



# Courts and Tribunals Judiciary

## SUMMARY

**R (Sadat & others) -v- Secretary of State for the Home Department**  
**R (Farah & others) -v- Secretary of State for the Home Department**

**[2026] EWHC 2157 (Admin): Mrs Justice Steyn DBE**

*[References in square brackets are to paragraphs in the judgment.]*

1. The Court has handed down judgment in these two linked judicial review claims today, following a ‘rolled-up’ hearing on 27-29 July 2026 [4]. The Court dismissed both claims ([171]).

### The Claims

2. The claimants challenged the “Student Visa Brake”, a change to the Immigration Rules which made nationals of Afghanistan, Cameroon, Myanmar and Sudan ineligible to obtain entry clearance as students ([1]). The Student Visa Brake was introduced by the Statement of Changes in Immigration Rules (HC 1691), laid before Parliament on 5 March 2026, and came into effect on 26 March 2026 ([2], [26]-[28]).
3. The claimants are seven of the affected students ([5]). They are all women. The three ‘Farah claimants’ are Sudanese nationals who have been displaced by the armed conflict in Sudan. They are medical students with offers from the University of Oxford and University College London to undertake master’s degree courses ([6]-[8]). The four ‘Sadat claimants’ are nationals of Afghanistan, Sudan and Cameroon with offers to study in the UK ([11]). One has offers to undertake a PhD at the University of Oxford or King’s College London ([14]). Two have offers from several UK universities to undertake master’s degree courses ([11], [13]). One is a school-leaver with an offer to undertake a bachelor’s degree in civil engineering at the University of Manchester ([12]).
4. The Court considered that the importance of the interests affected and the nature of the potential consequences called for heightened scrutiny of the decision-making process, recognising that the Student Visa Brake has dashed the hopes and expectations of exemplary, public-spirited students who had succeeded in securing places at prestigious universities, many of whom had secured or been short-listed for scholarships. But the Court should be slow to impugn the rationality of the outcome given the Home Secretary’s decision involved macro-political and predictive judgements as to the public interest and was subject to Parliamentary oversight ([56]-[58]).

## **The Grounds**

5. The Farah claimants challenged the process by which the four countries were selected, contending the Home Secretary's reliance on the "Conversion Rate" ([62]-[64]) was arbitrary and irrational, that her aim was to tackle "visa abuse" yet she failed to consider and/or undertake reasonable inquiries into whether there was evidence of "visa abuse" ([67]), or to consider or investigate alternative options ([9], [62], [71]).
6. The Sadat claimants alleged that the Home Secretary failed to consider or investigate the discriminatory impact of the Student Visa on women, and that the measure is irrational because it treats different situations (i.e. those of men and women in the affected countries) in the same way, without any objective justification ([16]).
7. Both sets of claimants also contended that the Home Secretary fettered her discretion, pre-emptively determining that any application for leave outside the rules ('LOTR') will be refused ([10], [16]).

## **The Conversion rate, visa abuse and other measures (Farah grounds 1-3)**

8. The Court addressed the purpose of the Visa Brake at [67]-[70]. These aims included restoring public confidence in the immigration system, relieving pressure on the asylum system, and allowing time to devise more nuanced measures, as well as tackling visa abuse or misuse, within the meaning given to those terms by the Home Secretary.
9. The Court addressed the challenge to the use of the Mismatched Conversion Rate ([48]) at [59]-[85]. The Conversion Rate compared, for a given nationality and period, the number of asylum claims made by people previously granted student visas with the number of student visas issued. These cohorts comprised different people with no necessary overlap ([62]-[66]). The Court accepted that it did not measure the exact proportion of visa holders who later claimed asylum, but held that its limitations were recognised and explained, and that reliance on it as an indicative of the balance between visas granted and visa-linked asylum claims was within the range of reasonable methodologies open to the Secretary of State ([72]-[76], [78]-[83]).
10. The Court rejected the contention that the data was incapable of indicating misuse of the student route ([80]-[81]) and was not persuaded that was a factor she ignored ([89]). In any event, the principal concern was forward-looking and involved predictive assessment ([83], [90]). In the circumstances, and bearing in mind the Student Visa Brake is a temporary measure, the Court was not satisfied that the Home Secretary breached the duty of inquiry ([91]).
11. In view of the evidence of alternative measures considered by the Home Office, the Court found Farah ground 3 was unarguable ([92]-[100]).

## **Fettering of discretion (Farah ground 4/Sadat grounds 4-5)**

12. The Court addressed the allegation that the Home Secretary fettered her discretion at [101]-[148]. Notwithstanding the unqualified terms of the relevant change to the Immigration Rules (Appendix Student ST 3.3), it was common ground that the Home Secretary retains a broad residual discretion to grant leave outside the rules ([105]).
13. The principal issue was whether, in substance, she had shut her ears and was unwilling to even consider granting leave outside the rules ([106], [127]). The Court considered that the statements that applications will be refused addressed applications under the

rules ([136]). The Home Secretary's willingness to consider exercising her residual discretion had not been tested ([114], [138]), and the evidence did not establish that she had shut her ears to applications for leave outside the rules ([138]).

14. The Court held that the mechanism for seeking leave outside the rules did not make it practically impossible to apply. It was possible to apply without a Confirmation of Acceptance for Studies, and the fee requirement was an ordinary incident of applying for entry clearance ([140]-[148]).

### **Discrimination (Sadat Grounds 1-3)**

15. The Court addressed the discrimination grounds at [149]-[170]. The Court noted that the appalling systemic eradication of the rights of girls and women to access secondary and higher education in Afghanistan is well known and has been condemned by the Government ([165]). The Court acknowledged the existence of gender-related inequality in Cameroon, Myanmar and Sudan, but it was less clear that there was substantial inequality in access to higher education in those countries, or that the Home Secretary should have been on notice that was the case ([165], [159]).
16. Bearing in mind that the Student Visa Brake was an inward-facing measure, not a policy implemented overseas [164], and that the Home Secretary was not rationally obliged to regard an immigration control measure as an appropriate vehicle for addressing the consequences of discrimination abroad ([166]), the Court held that the different position of women of the affected nationalities compared to men was not a consideration she was obliged to consider or investigate ([166]). The decision was not substantively irrational ([169]).
17. If the Home Secretary had been obliged to consider the situation of Afghan women, she had done so ([168]).

### **Conclusion**

18. The Court granted permission to apply for judicial review on all grounds except Farah ground 3 and Sadat ground 5. Both claims were dismissed ([171]).

**NOTE: This summary is provided to help 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 available at: [www.judiciary.uk](http://www.judiciary.uk) and <http://caselaw.nationalarchives.gov.uk/>**

**12 August 2026**