



Neutral Citation Number: [2025] EWHC 2688 (Admin)

Case No: AC-2025-LON-003558

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**  
**SITTING IN LONDON**

Friday, 17<sup>th</sup> October 2025

**Before:**  
**FORDHAM J**

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**Between:**  
**R (CSG) Claimant**  
**- and -**  
**SECRETARY OF STATE FOR THE HOME**  
**DEPARTMENT Defendant**  
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**Gordon Lee** (instructed by Duncan Lewis Solicitors) for the **Claimant**  
**Julia Anderson** (instructed by GLD) for the **Defendant**

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Hearing dates: 15.10.25 & 17.10.25  
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**Approved Judgment**

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FORDHAM J

This judgment was produced and approved by the Judge having authorised the use of voice recognition software during the delivery of ex tempore judgments

## **FORDHAM J:**

### Introduction

1. In this case a claim for judicial review with urgent consideration of the question of interim relief was first notified to the Court at 16:28 on Wednesday 15 October 2025. The claim bundle was filed at 17:13. The bundle ran to 599 pages. The Form N463 recorded that it had first been appreciated that an urgent application might be necessary at 14:00 on 15 October 2025. By Form N463, this is what the Court was being asked to do. To deal with the application for interim relief within one hour, and in doing so to make an order for an interim injunction on the papers to restrain the removal of the Claimant to France. This proposed removal was pursuant to the UK-France Agreement. The legal background is identified in the recent case of R (CTK) v SSHD [2025] EWCA Civ 1264, where the Court of Appeal upheld a decision granting an urgent injunction.
2. The SSHD had declared the Claimant's asylum claim to be inadmissible, pursuant to s.80B of the Nationality Immigration and Asylum Act 2002. The SSHD had also certified as clearly unfounded the Claimant's human rights claims, pursuant to Sch 3 Part 2 §5 to the Asylum and Immigration (Treatment of Claimants etc) Act 2004. The date of those decisions was Tuesday 7 October 2025. Removal directions – for a removal to France on Thursday 16 October 2025 – had then been served on the Claimant and his previous representatives on Wednesday 8 October 2025. The Claimant had instructed his current solicitors on Friday 10 October 2025.
3. This case was one of two urgent cases which were allocated to me, with access to the case papers, at 18:31 on Wednesday 15 October 2025. The other case was R (CES) v SSHD, in which my judgment is [2025] EWHC 2687 (Admin). I dealt with the papers in parallel as well as in sequence. With the assistance of the lawyers in the Administrative Court Office, and a clerk who stepped in at extremely short notice, I was able to get some further information. In particular, we were told that the scheduled flight to France was due to take off at 07:45 on Thursday 16 October 2025. On looking at the papers, I decided that I was very likely to want to convene an urgent oral hearing by MS Teams later in the evening. The SSHD had instructed Counsel (Ms Anderson). She and the Claimant's Counsel (Mr Lee) were put on standby. I set about reading some key documents. I wanted to try to identify the nature and thrust of the legal challenge, and the case for interim relief, in both the present case and the other urgent case. What I read fortified my provisional view that the oral hearing was appropriate.

### Teams Hearing

4. In the present case, I was in a position to proceed with the oral hearing by 21:00 and the remote hearing by MS Teams ran from 21:09 to 22:34. The hearing was recorded. I was robed. In theory, it was a public hearing. But no member of the public or press could have been aware of it or been able to observe it. Several people attended, but they were all connected with the parties.

### Anonymity

5. At the start of the Teams hearing, I raised the question of anonymity. This was sought by Mr Lee and not opposed by Ms Anderson. I granted anonymity but with liberty to apply. I did so on a precautionary basis. I was satisfied in all the circumstances that it was

necessary to make an anonymity order to secure protection from the risk of harm. The Claimant is an asylum seeker. His asylum claim has yet to be determined on its merits. I was concerned that he could be imperilled by being identified. In the recent CTK case there was a similar anonymity order both in the High Court and the Court of Appeal. My order included reporting restrictions, which remain in place. The anonymity order has been published on the judicial website.

### Resumption Hearing

6. I explained at the start of the Teams hearing that it was my provisional intention to list this case for a resumption in open court at the Royal Courts of Justice, on the morning of Friday 17 October 2025. I am delivering this judgment at that resumption hearing. I was minded to resume in open court, whatever the outcome of the urgent applications with which I was dealing. This course of action was supported by both advocates.
7. There were two reasons for having a resumption hearing. Neither of them is concerned with the outcome. The same course would have been appropriate whether the application for interim relief had been granted at the Teams hearing, or if it had been refused at that hearing. Neither of the reasons was concerned with hearing further submissions or making any further decision. I have not heard further submissions. I have not made any further decision. I am not making any further Court order.
8. The first reason was open justice. Because of the timing of the applications and the need to deal urgently with them in an out of hours remote hearing, there was necessarily no prospect of any public hearing in open court, or any published listing information. I suppose it may be possible that a member of the press or public could make the Court aware of an interest in a particular type of case and might ask – prospectively – to be alerted to any out of hours Teams hearing and then permitted to attend it. That may be a matter for consideration. It did not happen here. I was conscious that no member of the public or press would know anything about the hearing. That may often be the case when the Court is dealing with an extremely urgent case out of hours. It would have been different had the claim been filed at an earlier stage, and had the Court been dealing with the case during the court day.
9. All of this has implications for open justice. Courts are duty-bound to consider those implications, independently of any position taken by the parties. I took the view that it was in the interests of open justice and the public interest that the Court should make arrangements promptly to be able to list a public resumption hearing, at which the Judge could explain the nature of the case, the applications that were made and heard, and what the Court had done. I was conscious that I would have been able to release a written judgment, published in the cause list, which would have furthered these aims. But a resumption hearing was even better. As I have said, the parties’ representatives were not required to attend. Remote attendance was facilitated. Many are in attendance.
10. The second reason was concerned with the reasons for my ruling. I was also conscious that I may be in a position at the end of the Teams hearing where I needed to announce my ruling and make my order, but with reasons – or amplified reasons – to follow. In the CTK case, as it happens, the Court of Appeal had announced its decision and then later explained its reasons in more detail. Had the second reason stood alone, I would probably just have released a written judgment, published in the cause list.

### The Oral Submissions

11. I will return to my description of the evening Teams hearing. I was able to allow Mr Lee a substantial period of hearing time to make oral submissions seeking to persuade me to grant urgent interim relief in this case. I had pre-read his written arguments. The majority of the hearing time was well used by Mr Lee making his submissions at assisting me in navigating the voluminous bundle and in responding to my questions. There was then time for Ms Anderson to make some brief and targeted oral submissions for the SSHD, in light of the exchanges that she had heard between Mr Lee and the Court. I announced my ruling at the end of the Teams hearing.

### Timing of Issuing the Claim

12. In dealing with this case, there were two specific points which gave rise to particular concern. I will explain what they were. But I make clear that I decided, at the Teams hearing, not to permit a diversion of time or energy to investigate them any further. I felt it was important to use the available Court time to focus on the substance of the case. These points could, however, prove fatal in a future case unless the position has been thought through. The first point which I record caused me concern was the timing of the filing of the application. Mr Lee emphasised that the Claimant's current solicitors had been instructed only on Friday 10 October 2025 and the documents had been received by them only on Monday 13 October 2025. I do not underestimate the challenging nature of the task which conscientious lawyers face in dealing properly with a case such as this one. Mr Lee told me, and I accept, that there was within the bundle a witness statement by a solicitor which had been prepared specifically to explain the chronology and the steps that had been necessary. As I have already said, I did not interrogate or investigate the point at the Teams hearing. Nor have I done so since. What I record here is no criticism of anyone in relation to the present case. The point I am making is a different, and general, one.
13. My concern is about the Court being faced with an application which is lodged at the end of a court day, and which relates to seeking to restrain a flight which is due to take place the following morning. The Court is able to accommodate urgent cases, as the present case illustrates. There are arrangements for rapid response. But the point is about whether legal representatives may be able to assist the Court with earlier communication, to avoid or reduce the very real challenges and difficulties which arise. It seems obvious that there should be the earliest possible engagement with the Home Office, with GLD, and with the Administrative Court. The Court would then, for its part, need to begin considering taking any appropriate steps. This case well illustrates that the Court may well want an oral hearing. And the Court will certainly want to ensure that the defendant has had a chance to respond. I have already described the open justice implications.

### A 23:00/23:30 Cut-Off Point

14. The second point which caused me concern was this. It had occurred to me to mention, at the start of the Teams hearing, that the Court understood that the flight was due to take place early the following morning at 07:45. I said to the parties (at around 21:15) that, if there were any practical point about the time by when the Court's ruling was needed, I wanted to ensure that I was promptly made aware of it. Neither Counsel was aware of any such feature. And in the period after receipt of the documents in the case at 18:31 nobody had communicated with the Court any such feature. I record here that I had felt

confident that – if it had been needed – there was ample time through the night if necessary to deal with the case ahead of an 07:45 flight.

15. It appeared that, during the Teams hearing, the SSHD’s lawyers or the Home Office officials sought information on the point that I had raised. The hearing was later interrupted so that I could be told that “the Court’s decision is needed by 23:00”. Later on in the evening, this was replaced with “by 23:30”. Again, I decided not to interrogate this further or ask for it to be explained. I decided that it was necessary to focus time and energy on the legal merits of the two cases.
16. There are obvious concerns about this sort of practical cut-off time. I should make clear that I did not take it, from what the Home Office was communicating to me, that an interim injunction if granted after 23:00/23:30 would be ignored. Nobody was saying that an injunction issued at say 6am – and communicated to Counsel, GLD and the relevant arms of the Home Office – would not have been complied with. What I took from what I was told was rather different. I took it that there were practical or operational issues which meant that the removal would be stood down at 23:00/23:30 if the Court were still seized of the case but had not been able to make a decision. In other words, the bringing of the claim and the Court dealing with it would mean the removal would not, for practical reasons, then go ahead. I repeat: I did not interrogate or investigate this. I have not done so. Instead, my resolve was to deal with both cases on their legal merits. That is what we did. I was satisfied that the case was allocated adequate court time and that the parties received a fair hearing.
17. For the future, I think it is important in dealing with urgent interim relief that – if there is some cut-off point – the Court, and contemporaneously the claimant’s representatives, should promptly be made aware of it. It may well also be necessary for the Home Office to explain and even justify it. A public authority’s lawyers, instructed to deal with interim relief, do need to be primed so that they can communicate and explain any such feature. Counsel does need to be briefed about it. It should be communicated at the time when the Court is considering how to use the time, how much pre-reading time to allow itself, and what time to convene a hearing. None of this is a criticism of anyone in the present case. It is a point for the future. It may also be a topic which would be worth some enquiry, independently of and away from the heat and urgency of any individual case.

### The Ruling

18. What I will do next is to set out what I said at the end of the hearing on 15 October 2025. I authorised the use by the Court of voice-recognition software during the ruling, so that I could provide it as an approved version. Here is what I said:
19. At 10:26pm on 15 October 2025 I am announcing, at the end of a 90 minute Teams hearing, that I am dismissing the claim for interim relief in this case and I am refusing permission for judicial review. Mr Lee has been able, with skill and care, to take me through all of the key documents of relevance to the central substantive point that arises in this judicial review claim. I have explained to the parties that the approach I will adopt is to announce my decision now with very brief reasons and then reconvene subsequently in open court at which point I may decide to give fuller reasons.
20. The central points, as I see it, all necessarily focus on the legality of the decision of 6 October 2025 in the light of the documents that had preceded it. By reference both to the

material error of fact and the legal relevancy grounds, and the central conclusion in the decision about “no amended account having been put forward”, it is my conclusion – with the assistance of Ms Anderson’s submissions on behalf of the SSHD – that the challenge to this impugned decision does not have a realistic prospect of success at a substantive hearing. I have reached the same conclusion in relation to the second key aspect of the same decision, namely as to marks or stamps on the Claimant’s body and a rule 35 report. Having regard to the context and circumstances, and to the nature of the Court’s supervisory jurisdiction on judicial review, I have concluded that there is no viable claim in this case.

21. It is for those reasons that I will refuse interim relief and, having had the advantage of submissions from both parties, will also refuse permission for judicial review. In those circumstances, I have not needed to address the difficult question of the balance of convenience and justice, in circumstances where there are some similarities with the CTK case, but also one important difference. This is not, on the face of it, an abrogation case, where a policy was promising something which has clearly not been delivered, as was CTK. This is a more nuanced case where the challenge is to the lawfulness of the decision which, from the Home Office’s perspective, was the end of the relevant ‘reasonable grounds’ decision-making process, because it was the refusal of a request for reconsideration of the earlier adverse decision.
22. I will pause to see whether the parties wish me to say more at this stage, or whether they wish me to reconvene later tonight to give fuller reasons, or whether they are content to wait to hear what I have to say in open court on Friday morning. But my decision in this case is that the application for urgent interim relief is refused and permission for judicial review is also refused. [Exchanges with Counsel.] The advocates have each confirmed that they are content that I have given sufficient reasoning for now to explain what my ruling is and what its basis is. Neither of them has invited me to reconvene later tonight. Each of them is content that the next stage in this case will be a hearing on Friday morning where I will have the opportunity to say more, to the extent that I consider it appropriate. I do not envisage that I will need to hear any representations at that hearing and therefore no attendance is required. If the parties take the view that there will be a need to hear submissions, I will need to know that during tomorrow by email. But I will leave this case there for now, it being clear what order I have made. The order will be drawn up in the usual way, but now not until tomorrow, and sealed. But the parties are aware that the Court’s decision has been made and communicated. I am taking it, in those circumstances, that I can turn to the other urgent case with which I now need to deal. [End of Teams hearing.]
23. That, then, is what I said at the end of the Teams hearing (22:30) on 15 October 2025. What I am now going to do is to provide some fuller reasons for the conclusions which I reached at the end of that hearing.

#### Sequence of Events

24. To understand this case it is helpful to give an outline of the following sequence of events. The Claimant arrived in the UK in a small boat from France. He had an asylum screening interview at 01:51 on the morning of 25 August 2025. At 09:25 on 26 August 2025 he had his induction interview at the immigration detention centre. At 17:13 on 28 August 2025 an online form was submitted by the first responder within the Home Office by way of an NRM referral. NRM is the national referral mechanism. The terminology and

applicable instruments and policies are discussed in CTK. The key point which arises, for parallel decision-making within the Home Office, is whether there are reasonable grounds to conclude that the individual is a victim of modern slavery. If so, duties are triggered. And in all this, anxious scrutiny is applicable on judicial review.

25. On 3 September 2025 an adverse reasonable grounds decision was made by the relevant competent authority, for reasons set out in a decision letter which also communicated the Claimant's right to request a reconsideration. On 7 September 2025 the Claimant was given a medical examination culminating in a rule 35 report. Reports of that kind arise in particular because of questions about suitability of ongoing detention, but they can have wider significance. On 1 October 2025, the Claimant sent an email requesting reconsideration of the negative reasonable grounds decision, and making a series of points. On 2 October 2025 his then solicitors wrote a follow-up letter requesting reconsideration on his behalf. The Home Office guidance documents describe the right of reconsideration. Mr Lee quoted a passage from policy guidance describing the "pause" in inadmissibility action while the process is still underway ("until the consideration of whether or not the person is a victim of modern slavery has been completed"). The document itself was not included within the 599 pages provided to the Court. The contents of the policy guidance, and their applicability to the present case, were not contested for the purposes of what I had to decide. In the CTK case the SSHD had confirmed to the High Court that, if the claimant in that case were removed, the NRM competent authority would not deal with reconsideration or receive any further evidence: see the judgment of the Court of Appeal at §1.
26. On 6 October 2025 a decision letter was issued which declined the Claimant's request for a reconsideration. That adverse decision was the central focus of the judicial review claim. Mr Lee called it a gateway decision, made by a gatekeeper who was declining to open the gate. The body of that decision document confirms that the decision-maker had the Claimant's email request (1.10.25), the rule 35 report (7.9.25) and the solicitors' request letter (2.10.25). Following the negative reconsideration decision of 6 October 2025, the SSHD's inadmissibility decision and notice of intent were issued on 7 October 2025. Then on 8 October 2025 came the removal directions, immigration factual summary and assertive letter. The Claimant was due under the removal directions to be removed to France on 16 October 2025. The SSHD's position was that the NRM decision-making had reached its end (had "been completed").

### The Claim

27. At the Teams hearing Mr Lee for the Claimant submitted, in essence, as follows. This case crossed the relevant threshold of raising a triable issue, for the purposes of interim relief. It also satisfied the test as to the balance of convenience and justice. In those circumstances an interim injunction should be ordered.
28. There was, said Mr Lee, a clear parallel with the CTK case itself. In that case, the triable issue had arisen because the relevant Home Office guidance had described the claimant's right to request reconsideration and his proposed removal was going to thwart that entitlement. It would also involve a failure to "pause" the removal while the reasonable grounds issues were still in the decision-making pipeline. In CTK, the balance of convenience and justice favoured interim relief, so as to protect the claimant's legal rights to a practical and effective reconsideration; albeit that this meant the Court requiring a deferral of the SSHD's wish and attempt to secure removal to France.

29. This case, said Mr Lee, is relevantly similar. Here the triable issue arises in circumstances where the same guidance documents were applicable. Here, the reasonable grounds decision-making process purports to have ended, with the gatekeeper's rejection of the Claimant's requested reconsideration. But the right to reconsideration, says Mr Lee, must include within it a lawful decision in response to a reconsideration request. If the response to the requested reconsideration is arguably unlawful then there is a similar need as in CTK for the vindication of legal rights, and a similar balance of justice and convenience in favour of a postponement of removal.
30. Pausing there, I interpose this. It seemed to me that, in all the circumstances, the appropriate initial focus needed to be on whether Mr Lee was right to say that the gatekeeper's response of 6 October 2025, refusing the requested reconsideration, was arguably unlawful. Was there a viable public law error or errors capable of satisfying the triable issue test for interim relief? It also seemed to me – and both Counsel agreed – that, at least in the present case, the Court was in a position to consider the triable issue question alongside the question of arguability with a realistic prospect of success for the purposes of permission for judicial review. I considered those two issues side-by-side. In her submissions on behalf of the SSHD, Ms Anderson focused in particular on what she said was the lack of viability of the claim.
31. Mr Lee's case on the arguable public law error or errors in the adverse gatekeeper's decision of 6 October 2025 went, in essence, as follows. There are two public law errors identifiable within the decision. Each of them is at least arguable. Either of them, if vindicated, would serve to vitiate the decision in law. That would mean that there had been no lawful response to the request for reconsideration. It would mean that the gatekeeper had unlawfully closed the gate to reconsideration. It would mean the Claimant could not lawfully be removed to France. The first public law error relates to the suggested absence of an alternative narrative ("an amended account"). The second public law error relates to the absence of a bodily examination (to see "marks" on the Claimant's body).
32. So far as the alternative narrative is concerned, the position is as follows. In the Claimant's email request of 1 October 2025, he said that the narrative discussed in the adverse decision of 3 September 2025 – based as it was on what was attributed to him in the capture of detail at the 26 August 2025 detention centre induction interview and embodied within the online referral form – had attributed to him details that he had not stated and did not accurately reflect his personal chronology. The point made within the adverse gatekeeper's decision of 6 October 2025 was that, although the Claimant had stated that he had found parts in the recorded accounts which were not what he had actually said, "no amended account was put forward for consideration". That was simply wrong. In public law terms it was a material error of fact or a relevant consideration which was obviously material being left out of account.
33. This is because of the other documents which the decision-maker had, and indeed to which the adverse gatekeeper decision referred. In those documents, the Claimant's corrected account of what had happened in Libya was put forward. Both documents had contents which involved the claim to having been subjected to forced labour under menace and with violence. They were therefore very different from the benign description attributed to the Claimant from the induction and referral. It had recorded a claim of working in a restaurant in Libya, and only occasionally being paid. That was what had been addressed in the 3 September 2025 decision. The narrative contents of the

two documents were completely overlooked by the gatekeeping decision-maker on 6 October 2025. That was notwithstanding that the rule 35 report and the solicitors' representations were both available and referenced. The rule 35 report had contained a narrative description of coerced labour in Libya with beatings, which the reporting clinician had said in the report needed to be looked into in further detail. The solicitors' letter of request had referred to coerced labour with beatings in Libya, and had also specifically referred to the narration of events within the rule 35 report. In all these circumstances, the decision-maker could not – on this first point – reasonably maintain the original decision that the Claimant's account did not meet the relevant modern slavery definition.

34. So far as physical examination is concerned, the position is as follows. In the Claimant's email request for reconsideration he explained that during the rule 35 check he did not have the opportunity to fully present vital evidence because he was not able to show the physical marks on his body that evidenced past torture and harsh treatment. That was clearly a description of his not having been examined for any such marks by the reporting clinician. That is supported by the contemporaneous recording within the rule 35 report itself that "no scars noted". Recording that "no scars noted" is consistent with the clinician not having examined for any scars. The force of all of this is underscored, and the injustice to the Claimant is exacerbated, by the fact that subsequent attempts by the Claimant's solicitors to organise video examination by clinicians while he is in detention have been thwarted, through no fault of the Claimant's, because the video equipment has not been operating.
35. In the light of either, or the combination of both, of those arguable public law errors this claim crosses the relevant viability threshold and there is a triable issue. That was the essence of the claim.

### Discussion

36. I was not able to accept these submissions. My view, with the benefit of the submissions from both sides and having considered the documents, was that the claim did not cross the threshold of arguability. My view was that there was no realistic prospect of success in overturning the adverse decision of 6 October 2025. That was fatal to the claim.
37. I can start with the physical examination point. The point was made, within the gatekeeper's decision letter, that the Claimant's complaint in his email request was that he was "not able to show" his marks or stamps on his body to the medical professional at the time the rule 35 examination. That is what the Claimant's email request had said. The decision-maker pointed out that the Claimant had provided no "explanation" as to why he did not "present this to the professional at the time". In my judgment, the decision-maker was plainly entitled to make that point and to reach an adverse view based on it. The Claimant was not saying that he was not examined. He was not saying "no scars noted" in the report was because no examination was done. He was saying, for some unexplained reason, that he was "not able to show" the clinician the marks on his body. The recent events in detention with video arrangement cannot, in my judgment, assist if the impugned decision is, beyond argument, a lawful one. So far as the solicitors letter of 2 October 2025 is concerned, I note that that letter refers to the rule 35 report although it gives an incorrect date. But no point is made about any failure of examination. And consideration of the rule 35 report itself does not assist the Claimant. In my judgment it clearly undermines the claim. I am unable to see how the judicial review Court would

read the rule 35 report as reflecting a clinician not bothering to make any observation or examination of the Claimant physically; still less of the gatekeeper as acting unreasonably in failing to read it in that way. The process was a medical examination. The report form which the clinician was filling out states that the clinician needed to give details of observations and findings which should include details of all scarring or other physical marks. To record “no scars noted” clearly indicates that the examining clinician looked and could not see any. It does not record that the examining clinician did not look.

38. I remind myself that judicial review is not a merits appeal afresh. The Court does not have a substitutionary jurisdiction. I am aware of the potential rigours of the reasonableness standard of review in an anxious scrutiny context. I am aware of the contours of material error of fact in public law, and of obviously material considerations, and also of legally adequate reasons. I could see no arguable public law error in relation to physical examination.
39. I turn to the point made about the Claimant’s narrative. The starting point is that there was a detailed narrative at the time of induction that was recorded and captured for the purpose of the online referral form. At one point Mr Lee made a point about dialect and the interpreter. But he subsequently very fairly recognised that this was the wrong way round. The dialect of the interpreter for the induction was the one which the Claimant has accepted was the right one for him. Another point which Mr Lee referred to was about how late at night it had been when the Claimant had been encountered for his screening. But it is the induction narrative at the detention centre that is the basis of the description of the restaurant in Libya where the Claimant was saying that he had worked and sometimes been unpaid. That was then addressed in the original adverse reasonable grounds decision of 3 September 2025. That was the “recorded account” to which the gatekeeper later referred.
40. Against that backcloth there was then the Claimant’s email. The point that the gatekeeper decision-maker was making was by reference to that request. The Claimant was saying in his request that there were details attributable to him that he had not said and timelines that didn’t accurately reflect his personal chronology. And that was all he said. He had not taken the opportunity to set out his missing alternative narrative, or to explain what it was that he had actually said in the induction, which was misrecorded. The gatekeeper regarded this as a plain and obvious failure. There is nothing arguably unreasonable or unlawful in making this powerful point. Indeed, the Claimant’s same email request had said this: “I am committed to providing a full and accurate account of my experiences”. The point is that he did not do so. He provided nothing at all. There was no identification of any point. That was the point being made.
41. I was unable to accept that the other materials, on which reliance is placed, support an arguable case for a finding by the Court of a material error of fact or of an obviously relevant consideration being overlooked. As Ms Anderson for the SSHD pointed out in her submissions they simply introduced yet further contradictions. Nor is it arguable in my judgment that the reasons were legally inadequate because they did not deal specifically with those further materials. They are referenced by the gatekeeper and they had been considered. In fact, when I look at the rule 35 report the Claimant had said to the examining clinician that he had been forced to work in a “warehouse” in Libya and had been beaten and “hung upside down”. The solicitors letter of 2 October 2025 had made some general references to forced labour involving work in the “desert” and

beatings. But there was no reference to a “warehouse” and no reference to being “hung upside down”. The letter had even referred to a rule 35 report (giving it a different date) and the Claimant’s “narration of events” as requiring further detailed consideration. They stand alongside what the decision-maker – beyond argument – reasonably regarded as the deafening silence in the email request.

42. I was unable to see a realistic prospect of overturning the adverse gatekeeper decision as unreasonable or based on material error of fact or disregarding an obviously material consideration or being legally inadequately reasoned, even on an anxious scrutiny.
43. It was in those circumstances, and for those reasons, that I accepted the submissions of Ms Anderson for the SSHD. I could not see a realistic prospect of the judicial review Court at a substantive hearing accepting that there was any vitiating public law error in the adverse decision. As I said in my ruling and in stating my conclusions at the Teams hearing, since the claim lacked legal viability and raised no triable issue, I refused interim relief and at the same time refused permission for judicial review.