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18 November 2019

[REDACTED]

Dear Sir / Madam,

**Re: The Queen on the application of [REDACTED] v SECRETARY OF
STATE FOR THE HOME DEPARTMENT**

Please see attached order

Yours faithfully,

G Rageev

Clerk to the Upper Tribunal

UPPER TRIBUNAL (I.A.O.)
ORDER BY CONSENT
A HUSSAIN, LAWYER
18 NOV 2019
PURSUANT TO DELEGATED
POWERS

Claim No: JR/2814/2019

IN THE UPPER TRIBUNAL
IMMIGRATION & ASYLUM CHAMBER
IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW
BETWEEN:-

R (on the application of) [REDACTED]

Applicant

-and-

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent



CONSENT ORDER

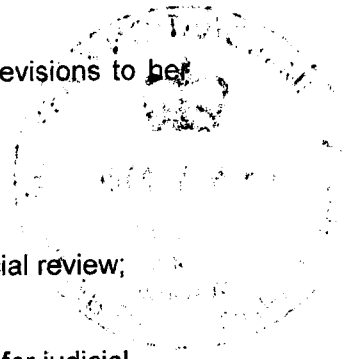
UPON the Applicant no longer being subject to a bail condition imposing a no study restriction; and

UPON the Respondent agreeing not to impose a further study restriction on the Applicant as part of her bail conditions solely in the event that her asylum appeal is dismissed and/or she becomes appeal rights exhausted, unless such a condition is justified on the basis of her individual circumstances, conduct and compliance as it pertains at the time of the relevant decision, and pursuant to the statutory considerations under Schedule 10 paragraph 3(2)(a)-(f) Immigration Act 2016; and

UPON the Respondent agreeing that:

- i) There is no requirement to impose a study restriction in all cases where a person is Appeal Rights Exhausted (ARE);
- ii) A decision to impose any bail conditions, including a study restriction, must be made on the basis of the person's individual circumstances, conduct and compliance and pursuant to the statutory considerations contained in Schedule 10 paragraph 3(2)(a)-(f) Immigration Act 2016 and in furtherance of facilitating the return of an individual who is liable to be removed or to be deported pursuant to Schedule 2 paragraph 16(2) Immigration Act 1971, as an alternative to detention;

- iii) The "Quick Guide on Usage" in the Immigration Bail Guidance version 4, published on 5 April 2019 is not intended to direct the imposition of a study restriction in all cases falling within the particular category of persons;
- iv) This order shall be forthwith circulated to caseworkers responsible for making decisions on the imposition of bail conditions whose attention will be drawn to (i)-(iii) above; and
- v) The Respondent's Immigration Bail Guidance shall be revised and re-issued as soon as reasonably practicable to reflect the agreement in (i)-(iii) above;
- vi) Nothing in this order will prevent the Respondent from making lawful revisions to her guidance in future as she sees fit.



BY CONSENT, it is ordered that:-

1. The Applicant do have leave to withdraw the above-numbered claim for judicial review;
2. That the substantive hearing listed for 26 November 2019 be vacated;
3. The Respondent do pay the Applicant's reasonable costs of this application for judicial review, such costs to be subject to a detailed assessment if not agreed;
4. There is to be a detailed assessment of the Applicant's Legal Aid costs.

Dated this 15th day of November 2019

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Solicitor for the Respondent

By The Tribunal