



Barrister

ALEX BURRETT

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Call: 1999





Specialist in  
Personal Immigration  
Business Immigration  
Direct Access Trained

## Experience

Alex has a substantial level of experience in all areas of Immigration, human rights, business, EU, and nationality law. He is ranked in the Chambers UK Bar Guide 2022 and the Legal 500 2022 for immigration. As a leading junior he gives clear strategic advice and is able to offer creative and practical solutions to clients. He is regularly instructed in appeals to the Upper tribunal, Court of Appeal and in judicial reviews before the High Court and Upper Tribunal and has outstanding cases currently before the European Court of Human Rights.

His expertise, in Nationality law covers acquisition, naturalisation and registration as well as loss of nationality and he is regularly instructed on citizenship deprivation and exclusion cases in SIAC and has been at the forefront of some of the most significant nationality cases in recent years. He also assists in advising Hong Kong overseas British Nationals in securing their rights and frequently acts for clients whose appeal involves close family members such as a spouse, parent, or a child.

Alex is often instructed to act for individuals, businesses, and institutions in relation to matters arising for investors, innovators, and entrepreneurs under the UK points-based scheme as well as other Immigration routes. He advises on issues that arise for business and individuals applying for working visas under the skilled route or intercompany transfer route.

Alex enjoys an eclectic direct access practice, enjoying the opportunities and challenges afforded by the extension of rights of access. He is increasingly instructed in advising on the preparation and drafting of initial applications.

Alex is a reviewer for the Bar Pro Bono unit Advocate, and a keen follower of Liverpool Football Club.

## What the directories say

### *Legal 500 2023*

‘Alex is a great advocate. He is exceptional at being succinct but not at the expense of being thorough.’

### *Chamber and partners 2023*

Alex Burrett is a respected barrister who acts for a range of clients, including families and private individuals. Particular areas of focus include complex issues of statelessness. He often appears in the Court of Appeal and Supreme Court.

### *Legal 500 2022*

“He has excellent advocacy skills and is very knowledgeable within his field”.

### *Chambers and partners 2022*

“He is astute at finding legal arguments that others might have missed and is good on tactical stuff too. He is very approachable and friendly and is able to always find solutions.”

### *Legal 500 2020 guide*

He is an experienced junior who can narrow issues to the most important ones to address the tribunal

and make complex cases look simple.’

*Chambers UK Bar 2020 guide*

“respected junior” acts in cases concerning citizenship, children’s rights and deportation. The guide highlighted Alex for showing “real imagination and commitment in a complicated citizenship case

*2018 Chambers & Partners*

Alex is recognised in Chambers & Partners as a “respected junior who acts in cases concerning deprivation of citizenship, children’s rights and deportation”.

*2018 Legal 500*

The Legal 500 describes him as a “very experienced immigration barrister who plays a key role in cases.”

*2017 Chambers and Partners*

Respected junior who acts in cases concerning deprivation of citizenship, children’s rights and deportation. He is experienced at assisting families and private individuals on EU law and issues of statelessness.

Strengths: “Alex is an expert in his field, and this, coupled with his easy-going personality and friendly manner, allows him to connect with clients and instil confidence in a way that not many other immigration barristers can.”

*2017 Legal 500*

Cited as a leading junior in Immigration (including business immigration):

“He really connects with clients and gains their trust and confidence”

## Memberships

ILPA and Bar Human rights committee

## CASES

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### D8 V SSHD [2022] UKSIAC SC/179/2020

[https://www.bailii.org/uk/cases/SIAC/2022/SC\\_179\\_2020.html](https://www.bailii.org/uk/cases/SIAC/2022/SC_179_2020.html)

The applicant D8 is an Iranian national who had his refugee status revoked and was excluded from the UK on National Security grounds on the basis that he had an Islamist mind- set, was supportive of

ISIL and had re-availed himself of the protection of Iran. After entering the UK in breach of the exclusion order D8 was detained at HMP Belmarsh in March 2021. Following a bail application before the Special Immigration Appeals Commission (“SIAC”) on 15 June 2022, The Honourable Mr Justice Lane recognised that the significant period D8 had spent in bail as well as being an Adult at risk (level 2) strengthened his case for bail and that it was also significant that he had not absconded previously in the UK when claiming asylum and would likely pursue his case against exclusion and revocation in an appeal hearing before SIAC. In granting bail SIAC recognised that the national security case against D8 that risk was not sufficient so as to outweigh his case for bail.

Acting for D8 was Alex Burrett led by Samantha Knights KC and instructed by Sunita Joshi of JD Spicer Zeb Solicitors

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## ULLAH v SSHD [2022] EWCA Civ 550

<https://www.bailii.org/ew/cases/EWCA/Civ/2022/550.html>

The appellant Mr Ullah (“A”) was a national of Pakistan who appealed a decision to the Court of Appeal against a refusal to grant him permission to apply for judicial review. A had sought a judicial review of a refusal to grant him a tier 2 employment visa having been previously granted a visa by the same employer. The Secretary of State in dealing with his application accepted that administrative mistakes had been made in considering the employer’s certificate of sponsorship but that the delay on over 9 months in reconsidering the application was not unlawful. The Court of Appeal in dismissing the appeal considered that the A was not entitled be informed that that the employer was being investigated or had withdrawn their sponsorship and that the delay was not unlawful as the Secretary of State was entitled to investigate the sponsor.

Alex Burrett was instructed by Mr Ullah on a direct access basis

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## ROBA (OLF – MB confirmed) Ethiopia CG [2022] UKUT 1 (IAC)

<https://www.bailii.org/uk/cases/UKUT/IAC/2022/1.html>

<https://freemovement.org.uk/ethiopia-still-not-safe-for-oromo-liberation-front-supporters-country-guidance-confirms>

ROBA v SSHD was an important country Guidance case on Ethiopia before the Upper tribunal in which a panel stated that the risk categories in MB (OLF and MTA – risk) Ethiopia CG[2007] UKAIT 30 should continue to apply because there was not a “durable change in circumstances” in Ethiopia before the Upper tribunal it was confirmed

that the risk categories in MB (OLF and MTA – risk) Ethiopia CG[2007] UKAIT 30 should continue to apply because there was not a “durable change in circumstances” in Ethiopia. Roba also confirms that those who have a significant history, known to the authorities, of OLF membership or support, or are perceived by the authorities to have such significant history will in general be at real risk of persecution by the authorities. The Tribunal also held that ‘Significant’ should not be read as denoting a very high level of involvement or support. Rather, it relates to suspicion being established that a person is perceived by the authorities as possessing an anti-government agenda.

Alex was instructed by Kam Dhanjal of JD Spicer Zeb Solicitors

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## D8 v SSHD [2022] UKSIAC SC/179/2020

Successful application for bail from SIAC in a case where the applicant had had his refugee status revoked on NS grounds.

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## O3 v Secretary of State for the Home Department [2020] UKSIAC SC – 147 – 2018

[https://www.bailii.org/uk/cases/SIAC/2020/SC\\_147\\_2018.html](https://www.bailii.org/uk/cases/SIAC/2020/SC_147_2018.html)

O3 who had Indefinite leave to remain in the UK was subject to deportation as the Secretary of State considered he was aligned with ISIL and if he was allowed to stay he may plan and execute a high casualty attack. On appeal against the SSHD decision, the special immigration appeals commission concluded that O3 was a risk to the national security as he was aligned with ISIL and aspires to carry out attack planning in the UK. Further that there was no risk to him on removal for reasons set out in the confidential annexe.

Alex Burrett acted for O3 and was led by Hugh Southey KC instructed by Sunita Joshi of JD Spicer Zeb solicitors

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## SINGH v SSHD [2019] EWCA Civ 1504, 22 August 2019

A ‘rare’ successful application to reopen and overturn a final decision of the Court of Appeal This case is significant in that it establishes that final decisions of the Court of Appeal can be reopened, if it can be demonstrated that the integrity of the earlier proceedings had been critically undermined. The appeal was eventually remitted back to the Upper Tribunal who allowed the appeal applying KO Nigeria [2018] UKSC 53

<https://www.bailii.org/ew/cases/EWCA/Civ/2019/1504.html>

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## K (a child) v SSHD [2018] EWCH 1834 (Admin)

This case concerned paternity of a child for the purposes of acquiring British citizenship. K’s passport was withdrawn and she was informed that she was not ‘British’ even though she could prove by DNA that her father is British. Section 50(9A) of the British Nationality Act 1981 says that if a woman is married at the time of a child’s birth, for the purposes of British nationality law, her husband will be deemed to be the father, even if there is irrefutable proof that another man is the biological father. On K’s application for judicial review, the Administrative Court declared that section 50(9A) of the



British Nationality Act 1981 (the BNA) is incompatible with Article 14 ECHR, read with Article 8 ECHR because it discriminates unlawfully against children whose mothers are married to a man other than the child's father when the child is born. An affected child will not be entitled to British nationality through the biological father but could apply to be registered at the 'discretion' of the Home Secretary, at a fee currently of over a thousand pounds (£1012) and, if aged over 10 years subject to a requirement to be of 'good character'. The judge concluded that although 'certainty' under the law was a legitimate aim, the aims did not justify such a fee nor the risks associated with the discretion whether to grant citizenship rather than a right to claim it as the child of a British citizen.

The Secretary of State appealed. Permission was granted on the basis that it was arguable that the judge had failed to consider the wider impact of her conclusions on, for example, children born through surrogacy. However, the appeal was later withdrawn with the effect that the declaration made by the court below remains in place

Alex Burrett acted for K in the High Court instructed by Hina Kargar of Lawlane solicitors

<http://www.bailii.org/ew/cases/EWHC/Admin/2018/1834.html>

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## PHAM v SSHD [2018] EWCA Civ 2064

The issue in this case was whether the decision to deprive Pham (convicted of terrorism offences and currently incarcerated in the United States) of his British citizenship was justified or should be subject to a Lumsdon (R (Lumsdon & Ors) v Legal Services Board [2015] UKSC 41) least restrictive measure criteria when assessing the proportionality of the decision to withdraw citizenship. The Court, whilst recognising the importance of nationality and citizenship, held that a British citizen can be deprived of his citizenship if he shows disloyalty to the state.

<https://www.bailii.org/ew/cases/EWCA/Civ/2018/2064.html>

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## MK (A CHILD BY HER LITIGATION FRIEND CAE) V SSHD [2017] EWHC 1365 (ADMIN) [2017] 6 WLUK 215

This test case involved a stateless child (MK) born in the UK in November 2010. Her parents were both nationals of India. MK had made an application for registration as a British citizen under Schedule 2 of the British Nationality Act 1981. It was determined that MK was entitled to register as a British citizen as she was and is stateless as she does not have Indian nationality. This case is important for those children who are born in the UK and who by the age of 5 have no nationality.

(<http://www.bailii.org/ew/cases/EWHC/Admin/2017/1365.html>)

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## PHAM V SSHD [2015] UKSC 19

Appeal to the Supreme Court from the Court of Appeal. The appellant was born in Vietnam and as a young child came to the United Kingdom, acquiring British citizenship at the age of 12. Aged 21 he converted to Islam and thereafter became an Islamic extremist. On 20 December 2011 the respondent made an order under s.40(2) of the British Nationality Act 1981 depriving him of British nationality on the ground that it would be conducive to the public good because the Security Service assessed that PHAM was involved in terrorism related activities. He was subsequently extradited to the United States of terrorism charges. The appellant argued that the respondent's decision was in breach of s.40 (4) as it rendered him stateless and contrary to EU law. The Supreme Court upheld the Court of Appeal's decision.

<https://www.supremecourt.uk/cases/docs/uksc-2013-0150-judgment.pdf>

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## O3 v SSHD [2019] UKSIAC SC\_147\_2018

[https://www.bailii.org/uk/cases/SIAC/2019/SC\\_147\\_2018.html](https://www.bailii.org/uk/cases/SIAC/2019/SC_147_2018.html)

In the bail application of O3 v SSHD, the Special Immigration Appeals Commission confirmed that, as with regular immigration detainees, those facing deportation on national security grounds are entitled to a presumption of bail. In deciding whether to grant bail to such detainees, the Commission must balance that presumption with the national security risk assessment by the Security Service and decide if the Commission can impose conditions to address the risk.

For further information as to background and analysis see detailed post by Daniel Grutters here <https://www.onepumpcourt.co.uk/news/daniel-grutters-explores-siac-judgment-on-terrorism-suspects-facing-deportation/>

Alex Burrett acted for O3 and was led by Hugh Southey KC instructed by Sunita Joshi of JD Spicer Zeb Solicitors

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