



Barrister

KEELIN MCCARTHY

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Call: 2007



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

Keelin has a broad practice in all areas of immigration, asylum and nationality law, as well as related public law. She is equally expert acting for vulnerable claimants as for business clients, in cases ranging from international protection and human rights claims, to technical challenges to adverse decisions on Tier 1 investors.

Keelin has particularly strong experience in claims involving unlawful detention, deportation, statelessness/deprivation of nationality, modern slavery, cases raising overlapping immigration/family issues including international surrogacy and adoption, and cases involving a medical aspect.

Keelin acts as an expert witness on complex immigration matters in family proceedings.

## Background

Prior to coming to the bar Keelin worked in the international development sector. She worked on corporate social responsibility and a number of other human rights initiatives for the Legal and Constitutional Affairs Division of the Commonwealth Secretariat.

Keelin gained the highest distinction awarded for her dissertation examining the findings of the UN Special Rapporteur on Violence against Women in Korea/Japan in the context of the trafficking of women for military sexual slavery (Essex University).

Keelin has conducted consultancy and pro bono work on human rights, refugee and international development issues for the UK Department for International Development, Amnesty International, the Commonwealth Secretariat, Liberty (National Council for Civil Liberties), RLS-Athens, Amicus/Reprieve, the Nottinghamshire Refugee Forum, Bail for Immigration Detainees, PS21, UKLGIG, the Immigration Law Practitioners' Association and the Joint Council for the Welfare of Immigrants.

Keelin regularly conducts training on asylum, immigration and public law for solicitors and law centres.

She has been invited to speak on statelessness for Amnesty International.

Keelin is committed to principles of access to justice for all and is willing to work pro bono in appropriate cases. She receives instructions from BID (Bail for Immigration Detainees).

## Notable cases

[R \(MM \(Malawi\) v SSHD](#) [2018] EWCA Civ 2482 – Junior counsel for the Appellant in the Court of Appeal, in a leading case considering the legal test for international protection claims based on a medical condition. The Court examined the threshold to be met for such claims under Article 3 ECHR, as well as the procedural obligations on SSHD to conduct enquiries and/or obtain specific assurances

as to the availability of treatment in the receiving state. The case was considered as a test case for the Supreme Court, but this became academic after further fact-finding.

[Secretary of State for the Home Department v Minh](#) [2016] EWCA Civ 565 – Junior counsel in a case examining the scope and threshold of the positive obligations on SSHD under Article 4 when determining the status of a victim of trafficking / modern slavery. Despite the Court of Appeal arguably erring in law in its findings on the “credible suspicion” test, appeal could not be pursued to Supreme Court due to loss of contact with client. The Article 4 issues remain to be examined by higher authority.

[R \(Tabrizagh and Others\) v SSHD](#) [2014] EWHC 1914 (Admin) – Junior counsel in a leading case addressing legality of return of asylum seekers to Italy under the Dublin Convention.

[Munday v SSHD](#) [2019] UKUT 91 – A reported decision examining the meaning of “human rights claim” and the circumstances in which an EEA application will also be a human rights application. In a linked challenge, permission granted to seek judicial review of SSHD’s refusal to permit appellant to raise human rights grounds as a “new matter.”

[Jan \(Upper Tribunal: set-aside powers\)](#) [2016] UKUT 00336 (IAC) A reported decision of the Upper Tribunal on the scope of its powers following the decision to set aside its own decisions.

[R \(Luma Sh Khairdin\) v SSHD](#) IJR [2014] UKUT 00566 – A reported judgment giving guidance on statutory duties of the tribunal in assessing proportionality under Article 8 ECHR. This was a successful judicial review of SSHD’s refusal of leave to an adult dependent relative under Article 8 ECHR. Submissions described by the then Upper Tribunal Judge Peter Lane as “conspicuously well-argued”.

[Shah v SSHD](#) –Article 8 appeal on basis of best interests of a child whose parents, both disabled, were struggling to provide the care she needs. Successful argument in favour of grandfather being permitted entry to the UK to assist with her care, despite there being no immigration category under which this is permitted.

[Khan v SSHD](#) – Successful judicial review of SSHD decision refusing indefinite leave to remain under the accelerated route to a Tier 1 entrepreneur and his family; case addressed whether could combine part time positions to meet requirement for number of jobs created; won on all grounds argued.

[HJ v SSHD](#) – Unusual appeal in which the North Korean minor sought to join her mother in the UK, travelling on a Chinese passport which was admitted to have been obtained by deception of the Chinese authorities as to the child’s location of birth. Identity not accepted by SSHD on basis this could not be “a valid national passport.” Wider circumstances in North Korea and China leading to passport’s acquisition considered and appeal allowed under Article 8.

[Umanets v SSHD](#) – Successful appeal against “Operation Nexus” deportation of “Yellowist” artist Vladimir Umanets (Polish and Ukrainian national) who had been imprisoned for 2 years for criminal damage to a valuable Mark Rothko painting housed at the Tate Modern Museum. Metropolitan police gave evidence that Umanets represented the highest-harm criminal in his London borough on the basis of the high financial value of the art work damaged.

#### [The New Yorker: A Vandal in The Tate.](#)

[R\(AWM\) v SSHD](#) – Cart judicial review of Upper Tribunal’s refusal to seek permission to appeal to itself. Sexuality-based claim in which appellant had purportedly written to Tribunal to withdraw her appeal and declare that she was lying about being a lesbian (later established that letter was in fact

sent by a homophobic housemate). Irrational for judge to rely on the purported letter in refusing permission: permission granted. Upper Tribunal withdrew judge's decision and client later granted asylum.

## What the directories say

Keelin is ranked by the Legal 500 guide as a "Leading Junior" (Band 4) in immigration law (including business immigration), and described as: "*Extremely dedicated to her clients, leaving no stone unturned and very thorough in her approach*" (2020); "*Approachable yet tenacious with a really broad knowledge of immigration law*" (2018); "*A real crusader for justice*" (2017); "*Very methodical and able to provide tactical advice at every stage*" (2016).

## Education

BA History, Christ's College, Cambridge University

MA Japanese Studies, Essex University

MSc Development Studies, School of Oriental and African Studies, London University

LLB (Graduate), Nottingham Trent University

## Memberships

Immigration Law Practitioners' Association (ILPA)

Constitutional and Administrative Law Bar Association (ALBA)

Anti-Trafficking Legal Project (ATLEP)

Human Rights Lawyers' Association (HRLA)

European Network on Statelessness (ENS)

## Languages

Japanese, French

Keelin has previously worked as a Japanese-English translator in the City of London