



Bijan Hoshi

YEAR OF CALL: 2011



Bijan is a public law barrister. He specialises in administrative and human rights law, in particular in cases concerning migrants' rights. He has acted at all domestic levels up to and including the Supreme Court, as well in proceedings before the European Court of Human Rights. He is currently a lead lawyer at the Public Law Project.

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

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IMMIGRATION: ASYLUM AND HUMAN RIGHTS

The focus of Bijan's practice is on immigration, asylum and nationality law. As well as acting in judicial review claims and statutory appeals in these areas, he also advises on the making of applications to the Home Office.

His recent 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, exceptional cases falling outside the Immigration Rules, EU law, trafficking and immigration detention. He has acted in proceedings with a national security dimension before the Special Immigration Appeals Commission. He is regularly instructed to challenge removal from the UK at short notice, and to seek urgent injunctive relief if necessary.

NOTABLE CASES

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 QC](#).

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 pursuant to prior to the promulgation of the judgment of the Supreme Court in *R (Kiarie; Byndloss) v Secretary of State for the Home Department* [2017] UKSC 42; [2017] WLR 2380. Bijan represented the application, Watson, led by [Sonali Naik QC](#).

R (Kiarie; Byndloss) v Secretary of State for the Home Department [2017] UKSC 42; [2017] WLR 2380. In a landmark judgment of general application, the Supreme Court ruled that the certification of two human rights claims under section 94B of the 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 QC).

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 QC).

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 vulnerability to re-trafficking. Bijan represented the successful Appellant, HD, led by [Kathryn Cronin](#) and Matthew Moriarty.

R (KP) v Secretary of State for the Home Department IJR [2016] UKUT 27 (IAC). Bijan represented the successful Applicant in an application for judicial review of a decision to refuse to treat his further submissions as a fresh claim for asylum.

IMMIGRATION: BUSINESS AND PRIVATE IMMIGRATION

Bijan is well-versed in all aspects of the Points-based System and regularly provides immigration advice to

private individuals and businesses and other institutions. In this context, he has particular experienced of acting in complex, politically sensitive asylum applications - cases in which extradition proceedings are often either anticipated or running in parallel.

ADMINISTRATIVE AND PUBLIC LAW

Bijan's administrative and public law practice consists predominantly of judicial review challenges to decisions made in the immigration, asylum and nationality law context (see above). It also encompasses claims challenging executive decision-making that adversely affects the lives of foreign nationals in related areas, including prison and community care law.

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; 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 organisations dedicated to protecting vulnerable and disenfranchised members of society.

PUBLICATIONS

Bijan contributed to the most recent edition of [Macdonald's Immigration Law and Practice](#), widely acknowledged to be the most authoritative text on UK immigration law, and is a regular contributor to the [Free Movement](#) immigration law blog.

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)

LANGUAGES

- Farsi

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