

Simon Canter



Simon Canter, Barrister (2000)

Called to the Bar: 2000 Direct Public Access Accredited

Education

BA (Hons), Politics, University of Sussex

Profile

Simon specialises in Immigration and Asylum law and is regularly instructed to appear at courts ranging from the First Tier of the Tribunal to the Court of Appeal. He also advises and provides representation in immigration related Judicial Review matters. The advent of Direct Access has also enabled Simon to begin assisting clients with applications to the UKBA.

Simon is an Adjudicator for the Legal Services Commission's Specialist Immigration Funding Review Committee. He is also a member of the Immigration Law Practitioners Association (ILPA). Previously Simon worked as legal research officer at the Campaign for Freedom of Information.

Practice

Simon's has built up considerable experience within the Tribunal representing clients where the following issues are involved: marriage (civil and unmarried partners), children, long residence, the Points Based System (Tiers 1, 2 and 4), EEA rights, Ankara Agreement rights, asylum and family reunion, deportation, civil penalties for illegal working and Article 8 of the ECHR.

He has recently been involved in the following cases:

Court of Appeal

Simon represented MA in *MA (Pakistan) v Secretary of State for the Home Department* [2009] EWCA Civ 953 and successfully argued that the principle established in the case of *Chikwamba* (appeals ought not to be dismissed on the basis that it would be proportionate for

them to apply for leave from abroad) could be extended to a couple where children were not involved.

Administrative Court

Simon argued that further representations together with fresh evidence in an asylum matter did amount to a “fresh claim” and that a UKBA decision to the contrary was unlawful. Permission to judicially review the decision was granted and the Home Office subsequently changed their decision and granted costs to the applicant.

First Tier Tribunal (Immigration and Asylum Chamber)

Simon has achieved success in numerous appeals under the Points Based System (PBS) arguing that UKBA have failed to properly apply the Immigration Rules or have unlawfully elevated the status of their Policy Guidance or have wrongly invoked one of the General Grounds of Refusal contained within the Rules or have not properly considered Human Rights.