



GARDEN COURT CHAMBERS

David Jones

YEAR OF CALL: 1994



David is an extremely experienced practitioner with more than 25 years experience in a wide range of areas, including immigration and nationality law, asylum and human rights law, civil liberties and administrative and public law.

He has appeared regularly over the course of his practice at all tiers of the Courts, from the Immigration Asylum Chamber through the High Court and Court of Appeal and up to the European Court of Human Rights.

David is passionate about work in his practice areas and has a deep commitment to the protection and preservation of fundamental rights and a determination to hold to account those who breach the same.

"It is my privilege to recommend David as an excellent Barrister. He is truly the best and most brilliant Barrister I have ever had. I believe his work would, not only meet, but exceed your expectations. He worked tirelessly hard to ensure the best possible outcome. He is a solid and extraordinary Barrister."

TANVIN ARA, PUBLIC ACCESS CLIENT, MARCH 2021

"David's vast knowledge of immigration law makes him a first choice in complex cases, but his compassion and understanding of the human cost to his client of not winning their case gives him the drive needed to take on the Home Office against the odds."

AMANDA PENFOLD, PUBLIC ACCESS CLIENT, MAY 2020

"David believes in people, because he understands them... you know that David will never let you down and will make the court feel the same way about you, as he does."

ALEXANDER SHAPOVALOV, PUBLIC ACCESS CLIENT, APRIL 2020

"I can't speak highly enough of David. His dedication and attention to detail in a complex case involving medical elements... led to a swift conclusion in our favour. Our case was put forward in an impeccable manner, leaving no space for our counterpart to have any chance of success. We were mostly mesmerized with his final submissions and speech, thank you David."

MONIQUE GONGGRIJP-BELLO, PUBLIC ACCESS CLIENT, NOVEMBER 2019

"His closing speech was a tour de force, it would be all too easy to come across as preachy or pompous but he delivered this eloquently and with great passion and emotion."

JUSTIN DAVIES, PUBLIC ACCESS CLIENT

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

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You can also contact David directly:

IMMIGRATION, PUBLIC LAW AND CIVIL LITIGATION

Over more than two decades David has developed an extraordinary level of expertise as a practitioner barrister in all areas of immigration, human rights, EU Free Movement, and nationality law. David also enjoys an expanding practice in managed and business migration.

David is an accomplished litigator in the appeal courts – from the First Tier of the Immigration and Asylum Chamber through to the Court of Appeal, in the sphere of judicial review both in the Upper Tribunal and Administrative Court, and the realm of civil litigation in relation to unlawful detention cases, regularly trying or settling high-value claims. David has in particular over time been at the vanguard of proceedings seeking to attain equality of treatment for Foreign National offenders, particularly with regard to accessing to early release programs and resisting enforcement action.

David also enjoys a vibrant public access practice, enjoying the opportunities and challenges afforded by the extension of rights of access, and endeavouring to provide the best service possible to his clients by securing the litigation extension which enables him to issue proceedings, conduct negotiation and instruct expert witnesses.

NOTABLE CASES

Victory in false imprisonment action challenging the lawfulness of Home Office Iraqi removal exercise

QA v SSHD (Do3CL294) in the Central London County Court

David acted for the Applicant, QA, instructed by Tori Sicher of Sutovic & Hartigan Solicitors, whose claim for damages for unlawful detention concluded mid-trial with an offer of settlement. The case challenged in particular the lawfulness of the enforcement exercise initiated by the Home Office in 2017, which operated contrary to the Iraqi Government's prevailing and approved removal processes and the Home Office's published Guidance which allowed only for documentation and return of persons prepared to leave voluntarily.

False imprisonment and personal injury claim made by Zimbabwean national lawfully present in the U.K

Tapiwa Matukutire settled at pre-action stage

False imprisonment and personal injury claim made by Zimbabwean national lawfully present in the U.K. who was falsely accused of being present irregularly and was subject to humiliating attempts to detain and restrain by more than 6 immigration officers in his own home owing to a failure to properly check his status before pursuing enforcement action. The case revealed the human cost of the information sharing created by the “hostile environment” policy which required banks, landlords, and the DVLA report on people they suspected were in the U.K. illegally, through access to an immigration database. It disclosed too the weakness in the system due to the poor quality of data sharing — and then the poor interrogation of tip-offs by the Home Office. This case has also received media coverage from [ITV News](#) and [Sky News](#).

European Court of Human Rights (ECtHR) finds torture victims detention unlawful

S.M.M. v. THE UNITED KINGDOM (Application no. 77450/12).

The ECtHR found the U.K. had violated Article 5 § 1 was found, concluding more decisive steps should have been taken to bring the decision making process swiftly to a close given his acknowledged vulnerability of the Zimbabwean national.

Restoration of currency of Iraqi country guidance

QA v SSHD C4/2017/2737 on appeal from the Admin Court R (on the application of Amin) [2017] EWHC 2417 (Admin)

Acted for the Appellant. Obtained leave to appeal to appeal against the decision of the Administrative Court in which he had overrode the Country Guidance decision of the Upper Tribunal in AA(Article 15C) Iraq [2015] which had found Kirkuk to be a contested territory. The Home Office subsequently conceded the appeal, paying the Appellant’s costs. The decision of Admin Court had been extensively relied upon by the Home Office and the Lower court’s in order to deny a protection entitlement to Iraqi asylum seekers. Quashing the decision restored AA’s status as a binding precedent and obliged decision makers distinguish the findings in the same by reference to prevailing country evidence, and where they could not, required they acknowledge a protection entitlement.

Country Guidance properly construed entitling Iraqi asylum seeker to a fresh claim

R (on the application of H) v The Secretary of State for the Home Department (application of AA (Iraq CG)) *IJR* [2017] UKUT 00119 (IAC)

The Upper Tribunal revisited its own decision in the country guidance case of AA (Article 15(c)) Iraq CG [2015]

UKUT 00544 (IAC) in this judicial review, emphasising that a proper reading of that determination did not enable decisions makers to suspend their assessment of an applicant's entitlement to international protection merely because they could not currently be returned, owing to a lack of particular travel documentation. Rather, it obliged a thorough and particular review of the individual circumstances of that applicant in order to determine whether a claim to international protection could be made out by reference to other factors apart from documentation, such as ethnicity, gender, age and strength of attachments.

Nigerian National defeats Home Office decision refusing to revoke deport order and obtains damages for unlawful detention

OA, R (on the application of) v Secretary of State for the Home Department [2017] EWHC 486 (Admin) (15 March 2017)

The Court concluded that the decision maker had erred in the law when rejecting the application to revoke an outstanding deportation order noting the fact of the birth of a child following the adverse disposal of an earlier appeal by the Tribunal and expressly rejecting the Home Office's submission that the interests of that child could be extrapolated from, and so rejected, in reliance upon the assessment previously carried out by the Tribunal in respect of the claimant's other children. The Court also found the claimant had been unlawfully detained, highlighting when so doing a Memorandum of Understanding between the Nigeria and British Governments the terms of which it recognised operated in this case as a substantial bar to documentation and so removal.

Albanian Domestic violence victims claim secures a right of appeal

FR & Anor (Albania), R (On the Application Of) v Secretary of State for the Home Department [2016] EWCA Civ 605 (23 June 2016)

The Court of Appeal gave an important ruling in this case as to the approach that needed to be followed by the Home Office when certifying asylum and human rights claims as "clearly unfounded" emphasising the need to give separate consideration to a claim for asylum, where she decides whether the claim should be refused, and the decision on the issue of certification, and stressing that Certification was only possible where the claim admitted of only one answer before the tribunal.

Protection claims for homosexual men held to enjoy substance

R on the application of SE v Secretary of State for the Home Department [2016] UKUT JR-13730-2015 This judicial review concerned the denial of access to an in-country right of appeal to an Albanian homosexual, with the threshold of harm necessary to establish persecution and the necessity exhaust domestic avenues of protection also being in issue being contentious issues in the case. The Upper Tribunal ruled authoritatively in

favour of the Applicant to the effect that there was facility even on the latest country information for the establishment of a protection need by homosexuals.

WHAT OTHERS SAY

"Kind and compassionate, and most importantly knowledgeable, working tirelessly to ensure we got the outcome we hoped for. David Jones took our case on willingly, clearly determined to help us." Public Access Client, June 2021

"David handled the case brilliantly from the start until the first tribunal hearing. Since then, David and his team have helped me prepare and file for all my applications and have always achieved a positive decision well before time. Due to the excellent results, I have recommended my friends and family to always use David`s services. I would 100% always recommend David Jones for any immigration-related matters." - Public Access Client, June 2021

"It is my privilege to recommend David as an excellent Barrister. He is truly the best and most brilliant Barrister I have ever had. I believe his work would, not only meet, but exceed your expectations. He worked tirelessly hard to ensure the best possible outcome. He is a solid and extraordinary Barrister." - Tanvin Ara, Public Access Client, March 2021

"David's vast knowledge of immigration law makes him the first choice in complex cases, but his compassion and understanding of the human cost to his client of not winning their case gives him the drive needed to take on the Home Office against the odds." - Amanda Penfold, Public Access Client, May 2020

David believes in people, because he understands them... you know that David will never let you down and will make the court feel the same way about you, as he does." - Alexander Shapovalov, Public Access Client, April 2020

"I can't speak highly enough of David. His dedication and attention to detail in a complex case involving medical elements... led to a swift conclusion in our favour. Our case was put forward in an impeccable manner, leaving no space for our counterpart to have any chance of success. We were mostly mesmerized with his final submissions and speech, thank you David." - Monique Gonggrijp-Bello, Public Access Client, November 2019

"His closing speech was a tour de force, it would be all too easy to come across as preachy or pompous but he delivered this eloquently and with great passion and emotion." - Justin Davies, Public Access Client

"David is excellent at communicating with clients and building a rapport. He is able to advise business clients as he understands the commercial context and what the drivers are for these clients." - Legal 500, 2021 (Immigration)

"David is an enormously experienced barrister who fights every case with great passion and skill." - Chambers UK, 2021 (Immigration)

"Excellent is an understatement. My number one person to call, his knowledge is phenomenal. He's extremely thorough and passionate and you know he's going to fight for you. Of all the barristers I've engaged he is by far the best at putting clients at ease, explaining their case to them and ensuring they fully understand everything." - Chambers UK, 2020

"He has wonderful interpersonal skills and his engagement with clients and the court is exemplary." - Legal 500, 2020

"He produces very good results and is very committed to clients. He is very experienced and tactical." - Chambers UK, 2019

BACKGROUND

David began his practice as locum caseworker for the [Immigration Advisory Service](#). At the same time he also volunteered as an outdoor clerk for the [Joint Council for the Welfare of Immigrants](#), and worked as an Administrative assistant at the [Immigration Law Practitioners' Association \(ILPA\)](#).

For several years, following the commencement of practice, David also assumed the role of a Trustee at the Charity [Electronic Immigration Network](#).

In 2000, David co-founded [HJT Research](#) with the objective of developing a comprehensive database of human rights reports to aid practitioners and litigants concerned with establishing an entitlement to protection by reason of conditions on their countries of origin. The resource is now in its 20th year, is published by the [Electronic Immigration Network](#) and provides a comprehensive record of human rights conditions in over 120 countries worldwide.

Perceiving a need in the sector, David established with long term friend and Colleague Mark Symes, a specialist immigration and human rights training company HJT Training in 2003. Over time HJT has delivered training on all areas of immigration and human rights law to a diverse array of delegates from all areas of practice, as well as NGO's, Governmental departments (both foreign and domestic), International

agencies and commercial entities.

Outside of his professional life, he has assumed the role of a school Governor and Chair of Governors to Westminster Diocesan School between 2009 and 2014. He has also served on working groups concerned with the establishment of Academies within the faith school system at both County and Diocesan level.

He is currently a member of the [Haldane Society of Socialist Lawyers](#) and [ILPA](#).

PUBLICATIONS

David is a long-time contributor to Macdonald's Immigration Law and Practice 5th-9th Editions (Butterworths Lexis Nexis). He is currently writing the 'Refugee Law' chapter for the 11th Edition.

David is also a contributor and editor of Mastering Immigration Law, an online resource of immigration and human rights law.

He also contributed to HJT's Immigration Manual from its inception through to its current 20th Edition.

He has, in the past, prepared immigration chapters for both Your Rights (Liberty); and Atkins Court Forms Immigration Volume (Butterworths).

More recently David prepared the Trafficking chapter in the Immigration and Asylum Handbook published by the Law Society.

TRAINING AND SEMINARS

Over the past two years David has prepared and presented training courses on the following:

Basic principles of Judicial Review

Unlawful Detention: law and procedures

Free movement and the European Union

Nationality Law

Tier 1 and 2 points based system

Employers sanctions and illegal working

Article 8 within and outwith the rules

Rule 39 applications to the European Court of Human Rights

Policies and concessions of the UK Border Agency (UKBA)

Deportation

Advocacy

APPEARANCES

HJT Webinar 'Certification, inadmissibility and the Rwanda scheme' - 25 January 2024

Refugee Law Initiative Seminar 'Defining refugees under the new legislative frameworks' - 16 November 2023

Sanctuary Advisory Network 'Widening Access to Education for Migrants, Asylum Seekers and Refugees' - 21 June 2023

EDUCATION

Bar Vocational Course - Inns of Court School of Law (1995-1996)

LLM International Economic and Corporate Law - Queen Mary College, University of London (1994-1995)

LLB Hons (2:1) - Queen Mary College, University of London (1991-1994)

Foundation Degree in English and American Literature - University of Kent (1990-1991)

PROFESSIONAL MEMBERSHIP

Immigration Law Practitioners' Association

Haldane Society

Amnesty International

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