



GARDEN COURT CHAMBERS

Gemma Loughran

YEAR OF CALL: 2008



Gemma Loughran provides advice and representation in all areas of immigration, asylum and human rights law. She is recommended in the Legal 500 and in the Chambers UK Bar Guide in immigration. She is registered with the Bar Council for public access work.

"She is such an experienced barrister. She is great with strategy and understands how to build a strong case."

CHAMBERS UK, 2024

"Gemma works closely and assiduously with instructing solicitor and lay client, ensuring no stone is unturned in the preparation of a case."

LEGAL 500, 2024

"An incredibly experienced and knowledgeable barrister. She always has the client at the forefront of all decisions and strategy."

"She is a very thorough barrister and gives clear and concise advice. She is very experienced and gets great results."

CHAMBERS UK, 2022 (IMMIGRATION)

"Gemma is a brilliant lawyer. She prepares thoroughly. She is meticulous with her paperwork."

LEGAL 500, 2022 (IMMIGRATION)

"She is an extremely effective barrister; the quality of her presentation and her distilling of complicated legal issues is very impressive. She is also a thorough and skilful advocate who inspires confidence in clients and solicitors alike."

CHAMBERS UK, 2021 (IMMIGRATION)

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

contactmyclerks@gclaw.co.uk | +44 (0)20 7993 7600

IMMIGRATION LAW

Gemma has extensive experience in asylum and human rights law, having worked in the field for over 15 years. She regularly appears in high-level complex asylum and deportation appeals.

Gemma undertakes national security work in the Special Immigration Appeals Commission, acting in deprivation of citizenship cases.

Gemma is able to advise on private immigration matters including all aspects of the Points Based System, family based applications, nationality, visit visas and EEA applications.

NOTABLE CASES

PAST NOTABLE CASES CAN BE VIEWED BELOW. CLICK HERE TO SEE A LIST OF RECENT NOTABLE CASES.

COURT OF APPEAL

AS (Afghanistan) v Secretary of State for the Home Department [2019] EWCA Civ 208

Preliminary hearing in a pending appeal against the decision of the Upper Tribunal in a Country Guidance case about the return of Afghan nationals to Kabul – AS (Safety of Kabul) Afghanistan CG [2018] UKUT 0018 (IAC). It raised a novel question of jurisdiction about the circumstances in which the Upper Tribunal can correct errors in the reasons which it gives for its decisions.

AB (Sierra Leone) v Secretary of State for the Home Department [2017] (C5/2015/3121)

Complex legal argument regarding the issue that the Secretary of State for the Home Department's refusal to revoke the deportation order left the Appellant in a state of limbo that was likely to endure indefinitely.

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

Important 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.

COUNTRY GUIDANCE CASES

AS (Afghanistan) v Secretary of State for the Home Department (AA/03491/2015)

Country guidance on the issue of the safety and reasonableness of internal relocation to Kabul for those who have been found to have a well-founded fear of persecution in their home area in Afghanistan.

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

Country guidance on the issue risk on return to Mogadishu.

ADMINISTRATIVE AND PUBLIC LAW

Gemma appears in the High Court in a broad range of cases often involving challenging removal, detention, certification, trafficking 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. Gemma represents unaccompanied asylum seeking children trying to join family members in the UK under the family reunification provisions in the EU Dublin III Regulation.

TRAFFICKING AND MODERN DAY SLAVERY

Gemma is particularly well known for her experience and expertise in trafficking cases.

She is a contributing author to *Macdonald's Immigration Law and Practice* (LexisNexis), the UK's leading practitioner textbook in immigration law and is currently updating the chapter on trafficking for the forthcoming edition.

She is also a contributing author to *Human Trafficking and Modern Slavery, Law and Practice* (Bloomsbury).

She co-convenes the Anti Trafficking Legal Project.

NOTABLE CASES

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***The Queen on the Application of O and H v The Secretary of State for the Home Department* [2019] EWHC 148 (Admin)**

A test case on the delays by the Secretary of the Home Department in the process of making "Conclusive Grounds" decisions in respect of potential victims of human trafficking had become so significant and so widespread as to be unlawful.

***The Queen on the Application of MN v The Secretary of State for the Home Department* [2018] EWHC 3268 (QB)**

Gemma was instructed by the intervener: The AIRE Centre. The case raises issues of general public importance with wide-ranging implications for the identification and protection of victims of human trafficking. It was submitted that the Defendant's policy, which is to apply a standard of proof of balance of probabilities in its procedure for the identification of victims of human trafficking, is unlawful.

YOUTH JUSTICE & CHILD RIGHTS

Gemma has extensive experience of representing children and young people in a wide range of public law, immigration and trafficking matters. She has particular experience of working with unaccompanied asylum seeking children and child victims of trafficking and is frequently instructed in challenges against deportation, where the offences were committed, whilst the child was in a trafficking situation.

BACKGROUND

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

PUBLICATIONS

Gemma is a contributing author to Macdonald's Immigration Law and Practice (LexisNexis), the UK's leading practitioner textbook in immigration law and is currently updating the trafficking chapter for the forthcoming addition. Gemma is also a contributing author to Human Trafficking and Modern Slavery, Law and Practice (Bloomsbury).

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 Continuing Professional Development (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.

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57-60 Lincoln's Inn Fields, London, WC2A 3LJ

Email: info@gclaw.co.uk

Tel: +44 (0)20 7993 7600

DX: 34 Chancery Lane