

Anthony Vaughan



Call: 2006

Email: a.vaughan@doughtystreet.co.uk

Profile

Anthony is a fearless advocate practising in public law and human rights, with a particular focus on cases involving immigration, criminality, national security, deprivation of liberty and human trafficking. His cases frequently involve complex issues of law and fact, and he is accustomed to formulating legal strategies across multiple proceedings, including judicial review, civil claims, tribunal proceedings, crime, extradition, international bodies and foreign courts. He is often instructed as sole counsel or leading junior, and is also happy to be led. He has conducted oral advocacy before courts of all levels, including the Supreme Court. He has been involved in proceedings before the Strasbourg Court, as well as international work before regional human rights bodies. Anthony is on the Equality and Human Rights Commission 'B' panel of specialist counsel, and is ranked as a leading junior by Chambers & Partners and the Legal 500 in immigration.

What the directories say

"He understands his practice area inside out. You always know he will prepare a case to the highest possible standard and give pragmatic advice." - Chambers & Partners UK (2021)

"He is very efficient, has a very good tactical sense and is experienced in dealing with national security crossover cases. He has very good judgement and his drafting is excellent."

- Chambers & Partners UK (2021)

"Technically excellent, great rapport with clients, leaves no stone unturned." - Legal 500 (2021)

"He is very sharp, organised and a pleasure to work with." - Legal 500

"A solid practitioner who is very bright." - Chambers and Partners UK

"He is good at the complex drafting needed for difficult cases. Clients love him." - Chambers and Partners UK

"He's hugely efficient and is really good at responding quickly to unexpected dilemmas that pop up in a case because he's such a quick thinker. He's exceptionally good on technical work and highly complex cases involving high net worth individuals." - Chambers and Partners UK

Education

BA (St Catharine's College, University of Cambridge)

LLM (Distinction) (School of Oriental and African Studies, University of London)

Related practice areas

Administrative & Public Law

Immigration

Immigration Detention Group

Employment, Discrimination and Equality Law

Community Care and Health

Anti-Trafficking

Extradition

Administrative and Public Law

Anthony is a public lawyer with a particular focus on immigration powers, national security risks and criminality. He has broad experience of challenging injustice within the immigration system on behalf of affected individuals and NGOs. His practice in these areas encompasses detention, trafficking, access to legal advice/ legal aid, bail, support and accommodation, medical care & mental health issues, and powers of arrest. His cases frequently involve multiple public bodies including the Home Office, the National Offender

Management Service, police, Parole Board, local authorities, as well as private contractors performing public functions.

Key cases:

- **R (TN (Vietnam) v Home Secretary** (Supreme Court), judgment pending, on whether an asylum appeal of a potential trafficking victim was unlawful where it was decided under the inherently unfair Detained Fast Track procedure rules.
- **R (C1) v Home Secretary** [2021] EWHC 242 (Admin): the High Court declared that the Home Office had **no power to cancel** Indefinite Leave to Remain while the holder was outside the UK (under appeal).
- **R (Medical Justice) v Home Secretary** [2020] EWCA Civ 1338: landmark ruling on access to justice in which the Home Office's "no notice" removals policy was found to have **breached** detained asylum seekers' fundamental right of access to the court. Anthony acted for Medical Justice.
- **R (PG) v Home Secretary** (2019) – challenge to meaning of 'public order' as the ground for detention of a potential victim of trafficking, where the offending **arose out of** the person's trafficking. Claim compromised post-grant of permission.
- **R (Home Secretary) v SIAC** (2018) – Anthony acted for the Interested Parties who were former SIAC appellants. The Home Secretary's challenge to SIAC's refusal to extend an irrevocable confidentiality order was successfully defended.
- **R (KG) v Home Secretary** [2018] EWHC 1767 (Admin): detention was unlawful because of the failure to provide a physical and mental examination by a doctor within 24 of entry to two different detention centres, in breach of 'rule 34'.
- **R (JM) v Home Secretary** [2015] EWHC 2331 (Admin): the Home Office **conceded** that the initial decision making stage for detained asylum claims in the "Super-Fast Track" process was operating unlawfully. Anthony acted for the Immigration Law Practitioners Association.
- **R (TH (Bangladesh) v Home Secretary** [2016] EWHC 1331 (Admin) wide ranging challenge to the 'Detained Asylum Casework' process (the DFT's successor) in which the Home Secretary was found to have breached the public sector equality duty.
- **R (RQ (Jordan)) v Upper Tribunal** [2014] EWHC 559 (Admin): successful Cart JR where the tribunal had refused to remove an asylum appeal from the Detained Fast

Track in spite of RQ having taken steps to obtain expert evidence.

Anthony has specialist knowledge of the immigration bail regime, and has been involved in many of the main cases in this area in recent years, notably:

- **R (SM (Rwanda)) v Home Secretary** (Supreme Court) – the appeal will examine whether the SSHD was free to impose her own bail conditions which the tribunal refused to impose; or whether the tribunal's bail notice had to be obeyed until set aside.
- **R (Kaitey) v Home Secretary** [2020] EWHC 1861 (Admin), instructed by Bail for Immigration Detainees, this is the first case addressing the interpretation of bail powers under Schedule 10 of the Immigration Act 2016 (under appeal).
- **R (MSM) v Home Secretary** (2019) – challenge to lack of a system for applying for Schedule 10 accommodation. Resulted in **improvements** in the process, including creation of the Bail 409 application form.
- **R (B (Algeria)) v Special Immigration Appeals Commission** [2018] UKSC 5. The Supreme Court ruled that bail under the Immigration Act 1971 could only be imposed where detention would be lawful, and so could not be imposed indefinitely.
- **R (Diop) v Home Secretary** [2018] EWHC 1934 (Admin), the first reported case in which damages were awarded for false imprisonment caused by unlawful delays in providing bail accommodation.
- **R (Sathanantham) v Home Secretary** [2016] EWHC 1781 (Admin): Home Office system for allocating bail addresses to 'high-risk' offenders was found to be operating unlawfully and the Court called for an 'overhaul' of the system.
- Anthony has also appeared in numerous cases involving challenges to curfew powers and unlawful immigration bail conditions.

Due to the sensitive or high-profile nature of his case load, Anthony is accustomed to applying the law concerning confidentiality, data protection, freedom of information, reporting restrictions and anonymity.

In addition, Anthony's public law practice frequently involves claims arising from his immigration and SIAC work (see below).

Anthony has many years of experience acting in multi-track civil claims within the QBD and County Court connected to his judicial review work.

National Security and Secret Evidence

Anthony is an experienced Open advocate in proceedings involving secret evidence, particularly in the Special Immigration Appeals Commission, and also in the High Court. His work within SIAC spans the full range of proceedings under its jurisdiction, as well as applications for judicial review involving the closed material procedure. He is instructed as sole counsel, as well as part of a larger counsel team.

Previous cases include:

- **S2 v Home Secretary** (2020): application for review of exclusion and appeal against exclusion from Refugee Convention protection under article 1F(c) on national security grounds. SIAC dismissed the claim on closed grounds alone.
- **R (S1 & others) v Home Secretary** (2019) – Anthony was closely involved in drafting S1's application for permission to appeal to the Supreme Court involving the extra-territorial application of the ECHR in deprivation of citizenship cases (see [2016] EWCA Civ 560). Permission was granted but the appeal was not pursued.
- **LA & others v Home Secretary** (2018): sensitive application for review of the refusal of naturalisation as a British citizen to relatives of the Syrian President involving **adverse impact on international relations**.
- **W & others v Home Secretary** (SC/39/2005) April 2016: diplomatic assurances given by Algeria **did not avoid the risk of Article 3 ECHR harm** in an Algerian military detention facility. Case involved an irrevocable non-disclosure order under the procedure set out in *W (Algeria)* [2012] UKSC 8.
- **B v Home Secretary** [2015] EWCA Civ 445: SIAC's decision to strike out B's human rights appeal on abuse of process grounds was unlawful. On remittal of the case, SIAC dismissed the Home Secretary's strike out application and allowed B's deportation appeal under Article 3 ECHR.
- **W v Home Secretary** (2014): Anthony appeared at numerous SIAC bail hearings involving alleged breaches of a complex bail regime akin to a control order, involving an individual with complex mental health needs; and in a related judicial review of his

detention.

Anthony frequently acts in judicial review claims arising from his SIAC work. For example:

- **R (C1) v Home Secretary** [2021] EWHC 242 (Admin): High Court declared that the Home Office had **no power to cancel** Indefinite Leave to Remain while the holder was outside the UK.
- **R (J1) v SIAC** [2018] EWHC 3193 (Admin): judicial review of SIAC's ruling relating to disclosure and its powers to admit fresh evidence on appeal.
- **R (W2) v Home Secretary** [2017] EWCA Civ 2146 on the remedies available where a deprivation of citizenship order is made while the person is outside the UK and wishes to return to the UK to pursue their appeal (in this case, in SIAC).

Asylum, Human Rights & Nationality Law

Anthony has detailed knowledge of all aspects of refugee law, and related EU and ECHR protections including Articles 2, 3 and 4 ECHR barriers to removal. He has been a contributor to the leading textbook in the field, MacDonald's Immigration Law and Practice over many years. Anthony's work in this area frequently involves the exclusion clauses under Article 1F / 33(2) of the Refugee Convention, based on alleged criminality or national security risks; parallel extradition proceedings and trafficking/ modern slavery issues. He is also an expert in British nationality law, as well as deprivation of citizenship (see SIAC section below).

Key cases:

- **R (TN (Vietnam) v Home Secretary** (Supreme Court), judgment pending, on whether an asylum appeal of a potential trafficking victim was unlawful where it was decided under the inherently unfair Detained Fast Track appellate procedure rules.
- Anthony represents a high-profile businessperson facing politically motivated prosecution for high value fraud and conspiracy in their country of origin, in a multi-day asylum appeal hearing in the First-tier Tribunal (upcoming);
- **BM v Home Secretary** (2021) – asylum appeal involving an individual who acted as a

covert human intelligence source for the UK authorities (ongoing);

- **NF (Kenya) v Home Secretary** [2021] EWCA Civ 17: Court of Appeal **rejected** an attempt to deny asylum under Article 1F(c) where NF was convicted for possession of extremist material, but the evidence did not go further than 'mindset' material.
- **BB, PP, U & others v Home Secretary** [2015] EWCA Civ 9 – successful appeal ruling on the test for effective verification in "Deportation with Assurances" cases, and on prison conditions and Article 3 ECHR.
- **HRH Princess Sarah Bint Talal Bin Abdulaziz Al Saud v Home Secretary** (2015) – Anthony acted for Princess Sarah in the Home Secretary's unsuccessful appeals in the **Upper Tribunal** and Court of Appeal against the FtT's decision to grant asylum.
- **AA (Afghanistan) v Home Secretary** [2015] UKSC 40: the leading case on family tracing duties for unaccompanied minor asylum-seeking children under the Procedures Directive, and remedies for "historic injustice".
- **ST (Child asylum seekers) Sri Lanka** [2013] UKUT 292 (IAC) the Upper Tribunal President gave general guidance for the conduct of asylum appeals involving unaccompanied minors.
- **JD (Congo) & others v Home Secretary** [2012] EWCA Civ 327: the leading case on the the second appeals test when appealing from the Upper Tribunal to the Court of Appeal in international protection cases.

Equality and Discrimination

Anthony is on the Equality and Human Rights Commission's 'B' Panel of counsel (2019-2023). Anthony advises individuals and organisations on equality and discrimination issues arising in the performance of public functions, the delivery of goods and services, and in the employment field.

Previous cases include:

- **JM v Home Office** (ongoing) - civil claim arising out of immigration detention including a claim for indirect discrimination and breach of reasonable adjustments duty where mental health needs were not properly ascertained and treated.
- **JO v Home Office** (2020) – civil claim arising from decision to disperse and evict an

asylum seeker without making reasonable adjustments in respect of their complex mental health needs, leaving them street homeless. Claim settled.

- **R (Hossain) v Home Secretary** [2016] EWHC 1331 (Admin). Home Secretary had breached the public sector equality duty in rolling out a new policy governing the expedited processing of asylum claims in detention.
- **R (Rippington) v London Organising Committee of the Olympic Games** (2012) - Anthony represented a female canoeist in a **claim** for judicial review challenging the gender imbalance in the Olympic canoeing programme.

Extradition

Anthony accepts instructions in all extradition matters.

He is particularly interested in cases involving potential victims of trafficking.

In the closely allied immigration context, Anthony has acted in numerous cases in which deportation was successfully resisted on the grounds of adverse prison conditions under Article 3 ECHR, and has experience of defeating diplomatic assurances in such cases.

Anthony has recent experience and familiarity with prison conditions evidence relating to the Russian Federation, India and Ecuador, in the context of Article 3 ECHR bars.

Anthony has experience of cases involving simultaneous extradition and asylum proceedings. He has many years of experience working on the asylum side with extradition legal teams to formulate, co-ordinate and implement legal and evidential strategies.