



GARDEN COURT CHAMBERS

Maria Moodie

YEAR OF CALL: 2011



Maria has a specialist public law practice in the cross-over areas of community care, human trafficking & modern slavery, migrant welfare, and immigration & asylum law.

Maria regularly undertakes both international and domestic advisory and consultancy work related to human trafficking and the treatment of asylum-seeking and migrant women and girls experiencing sexual and gender-based violence.

"She is tenacious and really goes above and beyond for the clients. She is always available and her advice is clear and succinct."

LEGAL 500, 2024 (ADMINISTRATIVE LAW & HUMAN RIGHTS)

"Really helpful, organised and reliable. She immediately grasped the issues and had a good understanding of the procedural technicalities in a slightly tricky case."

"Can turn around high-quality, detailed work in a short space of time"

LEGAL 500 2019

"Maria is second to none in her dedication and meticulous preparation in order to get the best possible result for very vulnerable clients whose futures often depend on the outcome of the case."

WARWICK NORRIS, GT STEWART SOLICITORS AND ADVOCATES

"The level of care and attention she gives to a case is unrivalled and her knowledge and skill in representation of victims of trafficking is exceptional. Her grounds are meticulously prepared and she leaves no stone unturned for vulnerable clients."

FIROZA SAIYED, DUNCAN LEWIS SOLICITORS

"Extremely engaged and great with tactics. She is very passionate about the rights of children and trafficked clients and in ensuring they get a holistic advice. Really pleasant to deal with and always responsive"

SILVIA NICOLAOU GARCIA, SIMPSON MILLAR SOLICITORS

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You can also contact Maria directly:

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TRAFFICKING AND MODERN DAY SLAVERY

Maria has developed niche expertise in the area of human trafficking and modern slavery. She frequently advises and represents victims of trafficking in public law challenges concerning their proper identification and support as a victim, the resolution of age disputes, and the enforcement of the positive obligations arising

under Article 4 ECHR. In recognition of her expertise in this field, Maria has recently undertaken trafficking-related research and is often sought after to deliver specialist training.

Between 2021 and 2022, Maria was appointed by the British Institute of International and Comparative Law (BIICL) to act as the National Research Consultant for the UK as part of a global study on the “Determinants of Anti-Trafficking Law and Policy”. This position required in-depth, cross-temporal desk research, including analysis of policy documents and legislation, and the associated travaux préparatoires relating to the UK’s anti-trafficking & modern slavery efforts, as well as leading stakeholder and focus group interviews with sector experts. Maria authored the UK Report on Determinants of Anti-Trafficking Efforts ([accessible here](#)), which informed the Global Report ([accessible here](#)).

In 2022, Maria was appointed by the Modern Slavery and Human Rights Policy and Evidence Centre (Modern Slavery PEC) to be a member of their Peer Review College. When required, this involves assessing applications for research funding, supportive of its mission to enhance understanding of modern slavery across the globe, and transform the effectiveness of laws & policies designed to address it.

Maria is co-author of the chapter on Human Trafficking in *Macdonald's Immigration Law and Practice* (9th Edition).

IMMIGRATION AND ASYLUM LAW

Maria specialises in the representation of asylum seekers and failed asylum seekers, particularly unaccompanied asylum-seeking children.

In 2016 and 2017, Maria undertook voluntary work in Greece to provide pro bono advice to asylum seekers on Chios Island and in Athens. Her focus was on assisting unaccompanied children seeking family reunification elsewhere in Europe.

Since 2018, Maria has repeatedly been instructed by the Council of Europe’s monitoring body, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) to act as an International Expert on Sexual and Gender-Based Violence in the context of migration and asylum.

As a member of the GREVIO delegations, Maria has participated in country evaluation visits to France, Belgium, The Netherlands, Norway, Bosnia and Herzegovina, Ireland, and Greece to advise on the compatibility of law, policy, and the practice of signatory Member States with requirements of Chapter VII of the Istanbul Convention related to the identification, protection and support of asylum-seeking & migrant

women and girls. In 2021, Maria authored Chapter VII (migration and asylum) of GREVIO's Horizontal Review which identified common trends, good practice and shortcomings across the 17 published country evaluation reports.

In 2023, Maria was appointed by the Council of Europe's Special Representative on Migration and Refugees to a small pool of experts available to the Council of Europe's entities to provide advice & support in the fields of legislative and policy review, capacity building and institutional support.

Maria has recently been instructed in several highly complex and strategic challenges to the government's resettlement and relocation policies for Afghans following the Taliban's take-over of the country and the end of the UK's emergency evacuation (Operation Pitting) in August 2021:

R (KBL) v SoS for Defence, SSHD, SoS for the Foreign, Commonwealth and Development Affairs [2022] EWHC 1545 (Admin) (Part 18/duty of candour judgment) and [2023] EWHC 87 (Admin) (substantive judgment)

The claim, involving one of the most prominent and high-profile Afghan women's rights activists, challenged the SSHD's irrational approach to Leave outside of the Immigration Rules, inconsistency of treatment (as compared to other at-risk Afghans with a similar profile) and breach of legitimate expectation to be considered a priority cohort for evacuation.

R (GA) v SoS for Defence, SSHD, SoS for the Foreign, Commonwealth and Development Affairs [2023] EWHC 871 (Admin)

Challenge to the Defendants' operation and implementation of ACRS (the Afghan Citizens Resettlement Scheme) predicated on: (i) frustration of the policy's purpose regarding prioritisation of expressly identified cohorts (such as those who stood up for democracy, women's rights, freedom of speech and the rule of law), and; (ii) breach of legitimate expectation of the identified priority cohorts being able to access and be considered for eligibility under ACRS on a timescale commensurate with the urgency and risk they face in Afghanistan.

R (NBS) v SoS for Defence, SSHD, SoS for the Foreign, Commonwealth and Development Affairs (CO/1888/2022).

Challenge, inter alia, to the SSHD's irrational approach to Leave outside of the Rules applications, inconsistency of treatment of similarly situated at-risk Afghan legal professionals and discrimination in breach of Article 8 and 14 ECHR, without lawful or reasonable justification, in the treatment of similarly situated Afghans with strong family links to the UK when compared with Ukrainians.

R (SQN) v SSHD (CO/1087/2022)

Challenge to (i) the SSHD's approach to requests to defer or waive biometric enrolment for those unable to attend a VAC (Visa Application Centre) and (ii) irrational refusal to make "in principle" LOTR decision prior to a decision on bio-deferral/waiver.

R (GA No 2) v SSHD (JR-2023-LON-000-697)

Challenge to the SSHD's blanket 'hold' on determining bio-deferral requests pending publication of new guidance (Unsafe Journeys), the approach to 'sequencing' of bio-deferral requests and refusal to make an "in principle" LOTR decision prior to a bio-deferral decision.

R (MS) v SoS for Defence and SoS for the Foreign, Commonwealth and Development Affairs (CO/1565/2023)

Challenge to perverse ARAP refusal and unlawful operation of unpublished policies for ARAP Category 4 applicants.

Maria's pro bono work in advising at-risk Afghan legal professionals, alongside a small group of colleagues in Garden Court Chambers, Eversheds Sutherland and Mischoon de Reya was awarded the "Highly Commended Award" at the Lawyer Awards 2022.

COMMUNITY CARE LAW

Maria practises in all areas of community care, with a particular focus on Children Act challenges. She has considerable experience of advising and representing claimants in public law challenges relating to community care assessments, child in need assessments, the provision of services and support and the ongoing duties owed to care leavers.

She is specifically engaged with issues that arise from the interface between immigration and the provision of community care and welfare support, particularly for unaccompanied children and victims of trafficking.

Maria regularly represents and advises individuals on accommodation and support-related issues arising in the context of s.4, s.98 and s.95 IAA 1999. Maria previously acted pro bono as a Duty Representative for the Asylum Support Appeals Project (ASAP) in the First Tier Tribunal (Asylum Support).

Notable recent cases:

R (HTT) v London Borough of Croydon (CO/1516/2022)

Challenge involving a failed asylum-seeking Former Relevant Child. Clarification from the court sought on statutory construction and hierarchy of duties and powers under CA 1989 and IAA 1999 in Local Authority Human Rights Assessments (clarifying the scope of *R (W) v Croydon LBC* [2007] EWCA Civ 266 and *R (O) v Barking and Dagenham LBC* [2010] EWCA Civ 1101)). The case settled by consent, with LB Croydon conceding the primacy of CA 1989 eligibility over the discretionary and residual IAA 1999 accommodation regime.

R (IB) v Secretary of State for Justice and Governor of HMP / YO1 Elmley (CO/1953/2023)

Challenge arising from the CPS' speedy charging regime of asylum-seekers arriving in 'small boats' with the criminal offences of illegal arrival and facilitation (introduced by the Nationality and Borders Act 2022).

Challenge to the treatment and safeguarding of age-disputed putative children remanded by the criminal courts into the custody of adult prisons, while investigations into their age are ongoing.

Maria has advised on several cases that raise wider consideration of a local authority's duty to these putative children seeking international protection who are involved in the criminal justice system and the procedural fairness of conducting an age assessment within an adult prison setting.

R (KI) v LB of Merton (2023)

Challenge involving a Qualifying Care Leaver and a dispute as to the hierarchy and interplay of powers between s.24A and s.24B CA 1989 (corporate parenting duties owed to Qualifying Care Leavers) on the one hand, and s.95 IAA 1999 (basic accommodation and subsistence owed to destitute adult asylum seekers) on the other hand.

R (SUK) v SSHD (CO/2232/2021)

Challenge to SSHD's failure and/or refusal to provide suitable s.95 IAA 1999 accommodation within proximity to the Claimant's ongoing mental health treatment, following the decommissioning of the Mercure Hotel in Bristol.

INTERNATIONAL AND HUMAN RIGHTS WORK

Maria has considerable expertise in international human rights including advising the Council of Europe, being a visiting lecturer at university level, and undertaking consultancy work for non-governmental organisations. Maria is regularly invited to deliver training or speak at events both in the UK and across Europe on human rights issues within her specialist areas of expertise.

Maria has a dual qualification undergraduate law degree in English and French law, specialising in EU law. She then successfully completed a Maîtrise (MA) in EU and French law at the University of Rennes (France).

Maria's fluency in French was most recently sought after during an advisory project coordinated by the International Senior Lawyers Project exploring refugee determinations in Cameroon as a response to increasing numbers of asylum seekers fleeing Boko Haram in Nigeria.

Pursuant to a Pegasus Scholarship awarded by the Inns of Court in 2014, Maria spent valuable time working in the UK Division of the European Court of Human Rights. Maria was responsible for drafting chambers judgments, communications to the UK government and undertaking initial merits and admissibility assessments across wide-ranging applications that included:

Bureau of Investigative Journalism and Alice Ross v UK 62322/14 and Big Brother Watch and Others v UK (58170/13) concerning the alleged indiscriminate and untargeted interception by the UK of external communications and metadata of journalistic material contrary to Articles 8 and 10.

Green v UK (36797/14) that challenged the Supreme Court's judgement in Bull v Hall [2013] UKSC 73 related to religious freedom of expression.

Harvey v UK (80237/13) that challenged the operation of the limited jurisdiction of the Upper Tribunal to undertake a full merits assessment of decisions made by the Independent Safeguarding Board.

Maria was previously a visiting lecturer at City University, London, where she taught the 'International Human Rights Law and Practice' module to LLM students covering; The UN system (case study Palestine), Human Rights, War, Torture and Terrorism, International Humanitarian Law, International Criminal Law and Universal Jurisdiction, Business and Human Rights, International Human Rights Law and the “Refugee Crisis”.

In 2023, Maria was appointed by the Council of Europe’s Special Representative on Migration and Refugees to a small pool of 20 experts available to the Council of Europe’s entities to provide advice and support in the fields of legislative and policy review, capacity building and institutional support.

Most recently, she has delivered training on behalf of UNHCR and the Council of Europe in Bucharest on violence against women, and in late 2023, will deliver training to Court of Appeal judges in Belgium on gender-mainstreaming in immigration and asylum cases and gender-based persecution.

SEXUAL AND GENDER-BASED VIOLENCE AND ABUSE: THE ISTANBUL CONVENTION

Maria is considered to be a leading expert on the requirements of the Istanbul Convention (the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence) regarding the identification, protection and support of migrant and asylum-seeking women and girls who have experienced all forms of violence against women including domestic abuse.

Since 2018, Maria has repeatedly been instructed by the Council of Europe’s monitoring body, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) to act as an International Expert on Sexual and Gender-Based Violence in the context of Migration and Asylum. As a member of the GREVIO delegations, Maria has participated in several country evaluation visits and has advised on the compatibility of law, policy, and practice of signatory Member States with the requirements of Chapter VII of the Istanbul Convention including recommendations to ensure compliance.

Maria has authored Chapter VII of GREVIO’s Baseline Evaluation Reports for the following Member States:

France (2018)

The Netherlands (2019)

Belgium (2019)

Bosnia and Herzegovina (2022)

Norway (2022)

Ireland (2023)

Greece (2023)

In 2021/22, Maria was appointed to draft Chapter VII (migration and asylum) of GREVIO's Horizontal Review which identified common trends, good practice, and shortcomings across the 17 published country evaluation reports.

Since the UK ratified the Istanbul Convention in November 2022, Maria has been instructed to advise on its domestic application and justiciability in domestic courts.

CHILDREN'S RIGHTS WORK

Maria's public law practice across several niche areas has, at its core, commitment to the protection and advancement of children's rights.

As a public law specialist, she pursues wide-ranging and complex challenges involving unaccompanied and separated asylum-seeking children, child victims of trafficking, age disputed young people, looked after children and care leavers in enforcing their right to safeguarding, protection, accommodation, and support services.

Recent notable cases include:

R (HTT) v London Borough of Croydon (CO/1516/2022)

Challenge involving a failed asylum-seeking Former Relevant Child. Clarification from the court sought on statutory construction and hierarchy of duties and powers under CA 1989 and IAA 1999 in Local Authority Human Rights Assessments (clarifying the scope of *R (W) v Croydon LBC* [2007] EWCA Civ 266 and *R (O) v Barking and Dagenham LBC* [2010] EWCA Civ 1101)). The case settled by consent, with LB Croydon conceding the primacy of CA 1989 eligibility over the discretionary and residual IAA 1999 accommodation regime.

R (IB) v Secretary of State for Justice and Governor of HMP / YOI Elmley (CO/1953/2023)

Challenge arising from the CPS' speedy charging regime of asylum-seekers arriving in 'small boats' with the criminal offences of illegal arrival and facilitation (introduced by the Nationality and Borders Act 2022).

Challenge to the treatment and safeguarding of age-disputed putative children remanded by the criminal courts into the custody of adult prisons, while investigations into their age are ongoing.

Coram Children's Legal Centre / Strategic Litigation Fund – Maria has been advising and supporting CCLC in seeking funding to research and assess the outcomes of Home Office age assessments conducted on arrival to inform future strategic litigation.

R (KI) v LB of Merton (2023)

Challenge involving a Qualifying Care Leaver and a dispute as to the hierarchy and interplay of powers between s.24A and s.24B CA 1989 (corporate parenting duties owed to Qualifying Care Leavers) on the one hand, and s.95 IAA 1999 (basic accommodation and subsistence owed to destitute adult asylum seekers) on the other hand.

Maria is an active member of Garden Court's Children's Rights Team and is involved in delivering training, discussing strategic litigation and working collaboratively with colleagues to pursue challenges involving cross-practice areas of law.

PRO BONO WORK

Maria has previously undertaken pro bono work for the Free Representation Unit, the Bar Pro Bono Unit, the Asylum Support Appeals Project (ASAP) and the CEDAW People's Tribunal.

BACKGROUND

Prior to her career at the bar, Maria worked for a number of years in the charity sector advising on children's rights issues. This frontline experience very much forms the basis of Maria's commitment to representing children, vulnerable adults and victims of human trafficking.

Maria has previously lived and worked in Japan and subsequently maintained her study of Japanese. She was later awarded a scholarship to study an Intensive Course in Mandarin at Beijing University. After having spent a considerable amount of time in both countries, Maria has a long-standing interest in Southeast Asia, in particular Chinese and Japanese affairs.

PUBLICATIONS

Co-Author of LAG article summarizing issues arising in *HTT v London Borough Croydon* (CO/1516/2022) regarding hierarchy of duties owed to Former Relevant Children who are Appeal Rights Exhausted (2023).

Author of the UK Report on [Determinants of Anti-Trafficking Efforts](#), as part of a Global Study conducted by the British Institute of International and Comparative Law (2022).

Author of Chapter VII of the following Council of Europe GREVIO Baseline Country Evaluation Reports assessing compliance with the Istanbul Convention:

**France (2018),
The Netherlands (2019),
Belgium (2019),
Bosnia and Herzegovina (2021),
Norway (2021)
Ireland (2023),
Greece (2023).**

Author of Chapter VII (migration and asylum) of GREVIO's Horizontal Review identifying common trends, good practice, and shortcomings across the 17 published country evaluation reports (2021)

Co-author of the chapter on human trafficking in *Macdonald's Immigration Law and Practice* (9th Edition).

Co-author of the LAG article: "Protecting missing child victims of trafficking"(2017)

Co-author of the LAG article: "The unethical and harmful practices of using dental x-rays to assess the age of migrant children" (2016)

AWARDS

Winner, Nottingham Law School Moot Mediation Competition 2011

Selected to participate in the ICC International Moot Mediation Competition held in Paris as a representative of Nottingham Law School, 2011

NTU Vice Chancellor's Scholarship to Beijing University to study Mandarin Chinese, 2011

Lord Taylor Prize (Second Highest Grade on the BPTC), 2011

Inner Temple Pupillage Award, 2012

Pegasus Scholarship, 2014

EDUCATION

LLB European (French Law) - University of Exeter

**Maîtrise en Droit (Européen et Français) - la Faculté de Droit et de Science Politique de l'Université de Rennes
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International Children's Human Rights - LSE

BPTC - Nottingham Law School (Outstanding)

PROFESSIONAL MEMBERSHIP

Administrative Law Bar Association (ALBA)

Haldane Society of Socialist Lawyers

Liberty

Bar Human Rights Committee (BHRC)

**Trafficking Law and Policy Forum
(ATLeP)**

LANGUAGES

French (fluent)

Japanese (beginner/intermediate)

Chinese Mandarin (beginner)

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