



Bijan Hoshi

YEAR OF CALL: 2011



Bijan has a broad public law practice. His areas of specialism include immigration, welfare benefits, community care, housing, prisons, criminal justice, information and new technologies.

He has acted at all domestic levels up to and including the Supreme Court, as well in proceedings before the European Courts.

Bijan is ranked in Legal 500 as a leading junior for immigration and administrative law and human rights.

"He demonstrates brilliant consideration of clients' issues and he is commercial, extremely collaborative and easy to work with."

CHAMBERS UK, 2024 (IMMIGRATION)

'Bijan is a compassionate and empathetic barrister, and his ability to work with very distressed and unwell clients is notable.'

LEGAL 500, 2024 (IMMIGRATION, TIER 4)

'Bijan has impeccable judgement. He is diligent, extremely hard working and reliable.'

LEGAL 500, 2024 (ADMINISTRATIVE LAW & HUMAN RIGHTS, TIER 4)

"Bijan is very collegiate in his approach, extremely responsive, and produces high-quality advice promptly. He is also practically minded and strategic: he encourages those he works with to think ahead and see the wider picture. His knowledge of public law and human rights principles is excellent."

LEGAL 500, 2023 (IMMIGRATION)

"Extremely dedicated and hardworking. Comprehensive knowledge of the law and excellent judgment."

LEGAL 500, 2023 (ADMINISTRATIVE LAW & HUMAN RIGHTS)

"An exceptional public law barrister, whose commitment to representing claimants means he is always brilliant to work with. A courageous and clever advocate with knowledge and skill to get brilliant results."

LEGAL 500, 2022 (ADMINISTRATIVE & PUBLIC LAW)

If you would like to get in touch with Bijan please contact the clerking team:

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ADMINISTRATIVE AND PUBLIC LAW

Bijan is an established and versatile judicial review specialist whose broad practice includes immigration, welfare benefit, community care, housing, prisons, criminal justice, information and new technologies.

In recent years, Bijan has gained substantial experience in bringing high-profile, systemic public law challenges. He is regularly instructed by individuals and NGOs in claims of significant public interest. These claims have raised the full range of judicial review grounds, including traditional common law, human rights law, EU law and equality law.

Bijan also has substantial experience in acting for third-party interveners in public interest judicial review claims.

NOTABLE CASES

R (Independent Monitoring Authority for the Citizens' Rights Agreements) v Secretary of State for the Home Department [2022] EWHC 3274 (Admin)

A judicial review challenge to the Secretary of State's interpretation of the Brexit Withdrawal Agreements, as implemented via the EU Settlement Scheme. The Court held that the Secretary of State's interpretation was wrong and that no second application to the Scheme is required to secure indefinite leave to remain after five years of residence in the UK. Bijan represented the intervener the3million, led by Galina Ward KC, with Charles Bishop. This case was reported on by [The Guardian](#), [Financial Times](#), [the BBC](#), [Al Jazeera](#) and [Sky](#).

R (K) v Secretary of State for Work and Pensions (Administrative Court, 2022)

This was a systemic judicial review challenge to the Secretary of State's practice of telephoning vulnerable individuals to offer to increase their Personal Independence Payment, seemingly in exchange for them agreeing not to appeal to secure a yet higher award. The offers were widely experienced as being highly pressuring and, in K's case, traumatising. Following a series of late concessions by the Secretary of State, the claim was settled at the door of the court. Bijan acted for K, led by Tim Buley KC, with [Desmond Rutledge](#).

R (JB) v British Broadcasting Corporation (Administrative Court, 2021)

This was a challenge to the TV licence enforcement regime, on grounds that it discriminated against women (at the time, c.75% of those prosecuted for TV licence evasion were women), which led to the BBC agreeing to undertake a review of the system. Bijan acted for JB, led by Sarah Hannett KC.

R (Migrants Organise) v Secretary of State for the Home Department (Administrative Court, 2021)

This was a systemic judicial review challenge that settled after the Secretary of State introduced improved safeguards for prospective applicants to the EU Settlement Scheme with mental health conditions and/or

impaired mental capacity. Bijan acted for Migrants Organise, led by [Amanda Weston KC](#), with [Ollie Persey](#).

R (W) v Secretary of State for the Home Department[\[2020\] EWHC 1299 \(Admin\)](#), [2020] 1 WLR 4420

A judicial review challenge to the ‘no recourse to public funds’ regime, which the Court held was unlawful to the extent that it did not adequately protect people who were not yet destitute but would imminently suffer inhuman or degrading treatment without recourse to public funds. Bijan represented the intervener Project 17, led by [Amanda Weston KC](#), with [Ollie Persey](#). This case was reported on by [The Guardian](#).

R (Kiarie and Byndloss) v Secretary of State for the Home Department[\[2017\] UKSC 42](#), [2017] WLR 2380

In a landmark judgment, the Supreme Court ruled that the certification of two human rights claims under section 94B Nationality, Immigration and Asylum Act 2002 was unlawful under Article 8 European Convention on Human Rights. Bijan represented the First Intervener, Bail for Immigration Detainees, led by Michael Fordham KC and [Sonali Naik \(now KC\)](#). This case was reported on by [The Guardian](#) and [the BBC](#).

R (OO (Nigeria)) v Secretary of State for the Home Department[\[2017\] EWCA Civ 338](#)

For the first time in a reported case, a section 94B Nationality, Immigration and Asylum Act 2002 certification decision was held to be substantively disproportionate under Article 8 European Convention on Human Rights and quashed. Bijan represented the successful Appellant, OO, led by [Sonali Naik \(now KC\)](#).

IMMIGRATION

Bijan practices in all areas of immigration, asylum and nationality law. In these areas, he acts in judicial review claims and statutory appeals and advises on the making of applications to the Home Office.

His cases have raised a broad spectrum of issues in areas including international protection; protected rights under the European Convention on Human Rights; British nationality law; general immigration under the Immigration Rules, including all areas of the Points Based System; exceptional cases falling outside the Immigration Rules; EU law; the EU Settlement Scheme; trafficking claims; and immigration detention. He has also acted in proceedings with a national security dimension before the Special Immigration Appeals Commission and is regularly instructed to challenge removal from the UK at short notice, seeking urgent injunctive relief if necessary.

In recent years, Bijan's practice has focused on acting for senior political and business figures in complex, high-profile and diplomatically sensitive asylum claims (confidentiality precludes their identification). These are cases that typically involve parallel extradition proceedings. Bijan acts from the earliest pre-application stages through to the appellate stage.

Bijan has been appointed to sit as a fee-paid First-tier Tribunal Judge in the Immigration and Asylum Chamber.

NOTABLE CASES

R (Independent Monitoring Authority for the Citizens' Rights Agreements) v Secretary of State for the Home Department[\[2022\] EWHC 3274 \(Admin\)](#)

A judicial review challenge to the Secretary of State's interpretation of the Brexit Withdrawal Agreements, as implemented via the EU Settlement Scheme. The Court held that the Secretary of State's interpretation was wrong and that no second application to the Scheme is required to secure indefinite leave to remain after five years of residence in the UK. Bijan represented the intervener the3million, led by Galina Ward KC, with Charles Bishop. This case was reported on by [The Guardian](#), [Financial Times](#), [the BBC](#), [Al Jazeera](#) and [Sky](#).

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A judicial review challenge to the 'no recourse to public funds' regime, which the Court held was unlawful to the extent that it did not adequately protect people who were not yet destitute but would imminently suffer inhuman or degrading treatment without recourse to public funds. Bijan represented the intervener Project 17, led by [Amanda Weston KC](#), with [Ollie Persey](#). This case was reported on by [The Guardian](#).

R (S2) v Secretary of State for the Home Department[\[2018\] EWHC 993 \(Admin\)](#)

A judicial review challenge to a decision to revoke indefinite leave to remain, made in the context of parallel appeal proceedings before the Special Immigration Appeals Commission. Bijan represented the Claimant, S2, led by [Amanda Weston KC](#).

R (Watson) v (1) Secretary of State for the Home Department and (2) First-tier Tribunal (Extant appeal: s94B challenge: forum)[\[2018\] UKUT 165 \(IAC\)](#)

A judicial review challenge concerning the position of those deported from the UK prior to the promulgation of the judgment of the Supreme Court in *R (Kiarie and Byndloss) v Secretary of State for the Home Department* [2017] UKSC 42, [2017] WLR 2380. Bijan represented the Applicant, Watson, led by [Sonali Naik KC](#).

R (Kiarie and Byndloss) v Secretary of State for the Home Department[\[2017\] UKSC 42](#), [2017] WLR 2380

In a landmark judgment, the Supreme Court ruled that the certification of two human rights claims under section 94B Nationality, Immigration and Asylum Act 2002 was unlawful under Article 8 European Convention on Human Rights. Bijan represented the First Intervener, Bail for Immigration Detainees, led by Michael Fordham QC and [Sonali Naik](#) (now KC). This case was reported on by [The Guardian](#) and the [BBC](#).

R (OO (Nigeria)) v Secretary of State for the Home Department[\[2017\] EWCA Civ 338](#)

For the first time in a reported case, a section 94B Nationality, Immigration and Asylum Act 2002 certification decision was held to be substantively disproportionate under Article 8 European Convention on Human Rights and quashed. Bijan represented the successful Appellant, OO, led by [Sonali Naik](#) (now KC).

HD (Trafficked women) Nigeria CG[\[2016\] UKUT 454 \(IAC\)](#)

The Upper Tribunal considered and gave country guidance for victims of trafficking returning to Nigeria, deciding that the key risk criterion was a vulnerability to re-trafficking. Bijan represented the successful Appellant, HD, led by [Kathryn Cronin](#) and Matthew Moriarty.

PRO BONO WORK

Bijan is committed to undertaking pro bono work in appropriate cases. For example, he represented Bail for Immigration Detainees pro bono in *R (Kiarie and Byndloss) v Secretary of State for the Home Department*[\[2017\] UKSC 42](#), [2017] WLR 2380.

BACKGROUND

Before coming to the Bar, Bijan worked for a number of non-profit organisations in the UK and abroad.

AWARDS

2011: City Law School BPTC Prize (outstanding achievement on the BPTC course, City Law School).

2010: Inner Temple Princess Royal BPTC Scholarship.

2008: Arts and Humanities Research Council LLM Scholarship.

2007: BPP Senior Academic's GDL Scholarship.

2006: Harold Collier Bursary (highest mark among male graduates in the Faculty of Arts, University of Glasgow).

2006: James J. Tumelty Prize (highest mark among graduates in the History Department, University of Glasgow).

EDUCATION

MA (Hons) History (Glasgow) - First class

LLM Human Rights (London) - Distinction

PROFESSIONAL MEMBERSHIP

Administrative Law Bar Association (ALBA)

Immigration Law Practitioners' Association (ILPA)

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