



GARDEN COURT CHAMBERS

Matthew Ahluwalia

YEAR OF CALL: 2015



Matthew is a social welfare and public law barrister. He has particular interest and experience in housing, homelessness, public law, welfare benefits, and migrants' rights.

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ADMINISTRATIVE AND PUBLIC LAW

Matthew has a lively public law practice and is happy to accept instructions in judicial review cases. His time working as an employed barrister at Public Law Project gave him a strong grounding in public law casework

and procedure across a range of different areas of administrative law and public decision-making. He often advises NGOs as well as individuals, and is a regular contributor to LAG's quarterly 'Public Law Update' column.

Matthew has been a volunteer advocate with the Asylum Support Appeals Project since 2018, representing applicants who have been refused support under s4 or s95 Immigration and Asylum Act 1999. Matthew is happy to accept instructions in public law matters arising from asylum support issues.

NOTABLE CASES

***Montaño, R (on the application of) v The London Borough of Lambeth* [2024] EWHC 249 (Admin)**

Judgment on BAILII [here](#), Nearly Legal blog post [here](#) and Garden Court blog post [here](#).

Acted for the successful claimant in a judicial review challenge to the defendant's refusal to backdate the claimant's registration date under the housing allocation scheme. The High Court found that, despite the defendant asserting otherwise, the housing allocation scheme did allow for such a discretion to be exercised.

***R (Kukhtyak) v London Borough of Hounslow* [2023] EWHC 2914 (Admin)**

Judgment on BAILII [here](#) and blog post [here](#).

Acted for the successful claimant in a judicial review challenging the treatment of a highly vulnerable Ukrainian family with urgent and complex needs under the defendant's housing allocation scheme. The defendant had refused to refer the family's case to its own Exceptional Needs panel despite the allocation policy providing that they should do so.

***Patel v Hackney* [2021] EWCA Civ 897 (led by Edward Fitzpatrick)**

Judgment on BAILII [here](#).

The Court of Appeal considered affordability of accommodation in an appeal concerning intentional homelessness. Garden Court Social Welfare Bulletin blog post [here](#).

***B v SSWP* – case settled. Matthew acted as junior counsel to Zoe Leventhal.**

Following judicial review proceedings, the DWP acknowledged that it has discretion as to whether or not to recover hardship payments – an important change for those sanctioned under Universal Credit. The DWP has since published an open letter explaining how hardship payments can be claimed, and the process by which claimants can request that hardship payments are not recovered. The letter can be found [here](#). The Garden Court Social Welfare Bulletin blog on the case is [here](#). The press release by Public Law Project is [here](#). PLP's

explainer to claimants and advisers is [here](#). Rightsnet post is [here](#).

Successful Court of Appeal challenge to Home Office 'no notice' removals

FB (Afghanistan) & Anor, R (On the Application Of) v The Secretary of State for the Home Department
[2020] EWCA Civ 1338 (as a caseworker)

The Court of Appeal ruled in favour of the challenge to the Home Office Judicial Review and Injunctions policy, also known as the 'removal notice window' policy. The Court ruled that the removal window policy did not allow individuals - with a proper case to remain - to access the court to make their case before it is too late. This case was widely reported in the media [including the Guardian](#) and the [Law Society Gazette](#). Press release [here](#).

Suitability criteria in the EU Settlement Scheme

JCWI v SSHD (as junior counsel led by Martin Westgate QC and Alison Pickup)

Acting for the Joint Council for the Welfare of Immigrants (JCWI) in a challenge to the suitability criteria for the EU Settlement Scheme. JCWI issued a claim challenging the inconsistencies between who the Government had publicly said would be excluded from the UK after Brexit, and the much wider group who actually stood to be excluded because of how the Government drafted the new Rules. Case settled. Press release [here](#).

High Court finds 2017 Personal Independence Payment (PIP) Regulations unlawful

RF v Secretary of State for Work And Pensions [2017] EWHC 3375 (Admin) (as a pupil)

Judicial review case successfully quashing amendments to the Social Security (Personal Independence Payment) Regulations 2013, which were held to be discriminatory towards claimants with mental health impairments in breach of Human Rights Act 1998. RF's claim was supported by The National Autistic Society, Inclusion London, Revolving Doors and Disability Rights UK. The claim was also supported by two interveners: Mind and the Equality and Human Rights Commission. Press release [here](#).

EDUCATION LAW

Matthew is developing his practice in education law and is happy to be contacted. Matthew is also happy to advise on making legal aid exceptional case funding applications in education cases.

HOUSING LAW

Matthew has a busy housing law practice, and is happy to accept instructions in cases defending possession proceedings, homelessness, housing allocation schemes, and social security issues.

Matthew's experience in welfare benefits, public law, asylum support, and migrants' rights enables him to provide a holistic approach.

NOTABLE CASES

Montaño, R (on the application of) v The London Borough of Lambeth [2024] EWHC 249 (Admin)

Judgment on BAILII [here](#), Nearly Legal blog post [here](#) and Garden Court blog post [here](#).

Acted for the successful claimant in a judicial review challenge to the defendant's refusal to backdate the claimant's registration date under the housing allocation scheme. The High Court found that, despite the defendant asserting otherwise, the housing allocation scheme did allow for such a discretion to be exercised.

R (Kukhtyak) v London Borough of Hounslow [2023] EWHC 2914 (Admin)

Judgment on BAILII [here](#) and blog post [here](#).

Acted for the successful claimant in a judicial review challenging the treatment of a highly vulnerable Ukrainian family with urgent and complex needs under the defendant's housing allocation scheme. The defendant had refused to refer the family's case to its own Exceptional Needs panel despite the allocation policy providing that they should do so.

Mason v 1) Olivera and 2) Santana (County Court – unreported)

Nearly Legal blog post [here](#). Garden Court article [here](#). Also featured in LAG [Housing Conditions: Update](#) column in February 2024.

In a counterclaim brought against possession proceedings, the court awarded the tenant 100% of the rent in damages for the period in which the property was found to be unfit for habitation.

Gul v Bilal (County Court – unreported)

Nearly Legal blog post [here](#).

County Court held that a landlord who presents a tenant with a cheque, purportedly returning an unprotected tenancy deposit in the process, cannot claim to have returned that deposit where the tenant refused to accept the cheque, never cashed it, and where the landlord had not otherwise sought to pay back the deposit. The landlord's application to amend his pleaded case to include reliance on a subsequent section 21 notice was refused on the basis that the amendment, if allowed, would have had no prospect of success.

***Patel v Hackney* [2021] EWCA Civ 897 (led by Edward Fitzpatrick)**

Judgment on BAILII [here](#).

The Court of Appeal considered affordability of accommodation in an appeal concerning intentional homelessness. Garden Court Social Welfare Bulletin blog post [here](#).

WELFARE BENEFITS LAW

Matthew is happy to accept instructions in welfare benefits cases. He is an experienced tribunal advocate with particular expertise in Universal Credit, Personal Independence Payment and Employment and Support Allowance, as well as cases concerning right to reside and eligibility. He regularly appears in the Asylum Support Tribunal as a volunteer advocate for ASAP.

Matthew is also happy to advise on the use of exceptional case funding for welfare benefits cases that are out of scope for legal aid, having worked to promote the use of ECF during his time at Public Law Project.

NOTABLE CASES

***SW v SSWP* [2022] First-tier Tribunal** – successfully overturning DWP’s decision to refuse Universal Credit to an 18-year-old A-level student. The decision had been refused on the basis that the appellant was in full-time education and that she was not ‘without parental support.’ The tribunal found that the Universal Credit Regulations unlawfully discriminated against the appellant within the meaning of Article 14 of the ECHR (read with Article 1 of the First Protocol) on the basis that the appellant’s status as the child of someone who did not have leave to enter or remain in the UK (and whose parent could therefore not work or claim benefits to support her) put her at a disadvantage compared with someone whose parents were able to financially support them. The tribunal therefore disapplied the relevant regulation and allowed the appeal, applying *RR v SSWP* [2019] UKSC 52.

LAG article on the case is [here](#) and a Twitter thread can be found [here](#).

***B v SSWP* – case settled. Matthew acted as junior counsel to Zoe Leventhal.**

Following judicial review proceedings, the DWP acknowledged that it has discretion as to whether or not to recover hardship payments – an important change for those sanctioned under Universal Credit. The DWP has since published an open letter explaining how hardship payments can be claimed, and the process by which claimants can request that hardship payments are not recovered. The letter can be found [here](#). The Garden

Court Social Welfare Bulletin blog on the case is [here](#). The press release by Public Law Project is [here](#). PLP's explainer to claimants and advisers is [here](#). Rightsnet post is [here](#).

B v SSWP [2020] First-tier Tribunal – successfully overturning six sanctions decisions imposed on the appellant's Universal Credit claim. Twitter thread [here](#).

H v SSWP [2019] First-tier Tribunal – successfully overturning seven sanctions decisions imposed on the appellant's Universal Credit claim. Twitter thread [here](#).

RF v Secretary of State for Work And Pensions [2017] EWHC 3375 (Admin) (as a pupil)

Judicial review case successfully quashing amendments to the Social Security (Personal Independence Payment) Regulations 2013, which were held to be discriminatory towards claimants with mental health impairments in breach of Human Rights Act 1998. RF's claim was supported by The National Autistic Society, Inclusion London, Revolving Doors and Disability Rights UK. The claim was also supported by two interveners: Mind and the Equality and Human Rights Commission. [Press release here](#).

IMMIGRATION LAW

Matthew has a busy practice in immigration law. He has a particular interest in cases involving trafficking, asylum, and EEA nationals.

Prior to starting pupillage Matthew worked as a project manager at the AIRE Centre, heading up the organisation's work on EEA Women in Prison and Migrant Homelessness.

NOTABLE CASES

A, A and A v SSHD [2024] – successful family reunion case in which two adult siblings and their mother sought to join their brother in the UK. Instructed by Wilson Solicitors.

Q v SSHD [2023] – successful asylum on behalf of a Jordanian national, on the basis that a male victim of honour crimes could be at risk of persecution. Instructed by Turpin Miller Solicitors.

V v SSHD [2023] – successful appeal against Home Office's refusal of application for leave under the EU Settlement Scheme. Settled status granted by the tribunal. Instructed by Luqmani Thompson solicitors.

O v SSHD [2022] – successful appeal against Home Office's refusal of application for leave under the EU Settlement Scheme. Appeal conceded by the Home Office prior to substantive hearing. Instructed by

Woodfords Solicitors.

T v SSHD [2022] - successful asylum appeal on behalf of a Vietnamese victim of trafficking. Appeal conceded by the Home Office following filing of skeleton argument. Instructed by Brighton Housing Trust.

M v SSHD [2021] – successful asylum appeal on behalf of a Ghanaian victim of domestic abuse. Instructed by Duncan Lewis solicitors.

IMMIGRATION DETENTION

Matthew is looking to develop his practice in immigration detention civil claims. Matthew worked on a number of these cases at Public Law Project and assisted in achieving successful outcomes for clients. Matthew has experience of costs and case management hearings and is happy to advise on costs budgets.

Matthew has been doing pro bono immigration bail hearings for Bail for Immigration Detainees (BID) since January 2021.

NOTABLE CASES

K v SSHD – as an in-house caseworker. Assisted in achieving £35,000 settlement for a client detained for over a year.

MLF v SSHD – as an in-house caseworker. Assisted in achieving £25,000 settlement for a client unlawfully detained and removed from the UK for six months.

BACKGROUND

Prior to joining Chambers, Matthew worked as an employed barrister at Public Law Project, where he completed his pupillage as part of the Justice First Fellowship scheme, under the supervision of Alison Pickup. This experience gave Matthew a strong insight into the daily practice and demands of the work of a legal aid solicitor.

Matthew previously worked as a caseworker at the welfare rights charity Z2K, and as a project manager at the AIRE Centre. He is regularly in demand as a trainer and writer on social welfare law.

Outside of work Matthew enjoys running, playing football, cooking and travelling.

PUBLICATIONS

Matthew is a contributing author to the 13th edition of CPAG's Benefits for Migrants Handbook.

'Benefit Sanctions, Illegality and Administrative Justice: After Judicial Review?' (co-authored with Dr Joe Tomlinson), *Judicial Review*, Vol. 23 No. 4 (2018), pp. 225-231

Numerous articles for LAG magazine, including case comment pieces, contributing to the Public Law Update column, and an article on online courts

'Are you Daniel Blake? Here's a guide to our nightmarish benefits system', The Guardian, 18th November 2016

TRAINING AND SEMINARS

Matthew is regularly asked to speak at conferences and events on social welfare law and related issues, and is happy to be contacted about delivering training.

In March 2024, Matthew spoke on a panel for the annual Refugee Law Initiative series at an event on the treatment of children in the UK's asylum system.

In March 2022, Matthew spoke at Garden Court's webinar 'Restricting Human Rights: Government Consultation on a Bill of Rights and Garden Court's response', click here to view the recording.

On 29 March 2022, Matthew spoke at 'The Nationality and Borders Bill Conference' on 'Accommodation for asylum seekers' with Irena Sabic, also of Garden Court Chambers.

Matthew regularly speaks at Garden Court Housing Team events.

Matthew is a freelance trainer with Shelter, and regularly delivers webinars on housing and homelessness law. Click here to view his trainer profile.

EDUCATION

Human Rights LLM, Birkbeck, University of London

BPTC, University of Law

GDL, University of Law

History BA, University of Sheffield

PROFESSIONAL MEMBERSHIP

HLPA

ALBA

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