



Dr. Onyoja Momoh



Year of call: 2010

Areas of Practice

Family, Direct Public Access Barristers, Child Abduction

PRACTICE PROFILE

"Very dogged and knowledgeable, yet very down to earth" Legal 500, 2017

"Well-regarded for her work on international child abduction cases" Legal 500, 2019

"Is a robust advocate. She is always well prepared for court and dispenses excellent advice. She has a very professional way of managing client's expectations in an empathetic manner." Legal 500 2021

Dr Onyoja Momoh's expertise and interest lie in the area of cross-border parental child abduction. She has represented parents in the UK and abroad in Hague Convention cases, Brussels II Revised and internal abductions. As a family law specialist, her practice is uniquely complemented by her academic and research background.

Onyoja accepts instructions on a wide range of cases involving children in both private and public law proceedings at all levels of the Family Court and in the High Court. She frequently appears in highly sensitive cases concerning domestic and family violence, representing parents, local authorities and children, through their Children's Guardian. She has also represented parents in cross border adoption cases, convincing the English courts to recognise foreign adoptions even where these are made in countries outside of any international conventions or statutory schemes.

Onyoja regularly speaks at conferences and seminars on topics including cross-border parental child abduction/domestic violence. During the course of her PhD, her research findings and policy recommendations were submitted to the expert Working Group on the Guide to Good Practice on Article 13(1) *b*) of the 1980 Hague Convention on the Civil Aspects of International Child Abduction. One of her key recommendations focuses on judicial authorities and their interpretation and application of Article 13(1) *b*). She was also selected to speak at the 2017 Journal of Private International Law Conference, Rio de Janeiro, Brazil, presenting her PhD research findings. Onyoja has delivered guest lectures and tutorials to undergraduates at the School of Law, University of Aberdeen.

Onyoja is ranked as a Leading Junior for Children Law in The Legal 500 UK.



EDUCATION

PhD in Law 'Domestic and family violence in the context of the 1980 Hague Convention on the civil aspects of international child abduction', supervised by Dr Katarina Trimmings and Professor Paul Beaumont, University of Aberdeen - funded by the Elphinstone Scholarship

LL.M, City, University of London, distinction in thesis titled "Does the 1980 Hague Convention on the Civil Aspects of International Child Abduction justly serve the welfare needs and interests of the child?"

BVC, City, University of London - Gray's Inn Junior Award

BA (Hons) Economics & Law, University of Leicester - 36 Bedford Row Prize

MEMBERSHIPS AND AFFILIATIONS

Post-doctoral Research Fellow, Centre for Private International Law, University of Aberdeen

Family Law Bar Association

Child Abduction Lawyers Association

The Honourable Society of Gray's Inn

PUBLICATIONS AND OTHER PROJECTS

Onyoja is the named research assistant for the UK on the European Union funded project titled "Protection of abducting mothers in return proceedings: intersection between domestic violence and parental child abduction" (POAM project 2019/20) Led by Dr Katarina Trimmings, University of Aberdeen, the project involves a core consortium from the UK, Croatia, Germany and Italy.

Conference paper – 23rd Annual Family Law Conference MdT / UWC, South Africa 2020, Speaker (Child Abduction: The "POAM Project", EU funded research.

POAM experts workshop – Milano-Bicocca University, Milan 2020, joint paper with Dr Katarina Trimmings: overview on protection measures in domestic violence cases in the cross-border context (Regulation 606/2013 and Directive 2011/99/EU)

'The interpretation and application of Article 13(1) b) of the Hague Child Abduction Convention in cases involving domestic violence: Revisiting *X v Latvia* and the principle of "effective examination", *Journal of Private International Law* (2019) 15:3, 626-657, DOI: [10.1080/17441048.2019.1684665](https://doi.org/10.1080/17441048.2019.1684665)

'The Approach by Judges to the Assessment of the Grave Risk of Harm in Cases Involving Domestic Violence' (December 2018) 11 (1) *International Bar Association*, 9-11

'Domestic Abuse in the Drafting of Article 13(1) b of the 1980 Hague Convention on the Civil Aspects of International Child Abduction' (May 2017) 2 (1) *ILSA Law Journal*, 11-17

Seminar paper: 'Children in the Breakdown of Family Relationships' (June 2017) ASLLUK.

Seminar paper: 'An Exploration of Child Rights in Nigeria' (July 2016) BHRC and Coram Children's Legal Centre.

Paper: 'New Laws in Relation to Stalking, Child Protection and Employer Responsibility' (September 2015) Global Foundation for Elimination of Domestic Violence.

Paper: 'The Clue is in the Name: The Court of Protection' (November 2013) Leigh Day.

NOTABLE CASES

AMDK v NA [2020] EWHC 1548 (Fam): representing a mother applying to have a Ugandan adoption recognised in English law. <https://www.bailii.org/ew/cases/EWHC/Fam/2020/1548.html> This case is reported in England and Uganda, and has been adopted as a precedent in Ugandan law.

Re FL (a Child): [2020] EWCA Civ 20: successfully defending an appeal against an SGO made in favour of a maternal grandmother. <https://www.bailii.org/ew/cases/EWCA/Civ/2020/20.html>

Re R [2020] [EWHC] (to be reported): representing the father in a stranded case involving M and 3 children living in the Kingdom of Saudi Arabia for 3.5 years. Issues of jurisdiction, habitual residence (nationality), *parens patriae* and forum conveniens. Fact-finding hearing, with orders for return. Court finding no habitual residence in either country.

RE M [2019] [RCJ]: proceedings brought under the inherent jurisdiction of the High Court and wardship; representing the mother in the enforcement of a return order from a non-Hague Country (Ghana).

Re B [2019] [RCJ]: representing a mother in the Czech Republic in her application to secure effective rights of access pursuant to Article 12 of the 1980 Hague Convention regarding her child in the UK.

Re L [2019] [RCJ]: 7 day trial representing the mother, aligned with the maternal grandmother (unrepresented, and acting in person) opposing LA's care plan for adoption which was supported by CG. M was successful and a Special Guardianship Order made to the grandmother.

Re M [2018] [FD]: representing a father in his application under Art 11(6)-(8) Brussels IIa following a non-return 1980 Hague Convention order made by the Polish Courts, on Article 15 (transfer) and Articles 16 & 19 (seising of a court; *lis pendens* and joinder).

Re AB [2018] [FD]: leave granted to oppose the making of an adoption order under s47(5)ACA 2002.

R v R [2017]: acting for the Local Authority in a High Court application for wardship and FGM protection order (Ghana).

K v L [2017]: application to enforce a child arrangements order, issues of jurisdiction and habitual residence (Holland).

H v F [2016]: High Court application regarding temporary leave to remove from the jurisdiction of England and Wales to a non-Hague Convention Country (Thailand).

A v P [2016]: acting for the respondent mother in 1980 Hague Convention return proceedings in the High Court defended on the grounds of consent, acquiescence and habitual residence.

B v P [2016]: representing a parent abroad in a High Court case involving child abduction; securing rights of access and jurisdictional dispute on the applicability of Brussels II Revised between the UK and Gibraltar.

M v M [2015]: representing the father in a fact finding within wardship proceedings, involving allegations of child abduction to a non-Hague Convention country, stranding and domestic abuse

WHAT PEOPLE SAY

"I also had the experience of observing Onyoja at Court on this matter and was impressed by her courteous but no-nonsense approach to advocacy" – Instructing Solicitor

"I wanted you to know that Miss Momoh was excellent in every respect in the most trying circumstances" – opponent

Representing a vulnerable parent in an adoption case "[she] has had the great advantage of legal submissions and if the submissions before me are anything to go by, she would have had a very fair hearing..." – Judge

"She is a person of great integrity, extremely dedicated to her work..." – Instructing Solicitor

"Onyoja is very competent and communicates well with her instructing solicitors. She is thorough and clearly takes time to prepare her cases" Andrew Symeou - Partner at Faradays Solicitors

Links

Research: <http://www.abdn.ac.uk/law/research/people-72.php>

LinkedIn: <https://www.linkedin.com/in/dr-onyoja-momoh-99526064/>

Twitter: <https://twitter.com/onyoja>



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