



Emma Fitzsimons

YEAR OF CALL: 2011



Emma Fitzsimons is an immigration and public law barrister, practising in immigration and asylum, unlawful detention, trafficking, age assessments and community care.

She is a committed and conscientious advocate, who has particular strength in representing vulnerable clients. She regularly appears on behalf of unaccompanied minors, trafficking victims and vulnerable adults in the First-tier Tribunal, Upper Tribunal and Administrative Court. She also has experience of successfully acting in urgent removal cases.

She is a contributing author to the leading immigration practitioner text, *Macdonald's Immigration Law and Practice*.

"Emma is an outstanding barrister. She is always well prepared and has exceptional understanding of the legal issues in often-complex asylum appeals, including children and Upper Tribunal error of law hearings."

MARK SHEPHERD, DIRECTOR & SOLICITOR, MIGRANT LEGAL PROJECT

"We have instructed Emma in a number international protection, human rights & public law claims. She combines a strong intellect, hard work and

great determination. Emma is a pleasure to work with."

AHMED AYDEED, DIRECTOR OF PUBLIC LAW & SOLICITOR, DUNCAN LEWIS SOLICITORS

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

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IMMIGRATION LAW

Emma provides advice and representation across all areas of immigration law. She regularly appears in the First-tier and Upper Tribunals, as well as the Administrative Court. She is adept at representing unaccompanied minors, trafficking victims and vulnerable adults. She also has experience of fresh claim and certification judicial review challenges, as well as urgent removal cases. She appears pro bono in bail applications on behalf of Bail for Immigration Detainees.

NOTABLE CASES

ROO (Nigeria) v Secretary of State for the Home Department [2018] EWHC 1295 (Admin)

Led by Sonali Naik QC. Successful judicial review challenge to section 96 certificate and refusal of fresh claim of LGBT torture victim. Obtained urgent interim relief to prevent removal. Unlawful detention aspect on appeal to Court of Appeal.

HH (Afghanistan) v Secretary of State for the Home Department JR/2387/2017

Successful settlement of Afghan fresh claim following grant of permission by Upper Tribunal.

MH (Afghanistan) v Secretary of State for the Home Department JR/1135/2017

Successful settlement of Afghan fresh claim following grant of permission by Upper Tribunal. Obtained interim relief out of hours.

AT (Sierra Leone) v Secretary of State for the Home Department JR/2860/2017

Obtained interim relief urgently, staying removal in an Article 8 case where parallel children public law proceedings taking place. Later settled successfully.

BT (Vietnam) v Secretary of State for the Home Department PA/07306/2017

Upper Tribunal overturned FtT decision dismissing appeal of vulnerable trafficking victim on grounds that the determination was perverse and failed to give effect to Competent Authority's Conclusive Grounds decision.

YB (Ghana) v Secretary of State for the Home Department IA/24620

Represented client in Upper Tribunal and subsequent FtT remittal. Successfully argued that permanent residence acquired through EU citizen spouse's exercise of treaty rights. Commended by First-tier Judge in determination for "excellent case preparation."

AA (Albania) v Secretary of State for the Home Department PA/04889/2017

Successful asylum LGB appeal.

IC (Sierra Leone) v Secretary of State for the Home Department HU/22846/2016

Successful Article 8 appeal before the FtT for former care leaver with two convictions for possession with intent to supply Class A drugs. Fee award made against SSHD for failure to make proper inquiries at time of application.

ADMINISTRATIVE AND PUBLIC LAW

Emma acts for claimants against public authorities, and hopes to build a broad public law practice. She has experience of judicial review challenges in the Upper Tribunal and Administrative Court, particularly in fresh claim, certification, age assessment and trafficking decisions. She has also been led junior in a strategic challenge to the systemic collection of children's personal data.

NOTABLE CASES

ROO (Nigeria) v Secretary of State for the Home Department [2018] EWHC 1295 (Admin)

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Against Borders for Children v Department for Education CO/8/2018

Led by Shu Shin Luh, and instructed by Liberty to challenge the collection of nationality and country of birth data via the annual Schools Census.

Following campaigning action by Against Borders for Children and Liberty, the Department for Education

confirmed it was ending the collection of nationality and country of birth data. See [Liberty Press Release](#) to learn more.

CIVIL LIBERTIES AND HUMAN RIGHTS

Emma regularly acts for immigration detainees in public law and damages claims in the Administrative Court. She has obtained interim relief for trafficking victims and immigration detainees in need of suitable accommodation. She is also keen to build experience in planning and protest cases. In 2017, she was a contributing author for [Friends of the Earth case law update on Environmental Impact Assessments](#)

NOTABLE CASES

VCL v United Kingdom App No 77587/12:

Currently instructed by Birds Solicitors, led by Henry Blaxland QC and Michelle Brewer, together with Stephen Clark. This is a communicated case pending before the ECtHR concerning the obligation to identify trafficking victims in the criminal justice system.

COMMUNITY CARE LAW

Emma welcomes instructions in challenges to provision of support and accommodation, and age disputes. She has experience acting for age disputed asylum-seeking children, and has acted in judicial review proceedings seeking appropriate bail accommodation for vulnerable detainees. She also contributes the **Children** section on the [Garden Court Chambers Social Welfare Law website](#).

PRO BONO WORK

Emma welcomes pro bono instructions. She acts for BID in immigration bail applications before the First-tier Tribunal, and has advised pro bono via the Bar Pro Unit. She also spent time volunteering in 2017 with the Refugee Legal Support Project in Athens.

BACKGROUND

Before coming to the Bar, Emma worked at the House of Commons as a legal specialist, advising select committees during their legislative inquiries. She authored five Parliamentary reports, and assisted the Joint Committee on Human Rights in its 2010/11 Report on the UK's Compliance with decisions of the ECtHR.

Whilst at the House of Commons Scrutiny Unit, she was seconded to the Office of Speaker's Counsel. She advised on parliamentary privilege, contract, crime, employment and tort law, and had responsibility for the handling of employment law litigation.

Emma also completed an internship in the Legal Division of the Department of Foreign Affairs and Trade, during which she worked on an international agreement between the UK and Ireland, ECtHR cases, Ireland's compliance with international humanitarian law and law of the sea. She also undertook extensive work on the preparation of a draft bill, implementing the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

PUBLICATIONS

Contributing Author, *Macdonald's Immigration Law and Practice*, 10th Edition.

Lexis Nexis PSL Note, 'Will Brexit Weaken the enforcement of fundamental rights in the UK?' 15 November 2018

Contributing Author, *Friends of the Earth Environmental Impact Assessment and Case Law Update* (2017)

YLAL News Item, '[Justice Denied - TUC Report finds women and children have been disproportionately affected by the devastating impact of LASPO](#)', 2016 available at:

YLAL News Item, '[Amnesty International say legal aid cuts have created two-tier justice that leaves the poorest and most vulnerable out in the cold](#)'

'A Recipe for Disaster? When Religious Rights and Equality Collide through the Prism of the Ashers Bakery Case', *Hibernian Law Journal*, 2016

'Rage Against the Machine', *Counsel Magazine*, 2016

'O Mother, where art thou?' Case Comment: *M.R. v An tArd-Chláraitheoir*, *Kings Inn Law Review*, 2016

'Behind Closed Doors? Justifying what's off limits online: The EU's Right to Be Forgotten', *ELSA Student Journal of European Law*, 2014

Report of the Political and Constitutional Reform Select Committee, *The Government's Lobbying Bill*, 2013

Report of the Political and Constitutional Reform Select Committee, *The Impact of the Fixed-term Parliaments Act 2011*, 2013

Report of the Northern Ireland Affairs Select Committee, *Draft Northern Ireland (Miscellaneous Provisions) Bill*, 2013

Report of the Joint Committee on Human Rights, *Defamation Bill*, 2012

Report of the Joint Committee on the Draft Enhanced Terrorism Prevention Measures Bill, 2012

TRAINING AND SEMINARS

ILPA Training, *Good Practice in Working with Unaccompanied Children (UPRIGHTS project)* - July 2018

Seminar: Remedies For Points based System Problems, *Article 8 and Private Life Claims* - May 2018

Roundtable Discussion with Privacy International: *Data Sharing Between Public Bodies - Tools of a Hostile Environment* - April 2018

AWARDS

Bar Council Law Reform Essay Prize 2015

Finalist, European Court of Human Rights Mooting Competition 2014

Dean's Roll of Honour, Trinity College Dublin 2014

Asbury Scholarship, Middle Temple 2010

McFarlow Bursary, Sidney Sussex College, Cambridge 2009

Winner, Lovells Land Law Moot 2008

EDUCATION

- **LLM, Trinity College Dublin, First Class Honours with Distinction (First Place in the Year), 2014**
- **BPTC, City Law School, Very Competent, 2011**

- MA (Hons) Law, University of Cambridge, 2010

PROFESSIONAL MEMBERSHIP

- Amnesty
- Administrative Law Bar Association (ALBA)
- Immigration Law Practitioners' Association (ILPA)
- Haldane Society of Socialist Lawyers
- Young Legal Aid Lawyers
- London Irish Lawyers Association

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