

BEFORE the Honourable Mr Justice Griffiths

Claim No: CO/1200/2020

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW
BETWEEN:-**

R (on the application of)

[REDACTED]

Claimant

-and-

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

CONSENT ORDER

UPON the decision of Singh LJ dated 29 June 2020 granting the Claimant permission to apply for judicial review and permission to amend his grounds of review and remitting the claim to the Administrative Court for a final judicial review hearing;

AND UPON the Court ordering expedition of the final hearing of the claim and maintaining the listing despite the Claimant having been released on bail;

AND UPON the parties agreeing the Statement of Reasons attached to this Order;

AND UPON the Defendant conceding that the detention of the Claimant pursuant to immigration powers between 2 March 2020 and 31 July 2020 was unlawful on the basis that the conclusion in the medical expert's report that continued detention would have a detrimental effect on the Claimant's mental health should have resulted in the Claimant being categorized as a Level 3 Adult at Risk under the AAR policy at that stage;

AND UPON the parties agreeing the settlement terms detailed in the attached Schedule;

AND subject to the approval of the Court as required by CPR Part 54, Practice Direction 54A, para. 17.2-3.

BY CONSENT, it is ordered that:

1. The application for judicial review in respect of the detention claim is granted to the extent that it is declared that the Claimant was unlawfully detained between 2 March 2020 and 31 July 2020 and is entitled to substantive damages for false imprisonment.
2. The Defendant shall pay the Claimant's reasonable costs of this application for judicial review, to include the Claimant's reasonable costs of appeal to the Court of Appeal, to be subject to detailed assessment if not agreed. The costs so payable by the Defendant to the Claimant will be assessed on the standard basis. 50% of those costs are to be paid by the Defendant to the Claimant within 28 days from receipt of the bill of costs.
3. Either party is permitted to apply to the Court to enforce the terms in the Schedule.

IT IS FURTHER ORDERED THAT:

4. The substantive hearing listed for 15 and 16 September 2020 is vacated.
5. There be a detailed assessment of the Claimant's publicly funded costs in accordance with the Civil Legal Aid (Costs) Regulations 2013.

Dated this day of 2020

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Approved
Sir Martin Griffiths
14th September, 2020

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BETWEEN:-

R (on the application of)



Claimant

-and-

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

SCHEDULE

1. The Defendant shall pay the Claimant the total sum of £47,500.00 (the **Damages**) in full and final settlement of any and all other claim or claims the Claimant may make in respect of his immigration detention from 26 August 2018 to 31 July 2020 (the **Unlawful Detention Claim**). Payment is to be made to the Claimant's solicitors.
2. The Defendant is to make full payment of the Damages (£47,500.00) to the Claimant's solicitors within 28 days of the date of sealing of this Order.
3. Upon payment of the Damages at paragraph 1 of this Schedule (and any costs pursuant to paragraph 2 of the Order), the Defendant be discharged of all liabilities in relation to the Unlawful Detention Claim.
4. The terms of this agreement may be varied with the written consent of both parties, such consent not to be unreasonably withheld.