



RAZA HUSAIN QC

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

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uk

Raza Husain read Politics Philosophy and Economics at Exeter College, Oxford (1987-90). He specialises in public law with an emphasis on immigration and human rights. He was awarded Public Law and Human Rights Junior of the Year for 2007 by Chambers and Partners, and made a silk in March 2010. In 2013 he was nominated for Human Rights Silk of the Year, and received the Public Lawyer of the Year Award from the Society of Asian Lawyers. In 2014 he was selected as one of the top 100 UK Silks practising in any field at the Bar.

Raza has been instructed in over 30 House of Lords/Supreme Court cases. Since the Supreme Court opened in October 2009, he has appeared (successfully each time save once) as leading counsel in 14 Supreme Court cases.

OVERVIEW

Raza has a significant international practice. He regularly appears in the Court of Justice in Luxembourg and the Court of Human Rights in Strasbourg. He regularly advises and is instructed by the United Nations High Commissioner for Refugees.

Raza acted for the former Minister of Defence for Georgia, David Kezerashvili, in his claim to asylum and human rights defence to extradition to Georgia from France. The French Court of Appeal in Aix-en-Provence upheld Mr Kezerashvili's political motivation defence and refused to order extradition.

Raza is admitted as a barrister in the Eastern Caribbean Supreme Court (British Virgin Islands), and appeared in the BVI High Court, instructed by Forbes Hare, in the first successful judicial review challenge to a refusal of a work permit by the Minister of Labour. Raza was instructed by Bodden and Bodden in the High Court of the Cayman Islands in a judicial review challenge to the refusal by the CIO to grant residency to the owner of the largest hotel chain in Europe, which the CIO settled in the claimant's favour.

Raza regularly acts for high profile individuals and has a particular expertise in the interface between extradition, the political motivation bar, and asylum. He has successfully appeared in a number of such cases brought by Russian nationals.

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DIRECTORIES' RECOMMENDATIONS

HERE'S WHAT THEY SAY:

"A silk's silk, who is intense and intelligent. He gets incredible results from sheer hard work, and is able to win round courts with sheer force of personality and superior advocacy.", "A powerful advocate who is excellent on paper." (Chambers & Partners 2019, Administrative & Public Law)

"He is an extremely skilled litigator.", "An excellent barrister, he is particularly good on immigration-related cases." (Chambers & Partners 2019, Civil Liberties & Human Rights)

"The leading silk in the UK on refugee and immigration issues. He is an incredibly clever advocate, who is committed to the right of migrants and asylum seekers.", "Very hard-working and persistent." (Chambers & Partners 2019, Immigration)

"He is the stand-out silk for immigration law work. He has a breathtaking practice." (Legal 500 2018, Immigration)

"Committed, passionate and tenacious with an enormous amount of knowledge." (Legal 500 2018, Civil Liberties & Human Rights)

"He is one of the leading QCs doing civil liberties work... Widely respected in the field, he knows the law inside out and is better than some of the judges." (Chambers & Partners 2018, Civil Liberties & Human Rights)

He is also regularly instructed and NGOs such as Amnesty International and the AIRE Centre, as well as premiership footballers.

Raza retains a deep commitment to and heavy involvement in publicly funded work.

Raza has given lectures in refugee and immigration law at the University of Oxford (All Souls' College and the Refugee Studies Centre), the University of London (Institute of Advanced Legal Studies) and Georgetown University, Washington DC, USA.

PENDING NOTABLE CASES:

Supreme Court: FA Pakistan (religious persecution); B (Algeria) (detention)

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 Carlile (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)

EI 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)

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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)

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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)

PROFESSIONAL AND OTHER MEMBERSHIPS

JUSTICE

Former Executive Committee of Immigration Law

Practitioners' Association

Advisory Board of Refugee Studies Centre, University of Oxford

Administrative Law Bar Association

ARTICLES AND BOOKS

Co-author, with Nicholas Blake QC, Immigration, Asylum and Human Rights (Oxford University Press, 2003)

LECTURES

University of Oxford, LSE, UCL, Georgetown University, Washington DC

EDUCATION AND CAREER

Philosophy, Politics and Economics Exeter College, Oxford (1987-90)

2 Garden Court 1994-2000

Founder member of Matrix, 2000

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