



GARDEN COURT CHAMBERS

Ronan Toal

YEAR OF CALL: 1999



Ronan's practice covers all areas of asylum and immigration. He has a detailed knowledge and understanding of the complex and changing interrelationship of international and European law, domestic legislation, immigration rules and policies and judicial decisions that make immigration and asylum a complicated area of law.

"Unwavering in his commitment to clients, with a keen eye for winning strategies in even the most difficult cases."

CHAMBERS UK, 2024 (IMMIGRATION, BAND 1)

"He's passionate and very pragmatic in his approach."

CHAMBERS UK, 2024 (IMMIGRATION, BAND 1)

"He possesses a formidable intellect and is excellent at advocating for clients with complex cases."

"He has fearsome intellect and is a go-to for complex matters."

CHAMBERS UK, 2022 (IMMIGRATION, BAND 1)

"Ronan is a giant in the field who is exceptionally experienced; passionate and generous with his time; and a perfect choice for all manner of cases. He is simply brilliant."

LEGAL 500, 2022 (IMMIGRATION)

"A real immigration brain; his technical knowledge is second to none."

CHAMBERS UK, 2021 (IMMIGRATION, BAND 1)

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

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IMMIGRATION: ASYLUM AND HUMAN RIGHTS

Ronan has worked in the area of immigration, asylum and human rights since 1989, and so has a detailed knowledge and understanding of the law. He is able to identify practical and creative solutions to his clients' immigration problems. He gives clear and comprehensive advice and assistance at all stages, from making an application and gathering evidence, to bringing appeals, further appeals and judicial review applications.

Ronan is committed to working as a team with his instructing solicitors in the belief that the creative exchange of ideas enhances the likelihood of success. He represents clients in the tribunals and courts, including the Supreme Court, the European Court of Human Rights and the Court of Justice of the European Union. He has been instructed by a range of organisations to make interventions in those courts including Amnesty International, Statewatch, Anti-Slavery International and the AIRE Centre.

Ronan is frequently instructed as leading counsel. He provides expert opinions to the family court about the immigration consequences of possible family arrangements and orders. Although he appears in high-profile cases, he is equally happy to be instructed to represent in the First-tier Tribunal. Ronan edits *Macdonald's Immigration Law and Practice*, the leading practitioners' text.

NOTABLE CASES

OA (Somalia) CG [2022] UKUT 33 (IAC)

The most recent country guidance case about Somalia. Also appeared in earlier country guidance cases *AM and AM* (armed conflict: risk categories) *Somalia CG* [2008] UKAIT 00091; *AMM* (conflict; humanitarian crisis; returnees; FGM) *Somalia CG* [2011] UKUT 445 (IAC); *MOJ (Return to Mogadishu) CG* [2014] UKUT 442 (IAC)

Ainte (material deprivation, art 3, AM (Zimbabwe)) [2021] UKUT 203 (IAC)

Concerning the approach to an article 3 claim based on removal to material deprivation

MS (Pakistan) v Secretary of State for the Home Department [2020] UKSC 9

Whether the tribunal was bound to follow a Conclusive Grounds decision by the Competent Authority and whether removal could breach positive obligations under ECHR article 4 (Ronan represented the appellant in the Court of Appeal and in the application for permission to appeal to the Supreme Court).

KV (Sri Lanka) v Secretary of State for the Home Department [2019] UKSC 10

Whether the tribunal had adopted the correct approach to medical evidence when it decided that scars resulted from wounds that had been 'self-inflicted by proxy' rather than by torture.

Robinson v Secretary of State for the Home Department [2019] UKSC 11

Whether a decision not to treat submissions as a fresh claim was appealable to the tribunal.

MAB (Iraq) v Secretary of State for the Home Department [2019] EWCA Civ 1253

Whether a medical doctor had lawfully been excluded from Refugee Convention protection for having treated detainees who had been tortured and might be tortured again.

Bajratari (Citizenship of the Union – Right of residence of a third country national who is a direct relative) [2019] EUECJ C-93/18

Whether a child could establish an EU right of residence as a self-sufficient person on the basis of income earned by a parent who was working unlawfully.

***Herrera v Secretary of State for the Home Department* [2018] EWCA Civ 412**

Whether removing a long resident overstayer would breach article 8 of the ECHR.

***Secretary of State for the Home Department v FY (Somalia)* [2017] EWCA Civ 1853**

Whether removal to Somalia would breach article 3 of the ECHR.

***RQ (Jordan) v Secretary of State for the Home Department* [2014] EWHC 559**

Whether refusing an adjournment to enable the applicant to obtain further evidence had been procedurally unfair.

***Akhalu (health claim; ECHR article 8) Nigeria* [2013] UKUT 400 (IAC)**

Whether removing a woman would breach article 8 ECHR because of the effect removal would have on her health.

***Ahmad (removal of children over 18) Pakistan* [2012] UKUT 267**

Whether there was a power to remove children who had leave to remain as a consequence of deception practised by their parents.

***HH (Somalia) v Secretary of State for the Home Department* [2010] EWCA Civ 426**

Whether an individual could win an appeal on asylum or human rights grounds on the basis that he or she would be at risk of harm en route to a safe home area.

***R (AM (Somalia)) v Secretary of State for the Home Department* [2009] EWCA Civ 114**

Whether certification of a human rights claim, after an appeal had commenced, could bring the appeal to an end.

***BA (Nigeria) v Secretary of State for the Home Department* [2009] UKSC 7**

In what circumstances the making of a human rights claim entitled an individual to appeal against an immigration decision whilst still in the UK.

***R (Ozcan) v Immigration Appeal Tribunal* [2002] EWCA Civ 1183**

Whether removal of an asylum seeker to Turkey exposed him to risk of persecution.

TRAFFICKING AND MODERN DAY SLAVERY

Ronan's practice consists of cases concerned with trafficking in human beings, including protection and human rights appeals involving issues of trafficking, and the state's obligations to victims of trafficking; claims

for judicial review of the Home Office's conduct and policy in relation to trafficking victims; challenging NRM decisions; civil claims for violations of victims' Article 4 ECHR rights and exploration of remedies in respect of systemic failures by the UK to protect victims of trafficking.

NOTABLE CASES

***MS (Pakistan) v Secretary of State for the Home Department* [2020] UKSC 9**

Whether the tribunal was bound to follow a decision of the Competent Authority as to whether a person had been trafficked and whether removal could breach positive obligations under ECHR article 4 (Ronan represented the appellant in the Court of Appeal and in the application for permission to appeal to the Supreme Court).

***MN and IXU v Secretary of State for the Home Department* [2020] EWCA Civ 1746**

Concerning the standard of proof to be applied by the Competent Authority when making a 'conclusive grounds' decision and the approach that it should take to expert and medical evidence.

***Hounga v Allen* [2014] UKSC 47**

Whether a victim of trafficking should be prevented from claiming damages against her employer/trafficker on the ground that the employment in respect of which she wanted to recover damages was undertaken whilst she was unlawfully present in the UK.

ADMINISTRATIVE AND PUBLIC LAW

A substantial part of Ronan's practice consists of applications for judicial review in the Upper Tribunal and Administrative Court. Ronan has been actively involved in lobbying on behalf of the Immigration Law Practitioners' Association in respect of legislative, rules and policy changes.

NOTABLE CASES

***R (Project for the Registration of Children as British Citizens) v Secretary of State for the Home Department* [2022] UKSC 3**

Whether the fee charged for citizenship applications by children was unlawful.

IMMIGRATION DETENTION

***R (AB) v Secretary of State for the Home Department* [2019] EWHC 1969 (Admin)**

Whether detention was unlawful owing to the Secretary of State's failure to make a lawful decision in response to further submissions under paragraph 353 of the immigration rules.

***R (SW) v Secretary of State for the Home Department* [2018] EWHC 2684 (Admin)**

Whether the detention of a potential victim of trafficking was lawful.

***HXA v The Home Office* [2010] EWHC 1177 QB**

Claim for damages for unlawful detention.

***R (Abdillahi) v Secretary of State for the Home Department* [2010] EWHC 808 (Admin)**

Judicial review of detention pending deportation.

PUBLICATIONS

Ronan is a general editor of *Macdonald's Immigration Law and Practice*

He was a consultant editor of *Halsbury's Laws of England: Immigration and Asylum*

He is an author of *Blackstone's Guide to the Borders, Citizenship and Immigration Act 2009*

He is a former contributor to *Blackstone's Criminal Practice* and the author of articles in *Immigration and Nationality Law and Practice*

TRAINING AND SEMINARS

Ronan regularly provides training on matters relating to Immigration Law.

EDUCATION

BA History

CPE

PROFESSIONAL MEMBERSHIP

Immigration Law Practitioners' Association (ILPA)

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