



# Abigail Smith

Called 2003

## Areas of Practice

- Asylum and Immigration
- Public Law
- Prison Law

Abigail practises primarily in public law, specialising in asylum, immigration, prison law and related areas. She is ranked for immigration in Chambers & Partners (2011).

## Notable Cases

- ***MJ (Angola) & v Secretary of State for the Home Department*** [2010] EWCA Civ 557 (20 May 2010) – the Court of Appeal considered the lawfulness of deporting an Angolan man who had lived in the UK since he was 12 and was detained under the Mental Health Act and allowed it on Article 8 grounds.
- ***VW (Uganda) & AB (Somalia) v Secretary of State for the Home Department*** [2009] EWCA Civ 5 (16 January 2009) - the Court of Appeal took the important step of putting an end to the misapplication of the so-called "insurmountable obstacles" test from Lord Phillips' judgment in *Mahmood* [2001] 1 WLR 840 CA in assessing proportionality under Article 8 (2).
- ***AH (Iran), Zego (Eritrea), Kadir (Iraq) v SSHD*** [2008] EWCA Civ 985 - Greek Third Country issue considered by Court of Appeal
- ***RS (Zimbabwe) v Secretary of State for the Home Department*** [2008] EWCA Civ 839 (18 July 2008) - Successful Court of Appeal challenge for Zimbabwean woman with HIV post *N HoL* and ECtHR.
- ***(R on the application of Kadir) v Secretary of State for the Home Department*** [2008] EWHC 1629 (Admin) - Greek Third Country case following *Nasseri*
- ***FK (Democratic Republic of Congo) v The Secretary of State for The Home Department*** [2007] EWCA Civ 1545 - Proportionality under Article 8 of the ECHR where lengthy delay by SSHD

took  
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- ***The Queen on the Application of Musie Habteab Berihul vs The Secretary of State for the Home Department*** [2005] EWHC 2363 (Admin) - Unaccompanied Minors Policy in Dublin Convention Third Country Cases

## Speaking Events and Training, Seminars

Abigail has taught seminars and courses on a range of topics, including for ILPA and in-house for Tooks Chambers.

## What Others Say

***'fiercely bright, human and approachable'.***

Legal 500 (2010) Immigration & nationality

***"talent for making the management of a case that bit less stressful."***

Chambers & Partners (2010) Immigration

## Membership and Societies

Immigration Law Practitioners' Association  
Administrative Law Bar Association  
Human Rights Lawyers' Association  
Prisoners' Legal Rights Group  
Bail for Immigration Detainees