

Kings-Counsel

DAVID CHIRICO KC

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Silk: 2024 | Silk: 1970

Call: 1970

Silk: 2024



Specialist in

Personal Immigration

Business Immigration

Public Law

Civil Law

Civil Actions Against Public Authorities

Inquests & Public Inquiries Team

Modern Slavery & Trafficking Team

## Experience

David specializes in all areas of immigration and asylum law. He has a particular focus on claims

relating to complex questions of immigration rules and policy, asylum claims based on sexual and gender identity, claims relating to people who suffer from mental and physical illness, and claims involving rights of children. He shares One Pump Court's commitment to equal access to justice without discrimination and to upholding the rule of law.

He works particularly with clients whose asylum claims raise issues relating to sexual/gender identity, who suffer from mental and physical illness, in cases involving complex family histories and needs, with clients whose claims are based on religious identity, with unaccompanied minor asylum-seekers, with clients faced with conducive deportation decisions under the old or the new ('automatic') provisions, and with clients facing removal to other EU states either under the Dublin Regulation or for public policy reasons.

Alongside his work in (and on appeal from) the Tribunals, he has a large and varied judicial review practice, covering all areas of immigration law, including challenges to fresh claim and certification decisions, citizenship challenges, third-country cases, policy and implementation challenges, and refusals to waive fees or permit access to public funds.

Many of his clients have been detained by the Secretary of State, and David has an established practice in false imprisonment and related civil claims.

With the rest of the Immigration Team at 1 Pump Court, David is committed to the provision of high-quality representation to people who do not have the means to pay for it themselves, whether through legal aid or by other arrangements, including pro bono work, CFAs and realistic agreed fees.

### **Career**

Called to the Bar in 2002, he previously worked in the Czech Republic for the European Roma Rights Center, as a caseworker and helping in the preparation of strategic litigation on discrimination in the criminal justice system, access to education, and access to housing. On return to the UK, he was a Post-Doctoral Research Fellow in Central European Studies at University College, London, and was regularly called upon to act as an expert on the situation of Czech and Slovak Roma at all levels of the immigration appellate system in the UK (see e.g R (ZL and VL) v SSHD [2003] EWCA Civ 25).

David has been at 1 Pump Court since 2002. In addition to giving open and in-house seminars on behalf of 1 Pump Court, David regularly trains for the Immigration Law Practitioners' Association. He has also delivered training in recent years for ECRE, the Danish Refugee Council, and the Italian immigration practitioners' association (ASGI), and he has spoken at conferences organised by JUSTICE and by the Bar European Group, and volunteers for UK Lesbian and Gay Immigration Group (UKLGIG). He is a trustee of UKLGIG and of the development charity PIN-UK..

### **What the directories say**

2021 Legal 500

'Brilliant legal mind, creative in terms of strategy, willing to run novel points and has a tenacious spirit in fighting cases hard to the very end.'

(Leading Juniors) Ranked: Tier 1

2020 Chambers and Partners

A highly respected practitioner who continues to handle a broad range of matters, including complex deportation and removal cases, often on behalf of vulnerable clients.

“He reminds me of what I thought being a lawyer was all about. One of the most passionate advocates I have instructed: he routinely goes above and beyond the call of duty, and is highly intelligent and persuasive.” “David is a complete star. I think he really is a standout immigration practitioner, because he’s formidably good at everything he does and has incredible compassion for clients.”

(Leading Juniors) Ranked: Star individual

2017 Legal 500

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

“Any client is very lucky indeed to have him fighting on their behalf”

Chambers and Partners, 2014

“Super-committed – he puts so much into his cases and gets really good results... He’s passionate about his cases and a brilliant drafting machine. Works wonders with vulnerable clients and fights to the last on their behalf.”

Chambers and Partners, 2015

“He is very clever, very thoughtful and his written work is first-class.”

Legal 500, 2013

“Completely committed to every case he works on,” and “very professional and meticulous.”

Chambers and Partners, 2013

“Unanimously praised to researchers by an impressive number of leading claimant solicitors. His commitment to his clients and to the field of immigration law is total. His intellect, determination and work rate mean that once you instruct him, you want him on as many cases as possible.”

## Education

BA (1st Class) – Modern and Medieval Languages – Trinity College, Cambridge

PhD – Czech literature – Trinity College, Cambridge

## Memberships

ILPA

CPBA

## Languages

Italian, French, Portuguese, Czech, Slovak

## CASES

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### SM (and others) v SSHD [2018] UKUT 00429

Lead case considering the risk of a breach of Article 3 in respect of the return of asylum seekers to Italy under the Dublin Convention. All other cases in the Upper Tribunal were stayed behind this case. The Upper Tribunal in a ground-breaking case and for the first time found a potential breach of Article

3 for vulnerable returnees to Italy.

Area of Law:

**Personal Immigration**

Related Barristers:

[Victoria Laughton](#)

[David Chirico KC](#)

## **AXB v SSHD (Art 3 health: obligations; suicide)**

Guidance from the Upper Tribunal on the procedural duty under Article 3 ECHR in ‘medical’ cases:

The burden is on the individual appellant to establish that, if he is removed, there is a real risk of a breach of Article 3 ECHR to the standard and threshold which apply. If the appellant provides evidence which is capable of proving his case to the standard which applies, the Secretary of State will be precluded from removing the appellant unless she is able to provide evidence countering the appellant’s evidence or dispelling doubts arising from that evidence. Depending on the particular circumstances of the case, such evidence might include general evidence, specific evidence from the Receiving State following enquiries made or assurances from the Receiving State concerning the treatment of the appellant following return.

Related Barristers:

[David Chirico KC](#)

[Angelina Nicolaou](#)

## **R (SA) v SSHD**

[2015] UKHC 1611 (Admin)

The Claimant had applied when aged 17 for registration as a British citizen, but had been refused registration on account of a conditional discharge for possession of cannabis. The question for the Court was whether (i) the policy relating to ‘good character’ in registration applications for children aged 16 and 17 is irrational and/or discriminatory; (ii) whether the policy is compatible with the requirement to have regard to the best interests of the child; and (iii) whether the policy was lawfully applied in any event in SA’s case. The Court found for the Claimant on all grounds, and took the opportunity to give important guidance on the correct approach to ‘good character’ requirements when applied to a child; also to the need to give cogent reasons if difference age-groups of children are to be treated differently; also to the applicability of Article 8 in nationality contexts (a matter which was fundamentally disputed by the Secretary of State). The Court declared the Secretary of State’s then applicable policy on good character of children to be unlawful.

Area of Law:

**Personal Immigration, Public Law**

Related Barristers:

[David Chirico KC](#)

## RM (Sierra Leone) v SSHD

[2015] EWCA Civ 541

In what circumstances could weight be attached to a linguistic analysis report which did not comply with the relevant practice directions?

Area of Law:

Personal Immigration, Public Law, Civil Law

Related Barristers:

[David Chirico KC](#)

## R (MS and others) v SSHD

[2015] EWHC 1095 Admin)

Administrative Court considers the correct approach to claims based on feared mistreatment of asylum-seekers and beneficiaries of international protection in Italy.

NB permission has been granted to appeal this judgment on all grounds in the Court of Appeal.

Area of Law:

Personal Immigration, Public Law

Related Barristers:

[David Chirico KC](#)

[Harriet Short](#)

## R (Kannathasan) v SSHD

[2015] UKHC 3574 (Admin)

Judicial Review concerning the lawful approach to a claim that a person's removal from the UK would breach a person's Article 3 rights because of a real risk of suicide in the country of return. The specific question was (i) the lawful approach, on a 'fresh claim', to medical evidence about suicide risk (in light of potentially conflicting authority); and (ii) the question whether the threshold, where suicide risk is relied upon, is the 'exceptional' threshold referred to in the N v UK litigation, or a different / lower one. The Court found for the Claimant in on both of these legal issues, giving guidance in the process. On the facts, there was a real prospect of showing that K would commit suicide if returned to Sri Lanka, notwithstanding the lack of objective risk of torture. In those circumstances, the claim succeeded.

Area of Law:

Personal Immigration, Public Law

Related Barristers:

[David Chirico KC](#)

## BXS v Secretary of State for the Home Department

[2014] EWHC 737 (Admin)

Judicial review of the SSHD's refusal to consider an in-country application to revoke a deportation

order from an EEA national and a decision to certify the Claimant's human rights application.

Area of Law:

[Personal Immigration](#)

Related Barristers:

[Catherine Robinson](#)

[David Chirico KC](#)