GARDEN COURT CHAMBERS

Alex Schymyck

YEAR OF CALL: 2020

Alex is a public law and civil liberties barrister. He accepts instructions in Administrative and Public Law, Immigration, Community Care, Mental Health and Actions Against the Police.

Alex acts in judicial review and civil claims challenging immigration detention, mental health detention and police detention. Alex is committed to protecting the rights of vulnerable detainees and was instructed on the Brook House Inquiry.

Alex is also frequently instructed in urgent judicial review proceedings challenging community care decisions and immigration decisions. Alongside his judicial review work, Alex appears in immigration appeals in the First Tier Tribunal and Upper Tribunal.

Prior to coming to the Bar, Alex taught Public Law at LSE. Alex has been published in *Public Law*, *Journal of Immigration and Asylum Law* and the UK Constitutional Law Association blog. Alex also writes regular updates for Free Movement, the leading immigration law website.

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

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

You can also contact Alex directly:

alexs@gclaw.co.uk

ADMINISTRATIVE AND PUBLIC LAW

Alex has broad experience in public law from preparing judicial review claims as a caseworker to teaching administrative law at LSE and assisting judges while working at the Court of Appeal. Alex brings this experience to his work representing claimants in judicial review claims across his practice areas. He has been instructed in judicial review claims at all levels and is equally adept at preparing policy challenges and at seeking urgent interim relief.

NOTABLE CASES

***R (HZ and Others) v Secretary of State for the Home Department* [2023] EWHC 660 (Admin)**

Alex was instructed by Shelter on this challenge to the policy regarding Bridging Hotel accommodation provided to Afghan refugees (led by Martin Westgate KC).

***R (Ganpot) v Secretary of State for the Home Department* [2023] EWHC 197 (Admin)**

Alex appeared unled for three claimants and successfully obtained a mandatory order requiring the SSHD to accommodate them at a contested interim relief hearing.

IMMIGRATION DETENTION, ASYLUM AND DEPORTATION

Alex has long-term experience in this field and draws upon his early experience as a caseworker representing detained clients when appearing in immigration appeals and unlawful detention judicial review claims. Alongside his practice, Alex has written for Free Movement for many years and has a deep knowledge of immigration law.

NOTABLE CASES

Brook House Inquiry

Alex is instructed on behalf of several core participants in the Brook House Inquiry concerning the mistreatment and abuse of vulnerable detainees at Brook House IRC following a Panorama investigation in 2016 (led by Stephanie Harrison KC).

***R (AJ & AK) v Secretary of State for the Home Department* (ongoing)**

Alex is instructed in a policy challenge concerning failures in the evacuation of Harmondsworth IRC during November 2022 (led by Nick Armstrong KC).

Re Manston Short Term Holding Centre

Alex was instructed by a leading NGO to provide advice regarding a potential challenge to systemic failures at Manston Short-Term Holding Facility (STHF) during the widely reported migrant arrival crisis in September and October 2022 (led by Greg Ó Ceallaigh). Press Coverage: The Guardian, BBC News, The Independent.

COMMUNITY CARE LAW

Alex is highly experienced in bringing community care challenges to protect the rights of migrants and disabled people. Alex grew up caring for a disabled family member and is sensitive to situations in which families require extra help from statutory services.

NOTABLE CASES

~~***R (HZ and Others) v Secretary of State for the Home Department* [2023] EWHC 660 (Admin)**~~

Alex was instructed by Shelter on this challenge to the policy regarding Bridging Hotel accommodation provided to Afghan refugees (led by Martin Westgate KC). News item here. Press Coverage: Evening Standard, ITV News

***R (Ganpot) v Secretary of State for the Home Department* [2023] EWHC 197 (Admin)**

Alex appeared unled for three claimants and successfully obtained a mandatory order requiring the SSHD to accommodate them at a contested interim relief hearing.

ACTIONS AGAINST THE POLICE

Alex provides advice and representation in actions against the police of all kinds. Alex has particular expertise in false imprisonment claims and can draw upon his expertise in challenging unlawful detention in the context of the immigration system and mental health treatment.

NOTABLE CASES

***Karalis v Chief Constable of Derbyshire* (judgment awaited)**

Alex is instructed in this appeal before the High Court concerning the circumstances in which an arrest becomes unlawful due to knowledge held by a senior officer and not communicated to the arresting officer (led by Una Morris).

MENTAL HEALTH LAW

Alex regularly appears before the First Tier Tribunal in applications for discharge, before the County Court in Nearest Relative (NR) displacement applications and provides advice regarding civil claims concerning unlawful detention under the Mental Health Act 1983. Alex also has experience in appeals before the Upper Tribunal.

NOTABLE CASES

***AC v Cornwall Partnership NHS Trust* (unreported)**

Alex appeared unled before the Upper Tribunal in an application for permission to appeal concerning the refusal to make a statutory recommendation.

***Buckinghamshire CC v MP* (unreported)**

Alex appeared on behalf of the patient's parent and resisted a Nearest Relative displacement application.

BACKGROUND

Alongside his academic work, Alex spent a year as the Judicial Assistant to Lord Justices Singh and Hickinbottom at the Court of Appeal, who were in charge of supervising public law appeals at the time. Alex wrote opinions and conducted legal research for the two judges on a wide variety of judicial review issues and developed his understanding of how to plead and argue public law claims.

Alex also worked as a senior caseworker at a public law firm bringing legally aided judicial review and civil claims on behalf of vulnerable clients.

PUBLICATIONS

'The Hardial Singh principles and the Principle of Legality', Public Law, July 2021, 489-496

'Immigration bail: focus', Legal Action, 2020, Oct, 26-27

'A comparison of the Hardial Singh principles and article 5(1)(f) ECHR', Journal of Immigration, Asylum and Nationality Law, 2020, 34(3), 236-253

'Why the proposed changes to asylum legal aid fees are unlawful', U.K. Const. L. Blog (23rd June 2020)

'Helicopter Money: Could the government force the Bank of England to print money?', U.K. Const. L. Blog (15th April 2020)

'Vulnerable Detainees in Prison Illustrate the Need for Consistency as a Ground of Review', U.K. Const. L. Blog (24th Feb 2020)

Free Movement Blogs

Home Office ordered to pay £20,000 for 60 days' false imprisonment – 4 Jan 2024

Youth Mobility Visa – 12 May 2024

Upper Tribunal awards significant damages for unlawful Dublin refusal – 25 April 2023

High Court rejects challenge by Afghan families to hotel move – 4 April 2023

High Court orders Home Office to provide Schedule 10 accommodation to destitute migrants – 10 Feb 2023

No damages for unlawful no recourse to public funds policy – 10 Feb 2023

High Court orders Home Secretary to immediately increase asylum support rates– 9 Jan 2023

Garden Court Blogs

Immigration Blog: The expansion of immigration detention in the Illegal Migration Act 2023 – 1 November 2023

Social Welfare Update: Open Justice and the Mental Health Tribunal: Maher v FTT – 30 May 2023

TRAINING AND SEMINARS

Alex provides training in relation to his areas of practice. Please contact the clerks to arrange training.

Previous Events:

Brook House Inquiry Conference – 6 Dec 2023

Court of Protection Conference – 8 Nov 2023

Urgent applications in homelessness and community care cases – 11 May 2023

AWARDS

LexisNexis Legal Awards 2023 - Garden Court Brook House Inquiry Team - Highly Commended Halsbury Rule of Law Award

Lord Denning BPTC Scholarship, Lincoln's Inn

Advocacy BPTC Scholarship, BPP

William Charnley LLM Scholarship, Hughes Hall, University of Cambridge

Lord Brougham GDL Scholarship, Lincoln's Inn

EDUCATION

LLM, University of Cambridge, First Class

GDL, City Law School, Distinction

BA Philosophy, Politics and Economics, University of Oxford, First Class

PROFESSIONAL MEMBERSHIP

Administrative Law Bar Association

UK Constitutional Law Association

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Email: info@gclaw.co.uk

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DX: 34 Chancery Lane