

## Michelle Knorr



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### Profile

Michelle is regularly instructed in judicial reviews, First-tier Tribunal and Upper Tribunal asylum and human rights appeals. She has a particular interest in representing clients with mental health problems, disabilities, children and victims of trafficking. She has specialist expertise in family reunification claims for children and vulnerable adults. She also advises in private law actions for false imprisonment and human rights act damages claims.

Since 2015 Michelle has frequently represented children and vulnerable adult asylum seekers seeking reunification with family members in the UK in accordance with their right to family life and under the Dublin III Regulation. Some of her significant cases in this area include:

- In ***R (ZAT and Others) v SSHD*** (*Article 8 ECHR - Dublin Regulation – interface – proportionality*) *IJR* [2016] UKUT 00061; *ZT (Syria) v SSHD* [2016] 1 WLR 4894  
Michelle represented three unaccompanied Syrian refugee children and a vulnerable adult stuck in the Calais “Jungle” who obtained a mandatory order that the Home Secretary admit them to join their family members in the UK in accordance with their right to family life. This litigation spurred France and the UK to improve their

implementation of the family reunification provisions in the EU Dublin III Regulation and has led to hundreds of unaccompanied children being permitted to travel lawfully from across Europe to the UK to join family members pursuant to the Dublin III Regulation.

- Michelle has acted in a series of cases concerning the SSHD's investigative duties and unaccompanied children's right to review transfer refusals under Dublin III including the seminal cases of **R (MK, IK and HK) v SSHD** (Calais; Dublin Regulation – investigative duty) IJR [2016] UKUT 00231, **R (on the application of MS) (a child by his litigation friend MAS) v Secretary of State for the Home Department** (Dublin III; duty to investigate) [2019] UKUT 00009 (IAC) and **MS v SSHD** [2019] EWCA Civ 1340. Michelle represented unaccompanied asylum-seeking minors IK and HK and MS in their successful challenges to the Home Secretary's refusal of their transfer request under Dublin III to join their family members in the UK. The judgments confirm that the Home Office has an investigative duty on receipt of a request from another Member State, and cannot simply refuse a request based on information in Home Office files. In **MS** Tribunal also concluded that Article 27 Dublin III together with Article 8 ECHR entitled MS to a hearing in which the Tribunal itself considered the evidence as to whether he was related to MAS.
- Michelle has represented a number of unaccompanied children challenging delays in Dublin III decision making in which the Upper Tribunal has held that the SSHD's practices in processing Dublin III family reunion claims are unlawful. See for example the cases of **TT & ST v SSHD** JR/5405/2018, **AT v SSHD** JR/5406/2018 and **FA v SSHD** JR/5523/2018.
- In **R (Citizens UK) v SSHD** [2018] 4 WLR 123 Michelle represented Citizens UK in their successful challenge to the fairness of the process the Home Office set up in France for considering the claims of over 1000 unaccompanied asylum seeking children to join family members in the UK. The Court of Appeal found the process was procedurally unfair and that the Home Secretary had materially misled the High Court. See [here](#) and [here](#). Michelle also successfully acted for number of unaccompanied children challenging individual decisions in this process: see for example **R (AM & Others) v SSHD** (Dublin - Unaccompanied Children - Procedural Safeguards) [2017] UKUT 00262 (IAC).

Michelle also has particular expertise in trafficking claims, including judicial reviews of NRM decision-making, unlawful removals, asylum claims and damages claims for investigative failures. Significant cases in this area include:

- **R (Atamewan) v SSHD** [2013] EWHC 2727 – Michelle was led by Phillippa Kaufmann

QC in a successful challenge to the Home Office policy on historic victims of trafficking. The Divisional Court also found a breach of Article 4 ECHR due to the failure to refer the case to the police, and the SSHD was ordered to return the client to the UK.

- Michelle represented FT, a recognised victim of trafficking, in multiple successful challenges to his unlawful detention for four years in immigration detention, refusal to recognise him as a victim of trafficking, failure to grant him a residence permit as a victim of trafficking and the decision to pursue his deportation. In one of these challenges, ***R (on the application of FT) v Secretary of State for the Home Department*** (“rolling review”; challenging leave granted) [2017] UKUT 00331(IAC) the Upper Tribunal gave guidance on grants of ILR to victims of trafficking, recognising that it was relevant to consider the impact on their mental health of short grants of leave and also any harm caused to them by the Home Office.

Michelle has been instructed in numerous other significant cases concerning children and young people’s rights. The following are some examples:

- ***JA (child - risk of persecution) Nigeria*** [2016] UKUT 00560 (IAC) - A successful asylum appeal concerning whether an albino child from Nigeria would face persecution on return. This is a guidance case on the threshold for persecution for children and the need to consider child specific rights in determining whether that threshold is met.
- Michelle also acted for **The Children’s Society** in a successful challenge to removal of legal aid for unaccompanied children under LASPO 2012.
- Michelle represents young people in a series of challenges to the 10 Year Route to settlement, which disadvantages children and young people with rights to remain in the UK based on their long residence and private life.

After working at the Legal Aid Department in Lilongwe in 2006, Michelle established the **Malawi Public Interest Case Support Project** with the Bar Human Rights Committee and lawyers in Malawi in 2009. She has advised in Malawian cases concerning women’s property rights, police brutality, lengthy remands in homicide cases, and the closure of radio stations for “national security” reasons during the July 2011 protests.

Michelle is a trustee of **Room to Heal** a charity providing community-based therapeutic support for refugees and asylum seekers who have suffered human rights violations.

Prior to training as a lawyer, Michelle worked for several international development NGOs. In 2003 she founded a UK registered trust called **Nyumba Ya Thanzi** which supports community designed and implemented projects in Malawi. Nyumba Ya Thanzi currently supports a centre for children with HIV located in Salima, Malawi.

### **Education**

BA Political Science, Brown University, USA

LLM International Human Rights Law, University of Essex

GDL, BVC

Giulia Mereu scholar, University of Essex

Hardwicke, Lord Denning and Eastham scholar, Lincoln's Inn

### **Related practice areas**

Immigration

Anti-Trafficking

Administrative & Public Law

Children's Rights Group

Immigration Detention Group

## **Immigration Asylum and Personal**

Michelle specialises in human rights and asylum cases. She is frequently instructed to represent particularly vulnerable clients including victims of torture, victims of trafficking, children and clients with physical and mental health problems.

She has successfully acted in a number of complex "war crimes unit" exclusion cases, including for clients accused of involvement in international crimes in Iraq and Rwanda.

She frequently represents clients in deportation Article 8 judicial reviews and appeals and has a particular interest in cases relating to the best interests of children.

Michelle frequently acts in detention cases, including detained fast track, bail and public and private law detention challenges. These include a number of cases with mental health aspects to an unlawful detention claim.

Michelle has expertise in immigration related public and private law challenges, including judicial reviews of fresh claim refusals, legacy decision making, NRM decisions, Article 4 breaches in trafficking cases, certification decisions, and delays in decision making.

Before training as a barrister, Michelle worked at Wilson Solicitors LLP as a senior

immigration caseworker. Many of her clients suffered from mental health problems, often as a result of their traumatic experiences in their countries of origin and in trying to claim asylum in the UK. She is particularly well placed to advise on case preparation having worked as a caseworker.

## Community Care and Health

Michelle represents clients subject to immigration control in asylum support and community care judicial reviews. She frequently advises on duties arising under s.17 Children Act and s.21 National Assistance Act. She regularly represents clients pro bono at the Asylum Support Tribunal as a volunteer with the Asylum Support Appeals Project.

## Administrative and Public Law

Michelle is frequently instructed in immigration related public law challenges. As above, she frequently acts in urgent challenges to family reunification refusals for unaccompanied asylum-seeking children. She accepts instructions in urgent challenges to removals and has particular expertise in trafficking claims and detention claims.

## Actions Against the Police and Public Authorities

Michelle's practice in this area arises out of her immigration practice. In particular, she has expertise in the duties of police and other public authorities towards victims of trafficking, particularly relating to the investigative duties arising under Article 3 and 4 ECHR. She is also involved in a claim against immigration officers for their conduct of a dawn raid.