

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT

BEFORE THE HONOURABLE MR JUSTICE WALKER

BETWEEN:



THE QUEEN  
on the application of

MEDICAL JUSTICE

Claimant

-and-

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

Order

UPON considering the Claimant's application for permission to proceed and for interim relief in form N244 issued on 27 February 2019

AND UPON hearing counsel for the Claimant and for the Defendant at a hearing on 14 March 2019

IT IS ORDERED THAT:

**Permission**

1. Permission to proceed is granted.

**Injunction**

2. Pending final determination of the Claimant's application for judicial review an interim injunction is granted as set out below:

(1) This injunction concerns the circumstances in which the Defendant may enforce the removal of any person who is liable to administrative removal under section 10 of the Immigration and Asylum Act 1999 or to deportation under sections 3(5) and 3(6) of the Immigration Act 1971 or section 32 of the UK Borders Act 2007.

(2) No such person shall be removed unless and until removal directions have been served on that person, and the relevant notice period has thereafter expired, in accordance with those sections of the Defendant's guidance document 'Judicial Review and Injunctions' (version 17.0 dated 5 November 2018) which govern the service of removal directions.

(3) The Defendant will not be in breach of this injunction if extant removal directions provide for removal on or before 15 March 2019 and reasonable steps have been taken to comply with this injunction in relation to that removal

**TO THE DEFENDANT:**

If you the within-named Secretary of State for the Home Department do not comply with this order you may be held to be in contempt of court and imprisoned or fined, or your assets may be seized.

**Case management directions**

3. The claim is expedited.
4. The Defendant shall, if so advised, file and serve Detailed Grounds of Defence and any evidence on which he wishes to rely, by 4pm on 18 April 2019.
5. The Claimant shall file and serve any evidence by way of reply by 4pm on 10 May 2019.
6. The hearing of the application for judicial review be listed with a time estimate of 3 days, with the first day to be a reading day, on the first available date between 10 June and 5 July 2019.
7. Not suitable for a Deputy High Court Judge.
8. The Claimant shall file and serve a trial bundle and skeleton argument not less than 21 days before the hearing of the application for judicial review.
9. The Defendant shall file and serve a skeleton argument not less than 14 days before the hearing of the application for judicial review.
10. The Claimant shall file an agreed joint bundle of authorities not less than 3 days before the hearing.

**Costs Capping Order**

11. The Claimant's total liability for the Defendant's costs in the case be capped at £10,000.00 inclusive of all profit costs, counsel's fees, disbursements and VAT, any such costs to be subject to detailed assessment if not agreed.
12. The Defendant's total liability for the Claimant's costs shall not exceed the Claimant's total proportionate and reasonably incurred time costs and

counsel's fees at the appropriate GLD/Treasury rates and disbursements, any such costs to be subject to detailed assessment if not agreed.

**Costs**

13. Costs reserved.

Dated this 14<sup>th</sup> day of March 2019

**BY THE COURT**