

Grace Capel



Call: 2012

Email: g.capel@doughtystreet.co.uk

Profile

Grace has a broad public law practice across the areas of immigration and asylum, human trafficking, asylum support, community care and unlawful detention. She has been instructed in judicial review matters at all levels up to the Court of Appeal. Grace is regularly involved in claims of wider public importance and has experience representing NGOs as claimants and intervenors.

What others say

"Grace has a razor-sharp intellect, she is approachable, and her written work is marvellous" - Legal 500, 2025

"Grace is very smart. She is client focused. She can cope with very challenging and urgent work." - Chambers & Partners, 2025

"She is incredibly intelligent and extremely personable. Simply brilliant." - Chambers & Partners, 2025

"Grace is a great junior. She has good judgment and is a calm but persuasive advocate." - Legal 500, 2024

"She is approachable, precise and incredibly up to date across immigration and public law." - Chambers UK, 2024

"She is very supportive and has really fantastic drafting skills." - Chambers UK, 2024

"Her meticulous pleadings and thorough research are impressive. She's always helpful and cooperative, willing to help in even the most difficult situations." - Chambers UK, 2023

"No matter how complex the legal issue, she is up to it, and she operates with the highest degree of clarity and precision." - Chambers UK, 2022

Education

BA English, Sidney Sussex College, University of Cambridge
William Barcroft Scholarship

Graduate Diploma in Law, City University
Bar Professional Vocational Course
Inner Temple Exhibition
Sir Joseph Priestly Scholarship

Related practice areas

Administrative & Public Law
Anti-Trafficking
Immigration
Community Care and Health

Administrative and Public law

Grace acts in public law cases in the areas of immigration and asylum, human trafficking, asylum support, community care and unlawful detention.

- ***ETO and Others v Secretary of State for the Home Department (CO/2197/2022)***:
Led by David Blundell KC (Landmark) and Shu Shin Luh in this group of claims concerning the interplay between the state's mandatory obligations toward victims of trafficking and the exercise of the SSHD's powers not to admit a person's asylum claim, and the consequences for the UK's obligations in domestic and international law.

- ***R (RD) v Secretary of State for the Home Department***: Led by Dan Squires KC and Shi Shin Luh in a challenge to the SSHD's powers to detain under Schedule 2 of the Immigration Act 1971 as not accompanied by sufficient safeguards and accordingly not "prescribed by law" for the purposes of Articles 5 and 8 ECHR. This claim concerns the unlawful and widespread use of detention at port of those with previously refused applications.
- ***AK v Secretary of State for the Home Department (CO/1200/2020)***: Led by Stephanie Harrison KC in a challenge to the SSHD's treatment of independent medical reports under her Adults at Risk in Immigration Detention policy and failure to publish existing internal guidance on that topic. In settling this claim, the SSHD made important concessions regarding the interpretation of medico-legal reports under her Adults at Risk policy guidance applicable to vulnerable people detained under Immigration Act powers.
- ***OA v Secretary of State for the Home Department (JR/22/2020)***: Acted in a challenge to the imposition of a bail condition restricting study. In settling this claim, the SSHD agreed to review and revise her Immigration Bail guidance to reflect that there is no requirement to impose a study restriction in all cases where a person is subject to a deportation order.
- ***JO (by his litigation friend, Sarah Shungu) v Secretary of State for the Home Department (CO/3626/2019)***: Obtained an out of hours injunction preventing the removal of a detained person suffering from serious mental illness who appeared to lack capacity to instruct a solicitor. Led by Amanda Weston KC in the subsequent claim for unlawful detention which included a challenge to the SSHD's *Judicial Reviews and Injunctions* policy. The claim was settled with a substantial award of damages and the SSHD agreed to review and revise her policy.

Trafficking and modern slavery

Grace has significant experience advising and representing victims of trafficking. She regularly acts in challenges to negative identification decisions, public order disqualification, termination of trafficking support and refusal of leave to remain. She has secured substantial damages for victims of trafficking arising from unlawful detention and failures to protect.

- ***R (AM) v (1) Secretary of State for the Home Department and (2) London Borough of Barnet* [2023] EWHC 3034 (Admin) (2 December 2023)**: Led Shu Shin Luh in this case which was the first to explore the inter-relationship between the obligations owed by Local Authorities and central Government to protect child victims of trafficking.
- ***R (JQ) v Secretary of State for the Home Department; R (PT) v Secretary of State for the Home Department***: Instructed to advise on the lawfulness of a transit visa scheme for seafarers where it created a real risk of an Article 4 ECHR breach, the extent of the obligation on the state to remedy the breach and its powers to grant leave to remain.
- ***R (AHZ) v Secretary of State for the Home Department (JR-2023-LON-001027)***: Instructed in a claim concerning the correct interpretation and application of the statutory scheme for granting leave to confirmed victims of trafficking under section 65 of the Nationality and Borders Act 2022, which came into force in January 2023.

Immigration and Asylum

Grace acts in all areas of immigration and asylum law. She is regularly instructed in complex cases and advises on strategic issues, including legislative and policy changes. Grace has extensive experience representing victims of trafficking, victims of torture, unaccompanied asylum-seeking children, persons with serious mental health diagnoses and those who lack mental capacity.

- ***NB and AB v SSHD (UK) (C-349/20) (ECLI:EU:C:2022:151) 3 March 2022***: part of a multi-counsel team in this case before the Court of Justice of the European Union. The United Nations High Commissioner for Refugees ('UNHCR') intervened. The Court of Justice of the European Union ('CJEU') provided important guidance on the interpretation of Article 12(1)(a) of the Qualification Directive concerning the circumstances in which Palestinian refugees are entitled to refugee status under EU law.

Community Care

Grace acts in community care matters, including in the areas of asylum support, support for victims of trafficking, accommodation for those on immigration bail under Schedule 10 of the Immigration Act 2016, and support for looked after children and care leavers under the Children Act 1989. She has a particular interest in cases concerning the interplay between the powers and duties of the Secretary of State for the Home Department and Local Authority duties.

- **(AC-2023-LON-003699) (AC-2023-LON-002487)**: Led by Stephanie Harrison KC as part of a multi-counsel team in two related claims raising the novel legal issue of the relationship between paragraph 9, Schedule 10 of the Immigration Act 2016 and Local Authorities' duties under the Care Act 2014.

Publications and Seminars

Grace regularly provides training to legal professionals and NGOs. Recent seminars include *Challenging Public Order Disqualification Decisions*, *Palestinian refugees and Article 1D of the Refugee Convention* and *Support for Trafficked Children*. Grace is always happy to discuss delivering bespoke in-house training.