



HOUSE OF REPRESENTATIVES

House of Representatives

05 DEC 2017

Citizenship Register

To the Registrar of Members' Interests,

Statement in relation to citizenship – 45th Parliament

I declare that at the time I nominated for election in this 45th Parliament I was an Australian citizen.

Section 1—Member's details

Surname	Other Names
Lamb	Susan
Electorate	State
Longman	Queensland

Section 2—Member's birth and citizenship details

Place of birth	Citizenship held at birth
Mackay, QLD, Australia	Australian
Date of birth	Date of Australian naturalisation (if not an Australian citizen by birth)
23 / 3 / 1972 Day Month Year	/ / Day Month Year

Notes

- (1) The information which you are required to provide is contained in a resolution agreed to by the House of Representatives on 4 December 2017.
- (2) If there is insufficient space on this form for the information you are required to provide, you may attach additional pages for that purpose. An electronic version of this form is available at <http://members.parl.net/citizenship> (internal link).
- (3) Forward the original, signed copy of all pages of this statement to the Registrar of Members' Interests, RG.39 Parliament House, Canberra ACT 2600.

Section 3(a)—Member's parents' birth details

	Mother	Father
Place of birth:	Mackay, Qld, Australia	Edinburgh, Scotland, United Kingdom
Date of birth:	<div> <div> <div></div> <div></div> </div> <div> <div></div> <div></div> </div> <div> <div></div> <div></div> </div> </div> <div> <div>1948</div> <div>Day</div> <div>Month</div> <div>Year</div> </div>	<div> <div>5</div> <div></div> </div> <div> <div>7</div> <div></div> </div> <div> <div></div> <div></div> </div>

1945

Day

Month

Year

Section 3(b)—Member's grandparents' birth details

	Maternal grandmother	Maternal grandfather
Place of birth:	Unknown	Unknown
Date of birth:	<div> <div> <div></div> <div></div> </div> <div> <div></div> <div></div> </div> <div> <div></div> <div></div> </div> </div> <div> <div></div> <div>Day</div> <div>Month</div> <div>Year</div> </div>	<div> <div> <div></div> <div></div> </div> <div> <div></div> <div></div> </div> <div> <div></div> <div></div> </div> </div> <div> <div></div> <div>Day</div> <div>Month</div> <div>Year</div> </div>

	Paternal grandmother	Paternal grandfather
Place of birth:	United Kingdom	United Kingdom
Date of birth:	<div> <div> <div></div> <div></div> </div> <div> <div></div> <div></div> </div> <div> <div></div> <div></div> </div> </div> <div> <div></div> <div>Day</div> <div>Month</div> <div>Year</div> </div>	<div> <div> <div></div> <div></div> </div> <div> <div></div> <div></div> </div> <div> <div></div> <div></div> </div> </div> <div> <div></div> <div>Day</div> <div>Month</div> <div>Year</div> </div>

Section 3(c)—Member's spouse details (if applicable)

	Spouse
Place of birth:	Brisbane, Australia
Date of birth:	<div> <div>23</div> <div></div> </div> <div> <div>09</div> <div></div> </div> <div> <div></div> <div></div> </div>

1968

Day

Month

Year

Section 3(d)

Please list the steps you have taken to assure yourself you have not acquired citizenship of another country by descent, marriage or other means.

I may have acquired British citizenship by descent via my father. See details of renunciation at Section 4(a).

Section 4(a)—Foreign citizenship

Have you ever been a citizen of any country other than Australia?

☐ **NO** — Proceed to Section 6

☒ **YES** — List the countries that you have been a citizen of, and evidence of the date and manner in which your citizenship of any other country was renounced or otherwise came to an end in accordance with the laws of the relevant country.

Country	Manner of renunciation or other manner in which the foreign citizenship came to an end	Date	Evidence attached
United Kingdom	<p>On the 24 May 2016, I renounced any claim to British citizenship by completing Form RN: Declaration of Renunciation of British Citizenship (Annexure A). This was then sent to Home Office by Registered Post on 25 May 2016 (Annexure B). Payment for processing the application was taken by the Home Office on 6 June 2016 (Annexure C).</p> <p>According to advice obtained from Mr Adrian Berry of the English Bar on 4 December 2017, upon completing the information required in Form RN and dispatching Form RN on 25 May 2016 I had satisfied all legal requirements for renouncing British citizenship according to British law (Annexure D).</p> <p>Nevertheless, further information was sought by the Home Office on 7 July 2016. Despite providing all relevant information required in addition to all documents that I was practically and legally able to obtain, the Home Office sent a letter to me dated 10 August 2016 stating "we cannot be satisfied from the documents available that you hold British citizenship. The application has therefore been refused". (Annexure E).</p> <p>I am satisfied that I took all reasonable steps to renounce any claim to British citizenship prior to nominating for the 2016 Federal election.</p>	24 May 2016	Yes

NB: Evidence of the date and manner in which your citizenship was renounced or otherwise came to an end **should** be attached to this form. Please date and initial each page of any attachment.

Section 4(b)—Foreign citizenship at time of nomination

On the date you nominated for election in this 45th Parliament were you a citizen of any country other than Australia?

☐**NO**☒

YES — *Provide details and evidence of any steps you have taken to renounce the citizenship of the other country prior to the date of nomination.*

Country	Action	Date	Evidence attached
United Kingdom	See Section Five		
NB: Evidence of the steps taken to renounce the citizenship of the other country prior to the date of nomination should be attached to this form. Please date and initial each page of any attachment.			

Section 4(c)—Foreign citizenship now

Are you now a citizen of any country other than Australia?

☒**NO**☐

YES — *Provide details and evidence of any steps taken to renounce the citizenship of the other country.*

Country	Action	Date	Evidence attached
NB: Evidence of the steps taken to renounce the citizenship of the other country should be attached to this form. Please date and initial each page of any attachment.			

Section 5—Member with foreign citizenship at nomination or now

Complete this section if you answered YES in section 4(b) or 4(c)

Basis on which you contend you are not disqualified under s 44(i) of the Constitution	Evidence attached
<p>I took all necessary steps to renounce British citizenship, in accordance with the requirements of British law, prior to nominating for election to the House of Representatives. I had therefore absolved myself of any impediment under section 44(i) of the Australian Constitution, in accordance with the “reasonable steps” test articulated by the High Court of Australia in the leading judgment of <u>Sykes v Cleary</u> and affirmed in the subsequent judgments of <u>Sue v Hill</u>, <u>Re Roberts</u> and <u>Re Canavan & Ors</u>.</p> <p>Requirements for renunciation under British law</p> <p>On 24 May 2016 I completed a <i>Form RN Declaration of Renunciation of British Citizenship</i>. I dispatched it to the UK Home Office on 25 May 2016 by Registered Post International, together with credit card details for payment of the processing fee and relevant supporting documents.</p> <p>According to advice obtained from Mr Adrian Berry of the English Bar, upon dispatching the Form RN on 25 May 2016 I had taken all steps necessary to renounce British citizenship, according to the requirements of British law.</p> <p>Mr Adrian Berry is a leading expert on British Nationality Law. A copy of his professional profile is attached at <u>Annexure F</u>.</p> <p>A copy of Mr Berry’s written advice of 4 December 2017 is provided at <u>Annexure D</u>. As Mr Berry writes at paragraphs 28 - 30:</p> <p><i>28. In completing the form Ms Lamb had shown information that she is a British Citizen because she had ticked the box that she was a British citizen. As no evidence is prescribed by legislation, evidence cannot be insisted upon in order to comply with the legislative requirements. In the circumstances, Ms Lamb had provided information showing that she was a British citizen, without being required as a matter of law to provide evidence to support her assertion of the same. In addition, as there was no basis in legislation for her to indicate the particular basis on which she was a British citizen. There is no legislative foundation to ask her whether she was a British citizen by birth in the UK, descent, naturalisation, or registration.”</i></p> <p><i>29. While the Home Office, as a matter of administrative practice, may have desired evidence to show the basis on which she was a British citizen, it is plain that the legislation does not require that evidence to be provided.</i></p> <p><i>30. While it may have been prudent for the Home Office to seek such evidence after it had received her form RN, it was not necessary for her to supply it in order to have done all that she needed to do in order to satisfy the legislative requirements. By the end of May 2016, she had fulfilled the legislative requirements imposed upon her in order to renounce British citizenship. What remained was for the Secretary of State, not Ms Lamb.</i></p> <p>Accordingly, I took all reasonable steps to renounce any claim to British citizenship prior to nominating for the 2016 election and am qualified to sit as a Member for Longman in the House of Representatives.</p>	<p>Yes</p>
<p>NB: Please date and initial each page of any attachment.</p>	

Section 6—General declaration

I declare that I have completed this statement to the best of my knowledge and have attached all evidence relevant to my declarations.

Signed	Date:
	<div data-bbox="938 459 1348 562"> <div>05</div> <div>/</div> <div>12</div> <div>/</div> <div>2017</div> <div>Day</div> <div>Month</div> <div>Year</div> </div>

23 May 2016

The Home Office
Department 1
UKV1
The Capital
New Hall Place
LIVERPOOL L3 9PP


Dear Sir/Madam

Please find enclosed an application to renounce British citizenship, along with the required fee and a certified copy of my Australian passport.

While I am unclear whether I am a British citizen, I am renouncing any potential citizenship to be sure that I am eligible to nominate for the Australian House of Representatives.

Please contact Evan Moorhead, ALP State Secretary on evan.moorhead@qld.alp.org.au if you require any further information.

Yours sincerely



Susan Lamb





Declaration of Renunciation of British Citizenship, British Overseas
Citizenship, British Overseas Territories Citizenship, British National
(Overseas) or British Subject Status

IMPORTANT: Please read the guide RN before you fill this form in. Both parts of the form should be completed, signed and submitted. Please write in BLOCK LETTERS.

If your declaration of renunciation is registered the Applicant's Copy of this form will be signed, stamped and returned to you, and will be formal evidence of the renunciation.

Note: Some of the information you provide on this form will be stored on a computer which is registered under the Data Protection Act.

1. I (full name)

S U S A N L A M B

of (full address)

[Redacted address]

Telephone number:

[Redacted telephone number]

Email address:

[Redacted email address]

was born on (date of birth)

23 03 1972

at (place and country of birth)

AUSTRALIA

2. I am a: (please tick)

☒ British citizen

☐ British overseas citizen

[Handwritten signature]

☐ British overseas territories citizen

☐ British national (overseas)

☐ British subject

I wish to renounce: (please tick)

☒ British citizenship

☒ British overseas citizenship

☒ British overseas territories citizen

☒ British national (overseas) status

☒ British subject status

See section 1 of the Guide and enclose evidence of your citizenship(s) or status – see section 3

You must complete either section 3 or section 4. If both apply, please complete both. You should send evidence of any other citizenship held or about to be acquired.

3. I hold the following citizenship or nationality other than the citizenship or status I wish to renounce:

Australian Citizenship

4. I am about to acquire the following citizenship or nationality after making this declaration:

5. If you are under 18 please state your date of marriage or civil partnership:

--	--	--	--	--	--	--	--	--	--

6. Declaration

Warning: To give false information on this form knowingly or recklessly is a criminal offence punishable with up to 3 months' imprisonment or a fine not exceeding £5000 or both (Section 46(1) of the British Nationality Act 1981 as amended).

I, (full name in BLOCK LETTERS) SUSAN LAMB
declare that to the best of my knowledge and belief the details given on this form are true.

Signature

[Redacted Signature]

Date

05/09/2016

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7. Declaration by countersignatory

Name:

EVAN ROBERT MOORHEAD

Address:

Daytime telephone number:

Either:

☒

I confirm that I am aged 18 or over, that I know the person who is making this declaration of renunciation, and that he/she is of full capacity. I am willing to give full details of my knowledge of this person. (See sections 1 and 3 in the guide.)

Or:

I confirm that the person who is making this declaration is not of full capacity, but that renunciation would be in his or her best interests for the following reasons. I enclose documentation to show that he or she is in my care.

I understand that I may be liable for prosecution resulting in a penalty of up to 3 months imprisonment or a fine not exceeding £5,000 or both if I knowingly or recklessly make a false declaration.

Signature



Date _____

23/5/2016

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Declaration of Renunciation of British Citizenship, British Overseas
Citizenship, British Overseas Territories Citizenship, British National
(Overseas) or British Subject Status

This declaration, if signed and stamped below, is formal evidence of renunciation.

1. I (full name)

S U S A N L A M B

of (full address)



was born on (date of birth)

23 03 1972

at (place and country of birth)

AUSTRALIA

2. I am a: (please tick)

☒

British citizen

☐

British overseas citizen

☐

British overseas territories citizen

☐

British national (overseas)

☐

British subject

I wish to renounce: (please tick)

☒

British citizenship

☒

British overseas citizenship

☒

British overseas territories citizen

☒

British national (overseas) status

☒

British subject status


3. I hold the following citizenship or nationality other than the citizenship or status I wish to renounce:

Australian Citizenship

4. I am about to acquire the following citizenship or nationality after making this declaration:

5. I, (full name in BLOCK LETTERS) SUSAN LAMB
declare that to the best of my knowledge and belief the details given on this form are true.

Signature



Date

24/05/2016

Official confirmation of renunciation:

Signature



Home Office





This is to certify that this is a true copy
of the original which I have sighted.

Date..... 7/5/15
Signed..... [Signature]
True..... 7/5/15 2010

PASSEPORT

AUSTRALIA

P AUS

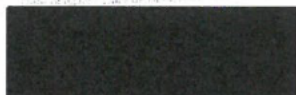
LAMB
SUSAN

AUSTRALIAN
23 MAR 1972

F

MACKAY

AUSTRALIA



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Home Office

FEES WITH EFFECT FROM 18 MARCH 2016 FOR CITIZENSHIP APPLICATIONS AND THE RIGHT OF ABODE

Including reconsiderations, status checks, duplicate certificates, confirmation of the non-acquisition of British citizenship and certificate corrections

Fees must be paid in full at the same time as you send your application(s) to the Home Office. The only exception to this applies to requests for a certificate correction. The fee for a certificate correction will be requested once the caseworker has decided what correction is appropriate.

Please ensure that you have sufficient funds to cover the fee payment. Certificates of citizenship cannot be issued until fees have been received.

If the full fee or biometric data is not provided, then the application will be rejected as invalid. The application will not be considered and the fee will be refunded less an administration fee of £25.

You may pay by cheque or credit/debit card. Please send your payment with the payment slip attached to this leaflet. You are advised not to send cash, transcash or postal orders.

Fees are prescribed in law and only part may be refundable if applications are unsuccessful or withdrawn, except for declarations of renunciation (see table overleaf). You should read very carefully the guides that accompany application forms, to ensure that you meet the statutory requirements, before applying. If you are paying using a bank or credit account which belongs to someone else, you should give their details on the payment slip in case any refund becomes due.

The fees shown overleaf are for applications submitted to the Secretary of State at the Home Office. Applications submitted to a different receiving authority must be sent, or handed in to that authority. The appropriate receiving authorities are:

- i. the Home Secretary if, on the date of receipt, the applicant is in Great Britain or Northern Ireland;
- ii. the Lieutenant-Governor if, on the date of receipt, the applicant is in any of the Islands (i.e. the Channel Islands or the Isle of Man);
- iii. the appropriate Governor if, on the date of receipt, the applicant is in a British overseas territory;
- iv. the Home Secretary if, on the date of receipt, the applicant is elsewhere (including in a Commonwealth country).

Applications for registration or naturalisation as a British overseas territories citizen normally have to be referred to the Governor of the British overseas territory with which the applicant is connected, for his decision. Where this is necessary, applicants will be notified about the fee payable after they have sent in their applications.

The overall fee for British citizenship comprises two elements. They are:

- a) Fee for handling and processing the application. None of this is refundable if the application is refused or withdrawn.
- b) Citizenship ceremony fee. This is paid by applicants who are required to attend a citizenship ceremony. It is refunded to applicants whose applications are refused or withdrawn.

The total amount, including the ceremony, fee is shown in the chart overleaf. Payments should be made using the payment slip attached to this leaflet.

This leaflet has no legal authority as an interpretation of the British Nationality Act 1981 or the current Fees Regulations. It is intended merely as a guide.

FEE TYPE	APPLICATION FORM	TYPE OF APPLICATION	TOTAL FEE PAYABLE
ADULTS APPLYING FOR BRITISH CITIZENSHIP			
AN		Naturalisation	£1236
B(OS) B(OTA) RS1 S1 S2 S3 T EM		Registration	£1121
UKM, UKF		Section 4C, 4G, 4H, 4I registration (ceremony fee only)	£80
APPLICATIONS FOR OTHER TYPES OF BRITISH NATIONALITY			
AN(modified)		Adults applying to naturalise as British overseas territories citizens	£925
RS2 S1 S2 S3 P1		Adults applying to register as British overseas territories citizens, British Overseas citizens, British protected person or British subjects	£833
		It is possible to be registered or naturalised as a British overseas territories citizen in the UK only in exceptional circumstances.	
CHILDREN			
B(OTA) B(OS) EM MN1 S2 S3 T		Child under 18 applying to register as a British citizen	£936
		**An additional £80 per applicant is required to cover the ceremony fee should the child turn 18 during the application process. This will be required at point of decision.	
MN3 MN4 S2		Child under 18 applying to register as British overseas territories citizens, British Overseas citizens or British subjects	£749
RENUNCIATION OF BRITISH NATIONALITY			
RN		Application to renounce British citizenship, British Overseas citizenship, British overseas territories citizenship, British subject, British protected person status or British National (Overseas).	£272
		Applicants who are living in the UK and want to renounce British Overseas Territories Citizenship and another British citizenship.	£544

RIGHT OF ABODE

ROA	Application for a certificate of entitlement to the right of abode in the UK	£272
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OTHER

	Duplicate certificate	£198
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NS	Confirmation of status as a British citizen	£198
----	---------------------------------------------	------

NQ	Confirmation of non-acquisition of British citizenship	£198
----	--------------------------------------------------------	------

NR	Reconsideration of an application for naturalisation or registration	£272
----	----------------------------------------------------------------------	------

RROA	Reconsideration of an application for a certificate of entitlement to the right of abode	£272
------	------------------------------------------------------------------------------------------	------

	Correction to Nationality certificate	£198
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INVALID APPLICATIONS

If the full fee or biometric data is not provided then the application will be rejected as invalid. The application will not be considered and the fee will be refunded less an administration fee of £25.

£25



PAYMENT SLIP CREDIT/SWITCH



Applicant Name:	SUSAN LAMB	HO Ref:
Date of Birth:	23/03/1972	
Town & Country of Birth:	AUSTRALIA	

Please tick ☒ as appropriate:


☒ Please debit my  (delete as appropriate); for the sum of £272.....



Card Number

Cardholder Name:	
Cardholder Address:	

Card Security Code:

 (Please enter the last 3 or 4 digits on the signature strip on the reverse of your card)

Signed: 

☐ I attach a cheque crossed a/c payee, Number
for the sum of £..... made payable to: The Accounting Officer, Home Office.

FEE REFUND

If someone else is paying your fee through their bank account please provide the name and address of the account holder in case a fee refund becomes due.

Applicants Name:		HO Ref:
Account Holder Name:		
Account Holder Address:		
	Post Code:	



Please tear off and retain

Registered Post International – Customer Receipt

Optional Services:

(Sender to complete)

Delivery

Confirmation

☐

Yes

☐

No

An additional fee is payable for this service.

Item addressed to: THE HOME OFFICE

DEPARTMENT 1, UKVI, THE CAPITAL

NEW HALL PLACE, LIVERPOOL, L3 9PP

I have ☐ the information on the reverse side of this receipt.

Sender's Signature

WARNING: Letters and documents only. Do not send valuables.

OFFICE POST MARK

02 MAY 2018

SENDER TO KEEP
RR154333097AU

LIFT & PEEL

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Annexure C

6/06/2016 *INTNL TRANSACTION FEE

6/06/2016

NATIONALITY DIRECTORAT LIVERPOOL GER
##0616 272.00 POUND STERLING

6/06/2016

\$545.80

25/05/2016 VIRGINIA 3333333333 SPRING HILL

\$521.70

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IN THE MATTER OF SUSAN LAMB

IN THE MATTER OF THE BRITISH NATIONALITY ACTS

OPINION

1. I am asked my opinion on the question of whether or not Susan Lamb, a Labor MP in the Australian Parliament, satisfied all the legal requirements for the renunciation of British Citizenship under UK law when she completed Form RN Declaration of Renunciation of British citizenship on 24 May 2016, and despatched it to the UK Home Office on 25 May 2016?
2. Ms Lamb was born in Mackay, Queensland, Australia, on 23 March 1972. Under Australian law she is a citizen of Australia by birth.
3. Her father, William Clarke, was born in Edinburgh, Scotland, on 5 July 1945. At birth he was a British Subject under section 1(1)(a) in the British Nationality and Status of Aliens Act 1914, by virtue of birth within His Majesty's dominions and allegiance, there being no want of allegiance for example by virtue of birth to a foreign diplomat or a member of foreign, invading, armed forces. On commencement of the British Nationality Act 1948 on 1 January 1949, he was reclassified as a Citizen of the United Kingdom and Colonies under section 12(1) of that Act.
4. At the time of her birth Ms Lamb's parents were married to each other. She was born legitimate. As a child born legitimate to her father she acquired Citizenship of the United Kingdom and Colonies by descent under section 5(1) of the British Nationality

Act 1948. As a person with a UK-born father, she acquired the right of abode in the United Kingdom under section 2(1)(b)(i) of the Immigration Act 1971 (as in force prior to 1983). On commencement of the British Nationality Act 1981 on 1 January 1983, as a Citizen of the United Kingdom and Colonies with the right of abode in the United Kingdom, she was reclassified as a British citizen.

5. As regards the maternal line, there is no suggestion that Ms Lamb's mother, Hazel Cant (nee Vidulich), has ever been a citizen of a country other than Australia.
6. On 24 May 2016 Ms Lamb completed a Declaration of Renunciation on the prescribed form RN Declaration of Renunciation of British Citizenship. She completed the form and provided all the information that was required on the form. She did not enclose any evidence with the Form RN.
7. On 25 May 2016 Ms Lamb sent the Declaration of Renunciation to the United Kingdom Home Office by international registered post, together with the Queensland Australian Labor Party's credit card details to enable payment of the appropriate fee.
8. The Queensland Labor Party's credit card statement shows that the Home Office received its fee on 6 June 2016.
9. On 7 June 2016 Ms Lamb was nominated to stand for election as the candidate for the seat of Longman.
10. On 2 July 2016 she was elected for the seat of Longman.



11. The question I am asked to consider is that, on the information available, had she complied with the prescribed requirements and done that required to enable her to renounce British citizenship prior to election on 2 July 2016? The context is that on 7 July 2016, i.e. after her election, the UK Home Office wrote to her counter-signatory, Mr Moorhead, advising him that before they could process Ms Lamb's renunciation request she should provide confirmation of whether she had ever been registered or naturalised as a British citizen and information concerning her father's place of birth and nationality status (on the basis that she may have acquired British nationality by descent).
12. Mr Moorhead replied that Ms Lamb had never been registered or naturalised as a British citizen and that her father had been born in Edinburgh (United Kingdom) and had migrated to Australia in 1945.
13. In reply the Home Office responded that it was possible that Ms Lamb had acquired British citizenship by descent and that in order to process her application they required her birth certificate, her father's birth certificate and her parents' marriage certificate.
14. On 1 August 2016 Mr Moorhead forwarded to the UK Home Office Miss Lamb's birth certificate and the birth certificate of her father. Miss Lamb was unable to provide a copy of her parents' marriage certificate, as the result of the requirements of Australian law found in section 44(1A) of Births, Deaths and Marriages Registration Act 2003 (Qld).
15. In a nutshell on the last date that Miss Lamb communicated with the United Kingdom Home Office, that is on 25 May 2016, she provided a completed form RN but did not provide any evidence. Such evidence as was subsequently provided to the United Kingdom Home Office, was provided after she was elected on 2 July 2016.

16. The requirements for renunciation of British citizenship are as follows.

17. The primary legislative requirements for renunciation of British citizenship are found in section 12 of the British Nationality Act 1981, which provides:

12 Renunciation.

(1) If any British citizen of full age and capacity makes in the prescribed manner a declaration of renunciation of British citizenship, then, subject to subsections (3) and (4), the Secretary of State shall cause the declaration to be registered.

(2) On the registration of a declaration made in pursuance of this section the person who made it shall cease to be a British citizen.

...

18. Further detail is provided in the British Nationality (General) Regulations 2003. Regulation 8 of those regulations provides that any declaration of renunciation of British citizenship shall be made to the appropriate authority specified in Regulation 9 and shall satisfy the requirements of Schedule 5.

19. By Regulation 9 (as amended), where a person is present in a Commonwealth country, the appropriate authority to which the application should be made is the Home Office in the United Kingdom.

20. Schedule 5 of the British Nationality (General) Regulations 2003 provides:

**SCHEDULE 5
REQUIREMENTS AS RESPECTS DECLARATIONS OF
RENUNCIATION**

1. A declaration shall be made in writing and shall state the name, address, date and place of birth of the declarant.

2. A declaration shall contain information showing that the declarant—

(a) is a British citizen, British Overseas citizen or British subject, as the case may be;



(b) is of full age or, if not, has been married;

(c) is of full capacity;

(d) will, after the registration of the declaration, have or acquire some citizenship or nationality other than British citizenship, British Overseas citizenship or British subject status, as the case may be.

3. A declaration shall contain a declaration that the particulars stated therein are true.

21. By Schedule 5 a declaration shall be made in writing and shall state the name, address, date, and place of birth of the declarant. The declaration must also contain information to show that the declarant is a British citizen, is of full age, is of full capacity, and that he will (after the registration of the declaration) have or acquire some other citizenship other than British citizenship. The declaration must also contain a declaration that the particulars stated therein are true.

22. The question to be answered is not was the United Kingdom Home Office entitled to seek evidence of the information supplied by Ms Lamb, but rather whether Ms Lamb had supplied the information required under the British Nationality Act 1981 and its subordinate regulations?

23. The information that she was required to provide was to be found in subordinate legislation, in Schedule 5 of the British Nationality (General) Regulations 2003. In completing form RN Mi Lamb had provided her name, address, and date and place of birth.

24. By paragraph 2 of Schedule 5 of the Regulations a Declaration shall contain information showing that the Declarant is one of a number of things. Miss Lamb completed the form to provide information that she was a British citizen. By providing her date of birth she also provided information that she was of full age. It is taken as read, absent any indication to the contrary, that she was of full capacity. As

she had provided the identity page of her Australian passport, she had also provided information to show that she was an Australian citizen and therefore that she would have some other form of citizenship were her British citizenship to be renounced. She had also completed the requirements of paragraph 3 of Schedule 5 of the Regulations, whereby a Declaration must contain a Declaration that the particulars stated therein are true.

25. It is critical to understand that what Miss Lamb was asked to provide is *information*, not *evidence*. The British Nationality Act 1981 and the British Nationality (General) Regulations 2003 do not require prescribed forms of evidence or indeed evidence at all; they require information.

26. In that context Form RN gives an indication of the sorts of information that the United Kingdom Home Office consider will satisfy the legislative requirements. The form asks for an indication in paragraph 2 of a person's British nationality status. Ms Lamb had ticked the box for British citizen. She had also ticked the box that she wished to renounce British citizenship.

27. The form does *not* ask the basis upon which a person is a British citizen. So it does not ask for information about whether or not the person is a British citizen by birth in the UK, by descent, by naturalisation, or by registration. It is right to note that the form gives an indication that Guidance is supplied in connection with the form when it says 'See section 1 of the Guide and enclose evidence of your citizenship(s) or status – see Section 3'. However, evidence is not a prescribed requirement.

28. In completing the form Ms Lamb had shown information that she is a British Citizen because she had ticked the box that she was a British citizen. As no evidence is prescribed by legislation, evidence cannot be insisted upon in order to comply with the legislative requirements. In the circumstances, Ms Lamb had provided information showing that she was a British citizen, without being required as a matter of law to

provide evidence to support her assertion of the same. In addition, as there was no basis in legislation for her to indicate the particular basis on which she was a British citizen. There is no legislative foundation to ask her whether she was a British citizen by birth in the UK, descent, naturalisation, or registration.

29. While the Home Office, as a matter of administrative practice, may have desired evidence to show the basis on which she was a British citizen, it is plain that the legislation does not require that evidence to be provided.

30. While it may have been prudent for the Home Office to seek such evidence after it had received her form RN, it was not necessary for her to supply it in order to have done all that she needed to do in order to satisfy the legislative requirements. By the end of May 2016, she had fulfilled the legislative requirements imposed upon her in order to renounce British citizenship. What remained was for the Secretary of State, not Ms Lamb.

31. In any event and without prejudice to the foregoing analysis, it is clear that the Home Office took payment for her application form RN on 6 June 2016, well before her election on 2 July 2016. At that point, if the Home Office had had a doubt as to the basis on which she was a British citizen, it could have enquired of her in the period between 6 June 2016 when it took payment for processing her renunciation form, and the time of her election on 2 July 2016. It did not in fact take any steps until 7 July 2016. However, it is plain that Miss Lamb had complied with the legislative requirements on 25 May 2016 (or shortly thereafter when the Home Office received her request) and, further, it is plain that the Home Office had received that form complying with all the requirements by 6 June 2016 when it deducted the fee for processing the request for renunciation.

32. When the Home Office did contact Mr Moorhead (Ms Lamb's counter-signatory) he was able to supply a copy of her birth certificate and her father's birth certificate.

Those documents show that her father was born in the United Kingdom at a time when the mere fact of birth (absent a want of allegiance) would confer British nationality, and also that Ms Lamb was born legitimate, her Queensland birth certificate showing that her mother had changed her name upon marriage.

33. There is no reason to consider that *evidence* could not have been provided in the period between 25 May 2016 and her election on 2 July 2016 had they been sought. But that point is immaterial because the question is whether or not Miss Lamb had complied with the legislative requirements of showing *information* as required in Schedule 5 of the 2003 Regulations. In my opinion she had. But, even if I am wrong, were there a doubt and were that information to be considered in any sense to be incomplete, there was a period of a month after the form was sent and prior to her election within which the Home Office could have requested further information. In my view she (a) complied with the requirements on 25 May 2016 (or as soon as thereafter as her request was received by the Home Office), and if not (b) would have been able to do so prior to her election had the Home Office taken steps to contact her.

Adrian Berry

Garden Court Chambers

4 December 2017



Department 73
UK Visas and Immigration
The Capital Building
Liverpool
L3 9PP
Tel 0300 123 2253
Email
Web www.gov.uk/uk-visas-immigration

Ms Lamb

Our Ref L1453731
Your Ref
Date 10 August 2016

Dear Ms Lamb

We contacted to you on 07 July 2016 requesting additional documents in support of your declaration of renunciation of British citizenship status.

We have received your reply to our request but we cannot be satisfied from the documents available that you hold British citizenship. The application has therefore been refused.

Please note that the outcome of any future application cannot be guaranteed, as this would be determined in the light of enquiries made at the time.

As explained in our schedule of fees, the application fee for renunciation of British citizenship status is not refundable and has been retained to cover the cost of handling and processing your application.

If you believe the decision to refuse your application was not soundly based on nationality law, policy or our procedures and you wish it to be reconsidered, you must complete Form NR and pay a fee.

Form NR can be obtained on our website at:

<https://www.gov.uk/government/publications/application-for-review-when-british-citizenship-is-refused-form-nr>

The current fee for reconsideration can be found on our website at:

<https://www.gov.uk/government/publications/fees-for-citizenship-applications>

Yours sincerely

Stephen Roy

CT3

UK Visas and Immigration

Please tell us what you think of this service by completing our anonymous customer satisfaction survey. To access the survey, simply type the web address into your internet browser or scan the QR code with your smart phone.

<https://www.homeofficesurveys.homeoffice.gov.uk/s/visasurveyuk>



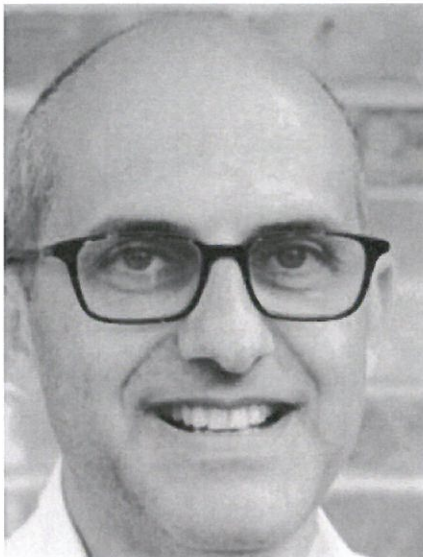
You can find details of how to contact us on our website at <https://www.gov.uk/contact-ukvi>. When contacting us via email, please ensure the subject field contains your Home Office reference number, your surname and the name of the person dealing with your application.

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ADRIAN BERRY

Call: 1998



"One of the finest legal minds of our time."

"Analytical, and extremely clever at complex law; the best of any barrister at EU and nationality law."

The Legal 500 and Chambers UK Bar Guide

Practice

Adrian's core public law practice spans a range of inter-related areas concerning citizenship, migration, human rights, international protection, and social assistance:

1. British Nationality, Conflict of Nationality Laws, and Statelessness
2. Investor, Entrepreneur, High Value, and Economic Migration (inc Work Permits)
3. EU Citizenship and Free Movement of Persons
4. Human Rights and Family Reunion
5. International Protection, Refugee Law and Asylum, and Extradition
6. Settlement, Permanent Residence, and Citizenship, for High Value Migrants
7. Student Migration
8. General UK Immigration Law
9. Homelessness, Housing, and Migrant Welfare
10. Community Care and Welfare Benefits

He acts and advises across the field of public law. He provides advice and advocacy services. He accepts instructions via a solicitor or other licenced professional client. In addition, he is acts for clients directly under the Bar Public Access scheme.

Adrian acts for individuals, communities and, where appropriate, NGOs and international organisations. He accepts instructions to assist persons with applications, reviews and legal remedies in courts and tribunals. He

also acts as a consultant to NGOs and international organisations, to assist with strategic litigation, analyses and reports of immigration and nationality law and practice, and actions plans for reform.

Adrian practises in the Administrative Court, the Immigration Tribunals, the Administrative Appeals Chamber of the Upper Tribunal, Appeal Courts, County Courts, and the Special Immigration Appeals Commission (SIAC). He has acted in cases before the Court of Justice of the European Union (CJEU) and with petitions to the European Court of Human Rights. A list of some of his notable cases is set out below.

He writes a blog on migration, citizenship and free movement called [Cosmopolis](#). He also has a website on [Nationality and Citizenship law](#). As an immigration barrister he is well known, not just for his casework, but also for his policy work and contribution to debates on immigration and nationality law.

What others say

Adrian is ranked in both legal directories for immigration. He is ranked in Tier 1 in the Legal 500 2016 and Band 1 in Chambers UK 2017.

In Chambers UK he has been described as having "real flair" and as being "excellent on EU points." In the Legal 500 he has been described as 'an "EU whiz-kid" who manages to "unscramble the EU and social security minefield with ease"', as having 'an extensive British nationality law practice', and as someone whose "commitment to ensuring that EU law can be used to benefit people who would otherwise be destitute is unwavering."

In **Chambers UK 2017**, Adrian is described as "An exceptionally skilled junior, whose practice is heavily focused on British nationality and EU free movement law. He routinely receives instructions from large-scale corporations in major commercial immigration matters." "An absolutely brilliant brain and a delightful personality – always a pleasure to work with." "One of the finest legal minds of our time."

In the **Legal 500 2016**, it is written that "His knowledge of the EU aspects of immigration law is unrivalled."

In **Chambers UK 2016**, it is written that "He remains one of the few true experts on nationality law." "He knows EEA law inside out. He is a seasoned High Court advocate and is so well connected in the world of immigration law, domestically and throughout Europe."

In **Legal 500 2015**, Adrian is described as "Analytical, and extremely clever at complex law; the best of any barrister at EU and nationality law." Regarding his social housing practice, "His depth of knowledge is excellent."

In **Chambers UK 2015**, it is written that Adrian "has an excellent reputation for his work on British nationality, international protection and asylum matters. He is often called upon to advise the UNHCR on statelessness, and he provides businesses, schools and individuals with information on Tier 1 and Tier 4 applications. He is described as "incredibly knowledgeable across all areas of UK immigration law and always willing to take the time to have something run by him." "Very impressive on nationality issues and statelessness, and a very good advocate and communicator."

In **Chambers UK 2014**, Adrian is described as a "guru on European immigration issues," and as "thorough and highly knowledgeable." "In EU law he really is the person." Regarding his practice in social housing, he is described as "bright and articulate," Adrian Berry has extensive knowledge of the eligibility of EU nationals to housing rights. "He's really stepped up as a leading junior on EU-related housing cases." "He's consistently turning out quality Court of Appeal and European work." Sources praise him for his ability to convey complex arguments in a concise, clear and persuasive manner."

In **Legal 500 2014**, Adrian is highlighted in Social Housing where it is said that "his knowledge of European Law is exceptional and his drafting is precise and clear." He is also highlighted in Immigration where it is noted that "judges listen to him."

British Nationality law, Nationality law codes, and Statelessness

Adrian has an extensive practice in British nationality law, both (1) in historic Commonwealth-based claims and (2) in contemporary issues concerning the automatic acquisition of citizenship, naturalisation and registration, as well as deprivation and loss of British nationality. He advises on claims to be a British citizen, British Overseas citizen (BOC), British overseas territories citizen (BOTC), British National (Overseas) (BN(O)), British protected person (BPP) or British subject.

He also regularly advises on the conflict of nationality laws for people with multiple nationalities, who hold or seek to hold both British nationality and other foreign nationalities, where the other countries are intolerant of multiple nationalities. In these cases he acts in partnership with foreign lawyers to resolve the conflict of laws between nationality law codes, as well as issues concerning domicile and tax. He also advises on the use of passports as markers of nationality.

As regards statelessness issues, he acts and advises in relation to statelessness cases, including in relation to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. He works on cases concerning stateless persons in detention, the regularization of stateless persons, and the welfare of stateless persons. He has worked with Asylum Aid and the Equal Rights Trust on statelessness issues and – as a member of the UNHCR London panel of counsel – he advises UNHCR on statelessness issues. He is a member of the Advisory Council of the European Network on Statelessness (ENS).

He has contributed to all chapters and parts of *Fransman's British Nationality Law* (3rd edition 2011), contributed the nationality law chapters to the *JCWI Handbook* 2006, contributed to *Jackson and Warr's Immigration Law and Practice* (2008) on the Right of Abode, contributed the nationality law chapters to the *Blackstone's Guide to the Borders, Citizenship and Immigration Act 2009* (OUP 2010), advised JCWI on government nationality proposals, and contributed to responses to government consultation papers and advised peers in the House of Lords for ILPA.

He has written on the relationship between British nationality and EU citizenship in *Deprivation of Nationality and Citizenship – The Role of EU Law* Journal of Immigration Asylum and Nationality Law Volume 28 Number 4 2015 pp. 355-366. In addition, he has provided advice in *Chagos Islanders v UK* (ECtHR) on the position of the Chagos Islanders in British nationality law.

He provides training on British nationality law and has taught nationality law as part of international public law to LLM students. He was a member of the group of nationality law experts reviewing the draft Protocol to the African Charter on Human and Peoples' Rights on the right to Nationality and the Prevention and Prohibition of Statelessness in Africa. He was a member of the Home Office Earned Citizenship Strategic Advisory Group.

Investor, Entrepreneur, High Value and Economic Migration (inc Work Permits)

Adrian acts for individuals, commercial undertakings, and institutions in relation to matters arising for economic migrants under the Points-Based System (Tiers 1, 2 and 5) and other routes. Among other things, he provides advice to individuals, sponsors, and banks and financial entities, in relation to the Tier 1 (Investor) route, the Tier 1 (Entrepreneur) route, Tier 2 work permits and Tier 2 Intra-Company Transfers (ICTs), and to individual and sponsors under other routes.

He regularly advises on the issues that arise for migrants and for employers in relation to unlawful employment and civil penalties (including county court appeals), including scenarios where the employer holds a sponsor licence. He also works with employment lawyers to advise on the cross-over between immigration sponsorship, breaches of immigration law, employment rights law, and dismissal law, in relation to migrants. He [writes](#) on economic migration issues. In addition, he provides strategic advice to professional associations, commercial entities and community interest groups on the use of the economic migration routes and the opportunities for lobbying the UK Home Office on areas of concern.

EU Citizenship and Free Movement

Adrian has an extensive practice in relation to both EU citizenship and the free movement of persons under EU law. He has appeared in numerous cases before the Court of Justice of the European Union (CJEU) (including



Chen, Teixeira and Dias) and in numerous reported cases in domestic UK courts. He has a particular interest in EU law as it applies to EU citizens and third country nationals in immigration and social welfare cases.

As regards immigration law, he advises on free movement of persons under Directive 2004/38/EC, deportation, rights of residence derived from other EU law provisions, Posted Workers rights, and the use of the Charter of Fundamental Rights to protect family members of EU migrants.

As regards social welfare cases, he also advises on entitlement to social assistance under EU law, the co-ordination of social security (Regulation 883/2004), and the right to equal treatment in social policy and education matters.

As regards EU citizenship, he advises on rights derived from EU citizenship (*Zambrano* related rights) and associated social welfare rights, see for example his case of *Pryce v Southwark* in the Court of Appeal.

He has provided advice and assistance on EU law issues to the AIRE Centre, FEANTSA, and ILPA, among others. He has written extensively about the welfare of EU migrants, see *Macdonald's Immigration Law and Practice; Housing Law Handbook* (Law Society 2009); *Support for Asylum Seekers and other Migrants* (Legal Action Group, 2009); and *Social Rights under Directive 2004/38/EC* Journal of Immigration Asylum and Nationality Law Volume 21 Number 3 2007 pp. 233-244.

Human Rights and Family Reunion

Adrian advises and acts across the range of human rights issues that affect his clients, deploying human rights arising under the ECHR, the EU Charter of Fundamental Rights, the Common Law and other human rights catalogues, as appropriate. In immigration proceedings he acts for clients with family reunion issues and those who seek to rely on the European Convention on Human Rights. He has a particular interest in the intersection between immigration proceedings and family proceedings, and the procedural protection afforded by article 8 ECHR, see for example *Mohan v Secretary of State* [2012] EWCv Civ 1363, Court of Appeal. He advises on human rights and fundamental rights to European NGOs working variously on nationality, statelessness and homelessness issues.

International Protection, Refugee Law and Asylum, Extradition

Adrian acts for a small number of clients with complex and sensitive asylum and international protection claims. Many of his clients have extensive political and economic interests in the country from which they have fled, have a high profile and are also liable to extradition. He works in partnership with extradition lawyers, immigration solicitors, country experts and commercial advisors to provide a comprehensive service. He provides advice and representation in matters arising under the 1951 Refugee Convention, the Refugee Qualification Directive (2004/83/EC) and the European Convention on Human Rights. He also acts in European Arrest Warrant (EAW) and Extradition cases and appeals. He also acts for a small number of clients with general asylum claims, including clients with multiple nationalities, statelessness issues, difficult issues in relation to a nexus to a Refugee Convention reason, and those subject to removal under the Dublin Regulation. He [writes](#) on Refugee law issues. He is a contributor to *Asylum Law and Practice* (Bloomsbury Professional, 2010).

Settlement, Permanent Residence and Citizenship for High Value Migrants

Adrian provides strategic advice on settlement and citizenship options for persons looking to secure settlement, permanent residence and citizenship in the UK and elsewhere. He works in partnership with lawyers in other jurisdictions and with tax and financial advisors to ensure that clients are able to undertake the strategic planning necessary to optimise their position.

Student Migration

As regards students and matters arising under Tier 4, Adrian advises and acts for individuals migrating to the UK. He also for schools, and colleges in relation to sponsor licences (issue, suspension and revocation



matters). In addition, he provides strategic advice to professional associations, commercial entities and community interest groups on the use of the student migration routes and the opportunities for lobbying the UK Home Office on areas of concern.

General Immigration Law

Adrian acts and advises clients with issues arising under general immigration law. In addition to the work described above, he advises and acts for clients seeking to enter and remain in the UK under the Immigration Rules and on the options outside of the Immigration Rules. He also acts for clients who are unlawfully detained, those facing deportation as 'foreign criminals' or facing removal proceedings, and those who cases require a detailed knowledge of the structure of immigration control under the Immigration Act 1971. He has also advised and represented OISC advisors in disciplinary matters before the First-tier Tribunal (Immigration Services). He is a contributor to *Macdonald's Immigration Law and Practice*.

He advises and acts for landlords subject to Home Office civil penalties under the 'right to rent' provisions of the 2014 Immigration Act.

Homelessness, Housing and Migrant Welfare

Adrian regularly acts and advises in all areas of homelessness and allocations law concerning matters that are amenable to judicial review and in statutory homelessness appeals in the county court. In particular, he specialises in eligibility issues for migrants, appearing in numerous, reported cases. He has also provided HLPA with training and workshops on eligibility issues.

Adrian's expertise in social housing is in securing accommodation and housing for migrants. He provides a distinct service to solicitors with migrant clients based on being a one-stop shop on account of his fluency in housing, immigration, nationality, EU, ECHR and social security law. Where possible he solves problems in one of these areas by finding solutions in another.

In 2010 he was counsel in the first housing case (one of two linked cases) to reach the Court of Justice of the European Union from a British court, see [Teixeira v London Borough of Lambeth](#) [2010] EUECJ C-480/08. In addition he has a string of reported cases demonstrating his expertise in helping migrants secure: homelessness assistance, asylum support accommodation, accommodation for children leaving care, and housing benefit. He is responsible for many of the homelessness 'eligibility' cases decided in the Court of Appeal in recent years.

Adrian has developed a deep interest in migrant welfare, housing and support matters under different statutory regimes. His clients often have issues that touch on the Housing Act 1996, Community Care provisions, the Children Act 1989, and asylum support matters. He has particular expertise in asylum support, has a detailed knowledge of the asylum support system and has written extensively on support for asylum seekers.

He is widely published on social housing for migrants having contributed to the chapter in *Macdonald's Immigration Law and Practice* on 'Asylum Support, Housing and Community Care'; contributed the chapter in *Asylum Law and Practice* (Bloomsbury Professional, 2010), on the accommodation, housing and support of migrants 'Treatment of Asylum Seekers'; and contributed the chapter in the *Housing Law Handbook* (Law Society, 2009), on 'Housing outside the Parts 6 and 7 of the Housing Act 1996'. He also wrote the chapter in *Support for Asylum Seekers and other Migrants* (Legal Action Group, 2009) on benefits, including housing benefit.

He has a particular specialism in EU law as it applies to EU citizens and third country nationals in social housing, welfare and immigration cases, appearing in numerous reported cases. He is the author of 'Social Rights under Directive 2004/38/EC' *Journal of Immigration Asylum and Nationality Law* Volume 21 Number 3 2007 pp. 233-244

Community Care and Welfare Benefits



Adrian acts and advises clients in the First-tier and Upper Tribunal in social security and pensions cases, including but not limited to cases that touch on immigration issues, EU law issues, pensions and points of statutory construction. He has also acted in such cases, many reported, before the Administrative Court, the Court of Appeal and by way of reference before the European Court of Justice. He contributed the chapter on benefits to *Support for Asylum Seekers and other Migrants* (Legal Action Group, 2009). He has a particular expertise in the co-ordination of social security for migrants under EU Regulation 883/2004. In community care matters, he acts and advises clients, and migrants, in particular on access to social assistance and entitlement under EU law.

Training and Teaching

Adrian provides training courses in British nationality law, EU law, immigration law, community care law, migrant welfare law, housing law, social security law and immigration law. He has provided accredited training for the Academy of European Law, Garden Court Chambers, ILPA, HLP, JCWI, Legal Action, law centres, and local authorities. Private training on tailored topics can be provided on request. He has taught International Migration Law to LLM students.

Publications

Books

- *Macdonald's Immigration Law and Practice* (2015) contributor
- *Fransman's British Nationality Law* (3rd edition, 2011) contributor to all chapters.
- *Asylum Law and Practice* (Bloomsbury Professional, 2010), contributed the chapter on 'Treatment of Asylum Seekers'
- *Blackstone's Guide to the Borders, Citizenship and Immigration Act 2009* (OUP, 2010) co-author (wrote the chapters on British nationality)
- *Housing Law Handbook* (Law Society, 2009), co-author, contributed the chapter on 'Housing outside the Parts 6 and 7 of the Housing Act 1996'
- *Support for Asylum Seekers and other Migrants* (Legal Action Group, 2009), contributed the chapter on benefits.
- *Blackstone's Guide to the Criminal Justice and Immigration Act 2008* (2009) (contributed the chapter on 'Foreign Criminals'/Special Immigration Status)
- *Jackson and Warr's Immigration Law and Practice* (4th Edition, 2008) (contributor, 'The right of abode'/British nationality)
- *JCWI Immigration, Nationality and Refugee Law Handbook 2006* (contributor, British nationality chapters)
- *Dealing with your Dismissal* (Hodder Headline 2000), author (concerning dismissal and redundancy law)

Articles

- *Deprivation of Nationality and Citizenship – The Role of EU Law* *Journal of Immigration Asylum and Nationality Law* Volume 28 Number 4 2015 pp. 355-366
- *The Right to Marry and Immigration Control: The Compatibility of Home Office policy with Article 12 and Article 14 ECHR in Baiai* *Journal of Immigration Asylum and Nationality Law* Volume 23 Number 1 2009 pp. 41-50
- *Border Trouble: The UK Borders Act 2007* *New Law Journal* 158 NLJ 201 8 February 2008
- *Social Rights under Directive 2004/38/EC* *Journal of Immigration Asylum and Nationality Law* Volume 21 Number 3 2007 pp. 233-244

Pro Bono and Community Work

- European Human Rights Advocacy Centre (EHAC)

Notable Cases include:



R(ML(Morocco) v Secretary of State for the Home Department [2016] EWHC 2177 (Admin), High Court. A period of 10 months' detention under immigration powers while the Secretary of State tried to obtain an emergency travel document for a stateless individual was not unlawful. **Lopes v London Borough of Croydon [2016] EWCA Civ 465, Court of Appeal.** The court determined the correct destination for appeals where there had been an appeal to the county court which had made a determination as to costs and the parties wished to appeal the costs order. **London Borough of Croydon v Y [2016] EWCA Civ 398, Court of Appeal.** A judge should have granted a local authority's application to strike out or stay an asylum seeker's challenge to an age assessment unless he consented to further age assessments where such an order was reasonably necessary to enable the local authority to defend the challenge and the asylum seeker's refusal to give his consent was unreasonable. The principles from *Starr v National Coal Board* [1977] 1 W.L.R. 63 were not confined to private law litigation. **Secretary of State for Home Department v Ojo [2015] EWCA Civ 1301, Court of Appeal.** The acquisition of a permanent right of residence depended on continuous residence with a qualifying status. Residence and immigration status were not analogous and a period during which the requisite financial dependency had been broken could not be ignored. **R(Bondada) v Secretary of State for the Home Department [2015] EWHC 2661 (Admin), High Court.** An applicant who had been born in India to a father who had acquired British citizenship prior to her birth established her entitlement to British citizenship by descent, pursuant to the British Nationality Act 1981 s.11(1), where her mother's passport from 1978 provided clear evidence of her parentage and her parents' marriage. **Secretary of State for Work and Pensions v SF [2015] UKUT 502 (AAC), Upper Tribunal.** Pregnancy and childbirth were not of themselves enough to take a woman off the employment market and so outside the scope of TFEU art.45; a woman was protected by her worker status until such time, not exceeding the "reasonable period" contemplated by *Saint Prix*, as she showed an intention not to be part of the employment market. **B(Eritrea) v Secretary of State [2015] EWCA Civ 141, Court of Appeal.** A Refugee was lawfully entitled to benefits from the date his status was established. **R(Kondrak) v Secretary of State [2014] EWHC 639 (Admin), High Court.** The detention of a Polish national pending administrative removal was unlawful from the outset. **R(Foo Ann Ku) v Secretary of State [2013] EWHC 3881 (Admin), High Court.** At the date of removal of a British Overseas Citizen (BOC) the Secretary of State had reason to believe that the individual would be admitted to Malaysia. **Pryce v London Borough of Southwark, Secretary of State for the Home Department intervening [2012] EWCA Civ 1572 (7 November 2012) Court of Appeal.** Whether an unlawfully present parent of a British citizen/EU citizen child derived a right of residence from the need to enable the child to enjoy the genuine substance of his rights as an EU citizen in the country of his birth; whether EU citizenship after the case of *Zambrano* could confer a directly effective right of residence on that parent that rendered her eligible for homelessness assistance. **Mohan v Secretary of State for the Home Department [2012] EWCA Civ 1363 (23 October 2012) Court of Appeal.** The extent of the procedural protection afforded by article 8 ECHR, when immigration expulsion proceedings are afoot but family proceedings concerning contact with a child are not yet complete. **SL v Westminster City Council, Medical Foundation for the Care of Victims of Torture and MIND intervening [2011] EWCA Civ 954 (10 August 2011) Court of Appeal.** (acted for Medical Foundation by way of written submissions) The correct approach to the construction of s 21(1)(a) of the National Assistance Act 1948 as regards 'care and attention' and whether accommodation is 'otherwise available' when considering whether there is a duty to provide residential accommodation. **Secretary of State for Work and Pensions v Maria Dias [2011] EUECJ C-325/09 (21 July 2011) European Court of Justice.** Whether periods of residence completed prior to the transposition of Directive 2004/38/EC contribute to the acquisition of the right of permanent residence. Whether periods of residence completed in reliance on a Residence Permit contribute to the acquisition of a right of permanent residence. **PM (EEA – spouse – "residing with") Turkey [2011] UKUT 89 (IAC)(7 March 2011) Upper Tribunal.** Regulation 15(1)(b) of the Immigration (European Economic Area) Regulations 2006 applies to those who entered a genuine marriage where both parties have resided in the United Kingdom for five years since the marriage; the EEA national's spouse has resided as the family member of a qualified person or otherwise in accordance with the Regulations and the marriage has not been dissolved. The "residing with" requirement relates to presence in the UK; it does not require living in a common family home. **R(on the application of Birara) v Hounslow Borough Council [2010] EWHC 2113 (Admin)(16 July 2010) Administrative Court.** Accommodation for Children Leaving Care: Whether a local authority's decision to cease to provide a young person previously under its care with support and accommodation once she turned 21 could not stand where, in reaching that conclusion, it had failed to have regard to its own policy to continue to fund education past 21 in exceptional circumstances. **Teixeira (European citizenship) [2010] EUECJ C-480/08 Teixeira v London Borough of Lambeth and another C-**

480/08 (23 February 2010) European Court of Justice Whether an EEA national who is both a former worker and the primary carer of her children who are in education, is eligible for homelessness assistance by virtue of enjoying a right to reside pursuant to Article 12 of Regulation (EEC) 1612/68. **R (Ghai v Newcastle City Council and Others & Secretary of State for Justice (Interested Party) & (1) Ramgharia Gurdwara, Hitchin (2) Alice Barker Welfare & Wildlife Trust (3) Equality & Human Rights Commission (4) Hindu Merchants Association (interveners) [2010] EWCA Civ 59 (2010) 3 All ER 380, (2010) 7 EG 101 (CS), Times, February 18, 2010 (10 February 2010) Court of Appeal** Whether the wishes of an orthodox Hindu that his remains be cremated on a traditional fire could be accommodated under the Cremation Act 1902 and the Cremation (England and Wales) Regulations 2008, whether the kind of structure that he found acceptable for his cremation was a "building" within s of the 1902 Act. **Malekout v Secretary of State for Work & Pensions [2010] EWCA Civ 162 (02 February 2010) Court of Appeal** Whether for payments to be disregarded under the Income Support (General) Regulations 1987 Sch.9 para.15(5A)(e) for the purposes of assessing a claimant's entitlement to income support, the agreement giving rise to the payments, and not just the payments themselves, had to have been made in consequence of personal injury to the claimant. **HS v Secretary of State (29 January 2010) SC/69/2008 Special Immigration Appeals Commission** Whether the exclusion a foreign national resident in the UK was in the interests of national security and compatible with Article 8 ECHR. **Low & Ors, R (on the application of) v Secretary of State for the Home Department [2010] EWCA Civ 4 (14 January 2010) Court of Appeal** Whether the decision of the Secretary of State to refuse residence documents to third country nationals otherwise unlawfully present in the UK was contrary to the freedom to provide services under Article 49 of the EC Treaty when such nationals were temporarily employed by an Irish company with a contract to provide services in the UK. **Novitskaya v London Borough of Brent & Anor [2009] EWCA Civ 1260 (01 December 2009) Court of Appeal** Whether a claim for housing benefit can be made without using explicit words to indicate that a claim for housing benefit is being made. The judgment benefits vulnerable persons who make defective claims for housing benefit. **Secretary of State for Work and Pensions v Dias [2009] EWCA Civ 807 (31 July 2009) Court of Appeal** Whether a EU Residence Permit confers eligibility for income support on a single female head of household who left work to care for her child by virtue of Article 16 of Directive 2004/38/EC or Article 18 of the EC Treaty; referred to the European Court of Justice. **Yesiloz v London Borough of Camden & Anor [2009] EWCA Civ 415 (20 May 2009) Court of Appeal** Whether a Turkish asylum seeker on temporary admission and subject to immigration control, as a citizen of a state that had ratified ECSMA, and in respect of whom some provision had been made in social security legislation, ought to be considered as having a right to reside for housing benefit purposes. **Barry v London Borough of Southwark [2008] EWCA Civ 1440 (19 December 2008) Court of Appeal:** Whether an EEA national was eligible for homelessness assistance as a worker where he had worked for two weeks at a tennis championship and sought to retain worker status. **BY v Secretary of State for the Home Department [2008] UKSIAC 65/07 (07 November 2008) Special Immigration Appeal Commission** The application of EU law to an entry clearance application where national security forms the ground for exclusion. **Baiai & Ors, R (On The Application of) v Secretary of State For The Home Department [2008] UKHL 53 (30 July 2008) House of Lords** Whether the scheme introduced by the Secretary of State that limited the rights of those subject to immigration control to enter into a civil marriage infringed the European Convention on Human Rights 1950 Art.12 and was therefore unlawful. The objection inherent in the scheme applied just as much in the case of an illegal entrant as in the case of persons with very limited permission to remain. **Humphries & Ors v Secretary of State for Work and Pensions [2008] EWHC 1585 (Admin) (09 July 2008) Administrative Court** Child Support Agency (CSA) The application of the ex gratia compensation scheme and the use of administrative complaints procedures. **Ehiabor v Royal Borough of Kensington & Chelsea [2008] EWCA Civ 1074 (08 May 2008) Court of Appeal** Homelessness: whether a child born in the UK to a person subject to immigration control, who had never left the country, could be a 'person from abroad' for the purposes of homelessness legislation. **Secretary of State for Work and Pensions & Anor v Boyle & Anor [2008] EWCA Civ 210 (31 January 2008) Court of Appeal** Child Support Agency: The correct construction of secondary legislation where there is an interim maintenance assessment and information is provided to enable a full maintenance assessment to be made. **Christie v Department for Constitutional Affairs & Anor [2007] UKEAT 0140_07_2307 (23 July 2007) Employment Appeal Tribunal** Whether a part-time fee paid tribunal chairman was a 'worker' within the meaning of the Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Part Time Workers Framework Directive (97/81/EC). **FD (Algeria) v Secretary of State for the Home Department [2007] EWCA Civ 981 (25 September 2007) Court of Appeal** Whether the Secretary of State can rely on the unlawful presence of an unmarried partner of an EEA national to refuse a

residence card, notwithstanding that they are in a durable relationship and whether the Secretary of State can apply the domestic immigration rules to the application (case settled). [Rowley & Ors v Secretary of State for Department of Work and Pensions \[2007\] EWCA Civ 598 \(19 June 2007\) Court of Appeal](#) Whether the Secretary of State for Work and Pensions owed a common law duty of care in negligence to an applicant for child support under the Child Support Act 1991 as such a duty would be inconsistent with the statutory scheme. [Baiai & Ors, R \(on the application of\) v Secretary of State for the Home Department & Anor \[2006\] EWHC 1035 \(Admin\) \(10 May 2006\) Administrative Court](#) Whether human rights damages are available and should be awarded to a person where there is a breach of Article 12 and Article 14 ECHR. [Paul-Coker, R \(on the application of\) v London Borough of Southwark \[2006\] EWHC 497 \(Admin\) \(03 March 2006\) \[2006\] HLR 32 Administrative Court](#) Homelessness, interim accommodation pending Review, there was an unreasonable refusal letter failing to adequately apply the ex parte Mohammed test in context of an arguable habitual residence of Claimant. [YD \(Turkey\) v Secretary of State for Home Department \[2006\] EWCA Civ 52 \(08 February 2006\) Court of Appeal](#): Inherent power of Court of Appeal to order stay on removal where an appeal from AIT lodged out of time. [Mohamed, R \(on the application of\) v London Borough of Harrow \[2005\] EWHC 3194 \(Admin\) \(13 December 2005\) \[2006\] HLR 18 Administrative Court](#) Homelessness, Interim accommodation pending Review, whether EC workers and EU citizens excluded from consideration. [R \(Conde\) v Secretary of State \[2005\] EWHC 62 \(Admin\) \[2005\] HLR 452 Administrative Court](#): Availability of Children Act services to work seekers from EU Member States. [Burns, R \(on the application of\) v London Borough of Southwark \[2004\] EWHC 1901 \(Admin\) \(19 July 2004\) Administrative Court](#): Whether local authority entitled to rely on Home Office view of immigration status or whether it is required to make its own enquiries. [Chen and Others \(Free movement of persons\) \[2004\] EUECJ C-200/02 \(19 October 2004\) \[2005\] QB 325, \[2005\] All ER \(EC\) 129 \[2004\] 3 CMLR 1060 European Court of Justice](#): Right to reside in UK of primary carer of an EU/Irish citizen in context of right to reside under Article 18 of the EC Treaty. [Zardasht, R \(on the application of\) v Secretary of State for Home Department \[2004\] EWHC 91 \(Admin\) \(23 January 2004\) \[2004\] All ER \(D\) 196 \(Jan\) Administrative Court](#): Destitution of asylum seekers, ambit of Article 3 ECHR [A, X and Y, & Ors v Secretary of State for the Home Department \[2002\] EWCA Civ 1502 \(25 October 2002\) Court of Appeal](#): Article 15 ECHR, Derogation, Detention, Discrimination, Article 14 ECHR, Terrorism, National Security. [Secretary of State For The Home Department v. Rehman \[2001\] UKHL 47 \(11th October, 2001\) \[2003\] 1 AC 153, \[2002\] 1 All ER 122 House of Lords](#): Deportation and National Security.

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A handwritten signature in blue ink, appearing to be "AB".

CONTACT THE CLERKS

020 7993 7600

info@gclaw.co.uk

CONTACT DETAILS

020 7993 7706

adrianb@gclaw.co.uk

PRACTICE AREAS

- Administrative and Public Law
 - Employment law, discrimination and professional regulation
 - Garden Court International
 - Housing
 - Immigration: asylum and human rights
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EDUCATION

- MA (1994)
 - M. Litt. (1996)
-

PROFESSIONAL MEMBERSHIPS

- Administrative Law Bar Association (ALBA)
- Immigration Law Practitioners' Association (ILPA) (Chair)
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