

James Fraczyk

**LLM (Cantab) 1st Class,
BCL (Oxon),
LLB Hons (Cardiff) 1st Class – Top of Year**



Call 2013

James' main areas of expertise are in Public and EU law (including immigration), although he undertakes work in all of Chambers' areas of practice. He is also registered to undertake direct access work and has received instructions on that basis.

Shortly after being called to the Bar he was appointed for seven months as the Judicial Assistant to Lady Justice Arden in the Court of Appeal, which included assisting the LJ in her capacity as Head of International Judicial Relations for England & Wales. He worked on a variety of cases ranging from large-scale competition, tax and commercial cases, to public law, human rights and immigration matters.

In 2012 he was also a brief *Stagiaire* to Advocate General Sharpston at the CJEU in Luxembourg. He drafted court documents including, for example, in **Case C-258/11 Sweetman v An Bord Pleanála** – a seminal planning/environmental law case concerned with Article 6 of the Habitats Directive.

Immigration

James has experience with a range of immigration and nationality law in line with Chambers' Band 1 ranking. His practice is mostly claimant-based, although he also represents the Secretary of State. Such experience enables him to analyse and argue cases with a much greater degree of insight than would otherwise be the case. He has appeared in the FTT, UT, High Court and Court of Appeal. He also has experience with delivering CPD-accredited training on business immigration issues, and has undertaken commercially-orientated JR work for business clients challenging the Home Office. He also receives instructions to draft Grounds of Appeal, and is familiar with making urgent applications for interim relief. Examples of recent work include:

- Successful JRs in the UT, including a claim before the Vice-President concerned with delay in considering a spousal visa application;
- Representing a Middle Eastern royal family in judicial review proceedings concerned with nationality issues;
- Securing urgent interim relief in a range of cases, including from the out-of-hours duty High Court Judge; and
- Obtaining a high-value settlement in a claim for unlawful detention and misfeasance in public office by immigration officers (settled shortly after grounds filed and served).

Public Law

James's more general public law practice arises in a range of contexts, including prison law, health care and regulatory matters. In addition to his advisory work he has experience of representing clients before the Mental Health Tribunal and Parole Board. In terms of JR work, he is alert to tactical considerations regarding pleadings, disclosure issues, interim remedies and costs. He also has experience of having been involved in a complex inquest: <http://www.bbc.co.uk/news/uk-england-essex-31050233>. Examples of recent work include:

- Successful JR challenges in the High Court under the **Care Act 2014**, the **Localism Act 2011** and the **Immigration and Asylum Act 1999**;
- Successful claim on the duty of local authorities to reconsider refusals under the **Children Act 1989, s 17** in the light of additional evidence, and failing to take into account material considerations.

General Civil Law and Litigation

James regularly undertakes work in various civil matters, including in the context of personal injury and commercial disputes. He has experience of fast track trials, small claims, CCMCs, applications, MOJ3s and drafting etc. His consumer credit hire experience includes successfully running complex and technical points of law. He also has experience of general contract law cases, including high-value consumer contract disputes under the CRA 2015, and has also worked on a number of cases involving commercial leases.

Crime

James has experience with a range of cases in the Magistrates Court and Crown Court. He is a CPS panel advocate and has also undertaken prosecution work for HMRC and various regulatory bodies. He is also on the approved list of counsel for a local authority.

Family Law

James has represented clients at interim and final hearings for non-molestation orders, including where there are, unsurprisingly, connected child custody issues.

Significant Cases

Court of Appeal

- ***Bakary Danso v SSHD [2015] EWCA Civ 596*** – Legality of deporting foreign criminals under Article 8 ECHR, pursuant to the Immigration Rules, after significant rehabilitation during imprisonment.

High Court

- ***R (U and U) v Milton Keynes Council [2017] EWHC 3050*** – breadth of the Immigration Act 2014, sections 20-21 in conjunction with duties owed by local authorities.

- ***R (Tomescu) v Lord President of the Council and Office of the Prime Minister [2015] EWHC 3293 (Admin)*** – Compatibility of UK electoral restrictions with EU and ECHR law – discrimination on the basis of nationality – irrationality of providing electoral rights to individuals with tenuous links to the state, whilst simultaneously disenfranchising individuals with strong links to the state.

Court of Protection

- ***In the matter of AG [2015] EWCOP 78*** – Lawfulness of removing a mentally-impaired adult from her mother’s care in the absence of a fact-finding hearing.

Articles

‘EU Fundamental Rights and the Financial Crisis’, contained within Douglas-Scott and Hatzis (eds), *Research Handbook on EU Law and Human Rights* (2017).

Awards

Winner

Kaplan and Outer Temple Chambers Civil Advocacy Competition
2013

Winner

Kaplan Judicial Review Advocacy Competition
2013

Jules Thorn Scholar

Middle Temple Inn of Court
2012

Thomas and Elizabeth Walton Prize for Law

University of Cambridge
2012

Sir Francis Goldsmid Scholarship

University of Cambridge
2012

Sweet & Maxwell Prize for Law

Cardiff University
2010