyers Association (MHLA)

Discrimination Law Association (DLA)

Industrial Law Society

LANGUAGES

German (bilingual)

French (basic)

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