

Phil Haywood



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Profile

Prior to being called to the Bar, Phil qualified as a solicitor and worked as a Legal officer at the Refugee Legal Centre.

His practice encompasses advocacy and representation at all levels, in the Immigration Tribunals, where he has represented in numerous cases, and the Administrative Court and Court of Appeal. His practice also covers the cross over between immigration and public law and community care.

He accepts instructions on a public direct access basis.

What the directories say

"...an immigration stalwart, who is highly regarded for his extensive experience and expertise."

"A barrister who has an incisive mind, cuts to the chase and sees the bottom line."

"He is very good on tricky cases or cases with unusual factual situations. He is a very good advocate."

"He delivers excellent, persuasive written work and he is always alert to the weakness that needs addressing in a case." - Chambers and Partners 2024, Band 2

"One of the unsung heroes of the Immigration Bar. He's very committed to his clients, thorough in his preparation and excellent for written work." - Chambers and Partners 2023

"His knowledge of immigration and asylum law is first class and he is an excellent advocate. A great strength of his is an ability to train and guide solicitors and paralegals who may not have the in-depth knowledge with patience." - Legal **500 2023**

"He is a real specialist who has great knowledge of the area and is very detailed. He is a very reassuring presence in the tribunal too." - Chambers and Partners 2022

"Phil is a go-to, razor-sharp barrister, tactical and very reliable." - Legal **500 2022**

Education

BA (Hons)

Related practice areas

Immigration

Anti-Trafficking

Community Care and Health

Children's Rights Group

Immigration Detention Group

Immigration Asylum and Personal

Phil has extremely extensive experience of advising and representing clients in all areas of immigration law. He has particular expertise in complex asylum and human rights cases, and complex deportation appeals, involving serious criminality, exclusion from international protection, and issues relating to mental and physical health.

He has expertise in working with vulnerable clients, including unaccompanied children, clients with capacity issues, clients with poor physical and mental health, and victims of sexual violence, trafficking and torture.

His practice encompasses the full range of cross-over areas of public law related to Immigration law, including challenges to detention, local authority age assessments (where he has considerable experience of appearing in the Administrative Court and Upper Tribunal),

and asylum support (he has been instructed in numerous judicial reviews and applications for interim relief), and community care.

He is also available to undertake urgent work, including stays on removal. He has obtained stays on removal in a number of complex cases. In June 2022, he obtained the last domestically granted injunction before the European Court of Human Rights intervened to prevent the departure of the first Rwanda flight. In 2023, he acted pro bono for one of the two initial successful applicants for protection, in protection claims made by Sri Lankan and Indian Tamil applicants who had arrived by boat at the British Indian Ocean Territory of Diego Garcia.

Phil regularly provides expert advice on Immigration related matters in family and extradition proceedings in the UK. He has also provided written advice in Hague Convention child abduction proceedings in Federal Courts in the United States.

He represented the Council of Europe, as Council of Europe expert, and presented lectures in seminars in Russia to justices of the Chechen Supreme Court. He also lectured to European Ombudsmen in Padua, Italy as the Council of Europe invited expert on the rights of irregular migrants.

He is a former member of the executive Committee of the Bar Human Rights Committee and drafted or co-drafted amicus briefs in *Muriel Mining* (submitted to the Constitutional Court of Colombia); *Radilla-Pacheco v Mexico* (Inter-American Court of Human Rights); *Valentina Rosendu Cantú v Mexico* (Inter-American Court of Human Rights); and *David Ravelo Crespo* (Court of Cassation of the Colombian Supreme Court).

He has been a trustee of the charity Medical Justice since 2021.

He is a former contributor to the *Butterworths Immigration Law Service*.

Cases include:

- ***Onur v United Kingdom*** (2009) ECHR 289: Challenge in the European Court of Human Rights to deportation on conducive grounds;
- ***N and ors v United Kingdom*** (16458/12); November 2012: as co-drafter of written intervention by Human Rights Watch on risks of enforced return to Sri Lanka;
- ***Oguz v SSHD*** [2011] EUECJ C-186/10 (as junior): European Court of Justice case concerning the EU-Turkish association agreement and ‘abuse of rights’;

- **CM (EM Country Guidance: Disclosure)** [2013] EWCA Civ 1303 (as junior): concerning Home Office disclosure duties in country guidance cases;
- **FB (Uganda) v SSHD** [2018] EWCA Civ 878; **KK (Sri Lanka) v SSHD** [2019] EWCA Civ 172: successful deportation appeals in the Court of Appeal;
- **R (Mahboubian) v SSHD** [2020] EWHC 3289 (Admin): detention during the Covid lockdown;
- **R (Babbage) v SSHD** [2021] EWHC 2995 (Admin): complex detention claim where the Court made findings on the length of the period that was reasonable for the Home Office to source accommodation for an immigration detainee requiring NASS accommodation to secure his release;
- **CM (EM country guidance; disclosure) Zimbabwe** CG [2013] UKUT 00059(IAC));
- **AB and Others (internet activity – state of evidence)** Iran [2015] UKUT 257 (IAC): reported case (followed in subsequent county guidance cases) on risk created by social media use for those facing enforced return to Iran;
- **Charles (human rights appeal: scope)** [2018] UKUT 89 (IAC): The President of the Tribunal provided guidance on the ambit of the Tribunal's jurisdiction in human rights appeals;
- **R (SGW) v SSHD (Biometrics - family reunion policy)** [2022] UKUT 15 (IAC): the Tribunal made a declaration that one element of the Home Office's policy on refugee family reunion, requiring the enrolment of biometrics before consideration of an application for family reunion, was unlawful.

Phil has also acted in other (unreported) challenges to Home Office policies, including in a successful challenge to the lack of clarity in Home Office policy on the length of the 'grace period' for the making of further applications for leave following the grant of a fee waiver, which lead to a review of Home Office policy on the issue (*FE v SSHD*, JR-2022-LON-00917 (unreported)); to the policy on payment of travel expenses to asylum seekers required to report to a reporting centre, in conjoined claims by a number of applicants (leading to changes to Home Office guidance during the proceedings); and on the policy on the imposition of conditions preventing recourse to public funds.

Immigration Business and Commercial

Phil has considerable experience of advising and representing individuals and businesses.

He has advised and acted in numerous cases for businesses, colleges and charities, bringing challenges in the Administrative Court to the suspension or revocation of their sponsor licences under the Points Based Managed Migration System. He appeared in ***R. (London College of Management Ltd) v SSHD*** [2012] EWHC 1029 (Admin).

Actions Against the Police and Public Authorities

Phil has considerable experience in bringing damages claims following unlawful detention by immigration authorities, in the High Court and County Court.

Reported cases include:

- ***R (Mahboubian) v SSHD*** [2020] EWHC 3289 (Admin);
- ***R (Babbage) v SSHD*** [2021] EWHC 2995 (Admin).

Administrative and Public Law

Phil has extensive experience of bringing judicial Review proceedings within his core practice areas, and in cases involving the 'cross over' between Immigration and related areas of public law, including public and private law detention claims, challenges to local authority age assessments, asylum support and community care, and challenges to trafficking decisions.

National Security

Phil has acted for a number of clients who have faced allegations of involvement in the support for terrorism, raising national security considerations; or exclusion under the terms of the Refugee Convention on account of alleged intentional criminality.