



**Emma Rutherford** LLB (Hons)

Call 2002

Emma specialises in immigration, crime and general civil litigation.

She advises and represents in all types of immigration and asylum cases and has an interest in nationality law. She appears frequently before the First Tier Tribunal and the Upper Tribunal, including as junior counsel in the country guidance cases of AK (Article 15(c)) Afghanistan and IM and AI (Risks - membership of Beja Tribe, Beja Congress and JEM) Sudan CG [2016] UKUT 188 (IAC).

She is experienced in judicial review work representing the Claimant in the case of R (on the application of RK) v Secretary of State for the Home Department (s.117B(6); "parental relationship") IJR [2016] UKUT 31 (IAC). She is instructed in Court of Appeal matters, having appeared for one of the Appellants in SS and Others (Zimbabwe) [2013] EWCA Civ 237.

Her experience as a criminal practitioner enables her to be particularly effective in deportation cases. She also has a specific interest in immigration cases with an EEA element. Emma also advises and represents in civil penalty case.

The 2025 edition of Chambers and Partners notes: "Emma Rutherford maintains a respected immigration law practice, while also impressing in criminal law matters and civil litigation. She is well versed in an array of cases encompassing civil penalties for employers, country guidance and leave to remain for family members. She commonly works in judicial review proceedings as well as immigration appeals.

Strengths: "A very good operator in the tribunal." Emma has a strong following and maintains a broad immigration and asylum appellant practice. She has developed a notable immigration practice acting for both claimants and defendants. Clients praise her fighting spirit, saying that "she never gives up."

Emma is an experienced criminal advocate providing advice and representation in all types of criminal cases including sexual offences, drugs offences, offences involving violence and dishonesty. She appears regularly in the Crown Court for both the prosecution and the defence. She has an expertise in representing vulnerable defendants and has experience in acting in cases for Defendants in cases involving issues surrounding fitness to plead.

She is also experienced in representing in driving matters in the Magistrates Court and the Crown Court.

In respect of general civil litigation, Emma represents both Claimant and Defendants appearing in cases listed on the small claims track and the fast track.

**Practice Groups:** Immigration and Human Rights, Crime and Civil

**Reported cases**

A B (Sudan) CG [2004] UKIAT 00260  
AK (Article 15(c)) Afghanistan CG [2012] UKUT 163 (IAC)  
SS and Others (Zimbabwe) v SSHD [2013] EWCA Civ 237  
R (on the application of Iftikhar Ahmed) v SSHD [2014] EWHC 300 (Admin)  
R (on the application of Alrando Reid) v SSHD [2014] EWHC 1772 (Admin)  
IM and AI (Risks - membership of Beja Tribe, Beja Congress and JEM) Sudan CG [2016] UKUT 188 (IAC)  
R (on the application of RK) v Secretary of State for the Home Department ( s.117B(6); "parental relationship") IJR [2016] UKUT 31 (IAC)  
RLP (BAH revisited – expeditious justice) Jamaica [2017] UKUT 330 (IAC)  
SSHD v MS (Somalia) [2019] EWCA CIV 1345  
Chimi v The Secretary of State for the Home Department (deprivation appeals; scope and evidence) Cameroon [2023] UKUT 115 (IAC)  
Hobday v R [2025] EWCA Crim 46

**Membership of Professional Organisations:**

Immigration Law Practitioners Association  
Midlands Circuit  
Member of the Birmingham Law Society Immigration Committee

**Direct Access**

In suitable cases Emma will undertake public access work.

**Interests**

Tennis, Formula One, travel, belly dancing, history and theatre and the arts.