



GARDEN COURT CHAMBERS

Gemma Loughran

YEAR OF CALL: 2008



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



Gemma Loughran is a specialist practitioner in immigration, asylum, human rights, trafficking and public law. She regularly appears in the Asylum and Immigration Chamber of both the First and Upper-tier Tribunal in immigration, complex asylum and deportation appeals.

Gemma is recommended in the Legal 500 2019 and in the Chambers UK Bar Guide 2019 in immigration.

"Just a really safe pair of hands for pretty much everything. Approachable, down to earth, great with clients and an astute tactician."

CHAMBERS UK, 2020

"My number one barrister of choice for challenges to the Home Office's failure to identify victims of trafficking. She brings so much knowledge to the cases."

"Always has the client's best interest at the forefront of every decision and always thinks pragmatically."

LEGAL 500, 2020

"Confident and decisive. She fights hard for her clients."

CHAMBERS UK, 2019

"Impressive and provides very persuasive and well-drafted written submissions."

LEGAL 500, 2019

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

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You can also contact Gemma directly:

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IMMIGRATION: ASYLUM AND HUMAN RIGHTS

Gemma is a specialist practitioner in immigration, asylum, human rights, trafficking and public law. She regularly appears in the Asylum and Immigration Chamber of the First and Upper-tier Tribunals in complex asylum and deportation appeals.

Gemma appears in the High Court and the Upper Tribunal in a broad range of judicial review matters, challenging removal, detention, certification, trafficking decisions, fresh claim refusals and other immigration-related public law challenges including third country cases.

Gemma is particularly experienced in cases involving Somali nationals and victims of trafficking.

NOTABLE CASES

[*GS \(India\) & Ors v SSHD \[2015\] EWCA Civ 40*](#)

Test case on the circumstances in which applicants with very serious medical conditions for which they (i) are receiving life sustaining medical treatment and (ii) may receive life transforming treatment; may resist removal from the UK, the consequence of which would be death within a very short space of time.

MA (Somalia) v ECO (C5/2014/0018)

Application to the Court of Appeal for permission to appeal the Upper Tribunal's decision that any error of law made by the First-tier tribunal was not material because, on any view, excluding the appellants would not be disproportionate under Article 8 ECHR. The appellants are nine, 10, 11 and 68 years old. Permission granted after an oral permission hearing on 11 June 2014. Substantive hearing was listed on 11-12 March 2015.

R (GB) v SSHD (C5/2014/2512)

Interim injunction granted by the Court of Appeal to prevent the appellant's removal from the UK pending the outcome of his appeal.

FO (Somalia) v ECO (C5/2013/2747)

Successful application for permission to appeal to the Court of Appeal from a determination of the Upper Tribunal. The issue was whether the requirement to provide an English language test certificate from an English language test provider approved by SSHD was part of the Immigration Rules before the introduction of Appendix O. The case was settled following grant of permission.

R (LA) v SSHD (CO/3579/2013)

Out-of-hours application to the Court of Appeal for interim relief following refusal in the High Court. Stay on removal granted. Subsequently, the Secretary of State for the Home Department (SSHD) made a new decision that was not certified. The result of which was that the appellant was granted an in-country right of appeal, which he went on to win.

SY (China) v SSHD (C5/2012/0202)

Successful application for permission to appeal to the Court of Appeal from a determination of the Upper Tribunal. The grounds challenged the Upper Tribunal's interpretation and application of the Council of Europe Convention on Action against Trafficking in Human Beings. The case was settled following grant of permission.

R (AS) v SSHD (CO/2269/2014)

Challenge to the defendant's (acting as the 'Competent Authority' as part of the National Referral Mechanism) conclusive grounds decision that the Claimant was not a victim of trafficking. Permission granted.

R (UN) v SSHD (CO/1572/2014)

Challenge to the defendant's decision to impose a condition on the leave that the claimant was granted which meant that she could have no recourse to public funds. Interim relief and permission granted.

R (TTHV) v SSHD (CO/16813/2013)

Challenge to the defendant's failure to consider the claimant's fresh representations. Interim injunction granted preventing the appellant's removal from the UK pending the consideration of the outstanding representations.

R (CJ) v SSHD (CO/12317/2012)

Challenge to the defendant's decision to refuse to accept the Claimant's representations as a fresh claim. Permission granted at oral renewal hearing.

R (GK) v SSHD (CO/6655/2011)

Challenge to the defendant's decision to refuse to accept the claimant's representations as a fresh claim. Settled after permission granted. The claimant subsequently won her appeal in the First-tier tribunal.

R (HA) v SSHD (CO/10224/2011)

Challenge to the lawfulness of 49 months' immigration detention with an allegation of non-cooperation. Settled after permission granted.

R (DG) v SSHD (CO/9017/2010)

Application that defendant was in contempt of Court for failing to obey a sealed Consent Order, pursuant to which the claimant's application for judicial review was withdrawn.

R (DQ) v SSHD and the London Borough of Hillingdon (CO/8225/2010)

Challenge to the age assessment and the lawfulness of the detention of a disputed minor. Settled after the claimant's age was accepted.

MOJ & Ors (Return to Mogadishu) Somalia CG [2014] UKUT 00442 (IAC)

Country Guidance case on Somali.

ZH v SSHD (AA/04137/2009)

Successfully argued that the Upper Tribunal had jurisdiction to hear an appeal when the SSHD had withdrawn the original immigration decision and that the consequence of the withdrawal was that the appellant's case went unchallenged.

HD v SSHD (AA/01714/2014)

Successfully argued that the appellant's Article 3 and 8 European Convention on Human Rights (ECHR)

rights would be breached if she was removed to Italy under the Dublin Regulation.

ADMINISTRATIVE AND PUBLIC LAW

Gemma appears in the High Court in a broad range of judicial review matters which often involve challenging removal, detention, certification, decisions under the National Referral Mechanism, fresh claim refusals, legacy decision making and other immigration-related public law challenges. Gemma is experienced in urgent removal cases and is comfortable taking instructions at short notice.

TRAFFICKING AND MODERN DAY SLAVERY

As a longstanding member of the Anti-Trafficking Legal Project, Gemma regularly represents victims of human trafficking. Gemma's background in the voluntary sector makes her particularly adept at dealing with vulnerable clients, including unaccompanied asylum seeking children and those with mental health problems.

BACKGROUND

Prior to coming to the Bar, Gemma worked as an asylum appeals caseworker for Refugee and Migrant Justice (formerly the Refugee Legal Centre).

PUBLICATIONS

Somalia: Indiscriminate Risk, *Journal of Immigration Asylum and Nationality Law*, Gemma Loughran and Harriet Short, 2012, 26(2), 175-189.

TRAINING AND SEMINARS

Gemma regularly delivers CPD-accredited seminars covering different areas of immigration practice to keep solicitors up to date with all areas of applicable legislation and case law.

In 2014, Gemma lectured on the 'Refugees and Human Rights' LLM module at London Metropolitan University.

PROFESSIONAL MEMBERSHIP

- [Immigration Law Practitioners' Association](#)
- [Administrative Law Bar Association](#)
- [Anti-Trafficking Legal Project](#)
- [Haringey Migrant Support Centre \(Trustee\)](#)

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