

Avril Rushe

Call: 2017



Avril Rushe has a busy practice, undertaking Court of Protection, Immigration, Inquests and Public Law work.

Expertise

Court of Protection

Avril has a busy Court of Protection practice and provides representation in both health and welfare and property and financial affairs matters.

Avril has been instructed by the Official Solicitor, family members, Clinical Commissioning Groups, Health Boards, and Local Authorities in section 21A and section 16 proceedings.

Avril is also instructed in Forced Marriage Protection Order proceedings, fact finding hearings involving allegations of sexual abuse, proceedings where the interface between the Mental Capacity Act 2005 and the Mental Health Act 1983 is in issue, case invoking the inherent jurisdiction of the High Court, and nearest relative displacement applications under the Mental Health Act 1983.

In respect of property and financial affairs proceedings, Avril is regularly instructed by the Public Guardian in a variety of proceedings, including where there are concerns in respect of the execution and operation of Lasting Powers of Attorney, and the time-limited appointment of deputies. Avril is also instructed by family members in challenging applications to revoke their Lasting Powers of Attorney and in applications for statutory wills.

Avril has an advisory practice in mental capacity and community care law and has a growing expertise in cases involving questions of ordinary and habitual residence, care funding disputes under the Care Act 2014, applications for the recognition of foreign protective measures, and the interface between the mental capacity law and SEN law.

Avril is also instructed in damages claims for breaches of Article 8 ECHR, and can draw on her previous experience in Personal Injury proceedings in approaching these claims.

Birmingham

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London

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Bristol

30 Queen Square
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In 2020, Avril was seconded to the Adult Social Care Team of a highly regarding local authority law firm.

Immigration, Asylum & Nationality

Avril regularly appears in appeals before the First-Tier Tribunal, particularly in claims based on sexual orientation and political opinion. Avril has considerable experience working with vulnerable clients and draws on her knowledge in mental health and mental capacity law in this regard. Avril is also instructed in age dispute/age assessments for unaccompanied asylum-seeking children, Avril hopes to develop her practice across the full range of personal and business immigration law.

Asylum and Humanitarian Protection

Avril has appeared in protection appeals in the First-Tier Tribunal involving a broad range of States including Cameroon, Iraq, Afghanistan, South Sudan, Sri Lanka, Pakistan, India, Cameroon, Albania, Vietnam, Iraq, and Iran. Avril also appears in claims involving victims of trafficking and modern slavery

Bail Applications, Human Rights Appeals and Deportation and Removals

Avril regularly appears on behalf of immigration detainees in bail hearings before the First-Tier Tribunal. Avril has also appeared in human rights appeals before the First-Tier Tribunal against the Entry Clearance Officer and in the First-Tier Tribunal against removal decisions under the EEA Regulations 2016. In approaching these cases, Avril's knowledge of prison law, including questions of risk management such as the interpretation of OASys reports, is an asset.

Inquests, Public Inquiries & Coronial Law

Avril has considerable experience appearing on behalf of a range of Interested Persons at coronial inquests, including multiple-day Article 2 jury inquests, and usually where mental health treatment and mental capacity are in issue.

Avril also advises on the prospects of successful post-inquest civil proceedings.

Public Law

Avril continues to develop a broad public law practice including immigration law, Court of Protection, prison law, education law, mental health law, inquests and coronial law, civil liberties, and age dispute/age assessments for unaccompanied asylum-seeking children,

Education Law

Avril is instructed by local authorities and parents in appeals concerning all aspects of Education and Health Care Plans (including pre-issuing and cases involving health and social care recommendations) and discrimination claims under the Equality Act 2010.

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Avril has a growing advisory practice in cases which straddle SEN law and mental capacity law.

Prison & Police Law

Avril has successfully appeared before the Parole Board seeking release of prisoners serving indeterminate sentences and regularly advises on behalf of prisoners in judicial review challenges to decisions of the Parole Board and the Secretary of State for Justice, including decisions concerning release, recall, and the provision and prioritisation of oral hearings.

Avril also accepts instructions to represent prisoners at hearings before Independent Adjudicators and more generally in relation to alleged breaches of Article 8 of the ECHR.

Avril has a keen interest in actions against the state and has advised in false imprisonment claims against the police and the Home Office, which have resulted in financial settlement.

Memberships

- Secretary of the Human Rights Lawyers Association
- Executive committee member, Inner Temple Junior Bar Association

Qualifications

- LLB Law and German Trinity College Dublin
- LLM Public International Law University of Amsterdam
- MSc. European Integration and Development Vrije Universitat Brussels (Free University of Brussels)
- PhD Candidate, Walther Schucking Institute for Public International Law, Germany

Languages

- Irish (fluent)
- German (fluent)
- French (working knowledge)
- Spanish (working knowledge)

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Previous Experience

Avril has gained extensive experience in the field of public law and human rights. Avril has worked in human rights NGOs and legal advice centres in Germany, Bolivia, the UK, and the Netherlands, including the AIRE Centre where she advised on family reunification and the Citizenship Directive. Through this work, Avril has developed skills for dealing with vulnerable clients, particularly in the fields of LGBT rights, immigration and asylum, access to healthcare, anti-discrimination, and violence against women. Before joining Chambers, Avril taught in the LL.M programme at the Walther Schucking Institute for Public International Law.

Avril is contactable out of hours and is always happy to assist charities and NGO's on a pro-bono basis.

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