

Marian Cleghorn

Call 2007

EXPERTISE

Marian’s practice covers a range of inter-related areas of public law and immigration law. Her core areas of immigration practice are asylum (including the challenging of age assessments), economic and student migration (PBS system), free movement of EEA nationals and British nationality. Marian also has extensive expertise and experience in sponsorship compliance litigation and in challenging civil penalty notices for employing illegal workers.

Immigration

Marian practises in the Administrative Court, the Immigration and Asylum Chambers of the First-tier Tribunal and the Upper Tribunal, the Administrative Appeals Chamber of the Upper Tribunal, the Court of Appeal (Civil Division). Her practice covers the full spectrum of immigration law.

Marian acts for individuals and institutions in relation to matters arising for economic migrants (Tiers 1, 2 and 5) including immigration sponsorship and license requirements. Marian also advises universities and individuals with information on Tier 1 and Tier 4 applications and regularly accepts instructions in these areas. In relation to Tier 4 visas, she advises and acts for individuals and also for schools, and colleges in relation to sponsor licenses (issue, suspension and revocation matters).

Marian also acts in domestic violence and asylum cases for law centres and other publicly funded bodies and has particular experience in cases involving trafficking and child exploitation. Her experience spans family reunion and other child matters including particular experience in deportation when there are extant family and social care proceedings and the procedural protections afforded by article 8 ECHR. Marian also acts regularly in spousal visa and dependent relative applications.

Marian is regularly instructed in conducting challenges to deportation and has been instructed in a number of successful appeals featuring serious assault and drug and sexual offences. Marian also has particular experience in cases involving exclusions from the Refugee convention and exclusion on national security grounds.

Judicial Review

Marian has an extensive public law practice mostly challenging the decisions of central government and local authorities. She is accustomed to working to tight deadlines, particularly in the context of urgent judicial review challenges to removal directions or deportation arrangements; and has persuaded High Court judges on the telephone, and on paper, to stop enforcement action.

MEMBERSHIPS

- Bar Human Rights Committee
- FLBA

EDUCATION & AWARDS



Expertise

Immigration

Civil Liberties & Human Rights

Administrative & Public Law

Sports Law

International & Offshore

- BVC (graduated with a mark of outstanding)
- Inner Temple Otto Rix Prize (pupillage award)
- Inner Temple Joseph Priestly scholarship
- Erasmus scholar at the International Criminal Court
- LLM Northumbria University (awarded scholarship from Northumbria)

ADDITIONAL INFORMATION

Having been called to the Bar, Marian was awarded a scholarship by Northumbria University to work within a legal clinic and undertake a research LLM into International Criminal Law. She was then awarded a Joseph Priestly scholarship by the Inner Temple to work within the Centre for Human Rights Education, Advice and Assistance in Blantyre, Malawi, representing prisoners and advising them of their rights. Following this, she worked at the International Criminal Court in the Hague within the Office of the Prosecutor, as an Erasmus scholar, and later as a Direct Assistant to the Prosecutor. She was involved in the prosecution of Thomas Lubanga, looking at the use of bone and dental records in determining the age of child soldiers. On her return to the UK, she worked as a project co-ordinator for Amicus a charity providing representation for prisoners on death-row within the US.

Clerking team



Ken McLafferty
Family & Immigration
Clerk
0191 245 9531



Paula McLure
Family Clerk
0191 245 9530



Chris Gibbin
Clerk
01642 247 569



Fiona Bullock
Direct Access Clerk
01642 247 569



Steve Walker
Lead Civil Clerk
0191 245 9589

What Others Say

66

"Having read the judgment and the very erudite and sensible grounds I find that that which is propounded is arguable...I must add, these grounds of appeal were exactly what grounds of appeal should be; no more than 2 sides, to the point, rifle like and comprehensible"

Tribunal Judge (Immigration & Asylum Chamber) following Marian's successful application for Permission to Appeal a First-tier Tribunal hearing

Notable Cases

Recent Upper Tribunal (Immigration and Asylum Chamber) Cases

- [Prestwick Care Ltd & Ors v Secretary of State for the Home Department \[2023\] EWHC 3193 \(Admin\)](#)
- [PO \(DRC\) v The Secretary of State for the Home Department \(DRC - Post 2018 elections\) DRC CG \[2023\] UKUT 117 \(IAC\)](#)
- [XX \(PJAK, sur place activities, Facebook\) Iran \(CG\) \[2022\] UKUT 23 \(IAC\)](#)
- [SMO and KSP \(Civil status documentation, article 15\) \(CG\)\) Iraq \[2022\] UKUT 110 \(IAC\)](#)
- [SMO, KSP & IM \(Article 15\(c\); identity documents\) CG Iraq \[2019\] UKUT 400 \(IAC\)](#)

Examples cases

- Marian represented a bereaved family at inquest which raised Article 2 issues following his detention under the Mental Health Act.
- Marian also represented the father of Summer Rogers-Ratcliffe, a 21 month old toddler who was murdered in her cot while she was sleeping. Marian assisted the family in narrowing the perpetrator to either Summer's mother or her mother's boyfriend.
- Marian represented a Kenyan National following his exclusion from the Refugee Convention after committing war crimes and crimes against humanity.
- Marian represented an EEA migrant in arguing the direct effect of EU law when EEA regulations are incompatible following O v Netherlands.
- Marian has acted for a claimant with mental health problems in challenging the failure of a bank to make reasonable adjustments to facilitate his dealings with a major bank.
- Marian has represented a Tier 2 Migrant in his appeal under paragraph 245HF of the Immigration Rules. Marian argued the conflict between the immigration rules and TUPE Regulations 2006 should be resolved in the Appellant's favour as the TUPE Regulations are secondary legislation while the Immigration Rules still have an unusual legal status. This case is currently on appeal.