

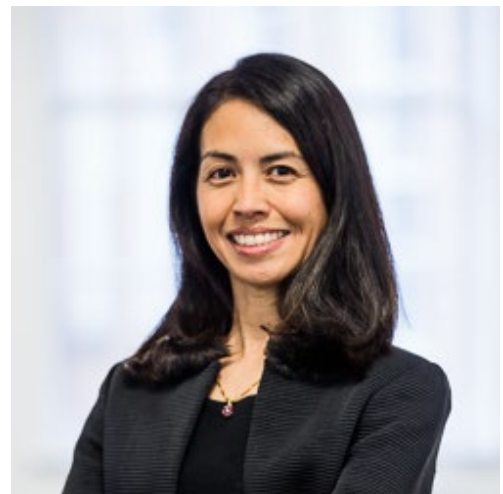


## Farin Anthony

Immigration Asylum and  
Nationality - Immigration

Year of Call: 2004

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Farin Anthony frequently represents Appellants in the First-tier and Upper Tribunals and in judicial review claims in the Administrative Court and Upper Tribunal. She has considerable experience drafting judicial review grounds in immigration and detention-related judicial reviews in both the Administrative Court and Upper Tribunal.

Before joining No5, Farin was a practising Solicitor-Advocate (Higher Rights Civil Proceedings). Farin has worked almost exclusively in asylum, immigration and human rights law since 2003.

In that time, Farin has held many roles including Head of Department roles at the Citizens Advice Bureau and private practice. Farin also held the role of Litigation Solicitor at Refugee and Migrant Justice where Farin's work focused exclusively on litigation in the Administrative Court and Court of Appeal. Farin has held the role of Duty Solicitor at Morton Hall Immigration Removal Centre from 2014 to 2017. In her role as Duty Solicitor, Farin was frequently instructed to draft emergency grounds for judicial review and to secure injunctions against removal.

Farin has held the role of Lecturer at Nottingham Law School and taught the Immigration and Asylum Law module. From 2018 to 2021, Farin was an Examiner and Examination Writer for the Law Society's Immigration and Asylum Accreditation Scheme. Farin Anthony is the current Deputy Editor of The Journal of Immigration, Asylum and Nationality Law, the official journal of the Immigration Law Practitioners' Association.

Farin holds two judicial appointments. In 2011, Farin was appointed Judge of the First-tier Tribunal (Fee Paid) in the Social Entitlement Chamber. In 2014, Farin was appointed Judge of the First-tier Tribunal (Fee Paid) in the Immigration and Asylum Chamber.

## Languages

- Malay
- Cantonese

## Reported Cases

### **Dube (ss.117A-117D) [2015] UKUT 00090 (IAC)**

Farin successfully represented the appellant in the First-tier Tribunal and argued that the statutory considerations whilst mandatory, did not displace the need to consider previous caselaw on Article 8. This principle was confirmed by the

Upper Tribunal in the first reported section 117B case which provided guidance to the Tribunal on the application of section 117B and section 117C considerations.

### **R (Mohammed) v Secretary of State for the Home Department [2014] EWHC 4317 (Admin)**

Farin was the Solicitor for the Claimant, an unaccompanied asylum seeking child who had been detained to be removed to Italy. Farin's work led to the suspension of removal, securing the release of the Claimant. Following a successful outcome in the Administrative Court, the claim for unlawful detention settled for a substantial five figure sum. The case raised complex issues as to whether the Secretary of State's erroneous view of the law can amount to "reasonable grounds for suspecting" that a person is liable to removal.

## Notable Cases

### **SNA (Iraq) v Secretary of State for the Home Department [CA-2022-000186]**

Farin represented SNA in his appeal to the Court of Appeal following refusal of asylum in the Upper Tribunal (Immigration and Asylum Chamber). Farin was able through comprehensive written argument to demonstrate the Upper Tribunal arguably erred. The Court of Appeal granted permission agreeing the appeal raised important points of principle. Prior to the hearing, the Secretary of State conceded the appeal should succeed and it has now been remitted to the Upper Tribunal.

### **JS (Afghanistan) v Secretary of State for the Home Department [PA/53039/2021]**

Farin successfully argued before the First-tier Tribunal (Immigration and Asylum Chamber) that JS was a Sikh from Afghanistan, contrary to the argument put forth by the Secretary of State that JS was in fact RC, an Indian national. Farin demonstrated through detailed arguments referencing Indian nationality law and country conditions in Afghanistan why JS was an Afghan Sikh refugee, and not an Indian national.

### **OOO (Nigeria) v Secretary of State for the Home Department [HU/53157/2022]**

Farin successfully represented OOO, a Nigerian child aged 12 who sought entry to reside with her adoptive mother, JO, a British citizen.

#### **OK (Iran) v Secretary of State for the Home Department [PA/51795/2022]**

Farin represented OK before the First-tier Tribunal (Immigration and Asylum Chamber), successfully demonstrating OK was a refugee from Iran and a supporter of a Kurdish political party in Iran through detailed references to OK's social media activism.

#### **R (KFS) v Secretary of State for the Home Department [JR/13821/2015]**

Farin represented KFS, a vulnerable detained Claimant whose nationality (Eritrea) was disputed in a judicial review challenging the refusal of a fresh claim. Farin's grounds for judicial review also challenged the Secretary of State's failure to provide accommodation and support under section 4 of the Immigration and Asylum Act 1999. The grounds included a claim for damages for unlawful detention. The claim was settled by consent following the release of the Claimant to appropriate accommodation and with the Secretary of State agreeing to reconsider the claim.

## **Appointments**

Judge of the First-tier Tribunal (Fee Paid), Social Entitlement Chamber

Judge of the First-tier Tribunal (Fee Paid), Immigration and Asylum Chamber

Deputy Editor, The Journal of Immigration, Asylum and Nationality Law

## **Memberships**

Immigration Law Practitioners' Association

Midland Circuit

Birmingham Law Society

International Association of Refugee and Migration Judges

UK Association of Women Judges

International Association of Women Judges

## **Qualifications**

LLB (Hons) Law, The University of Nottingham

Bar Vocational Course, Nottingham Law School

Solicitor-Advocate (Higher Rights Civil Proceedings) (Non-Practising)