

Charlotte Bayati

Call: 1995

Contact Charlotte Directly: 020 7353 6802 or
clerks@goldsmithchambers.com



Charlotte practises exclusively in immigration, asylum and nationality law at all levels of the tribunal and higher courts. Charlotte is recommended as a Leading Junior in Band 3 by the Legal 500 2018 as *'a very efficient and compassionate barrister who will go the extra mile for her clients.'* This adds to her successful entry in the 2017 edition as being *"very impressive in her drafting and an excellent advocate, who gives her full commitment to cases."*

Charlotte is extremely popular with her colleagues, solicitors and clients and has a very busy and enviable practice, which includes considerable higher court work. She offers a rare combination of being approachable and supportive, preparing her cases meticulously and rigorously and representing her clients with force and vigour at court. Her stand out feature is her obvious passion for her work.

Charlotte will undertake direct access work directly for members of the public, in suitable cases.

Immigration

Charlotte has developed huge expertise in EU cases, unlawful detention and in asylum and criminal deportation appeals to name only a few of her areas of practice.

Notable Cases

- MA (Pakistan) & Others v SSHD [2016] EWCA Civ 705: Charlotte Bayati, led by Stephen Knafler QC, representing the Third, Fourth and Fifth appellants. Appeal relating to the interpretation of s.117B(6) and the reasonableness of a qualifying child leaving the United Kingdom.
- TG & Others v SSHD [2015] UKUT 295: Charlotte Bayati and Amanda Walker representing the Fourth Appellant PM and his family. Country Guidance case on Afghan Sikhs.

Location

Goldsmith Building Temple
London
EC4Y 7BL

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T: +44 (0)20 7353 6802
F: +44 (0)20 7583 5255
E: clerks@goldsmithchambers.com
DX: 376 Chancery Lane

- KV (scarring – medical evidence) Sri Lanka [2014] UKUT 00230(IAC).
- FA (Iraq) v SSHD – C5/2013/0166 & LJ (Somalia) v SSHD – C5/2013/2475: Hugh Southey QC and Charlotte were recently instructed in two appeals that argued that (relying on EU law as well as other matters) where a person was at risk of persecution in their home state, the fact that there was a third country that had previously offered protection did not result in a denial of protection unless, among other matters, the SSHD could demonstrate that they would be re-admitted to the third country. Earlier the Tribunal had ruled that the burden was on the appellant to demonstrate that they would not be re-admitted. The SSHD conceded both appeals and in the second case accepted an error of law thereby remitting it back to the Tribunal for reconsideration.
- R (TK) v SSHD – CO/2094/2013 & R (II) v SSHD – CO/2100/2013: This case involved much media attention as it succeeded in blocking the removal of failed asylum-seekers by charter flight to Sri Lanka. The High Court gave judgment in favour of the appellants due to the wealth of evidence presented on the deteriorating situation for Sri Lankan-Tamils returning from abroad. The Upper Tribunal was also due to hear the country guidance in relation to Sri Lankan Tamil asylum-claims so the High Court also established that it would not be lawful for any failed Tamil asylum-seekers to be returned until the country-guidance case was determined and the risk to this group properly assessed, a phenomenal achievement.
- SS (Sri Lanka) v SSHD [2012] EWCA Civ 155 (21 February 2012)
- SSHD v SK (Sri Lanka) [2012] EWCA Civ 16 (19 January 2012)
- SS (Sri Lanka) v SSHD [2011] EWCA Civ 76 (09 February 2011)
- Vellaokuddi, R (on the application of) v SSHD [2010] EWHC 415 (Admin) (04 March 2010)
- XY v SSHD [2010] EWCA Civ 770 (15 June 2010)
- FN (Zimbabwe) v SSHD [2010] EWCA Civ 255 (16 March 2010)

Appointments

- Asylum Support Judge
- First-tier Tribunal Judge

Memberships

- LLM (International Human Rights Law), Essex University
- LLB, South Bank University

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