



GARDEN COURT CHAMBERS

Mark Symes

YEAR OF CALL: 2004



Barrister Mark Symes provides advice and representation in all areas of immigration, asylum, and human rights law, including European Union free movement law. He has represented clients in every court from the Tribunal to the Supreme Court, and the European Court of Human Rights.

Mark deals with work ranging from business immigration and entry clearance representations and appeals, to refugee and criminal deportation cases. He is one of the elite top ranked barristers for immigration by the expert legal directories.

Mark is registered with the Bar Council for public access work and regularly represents all kinds of private clients in difficult immigration scenarios.

"Mark Symes was very realistic, honest and professional. He was always clear in the information he provided and was very knowledgeable. We felt we were in safe hands with Mark and we can't thank him enough for

working with us to win my husbands appeal."

PUBLIC ACCESS CLIENT, 2021

"Mark Symes was very thorough. I highly recommend him to anyone who is struggling with their immigration issues."

PUBLIC ACCESS CLIENT, 2021

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

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You can also contact Mark directly:

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IMMIGRATION: ASYLUM AND HUMAN RIGHTS

Recognised by the legal directories as a "*real expert on asylum matters*", Mark is co-author (with Peter Jorro, also of Garden Court) of *Asylum Law and Practice* described as and as "*indispensable in advocacy work for refugees and human rights*", by Professor Guy Goodwin-Gill.

IMMIGRATION LAW

Mark takes a proactive and hands-on approach to representing clients, and is available to discuss instructions from the earliest stage. He will advise on the best evidence and tactics that can really give you the best chance to win. You can rest assured that Mark will give your case his very best shot, leaving no stone unturned in helping you to find the strongest evidence. Mark can help you at any stage in your immigration case, ensuring that you fully understand the merits of all available options from the start. Or you can seek his advice just to get reassurance that you are pursuing the right course of action in the most effective way, whether or not you already have a lawyer on board.

Mark sits as a judge of the Upper Tribunal and First-tier Tribunal which gives him great insight into the way a case should be presented. He has appeared in many leading cases involving the most complex issues. He can make the most difficult factual and legal history easy for the Home Office or judges to understand. He is very well known to the Tribunal judges having specialised in immigration appeals for over 25 years. The most senior immigration judge in the UK wrote that Mark's textbook *Immigration Appeals and Remedies Handbook* is "a compulsory addition to the library of every immigration judge and practitioner": President of the Upper Tribunal Mr Justice McCloskey).

Mark has long been one of the experts who specialist immigration lawyers go to in order to make sure that they are up to speed with the latest legal arguments and regularly speaks at practitioner conferences. He is recognised as having written the leading textbooks both on immigration appeals and judicial review claims and on international protection law.

Mark's specialities include:

Advising on the best strategy for achieving the quickest route to regularising your immigration status or achieving an efficient route to settlement

Explaining the merits of every course of action open to you

Writing watertight representations to ensure you get the best outcome sooner rather than later

Persuading judges at appeal hearings of the strength of his clients' cases

Writing persuasive pre action letters that avoid the need for subsequent legal action

Bringing judicial review claims, drafting accurate and persuasive legal arguments and achieving results via efficient and effective advocacy at the permission stage: he is well known for taking over and improving the prospects of JRs

Showing that administrative mishaps should not have disproportionate results

Proving that an interview was unfair

Demonstrating that new evidence or a change of circumstances creates a viable fresh asylum or human rights claim

Private client immigration work

Mark's experience from practising immigration law for 25 years and sitting as a judge often helps his clients. He is able to deploy the knowledge and insight gained from presenting thousands of cases and the legal research that comes from writing established leading textbooks. Mark has recently helped his clients in:

Getting cases reconsidered at the administrative review stage due to a failure to properly engage with the evidence originally provided

Fighting "general refusal" reason cases based on English language test fraud allegations and omissions in application forms

Fighting allegations regarding tax evasion and asserted discrepancies in earnings reported to HMRC and UKVI

Getting ILR for clients arguing they have established 10 years' lawful residence

Arguing that minor convictions should not prevent applications succeeding

Challenging refusals and revocations of nationality

All kinds of EU law and family migration cases (see further below)

Working alongside colleagues, helping detained clients obtain bail

Preventing deportation by putting together a watertight case on family links in the UK, advising on the best possible evidence and liaising with independent social workers: Mark is one of the very few barristers to win a deportation case in the Court of Appeal

Every kind of refugee claim: including winning refugee status for bloggers and many others who have been politically active in the UK and abroad, and achieving justice for asylum seekers with claims based on their sexual identity

Family migration

Mark regularly represents individuals who face separation from loved ones. He regularly presents seminars to very experienced solicitors on the latest legal arguments that are available in these cases.

Mark's recent work includes:

Identifying the best route for a spouse or partner to remain or come to the UK and getting the supporting evidence right

Successfully arguing that there are "insurmountable obstacles" to a couple going abroad or that it is unreasonable for a child to relocate

Demonstrating that a spouse seeking entry clearance to return to the UK via did not contrive to frustrate the purpose of the Immigration Rules

Arguing cases for adult dependents such as parents living in difficult conditions abroad and wanting to join their children in the UK

Explaining how the complex financial requirements for the Appendix FM route can be met

Identifying the best options to obtain a visa to visit your loved ones

Resurrecting refused cases by advising on fruitful sources of fresh evidence, and working out just when JR rather than a further application is the best way forwards

Business and private immigration

Mark's business acumen, developed whilst being a company director at HJT Training, makes him a good choice for commercial immigration advice. He has real expertise in every aspect of business immigration, from *Van Der Elst* visas for EU-established companies moving staff outside the Tier 2 route to investors, innovators, entrepreneurs and Tier 2 inter-company transfers. He has advised numerous wealthy individuals in complex cases. He has particular expertise with remedies in Points Based System cases including the withdrawal and suspension of sponsor licences, both of employers and educational establishments, an area on which he has written and spoken extensively. Mark has repeatedly been chosen as the Immigration Lawyers' Practitioners'

Association speaker of choice at their annual conference for expert business immigration lawyers.

Mark's recent work includes:

Writing representations seeking the exercise of discretion in all kinds of commercial immigration cases

Advising on strategy and tactics in sponsor licence cases, including drafting representations against revocation and pre action letters

Obtaining reconsiderations and reopening the window for fresh evidence in administrative review applications

Advising investors on technical aspects of their applications and on the fastest settlement route

Advising businesspeople still on the Entrepreneur route regarding job creation and the timing of an application

Advising on how best to make use of the sole representative route

Demonstrating that a businessperson has established private life in the UK or that their property rights should be respected

Advising investors who have been refused settlement on the basis of suspicions as to whether their original investments were genuine because of the degree of control they held over their funds and the nature of their investments

Overturning a genuineness refusal for the members of a Tier 1 Entrepreneur Team

European Union free movement law

Mark has particular expertise in all aspects of European Union free movement law from claims under the 2016 Regulations to free-standing applications relying directly on Treaty Rights. He regularly trains and speaks publicly on matters involving European Economic Area (EEA) nationals. Mark has already given numerous talks on the settled status scheme and the impact of Brexit on domestic law in the immigration context.

Mark's recent EU law work includes:

Obtaining permanent residence and settled status for EEA nationals with challengingly complex histories of work, self-sufficiency and study

Advising on options in the run-up to Brexit for EU citizens and everyone else affected by Brexit, including dual nationals and family members

Advising the employers of EU workers on their future options

Advising on the pros and cons of different kinds of EEA residence rights

Showing that adult dependants are extended family members who should receive residence cards due to close family ties

Demonstrating that British citizens have genuinely conducted effective work abroad so they should be allowed to sponsor their family members via EU rather than UK laws (i.e. in *Surinder Singh* cases)

Defending clients from allegations of having entered into sham marriages

Running various EU law claims: the admissibility of post decision evidence, issues of damages, proportionality and unduly onerous administrative expectations and the ambit of effective remedy

BACKGROUND

Mark joined Garden Court Chambers in 2004, having formerly worked at the Refugee Legal Centre where he held numerous posts including Head of Tribunal Team in which he had responsibility at national level for legal strategy. Formerly a solicitor, he was Head of Advocacy at one of the country's leading legal aid firms in the early 2000s.

PUBLICATIONS

Co-author (with Peter Jorro, also of Garden Court) of *Asylum Law and Practice* (Bloomsbury, 2nd edition June 2010). Described as "encyclopaedic in its coverage ... pre-eminent" in the field by Lord Brown and as "indispensable in advocacy work for refugees and human rights", by Professor Guy Goodwin-Gill

Principal legal consultant to the Electronic Immigration Network Consultant Editor of the *Immigration and Nationality Law Reports*

Editor of Atkins Court Forms and Encyclopedia of Forms and Precedents (Butterworths, 2006)

Sole editor of *Statements of Principle of the Immigration Appeal Tribunal*, a 2,500-page guide to the jurisprudence of that tribunal published in September 1999 by the Refugee Legal Centre, with a foreword by former President of the Tribunal, His Honour Judge Pearl

TRAINING AND SEMINARS

Mark is well known for training and public speaking in the field of immigration and asylum law. He was appointed to write the new academic standards for the Law Society's Immigration Accreditation Exams. He is a co-founder of HJT Training (with David Jones, also of Garden Court), the leading private company specialising in training in immigration law. HJT has provided training to UNHCR, Liberty, the Legal Services Commission, Office for the Immigration Services Commissioner, the legal staff of the Immigration Tribunals and Royal Courts of Justice in the UK and judges of the Refugee Appeals Tribunal of Ireland, as well as most of the UK's leading immigration solicitors' firms.

Mark ran the immigration and asylum course at the Inns of Court School of Law. He was a lead trainer for the College of Law in their winter 2002 project for the Legal Services Commission to provide training on

immigration appeals to new barrister practitioners in the field. He delivers professional training for the Joint Council for Welfare of Immigrants (JCWI), and occasionally runs advanced courses in refugee, human rights and appeals law for the ILPA.

He is regularly invited to speak domestically and abroad on refugee and human rights law issues.

Mark has, in the past, been part of the Consultation Group responsible for briefing the Lord Chancellor's Department on the content of the Immigration and Asylum Appeals (Procedure) Rules.

EDUCATION

BA (Hons) (Oxon)

LPC

Formerly Solicitor of the Supreme Court

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