



# Irena Sabic

YEAR OF CALL: 2002



Irena's expertise is sought-after in individual cases and policy challenges concerning unlawful detention, victims of trafficking and the rights of vulnerable adults and children subject to immigration control. She has been involved in test case litigation relating to migrants' rights concerning community care, welfare support, immigration detention, deportation and removal.

She regularly litigates unlawful detention cases, particularly those raising novel and complex points. She also has significant expertise in civil claims arising from unlawful detention and on behalf of victims of trafficking.

Irena is public access accredited and welcomes enquiries from members of the public or organisations seeking advice or representation in all areas of specialism.

Irena is currently Chair of the Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal.

Irena Sabic is a public law barrister with significant experience and expertise in planning, immigration and asylum, community care, unlawful detention and international law. Irena's multi-disciplinary practice is rooted in civil liberties and human rights law.

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

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## ADMINISTRATIVE AND PUBLIC LAW

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Irena is an experienced and highly regarded public law practitioner who has appeared at all court levels. Her multi-disciplinary practice means she is able to conduct test case litigation. She has a particular focus on cases concerning unlawful detention, abuse of power, equality and discrimination and treatment of vulnerable children and adults subject to immigration control.

### NOTABLE CASES

#### **Unlawful Detention under Dublin III Art 28**

*SS et al v SSHD [2018] EWCA Civ 2122*

In a majority judgment, the Court of Appeal held that the SSHD did not have a lawful policy for detention of asylum seekers subject to Dublin III. The Court of Appeal dismissed the appeal brought by SSHD in a judgment examining the lawfulness of detention of asylum seekers subject to Dublin III and held that in all cases the ingredients for the common law action of false imprisonment were made out.

#### **Unlawful detention of a vulnerable adult (Rule 35 report)**

*SNA v SSHD [2018] EWHC 1504 (Admin)*

Administrative Court found that Claimant was unlawfully detained (public law error bearing on decision to detain) but entitled to nominal only damages.

#### **Unlawful detention of a vulnerable adult**

*R. (on the application of Aboro) v Secretary of State for the Home Department [2018] EWHC 1436 (Admin)*

Administrative Court concluded that SSHD acted unlawfully in continuing to detain a foreign criminal pending removal because she failed to address her policy for detention of those who had been assessed as suffering from depression and risk of self-harm.

Irena was led by Sonali Naik QC.

### **Successful Fresh claim judicial review - mother/daughter relationship**

*R. (on the application of MG) v Secretary of State for the Home Department* [2018] EWHC 31 (Admin)

Successful judicial review of the SSHD decision to reject a fresh claim of a foreign offender who lost her appeal against a deportation order. Her daughter was a British citizen and the Court underlined the need for anxious scrutiny to be given to applications on Article 8 ECHR concerning best interests of the child.

### **Supreme Court decision on interaction between the Hague Convention and best interests of the Child/article 8 ECHR**

*In re E (Children) (Abduction: Custody Appeal)* [2011] UKSC 27

Irena acted for Women's Aid Federation (led by Stephen Knafler and as part of a team) to intervene in the Supreme Court appeal considering the interaction between the Hague Convention and the UN Convention on the Rights on the Child and article 8 ECHR.

*R. (on the application of O'Brien) v South Cambridgeshire DC* [2016] J.P.L. 656

### **Successful appeal to the Court of Appeal examining positive and negative obligations of Article 8 ECHR**

*Muse v ECO* [2012] EWCA Civ 10

Irena represented 5 Somali children seeking entry clearance to join their family in the UK. Led by R Drabble QC.

*R. (on the application of McCarthy) v Basildon BC* [2011]

Irena was led by Marc Willers QC in judicial review proceedings in the Administrative Court and the Court of Appeal brought by the residents of Dale Farm.

*R (on the application of M and others) v HM Treasury* [2006] All ER (D) 108

Concerning the ambit of UN Security Council Resolution on freezing of funds of persons designated as terrorists by the UN.

### **Judicial review of HO discretionary policy based on EU law**

*Kungwenwe v SSHD* [2005] EWHC 1427

Judicial review of the Home Office decision under the 10-year concessionary policy based on the validity of the residence document granted in pursuance of EU law. The case highlights two areas of law, EU freedom of movement and UK immigration law which pull in different directions.

## CLAIMS AGAINST THE POLICE AND PUBLIC AUTHORITIES

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Irena's multi-disciplinary practice is rooted in civil liberties and human rights law. She is experienced in domestic, regional and international human rights forums. Her expertise is sought-after in individual cases and policy challenges concerning unlawful detention, victims of trafficking and the rights of vulnerable adults and children subject to immigration control. She has been involved in test case litigation relating to migrants' rights, concerning community care, welfare support, immigration detention, deportation and removal.

### NOTABLE CASES

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## **COMMUNITY CARE LAW**

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Irena regularly advises and represents individuals in the full range of claims for community care assistance, most commonly on behalf of highly vulnerable adults and children. Irena is experienced in urgent applications for interim relief and is able to advise and represent at short notice.

Irena also advises and represents in age dispute cases and she is frequently instructed in cases that raise trafficking indicators or involve unlawful removal or detention of age disputed children.

## NOTABLE CASES

### **Test case establishing the scope of power to provide accommodation and assistance under s23C(4) of the Children Act 1989**

*R (on the application of Sabiri) v LB Croydon* [2012] EWHC 1236 (Admin)

Successful judicial review of the council's decision to refuse to provide accommodation and assistance to a former relevant child near to the Further Education College where he proposed to study.

### **Supreme Court decision on interaction between the Hague Convention and best interests of the Child/article 8 ECHR**

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## IMMIGRATION LAW

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Irena has significant expertise in all areas of immigration and EU law, with a broad range of clients including businesses, private individuals, NGOs and educational institutions.

Irena is committed to representing vulnerable children and adults in the immigration system; she is experienced in representing victims of trafficking and exploitation, unaccompanied asylum-seeking children, immigrants with mental health issues or those unlawfully detained. Irena is particularly interested in the overlap between the international, regional and domestic laws with respect to children and vulnerable adults.

Irena has a busy immigration practice and she often finds her expertise in immigration proves invaluable in housing and community care cases. Irena provides advice and representation in the full range of appeals before the FTT and UT, the Administrative Court and the Court for Appeal.

## NOTABLE CASES

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Irena represented 5 Somali children seeking entry clearance to join their family in the UK. Led by R Drabble QC.

### **Successful challenge of the decision of the Asylum and Immigration Tribunal**

*Essa v SSHD [2005] EWCA Civ 1577 CA (Keen LJ, Carnwath LJ)*

The Court of Appeal ruled that the AIT had not considered the background material in sufficient depth and

there was no documentary or evidential support for the conclusion that it reached.

### **Judicial review of HO discretionary policy based on EU law**

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### **Reported IAT decision**

*FK (Somalia)* [2004] UKIAT 00127 'Reported'

Immigration - (Shekhal Gandhershe) where the Tribunal found this sub-clan is within the Benadiri group. The case has been included in the Home Office Operational Guidance Note Feb 2004.

## **PLANNING & ENVIRONMENTAL LAW**

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Irena has extensive experience in planning and environmental law. In recent years, Irena has focussed her practice on issues of wider environmental importance. For example, Irena was instructed in the M4 Public Inquiry through the Environmental Law Foundation by several organisations including the Wildlife Trust, Gwent Wildlife Trust and Campaign for Protection of Rural Wales. Irena has experience in high-profile litigation for example, concerning the eviction of Dale Farm residents in 2011.

### **NOTABLE CASES**

#### **M4 Corridor Newport Public Inquiry**

Irena appeared on behalf of several environmental NGOs at the Public Inquiry on a major infrastructure project proposing the extension of M4 around Newport, Wales.

***R. (on the application of O'Brien) v South Cambridgeshire DC*** [2016] J.P.L. 656

#### ***R. (on the application of McCarthy) v Basildon BC*** [2011]

Irena was led by Marc Willers QC in judicial review proceedings in the Administrative Court and the Court of Appeal brought by the residents of Dale Farm.

## **BACKGROUND**

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Irena is committed to promotion and protection of human rights through artistic and educational forums. She appeared as a human rights expert in Yael Bartana's production of 'What If Women Ruled the World' at the Manchester Arts Festival (2017) and the Volkshuene theatre in Berlin (2018).

In January 2019, she was appointed a barrister board member of the BSB.

Irena has acted as a consultant for the Centre for Constitutional Rights, a U.S. based legal human rights organisation which has led the legal and political battle against Guantanamo Bay detention facility.

Having graduated with a first-class degree in law from Cambridge University, Irena spent a year working for a non-governmental organisation campaigning for protection and promotion of women's rights at the UN Human Rights Commission in Geneva (WILPF).

Irena combines a busy practice with regular delivery of training and lectures to public bodies and non-governmental organisations.

## **PUBLICATIONS**

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Contributing author to *Housing and Housing Benefit Law: A Practical Guide*. (Housing and Human Rights chapter).

Contributing author to *Judicial Review and Human Rights: Case Studies in Context*.

## **EDUCATION**

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- **LL.B (Hons)**

## **PROFESSIONAL MEMBERSHIP**

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- **Constitutional and Administrative Law Bar Association (ALBA)**
- **ILPA**
- **Lawyers for Liberty**
- **PEBA**

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