Graham Denholm

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Profile

Graham has a broad practice in civil, public and immigration law, working at all levels of court as sole counsel, leading junior, or part of a team.

Graham's civil work takes in High Court and County Court claims against public authorities, including the Home Office, the police, local authorities and NHS trusts. His public law practice has a grounding in migrants' rights but extends across the full range of chambers' work. He has a particular interest in privacy and data protection litigation involving public authorities, and in public and private law litigation relating to emerging technologies including artificial intelligence.

Graham has many years' experience in immigration law acting at all levels from the First-tier and Upper Tribunals to the Supreme Court. He deals with private client matters as well as deportation, asylum and human rights appeals. His expertise in immigration detention is widely recognised, and he is happy to act in linked immigration and detention proceedings.

Graham is regularly instructed by the Official Solicitor on behalf of incapacitous claimants and has particular expertise in the management of damages awards in such cases.

Graham is a trained mediator and is committed to ADR as a means of securing positive outcomes for his clients in appropriate cases.

What the directories say

"Graham is truly exceptional. Solicitors know they are in extremely safe hands whenever he is instructed. He is so generous with his time and always goes above and beyond for his clients." Legal 500 2026

"Graham is truly exceptional - he provides exceptionally clear and comprehensive advice in a timely manner." Chambers and Partners 2026

"Graham is extremely intelligent, and is clear and calm when advising on the most complex issues." Chambers and Partners 2026

"Graham is a standout, very experienced and very good." Chambers and Partners 2026

“He is the best practitioner in the field of immigration detention in my view. His expertise and knowledge in this area of law are unrivalled but added to that he has an excellent appreciation of tactics, civil procedure and can navigate really complex claims to a great outcome.” Legal 500 2025

“Graham is the ultimate counsel when challenging immigration detention. His ability to work collaboratively with his instructing solicitors means that cases are dealt with smoothly.” Legal 500 2024

“Graham is inspiring. He is excellent with clients and has excellent commercial awareness and vision.” Chambers and Partners 2023

“…incredibly approachable and down to earth, yet absolutely committed to the client's case. He's on top of his game.” Chambers and Partners 2023

"*Graham is very comprehensive, detailed and thorough. He is absolutely meticulous and can marshal a huge amount of really complex factual issues*." Chambers and Partners 2023

"He has encyclopaedic knowledge, is consistently meticulous and presents as extremely calm and confident in negotiations. He is always one step ahead of the opponents." Chambers and Partners 2023

“*very bright and meticulous in his work. His judgement is excellent and he really brings worth to cases in terms of legal analysis*” Legal 500 2023

"… a real expert in false imprisonment .. his knowledge of procedure is encyclopaedic." Chambers and Partners 2022

"…calm and focused, with exceptional attention to detail." Chambers and Partners 2023

"Graham is a go-to barrister for unlawful immigration detention, judicial review, and damages claims. He has an encyclopaedic knowledge of the law, produces impeccable written work, provides sensible advice, and is a very effective court advocate." Legal 500 2023

"…combines encyclopaedic knowledge of immigration detention powers and policies with sound public law analysis." Legal 500 2022

Education

MA (Hons) English Language and Literature (First Class), University of Glasgow

M.Phil American Literature, University of Cambridge

PGDL, Nottingham Law School, 2000

BVC, Nottingham Law School, 2001

Related practice areas

Immigration
Administrative & Public Law
Actions Against the Police and Public Authorities
Mediation
Immigration Detention Group
Anti-Trafficking
Data Protection and Information Law
Artificial Intelligence

Actions Against the Police and Public Authorities

Graham acts in complex and high value civil actions against the Home Office, the police, local authorities and NHS trusts. Recent work includes claims in false imprisonment, misfeasance, assault and battery, negligence (including clinical negligence), claims for *Francovich* damages, claims under the Equality Act 2010, and claims under the HRA 1998 raising Articles 3, 4, 5 and 8 ECHR (see also **Immigration Detention**, **Data Protection and Information Law**, **Emerging technologies and Artificial Intelligence**, **Anti-trafficking and Modern Slavery**).

Graham is an experienced trial lawyer known for his excellent written work, his measured and analytical advocacy and his effective negotiation. He has taken many multi-track civil claims to trial in the High Court and County Court and has acted in countless others that were successfully compromised. He is happy to be involved from an early stage in proceedings, working collaboratively to develop a litigation strategy.

Graham's procedural expertise encompasses a detailed knowledge of the law of limitation, the procedural rules relating to disclosure, and costs. He acted, with Janet Farrell of Bhatt Murphy solicitors, in the disclosure application before the High Court in *AZT v The Home Office* **[2019] EWHC 4 (QB)**, described as a "masterclass" in the popular Free Movement immigration law blog. In the costs sphere, he acted for the successful appellant before the Court of Appeal in the costs appeal in *Emezie v SSHD* **[2013] EWCA Civ 733**.

Many of the cases in which Graham acts include claims for psychiatric injury and other forms of personal injury. He is experienced in advising on the instruction of expert witnesses and has deep knowledge of the procedural and substantive law relating to expert evidence. He is an effective and focussed cross-examiner of expert witnesses.

Examples of recent work:

- Police action on behalf of a victim of county lines exploitation alleging assault and battery arising from an unlawful intimate search, misfeasance in public office and breaches of Articles 3, 4 and 8 ECHR.
- Complex police claim arising from police misconduct where officers facilitated the claimant's abusive ex-partner removing their son from her home against her will, alleging breaches of the Equality Act 2010, Articles 3 and 8 ECHR, misfeasance, negligence, and assault and battery.
- Claim against NHS trust and chief constable arising from failure of trust to provide appropriate care to claimant suffering an acute mental health crisis and the subsequent actions of the police, alleging negligence, breaches of Article 3, 5, and 8 ECHR, assault and battery and false imprisonment.
- Six figure settlement at mediation in clinical a negligence claim against an NHS Foundation Trust on behalf of the estate and family of a man who died in immigration detention, alleging clinical negligence.
- Claim against the Home Office alleging breach of Article 8 ECHR arising from the unlawful imposition of a "no recourse to public funds" condition on claimant's grant of leave to remain.
- Police action arising from failure to remove alerts from the PNC which resulted in the unjustified detention of the claimants (a mother and two children) by the Home Office

when travelling through airports on multiple occasions.
- Advising on a potential damages claim on behalf of a British national to whom the FCO failed to provide sufficient assistance when his passport was wrongfully seized by the immigration authorities of a foreign state, resulting in his being unable to return to the United Kingdom for a lengthy period.

Immigration

Graham has over twenty years' experience in immigration law and is ranked in Chambers & Partners UK Bar 2023 at Band 1 and in the Legal 500 2014 at Tier 2.

Graham's immigration practice extends from personal and business matters, including EU free movement law / EUSS cases, to complex asylum, human rights, and deportation cases. He has extensive experience of human rights cases involving children and has conducted numerous age dispute judicial review claims (and related civil damages actions). He has a particular interest in the impact of Brexit on EU nationals in the UK and on those employing EU nationals.

Graham is well known for his work challenging immigration detention and is happy to take on immigration appeals and detention challenges together (see **Immigration Detention**).

Significant cases:

- Representing an Albanian national convicted of murder in a third country in deportation proceedings raising asylum and human rights grounds (2022).
- Acting in numerous deportation appeals whilst also acting in challenges to detention.
- Acting in numerous asylum appeals before the First-tier and Upper Tribunal, including reported and Country Guideline decisions.
- *SSHD v Dilek* **[2018] UKAITUR DC212017**: complex nationality revocation appeal, acting for a Turkish national convicted of serious offences in Turkey.
- *Miah v SSHD* **[2018] UKAITUR HU29712016**: "ETS" case raising issues about the best interests of the Appellant's child.
- *TH (Bangladesh) v SSHD* **[2015] EWCA Civ 250** (Court of Appeal) (with Richard Drabble KC): acting for Bangladeshi national convicted of attempting to murder her child in an appeal concerning the correct application of Part 13 of the Immigration Rules.
- *MA (Somalia) v SSHD* **[2010] UKSC 49**, [2011] 2 All ER 65 (Supreme Court) (with Richard Drabble KC): leading case on the relationship between lack of credibility and the assessment of risk on return.

- *JO (Uganda) v SSHD* **[2010] 1 WLR 1607**, (Court of Appeal) (with Richard Drabble KC): Approach to be taken to Article 8 ECHR in deportation cases.
- *FP Iran & MB (Libya) v SSHD* **[2007] EWCA Civ 13**, (Court of Appeal) (with Richard Drabble KC): Leading case on procedural fairness in immigration appeals.

Immigration Detention

Graham jointly heads Chambers' **Immigration Detention Group**. He is recognised as one of the leading practitioners in this field in the country, described in the Legal 500 2024 as "the ultimate counsel when challenging immigration detention."

Graham is the co-author of *Detention Under the Immigration Acts: Law and Practice* (Oxford University Press, 2015), the only specialist practitioner text on this area of law, described by Lord Dyson in his foreword as "*an essential addition to the library of anyone who practices in the field of the law of immigration*." The work has been cited in judgments of the High Court and the Court of Appeal, most recently being relied upon by the Court of Appeal in *AC (Algeria) v SSHD* **[2020] EWCA Civ 36, [2020] 1 WLR 2893**.

Graham's work in the field of immigration detention encompasses public and private law challenges. He brings to bear detailed knowledge of the ever changing legislative and policy framework and a deep understanding of the jurisprudence in this field.

In the public law realm, Graham acts in challenges by way of judicial review to detention and in related challenges involving issues such as detention location and conditions, bail conditions, electronic monitoring, release accommodation and Approved Premises.

In the private law realm, Graham has acted in numerous High Court and County Court claims alleging false imprisonment and human rights breaches arising from immigration detention (see also **Actions Against the Police and Public Authorities**). He is experienced in securing positive outcomes through ADR in these cases but has also successfully taken a number of claims to trial, recovering damages into six figures.

Examples of recent work:

- Acting for the family members (children, spouses, partners) of former detainees bringing claims alleging that the detainee's detention breached the family members' rights under Article 8 ECHR (generally brought alongside claims in false imprisonment by the former detainee).

- Acting in claims on behalf of incapacitous claimants in which the costs of managing the damages award (by appointment of a professional Court of Protection deputy or through some other route) are claimed as special damages. Litigation strategy has included the involvement of specialist private client / CoP lawyers as expert witnesses.
- Acting on behalf of a British national wrongly assumed not to be British, detained for a lengthy period then deported and excluded from the United Kingdom for a lengthy period.
- Acting for a seriously mentally ill elderly woman detained by the Home Office for a lengthy period despite their recognising that she could not be removed.
- Acting for the estate of a man who died whilst detained under immigration powers in circumstances where, on the Claimants' case, the Home Office had unlawfully proceeded on the assumption that the deceased's naturalisation as a British citizen was a nullity.

Significant cases:

- *Ali v Home Office*: Graham represented the claimant Mr Ali in his claim for damages for false imprisonment before the County Court and on appeal to the High Court. The claim raised complex issues about the relevance of the Home Office's unlawful Detained Fast Track policy to the lawfulness of detention. The claim was dismissed at **first instance**. On appeal to the High Court, the decision of the County Court judge was overturned: *Ali v Home Office* **[2022] EWHC 866 (QB)**, with damages addressed in a supplementary judgment: *Ali v Home Office* **[2022] EWHC 1177 (QB)**.
- *Singh v SSHD* **[2021] EWHC 1698 (Admin)**: successful application for interim relief on behalf of mentally ill claimant detained by the Home Office at Wormwood Scrubs during the Covid pandemic.
- *Taskiran v SSHD* **[2017] EWHC 2679 (Admin)**: Substantive judicial review claim before the Divisional Court involving a challenge to the detention of a former Turkish national convicted of serious sexual offending, whose Turkish nationality had been revoked. The case turned on the prospects of his readmission to Turkey under a readmission agreement between Turkey and the EU.
- *Simukonda v SSHD* **[2017] EWHC 1012 (QB)**:High Court false imprisonment claim.
- *SS v SSHD* **[2015] EWCA Civ 652**, (Court of Appeal) (with Richard Drabble KC): SSHD's appeal against the first instance decision of HHJ Thornton QC in the Administrative Court finding a breach of Article 3 ECHR. Gave guidance on the procedure to be followed when the sole remaining issue in a JR claim is damages for false imprisonment.

- *Idira v SSHD* **[2014] EWHC 4299 (Admin)**, (High Court) (sole counsel) and *Idira v SSHD* **[2016] 1 WLR 1694** (Court of Appeal, with Richard Drabble KC): Whether SSHDs practice of holding certain immigration detainees in the prison estate for reasons unconnected to risk breached Article 5 ECHR.
- *Lumba (WL) v SSHD* **[2011] UKSC 12**, (Supreme Court) (with Michael Fordham QC for Bail for Immigration Detainees, intervening): Leading case on the application of the *Hardial Singh* principles and the circumstances in which a public law error will render detention unlawful.
- *AR v SSHD* **[2011] EWCA Civ 857**, (Court of Appeal) (with Raza Husain KC): Whether the SSHD was obliged to anticipate a Rule 39 application to the ECtHR where that Court had adopted a policy of granting such applications on a fact insensitive basis.
- *I & Ors v SSHD* **[2010] EWCA Civ 727**, (Court of Appeal): Appeal from the Administrative Court in a claim involving the unlawful detention of a family with young children. Of note for its helpful treatment of duty of candour.
- *A v SSHD* **[2007] EWCA Civ 804**, (Court of Appeal) (with Richard Drabble KC): For several years a leading case on the application of the *Hardial Singh* principles, particularly in the context of the detention of former foreign national offenders facing deportation.

Administrative and Public Law

Graham is ranked as a leading barrister in Administrative and Public Law in Chambers and Partners. His public law practice spans a range of different areas (see **Immigration**, **Immigration Detention**, **Data Protection and Information Law**, **Emerging technologies and Artificial Intelligence**, and **Anti-trafficking and Modern Slavery**).

Graham welcomes instructions across the full range of Chambers' public law work. In addition to public law challenges in his core areas of practice, he has experience in cases raising issues relating to education (SEND appeals, judicial review challenges to student funding decisions for care leavers and others), mental health and housing. Graham's broad expertise in immigration law means he is particularly well placed to advise in cases in which immigration status is a live issue.

Data Protection and Information Law

Graham has a growing practice in data protection and information law matters, particularly (but not exclusively) where they arise in the context of migrants' rights issues. He is particularly interested in data protection litigation relating to the use of artificial intelligence platforms and other automated systems by public and private bodies, including in such areas as algorithmic decision making, facial recognition and automated risk assessment. Examples of Graham's work in this area include:

- Claim against Home Office alleging breach of GDPR arising from their sending official documentation containing sensitive personal information to the wrong address (continuing after purporting to correct failure).
- Claim against Home Office alleging breach of GDPR arising from their placing inaccurate PNC data (data relating to a different individual) in evidence before the Asylum and Immigration Tribunal in a deportation appeal, resulting in the Tribunal determining the appeal by reference to inaccurate conviction data.
- Claim against a local authority alleging breach of the Data Protection Act 1998, breach of confidence and breach of Article 8 ECHR arising from disclosure of sensitive personal data about a victim of modern slavery to an individual alleged to have been involved in their enslavement.
- Claim against Home Office alleging breach of Data Protection Act 1998, breach of confidence, negligence and breach of Article 8 ECHR arising out of deliberate leaking of Home Office information by one or more officials to a national newspaper.

Emerging technologies and Artificial Intelligence

Graham has an interest in Lawtech (the use of technology in the practice of law) and tech law (the law regulating technology). His article *Generative AI: Change, opportunity, risk?*, which considered the potential impact of generative AI tools on the work of the Bar, was published in the September 2023 edition of Counsel magazine. Graham has a particular interest in the impact of automated systems on fundamental rights and welcomes instructions for advice and representation in this area.

Anti-trafficking and Modern Slavery

Graham has acted in numerous cases raising issues relating to modern slavery including immigration appeals and judicial review claims, immigration detention civil actions and judicial review claims, police actions and data protection claims. He is well versed in the national and

international legal framework applying to such cases. With his longstanding experience as a civil litigator he is well placed to act in civil claims against traffickers and welcomes instructions in such cases.

Mediation / ADR

Graham is an experienced public and civil law barrister whose practice encompasses civil actions against central and local government, judicial review claims and the full range of immigration work. He has experience of personal injury litigation, housing law, property disputes, contractual disputes, planning enforcement matters and litigation relating to art and antiquities. He is recognised as a leading barrister in his core areas of practice in both directories, with comments including "*calm and focused, with exceptional attention to detail*," "*incredibly approachable and down to earth*," "*absolutely meticulous and can marshal a huge amount of really complex factual issues*," and "*excellent with clients and has excellent commercial awareness and vision*." He is noted for his experience and expertise in cases involving vulnerable clients.

Graham is an effective negotiator and has long experience of successfully resolving disputes using ADR. He trained as a mediator with the Society of Mediators in 2020 and is building his practice as a mediator. He is acutely conscious of the financial and emotional burden that prolonged litigation can impose on those involved and the benefits that can flow from the prompt and collaborative approach to dispute resolution that well managed ADR can offer.

Graham accepts instructions as a mediator and mediation advocate in all areas and is happy to consider pro bono instruction in appropriate cases.

Direct Access

Graham is accredited by the Bar Council for Direct Access, which means that, in appropriate cases, he can accept instructions directly from members of the public and businesses for the provision of advisory and advocacy services.