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Please Quote: Z1500347/DCB/B2  
Your Reference: RS/MJ

9 January 2015

Dear Sirs

**Response to your pre-action letter**

This is a letter of response in accordance with the provisions of the Pre-Action Protocol for Judicial Review. A copy of this can be found at [www.justice.gov.uk](http://www.justice.gov.uk).

**1. Proposed Defendant**

Secretary of State for the Home Department

**2. Proposed Claimant**

Medical Justice (registered charity number 1132072), 86 Durham Road, London, N7 7DT

It should be noted, however, that nothing in this response should be taken as any acceptance or concession on the standing of your client to bring the proposed claim.

**3. References**

Your reference: RS/MJ

Our reference: Z1500347/DCB/B2

**4. Details of the matter being challenged**

The Immigration Act 2014 provides for changes in the way a person is removed from the United Kingdom. As part of the phased introduction of those changes, on 20 October 2014 Chapter 60 of the Enforcement Instructions and Guidance was amended to include a new section 19 that sets out guidance on removals under the 2014 Act. Your client challenges Chapter 60.19 on the basis that is the guidance is

*ultra vires* as being in breach of the rule of law and in breach of the right of access to justice, and that the policy is irrational, arbitrary and in breach of EU law and ECHR procedural obligations.

**5. Response to the matters raised**

The Secretary of State is prepared to suspend Chapter 60.19 with effect from 9 January 2015 and will publish replacement guidance shortly. Consideration will be given to all of the points raised in your letter when drafting the replacement guidance.

For the avoidance of doubt, all individuals removed from 9 January 2015 until the implementation of the new guidance will receive notice in accordance with Chapter 60.2 of the Enforcement Instructions and Guidance subject to the existing exceptions in Chapter 60.3.

**6. Details of any other interested parties**

None.

**7. Address for service of Court documents**

FAO Duncan Brown, Treasury Solicitor's Department, One Kemble Street, London WC2B 4TS, quoting reference number Z1500347/DCB/B2

In light of the above, the Pre-Action Protocol is now considered to be concluded.

I would like to remind your client that an application for Judicial Review should be made promptly and in any event within three months of the date of the action against which the claim is to be made. The service of this Pre-Action Protocol letter does not affect this time limit.

Yours faithfully

A handwritten signature in blue ink that reads "Duncan Brown". The signature is written in a cursive style with a long horizontal stroke at the end.

**Duncan Brown  
For the Treasury Solicitor**