



GARDEN COURT CHAMBERS

David Sellwood

YEAR OF CALL: 2012



David Sellwood specialises in immigration, asylum, nationality and human rights law. He acts in public and private law proceedings in courts and tribunals at all levels, including the Supreme Court. He is regularly instructed in complex asylum and deportation proceedings, judicial reviews, and claims challenging unlawful immigration detention.

David is co-convenor of Garden Court's immigration team and ranked in Chambers and Partners, UK Bar (Immigration).

"Very knowledgeable and efficient, and really good with the clients."

CHAMBERS UK, 2021 (IMMIGRATION)

"He is a pleasure to work with. Responsive to emails and telephone calls, on top of the law and very thorough in his paperwork."

CHAMBERS UK, 2021 (IMMIGRATION)

"He takes complex cases and makes them simple; he's so organised and just gets on with it."

CHAMBERS UK, 2020

"A very bright barrister who works incredibly hard and will certainly do well."

CHAMBERS UK, 2020

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

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IMMIGRATION, ASYLUM AND HUMAN RIGHTS

David has a broad immigration, asylum and human rights practice, both advisory and advocacy based. He has detailed knowledge and experience of the Immigration Rules, immigration legislation and policy, and the European Convention on Human Rights. He was junior counsel in the key authority on private life and administrative removal - *Rhuppiah v SSHD* - both in the Court of Appeal ([2016] EWCA Civ 803), and the Supreme Court ([2018] UKSC 58). More recently he appeared in *Birch (Precariousness and mistake; new matters)* [2020] UKUT 86 (IAC), a reported Presidential panel decision dealing with similar issues.

David regularly receives instructions in deportation proceedings concerned with protection and or human rights issues. Cases include *Andell (foreign criminal – para 398)* [2018] UKUT 198 (IAC) (the definition of a 'foreign criminal' under the Immigration Rules); *IA (Pakistan) v SSHD* [2017] EWCA Civ 784 (as junior counsel, deportation and Article 8, ECHR); *IR (Jamaica) v SSHD* [2017] EWCA Civ 419 (as junior counsel, deportation and Article 8, ECHR); and *SB (refugee revocation; IDP camps) Somalia* [2019] UKUT 358 (IAC) (as junior counsel, revocation of refugee status and country conditions in Somalia). His knowledge and experience of asylum and subsidiary protection claims has developed over a number of years, having previously worked as an accredited Senior Immigration Caseworker in private practice and the NGO sector.

ADMINISTRATIVE AND PUBLIC LAW

David's judicial review practice involves challenges to a whole range of immigration related decisions, including: unlawful immigration detention; the conditions and treatment of detainees at Immigration Removal Centres; refusal to provide support and accommodation to migrants; failure to recognise victims of trafficking and modern day slavery; refusal to recognise further submissions as a fresh claim under the Immigration Rules; certification of protection and human rights claims; entry clearance refusals; delays in decision making; refusal to provide biometric residence cards to migrants; removal during on-going civil claims; refusal of the Upper Tribunal (IAC) to grant permission to appeal; and the refusal to naturalise or register individuals as British citizens.

IMMIGRATION DETENTION CIVIL CLAIMS

David is regularly instructed in unlawful detention claims, both in the Administrative Court and County Court. He advises, drafts, and undertakes advocacy at all stages of proceedings. He has particular expertise in the treatment of Foreign National Offenders, and vulnerable detainees who fall under the Home Office's Adults at Risk policies, including those with mental health issues; and victims of torture, trafficking, or modern day slavery.

NATIONALITY

David regularly advises and represents individuals with claims to British citizenship, or subject to revocation of citizenship.

INTERNATIONAL HUMAN RIGHTS

David has significant international human rights experience, having worked and studied in that area for a number of years prior to the Bar. He has been involved in drafting petitions to the Inter American Commission on Human Rights, including in the case of a Ukrainian national facing execution in Virginia: IACHR, Report No. 53/13, Case 12.864, Merits, *Ivan Teleguz, United States*, July 15, 2013. David also co-authored an amicus curiae brief addressing prison conditions in the U.S. in a European Court of Human

Rights case: *Babar Ahmad and Others v United Kingdom* (Application Nos 24027/07, 11949/08 and 36742/08, Judgment, 10 April 2012).

PRO BONO

David has provided pro bono advice and representation to Bail for Immigration Detainees since he was called to the bar. He has also represented individuals through Advocate (formally, the Bar Pro Bono Unit), and continues to work pro bono on other matters.

BACKGROUND

David spent over eight years in the human rights sector prior to the Bar. He worked at Reprieve, identifying and assisting European nationals on death row in the United States, initially as the Head of EC Project, then as joint Interim Director of their Death Penalty Team.

David joined Reprieve from the Foreign and Commonwealth Office, where he was a Human Rights Adviser seconded by Prisoners Abroad. He advised diplomats and government ministers on human rights issues affecting British nationals overseas, including the right to a fair trial, prisoners' rights, miscarriages of justice, and the death penalty.

David also worked as a Senior Immigration Caseworker at Wilson Solicitors LLP, then Refugee and Migrant Justice. He undertook an internship at the Independent Jamaica Council for Human Rights in Kingston, Jamaica, assisting local counsel and UK based lawyers representing prisoners sentenced to death.

PUBLICATIONS

Books

Contributor, Jackson's Immigration Law and Practice (fifth ed, Bloomsbury Professional) (forthcoming).

Contributor, Macdonald's Immigration Law and Practice (ninth ed, LexisNexis Butterworths) (2017 & 2018).

Contributor, The Law and Practice of Expulsion and Exclusion from the UK (first ed, Hart Publishing) (2014).

Articles, Practice Notes

Deportation LexisNexis Practice Note (2018, co-author).

Challenging deportation decisions LexisNexis Practice Note (2018, co-author).

Case Comment: I.A (Appellant) v The Secretary of State for the Home Department (Respondent) Scotland [2014] UKSC, Journal of Immigration and Nationality Law (2014)

Capital Punishment and the Caribbean: A Marriage on the Rocks? (2005) Vol 30, No.1, West Indian Law Journal 33.

Contributor, *The Law and Practice of Expulsion and Exclusion from the UK*, Hart Publishing (2014).

TRAINING AND SEMINARS

David conducts training on a wide range of legal issues and areas of law.

Previous training includes:

The good character tests in British citizenship applications, Gherson, London (February 2020).

Deprivation of citizenship: legal and practical issues in preparing deprivation appeals, Garden Court Chambers, London (November 2019).

An introduction to immigration and asylum law, Newham Psychological Service, NHS, London (October 2019)

Persecution by reason of political opinion, Mischon de Reya, London (April 2019).

Rhuppiah v SSHD: challenging removal on Article 8 grounds, Garden Court Chambers (February 2019).

Immigration bail under the Immigration Act 2016, Luqmani Thompson and Partners, London (May 2018).

Asylum, immigration and human rights update, Brighton Housing Trust, Brighton (April 2018).

Unlawful detention: principle, policy and procedure, Duncan Lewis Solicitors, London (July 2017).

Judicial review, Rashid and Rashid solicitors, London (May 2015).

Consular assistance and the protection of human rights, British High Commission, Islamabad, Pakistan (April 2011).

The death penalty and the prohibition on torture under international law, Reprieve Death Penalty

Conference, Punjab Bar Council, Lahore, Pakistan (April 2011).

Representing foreign nationals Facing the death penalty, Capital Case Defense Seminar 2011, Monterey, California (February 2011).

The death penalty under international law: an end in sight? Vermont Law Review Symposium, Vermont Law School, Vermont, USA (February 2011).

Reprive's EU Death Penalty Project: trends and patterns, European Union Delegation to the United States, Washington DC, USA (February 2011).

Partnerships for abolition – NGOs and the European Union, 4th World Congress Against the Death Penalty, Geneva, Switzerland (February 2010).

Public and private diplomacy and the death penalty, Centre on Public Diplomacy, University of Southern California, USA (October 2008).

AWARDS

Sir J.C. Smith Travelling Scholarship, University of Nottingham

European Commission Scholarship Centre for Capital Punishment Studies

EDUCATION

- **LLB (Hons), (ULaw)**
- **LLM, Human Rights Law (Notts) - Distinction**
- **BSc (Hons), Politics and International Relations (Soton)**

PROFESSIONAL MEMBERSHIP

Immigration Law Practitioners Association (ILPA)

Bar Human Rights Committee

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