



Duran Seddon

YEAR OF CALL: 1994



<https://www.gardencourtchambers.co.uk/assets/images/resize/original/1924.png>



Duran Seddon practises in immigration, asylum, nationality, human rights and public law. He acts for clients at all levels, from sporting figures (cricket, basketball, football) to impoverished Chagos Islanders seeking residence and support in the UK.

"The ultimate in asylum lawyers. He is outstanding in his attention to detail and has excellent analytical skills, including where there is a very complex factual matrix. He is committed, experienced and has in-depth knowledge of immigration and asylum law."

CHAMBERS UK, 2020

"An excellent strategist and his written submissions are extremely persuasive."

LEGAL 500, 2020

"His drafting, technical analysis and distillation of complex arguments are second to none."

CHAMBERS UK, 2019

"He is an intellectual heavyweight, extremely experienced and does leading work."

LEGAL 500, 2019

"He's a joy to work with, extremely thorough and a real asset in any case...He is experienced, hard-working and analytical."

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

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IMMIGRATION LAW

Over the years, Duran has been involved in a range of high profile, significant cases including *Onibiyo* (the first major asylum 'fresh claim' case and the first return to Nigeria following the execution of the Delta campaigners); the 'Oakington Detention Centre' case; the long-running Afghan / Stanstead 'hi-jack' case; *Singh & Singh* (first SIAC asylum case); *Huang & Kashmiri* (leading article 8 case); *Szoma -v- DWP* (social security and lawful presence); *R (C) -v- Minister of Justice* (breach of article 3 in use of restraint on children in Detention Training Centres); *EB (Kosovo)* (leading case on article 8 and delay)

Duran has been instructed to assist, advise and represent in cases involving senior political and or business figures from Russia, the republics of the former Soviet Union, Nigeria, Bangladesh, Kenya, Egypt and countries of the Middle East, who have been subject to politically motivated prosecution for alleged offences of fraud and corruption.

The cases have involved applications before the Europe Court of Human Rights as well as lengthy applications (investor 'switching', asylum, human rights) and appeal processes in the UK.

NOTABLE CASES

***MF (Nigeria) -v- SSHD* [2014] 1 WLR 544** (article 8 / criminal deportation) (test case)

***HA (Iraq) -v- SSHD* [2015] Imm AR 2, 207** (article 8 / criminal deportation), now pending in Supreme Court for 2016

***ST & ET -v- SSHD* [2014] EWCA Civ 188** (UNHCR designated 'mandate' refugees)

***GS (India) & Others -v- SSHD* [2015] 1 WLR 3312** (test case on risks to health / article 3)

***R (MS) -v- SSHD* [2015] EWHC 1095** (Admin) (test case, 'third country' Dublin returns)

***R (Ivlev) -v- ECO, New York* [2013] EWHC 1162** (Admin) ('non-conducive' US exclusion)

Most significant reported cases

***MS (Palestinian Territories) -v- SSHD* [2010] UKSC 25, [2010] INLR 475** (Supreme Court)

Jurisdiction of the AIT in case involving an immigration 'decision to remove' where removal not legally feasible pursuant to Schedule 2 1971 Act.

***Huang & Kashmiri -v- SSHD* [2007] UKHL; [2007] 2 AC 167** (HL)

Approach of the Court to the Strasbourg concept of 'proportionality' and the intensity with which the Court must conduct its review of executive decisions in this area. The immediate context was Article 8(2) ECHR and the question whether 'true exceptionality' was the proper bench-mark before the immigration appellate authorities.

***Saadi -v- UK, Applcn No 13229/03, 29 January 2008* (Grand Chamber, European Court of Human Rights)**

This case had previously been determined in the High Court, Court of Appeal and House of Lords (as well as the first Chamber of the ECtHR) and was a challenge to the Oakington Detention Centre regime - the flagship fast-track asylum processing centre - by which asylum seekers are detained for the administrative purpose of determining their claims.

***F (Mongolia) -v- (1) AIT; (2) SSHD* [2007] EWCA Civ 769 [2007] 1 WLR 2523, Times 28 August 2007** (CA)

Intervention by the Public Law Project to challenge to the regime of statutory review whereby immigration applicants are prevented from access to the High Court by way of judicial review.

***EB (Kosovo) -v- SSHD* [2008] UKHL 41, [2008] 3 178** (HL)

The issue before their Lordships was the effect of Home Office administrative delays in decision-making in asylum claims with the result that the applicant puts down roots in the UK and established family and private life connections here under Art 8 ECHR. In May 2008, the House of Lords gave judgment for the appellant (EB).

***R (AC, by his litigation friend) -v- Secretary of State for Justice* [2009] 1 QB 657**

The Court of Appeal quashed the Secure Training Centre (Amendment) Rules 2007 which added to the

criteria upon which physical restraint/removal from association can be used on children in secure training centres, that such powers could be triggered in order to ensure "good order and discipline". The Rules were quashed on the grounds that the Secretary of State had failed to consult the Children's Commissioner, or conduct a race equality impact assessment. In addition, the Court of Appeal held that the Rules were in violation of Articles 3 and 8 ECHR.

Szoma -v- Secretary of State for Department for Work and Pensions [2006] 1 AC 564 (House of Lords)

Asylum-seekers in the UK with temporary admission were 'lawfully present' under the relevant Income Support Regulations, themselves based on obligations under the Council of Europe Social Charter and the European Convention on Social and Medical Assistance.

R (S) -v- SSHD [2005] INLR 575 (Admin Court and CA)

The 'Afghan Hi-jackers' case: policy of Secretary of State to deny leave to asylum seekers successful in ECHR claim and to leave them in legal limbo was outwith the powers of the Immigration Act 1971.

R v SSHD ex parte Mersin [2000] INLR 511

Principles relating to prejudicial delay in issuing immigration status papers.

Holub v SSHD [2001] 1 WLR 1359 CA

Right to education under Article 2, First Protocol ECHR and extra-territoriality of ECHR.

R v SSHD ex parte Onibiyo [1996] QB 768 CA

The foundation case establishing the concept of 'fresh' asylum claim and setting down the criteria making a fresh claim which was subsequently written into the Immigration Rules.

R v Radiom & Shingara [1997] ECR I-3341 ECJ

Legal remedies under Council Directive (EEC) 64/221 for those excluded from reliance on EU rights of free movement

R (Mani) v Lambeth LBC [2002] 5 CCLR 487

Access to s.21 1948 Act support; first instance.

R (Anufrijeva, Mambakasa) v SSHD [2004] QB 1124

Test case on principles relating to damages for breaches of human rights, in particular Article 8 ECHR.

R (Alexis, Anamaly & Naraina) v West Sussex County Council

Citizenship under British Overseas Territories Act 2002 and claims to community care support against local

authority.

ADMINISTRATIVE AND PUBLIC LAW

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PUBLICATIONS

Duran has made significant contributions to the stock of published knowledge in the areas in which he practices. As well as making past contributions to *Macdonald, Halsbury's Laws* and books on welfare and migration for CPAG, he is the main author and editor of JCWI's *Immigration, Asylum and Nationality Handbook* of JCWI's *Guide to the Points Based System*.

The latter two publications were purchased by the Ministry of Justice in bulk and distributed to each Immigration Judge. He is also on the editorial board of *Immigration and Nationality Law & Practice*.

EDUCATION

- BA Hons
- CPE

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