

Jonathan Metzer

Call: 2016



Jonathan Metzer is developing a broad practice across all areas of chambers' work, with particular expertise in public and human rights law, asylum and immigration, clinical negligence and inquests. He appears regularly in the County Court, the Coroner's Court and the Immigration Tribunals, and has also undertaken hearings in the High Court.

Jonathan joined chambers as a tenant in September 2017 after completion of 12 months of pupillage.

Before coming to the Bar, Jonathan undertook voluntary work at The Death Penalty Project, Simons, Muirhead & Burton LLP. He also worked on a pro bono basis for the School Exclusion Project, acting as lay legal representative for the parents of excluded pupils at hearings in front of school governors and independent review panels.

Jonathan is also Commissioning Editor for the [UK Human Rights Blog](#).

Clinical Negligence

Jonathan is regularly instructed by both claimants and defendants in a broad range of complex clinical negligence work. He appears at case management hearings, applications and infant approval hearings. He also regularly prepares pleadings and advises in conference and in writing.

Selected Cases

- Advised in conference regarding claim for injuries arising from retained products of conception. Instructed by claimant.
- Advised in conference and in writing in a claim for delayed diagnosis of holoprosencephaly in an unborn

baby. Instructed by claimant.

- Advised in writing on liability and quantum and undertook settlement approval hearing for a protected party claimant who alleged a negligent delay in admitting him to hospital following a major head injury, resulting in a serious haemorrhage.
- Prepared defences to claims that eye surgery was carried out without proper consenting process.

Environmental Law

Jonathan appeared on a pro bono basis on behalf of a residents' association at the 7 day planning inquiry into a proposed development at 68-86 Farringdon Road, London.

Human Rights

Human rights are a major part of Jonathan's practice. He is developing particular expertise representing claimants in asylum and immigration cases, centred on the right to private and family life (Article 8), the right to asylum or humanitarian protection, and the prohibition on inhuman/degrading treatment (Article 3).

In his prison law practice, Jonathan advises and prepares applications for judicial review on behalf of long-sentence prisoners in cases involving the right to liberty (Article 5).

Jonathan's inquest practice also regularly involves human rights issues, where the right to life (Article 2) can be engaged.

As human rights issues tend to cut across different legal areas, Jonathan's human rights practice is set out in more detail under the Immigration, Public Law and Inquests sections of his profile.

Jonathan is also Commissioning Editor of the [UK Human Rights Blog](#).

Immigration

Jonathan has already acquired extensive experience in asylum and immigration matters. Jonathan regularly appears on behalf of claimants before the First-tier Tribunal and Upper Tribunal in claims of asylum (including cases involving conditions in Sri Lanka, Iraq, Uganda, Rwanda, Egypt and Albania), human rights (with extensive experience of cases involving Article 3 and Article 8) and appeals under the EEA Regulations. He has achieved significant successes in both the deportation and non-deportation context. He is also instructed by claimants for immigration judicial reviews and urgent injunction applications against removal (including out of hours). He regularly undertakes work preparing grounds of appeal, grounds for judicial review and pre-action letters before claim.

His written and oral advocacy on behalf of immigration claimants has been praised by Judges of the High Court,

Selected Cases

Asylum

- **MR v Secretary of State for the Home Department (2020)** : Successful appeal against deportation for criminal offending on basis of well-founded fear of persecution in Sri Lanka owing to familial connections to LTTE and evidence of significant political activity in the UK.
- **NS v Secretary of State for the Home Department (2020)**: Successful appeal by 19 year old Sunni Kurd from Disputed Territories of Iraq under latest Country Guidance *SMO and Ors* [2019].
- **BT v Secretary of State for the Home Department (2019)**: Successful appeal by a Ugandan man found to have a well-founded fear of persecution owing to his sexuality.
- **CP v Secretary of State for the Home Department (2019)**: Successful appeal against revocation of refugee status arising out of 28-month prison sentence for participation in a large money laundering scheme.
- **YK and Anor v Upper Tribunal (2018)**: Prepared claim for 'Cart' judicial review arising out of asylum appeal by a North Korean citizen unwilling to cooperate with South Korean authorities owing to concerns about her family, a matter not fully considered by existing Country Guidance. Case ongoing.
- **XP v Secretary of State for the Home Department (2018)**: Successful appeal on the basis of fear of persecution by Sri Lankan government for perceived support for Tamil Tigers. Applicant had also been sentenced to 2 years' imprisonment in the UK.

Immigration

- **CW v Secretary of State for the Home Department (2019)**: Successful appeal against deportation for historic criminal offending on the basis that this would result in unduly harsh consequences for the appellant's British citizen child, who suffered from Oral Allergy Syndrome, severe asthma and anxiety. Instructed pro bono via Advocate. Praised in the judgment, with the Judge stating that *"It is worth emphasizing that Mr Metzger provided first class representation pro bono."*
- **Ope v Secretary of State for the Home Department (2019)**: Successful appeal under Article 8 on behalf of an elderly woman dependent on her family in UK due to severe cognitive impairment. Provided advice on evidence and represented the appellant at the hearing.
- **Torabally v Secretary of State for the Home Department (2019)**: Successful appeal under Article 8 outside the Rules on the basis of 'more than normal emotional ties' between the Appellant and his brother in the UK.
- **LC v Entry Clearance Officer (2019)**: Successful appeal against refusal of entry clearance for Brazilian mother (with British citizen child) to join Scottish father in the UK.
- **De Assis v Secretary of State for the Home Department (2018)**: Successful appeal on behalf of an unmarried partner under the EEA Regulations. Praised in the judgment for providing *"an excellent skeleton argument"*.
- **ML and Ors v Secretary of State for the Home Department (2018)**: Successful appeal before the Upper Tribunal arising out of failure to apply principles relating to a 'qualifying child'.

- **Pem v Secretary of State for the Home Department (2018)**: Successful appeal before the FTT on the basis of family life outside the Immigration Rules.
- **TR v Secretary of State for the Home Department (2018)**: Successfully appeared at FTT and Upper Tribunal in an appeal on the basis of private life outside the Immigration Rules in circumstances where the Legal Ombudsman had found that the claimant had received “poor service” from his previous solicitors. Instructed through the Bar Pro Bono Unit.
- **EK & MN v Secretary of State for the Home Department (2018)**: Successful appeal against a refusal on the basis of a ‘marriage of convenience’. Praised in the judgment for “*A thoroughly professional attitude*”.
- **Secretary of State for the Home Department v Gandhiraj (2017)**: Appeal before Upper Tribunal under Article 8 outside the Immigration Rules. Instructed through the Bar Pro Bono Unit.

Judicial Review

- **AQ v Secretary of State for the Home Department (2020)**: Successful claim for judicial review arising from refusal of visit visa. SSHD agreed to reconsider decision following service of written grounds.
- **SS v Secretary of State for the Home Department (2019)**: Successful claim for judicial review arising from unreasonable refusal of Article 8 claim without right of appeal. Decision withdrawn following grant of permission on the papers.
- **MJ v Secretary of State for the Home Department (2018)**: Permission to apply for judicial review granted at oral hearing in relation to a claim that the SSHD erred in assessment of whether Section 3C Leave had been extinguished. Decision withdrawn following grant of permission.
- **DC and OC v Entry Clearance Officer (2018)**: Successful judicial review of refusal of visit visas on the basis that the immigration interviews were conducted unfairly. Decision withdrawn and visit visas granted following consideration of written grounds.
- **MC and ML v Secretary of State for the Home Department (2018)**: Out of hours application to the Administrative Court for an urgent injunction against removal to the Philippines. Praised by the judge for arguing “*with considerable determination and ingenuity*”.
- **FN v Secretary of State for the Home Department (2018)**: Out of hours application to the Administrative Court for an urgent injunction against removal to Afghanistan. Prepared judicial review grounds and undertook telephone hearing.
- **MD v Secretary of State for the Home Department (2018)**: Upper Tribunal judicial review arising out of defective service of a decision notice. Prepared amended grounds and undertook hearing. Subsequently instructed to prepare application for appeal out of time.

Inquests

Inquests in the Coroners’ Court are a significant part of Jonathan’s practice. He appears regularly in cases involving medical or psychiatric treatment, including cases of apparent suicide, and has extensive experience of witness handling and preparing written submissions.

Selected Cases

- **GH (2020)**: 4 day Article 2 inquest with jury after deceased took own life by drowning. Jury recorded causative failings by hospital mental health nurses in assessing level of risk in days leading up to the death. Instructed by the family.
- **JR (2019)**: 2 day inquest into a death of an elderly woman with obesity who developed a pressure sore which became septic while she was bedbound. Acted for her GP, whom the Coroner excluded from criticism in his conclusion.
- **Kemp and Kemp (2019)**: 6 day inquest convened under Article 2 into the deaths of a married couple who were discovered with multiple stab wounds hours after the husband had been discharged from hospital after attempting suicide. Coroner recorded a narrative conclusion which included significant criticisms of the care provided at the mental health hospital trust. Instructed by the family.
- **IJ (2019)**: Inquest arising from death of elderly women following failure by hospital trust to arrange adequate anticoagulation follow-up, amid serious allegations of abuse by care home. Instructed by the family.
- **KM (2019)**: 2 day inquest arising out of a death after 24 hours in intensive care following a failed intubation. Represented consultant intensivist who had been subject to significant but poorly-founded criticism in the hospital trust's serious incident report.
- **JW (2018)**: Deceased died after a two-week period in hospital in which she did not receive a necessary operation to reattach her gastric feeding tube. Article 2 inquest with conclusion which included finding of neglect by hospital trust in three separate ways. Instructed by the family.
- **DG (2018)**: Deceased discovered in state of asphyxiation at his local park. Conclusion of suicide recorded. Instructed by GP who had had consultation with deceased several days before his death.
- **LD (2017)**: Deceased died after apparently jumping off cliff over the Port of Dover. Article 2 inquest with narrative conclusion. Coroner also wrote a letter to the Care Quality Commission regarding his concerns. Instructed by the family.

Public Law

Jonathan is regularly instructed by claimants in immigration matters, including for judicial review (see Immigration). He is also developing a practice in prison law, where has undertaken advisory work for long-sentence prisoners in relation to potential claims for judicial review under Article 5.

He is appointed to the Attorney General's C Panel of Civil Counsel.

Selected Cases

- **AQ v Secretary of State for the Home Department (2020)**: Successful claim for judicial review arising from refusal of visit visa. SSHD agreed to reconsider decision following service of written grounds.
- **SS v Secretary of State for the Home Department (2019)**: Successful claim for judicial review arising from unreasonable refusal of Article 8 claim without right of appeal. Decision withdrawn following grant

of permission on the papers.

- **MJ v Secretary of State for the Home Department (2018)**: Permission to apply for judicial review granted at oral hearing in relation to a claim that the SSHD erred in assessment of whether Section 3C Leave had been extinguished. Decision withdrawn following grant of permission.
- **DC and OC v Entry Clearance Officer (2018)**: Successful judicial review of refusal of visit visas on the basis that the immigration interviews were conducted unfairly. Decision withdrawn and visit visas granted following consideration of written grounds.
- **MC and ML v Secretary of State for the Home Department (2018)**: Out of hours telephone application to the Administrative Court for an urgent injunction against removal to the Philippines. Praised by the judge for arguing "*with considerable determination and ingenuity*".
- **FN v Secretary of State for the Home Department (2018)**: Out of hours application to the Administrative Court for an urgent injunction against removal to Afghanistan. Prepared judicial review grounds and undertook telephone hearing.
- **MD v Secretary of State for the Home Department (2018)**: Upper Tribunal judicial review arising out of defective service of a decision notice. Prepared amended grounds and undertook hearing. Subsequently instructed to prepare application for First-tier Tribunal appeal out of time for which permission was granted.
- **AN v Ministry of Justice (2017)**: Advice on quantum in relation to unlawful detention claim.

Public Inquiries

Jonathan has been instructed on behalf of a Core Participant in the Undercover Policing Inquiry.

Tax

Jonathan has been instructed to undertake work in respect of matters in the Tax Tribunal and has also been instructed by HMRC for hearings in the Magistrates' Court regarding the condemnation of goods on which duty may not have been paid.

Court of Protection

Jonathan has appeared in the Court of Protection at 'best interests' assessments for parties in matters including the appointment of a deputy for a person without capacity and the appropriate management of a person in hospital who cannot safely be returned home due to the risk posed to themselves and others.

Direct Access

Jonathan Metzger is developing a broad practice across all areas of chambers' work, with particular expertise in public and human rights law, asylum and immigration, clinical negligence and inquests. He appears regularly in the County Court, the Coroner's Court and the Immigration Tribunals, and has also undertaken hearings in the High Court.

He accepts instruction from lay clients, with particular interest in immigration, public law, inquests and civil matters. For further information please see the [Direct Access Portal](#).

Jonathan is also Commissioning Editor for the [UK Human Rights Blog](#).

Appointments

- Attorney General's C Panel of Civil Counsel (2020 – present)

Awards

- Inner Temple Pegasus Award (2019)
- Lord Denning Scholar for the Bar Professional Training Course, Lincoln's Inn (2015)
- Hardwicke Entrance Award for Membership of the Inn, Lincoln's Inn (2015)
- Lord Bowen Scholar for the Graduate Diploma in Law, Lincoln's Inn (2014)
- Graduate Diploma in Law Moot, Runner-up, City University, London (2014)

Education

- BPTC (Very Competent), City University, London (2015-2016)
- GDL (Commendation), City University, London (2014-2015)
- MA Hons in Classics (Double First Class), Worcester College, Oxford (2010-2014)

Publications

- David Hart QC & Jonathan Metzger (2018) 'The Aarhus Costs Rules – Past, Present and Future', *Judicial Review*, 23:2, 83-91
- Jonathan is commissioning editor and a regular contributor to the [UK Human Rights Blog](#) and contributes to [Law Pod UK Episodes 94, 56 & 24](#).