



GARDEN COURT CHAMBERS

# Raza Halim

YEAR OF CALL: 2009



Raza Halim specialises in public law, with an emphasis on refugee law and human rights. He specialises in judicial review and appellate work in the fields of international protection, civil liberties and national security, regularly acting in test case litigation challenging Executive policy at first instance, through to the Supreme Court.

"He is highly knowledgeable in the field of immigration, asylum and human rights matters."

LEGAL 500, 2024

"Very experienced and very smooth in court."

CHAMBERS UK, 2024

"He absolutely knows what he's doing in the crossover of immigration and public law. It's a real pleasure to work with him." "He is incredibly gifted; he

provides excellent drafting and has the ability to be at the coalface and assist in complex test cases all at the same time."

CHAMBERS UK, 2023

"He handles urgent work very bravely and effectively."

CHAMBERS UK, 2022 (ADMINISTRATIVE & PUBLIC LAW)

"He does a really excellent job on challenging cases, he has a good knack of presenting them with real clarity and persuasiveness, which helps the judges cut through a lot of the complexity."

CHAMBERS UK, 2022 (IMMIGRATION)

"An extremely measured advocate, with a magnificent command of the written word. He is also always willing to step in, even with the most difficult cases – Raza is a frontline legal aid barrister."

LEGAL 500, 2022 (IMMIGRATION)

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

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## NOTABLE CASES

### ***AAA v Secretary of State for the Home Department (Rwanda) [2022] EWHC 3230***

Challenge to the Government's 'Rwanda Policy', to transfer asylum claimants to Rwanda if they have arrived in the UK by making "dangerous journeys" arriving by "small boats". The Claimants challenged the scheme on a number of grounds, including that Rwanda was not a "safe third country" based on evidence from the UNHCR, claimants risked being unlawfully returned by Rwanda to the country of their persecution ('refoulement'), and contrary to the 1951 Refugee Convention. Raza acted for the Claimants 'NSK' and 'AT', who won their individual challenges to the Home Secretary's decisions.

Press coverage: [The Guardian](#), [ITV News](#), [The Independent](#) [here](#) and [here](#), [Sky News](#) and [The New York Times](#),

***R (CSM) v Secretary of State v Secretary of State for the Home Department [2021] 4 WLR 110***

First time in English law that a Court held the British State to be in breach of its 'systems duty' under Article 3 ECHR. The Court declared that the Home Secretary failed to: 1) put in place adequate systems of care to protect those with HIV detained under immigration powers; 2) take all reasonable steps to avoid a real and immediate risk of harm to the Claimant by timeously providing antiretroviral medication (material breach of Article 3 ECHR operational duty) – officials were not told about the need to administer antiretroviral medication without delay or how to obtain it 3) the Home Secretary had no or any adequate policies and guidance in place dealing with individuals with HIV and failed to prevent the failings in this case. Led by Chris Buttlar KC.

Press coverage: [Guardian](#)

***R (Lawal) v Secretary of State for the Home Department (death in detention, SoS's duties) [2021] UKUT 114 (IAC)***

This case concerned the Home Secretary's failure to ensure the effective investigation of deaths in the immigration detention estate. It is the first domestic case to affirm that the duty to ensure an effective investigation under Article 2 ECHR affects the exercise of the Secretary of State's immigration powers. The Court held that Home Secretary must not frustrate or undermine an inquiry into how and in what circumstances a vulnerable person died where Article 2 ECHR is engaged. Led by Sonali Naik KC.

Press coverage: [Guardian here](#) and [here](#)

***P3 v Secretary of State for the Home Department (SC/148/2018, SC/148/2020)***

National security case before SIAC where a British Citizen was deprived of his citizenship whilst abroad on the basis that he was assessed 'to have links with Iranian intelligence services' and 'was prepared to accept tasking'. The case concerned whether the Home Secretary had lawfully refused him entry clearance to 1) effectively participate in his deprivation appeal 2) ensure against the severance of family ties in the UK and 3) head off a serious risk of suicide.

***JM v Secretary of State for the Home Department [2022] PTSR 260***

Test case judicial review challenging the Home Secretary's decision to refuse to provide asylum support payments to vulnerable asylum seekers to cover communication expenses, a fortiori during the extreme isolation of the COVID-19 pandemic. The Court granted the application, holding that need to communicate was an essential living need for the group of asylum seekers as a whole and could not properly be classified as exceptional. Led by Chris Buttlar KC.

***Hemmati & Ors v Secretary of State for the Home Department [2019] UKSC 56***

Led by Michael Fordham QC. Supreme Court held that Home Secretary had failed to institute into domestic law and apply the high level of protection provided by EU law against the detention of asylum seekers. That meant that the appellants and any asylum seeker who had been detained pending their removal to Member States between 2014 – 2017, were entitled to damages for the tort of false imprisonment.

Press coverage: [The Guardian](#) and [Independent](#).

***Idahosa v R [2019] EWCA Crim 1953***

Successful appeal against conviction for a refugee using false documents in order to escape persecution. The Appellant served 15 months in prison owing to the defective legal advice of his lawyers. The Court of Appeal provided guidance on the statutory interpretation of being in “transit”.

***MR (Pakistan) & Anor v Secretary of State for Justice & Ors [2019] EWHC 3567***

Led by Hugh Southey QC. Judicial review of the scheme governing the detention of immigration detainees held in the prison estate where the Prison Rules fail to provide equivalent protection or mechanisms to discover and release detainees who are victims of torture, compared to the rules governing immigration detention centres. That lacuna is also a breach of Article 14 ECHR and Equality Act 2010.

***Foley v Secretary of State for Justice & Anor [2019] EWHC 488***

Challenge to the decision by the Secretary of State to retain Claimant in custody pursuant to an indeterminate sentence of imprisonment for public protection, depriving him of removal from prison through the "Tariff-Expired Removal Scheme" ("TERS").

***Gasztony v Secretary of State for the Home Department & NHS England [2019] EWHC 2879***

Unlawful detention of a person suffering from autistic spectrum disorder in breach of the Home Secretary's published policy, Article 8 ECHR, and at common law, where, but for delays attributable to the Secretary of State, the Claimant could have been released, instead his mental health decomposed in detention. The Court held that the Secretary of State had a “special duty” to vulnerable persons in detention to ensure that there is no unnecessary delay in locating and securing appropriate accommodation/treatment in the community.

***ZN Afghanistan v Secretary of State for the Home Department [2018] EWCA Civ 1059***

Led by Stephen Knafler QC. Court of Appeal held that it was relevant to take into consideration the fact that a party was funded by legal aid, when determining the award of costs. The Court held that effective access to justice was of profound concern to the courts, especially in the field of public law, which concerned the legality of the executive's actions and so related in a direct way to the rule of law.

***Adegun v Secretary of State for the Home Department [2019] EWHC 22***

The detention of a seriously mentally ill man, suffering inter alia psychotic bipolar disorder, previously been sectioned under the Mental Health Act, was unlawful. The Home Secretary failed to discharge her duty of care by failing to dispense critical anti-psychotic medication to him, worsening his condition.

***Hussein & Ors v Secretary of State for the Home Department & G4S (Liberty intervening) [2018] EWHC 213***

Led by Stephanie Harrison QC. The Secretary of State had interfered with and indirectly discriminated against the rights of Muslim asylum seekers and migrants, protected under Articles 9 and 14 ECHR. The conditions in the detention centre compromised their ability to observe their faith through prayer. Press coverage: [BBC](#), [The Guardian](#), [The Independent](#).

***AM (Afghanistan) v & Lord Chancellor & Anor [2017] EWCA Civ 1123***

Led by Stephanie Harrison QC. Guideline case as to the principles to be applied in the determination of asylum claims made by vulnerable, incapacitated and/or young persons. The Court of Appeal also ruled that tribunals have the power to appoint a litigation friend. See [Lexis Nexis Briefing Note](#).

***Corbiere Ltd & Ors v Secretary Of State For Justice & Secretary of State for the Home Department [2017] EWHC 3364***

Challenge brought by a hedge fund against decisions to refuse to recall the interested party to prison from licence and refuse to halt his deportation, where it was alleged that the interested party, a 'quantitative analyst' had stolen and reverse engineered 55 secret algorithmic trading strategies worth at least £31 million and that his deportation would open the firm to "serious harm". Press coverage: [The Guardian](#), [Bloomberg](#).

***YA v Secretary of State for the Home Department [2017] EWHC 2135***

The Secretary of State unlawfully detained a victim of torture. The Secretary of State was also censured by the Court for repeatedly breaching orders to release. Press coverage: [The Guardian](#).

***HK (Iraq) & Ors v Secretary of State for the Home Department [2017] EWCA Civ 1871***

Test case challenge to the removal of asylum seekers to Bulgaria under the 'Dublin III Regulation' in violation of Article 3 ECHR and Article 4 EU Charter of Fundamental Rights, because of the parlous state of reception conditions in that country for asylum seekers.

***Wasif v Secretary of State for the Home Department [2016] EWCA Civ 82***

Led by Michael Fordham QC. Guideline case as to the correct approach to certification of judicial review cases as "totally without merit".

***M2 v Secretary of State for the Home Department SC/124/2014***

Led by Hugh Southey QC. National security case in SIAC concerning deprivation of British Citizenship. In particular the case raises the issue of whether the application of EU law was material to the disclosure exercise.

***ZG & SA v Secretary of State for the Home Department SN/23-24/2015***

Review in SIAC of the Secretary of State's decision to refuse to naturalise on good character grounds for reasons of national security, focusing upon an applicant's right to prior consultation and pre-decision disclosure.

***Jamar Brown v Secretary of State for the Home Department [2015] UKSC 8***

Led by Stephen Knafler QC. The Supreme Court held that the Secretary of State had acted unlawfully in designating Jamaica a 'safe' country in view of the risk of persecution faced by persons dependent upon their sexual orientation.

***JM & Ors v Secretary of State for the Home Department & Anor [2015] EWHC 2331***

Led by Stephanie Harrison QC. Successful challenge to the operation of the Detained Fast Track system, leading to its suspension by the Minister for Immigration, after a decade of operation. Reported by the [BBC](#), [The Guardian](#) and [The Times](#).

***AI v Secretary of State for the Home Department [2015] EWHC 244***

Led by Raza Husain QC. Challenge to third country removals to France under the Dublin III Regulations in cases subjected to a detained fast track process in that country. Judgment conceded to be vitiated by material errors of law by Secretary of State on appeal.

***IKM v Secretary of State for the Home Department [2015] EWHC 3031***

Judicial review of decisions to unlawfully detain and remove victim of rape and torture on 'third country' grounds. Reported by the [BBC](#), [The Independent](#) and [The Huffington Post](#).

***AA (Sudan) v Secretary of State for the Home Department & Anor [2014] EWHC 2118***

Successful claim for unlawful detention. The Secretary of State's lack of resources did not provide a satisfactory answer to her failure to review the Claimant's detention.

***Martin Ndomba Mulumba v First Tier Tribunal (Asylum Support) & Anor***

Led by Stephen Knafler QC. Successful challenge to the widespread practice of the Asylum Support Tribunal and Secretary of State for the Home Department refusing to grant accommodation and financial support to otherwise destitute and homeless failed asylum seekers with outstanding Article 8 ECHR claims. [See Court's](#)

[declaration here.](#)

### ***Hiri v Secretary of State for the Home Department [2014] EWHC 254***

Successful judicial review of the Secretary of State's decision to refuse naturalisation on grounds of 'good character' of a member of the British Army for a speeding offence. The Court provided guidance as to how the Secretary of State must approach assessments of good character. Reported by the BBC, [The Guardian](#), and [The Daily Mail](#).

### ***LM & Ors v Secretary of State for the Home Department [2014] EWHC 2015***

Challenge to the lawfulness of Statement of Changes HC 820 on the grounds of its capriciousness offending principles of legal certainty and in turn the rule of law where it retrospectively made additional requirements of child applicants and their parents seeking leave to remain on grounds of private and family life.

### ***R v Jaddi [2012] EWCA Crim 2565***

A successful appeal against conviction before Hughes LJ Vice President of the Criminal Division (as he then was) concerning the availability of the s.31 defence in respect of an Iranian asylum seeker convicted of false document offences.

## **PRO BONO WORK**

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Raza advises NGOs and charities on bringing strategic challenges to unlawful policies and represents detainees for Bail for Immigration Detainees.

## **PUBLICATIONS**

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Raza is a contributing author to ***Macdonald's Immigration Law & Practice, 9th Edition***, the authoritative practitioner text in the jurisdiction.

## **AWARDS**

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In June 2016 Raza was profiled as [Lawyer of the Week](#) in *The Times*, having acted in judicial review proceedings to obtain the release of a 16-year-old Syrian child refugee who had been detained for a month with adults by the Home Office.

## EDUCATION

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MA (Oxon.)

MSc

Princess Royal Scholar

## LANGUAGES

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Bengali

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