

# Nazmun Ismail

Call: 1992

Nazmun's practice covers the rights of individuals and consideration of human right and civil liberties, in particular matters relating to family law, court of protection, international family law and freedom of movement. She is sought out for her ability to engage with issues in cases with thorough preparation, in a user friendly way.

## Expertise

### Court of Protection

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Nazmun acts across nationally in the full range of Court of Protection issues, including Health and Welfare and Property and Financial Affairs and Serious Medical Treatment cases.

Nazmun is able to draw on her multi-disciplinary knowledge of other practice areas, including extensive experience in Judicial Review, Family law and Housing. She has appeared in all levels of courts and tribunals in those cases, including successful appeals at the Supreme Court, Court of Appeal and Administrative Court.

Nazmun acts in both an advisory and advocacy basis on the full range of health and welfare cases including s.16 MCA 2005 and s.21A MCA 2005 Deprivation of Liberty challenges. She has appeared in disputes relating to residence, care, contact and medical treatment.

Nazmun's experiences include cases raising complex mental capacity issues, including the capacity to consent to sexual relations and contact with others.

Examples of Nazmun's Court of Protection work include the following:

- Acting for family members attempting to remove P from a care home to be cared for at home.
- Representing family members in a matter concerning the capacity of a loved one to grant lasting powers of attorney.
- Acting for the Official Solicitor in section 21A proceedings brought by a mother with a complex traumatic brain injury, where there were parallel personal injury proceedings impacting the funding and provision of rehabilitation and family law proceedings in which the local authority sought removal of her children.

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- Acting for professional deputies in which £millions were in issue.
- DOLS applications, including pursuant to the streamlined procedures concerning P's who wished to explore and maintain sexual relationships.

## Family

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Over 25 years experience as a barrister. Particular expertise:

Matrimonial Property and Finance, including acting for interveners in trusts arguments arising relating to property intertwined with property on divorce owned by family members. Private Family law matters including Child Arrangement Orders. Experience extends to cases with international issues and cross border issues. Experience of immigration law as successful counsel at the Supreme Court. Public law care proceedings of complexity. Appearances have included acting as counsel in cases with lengthy hearings lasting months before High Court Judges.

### Notable Cases

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#### P v R (2024) (Finance)

Instructed in a multi million pound case in which each party had alleged that the other party had concealed substantial land, property and assets overseas.

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#### Re A (2024) (Public Law)

Represented a father in a matter listed for a final hearing for twelve days. Allegations of domestic abuse involving both emotional and physical abuse. Successfully resisted any findings and a result child went to live with the father.

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#### Re S (2023) (Private Law)

High court (Section 9). Representation of three children in a protracted private law proceedings involving allegations of emotional, physical, psychological abuse and allegations of forced marriage and alienation. Matter was listed for a final hearing for eleven days. Successfully resisted findings which subsequently allowed the father to have contact with his children for the first time in three years.

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#### Re R (2022) Public Law

High Court (Section 9). Representation of a 19 year old university student facing serious allegations (along with his parents) of honour based violence, threats to kill, physical and emotional abuse together with covert records. Matter was listed for a final hearing for three weeks. Successfully resisted findings.

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#### Re J (2021) (Public Law)

Successful with a preliminary application to discharge the intervenors. Representation of Foster Carers who were ordered to be intervenors in a case where a young baby has sustained rib fractures. Local Authority sought findings against the foster carers and the parents.

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### Re S and Others (2020) (Public Law)

High Court (S9). Representation of a mother in a matter listed for 4 weeks. A wide variety of issues including forced marriage protection order, transnational marriage abandonment, sexual abuse, physical abuse and repeated removals of the children from the jurisdiction.

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### Ahmed v Iqbal (2020) EWHC 266 Fam (Private Law)

Successfully opposed the appeal. Macdonald J: Important case to assist with the principles to be applied when considering whether the court can intervene to prevent counsel from acting and whether it should interfere with rights of litigants to have their choice of counsel. Representation of a mother to oppose the appeal of an earlier decision preventing counsel from representing a client.

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### Re AA and 25 Ors (Children) (Rev) [2019] EWFC 64

Sir Mark Hedley: Nazmun was led by Nick Stonor QC. Instructed to represent a respondent father in one of the largest public law cases heard in the Family Courts listed for 15 weeks. The court heard 15 care cases together following the local authorities alleging that there was a paedophile ring involving grave sexual abuse allegations in respect of children. The client was exonerated.

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### Rochdale Borough Council v M and Others [2018] EWCH 2996 (Fam)

Hayden J: Nazmun was led by Jo Delahunty QC. Instructed by the Official Solicitor. Representing a mother who lacked capacity and competency and she was accused of killing her young child. There were complexities of medical evidence.

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### Mandalia v Secretary of State for the Home Department [2015] UKSC 59

Supreme Court. Co-Counsel the Appellant in respect of issues of policy and the Points Based System. The Supreme Court unanimously allowed the appeal, quashing the refusal of his visa extension application and overturning the Court of Appeal's judgment.

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### Re C (A Child) (Abduction Proceedings) [2013] 2 FLR 1300

Court of Appeal. Acted with another junior for the mother in a Hague Convention Abduction Case.

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### KM (Zimbabwe) v Secretary of State for the Home Department [2013] 1 AC 152

Supreme Court. Led by Ian Dove QC. Junior Counsel for the Appellant. A groundbreaking judgment in favour of the Appellant in which his appeal based on human rights and the Refugee Convention was allowed.

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### FH (Iran) v Entry Clearance Officer (Tehran) [2011] Imm. AR 29

Post flight spouses. Appeal allowed.

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### RK (Zimbabwe) v Secretary of State [2011] EWCA Civ 456

Court of Appeal. Zimbabwean Protection claims. Appeal allowed and remitted for re-hearing.

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### Tsegaye v Secretary of State [2011] EWCA Civ 736

EU Law. Court of Appeal. Marriage after arrival in the United Kingdom.

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### IO (Sri Lanka) v Secretary of State [2011] EWCA Civ 865

Article 8. EU law. Court of Appeal.

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### KM (Zimbabwe) v SSHD [2011] EWCA Civ 275

Court of Appeal. Led by Ian Dove QC. Protection claims and application of Supreme Court's decision in HJ (Iran).

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### Regina (on the application of) WJ (China) v SSHD [2011] EWCA Civ 183

Court of Appeal. Section 82 NIAA 2002 and fresh claims with rights of appeal.

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## Family Law

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Nazmun is a specialist family law barrister whose practice encompasses all aspects of family law. She is recognised for her wide-ranging experience, thorough preparation, robust advocacy and detailed advice. Her dedication to her work is well respected.

She has appeared at all levels of Courts across England and Wales, including at the Court of Appeal and at the Supreme Court.

She regularly appears for parents and Guardians at the Family Courts in both private law and public law proceedings.

## Public Law

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In public law, Nazmun represents parents, guardians and competent children. Her experience includes cases which involve risk of harm from non-accidental injuries, radicalisation, female genital mutilation, forced marriage, non-accidental death, allegations of serious sexual abuse, serious neglect and child trafficking.

## Private Law

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In private law, Nazmun has experience across the full range of private law cases including parental alienation cases, child

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arrangements orders (contact/residence), specific issue and prohibited steps applications and relocation both internally and externally. She has successfully obtained and resisted permissions to relocate children both within England and Wales and overseas.

## Finance

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Nazmun has broad experience in family finance and has regularly been instructed in complex matrimonial finance proceedings.

## Public Access

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Nazmun is approved by the Bar Council to undertake direct access work.

## Human Rights

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Nazmun covers human rights issues spanning various areas of law including Court of Protection matters. Her experience in immigration, asylum and nationality issues makes her particularly suitable in dealing with cases with cross border issues and in preparing independent reports on such cases for the Family Court.

## Finance and Private Clients

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Nazmun is a specialist skilled in finance and private client disputes including financial remedies, divorce and TOLATA. She is instructed by an impressive client base covering all aspects of financial remedies on divorce from high-value cases to needs-based cases made complex by modest assets. Nazmun has been instructed in both UK-based and offshore matters. She regularly deals with property disputes between cohabiting couples and family members.

In private law, Nazmun has experience across the full range of private law cases including parental alienation cases, child arrangements orders (contact/residence), specific issue and prohibited steps applications and relocation both internally and externally. She has successfully obtained resisted permission to relocate children both within England and Wales and overseas.

Nazmun regularly appears for parents and Guardians at the Family Courts in both private law and public law proceedings.

## Memberships & Associations

- Family Law Bar Association
- Association of Lawyers for Children
- Women in Family Law
- Child Concern
- Court of Protection Bar Association
- Bar Human Rights

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- Justice
- Resolution

## Education

BA Honours Law & Mathematics

## Qualifications

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