



Grace Capel

YEAR OF CALL: 2012



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

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IMMIGRATION: ASYLUM AND HUMAN RIGHTS

Grace provides advice and representation across all areas of immigration and asylum law. She has a wide range of experience in this area and undertakes:

- **Asylum appeals**

- **Deportation appeals**
- **EEA appeals**
- **Challenges to fresh claim refusals**
- **Challenges to section 94 and 96 certificates**
- **Challenges to NRM Competent Authority decisions**
- **Unlawful detention claims**
- **Urgent injunctions preventing removal**
- **Challenges to age assessment decisions**
- **Complex bail applications**

Grace acts in all areas of immigration and asylum law including the Refugee Convention, the European Convention on Human Rights, European Economic Area law, nationality law, detention and bail, removal and deportation, and the Immigration Rules (including entry clearance).

NOTABLE CASES

MA v Secretary of State for the Home Department

Following an out of hours hearing before Henderson LJ, the Court of Appeal granted an injunction preventing the deportation of a Moroccan national resident in the UK for 42 years. Permission to apply for judicial review of the refusal of further submissions was subsequently granted by the Upper Tribunal at an oral hearing. The claim was compromised and an in-country right of appeal was granted.

SK v Secretary of State for the Home Department

The Court of Appeal granted permission to appeal against the FTT and UT's refusal of an Afghan national's claim for humanitarian protection. In the grant of permission to appeal, Lord Justice Silber acknowledged the need for guidance on the correct approach to consideration of country background and expert evidence post-dating a Country Guidance case. The appeal was settled by consent.

DS v Secretary of State for the Home Department

Challenge to a negative Conclusive Grounds decision, including on the basis of the Secretary of State's unfair reliance upon undisclosed documents obtained from the Albanian Ministry of the Interior. Settled following grant of permission at an oral hearing before HHJ Curran QC.

SN v Secretary of State for the Home Department

Obtained an injunction preventing the removal of a DRC national on the basis of the Secretary of State's failure to apply her policy guidance, 'Judicial Review and Injunctions' and defer removal in order for the Claimant to access legal advice and representation.

NAS v LB Kent

Successful challenge to an age assessment by LB Kent. Following a 1-day trial, the UT concluded that the Applicant was a child at the time of the local authority's assessment and as of the date of the hearing.

GDI v Secretary of State for the Home Department

Challenge to an age assessment decision of Croydon CC that a national of the DRC was 30 years old, when he claimed to be 17. Settled following a grant of permission on the papers. The child's claimed age was accepted.

AB v Secretary of State for the Home Department

Successful challenge to the Secretary of State's refusal of further submissions on Article 8 grounds representing a Pakistani national who is the primary carer for his partner, who suffers from mental illness. Settled following grant of permission on the papers.

ML v Secretary of State for the Home Department

Successful challenge to the refusal of further submissions on asylum grounds by an Albanian victim of trafficking. Settled following a grant of permission on the papers.

TA v Secretary of State for the Home Department

Judicial review of SSHD's refusal of an EEA residence card on the basis of retained rights of residence to a victim of domestic violence. Settled prior to permission.

BN v Secretary of State for the Home Department

Advised on a challenge to the refusal of further submissions on Article 3 grounds representing Kenyan National suffering from paranoid schizophrenia. Settled following pre-action correspondence with an in-country right of appeal granted. The appeal was successful.

MH v Secretary of State for the Home Department; MAL v Secretary of State for the Home Department

Led by Amanda Weston QC in linked asylum appeals for Maldivian nationals fearing political persecution. The appeals were conceded.

COMMUNITY CARE LAW

Grace is developing a practice in community care law and accepts instructions in judicial review claims concerning community care provision under the Children Act. She accepts instructions in age assessment challenges.

PRO BONO WORK

Grace regularly acts pro bono for Bail for Immigration Detainees in both bail applications and deportation appeals. She has also undertaken pro bono work for the AIRE Centre and Refugee Legal Service Athens.

Grace is a trustee of Young Roots, a charity providing educational and social opportunities to young asylum-seekers and refugees. More information about Young Roots' work can be found [here](#).

PUBLIC AND ADMINISTRATIVE LAW

Grace acts in public law challenges relating to her area of specialism. She has experience of judicial review in the Upper Tribunal and Administrative Court including challenges to fresh claim, certification, age assessment and trafficking decisions and unlawful detention claims. She is also confident taking on urgent removal cases.

NOTABLE CASES

MZ v Secretary of State for the Home Department

Grace is currently being led by Laura Dubinsky in a challenge to Secretary of State's system and policy for determining eligibility for bail accommodation under paragraph 9, Schedule 10 of the Immigration Act 2016.

AH v Secretary of State for the Home Department; CM v Secretary of State for the Home Department

Led by Shu Shin Luh in a challenge to the Secretary of State's imposition of a study restriction as a condition of bail on two individuals with university scholarships simply because they were appeal rights exhausted. In settling the claims, the Home Office agreed to review and revise its Immigration Bail Guidance to reflect that there is no requirement to impose a study restriction in all cases where a person is 'appeal rights exhausted'.

R (otao WEN) v The Secretary of State for the Home Department (Rev1) [2019] EWHC 2104 (Admin)

The High Court quashed the Secretary of State's negative Reasonable Grounds decision and ordered reconsideration.

BACKGROUND

Grace joined chambers in 2014 following completion of her pupillage under the supervision of Amanda Weston QC and Di Middleton QC. Prior to this, she worked in the field of immigration, asylum and human rights in a range of contexts both in the UK and abroad.

PUBLICATIONS

Grace is a contributor to the [Free Movement](#) and UKSC blogs. She is also part of a team at Garden Court Chambers that produces the Legal Action Group's regular immigration law update.

TRAINING AND SEMINARS

Recent training sessions include 'Challenging removal' and 'Immigration and asylum law update 2018-2019'.

AWARDS

GDL and BPTC Exhibition, Inner Temple

Sir Joseph Priestly Scholarship, Inner Temple

William Barcroft Scholarship, Sidney Sussex College, Cambridge

PROFESSIONAL MEMBERSHIP

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