

Case Nos: CO/2032/2022, CO/2104/2022, CO/2077/2022, CO/2080/2022, CO/2098/2022,
CO/2072/2022, CO/2094/222, and CO/2056/2022

**THE KING
on the application of
AAA and others**

-and-

**THE SECRETARY OF THE HOME DEPARTMENT
(UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES INTERVENING)**

**SUMMARY OF THE DECISION OF THE DIVISIONAL COURT ON
CONSEQUENTIAL ISSUES
(THE FORM OF THE COURT'S ORDERS, APPLICATIONS FOR COSTS AND
APPLICATIONS FOR PERMISSION TO APPEAL)**

1. On 19 December 2022 the Court handed down its judgment in these claims and gave directions for a further hearing to decide certain consequential matters. The judgment now given by the Court (on 16 January 2023) sets out the matters that are to be contained in the orders to be made, respectively, in each case; and contains the Court's decisions on applications for costs made by the parties; and applications for permission to appeal made by the Claimants. The Home Secretary did not seek permission to appeal against the Court's decision.

A. *Costs decisions*

2. The Court decided, case by case, applications for costs made by claimants and the Secretary of State. In each case the costs order made reflects the Court's assessment of which party had the greater degree of success, and the extent of that success. Where orders for costs have been made against individual claimants who have the benefit of Legal Aid, the costs order may not be enforced without further permission from a Costs Judge.
3. The costs orders made are as follows. In *AAA and others v Home Secretary* (CO/2032/2022), the Home Secretary will pay 40% of the costs incurred by the individual Claimants, but part of the Home Secretary's costs will be paid by the organisations who were Claimants in that case; the decision in *HTN v Home Secretary*

(CO/2104/2022) is that the Home Secretary will pay 40% of the Claimant's costs; in *RM v Home Secretary* (CO/2077/2022) the Home Secretary will pay 25% of the Claimant's costs; in *AS v Home Secretary* (CO/2072/2022) the Home Secretary will pay 75% of the Claimant's costs; in each of *ASM v Home Secretary* (CO/2080/2022), *AB v Home Secretary* (CO/2072/2022), and *SAA v Home Secretary* (CO/2094/2022) the Claimant will pay the Home Secretary's costs of the issues decided in the case so far; in *Asylum Aid v Home Secretary* (CO/2056/2022, Asylum Aid will pay the Home Secretary's costs of the case subject to a cap of £30,000.00 previously agreed between the parties.

B. Permission to appeal

4. The Court has, in part, granted applications for permission to appeal made by the individual Claimants in *AAA*, and by *HTN*, *RM*, *ASM*, *AS*, and *Asylum Aid*. Applications for permission to appeal by *AB* and *SAA* were refused.
5. The grounds which have permission to appeal are set out in the judgment and in the orders the court has made. By way of short summary only, the grounds on which permission to appeal has been granted are to the effect that:
 - (a) the arrangements made by the Home Secretary for removal of asylum claimants from the United Kingdom to Rwanda:
 - (i) are inconsistent with article 31 of the Refugee Convention and as such are contrary to the provisions of section 2 of the Asylum and Immigration Appeals Act 1993;
 - (ii) are inconsistent with retained EU law;
 - (iii) rest on an incorrect use of powers available to the Home Secretary under the Asylum and Immigration (Treatment of Claimants etc) Act 2004; and
 - (iv) are inconsistent with the requirements set out in paragraph 345B of the Immigration Rules; and
 - (b) the Home Secretary's conclusion that Rwanda is a safe third country to which asylum claimants can be removed is not consistent with the requirements of article 3 of the European Convention on Human Rights; and

(c) the Home Secretary's arrangements for taking such decisions are systemically unfair because they do not permit the asylum claimants concerned the opportunity to consider her reasons for concluding that Rwanda is a safe third country and make representations in response

NOTE

This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are publicly available. A copy of the judgment can be obtained at <https://www.judiciary.uk/judgments/>