



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO/1329/2022

In the matter of a proposed application for Judicial Review

The Queen on the application of:

AM

versus

SECRETARY OF STATE FOR THE HOME DEPARTMENT

UPON considering the Claimant's application on paper for an order by way of interim relief requiring the Defendant to release the Claimant from detention to accommodation provided by the Defendant under s.4 of the Immigration and Asylum Act 1999.

AND UPON consideration of the Claimant's grounds for judicial review and the material contained within the judicial review bundle and the interim relief bundle.

Order by the Honourable Mr. Justice Foxton

1. The application for the Claimant's immediate release is refused.
2. The Defendant shall by 4pm on 6 May 2022 file and serve any submissions in response to the Claimant's application for interim relief.
3. Following receipt of the Defendant's submissions on interim relief the parties shall approach the Administrative Court Office with a view to obtaining an expedited listing of the application for interim relief.
4. The Applicant's identity shall not be disclosed and therefore this matter shall be known as **AM v SSHD**.
5. There shall be liberty to the Defendant to apply to vary or discharge this order on not less than one working day's notice to the Claimant's solicitors.
6. Costs reserved.

Reasons

1. The application for interim relief was issued on 29 April 2022 originally seeking a determination within 4 hours. The urgency is said to arise from an assessment of the Claimant's medical health provided by Dr Thomas from Medical Justice. Dr Thomas' email refers to the fact that the Claimant[s]:
 - a. told Dr Thomas about his symptoms of severe and long-standing panic disorder, with significant symptoms of claustrophobia and sleep difficulties;
 - b. has intermittent suicidal ideation;
 - c. had symptoms of depression;
 - d. mental health has deteriorated since he has been detained and is likely to deteriorate further the longer he is detained;
 - e. has severe symptoms of claustrophobia and unpredictable symptoms of panic and anxiety for which he has not yet had medical input; and

- f. is not fit to fly.
2. There is as yet no report from Dr Thomas, but rather a short email. The contents of that email are undoubtedly concerning, but I am not persuaded that they establish a sufficient urgency to require a paper determination of the application without the Defendant having an opportunity to respond:
 - a. The applicant has been detained in Colnbrook IRC since 25 March 2022. He was assessed by Dr Thomas on 26 April 2022.
 - b. The bail application appears to have been made on 13 April 2022 and refused on 28 April 2022. Dr Thomas' email was passed to the Defendant for consideration alongside the bail application at 15.55 on 27 April 2022.
 - c. There does not appear to be any immediate prospect of the Claimant being required to fly anywhere.
 - d. There is no suggestion that releasing the Claimant now will increase his prospects of obtaining medical input.
 - e. Dr Thomas' email does not suggest that there is any appreciable risk of a significant change in the Claimant's condition if this application is not determined in a matter of days. The email notes the Claimant was not expressing current active suicidal intent on 26 April and is subject to Assessment Care in Detention and Teamwork observation. The terms of the email appear to envisage the Claimant remaining in detention for a least some period of time (asking for an urgent medical assessment, and an appointment for a Rule 35 Report).
 - f. In these circumstances there is no good reason for not allowing the Defendant an opportunity to provide their own evidence in response on the current state of the Claimant's health and the prognosis.
3. The order I have made is intended to ensure an orderly but urgent determination of the Claimant's application for interim relief, with the Defendant having a sufficient opportunity to respond.

Date: 3 May 2022.

Served on 03/05/2022