



Jonathan Metzger

Call: 2016

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 Immigration Tribunals, the County Court and the Coroner's Court, and has also undertaken hearings in the Administrative 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](#).

Direct Access

Jonathan 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](#).

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 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 humanitarian protection and the prohibition on inhuman/degrading treatment (Article 3).

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.

Immigration

Jonathan has already acquired extensive experience in asylum and immigration matters. He regularly appears on behalf of claimants before the First-tier Tribunal and Upper Tribunal in asylum, human rights and EEA residency appeals, and has experience 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 also regularly undertakes work preparing grounds of appeal, grounds for judicial review and pre-action letters before claim.

Selected Cases

Asylum

- **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

- **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.
- **Kaziu and Nowak 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

- **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. Case ongoing.
- **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

Jonathan is developing a practice in coronial inquests, with particular expertise representing the families of deceased persons.

Selected Cases

- **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.

Selected Cases

- **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. Case ongoing.
- **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 by HMRC for upcoming hearings in the Magistrates' Court regarding the condemnation of goods on which duty may not have been paid.

Awards

- 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)
- BA Hons in Classics (Double First Class), Worcester College, Oxford (2010-2014)

Publications

- Jonathan is commissioning editor and a regular contributor to the [UK Human Rights Blog](#).