

## Donnchadh Greene



Call: 2018

Email: [d.greene@doughtystreet.co.uk](mailto:d.greene@doughtystreet.co.uk)

### Profile

Donnchadh practises in judicial review across all areas of public law, human rights, and civil claims against public authorities. He is regularly instructed in strategic litigation challenges on behalf of individuals and NGOs and has appeared before the Court of Appeal as junior counsel in cases concerning children's rights and discrimination law.

Donnchadh is ranked in Legal 500 as a Rising Star in Administrative law and Human Rights and Community Care law and in Chambers and Partners as Up and Coming in Community Care law. He was nominated for public law junior of the year at the Legal 500 Bar Awards 2023.

Alongside his public law practice, Donnchadh acts in civil claims against public authorities, challenges to unlawful detention and advises organisations on the Equality Act 2010. His civil claim practice covers a broad spectrum of issues including claims for damages under the Human Rights Act 1998, negligence claims relating to care proceedings and claims arising from misuse of private information and breach of Data Protection Act 2018 and UK GDPR.

He has particular expertise in migrants' rights, regularly acting in civil claims and judicial reviews relating to age assessments, asylum support, and support for victims of trafficking in

urgent and complex cases. He also has a strong practice in challenging the increasing use of surveillance technology on migrants, including GPS tagging.

## What the directories say

*"Donnchadh is an extremely talented and committed advocate. He understands the broader picture and can identify ways to meet the client's needs."* - Legal 500 2024

*"Donnchadh is a diligent, passionate and committed junior. He has excellent judgement both tactically and legally. He has expertise far surpassing his years of call."* - Legal 500 2024

*"Donnchadh is tenacious."* - Chambers and Partners 2024

*"He is very good with strategy and written work."* - Chambers and Partners 2024

## Examples of his recent work includes:

- *R (CX1 & ors) v Secretary of State for Defence* [2023] EWHC 284 (Admin) – challenge on behalf of eight former BBC journalists in Afghanistan against the refusal of their application for relocation under the Afghan Relocation and Assistance Policy (ARAP). Reported in the media [here](#) and [here](#). He is instructed in similar ongoing challenges on behalf of other individuals who are seeking relocation under ARAP.
- *R (GR) v Croydon LBC* [2023] UKAITUR JR2022LON1513 – successful challenge to age assessment conducted by Home Office's Pilot National Age Assessment Team. Reported in the media [here](#), [here](#) and [here](#).
- *R (AM) v Secretary of State for the Home Department* (2023) – application to commit the Home Secretary for contempt of court following breach of mandatory injunction obtained in interim relief proceedings to provide AM with adequate accommodation under s.95 Immigration and Asylum Act 1999.
- *R (Motherhood Plan) v HM Treasury* [2021] EWCA Civ 1703; [2022] PTSR 494 – challenge in the Court of Appeal to the UK Government's self-employed income support scheme introduced during the Covid-19 pandemic on the basis that it discriminated against new mothers. Reported on **BBC Breakfast** and other **outlets**.
- *R (BG) v Hackney LBC (social media; candour; disclosure)* [2022] UKUT 338 (IAC) – challenge to the blanket requirement that age disputed minors provide respondent local authorities with their passwords to social media accounts for review in age assessment proceedings. Background reported in the media [here](#).
- *R (QBB and ors) v Secretary of State for the Home Department* (2021) – challenge to the Secretary of State's decision to commence evictions for failed asylum seekers in

receipt of support under s.4 Immigration and Asylum Act 1999 during the winter of the Covid-19 pandemic. Reported in the media [here](#). Donnchadh represented the interested parties in the subsequent claim brought by the Secretary of State: *R (Secretary of State for the Home Department) v First-Tier Tribunal (Social Entitlement Chamber)* [2021] EWHC 1690 (Admin); [2022] 1 WLR 22.

- *R (Just for Kids Law) v Secretary of State for Justice* (2021) – challenge to the failure to exclude children from the extension of custody time limits introduced during the Covid-19 pandemic. Reported [here](#).

## **Education**

LLB Law with French Law, Queen Mary, University of London - 1st Class Honours

Certificat Supérieur en Droit Français et Droit Européen, Université Paris II Panthéon-Assas - Mention

Bar Professional Training Course, BPP University – Very Competent

## **Related practice areas**

Community Care and Health

Education

Data Protection and Information Law

Actions Against the Police and Public Authorities

Children's Rights Group

Discrimination

Administrative & Public Law

Immigration

Immigration Detention Group

Anti-Trafficking

## **Community Care and Health**

Donnchadh has particular experience and interest in securing the rights of migrants in the community care context, including those who lack regularised immigration status, their children, and those subject to deportation proceedings.

Donnchadh has acted in numerous claims securing asylum support accommodation during the pandemic. Donnchadh was instructed, alongside Daniel Clarke and led by Simon Cox, in **a challenge to the Secretary of State's decision to commence evictions for refused asylum seekers during the Covid-19 pandemic.**

Following the legal challenge, **the Home Office withdrew its policy** and agreed to accommodate refused asylum seekers **until the end of the Government's Roadmap out of lockdown.**

He also has experience in advising on accommodation duties under paragraph 9 of Schedule 10 Immigration Act 2016 and difficulties that arise when securing accommodation for those who require accommodation to be approved by Probation services or the Police.

Donnchadh regularly acts in challenges to age disputes on behalf of unaccompanied asylum-seeking children and arising issues relating to support entitlement under the Children Act 1989 both in the High Court and in the Upper Tribunal. Examples include:

- **R (NG, AL and KM) v London Borough of Hillingdon** [2020] EWHC 2847 (Admin): claim challenging the failure to provide three unaccompanied asylum-seeking children in age-appropriate accommodation under ss.17 and 20 Children Act 1989. The local authority sought to argue that they did not "require" accommodation as there were adequate facilities in the hotel accommodation. Mrs Justice Lang DBE ruled that it was arguable that Hillingdon Borough Council were seeking to side-step their duties owed to the three children in what would be a "significant departure" from statutory guidance and case law.
- **R (BNB) v Kent County Council** [2020] EWHC 587(Admin) challenged the failure of two local authorities to provide the unaccompanied asylum-seeking child claimant with s.20 Children Act 1989 accommodation following the child's dispersal to Napier Barracks. HHJ Walden-Smith ordered that Hillingdon Borough Council accommodate the claimant and held that they could not rely on their unlawful act that led to the dispersal.

He also has experience in advising on leaving care duties under s.23C Children Act 1989 and retrospective 'looked after' children challenges.

## Administrative and Public Law

Donnchadh is regularly instructed in judicial review matters in a wide range of areas of law including community care law, education law and prison law. He has appeared both led and unled in the High Court and has worked across all stages of judicial review proceedings and has appeared as junior counsel in the Court of Appeal. Donnchadh can advise on procedural matters and can advise at an early stage of proceedings on tactics and interim relief.

Donnchadh has recently been instructed by NGOs and claimants in relation to public law challenges flowing from the Government's response to the Covid-19 pandemic. Examples include:

- **R (The Motherhood Plan) v HM Treasury** [2021] EWHC 309 (Admin) (led by Jude Bunting with Clare Duffy) challenging the failure to exempt a self-employed woman's maternity leave from the calculation of their self-employed support grant as discriminatory and unlawful on the grounds of pregnancy and sex under Article 14 and Article 1 Protocol 1 European Convention on Human Rights (ECHR) and in breach of the public sector equality duty under the Equality Act 2010. (Appeal heard on 13 July 2021, judgment reserved)
- **R (Just for Kids Law) v Secretary of State for Justice** (CO/4581/2020) challenging the lawfulness of the extension of the custody time limits, on the grounds that the failure to exclude children from the extension of custody time limits was unlawful and irrational; in breach of Article 5 and Article 14 ECHR as the Ministry of Justice acknowledged it would disproportionately impact black or ethnic minority children; breached the Public Sector Equality Duty; and, the duty to consult the Children's Commissioner given the significant change of policy and its implication for prolonged deprivation of liberty in respect of children on remand. Following issue of the claim for judicial review, the Ministry of Justice agreed to introduce a new statutory instrument to exclude children from the extended custody time limit.

Donnchadh was also instructed on behalf of Liberty, led by Caoilfhionn Gallagher QC, to intervene in the Court of Appeal in **Archer v Commissioner of Police of the Metropolis** (heard on 12 May 2021, judgment reserved) which sought to argue that detention in a child's own interests is incompatible with Article 5 ECHR.

## Discrimination Law

Discrimination law interacts with all of Donnchadh's work. Donnchadh has a particular interest in the intersection of discrimination law and public law and recently acted as junior counsel in the Court of Appeal in **R (The Motherhood Plan) v HM Treasury**, a challenge to the Government's self-employed income support scheme on the grounds that the scheme discriminated against women who had taken a period of maternity leave.

Donnchadh regularly advises individuals and organisations on their rights and obligations under the Equality Act 2010. Donnchadh has a broad experience in advising organisations on trans people's access to single-sex spaces, including in the school context.

Donnchadh was instructed as junior counsel on an inquiry into a University organisation's equality and access policies, advising on compliance with the Equality Act 2010 and providing a detailed reporting on the same.

## Unlawful Detention

Donnchadh acts in claims challenging the unlawful use of detention powers under the Immigration Acts and related damages claims, particularly in the High Court. He is happy to advise at an early stage of proceedings and undertake urgent instructions, where appropriate.

Donnchadh also represents individuals in applications for bail before the First-tier Tribunal giving him a well-rounded view of the issues that arise in immigration detention centres. He has delivered training on effective bail applications for immigration practitioners. He regularly accepts pro bono instructions from Bail for Immigration Detainees. His advocacy experience in the First-tier Tribunal is complemented by his High Court work in unlawful detention claims.

## Education

Donnchadh is regularly instructed on challenges to EHCPs and has assisted in all aspects of education law including advising on public law challenges and related private law issues.

He is licenced under the Direct Access Scheme and can accept instructions directly in appropriate cases.

## Actions Against Public Authorities

Alongside his unlawful detention work, Donnchadh has assisted with claims against the police and damages claims against local authorities arising out of delays in issuing care proceedings and failures to protect children at risk of harm.

Donnchadh has a particular interest in data protection claims and privacy concerns and advised regularly on these issues whilst at Liberty. He has assisted in misuse of private information claims against the police and has been instructed to advise and assist on data protection complaints.