



RAZA HUSAIN KC

MAIN AREAS OF PRACTICE:

Discrimination and Equality
EU Law
Human Rights
Immigration, Asylum and Free
Movement
International Law
Public Law

Called to the Bar 1993
Appointed to Silk 2010

CONTACT:

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DECIDED NOTABLE CASES:

2016

Supreme Court
Hesham Ali v SSHD (Article 8 and deportation)
MP(Sri Lanka) (EU Qualification Directive and subsidiary protection)
FV (Italy) (EU Citizen's Directive and enhanced protection against expulsion)
SXH v CPS (Intervention for UNHCR: Article 31 Refugee Convention, Article 8 ECHR and prosecutorial discretion)
Court of Justice of the European Union
CS v SSHD (Grand Chamber, Zambrano principle)
High Court
Bashir v SSHD (colonial clause in Refugee Convention and extension to Sovereign Base Areas, Cyprus)
XX (successful challenge to regard EU national's asylum claim as inadmissible)

2014

ECHR
Tarakhel v Switzerland (Dublin removals to Italy)
Kezerashvili v Georgia (French Court of Appeal, political motivation bar to extradition)

2013

Supreme Court
EM (Eritrea) v SSHD (fundamental rights and the Dublin Regulation)
Court of Justice of European Union:
MA and BT (best interests of the child and Dublin Regulation)
Court of Appeal
Lord Carlile (foreign relations and exclusion)
BVI High Court
Citco and Gillespie (challenge to refusal of work permit)

2012

Supreme Court
RT Zimbabwe (discretion and the right not to hold a political opinion)

European Court of Human Rights
Othman (extra-territorial application of Art 6)

Court of Appeal
KA Afghanistan (Unaccompanied Minors and EU tracing duty)
JD and Ors (second appeals test)
AH (Algeria) (Article 1F(b) and (c) and terrorism; meaning of serious)

High Court
Lord Carile (foreign relations and exclusion)

Upper Tribunal
Salah (Art 10 and exclusion)

2011

European Court of Human Rights
Al-Skeini, Grand Chamber (July 2011) (Art 1 jurisdiction);
Al-Jedda, Grand Chamber (July 2011) (UNSCR and Art 5; attribution and jurisdiction)

Supreme Court
FA Iraq (May 2011) (EU principle of equivalence; subsidiary protection and refugee status)
SK Zimbabwe (May 2011) (Detention reviews and false imprisonment)
WL Congo and KM Jamaica (March 2011) (Public law errors and false imprisonment; Hardial Singh principles)

Court of Appeal
Omar (December 2011) (Norwich Pharmacal relief and rendition)
Naik (December 2011) (Art 10 and exclusion)
MK (Tunisia) (March 2011, rights of appeal from outside the jurisdiction)

2010

European Court of Human Rights
Al-Saadoon, Fourth Section (expulsion and death penalty)

Supreme Court
HJ Iran (July 2010) (gay refugee claimants and concealment)
Smith (April 2010) (extra-territorial application of ECHR)
KC South Africa (March 2010) (CJEU reference and vires of EU Qualification Directive)
Youseff 2 (Jan 2010) (remedies)

Court of Appeal
Pankina (points based system and vires of rules)
PD India (new permission test for second appeals to CA)

2009

European Court of Human Rights
A and Ors (Belmarsh), Grand Chamber (Art 5 and derogation)

Supreme Court/House of Lords
Youseff 1 (Oct 2009) asset freezing orders under UNSCRs
BA Nigeria (July 2009) fresh human rights claims
AN (April 2009) control orders and fairness

Court of Appeal
QD (Iraq) (Test case on EU Qualification Directive)

2008

European Court of Human Rights
Saadi v UK, Grand Chamber (Art 5 and necessity)

House of Lords
Asfaw (February 2008) (Article 31 Refugee Convention, and abuse of process)
Chikwamba (April 2008) (Art 8 and entry clearance, Mahmood reversed)
EM (Lebanon) (July 2008) (flagrant Art 8 breach)
JL (October 2008) Article 2 (investigation of near-deaths in custody)
OO (Jordan) (October 2008) (flagrant Art 6 violation)
RB (Algeria) (October 2008) (diplomatic assurances and Art 3)

2007

House of Lords
Huang (March 2007) (Art 8 and immigration; no exceptionality test)
JJ and Ors (July 2007) (Control Orders and Arts 5 and 6)
E (July 2007) (Control Orders and criminal prosecution)
El Banna (hearing in October 2007 - case conceded by FCO) (Duty to make representations towards refugees held at Guantanamo Bay)

Court of Appeal
JM Liberia (human rights justiciability in variation appeals)
AM Serbia (procedure rule precluding amendment of grounds of appeal ultra vires enabling power)
MT Algeria (deportation and diplomatic assurances)
F Mongolia (statutory review and judicial review ouster)

2004 - 2007

House of Lords
A (Belmarsh) (landmark decision of nine-member House of Lords declaring unlawful executive detention without trial and the UK's derogation from Article 5 ECHR under Article 15)
A No. 2 (torture) (landmark decision of seven-member House of Lords declaring unlawful the admission of evidence obtained by torture, irrespective of the location and nationality of the torturer and victim, to be unlawful)
Limbuela (Art 3 and denial of basic subsistence to asylum seekers)
Ullah (ECHR application in immigration cases not restricted to Art 3)
Razgar (Art 8 and mental health)

Bagdanavicius (Art 3 and non-state agents of ill treatment)

Court of Appeal

E and R (leading Court of Appeal decision on error of fact and error of law)

Rashid (landmark case on historical legitimate expectations and remedies; follow up case of R (A, H and AH), in which Raza also appeared, led to creation of special unit in Home Office devoted to 'Rashid reconsideration')

Nadarajah 3 (substantive and procedural expectations)

Nadarajah 2 (lack of transparency of detention policy, false imprisonment and Article 5)

D v Home Office (landmark judgment holding that Immigration Officers enjoy no immunity from suit in false imprisonment)

OTHER NOTABLE CASES:

Immigration

R v Secretary of State ex p. Radiom and Shingara ECJ (due process in EC law)

R v Secretary of State ex p. Kaur ECJ (intervening for JUSTICE compatibility of UK nationality law with international human rights standards)

Adan v Secretary of State HL (refugee definition; historic fear and civil war)

Omuruyi v Secretary of State HL (whether conscious discrimination of persecutor necessary in refugee definition)

Lamey v The Queen PC (capital murder in Jamaican Constitution)

R (Saadi) v Secretary of State CA ('Oakington detention'; intervening for JUSTICE, Liberty and the AIRE Centre)

R v IAT ex p. Robinson CA (internal flight as part of refugee definition)

R v Secretary of State ex p. Chahal CA (compensation under Article 5(5) for breach of Article 5(4))

R v Uxbridge Magistrates Court ex p. Adimi QBD (Article 31 Refugee Convention, and illegality of prosecutorial policy)

Quaquah (1), (2) and (3) QBD (Article 6 and immigration discretion, and unregulated 'limbo' status)

S v Mail on Sunday QBD (injunction preventing publication of details of refugee)

S v Home Office QBD (false imprisonment action against Home Office)

R v Immigration Officer ex p. Cakmak QBD (discretion and fairness in illegal entry process)

Civil Liberties / Public Law

R (Mills & Poole) v CCRC QBD (judicial review of decision of Criminal Cases Review Commission)

R v Saunders CA (reference by Criminal Cases Review Commission, Article 6, Retrospectivity of Human Rights Act 1998)

R (La Rose and M) v Metropolitan Police Commissioner CA (compatibility of police station facilities with Article 6 and internal policy)

Abbey v Home Office (Wormwood Scrubs litigation in respect of assaults committed by Prison Officers)



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