



Bojana Asanovic

YEAR OF CALL: 2000



Bojana has a wide-ranging practice in immigration and asylum matters at all levels of statutory appeals and judicial review challenges. Bojana's specialist interests are in claims involving EU free movement, sexual orientation and gender identity, trafficking/modern slavery and deportation.

She is instructed regularly in legally very complex cases, as well as those involving vulnerable claimants. She is experienced in dealing with high value business matters. Bojana has a wide interest and expertise in the European Convention on Human Rights.

Bojana had acted as a legal analyst in international election observation missions for OSCE ODIHR. Prior to coming to the English Bar she was a current affairs journalist in former Yugoslavia.

Bojana was Highly Commended in the Junior Pro Bono Barrister of the Year category at the Advocate Bar Pro Bono Awards 2020.

"A real specialist in EU law. She is extremely intelligent and really sees the big picture in her cases. She is incredibly committed and knows the area inside out."

CHAMBERS UK, 2022 (IMMIGRATION)

"Bojana is one of the top EU free movement lawyers in the UK."

LEGAL 500, 2022 (IMMIGRATION)

"Bojana is extremely intelligent and sees the big picture in cases. Really committed... Super good on European issues - she really knows that area backwards."

CHAMBERS AND PARTNERS 2021

"Highly experienced and fiercely intelligent barrister, who has a very strong reputation in particularly complex cases relating to vulnerable groups"

LEGAL 500 2021

"Leading light on complex European law issues... very bright and meticulous in her preparation, and is absolutely one of the principal barristers for LGBT and immigration cases."

CHAMBERS AND PARTNERS 2020

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

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IMMIGRATION & ASYLUM LAW - NOTABLE CASES

Hussein v SSHD [2020] EWCA Civ 156 Junior counsel for the Appellant. Application of the test of how to assess continuity of residence for 10 years so as to qualify for 'enhanced protection' and of the test of 'serious

grounds of public policy or public security' as required by Article 28 of Directive 2004/38/EC. Allowed on error relating to serious grounds and remitted to Upper Tribunal. Application for permission to appeal to Supreme Court lodged in relation to the approach to assessment of continuity of residence.

R (Ali Hafeez) v SSHD [2020] EWHC 437; [2020] 1 WLR 1877 - Single junior for the Intervenor, the AIRE Centre, in a challenge to the lawfulness of regulation 33 of Immigration (EEA) Regulations 2016 which permits removal of EU nationals pending their appeal against deportation.

Patel v SSHD; Shah v SSHD [2019] UKSC 59; [2020] 1 WLR 228, [2020] 2 All ER 557 - Junior counsel for the intervenor, the AIRE Centre, in the case where the Supreme Court addressed the parameters that establish residence rights of Ruiz Zambrano carers of British citizens.

Gauswami (Retained right of residence, Jobseekers) [2018] UKUT 275 (IAC) - Presidential Panel found that in order to retain a right to reside upon divorce, a third country national spouse of a Union citizen needs to be a worker in the sense of Article 45 TFEU at the time of decree absolute, which includes being a jobseeker.

IS, R (on the application of) v Secretary of State for the Home Department [2016] EWHC 1623 (Admin) - A claim for unlawful detention established liability on the basis that a report by a GP in detention amounted to independent evidence of torture and that SSHD had failed to act with diligence not having considered material evidence.

C-115/15 NA Pakistan - CJEU ruled on three distinct issues: retained rights of residence for divorced third country national spouses - victims of domestic violence under Article 13 Dir. 2004/38; rights of residence of children of former workers under Reg. 1612/68 as well as those arising from the application of TFEU Art 20. The reference followed from long domestic litigation (***The Secretary of State for the Home Department v NA (Pakistan)*** [2015] EWCA Civ 140; ***NA v Secretary of State for the Home Department*** [2014] EWCA Civ 995 and ***Ahmed (Amos; Zambrano; reg 15A(3)(c) 2006 EEA Regs)*** [2013] UKUT 00089 (IAC) [2013] Imm. A.R. 540; [2013] I.N.L.R. 505). Led by Tom De La Mare QC at Court of Appeal and in CJEU.

NK, R (on the application of) v The Secretary of State for the Home Department (IJR) [2015] UKUT 431 (IAC) - A reported decision of a successful judicial review of a refusal of a fresh claim by a lesbian from Cameroon.

AB, R (on the application of) v Secretary of State for the Home Department [2013] EWHC 3453

(Admin) - A complex claim seeking to establish breach of Art 3 by SSHD whose actions were claimed to have caused the claimant to be tortured on return. The claim ultimately not successful for negative credibility findings, but led to a reference to the Director of Public Prosecutions and the Attorney General of G4S for a prima facie case of forgery. Led by Martin Westgate QC.

Babajanov (Continuity of residence - Immigration (EEA) Regulations 2006) [2013] UKUT 00513 (IAC); [2014] Imm. A.R. 196 - Permanent residence under Article 16 of Directive 2004/38/EC can be established while a Union citizen or a family member of that national is outside the host country at the time it is acquired.

Chomanga (binding effect of unappealed decisions) Zimbabwe [2011] UKUT 312 (IAC); [2011] Imm. A.R. 813 - Following a successful and unchallenged appeal by an appellant, it is not open to the respondent to make a further adverse decision on the same issue relying on the same evidence, unless there is evidence of fraud or specific exceptions.

Atapattu, R (On the Application of) v The Secretary of State for the Home Department [2011] EWHC 1388 (Admin) - A claim for damages resulting from unlawful retention of a passport of a student applicant for an entry clearance resulted in SSHD's liability in conversion under the Torts (Interference with Goods) Act 1977.

MK (Lesbians) Albania CG[2009] UKAIT 00036 – Former Country Guidance decision on risk factors to lesbians in Albania. After grant of permission on all grounds on appeal (including treatment of expert evidence) the case was remitted to the Upper Tribunal. MK was granted asylum and the appeal withdrawn. The decision established that there was a risk to gay men. Conducted with Emma Daykin.

PUBLICATIONS

Contributor to *The Law and Practice of Expulsion and Exclusion from the United Kingdom: Deportation, Removal, Exclusion and Deprivation of Citizenship*, editors Eric Fripp with Rowena Moffatt and Ellis Wilford, Hart Publishing, Oxford, 2015.

PROFESSIONAL MEMBERSHIP

Immigration Law Practitioners' Association (ILPA)

RLG

Joint Council for the Welfare of Immigrants (JCWI)

LANGUAGES

Serbian

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