

Frances Allen

Call: 1995

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Frances has practised in immigration and asylum law since qualifying having been attracted to the work because of her strong stance on human rights. She also represents interested persons at coroners' inquests.

In suitable cases Frances will undertake direct access work directly for members of the public.

Immigration

Frances has considerable experience and knowledge of all areas of immigration and asylum law and has advised, drafted grounds and represented at all levels.

In May 2017 she was appointed co-author of the Immigration Law Handbook 10th edition.

She is meticulous in her preparation, which is the foundation for her frequent successes. She fights for her clients often thinking 'outside the box' but will always give realistic advice on the chances of success.

Her integrity and commitment to her work was recognised when she was asked to join a member of the fact-finding mission sent by the Parliamentary Human Rights Group to Pakistan in October 2006. The report entitled Parliamentary Human Rights Group Report: "Rabwah: A place for Martyrs" was published on 26 January 2007 and is reported on EIN (Electronic Immigration network) under country and human rights reports. The report formed the basis for the immigration tribunal's country guidance case of IA and Others (Ahmadis: Rabwah) Pakistan CG [2007] UKAIT 00088 (see also Secretary of State for the Home Department v IA (Pakistan) [2008] EWCA Civ 580).

Notable Cases

- *The Queen (on the application of Aamir Sheraz) v SSHD* (JR/4706/18): Permission granted on 26 February 2019 by UTJ Arfon-Jones. Challenge by the applicant to the decision of the SSHD to refuse him ILR under

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- paragraph 276D (long residence) with reference to 322(5) of the Immigration Rules.
- *The Queen (on the application of Umar Farooq Faisal) v SSHD* (JR/6941/17): Listed for substantive hearing on 18 July 2018 at Field House before Mr Justice Lewis. Challenge to the decision of the SSHD to refuse the applicant indefinite leave to remain as a Tier 1 (General) Migrant with reference to 322(5). Application for Judicial Review granted, decision to refuse indefinite leave to remain quashed and the SSHD ordered to pay the applicant's costs.
 - *The Queen (on the application of Ranjana Sathasivan) v SSHD* (JR/7378/17): Permission granted on 21 February 2018 by Mr Justice Nicklin QC. Challenge by the applicant to the decision of the SSHD to refuse to accept further submissions as a fresh claim for asylum.
 - *The Queen (on the application of Oluwaseun Oni Ogundipe) v SSHD* (JR/12489/16): Challenge by the applicant to the decision of the SSHD to certify the applicant's human rights claim as clearly unfounded under section 94(2). Issue was the lack of reasoning and/or analysis in the decision to certify. Following the grant of permission on 4 May 2017 at Field House, the Respondent agreed to withdraw the section 94(2) certificate.
 - *The Queen (on the application of Ali Katabazi) v SSHD* (JR/9500/16): Judicial Review permission hearing on 12 April 2017 at Field House – permission granted on all grounds. Challenge by the applicant to the decision of the SSHD to grant the applicant 5 years leave to remain as a refugee and not indefinite leave to remain. Issue is the application of Article 20(3) of the Qualification Directive and the Respondent's policy on vulnerable individuals.
 - *The Queen (on the application of Ismailov) v SSHD* (JR/3660/2016): Listed for substantive hearing on 25 January 2017 at Field House. Challenge by the applicant to the decision of the SSHD to certify the applicant's human rights claim under s94(2) as clearly unfounded. Application for Judicial Review refused but leave to appeal to the Court of Appeal granted in light of the case of *Paposhvili* and the impact on the cases of *N v. Secretary of State for the Home Department* [2005] 2 AC 296, as interpreted by the Court of Appeal in *GS (India) v. Secretary of State for the Home Department* [2015] 1 WLR 3312. Pursuant to a consent order the Respondent has agreed to reconsider Mr Ismailov's case.
 - *The Queen (on the application of Kathiravan Kaliyamurthy) v SSHD* (JR/3192/17): The applicant challenged the decision of the SSHD to refuse him Indefinite Leave to Remain (ILR). Issue was whether continuing to work on an "unofficial" basis amounted to employment for the purposes of paragraph 245AAA of the Immigration Rules. Following the grant of permission on 26 October 2017 at Field House, the applicant has been granted ILR in the UK.
 - *The Queen (on the application of Sydney Gerald Osei-Akoto) v FTT* (SSHD was an interested party) (JR/5332/2016): Rolled up permission and substantive hearing on 31 October 2016 at Field House. Challenge by the applicant to the decision of a FTTJ to grant the SSHD an extension of time to apply for permission to appeal to the Upper Tribunal. Permission granted and application for judicial review granted. The decision of the FTTJ to grant the SSHD an extension of time to appeal was quashed. Further to written submissions a costs decision promulgated on 27 February 2016, awarded the applicant costs from the issue of JR proceedings.
 - *Muthulingam Kishnamen & 50 Others v Secretary of State for the Home Department* (2016): Application to set aside determinations heard under the Immigration (Fast Track Procedure) Rules (FTR) 2005. Applications adjourned pending a ruling in the High Court on the lawfulness of the 2005 FTR.
 - *AA (Upper Tribunal-review power) Uzbekistan* [2015] UKUT 00330 (IAC): Setting guidance on the Tribunal's power to review its own decision under the Procedure Rules.
 - *NP (Sri Lanka) v The Secretary Of State For The Home Department* [2015] EWCA Civ 975: Challenge by the applicant to the Tribunal's consideration of documentary evidence and the impact on credibility.
 - *The Queen (on the application of Prenga, Jaku & Khaled) v Secretary of State for the Home Department* [2014] EWHC 605 (Admin): Challenge by the Claimants to the SSHD's consideration of their fresh claims and the effect of the Legacy Programme on such claims.

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Inquests

In this arena, Frances is dedicated to the rigorous search for the answers, which bereaved families need in order to comprehend their loss, particularly where agents of the state have been involved in the death.

Appointments

- Northern Ireland Bar (2014)
- England & Wales Bar (1995)
- Co-Author of the Immigration Law Handbook 10th edition

Memberships

- EIN
- ILPA
- RLG

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