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**Tom Wilding**

**Call:** 2006

**Barrister**

**Deputy Upper Tribunal Judge** (Immigration and Asylum Chamber)

**First Tier Tribunal Judge** (Fee-paid) (Immigration and Asylum Chamber)

**Direct Public Access Qualified**

## Practice Profile

Tom has extensive experience in Immigration and asylum matters having worked at the Home Office for 13 years as an advocate appearing in both the First Tier and Upper Tribunal. He has experienced the full range of immigration and asylum matters including:

- the points based system
- international protection
- human rights
- EU law including free movement rights
- Deprivation of citizenship
- Exclusion
- Human trafficking

He has particular interest and experience in war crimes cases invoking the exclusion clauses of the refugee convention and suitability provisions of the immigration rules, leading on a number of significant cases and delivering training in this area.

He has also significant experience in wasted costs in the IAC having appeared in a number of cases in both the FTT and UT and can assist in making and arguing such applications.

## Areas of Experience

- Immigration
- Employment
- Education
- Housing
- Public Law
- Judicial Review

## Contact Clerks

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## Contact Tom

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Tom has a long standing interest in human rights and public law. He takes instructions in Employment, Education and Housing matters and is keen to develop his practice in these areas where such rights are in play.

He has advised and represented in Employment cases on unfair dismissal, constructive dismissal whistleblowing, harassment and discrimination and has conducted trial and preliminary hearings at the Employment tribunal.

He has delivered training to local authorities on education law matters of procedure and discrimination as well as advised and represented on SEN appeals on EHCP plans.

Tom sits as both a Deputy Judge of the Upper Tribunal in the Immigration and Asylum Chamber and as a fee-paid Judge of the First Tier Tribunal in the same Chamber.

## Appointments & Memberships

Deputy Upper Tribunal Judge (Immigration and Asylum Chamber)

First Tier Tribunal Judge (Fee-paid) (Immigration and Asylum Chamber)

## Cases

- Bhavsar (late application for PTA: procedure) [2019] UKUT 196 (IAC)
- MS (Art 1C(5)- Mogadishu) [2018] UKUT 196 (IAC)
- Yussuf (meaning of "liable to deportation") Somalia [2018] UKUT 117 (IAC)
- Williams (scope of "liable to deportation") Nigeria [2018] UKUT 116 (IAC)
- Charles (human rights appeal: scope) [2018] UKUT 89 (IAC)
- Thapa & Ors (costs: general principles: s9 review) [2018] UKUT 54 (IAC)
- KB & AH (credibility – structured approach) Pakistan [2017] UKUT 491 (IAC)
- Saimon (Cart Review: "pending" : Bangladesh) [2017] UKUT 371 (IAC)
- VB and Another (draft evaders and prison conditions) Ukraine CG [2017] UKUT 79 (IAC)
- SF and others (Guidance, post-2014 Act) Albania [2017] UKUT 120 (IAC)
- VA (Solicitor's non-compliance: counsel's duties) Sri Lanka [2017] UKUT 12 (IAC)
- Ruhumuliza (Article 1F and "undesirable") [2016] UKUT 284 (IAC)
- MS (Trafficking - Tribunal's Powers - Art. 4 ECHR) Pakistan [2016] UKUT 226 (IAC)
- Miah (section 117B NIAA 2002 - children) [2016] UKUT 131 (IAC)
- AM (fair hearing) [2015] UKUT 656 (IAC)
- KMO (section 117 - unduly harsh) [2015] UKUT 543 (IAC)
- Cancino (costs – First-tier Tribunal – new powers) [2015] UKFTT 59 (IAC)
- McLarty (Deportation - proportionality balance) [2014] UKUT 315 (IAC)
- Omenma (Conditional Discharge - not a conviction of an offence) [2014] UKUT 314 (IAC)
- Vasconcelos (Risk - rehabilitation) Portugal [2013] UKUT 378 (IAC)
- MS (Coptic Christians: Egypt) CG [2013] UKUT 611 (IAC)

## Education

Human Rights LLM Birkbeck College, University of London

Bar Vocational Course College of Law

Law LLB University of Leicester