

Charlotte Bayati

Call: 1995

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Charlotte practises exclusively in immigration, asylum and nationality law at all levels of the tribunal and higher courts. Charlotte is recommended in the Legal 500 2025 edition in the highest Tier (Tier 1 – *Leading Juniors*) – “Charlotte has time for everyone and has an encyclopedic knowledge of immigration. She is an avid listener and is always composed and is easily of silk material”. Charlotte has also been ranked in Chambers & Partners 2025 directory, in band 4; “Charlotte Bayati has acted in a number of important appeals in the immigration and asylum field. She has notable recent experience in various areas including EEA citizens’ rights under the EU-UK Withdrawal Agreement, and Article 3 claims involving medical issues;” “She is very dedicated to her clients.”

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 is a pupil supervisor. She 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. She is committed to ensuring access to justice for the most vulnerable.

Charlotte has worked tirelessly to highlight the plight of Tamil Sri Lankan refugees, many including women subjected to sexual/gender-based violence, resulting in many reported cases in the Upper Tribunal and Higher Courts.

Location

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Charlotte has a rare combination of being approachable, supportive and passionate, representing her clients with force and vigour at court. She is widely sought after and highly regarded by the judiciary and at the Bar.

She is innovative and bold in her arguments and humble on her impact in inspiring others, particularly women, at the Bar and to aspiring applicants whilst maintaining a balanced life. She is a pupil supervisor and is a true role model in mentoring many colleagues in chambers and more widely in the legal world.

Notable Cases

- *KV (Sri Lanka) v SSHD* [2019] UKSC 10: Led by Richard Drabble QC and co-counsel with Ronan Toal and Michelle Brewer. The case concerned the approach to medical evidence on physical scarring, arising out of injuries from claimed torture/ill-treatment from state authorities/agents, and has an application to all asylum cases. This case involved the consideration of issues both in terms of general guidance given to medical experts and the Tribunal and in approach to the particular appeal with reference to its assessment of the medical evidence that it considered.
- *RS (Sri Lanka) v SSHD* [2019] EWCA Civ 1796: Charlotte Bayati represented the Applicant in an oral application for permission to appeal. Permission to appeal granted by the Court of Appeal. The appeal was subsequently allowed on substantive appeal (represented by a different counsel).
- *KO (Nigeria) & Others v SSHD* [2018] UKSC 53: Charlotte Bayati, led by Stephen Knafler QC, representing the Third Appellants and their families. Appeal relating to the interpretation of s.117B(6) and the reasonableness of a qualifying child leaving the United Kingdom.
- *MM (Malawi) & MV (Sri Lanka) v SSHD* [2018] EWCA Civ 2482: Led by Stephen Knafler QC. – Appeal relating to consideration of Article 3 in health cases following judgment of the ECtHR in *Paposhvili* and impact of that judgment on the then-House of Lords' judgment in *N v SSHD*, in light of the appellant's mental health and the impact if removed to his home country. Permission to appeal has been sought from the Supreme Court.
- *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.
- *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 readmitted. 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)

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- FN (Zimbabwe) v SSHD [2010] EWCA Civ 255 (16 March 2010)

Public Law

Charlotte is an expert at challenging decisions of the executive, in the context of immigration and nationality law specifically.

In particular, Charlotte has advised on and represented clients in a number of challenges against the Secretary of State's refusal to treat further submissions as a fresh asylum/human rights claim and in challenges to certification of claims. She also has considerable experience in challenging decisions of the SSHD in refusals to grant British citizenship on grounds of character, and challenges to decisions on entitlement to British citizenship. More recently, Charlotte has been advising in relation to the lawfulness of provisions in Appendix EU with reference to the Withdrawal Agreement (the rights of EEA nationals following withdrawal of the UK from the European Union).

Appointments

First Tier Tribunal Judge, Asylum Support.

Pupil supervisor

Memberships

ILPA

Awards

Finalist 2020 – [LALY](#) 'Legal Aid Barrister of the Year'

Finalist – [Women in Law Awards 2020](#) – 'Barrister of the Year'

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