



Barrister

CLAIRE PHYSSAS

Email: cp@onepumpcourt.co.uk

Call: 2004



Specialist in
Personal Immigration
Business Immigration
Public Law
Civil Law
Civil Actions Against Public Authorities
Modern Slavery & Trafficking Team
Specialist Family & Immigration Team
Direct Access Trained

Experience

Claire specialises in Immigration, Public Law, Community Care, Modern Slavery and Trafficking. She is currently ranked in Legal 500 as a leading junior immigration practitioner. She has been “Recommended for trafficking cases”. She is instructed at all levels of the immigration and asylum process and in judicial review proceedings.

Claire regularly appears before the Administrative Court, and the First-Tier and Upper Tribunals of the Immigration and Asylum Chamber and the Court of Appeal. Claire often advises at the initial stages of cases in respect of applications made to the Secretary of State.

She is highly experienced in representing asylum-seekers and victims of Modern Slavery and Human Trafficking. She has been involved in a number of test cases and obtained positive outcomes for her clients. Claire is committed to representing vulnerable clients and often acts in cases involving individuals with mental health issues and children.

She advises on accommodation and support issues on behalf of immigrants, asylum-seekers, refugees and victims of trafficking, including children.

She provides expert immigration advice in proceedings before the Family courts.

She has an established practice in challenging as unlawful detention by the Secretary of State and in claiming damages before the County Court.

Claire has considerable expertise in Family Immigration cases. She regularly represents EEA nationals and their family members.

Claire has experience in Business Immigration and is able to provide specialist advice to solicitors, businesses and workers.

Alongside her practice, Claire works as a Training Consultant for the Anti-Trafficking and Labour Exploitation Unit (ATLEU) delivering training on the legal rights and entitlements of victims of modern slavery: <https://atleu.org.uk/who-we-are>

Claire has been involved in international work, representing asylum-seekers and refugees, including children, residing in the UK’s Sovereign Base Areas (“SBAs”) in the Republic of Cyprus. In 2011 she appeared before the Appeal Court of the SBAs.

She has an extensive background in Human Rights Law. Prior to practising at the Bar, she completed a ‘stage’ at the European Court of Human Rights in Strasbourg in 2005. She undertook internships at the International Criminal Court in the Hague in 2004 and at the NGOs Justice and Redress in London in 2003.

She also worked as a paralegal on Criminal and Terrorism cases, in particular the 21/07/2005 Terrorism Case. At the Bar she has extensive experience in Deportation and other immigration cases involving a cross-over with Crime.

What the directories say

2023 Legal 500 "leading junior"

2020 Legal 500

"She is a leading junior immigration practitioner, with a particular expertise in Dublin return cases".

2017 Legal 500

"Recommended for trafficking cases"

2016 Legal 500

"Her work includes a range of EEA matters including Dublin regulation issues".

2015 Legal 500

"A leading junior immigration practitioner, and the clear market leader for Dublin return cases".

Education

LLM in Human Rights Law King's College London 2004-2005

Bar Vocational Course Inns of Court School of Law 2003-2004

LLB King's College London 2000-2003

Scholarships:

Peter Duffy Scholarship awarded by Lincoln's Inn for a 'stage' at the European Court of Human Rights in Strasbourg 2005

ICC grant for an internship at the International Criminal Court in the Hague 2004

Hardwicke Scholarship Lincoln's Inn 2003-2004

Memberships

Immigration Law Practitioners' Association (ILPA)

Bar Human Rights Committee (BHRC)

Refugee Legal Group UK (RLG)

Electronic Immigration Network (EIN)

Claire has previously authored articles for Freemovement :

<https://www.freemovement.org.uk/author/clairephyssas/>

Languages

Greek (fluent)

French (intermediate)

Italian (basic)

Awards

Claire is ranked in Legal 500.

CASES

R (BG) v SSHD

[2016] EWHC 786 (Admin) (12 April 2016) <http://www.bailii.org/ew/cases/EWHC/Admin/2016/786.html>

BG was a victim of abuse, multiple rapes and enforced prostitution in Albania. She suffered from PTSD and major depression as a result. She fled to the UK and sought protection but was issued with a Dublin II certificate by which the SSHD sought to return her to Italy. Her trafficking case was referred into the UK's NRM following a legal challenge and she was given a positive reasonable grounds decision but received a negative Conclusive Grounds decision, the SSHD finding she was a victim of 'severe domestic violence' at the hands of a 'boyfriend' rather than a victim of human trafficking who was forced into sexual exploitation by a trafficker. The SSHD maintained his decision to return her to Italy, thereby refusing her any substantive consideration of her asylum and human rights claims in the UK.

In judicial review proceedings it was argued on her behalf that in view of her accepted facts and the legal definition of human trafficking she ought to have been formally recognised by the SSHD as a confirmed victim of human trafficking and that she was also entitled to protection procedures as a consequence, including the quashing of the Dublin II certificate.

The judicial review was dismissed, the Court of Appeal granted permission to appeal and the case subsequently settled in favour of BG.

Of key significance, the SSHD agreed the appeal should be allowed by consent to the extent that, in view of BG's accepted facts, Cranston J had been wrong to hold the SSHD had made a lawful or rational decision in finding that BG did not meet the trafficking definition under Article 4 of the Trafficking Convention. Furthermore, the SSHD agreed to consider BG's asylum claim substantively in the UK. The Dublin II certificate was thereby withdrawn.

Area of Law:

Personal Immigration, Asylum, EU Law, Human Trafficking, Unlawful Detention, Public Law, Multidisciplinary, Modern Slavery & Trafficking Team

Related Barristers:

[Claire Physsas](#)

Pour & Ors v SSHD [2016] EWHC 401 (Admin) (1 March 2016)

These cases were heard as test cases on challenges to return to Cyprus under the Dublin Regulations. Claire was led by Stephen Knafler QC. The Claimants were Iranian asylum-seekers who challenged their return to Cyprus on the grounds that there was a real risk they would be detained unlawfully in breach of Article 5 ECHR and in poor conditions in breach of Article 3 ECHR, and there was a real risk of refoulement from Cyprus, as a result of the asylum procedure that failed to

guarantee an effective remedy and the right to asylum.
<http://www.bailii.org/ew/cases/EWHC/Admin/2016/401.html>

Related Barristers:

[Claire Physsas](#)

TY (Sri Lanka) v The Secretary of State for the Home Department

[2015] EWCA Civ 1233

This was an appeal against the decision of the First-Tier Tribunal, and in turn the Upper Tribunal, to refuse to determine an asylum and human rights claim raised in an EEA appeal on the basis of the Tribunal's lack of jurisdiction. The Applicant has applied for permission to appeal to the Supreme Court.

Resources

[Read the judgement](#)

Area of Law:

Personal Immigration, Public Law

Related Barristers:

[Claire Physsas](#)

Hamad & Ararso, R (on the application of) v The Secretary of State for the Home Department

[2015] EWHC 2511 (Admin)

This case concerned a challenge to return to Malta under the Dublin Regulations based on a breach of the right to asylum under the EU Charter and the circumstances for asylum-seekers in Malta. The claimants have applied for permission to appeal to the Court of Appeal.

Area of Law:

Personal Immigration, Public Law

Related Barristers:

[Claire Physsas](#)

Jeyasuthan Jeyarupan, R (on the application of) v The Secretary of State for the Home Department

[2014] EWHC 386 (Admin)

This is the first reported judgement concerning a challenge to removal under Dublin II on the basis of a breach of the public law duty of consistency. The claimant's brother had been granted asylum in the UK and the claimant's asylum claim overlapped with that of his brother. It was submitted that the SSHD ought to have acted consistently and determined the claimant's asylum claim in the UK.

Resources

[Read the judgement](#)

Area of Law:

Personal Immigration, Public Law

Related Barristers:

[Claire Physsas](#)

MC (Guinea) & Anor, R (on the application of) v The Secretary of State for the Home Department

[2013] EWCA Civ 922

This case concerned challenges to return to Cyprus under the Dublin II Regulation and whether there should be a stay of proceedings pending the outcome of EM (Eritrea) in the Supreme Court, concerning return to Italy.

Resources

[Read the judgement](#)

Area of Law:

Personal Immigration, Public Law

Related Barristers:

[Claire Physsas](#)

Ehmed, R (on the application of) v The Secretary of State for the Home Department

[2013] EWHC 876 (Admin)

This case concerned a challenge to return to Cyprus under the Dublin II Regulation. It raised an important point of principle given that the claimant had previously been 'refouled' from Cyprus to Syria.

The proceedings were stayed pending the outcome in EM (Eritrea) in the Supreme Court.

Resources

[Read the judgement](#)

Area of Law:

Personal Immigration, Public Law

Related Barristers:

[Claire Physsas](#)

Al-Ali, R (on the application of) v The Secretary of State for the Home Department

[2012] EWHC 3638 (Admin)

The claimant challenged his return to the Netherlands from which he had previously been 'refouled'. It was held that an explanation was required from the Dutch authorities and, by the time that judgment was handed down, an adequate explanation had been provided on the specific facts of the case.

Resources

[Read the judgement](#)

Area of Law:

Personal Immigration, Public Law

Related Barristers:

[Claire Physsas](#)

Sathasivam, R (on the application of) v The Secretary of State for the Home Department

[2012] EWHC 3243 (Admin)

The claimant successfully submitted that her claim for asylum amounted to a fresh claim on the basis that her son had been granted refugee status following a successful appeal and her asylum claim overlapped with his.

Resources

[Read the judgement](#)

Area of Law:

Personal Immigration, Public Law

Related Barristers:

[Claire Physsas](#)

Elayathamby, R (on the application of) v The Secretary of State for the Home Department

[2011] EWHC 2182 (Admin)

The claimant, who was recognised as a refugee by UNHCR, challenged his return to Cyprus under the Dublin II Regulation on the basis of the circumstances for asylum-seekers in Cyprus.

Resources

[Read the judgement](#)

Area of Law:

Personal Immigration, Public Law

Related Barristers:

[Claire Physsas](#)

US and MV (PBS – applicants from same family) Malaysia

[2010] UKUT 167 (IAC)

The appellant successfully appealed to the UT on the basis that a valid application is not invalidated by the presence in the same envelope of an invalid application by a member of the same family.

Resources

[Read the judgement](#)

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Personal Immigration

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