



# Abigail Smith

Called 2003

## Areas of Practice

- Asylum and Immigration
- Public Law
- Prison Law

Abigail practises primarily in public law, specialising in asylum, immigration, extradition, prison law and related areas.

## Notable Cases

- *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
- *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

## tooks chambers

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## Speaking Events and Training, Seminars

Abi has taught seminars and courses on a range of topics, including for ILPA and in-house for Took's Chambers.

## What Others Say

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

Chambers & Partners (2010) Immigration

## Membership and Societies

Immigration Law Practitioners' Association (Executive Member since January 2006)

Administrative Law Bar Association

Human Rights Lawyers' Association

Prisoners' Legal Rights Group

Bail for Immigration Detainees

Haldane Society of Socialist Lawyers