Charlotte O'Brien

Practice Summary

Education

2006-2010 PhD in Law; University of Liverpool.

2004-2006 Masters, LLM. University of Leeds, Distinction.

1998-2001 BA, hons, Social and Political Sciences, University of Cambridge, 2(i).

Current and previous position(s)

2018 – now Professor of Law, York Law School, University of York, UK

2015 – 2018 Senior Lecturer, York Law School, University of York, UK

2009 – 2015 Lecturer, York Law School, University of York, UK

2002 – 2016: Paid and voluntary roles within Citizens Advice Offices in Ripon and York: Adviser, Advice Session Supervisor; Welfare Rights Caseworker; Guidance Tutor.

Current external responsibilities

- Member of the academic panel on the Administrative Justice Council
- Analytical expert, EU Commission's Free Movement and Social Security Coordination Network (MoveS)
- Consulting expert Northern Ireland Human Rights Committee on fundamental rights & NI Protocol
- Consulting expert Liverpool John Moores University on research impact and clinical legal education
- Cases editor Journal of Social Security Law
- ESRC grants peer review panel member
- Trustee, The Welfare Benefit Unit

Teaching activities

Supervision of PhD students. Since 2009, various roles: EU module leader; Immigration Law and Policy co-convener; teaching Public Law; postgrad research methods; UG & PG ethics. External examiner for University of Bradford. PhD external examiner for Universities of Liverpool, Bristol and Durham.

Institutional responsibilities

Equality, Diversity and Inclusion Champion 2021-present. Previous roles: Director of York Law School Clinic; member of Research Committee; Ethics Officer; Research impact team leader; Admissions tutor.

Funding awards

2020 – 2023ESRC Governance After Brexit grant, budget £749 000: a legal action research clinic working with organisations advising EU/EEA nationals: EU Rights & Brexit Hub

2017 - ESRC Impact Award: Co-I with Welfare conditionality project - £22 306

2015– 2019 White Rose Doctoral network: Co-I - 3 PhDs on EU citizenship with Owen Parker at the University of Sheffield.

2012– 2017 ESRC Future Research Leader award, PI, £128 541; the EU Rights Project – advice-led ethnographic study into administrative obstacles faced by EU nationals accessing welfare rights.

Prizes:

- Inspirational Women in Law Awards 2022 (The Next 100 Years): Legal Academic of the Year
- Unity in Adversity: EU Citizenship, Social Justice and the Cautionary Tale of the UK (Oxford, Hart, 2017) – winner of the Socio-Legal Studies Association Best Book Prize 2019 (also shortlisted for the BBC Thinking Allowed Ethnography Award 2018).

Impact and engagement:

Activities include:

- Invitations to give oral evidence to the London Assembly (2021, 2018 and 2017)
- Invited to brief the House of Commons Work and Pensions Committee, on Brexit and benefits (2021)
- Invited to submit written evidence to the House of Lords European Affairs Committee (2021)
- Work on the Withdrawal Agreement and EU Settlement Scheme cited in the Court of Justice of the EU (2021)
- Invited speaker at the All Party Parliamentary Group on the Rule of Law, on EU citizens' rights, (2019);

Invited presentation to Members of the European Parliament on citizens' rights and the Withdrawal Agreement, Dec 2018.

Work on vulnerable workers cited in the Court of Justice of the EU, (2018);

Work on benefits and Zambrano carers cited by the UK Supreme Court, (2017);

Invited presentation on EU Withdrawal and citizens' rights to members of devolved governments, (2017).

Media interviews: BBC Breakfast; BBC Look North; BBC Radio York; BBC Radio Scotland; BBC Inside Out.

Public engagement publications: Published in *The Times*, The Conversation, *The Independent*, *The Guardian*, Full Fact, UK in a Changing Europe, and Free Movement. Interviewed for *Newsweek* and the *Financial Times*.

Knowledge exchange: Invited to speak at events organized by Citizens Advice, the Bingham Centre for the Rule of Law, the Welfare Benefit Unit, the Children's Society, Child Poverty Action Group, the Public Law Project, the AIRE Centre, and Greater Manchester Welfare Rights Advisers Group.

Monograph

Unity in Adversity: EU Citizenship, Social Justice and the Cautionary Tale of the UK (Oxford, Hart, 2017).

Journal articles (peer reviewed, single author):

'The Great EU Citizenship Illusion Exposed: Equal Treatment Rights Evaporate for the Vulnerable' (CG v The Department for Communities in Northern Ireland), (2021), 6, EL Rev, 801-817

'Between the devil and the deep blue sea: Vulnerable EU citizens cast adrift in the UK post-Brexit' (2021), 58(2), CML Rev 431-470

'Acte cryptique? Zambrano, welfare rights, and underclass citizenship in the tale of the missing preliminary reference', (2019) 56(6) CML Rev 1697-1732

"Done Because We Are Too Menny" The Two-Child Rule Promotes Poverty, Invokes a Narrative of Welfare Decadence, and Abandons Children's Rights (2018) 26(4) IJCR 700-739

'The ECJ sacrifices EU citizenship in vain: Commission v UK', (2017) 54(1) Common Market Law Review 209-244

'Civis capitalist sum: class as the new guiding principle of EU free movement rights', 50(4) CML Rev (2016) 937-977 – cited in the Court of Justice of the European Union.

'Hand-to-mouth citizenship: decision time for the UK Supreme Court on the substance of Zambrano rights, EU citizenship and equal treatment' 38(2) Journal of Social Welfare and Family Law (2016) 228-245 – quoted in the UK Supreme Court.

'The pillory, the precipice and the slippery slope: the profound effects of the UK's legal reform programme targeting EU migrants' (2015) 37(1) Journal of Social Welfare and Family Law 111-136

'Driving Down Disability Equality?' (invited publication) (2014) 21(4) Maastricht Journal of European and Comparative Law 724-738

'I trade, therefore I am: legal personhood in the European Union' – (2013) 50(6) Common Market Law Review 1643-1684

'Confronting the care-penalty: the case for extending reasonable adjustment along the disability/care continuum' (2012) 34(1) Journal of Social Welfare and Family Law 5-30

'Drudges, dupes and do-gooders? Competing notions of 'value' in the Union's approach to volunteers' (2011) 1(1) European Journal of Social Law 49-75 – (first edition of a new journal; one of five invited contributions alongside ECJ President)

'Equality's false summits: new varieties of disability discrimination, "excessive" equal treatment and economically constricted horizons' (2011) 36(1) European Law Review 26-50

'Case C-310/08 Ibrahim, Case C-480/08 Teixiera ' (2011) 48(1) Common Market Law Review 203-25

'Social blind spots and monocular policy making: the ECJ's migrant worker model' (2009) 46 (4) Common Market Law Review 1107-1141

'Real links, abstract rights and false alarms: the relationship between the ECJ's 'real link' case law and national solidarity' (2008) 33(5) European Law Review 643-665

Triple Case note: 'Case C-212/05 Hartmann, Case C-213/05 Geven, Case C-287/05 Hendrix', 45(2) Common Market Law Review (2008): 499-514

Book chapters

'Article 26: the integration of persons with disabilities' Commentary on the EU Charter of Fundamental Rights, S. Peers, T. Hervey, J. Kenner & Angela Ward, 2nd ed (Oxford, Hart, 2021)

O'Brien & Stalford Rewritten Ruiz Zambrano, in Stalford, Hollingsworth & Gilmore (eds) Rewriting Children's Rights Judgments (Oxford, Hart, 2017)

Union citizenship and disability: restricted access to equality rights and the attitudinal model of disability', in D. Kochenov (ed.), EU Citizenship and Federalism (Cambridge, CUP, 2017)

'Residence rights after Brexit: Women and children in the eye of the administrative storm' in Biondi & Birkinshaw, 'Britain Alone! The Implications and Consequences of United Kingdom Exit from the EU', (Kluwer Law International, 2016)

'From safety nets and carrots to trampolines and sticks: the national uses of the EU as both menace and model to help neoliberalise welfare policy' in D. Schiek (ed) The EU Economic

and Social Model in the Global Crisis: Interdisciplinary Perspectives (Farnham, Ashgate, 2013)

'A Stage, a Spotlight and an Unwritten Script: Frontier Zones and Intersectional Citizens' in Dougan, Nic Shuibhne & Spaventa Empowerment and Disempowerment of the EU Citizen (Oxford, Hart, 2012)

'Socio-legal approaches to teaching EU law' in C.Hunter (ed) Integrating socio-legal studies into the law curriculum (Basingstoke, Palgrave Macmillan, 2012)

European Commission Reports

Co-author: C. O'Brien & F. Wollenschläger 'Comparative Report 2017: 'National employment services: registration and access to assistance by EU citizens from other Member States' (Fressco)

Lead author: C. O'Brien, E. Spaventa, & J. De Coninck, 'Comparative Report 2015: The concept of worker under Article 45 TFEU and non-standard forms of employment' Fressco.

Co-author: F. Van Overmerien, C. O'Brien, E. Spaventa, Y. Jorens, B. Schulte 'Analytical report 2014: The notions of obstacle and discrimination under EU law on free movement of workers', Fressco.

Selected invited presentations:

Hart Judicial Review Conference: Immigration, asylum and executive overreach, December 2022

EU Commission MoveS webinar: Posted workers, October 2022

Keynote speaker, National Ethnography Symposium: Advice led ethnography, August 2022

Centre for Access to Justice and Inclusion, Anglia Ruskin University: Legal Action Research and Research Activism, September 2022

EU Commissiom MoveS webinar: Free movement and the gig economy, June 2022

Amsterdam Centre for European Law and Governance, University of Amsterdam: EU Law and Social Justice, November 2021

Centre for European Legal Studies, University of Cambridge: The EU Citizenship Illusion Evaporates, September 2021

University of Liverpool in London: The UNCRC and welfare litigation, June 2019

Academy of European Law, Trier, 'Free movement of workers after Brexit', May 2019

European Trade Union Institute, 'Vulnerability and EU social law', March 2019

Keynote speaker, 'Brexit and Polish nationals', University of Southampton, Jan 2019

Common Market Law Review conference, Warsaw, ‘The construction of, and response to, vulnerability under Union social law’, Oct 2018

Keynote speaker at 'Voice Through Law: Navigating and Negotiating Brexit', University of Liverpool, 18 May 2018

Hart Judicial Review Conference: London, 8 December 2017; Free movement and Brexit

University of Bremen: Administrative injustice faced by EU nationals, 3 Nov 2017

Law Centres Network: Keynote speech on Equality, Human Rights and Brexit, 20 Oct 2017

Public Law Project, Manchester: Brexit and Benefits July 2017

Vrije University, Amsterdam: Homelessness and the EU, April 2017

Common Market Law Review conference: Crossing Europe’s Borders Oslo, Oct 2016