

Antonia Benfield



Call: 2013

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Profile

Antonia works across the fields of asylum, immigration and public law with a specialism in refugee, asylum law and children's rights. Before joining the Bar, Antonia worked for NGOs including the Refugee Council, and has spent over 18 years working in support of refugee and migrant rights.

Antonia is regularly instructed in the First-Tier and Upper Tribunals, High Court and Court of Appeal on asylum and public law claims, with a particular focus on complex claims and those involving victims of torture and sexual violence. Combining her backgrounds in the NGO field, Antonia is highly regarded for her ability to engage with particularly vulnerable clients and her detailed knowledge of country conditions and asylum policy. She is especially well placed to undertake cross-cutting work in the fields of immigration, children's rights and public law and works on complex country guidance cases and claims involving cessation/revocation of international protection.

Antonia is regularly instructed in public law challenges on behalf of unaccompanied asylum-seeking children whose age is disputed by the Home Office or local authorities, unlawful detention of putative children and asylum support challenges under the Immigration and Asylum Act 1999. In addition, she acts on behalf of adults and unaccompanied minors in

challenges to trafficking decisions and unlawful detention claims. Antonia acts in criminal deportation, human rights claims and EEA challenges and has extensive expertise in out-of-hours and urgent claims.

She was appointed as Counsel to the Independent Inquiry into Child Sexual Abuse (IICSA), on the Children outside the UK (Phase 2) and Child Sexual Exploitation by Organised Networks investigations from 2018 to 2022.

Antonia was a finalist for Legal Aid Barrister of the Year in the Legal Aid Lawyer of the Year Awards in 2023.

What the directories say

Chambers and Partners, 2024: ranked as a leading junior in immigration, administrative and public law and community care.

'Antonia Benfield is renowned by peers for her strong advocacy and knowledge in the areas of public law, immigration and asylum. She acts for vulnerable claimants, including individuals with mental health issues and asylum seekers. Age assessment and unlawful detention claims feature heavily in her practice.'

'Antonia Benfield is an impressive junior whose practice covers public law, immigration and community care. She frequently acts for claimants in age assessment challenges.'

Legal 500, 2024: ranked as a leading junior in immigration law and court of protection and community care.

'Antonia is a truly outstanding advocate. She is as sharp, knows her cases inside out, and is measured and compelling in submissions. She is flawless.'

'Her advocacy and drafting skills are unmatched and she is always keen to make a real change with her work. She excels at working with vulnerable clients who are victims of torture, sexual violence, and other heinous crimes, and her passion for her work really shines through in her hard work and dedication to each and every case she works on.'

Chambers and Partners, 2023:

- *"Antonia is an immensely impressive junior barrister. She is a dedicated fighter and this shines through in her meticulous attention to detail and willingness to go the extra mile."*

- *"Antonia is responsive and brilliant to work with."*

Legal 500, 2023: ranked as a leading junior in both immigration law and court of protection and community care.

- *‘Go-to counsel for complex cases and those involving vulnerable clients. She is very sharp and will often pick up on issues others would miss. In court, she is a powerful advocate and fights fearlessly for her clients.’*

- *“Antonia is unparalleled in her knowledge and expertise in age assessment disputes. She is extremely efficient and sharp.”*

Chambers and Partners, 2022: *“She works incredibly hard. She has a calm and reassuring presence and is super clever.” “She has extensive knowledge and is very thorough and quick to respond. She is incredibly passionate about her clients and is a delight to work with.”*

Legal 500, 2022: *“Antonia has excellent skills in picking up points that others would miss, her keen eye for detail is combined with her powerful advocacy.” “She is highly passionate in preparing and representing cases on sexual violence, victims of torture, rape and child abuse.”*

Chambers and Partners, 2021: *“She is extremely intelligent, a formidable opponent.”*

Legal 500, 2021: *“Astonishingly bright. Antonia’s strengths include being incredibly fast to grasp all details of the case and having a mastery of every minute detail of the claim. She has amazing analytical skills.” “Antonia’s oral submissions are outstanding and very persuasive; she is extremely knowledgeable on all aspects of immigration law.”*

Education

MA Social Anthropology of International Development, SOAS, 2006

BA History of Art and Archaeology (Asia and Africa), SOAS, 2004

Graduate Diploma in Law, University of Law, 2012

BPTC, University of Law, 2013

Related practice areas

Immigration

Immigration Detention Group

Administrative & Public Law

Community Care and Health

Children's Rights Group

Anti-Trafficking

Immigration and Asylum Law

Antonia specialises in asylum and refugee law, representing both high-profile individuals and vulnerable clients including those who have been the victims of trafficking, serious human rights abuses and torture. She has particular experience working with clients who have complex mental health problems.

She is well regarded for her extensive knowledge of asylum law and policy and her sensitivity in working with vulnerable clients. Antonia is dedicated to the advancement of refugee rights and regularly works for NGOs and Law Centres, who are in particular need of high-quality representation.

She has a particular interest in complex policy challenges in relation to the cessation and revocation of refugee status in line with UNHCR standards, cases of disputed and doubtful nationality and the interpretation of medico-legal reports as independent evidence of torture.

Antonia is highly experienced in refugee claims from Sri Lanka, Eritrea, Afghanistan, Uganda and the Democratic Republic of Congo. Her knowledge of country information is extensive and she excels in presenting complex factual cases.

Significant cases

KK and RS (*Sur place* activities: risk) Sri Lanka CG [2021] UKUT 0130 (IAC) – country guidance case addressing the risk to those who have been involved in *sur place* political activities against the Sri Lankan government. The SSHD's appeal to the Court of Appeal challenging the country guidance failed in **KK & RS (Sri Lanka) v SSHD [2022] EWCA Civ 119**.

Patel v Secretary of State for the Home Department; Secretary of State for the Home Department v Shah [2019] UKSC 59 – instructed by Liberty as intervener before the Supreme Court considering derivative rights of residence held by Zambrano carers.

KK (Sri Lanka) & Anor v Secretary of State for the Home Department [2019] EWCA Civ 59 – appeal before the Court of Appeal considering the risk for Sri Lankan nationals who have given evidence as witnesses to war crimes before the UN OISL inquiry, and the risk of persecution as a result.

MST and Others (national service – risk categories) Eritrea CG [2016] UKUT 00443 (IAC) – country guidance case considering the risk on return for Eritrean nationals, in which the UNHCR acted as intervener. Considering whether there had been change in the country

situation following a change in the Home Office's policy to the human rights situation in the country. The case established that the risk categories for Eritrean asylum seekers should be maintained and extended to provide a protection against a breach of Article 4 (2) ECHR for those required to undertake national service in Eritrea which was found to constitute forced labour.

MST and Others (Disclosure – restrictions – implied undertaking) Eritrea [2016] UKUT 00337 (IAC)

Ayinde and Thinjom (Carers – Reg.15A – Zambrano) [2015] UKUT 560 (IAC) - EEA test case concerning the rights of Zambrano carers to a derivative right of residence under Reg. 15A(4A), and whether requiring an adult dependent EEA national to enter state care, in the alternative to receiving care from a family member, amounted to an infringement of the genuine enjoyment of their rights as EEA nationals.

Administrative and Public Law

Antonia specialises in public and administrative law in immigration and asylum cases as well as in age-dispute/age assessment challenges for asylum-seeking children, asylum support challenges, trafficking claims and challenges under the Dublin III Regulations.

In the field of asylum law, she is regularly instructed in asylum fresh claims and challenges to clearly unfounded certificates as well as complex claims involving statelessness applications and the Dublin III regulation.

Antonia has particular experience in judicial review challenges against local authorities and the Home Office on behalf of unaccompanied asylum-seeking children, including age dispute challenges, challenges to detention, termination of support and dispersal and challenges to transfer under the National Transfer Scheme. She is presently instructed on a number of complex cases involving disputes between local authorities about the responsibility for unaccompanied asylum-seeking children.

Significant cases

R (ECPAT UK) v Kent County Council & SSHD [2023] EWHC 1953 (Admin) – successful challenging establishing that the use of hotel accommodation provided by the SSHD for unaccompanied asylum-seeking children was unlawful.

R (MA & HT) v Secretary of State for the Home Department [2022] EWHC 98 (Admin) – successful challenge to the lawfulness of the Kent Intake Unit Social Worker guidance governing the conduct of age assessments for putative children while detained at the KIU.

R (NB & Ors) v Secretary of State for the Home Department [2021] EWHC 1489 (Admin) – successful challenge to the adequacy of Napier Barracks as asylum-support accommodation under section 95 IAA 1999.

R (NG & Ors) v London Borough of Hillingdon & Ors [2020] EWHC 2847 (Admin) – a significant challenge against the practice of the London Borough of Hillingdon in refusing to accommodate UASCs under section 20 Children Act 1989 on the basis that suitable accommodation was available to them provided by NASS with adult asylum-seekers in hotel type accommodation.

R (on the application of HBTN) v Sunderland City Council & Ors [2019] EWHC 3221 (Admin) – judicial review claim on behalf of a Vietnamese victim of trafficking whose identity was in dispute as was the question of which local authority was under a duty to support and accommodate under CA 1989.

R (on the application of General Abdulwaheed Shannan Al Rabbat) v Westminster Magistrates' Court [2017] EWHC 1969 (Admin) - a private prosecution brought by a former Chief of Staff of the Iraqi Army seeking the prosecution of Tony Blair, Jack Straw and Peter Goldsmith QC for the crime of aggression in invading Iraq in 2003. Led by Michael Mansfield QC. Heard before the Lord Chief Justice with the Attorney General intervening.

Community Care

Antonia specialises in cases that involve a cross-over between community care and immigration. She has particular experience in public law challenges on behalf of age disputed and unaccompanied asylum-seeking children including challenges to local authority age assessments and cases that involve detention and transfers under the Dublin III Regulations. In addition, she regularly acts in judicial review challenges under the Children Act 1989 including claims considering the suitability of accommodation and support for age disputed unaccompanied asylum-seeking children and the provision of section 20 support.

Significant cases

R (NG & Ors) v London Borough of Hillingdon & Ors [2020] EWHC 2847 (Admin) – a significant challenge against the practice of the London Borough of Hillingdon in refusing to

accommodate UASCs under section 20 Children Act 1989 on the basis that suitable accommodation was available to them provided by NASS with adult asylum-seekers in hotel type accommodation.

R (on the application of HBTN) v Sunderland City Council & Ors [2019] EWHC 3221 (Admin) – judicial review claim on behalf of a Vietnamese victim of trafficking whose identity was in dispute as was the question of which local authority was under a duty to support and accommodate under CA 1989.

R (F) by his litigation friend Maria Houlihan v Manchester City Council [2019] EWHC 2998 (Admin) – judicial review claim relating to a challenge to a refusal to reassess age in the light of further evidence.

Public Inquiries

Antonia was instructed as junior counsel to the inquiry from 2018 to 2022 (led by Henrietta Hill QC) in the **Independent Inquiry into Child Sexual Abuse**: Children outside the UK investigation and the investigation into Child Sexual Exploitation by Organised Networks. The final report of the Inquiry is available [here](#).

Training

Antonia regularly delivers training both for, and in partnership with, NGOs and community organisations particularly focusing on the asylum system and issues affecting asylum-seeking and refugee clients. She regularly speaks at public events on refugee and broader human rights issues.

She is an Advocacy Trainer for the Honourable Society of Lincoln's Inn.