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Areas of Experience

- Human Rights
- Immigration
- International
- International Human Rights Law
- Nationality and Asylum
- Public Law

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Contact Eric

Eric Fripp

Call: 1994

Barrister

Practice Profile

Eric Fripp has appeared in many leading cases concerning refugees, immigration, nationality, and human rights. His practice extends across a wide spectrum covering these areas and he is noted for his thoroughness and skill as an advocate and for the breadth of his supporting interests in international affairs, legal and political philosophy, and history. In addition he is recognised internationally as a particular authority on nationality and statelessness and their interaction with the Refugee Convention 1951 and other protective instruments. He has a particular commitment to good analysis of relevant factual matters and the clear exposition of complex legal issues.



Work Undertaken

Eric Fripp undertakes advocacy at all levels of domestic and international court or tribunal and substantial advisory work focussing on his core interests- international and domestic refugee law, immigration, nationality, and human rights.

Seminars

The Uses and Limits of Country Guidance

Appointments & Memberships

- Senior Visiting Fellow, Refugee Law Initiative, School of Advanced Study, University of London
- Constitutional and Administrative Law Bar Association (ALBA)

- Immigration Law Practitioners' Association (ILPA)
- British Institute of International and Comparative Law (BIICL)
- European Society of International Law (ESIL-SEDI)
- International Law Association (British Branch)
- European Network on Statelessness (ENS)

Testimonials

Eric Fripp has been repeatedly cited as a Leading Junior in the Chambers and Partners UK Bar Directory:-

- 'meticulous and thorough' and 'celebrated for his strong advocacy skills' (2007);
- having a 'metronomic ability to meet tight deadlines' (2010);
- 'a highly effective advocate and someone you can fully trust to do a good job' (2014);
- having a 'strong immigration practice [catering] for both business clients and publicly funded individuals ... very intellectual' and 'an excellent advocate for complex human rights-related cases' (2015);
- 'A real heavyweight with a very strong reputation in human rights and asylum matters. An intellectual barrister who has an enviable ability to assimilate highly complex case law and policy into clear and elegant prose and advocacy.' (2019);
- 'A leading immigration junior with considerably deep knowledge of refugee and human rights law. He routinely appears in significant cases on behalf of persecuted minorities and continues to advise NGOs on matters such as statelessness and nationality.' (2020);

He has also been cited as Leading Junior in the Legal 500 UK Bar Directory as follows:-

- 'particular expertise in the international law of refugee status' (2011);
- 'professional, knowledgeable and very good with clients' (2012);
- 'very committed, and sensitive to clients' interests.' (2015);
- as an 'erudite and thoughtful' junior 'known for his expertise in asylum law' (2017);
- 'He is vastly experienced and technically astute in all areas' (2019);
- 'He has one of the biggest brains at the immigration Bar with an encyclopaedic knowledge of human rights, asylum and citizenship matters.' (2020);
- Known for his 'exceptional analytical skills and his thorough drafting, especially in the area of deportation and asylum.' (2021).

He is cited under Immigration Law in all recent editions of The Best Lawyers in the United Kingdom.

Publications

Books:

The Law and Practice of Expulsion and Exclusion from the United Kingdom: Deportation, Removal, Exclusion and Deprivation of Citizenship (General Editor, with Rowena Moffatt and Ellis Wilford, deputy editors) (Hart, Oxford and Portland OR, 2014)

Nationality and Statelessness in the International Law of Refugee Status (Hart, Oxford and Portland OR, 2016)

Article in edited volume:

'Inclusion of Refugees from Armed Conflict: Combatants and Ex-combatants' in Refuge from Inhumanity: war refugees and international humanitarian law, David Cantor and Jean-Francois Durieux, eds, Brill/Nijhoff, Leiden, 2014.

Journal articles:

'The "country of his nationality" as country of reference for purposes of article 1A(2) Convention relating to the Status of Refugees 1951' (2021) *International Journal of Refugee Law* (pending);

'Deprivation of Nationality, "The Country of His Nationality" in Article 1A(2) of the Refugee Convention, and Non-Recognition in International Law', (2016) 28 *International Journal of Refugee Law* No 3, 453-479;

'Deprivation of Nationality and Public International Law – An Outline' (2014) 28 *Journal of Immigration, Asylum, and Nationality Law* No 4, 367-384;

'International Humanitarian Law and the Interpretation of "Persecution" in Article 1A(2) CSR51' (2014) 26 *International Journal of Refugee Law* No 3, 382-403;

'Conducive Deprivation of British Citizenship Status and Statelessness: Further Problems' (2013) 27 *Journal of Immigration, Asylum, and Nationality Law*, No 4, 315-330.

Case Report:

Secretary of State for the Home Department v E3 and N3 (2020) 2 *Statelessness and Citizenship Review*, No 1, 167–171;

Selected Reviews:

Protecting Migrant Children: In Search of Best Practice (review, M Crock and L B Benson) (2020) 32 *International Journal of Refugee Law* No 1, 167-174 (with Araniya Kogulathas);

At Home in Two Countries (P J Spiro) (2018) 30 *International Journal of Refugee Law* No 4, 817-822;

The Child in International Refugee Law (J Pobjoy) (2018) 30 *International Journal of Refugee Law* 2, 396–401.

Seminars

September 2019, European Society of International Law (ESIL-SEDI) Annual Conference, Athens, Interest Group on Migration and Refugee Law Pre-conference Meeting: paper 'The interaction of international refugee law and the Convention on the Rights of the Child, including in instances of persecutory harms relating to nationality (including statelessness) or identity';

Sept 2014, Global Statelessness Forum, the Hague, UNHCR/Tilburg University/International Court of Justice: paper 'The establishment of denationalisation as 'persecution', for purposes of the 1951 Convention relating to the Status of Refugees, in the United Kingdom: the extent of current recognition and subsisting questions';

Feb 2013, High Level Expert Conference on Refugee Law, All Souls', Oxford - Refugee Studies Centre Oxford & Refugee Law Initiative London with UNHCR 'Refugee from inhumanity- Enriching refugee protection standards through recourse to international humanitarian law', paper 'Inclusion of War Refugees, Combatants and Ex-combatants, and Child Soldiers.'

Notable Cases

Superior Courts in UK/ European Court of Human Rights:

Emil Huseynov v Azerbaijan (European Court of Human Rights appn 1/2016)- outstanding application concerning Azerbaijani journalist and human rights activist who sought diplomatic asylum in Swiss Embassy and was permitted to leave Azerbaijani territory for Switzerland only after signing a purported renunciation of nationality- Written Submissions for amicus Institute on Statelessness and Inclusion;

Hussein v SSHD [2020] EWCA Civ 156; [2020] All ER (D) 148 (Mar) Important case re EEA provisions in deportation: how to qualify for 'enhanced protection' against deportation for permanently resident EEA nationals continuously resident for 10 years and test of 'serious grounds of public policy or public security' as required by Article 28 of Directive 2004/38/EC. Allowed and remitted as not clear whether the FTT Judge had considered and applied test;

WA (Pakistan) v SSHD [2019] EWCA Civ 302; [2019] All ER (D) 124 (Mar) (important appeal on freedom of religion and belief and refugee status, including application of the 'right to live freely' in a protected identity per HJ (Iran) v SSHD; HT (Cameroon) v SSHD [2010] UKSC 31; [2011] 1 AC 596- the Court held that the UT(IAC) erred in its MN and others (Ahmadis - country conditions - risk) Pakistan CG [2012] UKUT 389 (IAC) country guidance by imposing illegitimate restriction on refugee definition);

SE (Zimbabwe) v SSHD [2014] EWCA Civ 256; [2014] Imm AR 855 (conclusion of Court in SS (Nigeria) v SSHD [2013] EWCA Civ 550 attaching 'great weight' to government policy embodied in legislation may go beyond supporting authority);

R (otao ST (Eritrea)) v SSHD [2012] UKSC 12; [2012] 2 AC 135 (effect of article 32 Refugee Convention re expulsion of refugee after successful appeal);

R (otao Quila & Anor) v SSHD [2011] UKSC 45; [2012] 1 AC 621 (Successful challenge to SSHD changes to Immigration Rules raising age at which marriage gave rise to entitlement to leave to enter/remain unlawful as disproportionate breach of article 8 ECHR read with art 12 ECHR);

R (otao QB by her litigation friend MB) v SSHD [2010] EWHC 483 (Admin); [2010] All ER (D) 134 (Apr) (SSHD's policy for considering fee remission applications in compassionate and article 8 ECHR cases unlawful);

Ghai, R (on the application of) v Newcastle City Council & Ors [2010] EWCA Civ 59; [2011] 1 QB 591 (application of articles 8/9 ECHR to disposal of human remains by open air cremation motivated by religion or belief);

MA (Ethiopia) v SSHD [2009] EWCA Civ 289; [2010] INLR 1 (Tribunal erred in law by asking how claimant would be treated if returned to country of former nationality, not whether she faced exclusion which prevented her return and gave rise to valid persecution claim);

R (de Oliveira) v SSHD [2009] EWHC 347 (Admin); [2009] All ER (D) 84 (Mar) (successful challenge to Home Office construction of phrase 'course of study' in relation to immigration applications by students);

R (otao Bai et anor) v SSHD [2008] UKHL 53; [2009] 1 AC 287, (Certificate of Approval scheme for marriages involving specified non-citizens unlawful as over extensive and disproportionate to aim of preventing marriages of convenience);

EB (Ethiopia) v SSHD [2007] EWCA Civ 809; [2009] QB 1, (Refugee Convention covers adverse measures including, where a Convention reason arises, arbitrary deprivation of nationality and attached rights of protection and/or return);

VNM v SSHD [2006] EWCA Civ 47; [2006] All ER (D) 242 (Jan) (adjudication of reasonableness of internal relocation requires attention to the practicability of presenting a false history and explanation for displacement and consideration of ability to sustain reasonable life on a false basis beyond the short term);

Hysi v SSHD [2005] EWCA Civ 711; [2005] INLR 602 (requirement of concealment of important features of identity as a condition of internal relocation renders such relocation unreasonable);

Djebbar v SSHD (a.k.a. LD(Algeria) v SSHD) [2004] EWCA Civ 804; [2004] INLR 466; [2004] Imm AR 497 (application of guidance concerning treatment of previous determinations requires flexibility and exercise of independent judgment by later appellate fact-finder);

R (otao Asif Javed) v. SSHD [2001] EWCA Civ 789; [2002] QB 129, [2001] Imm AR 529 (Court upheld quashing as unlawful of statutory instrument designating Pakistan as a country in which in general no serious risk of persecution said to exist; Bill of Rights 1689 did not prevent Court's intervention in designation contained in subsidiary legislation);

R v. IAT ex p Walteros-Castenada (unreported, C/O 2383/99, High Court 27 June 2000) (Refugee Convention covers fear of persecution of Colombian trade unionists as members of 'social group').

Select Tribunal Cases:

KB & AH (credibility- structured approach: Pakistan) [2017] UKUT 491 (IAC) (Important observations endorsing requirement for structured approach to credibility within refugee status adjudication);

Izuazu (Article 8 – new rules) Nigeria [2013] UKUT 45 (IAC); [2013] INLR 733, [2013] Imm AR 453 (Changes to the Immigration Rules incorporating standards for grant of leave to remain on the basis of article 8 European Convention on Human Rights and Fundamental Freedoms did not impose a presumption that those standards would be conclusive of decisions or remove the requirement for a 'fact sensitive' enquiry in which the conclusion under the Rules 'may often' have little bearing on the judicial assessment of proportionality);

ST (Ethnic Eritrean- nationality- return) Ethiopia CG [2011] UKUT 00252 (IAC) (important UT guidance re deprivation of nationality of resident in Ethiopia from 1998, reversing a decade of less complete and affirmative guidance);

DD (paragraph 159A: connection/employment) Sri Lanka [2008] UKAIT 00060 (para 159A(ii) Immigration Rules employee-employer connection not requiring employee to have been continuously employed by the employer);

VM (FGM-risks-Mungiki-Kikuyu/Gikuyu) Kenya CG [2008] UKAIT 00049 (AIT country guidance re Refugee Convention and article 3 ECHR risk to Kenyan women sought by Mungiki sect);

MA (risk from any political activity) Libya [2004] UKIAT 00252 (IAT clarifying that prior guidance re risk on return to Libya 'does not, and was never intended to, suggest that only people who were involved in particular activities to a high degree would be at risk on return');

SA (Kashmiri Muslim, Activism) India CG [2002] UKIAT 02884 (IAT, risk to prominent politician and activist in Indian-occupied Kashmir).

Education

MA Hons (History) St. Andrews 1990

LLM Jurisprudence London (intercollegiate degree, enrolled University College London) 1995

MA Medical Law and Ethics London (King's College London) 2002

LLM Human Rights/Public International Law London (London School of Economics) 2011