

Barrister

ALISON HARVEY

Call: 1994



Specialist in
Family
Personal Immigration

Business Immigration
Court Of Protection
Specialist Family & Immigration Team
Direct Access Trained

Experience

Overview

Alison practises in the Court of Protection and in immigration law and related matters. She advises on questions of mental capacity, nationality and immigration status across her caseload.

Court of Protection

Alison works across the Court of Protection's jurisdiction, including welfare disputes, deprivations of liberty including s 21A challenges, deputyship cases, medical treatment cases, and complex matters before the High Court including cases where the inherent jurisdiction has been invoked. Alison has experience of committal proceedings arising from Court of Protection proceedings. Her Court of Protection caseload includes cases:

- Transferred to the Court of Protection from the family court involving 16-18 year olds, including those under special guardianship, held to lack capacity
- Involving deprivation of liberty in hospital settings and the relationship between mental capacity and mental health law
- In which the protected person has capacity to make decisions about residence but not their care
- Challenging deprivation of liberty in public health settings including the early Covid-related cases BP v Surrey County Council and RP [2020] EWCOP 17 and BP v Surrey County Council and RP (No2) [2020] EWCOP 22
 - Concerning the interplay between drug and alcohol abuse, and disorders of the mind or brain
- Involving capacity to decide to engage in sexual relations including for protected persons on the sex offenders' register
 - In which family members are alleged to pose a threat to the protected person, including those involving financial abuse
- Involving disputes between deputies and/or applications for the removal of deputies on the grounds that they are not acting in the best interests of the protected person
- Involving applications for trusteeships in the Court of Protection where the protected person is trustee of property
 - Where coercive control of the protected person is alleged

Alison acts in public law cases arising out of, or alongside, Court of Protection proceedings.

Immigration (personal and business)

"Described by one admirer as a 'star of the immigration law world', [...] As a trainer and writer, she is a leader in her field...the area of law in which she enjoys such a high reputation...Her forensic attention to detail has also proved invaluable in the ongoing wrangles over the detail of legal aid policy and regulations" Steve Hynes, Legal Action Group

"If you want to look up how the Immigration Act 2016 works in practice, A Guide to the Immigration Act

2016 by Alison Harvey and Zoe Harper is the definitive guide to the legislation". Colin Yeo, review. Alison is a specialist in complex matters of nationality, citizenship, and statelessness. She advises on all types of British nationality. Her cases include historical status-tracing, deprivation of citizenship, and applications for registration as a British citizen by adults and children. She is a contributor to Fransman's British Nationality Law.

She acts in family immigration, human rights, asylum, and business immigration cases. A substantial part of her immigration practice is advising on complex points of law. She takes cases before the tribunals, particularly the Upper Tribunal, and in the Court of Appeal, and acts in immigration and nationality-related judicial review matters in the Administrative Court. In addition to statelessness cases, her specialisms in the field of asylum are cases of unaccompanied children, and cases with involving slavery and trafficking. She has worked with UNHCR in West Africa and for NGOs in Darfur. She has advised on the civil penalty regime and the different tiers of the points-based system. She has considerable experience of good character and allegations of fraud in these cases. She is a member of Lexis Professional Support Law Consulting Editorial Board for immigration.

Alison accepts direct access work in appropriate cases, in particular advisory matters, and also acts as an expert witness in immigration cases, including professional negligence cases. She is the author of, and contributor to, many books and articles on immigration law, including A Guide to the Immigration Act 2016, with Zoe Harper. She has contributed to Macdonald's Immigration law and Practice. She trains, lectures, and writes widely on immigration, asylum and human rights' law, including for the Immigration Law Practitioners' Association of which she was General Secretary and subsequently Legal Director.

Family law

Alison's family law caseload includes:

- Forced marriage protection order proceedings including where questions of capacity have been raised
 - Children in whose cases the inherent jurisdiction of the High Court is invoked.
- Child welfare proceedings including those raising issues of secure accommodation discharge from hospital and special guardianship
 - Proceedings raising questions of nationality and immigration law.

"As a trainer and writer, she is a leader in her field ...Her forensic attention to detail has also proved invaluable in the ongoing wrangles over the detail of legal aid policy and regulations." Steve Hynes, Legal Action Group

Alison has worked in non-governmental organisations including the Children's Society, the Medical Foundation for the Care of Victims of Torture (now Freedom From Torture), and the Immigration Law Practitioners' Association, and continues to work to support a range of non-governmental organisations in particular in work with parliament. She has campaigned for legal aid provision and against legal aid cuts since the 1990s. Alison has held a number of trusteeships: she is a former chair of trustees of ECPAT UK and is a trustee, and former chair of trustees, of Kalayaan.

Appointments

- Lexis PSL Consulting Editorial Board Immigration
- Bar Council representative to Home Office Simplification of the Rules Review Committee
- Advisor to the Joint Committee on Human Rights for its enquiry into immigration detention
- Member, Expert Advisory Panel of the Strategic Legal Fund for Vulnerable Young Migrants
 - UK Representative European Network of Asylum Law
- Member, editorial board Journal of Immigration, Asylum and Nationality Law

Education

Joint Honours French and Philosophy, Merton College University of Oxford
MA in Human Rights & Civil Liberties Law University of Leicester with dissertation on human rights aspects of mental health law.
Diploma in Law City University London
Bar Vocational Course, Inns of Court School of Law

Memberships

Administrative Law Bar Association
Immigration Law Practitioners' Association

Languages

French (fluent)

Awards

Inner Temple Major Scholarship
Inner Temple accommodation award.
Inner Temple Duke of Edinburgh Scholarship

CASES

Committal in the Court of Protection

Judicial College

Related Barristers:

[Alison Harvey](#)