

Rowena Moffatt



Call: 2009

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Profile

Rowena is a public law practitioner whose main areas of practice are administrative law, human rights and international law (including EU law).

In terms of her administrative law practice, she has particular expertise in immigration and asylum law and community care. Rowena is well-placed to undertake work at the intersection of these areas, including age assessment, trafficking and modern slavery and asylum support judicial reviews. She regularly undertakes cases under the Children Act and Care Act.

Rowena further regularly undertakes statutory appeal work in the First-tier Tribunal, Upper Tribunal (Immigration and Asylum Chamber) as well as onward appeal to the Court of Appeal. She is one of the authors of the central handbook on asylum and human rights appeals in the First-tier, the EIN *Best Practice Guide to Asylum and Human Rights Appeals* (updated edition forthcoming EIN, 2021).

Rowena regularly represents individuals in immigration detention. She advises and provides representation for individuals seeking immediate release through judicial review as well as civil damages claims for unlawful detention.

She also has a substantial advisory practice, including advice to businesses and individuals on their immigration matters.

Rowena has particular expertise in international law, and in particular, EU law. She is the co-author of *EU Law in Judicial Review* (OUP, 2014) and various texts on Brexit. She also regularly gives talks in the area, including at Chatham House (2017, Constitutional Consequences of Brexit) and the Immigration Law Practitioners' Association, as well as giving regular seminars at Doughty Street and in house.

Rowena also advises and provides representation in international cases and in particular those engaging international human rights.

Rowena is a convenor of the Courts and Tribunals Working Group of the Immigration Law Practitioners' Association ('ILPA'), was a member of the JUSTICE Working Party on Tribunal Reform (2018), Case Notes Editor of the Journal of Immigration, Asylum and Nationality Law (2015-2020), and is an author for Lexis PSL. During 2010-11, Rowena was judicial assistant to Lord Dyson at the United Kingdom Supreme Court. She has a DPhil in administrative law (Oxford University).

Rowena is accredited for direct access, which means she can be instructed directly by anybody without the need to go through a solicitor.

Rowena is ranked by the legal directories.

What the directories say

"A pleasure to work with. She is extremely good on the law. She knows what it takes to win and what is best to leave behind." - Chambers and Partners 2023

"Rowena is the epitome of a safe pair of hands. She has an incredible knowledge of the law and her advice is always clear and thorough." - Legal 500 2023

"She is extremely thorough, very collaborative and very approachable." "She is excellent: really bright, responsive and calm under pressure." - Chambers and Partners 2022

"Rowena is exceptionally bright and is able to deliver her advice in an easily understandable manner. She is also good at focussing on the crucial issues." - Legal 500 2022

Publications

- EIN *Best Practice Guide to Asylum and Human Rights Appeals* (forthcoming EIN, 2021)

- *Textbook on Immigration and Asylum Law*, 9th edn, Gina Clayton (EU and Human Rights Chapters), (forthcoming, OUP, 2021)
- *Human Rights of Migrants in the 21st Century*, Elspeth Guild et al eds, 2017 (Family life chapter)
- *Brexit: The Immediate Legal Consequences*, Richard Gordon QC and Rowena Moffatt, The Constitution Society, 2016
- *Textbook on Immigration and Asylum Law*, 8th edn, Gina Clayton and Georgina Firth (EU Chapter), 2016
- Judgment C-63/15 *Ghezelbash* and C-155/15 *Karim*, Case Comment, Journal of Immigration, Asylum and Nationality Law ([2016] JIANL 30(3), 284-285)
- *Sanneh*, Case Comment, Journal of Immigration, Asylum and Nationality Law ([2015] JIANL 29(2), 232-233)
- *2014 in Immigration, Citizenship and Deportation*, Judicial Review ([2015] JR 20(1) 48-56)
- *The Ashgate Research Companion to Migration Law, Theory and Policy* (Publication Review) ([2015] JIANL 29(1) 66-67)
- *The Law and Practice of Expulsion and Exclusion from the United Kingdom: Deportation, Removal, Exclusion and Denial or Deprivation of Citizenship*, Eric Fripp, Rowena Moffatt and Ellis Wilford (Hart; Dec 2014)
- *EU law in Judicial Review*, Richard Gordon QC and Rowena Moffatt (OUP; Oct 2014)
- 'And Then They Came for Judicial Review: Proposals for Further Reform', Rowena Moffatt and Carita Thomas, Journal of Immigration, Asylum and Nationality Law ([2014] JIANL 28(3) 237-253)
- XY & Z Case Comment, Journal of Immigration, Asylum and Nationality Law ([2014] JIANL 28(1) 53-56)?

Education

BA Hons (Oxon) English Literature and Modern Languages (First)

Graduate Diploma in Law (Distinction)

Inner Temple Scholarship

LLM in European Law, College of Europe, Bruges (Distinction)

DPhil in Law (Oxon)

Languages

French

Spanish

Related practice areas

Immigration

Community Care and Health

Anti-Trafficking

Children's Rights Group

Immigration Detention Group

Immigration Asylum and Personal

Rowena provides representation and advice to those with appeals in the Immigration and Asylum Chamber (First-tier and Upper Tribunals), in immigration judicial review claims and, in both cases, on onward appeal to the Court of Appeal. Her expertise covers all areas of immigration and asylum law including the Refugee Convention, the European Convention on Human Rights, EU and EEA law, nationality law, detention and bail, removal and deportation, and the Immigration Rules including entry clearance and points based system applications.

Rowena also has substantial experience and regularly provides representation in areas that intersect with immigration and asylum, in particular, trafficking and modern slavery judicial reviews, age assessment cases and asylum support challenges.

Rowena frequently provides lectures and training on immigration and asylum law and is the author of a number of texts in the area.

During her time as a judicial assistant at the Supreme Court, Rowena worked on a number of important immigration cases, including **MA (Somalia)** [2010] UKSC 49, **Lumba** [2011] UKSC 12, **Cart** [2011] UKSC 28, and **RT (Zimbabwe)** [2012] UKSC 38.

Immigration Business and Commercial

Rowena has a substantial advisory practice in business immigration law, including advice to high net worth individuals and companies on their immigration matters. Rowena is particularly well-placed to advise on the effects of Brexit on businesses.

Administrative Law and Public Law

Rowena is regularly instructed in judicial review proceedings challenging the decisions of public authorities.

She has substantial experience of and regularly provides representation in the intersecting areas of immigration and asylum and community care, in particular, trafficking and modern slavery judicial reviews, age assessment cases and asylum support challenges. She also frequently undertakes cases under the Children Act 1989 and Care Act 2014.

She has specific expertise in relation to EU aspects of judicial review claims and is co-author of *EU Law in Judicial Review* (OUP 2014) as well as a forthcoming major work on the withdrawal legislation

Actions Against the Police and Public Authorities

Rowena regularly advises and provides representation for individuals seeking compensation for unlawful detention as well as other civil claims relating to immigration detention. Rowena is particularly well-placed to provide representation in this area as the author of the 'Enforcement' chapter in the upcoming *Jacksons on Immigration Law* (4th edn, Bloomsbury). Whilst judicial assistant to Lord Dyson MR at the Supreme Court she worked in particular on **Lumba v SSHD** [2011] UKSC 12.

International Law

Rowena provides advisory work in international human rights law, including the UN Conventions on the Rights of Persons with Disabilities and the Rights of the Child. She also undertakes international field work, including missions to Ukraine and Azerbaijan with the International Bar Association's Human Rights Institute. Rowena has particular expertise in European human rights and European Union law and has written and given talks extensively in this area.

Equality and Discrimination

Rowena has expertise in equality and discrimination law, particularly cases with an EU element. She advises on the impact of the Equality Act in her cases.

Community Care and Health

Rowena regularly undertakes advisory work and representation for individuals in judicial reviews against local authorities including under the Children Act 1989 and Care Act 2014.

Rowena is well-placed to undertake work at the intersection of community care with immigration law, including age assessment, trafficking and asylum support judicial reviews.

She is also particularly well-placed to advise on community care cases with EU elements.