



1 CROWN OFFICE ROW

## Benjamin Seifert

Call: 2007



Benjamin is a specialist public law practitioner. He is also consistently ranked as a leading barrister in extradition and has extensive experience in representing individuals, UK and foreign governments and requesting judicial authorities in the European Union.

He regularly appears in the Supreme Court, Divisional and Administrative Courts. In public law, he is frequently instructed by the Government in difficult judicial reviews concerning immigration and prison law.

Clients value Benjamin's excellent communication skills, expert knowledge, meticulous grasp of the details of the case and pragmatic approach. Benjamin is an accomplished linguist and speaks French and Italian to court standard.

Benjamin is frequently instructed by the Government in complex judicial reviews concerning immigration and prison law. He also has a significant coronial and inquiry practice, with particular expertise in deaths in custody, and advice on unlawful detention, and national security. His background in criminal law assists him with inquest juries.

Benjamin recently acted in VA, one of the first UK extradition cases to be determined by the Court of Justice of the European Union.

Since his appointment to the Attorney General's panel in 2017 Benjamin has regularly appeared in the Upper Tribunal (Immigration and Asylum Chamber) and has also appeared in the County Court in relation to civil claims made by prisoners.

*"Benjamin Seifert has an elegant way of presenting to the court." "Ben is creative and visionary, and produces well-drafted concise submissions."*

**Chambers & Partners 2024**

*"Ben is charming and tenacious. He exploits every angle of a case and will not be deterred from a*

challenge.” “A tenacious advocate who never lets a point go.”

Legal 500 2024

## Extradition

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Benjamin’s extensive extradition practice concerns the full range of challenges to extradition including the validity of European Arrest Warrants, rights to retrial, dual criminality, passage of time, decisions to charge or try and also habeas corpus.

He regularly acts in cases concerning prison conditions and the rights of individuals pursuant to the European Convention on Human Rights (“ECHR”) in Hungary, Poland, Bulgaria and Italy among others. He appeared in the only extradition case to be heard in the Supreme Court in 2018 and returned to the Court in 2021.

He has had numerous successes recently in cases concerning Article 8 of the ECHR representing individuals whose rights to a private and family life outweighed the public interest in extradition.

Benjamin has written articles and given many seminars on extradition law and is a co-author of the latest book on extradition law- A Practical Guide to Extradition Law Post-Brexit.

### Selected Cases

- **Court of Justice of the European Union – VA v The Prosecutor Of The Regional Prosecutor’s Office In Ruse, Bulgaria Case C-206/20:** The Court of Justice of the European Union considered the dual level of protection required by an underlying national arrest warrant which precedes the decision to issue a European Arrest Warrant.
- **Supreme Court – Zabolotnyi v Mateszalka District Court, Hungary UKSC 2019/0210:** The use of assurances in cases concerning prison conditions.
- **Supreme Court – Konecny v District Court In Brno Venkov (Czech Republic) UKSC 2017/0200:** Whether an individual can properly be described as accused when he had been convicted but the conviction was not final and he had an unequivocal right to a retrial.
- **Dumitrache v Court of Pordenone, Italy [2021] EWHC 958 (Admin):** Sole counsel for the appellant in the Divisional Court against David Perry QC. (Trials in absence and retrial rights).
- **Udriste [2021] EWHC 2476 (Admin):** Appeal against an order of extradition concerning Article 8 ECHR.
- **Perry v USA [2021] EWHC 1956 (Admin):** Representing the US government in an appeal concerning the definition of kidnapping
- **Taylor & Anor v The Prosecutor General’s Office of Florence [2019] EWHC 2938 (Admin):** Retrial rights in Italy.
- **BY v District Court In Paphos, Cyprus [2019] EWHC 2637 (Admin):** The Article 8 ECHR rights of a family with five children with significant medical problems.
- **XY v Public Prosecutor’s Office, Oost Nederland [2019] EWHC 624 (Admin):** The Article 8 ECHR rights of a man who had already served a sentence which was subsequently increased on appeal.
- **Lis, Lange & Chmielewski v Polish Judicial Authorities [2018] EWHC 2848 (Admin):** Allegations of the break down in the rule of law in Poland.

- **Attila Imre v The District Court In Szolnok (Hungary) [2018] EWHC 218 (Admin):** Notwithstanding a first instance conviction the EAW was an accusation warrant.
- **Greco & Bagarea [2017] 4 WLR 139:** Romanian Prison conditions and breaches of Article 3 ECHR.
- **Raimundo Felix v Comarca De Lisboa, Portugal [2016] EWHC 3518 (Admin):** The invalidity of an EAW pursuant to Section 2 of the 2003 Extradition Act.
- **Zagrean, Sunca & Chihai v Romanian Judicial Authorities [2016] EWHC 2786 (Admin):** Romanian prison conditions and breaches of Article 3 ECHR.
- **Marku & Murphy v Greek Judicial Authorities [2016] EWHC 1801 (Admin):** Greek prison conditions and breaches of Article 3 ECHR.
- **Puceviciene, Conrath & Savov v Three Judicial Authorities [2016] 1 WLR 4937:** The leading case on Section 12A of the 2003 Extradition Act.
- **Spain v Warne [2015] EWHC 981 (Admin):** A successful appeal against a discharge in relation to oppression.
- **France v Charbit [2015] 1 W.L.R. 2359 :** A EAW which attached an annex was invalid.

## Public Law

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Benjamin is a highly experienced public law practitioner with an impressive record of high-profile court appearances. Benjamin is regularly instructed to act in complex immigration and prison law matters on behalf of the Government. He has developed an extensive practice in immigration and asylum law, acting in numerous judicial review cases involving:

- a. Section 3C leave
- b. Revocation of indefinite leave to remain.
- c. Leave to remain on compassionate grounds
- d. Biometric residence permits.
- e. The EU Settlement Scheme
- f. Tier 1 (Entrepreneur visas)
- g. Family reunion applications
- h. Overstayers applying to join the British army
- i. The status of retained EU law

He has acted in a number of cases for the Ministry of Justice when prisoners have challenged the retention of information or the failure to respond to subject access requests pursuant to the Data Protection Act.

He has recently advised the Department for Trade in relation to a new international procurement agreement and also DEFRA in relation to Transmissible Spongiform Encephalopathies.

## Selected Cases

- **R (Adrian Bailey) v Secretary of State for Justice [2022] EWHC 2125 (Admin):** Appearing on behalf of the Ministry of Justice in a case which sought to challenge the vires and ECHR compliance of the new Parole Board Rules.
- **Ali v Home Office [2022] EWHC 866 (QB):** The detention of an asylum seeker on the Detained Fast

Track.

- **R (John Wilson) v Secretary of State for Justice [2022] EWHC 170 (Admin):** A substantive judicial review of a refusal to offer a prisoner an oral hearing in relation to an application for de-categorisation.
- **Philip Austin [2022] EWHC 63 (Admin):** Representing the Parole Board in a case concerning providing a summary of a decision of the Board to the victims of the offender before the Claimant himself received it and the protocol which gives the prisoner the opportunity to comment on its contents.
- **R (Matusha) v SSHD [2021] UKUT 175:** IAC Revocation of indefinite leave to remain. Sole counsel against Sonali Naik KC.
- **R (SA & Ors) v SSHD EWHC [2021] 1601, 1602, 1448 (Admin):** Representing the SSHD in joined claims concerning destitute asylum seekers.
- **R (Walsh) v Secretary of State for Justice [2020] EWHC 1250 (Admin):** Judicial review concerning the lawfulness of “approved premises” accommodation for a convicted sex-offender.
- **R (C1) v SSHD [2021] EWHC 2334 (Admin); R(K) v SSHD [2020] EWHC 3639 (Admin):** Asylum accommodation.

## Inquests and Inquiries

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Benjamin is regularly instructed to appear in inquests concerning deaths in custody and also members of the armed forces.

### Selected Cases

- **Manchester Arena Inquiry:** Junior counsel to the government in the Manchester Arena Inquiry.
- **Highways England:** Advising Highways England in relation to the death of a teenager.
- **Ministry of Defence:** Representing the Ministry of Defence in the inquest following the suicide of a decorated officer.

## Clinical Negligence

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Benjamin is happy to accept instructions in clinical negligence cases.

### Appointments

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- Attorney General’s B Panel (2022-present)
- Attorney General’s C Panel (2017-2022)
- Crown Prosecution Service Advocate Panel – Extradition – Grade 4
- Advocacy Tutor, Lincoln’s Inn
- Governor, Haverstock School: 2015-2018

## Awards

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- Peter Duffy Human Rights Scholarship, Lincoln's Inn (2009)
- Sir Thomas More Bursary, Lincoln's Inn (2004)
- Lord Haldane Scholarship, Lincoln's Inn (2003)
- Hardwicke Scholarship, Lincoln's Inn (2003)
- Choral Scholarship, St Peter's College, Oxford (1997)

## Education

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- GDL and BVC, BPP
- BA (Hons) Modern Languages, University of Oxford, St Peter's College
- LRAM- Royal Academy of Music
- President of the Oxford Union (1999)

## Memberships

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- Elected member of the Bar Council: 2017-2019
- Young Barristers' Committee of the Bar Council: 2015-2019
- Defence Extradition Lawyers' Forum
- Extradition Lawyers' Association
- Criminal Bar Association
- South Eastern Circuit
- Administrative Law Bar Association

## Publications

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