LINCOLN HOUSE CHAMBERS

Matthew Howarth

Call to Bar: England & Wales 2016, Northern Island 2020

"Matthew Howarth is another noble junior at the set handling regulatory work"– **Legal 500, 2025**

"Matthew is an intelligent advocate who is good at getting to the core of a legal issue. A clear, concise, persuasive, and approachable barrister." – **Legal 500, 2024**

"Matthew is wise beyond his years, he quickly gets to grips with the issues in a case, and he produces clear, concise, jargon-free written and oral advice which is appreciated by solicitors and clients alike. He has a very good manner with clients and his advocacy is articulate, pointed, and very effective both in his questioning and submissions." – **Legal 500, 2024**

"Matthew is an intelligent advocate who is good at getting to the core of a legal issue. A clear, concise, persuasive, and approachable barrister." – **Legal 500, 2024 – IMMIGRATION – RISING STAR**

RISING STAR in Legal 500, 2024 – Crime (General and Fraud)

BACKGROUND

Matthew Howarth is a specialist Public Law barrister with expertise in Immigration law, Human Rights, Regulatory Law and Proceeds of Crime Act litigation. He appears regularly in the High Court and has done since 2020, as such he is a Judicial Review and Statutory Appeal specialist. Acting for Government and Public Bodies he advises in damages claims and appears before the County Court. In 2024, Matthew appeared, and acted, in over 100 Judicial Review claims in the High Court and Upper Tribunals.

Matthew started practice in 2014 with the Banking and Finance litigation team for one of the World's largest law firms, Baker & McKenzie. He was tasked to review and investigate the litigation surrounding the LIBOR scandal and was Joint Director for Pro Bono overseeing the implementation of policies for the homeless during the EU Refugee Crisis.

Matthew has gained numerous prestigious appointments that make him stand out amongst his peers at the Bar. He has a strong practice on the Attorney General's Civil and Regulatory Panels, the SFO Panel and the CPS Panel (Serious Crime and POCA Panel).

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Practice areas:

Business Crime & Financial Regulation
Civil Law
Criminal Law
Health & Safety
Housing Law
Immigration & Asylum Law
Industrial Disease
Inquests
Judicial Review Law
Licensing
Local Government
Regulatory
Property Law
Professional Negligence
Environmental Law
Legal Professional Privilege

He is a leading Junior within his respective fields in the Legal 500.

Notably, Matthew has recently acted as junior counsel on the Independent Inquiry into Child Sexual Abuse, the COVID-19 Inquiry, a Judicial Review for the Victim's Rights Group 'Hacked Off' following the Phone Hacking Scandal and as counsel on the Prosecution of Glencore in the UK's highest value Bribery SFO Prosecution.

In 2020 Matthew was called to the Bar of Northern Ireland.

Notable Cases

Asylum Support, Equality Act, ECHR and PSED Duty

Matthew is regularly instructed to defend the SSHD against Judicial Review and interim relief claims made in the High Court for failing to provide asylum support. He has represented the SSHD in some of the leading cases in this field and is regularly instructed to advise on subsequent damages claims for breaching the Equality Act 2010 and ECHR, as well as Public Service Equality Duties claims.

- *BRO, R (on the application of) v Secretary of State for the Home Department EWHC 2231 (Admin)* - Considered issues of whether a GP lacked the specialist expertise required for expert evidence under CPR 35 in complex mental health detention claims. It underscores rigorous standards for admissibility of medico-legal reports and highlights the Court's careful approach to interim relief in immigration detention where multi-agency accommodation and care duties are at issue. The decision clarifies the threshold for interim release orders in highly complex factual and legal contexts.

- R(BLZ) v SSHD & Local Authority A & Ors EWHC [2024] – Matthew was led by Jack Holborn in this claim for judicial review for alleged failure to having in place a policy for the transfer of highly vulnerable individuals out of immigration detention into the community and or consideration under the Care Act 2010.

- *R(MM) v SSHD [2024] EWHC 1577 (Admin)* - judicial review and Interim Relief claim against SSHD involved alleged breaches of: Section 95 of the Immigration and Asylum Act 1999, Public Sector Equality Duty (PSED), Equality Act 2010 and a claim against a Local Authority for Care Act 2014 breaches.

- *R(DK) v SSHD [2023] EWHC 2757 (Admin)* – Prior to the case moving into R(BLZ) Matthew defended the initial challenge to SSHD's decision on asylum support and accommodation and against a number Local Authorities.

- *R(ZOS) v SSHD [2022] EWHC 3567 (Admin)* – Led by Tom Tabori, the Court reprimanded the SSHD for breaching obligations but extended time for compliance with order to provide accommodation.

False Imprisonment

Since 2020 Matthew has been instructed in over 200 claims for false imprisonment and breach of Article 5 ECHR. He has defended cases on Judicial Review, interim relief and before the High Court in civil damages claims.

- *Raphael Olufemi Oluponle v The Home Office [2023] EWHC 3188 (KB)* - Claim for false imprisonment partially succeeded; damages awarded for 60 days of unlawful detention at £20,000.

- *R(DK) v SSHD [2023] EWHC 2757 (Admin)* – Interim Relief challenge to SSHD's decision to continue detention of the Claimant in circumstances where there was evidence that he was an Adult at Risk Level 3 in detention.

- *R(Chaitanya) v SSHD [2024] EWHC 3212 (Admin)* - Judicial review successful defence of SSHD's decision to refuse leave to remain quashed on basis of illegal working.

Sponsorship Licences

Matthew has recently been instructed to advise UK Businesses compliance with the Duties as Sponsorship Licence Holders. He has also been instructed to give assistance on making application to the Home Office to acquire a sponsorship licence. Recently he has acted in a number of Judicial Review application challenging decisions to revoke sponsorship licences and to refuse Defined Certificate of Sponsorship applications.

- *R (J'S Supermarket Ltd) v Secretary of State for the Home Department [2025] EWHC 1933 (Admin)* successfully represented the SSHD in a judicial review challenge concerning sponsor license revocation under the Workers and Temporary Workers Scheme. The case involved a supermarket whose license was revoked following compliance concerns regarding three skilled worker employees. The Judge dismissed all grounds of challenge, delivering judgment on 25 July 2025. The decision significantly expands upon the Court of Appeal's guidance in Prestwick, establishing key precedents on procedural fairness requirements when dishonesty is alleged in sponsor license cases, evidential standards for role mismatches, and the application of section 31(2A) Senior Courts Act 1981. The judgment provides crucial clarification that procedural fairness can be achieved through sequential correspondence processes and validates a graduated approach to dishonesty allegations in immigration sponsorship enforcement. The case represents a leading authority on sponsor compliance procedures and the procedural safeguards required in license revocation decisions.

- *One Trees Estates Limited v SSHD [2024] EWHC 1644 (Admin)* – leading judgement on determination of SSHD's entitlement to make a decision to revoke a sponsor licence. Determined whether or not commercial/global assessment is to be conducted by the SSHD and if a Tameside Duty applies. Application pending in the Court of Appeal

- *Hartford v SSHD [2024] EWHC 3308 (Admin)* -instructed to defend SSHD decision to refused 80+ DCoS applications and whether or not the refusal, on the basis of genuine vacancy, introduced a new requirement for leave that is not set out in the Immigration Rules or acted inconsistently with the Immigration Rules.

- *Efficiency for Care Ltd v SSHD CA-2024-000091* – instructed at permission stage to defend this claim for Judicial Review. Issues were that of genuine vacancy and acting as an employment agency. Case was dismissed and is now pending before the Court of Appeal.

Immigration Decisions

Matthew has been instructed on over 100 Judicial Review application in 2024. He has appeared before the First Tier Tribunal, Upper Tribunal, the High Court of Justice and the Court of Appeal. He acts is all immigrations matters such as applications for leave, asylum and protections claims and Human Rights claims.

- R (AM) v Secretary of State for the Home Department (JR-2025-LON-000508) - Unreported -Upper Tribunal Judicial Review on Fresh Claim and Pending Country Guidance

- *D1527 v Secretary of State for the Home Department [JR-2025-LON-001018]* – Mr Howarth represented the SSHD in a significant judicial review concerning asylum delay and procedural legitimate expectations. The case involved a seven-year delay in determining asylum submissions by an Egyptian national who had suffered documented abuse at Brook House IRC. Upper Tribunal Judge Norton-Taylor found unlawful delay from July 2021 spanning 41 months due to irrational Home Office decision-making, while establishing important precedent on the distinction between delay through irrational acts versus delay by inaction.

The procedural legitimate expectation challenge failed due to the Home Office's use of qualified language ("aim" rather than "will"). A declaration of unlawful delay was granted, with the judgment providing crucial guidance on evidential standards for delay challenges and linguistic requirements for legitimate expectations in immigration contexts.

- *The King (on the application of Makki Shakir Mahmood Al-Fahham) v Secretary of State for the Home Department [JR-2024-LON-002411]* – Mr Howarth instructed by the Government Legal Department, successfully represented the Secretary of State for the Home Department in a complex judicial review challenge concerning the requirements for extending leave as a representative of an overseas business

All grounds of challenge were dismissed, with Upper Tribunal Judge Lodato delivering judgment on 12 May 2025.https://tribunalsdecisions.service.gov.uk/utiac/jr-2024-lon-002411

- *Ogilvy (aka Alakija) v Secretary of State for the Home Department [2024] EWCA Civ 315* represented the SSHD in this significant ruling on immigration appeals, particularly regarding claims of statelessness and challenges to deportation orders

- *Roselyn Scott v SSHD [2024] EWHC 3110 (Admin*) – Successfully defended challenge to SSHD's decision to refuse indefinite leave to remain based on policy that void's previous Leave applications when a subsequent application is made. Decision related to Zambrano rights following EU withdrawal agreement.

- *R(Hashmat Ali) v SSHD [2024] EWHC 1760 (Admin)* – Judicial review of SSHD's decision to certify a claim for protection by an Albanian national as totally without merit.

- *Tesfazghi v SSHD - JR-2023-MAN-000090* - Judicial review case in the Upper Tribunal at Manchester regarding a decision to certify a protection claim based on two previously dismissed tribunal claims.

- *R(Zubair Ahmed) v SSHD [2022] EWHC 1850 (Admin)* - Judicial review of SSHD's decision to cancel leave to remain dismissed following TOEIC fraud.

Immigration Civil Penalties

Matthew is one of the leading experts in Civil Penalties for clandestine entrants and for illegal working. He has acted in roughly fifty of these cases in 2024 alone and was sole counsel in the Court of Appeal case of KLG. He regularly acts for both Appellants and for the SSHD.

- *Transam Trucking BV v Secretary of State for the Home Department* – Mr Howarth, instructed by JMW Solicitors, successfully represented an appellant haulier in a significant civil penalty appeal that clarified evidential standards under section 32 of the Immigration & Asylum Act 1999. The case concerned a challenge to a civil penalty imposed following the discovery of nine individuals in a vehicle after it had passed through immigration control. The judgment provided important guidance on the burden of proof requirements for establishing that individuals are "clandestine entrants," confirming that the burden rests firmly on the Secretary of State to establish liability on the balance of probabilities. HHJ Ransom emphasised that liability must be established on proper evidence rather than inference alone, noting it was "surprising that the SSHD relies on these inferences" when more direct evidence should have been available. The appeal was allowed in full, with the court finding that the appellant hauliers were not liable under section 32

- *Link Spolka Z O.O. v SSHD [2021] EWCA Civ 1830* – instructed at first instance prior to the Court of Appeal hearing which examined ingredients of statutory defence for carriers' liability.

- *KLG Trucking SRL v SSHD [2024] EWCA Civ 737* – leading authority following Carrier Liability Regulations 2023 amendments, Court of Appeal reduced penalty for clandestine entrants but upheld SSHD's right to impose penalties.

- *BM Transport Ltd v SSHD* – successfully represented an Appellant at Manchester Crown Court against a decision to impose an penalty under Section 32. The Court found that the SSHD had not made out liability and that the penalty would have been reduced in any event. It is understood this is one of the first cases to succeed post *KLG*.

- *Shop & Save v SSHD* – Mr Howarth successfully defended a decision to impose a penalty for illegal workers employed by the Appellant at trial. The matter turned on the correct interpretation of immigration documents and reasonableness of an employer to inspect such documents.

Modern Slavery and Human Trafficking

Matthew has acted in numerous Judicial Review claims challenging the SSHD's determinations of claims for modern slavery and human trafficking.

- *AC-2024-LON-001311: The King (on the application of MXK) v SECRETARY OF STATE FOR THE HOME DEPARTMENT* – the claim argued that the SSHD misapplied her polices in determining whether someone was a potential victim of trafficking and if a referral had to be made.

- A claim for false imprisonment was also made. At a rolled up hearing Mr Howarth successfully represented the SSHD before Mrs Justice Ellenbogen, who dismissed the claim.

Professional Appointments and Qualifications

Matthew holds several prestigious appointments that demonstrate his expertise and recognition in the legal field:

- Attorney General's Panel of Junior Counsel to the Crown - Panel B (since 2020).
- Crown Prosecution Service Panel of Advocates: Level 3 (including Level 2 POCA and serious crime)
- Northern Panel B of Specialist Regulatory Law Advocates (Since 2019)
- Serious Fraud Office Panel C (since 2020)
- National Safeguarding Panel for Sports Resolution (2022)

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