

## Millie Polimac

Called: 2007  
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### Profile

Millie is an experienced barrister in property, immigration and employment law. She has a particular interest in litigation with an EU law angle, having worked as a référendaire to the Finnish Advocate General at the Court of Justice of the European Union for 2 years.

She is regularly instructed as sole counsel in applications, trials and appeals in a range of courts from the Court of Appeal to the specialist tribunals.

Millie has extensive appellate experience, having worked as a judicial assistant in the Court of Appeal for 9 months.

### Description of Practice

#### Property

Millie Polimac is regularly instructed to act for landlords and tenants in all areas of housing and property law including leasehold, residential and commercial landlord and tenant and social housing disputes. She has experience of acting in trials of claims allocated to the fast track and multi-track, appeals from homelessness decisions and judicial reviews.

#### Immigration

Millie accepts instructions in both pure immigration cases and in those involving business immigration issues.

She is a co-presenter of the MBL seminar entitled “An Introduction to Business Immigration” and lectures on this around the country.

At the Court of Appeal Millie has also been dealing with cases seeking permission to appeal following a refusal to grant leave to remain, as well as other applications for permission to appeal in the immigration field.

#### Employment

Millie is instructed by both companies and individuals in all areas of employment law. She has appeared in multi-day trials at the Employment Tribunal and also has experience of cases before the EAT and the Court of Appeal.

## Recent Property Cases

At the Court of Appeal Millie worked on the following cases in the field of property, housing and planning law :

- *R. (Jakimaviciute) v. Hammersmith and Fulham LBC* [2014] EWCA Civ 1438
- *R. (on the application of Larkfleet Homes Ltd) v Rutland CC* [2015] EWCA Civ 597
- *No Adastral New Town Ltd v Suffolk Coastal DC* [2015] EWCA Civ 88
- *Timmins v Gedling Borough Council* [2015] EWCA Civ 10

Real property:

- *Lloyds Bank v Leung* – considering whether ss.36 AJA 1970 and s.8 AJA 1973 applied to an all-monies mortgage
- *Dabora Conway v LBWF* – whether a sub-lease to a local authority who granted occupation rights to homelessness applicants was a business lease under Part II Landlord and Tenant Act 1954
- *Olofin v London Properties* – various issues arising from an agreement to purchase a property and its subsequent repossession by mortgagee including beneficial ownership and trusts of land.
- *HOI v W* – representing a freeholder in a service charges claim and a counterclaim for adverse possession of loft space not forming part of the demise under a long lease.
- *4 Southall Court v Guraga*– claim considering whether service and administration charges were due and reasonable, as well as whether a lease variation was valid.
- Representing the defendant in a fast-track claim for a breach of contract regarding the provision of architectural services in relation to a private property;
- Small claims trial for sums due under a deed granting a right of way but requiring the beneficiaries to pay costs of keeping the right of way in good repair;
- Advising in relation to an interim order to allow access and permit trading from jointly owned commercial premises;
- Advising in relation to a compulsory purchase order;
- Advising in relation to a proposed lease variation;
- Wills and probate disputes;
- Inheritance Act disputes.
- Party Walls;
- Boundary Disputes;

Judicial review:

- *Andrews v London Borough of Brent* (High Court, QBD) –two linked judicial reviews considering the suitability of accommodation pending review
- *A v A London Borough* (High Court, QBD) – a judicial review considering the failure to reach a s.184 decision and the failure to provide suitable accommodation in the interim.
- *St Albans v Harvard* (High Court, QBD) – whether new medical information was sufficiently considered in a *Mohammed* letter

#### Homelessness Appeals:

- *Kelly v London Borough of Brent* – s.204 appeal considering the latest guidance from the Supreme Court in *Hotak v London Borough of Southwark* [2015] UKSC 30
- *Magoury v London Borough of Brent* – s.204 appeal considering the latest guidance from the Supreme Court in *Haile v London Borough of Waltham Forest* [2015] UKSC 32
- *Bala v London Borough of Brent* – s.204 appeal considering the latest guidance from the Supreme Court in *Nzolameso v City of Westminster* [2015] UKSC 22
- *Sritharan v London Borough of Brent* – successfully defended a s.204 appeal concerning the suitability of an out of borough placement to Greenwich and the latest guidance from the Supreme Court in *Nzolameso v City of Westminster* [2015] UKSC 22
- *Mohamed v Brent* – successfully defended an out of borough placement to Telford.

#### Article 8 ECHR:

- *London Borough of Lewisham v Mefemi and persons unknown* – addressed the court on the application of Article 8 ECHR against trespassers in an application to stay an eviction. This case concerned the scope of *Malik v Fassenfelt* [2013] EWCA Civ 798;
- *Hon v Odotuyo* – Addressed the court on the application of Article 8 ECHR in proceedings against a private landlord.

#### Possession and injunctions:

- *CAHA v Walters* – successfully resisted the argument that the execution of the warrant should not be set aside for oppression. To read a report of this case click [here](#).
- *Islington v Summerston* – one day fast-track trial seeking a final injunction in an anti-social behaviour case.

#### Tenancy deposit issues:

- *Hon v Odotuyo* – Possession proceedings concerning the correct steps a landlord is required to take to comply with s213 Housing Act 2004 (tenancy deposit schemes);

#### Recent Immigration Cases

While at the Court of Appeal Millie worked on the following cases in the field of immigration:

- *TG and others v Director of Legal Aid Casework and the Lord Chancellor* [2014] EWCA Civ 1622
- *KI(Nigeria) v SSHD* [2015] EWCA Civ 255
- *Singh v SSHD* [2015] EWCA Civ 630
- *R. (on the application of B) v SSHD* [2015] EWCA Civ 445

Recent instructions in the field of immigration include:

- *The Queen (oao Ahmed) v SSHD* (Upper Tribunal, Immigration and Asylum Chamber)- Acting for an applicant in an application for permission to apply for judicial

review at the Upper Tribunal (Immigration and Asylum Chamber)

- *AO (Nigeria) v SSHD* (Court of Appeal)– representing the appellant in an oral hearing in the application for permission to appeal to the Court of Appeal. The case concerns the weight to be attached to s.117B(6) Nationality, Immigration and Asylum Act 2002, as amended, in the context of Part 5A as a whole.
- *The Queen (oao Tesslin Parker) v SSHD* (Court of Appeal) – representing the appellant in an oral hearing in the application for permission to appeal to the Court of Appeal. The case concerns an application for British Citizenship as a former CUKC from Jamaica.

Recent advice in the field of immigration includes:

- Advising on the merits of making a further application for leave on Zambrano grounds
- Advising a business on a potential revocation of their sponsor licence following employment of a person under a Tier 2 visa
- Advising on the prospects of success of a fresh application by a Turkish national to join spouse in a case involving a history of deception by the applicant

## Recent Employment Cases

At the Court of Appeal Millie worked on the following cases in the field of employment law

- *Shrestha v Genesis Housing Association Ltd* [2015] EWCA Civ 94
- *Kiani v SSHD* [2015] EWCA Civ 776

Millie recently acted for the successful respondent in an appeal to the Employment Appeal Tribunal in *Odukoya v Hopkins* (UKEAT/0251/16/DA). The case involved the question of jurisdiction and time limits for claims brought under the Equality Act 2010. The case can be found [here](#).

She has experience of conducting multi day trials in employment tribunals. Instructions include:

- A claim for unfair dismissal for whistleblowing;
- A claim for unfair dismissal and for disability discrimination related to absence by reason of illness;
- A constructive dismissal claim;
- A claim for unfair dismissal for gross misconduct;
- A claim for race and disability discrimination;
- A claim for unfair dismissal by reason of redundancy;
- Resisting a claim for unfair dismissal following an alleged TUPE transfer.

## Qualifications and Scholarships

University of Cambridge, LL.M  
University of K.U. Leuven (Belgium), European law  
King's College London, LL.B

### Scholarships:

Phoenicia Scholar, Bar European Group (2009)  
JP Warner Scholarship, Lincoln's Inn (2007)  
Graveson Prize for highest mark in Conflict of Laws examination, King's College London (2006)  
Lacey French Bursary, King's College London (2006)  
King's College London/University of Bologna Study Scholarship in Human Rights (2005)

## Seminars and articles

### Articles:

- “Does a judge have to consider Article 8 in possession proceedings brought by a private landlord” – case comment on *McDonald v McDonald* [2016] UKSC 28 which can be accessed [here](#).
- “Court of Appeal gives further guidance on Article 8 in immigration cases: *Singh and Khalid v SSHD* [2015] EWCA Civ 74” – please [click here](#) for the article.
- “When 3 became 1: the ECJ’s judgment in *C-31/09 Bolbol*” (2010) 9 *European Law Reporter* 303 – determining refugee status under Directive 2004/83.
- Contributor to the Westlaw Insight Encyclopedia on the following EU law topics:
  - (1) Freedom of Movement for Workers
  - (2) EU Citizenship
  - (3) Principles of effectiveness and equivalence
  - (4) Direct applicability

### Seminars

Millie regularly gives lectures to professionals on EU law and is an Associate Researcher at the University of K.U. Leuven in Belgium. Recent lectures include:

- “The traditional dilemma around the preliminary reference question: obligation or possibility to refer?” EIPA annual conference on the recent CJEU jurisprudence (Dec 2013)
- “Broadening the scope of application of state liability and narrowing the exceptions”, *EIPA annual conference on the recent CJEU jurisprudence* (Dec 2012)
- “New horizons? The horizontal application of fundamental rights in the EU”, *Society of Legal Scholars Annual Conference 2012* (Sep 2012)
- “The impact of EU Citizenship on national rules governing the form of entry of a person’s names in official documents”, *EIPA annual conference on the recent CJEU jurisprudence* (Dec 2011)
- “Legitimate Expectations”, *BEG and ALBA Annual Conference “General principles of review in EU and domestic law”*, fellow panellists: Laws LJ and Professor Forsyth (May 2011)
- “Fundamentals of EU law: Direct effect and Supremacy”, *European Academy of Law, judicial training* (April 2011)

## Languages

Fluent French

## Professional memberships

Employment Law Association, Bar European Group, Administrative Law Bar Association, Social Housing Law Association.

Millie is also a member of the Free Representation Unit and the Bar Pro Bono Unit.

She sits on the Lincoln's Inn European Law Committee. For more information please click [here](#).

## Social media

For Millie's LinkedIn profile please click [here](#).