



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

CO Ref: CO/9927/2012

In the matter of an application for Judicial Review

The Queen on the application of **TAMILS AGAINST GENOCIDE**

versus **SSHD**

Application for permission to apply for Judicial Review, and for interim relief by way of a stay on the removal of Sri Lankan nationals to Sri Lanka

NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)

Following consideration of the documents lodged by the Claimant

Order by Mr C M G Ockelton sitting as a deputy Judge of the High Court

Permission is hereby refused;

The application for a stay on removals to Sri Lanka is refused.

Reasons:

1. There may be an issue as to standing but I make this decision as though the claimant had the necessary standing, without deciding the issue.
2. The application seeks the cancellation or deferral of a flight to Sri Lanka due to depart this afternoon, on the ground that arranging the return of Tamils to Sri Lanka amounts to 'enforcing removal when it is not safe to do so' and is a breach of the defendant's declared policy; and quashing of an asserted policy 'to remove failed asylum seekers because it is presumed safe to do so'. A mandatory order to compel the defendant to reconsider her policy, and disclosure of documents are also sought.
3. The grounds are not properly arguable. The policy 'to remove failed asylum seekers because it is presumed safe to do so' does not appear to exist; and no other identified policy or statement appears to be breached by the return to Sri Lanka of those whose asylum claims have failed. On the contrary, the ministerial statement cited in the grounds is that 'Returns are only enforced when it is safe to do so and when the agency and the courts are satisfied that the individual has no international protection needs' (my emphasis).
4. All cases of this sort need to be assessed on an individual basis. There is no proper ground for saying that the judicial process in the Tribunals, the defendant's decision-making process, and the supervision of both by this court and the court of appeal, are not together sufficient for the protection of the individuals concerned. There is therefore also no proper basis for general relief of the type sought by this claim.

Signed

C. M. G. Ockelton 19/9/2012

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date):

Solicitors:

Ref No.

Notes for the Claimant

If you request the decision to be reconsidered at a hearing in open court, you must complete and serve the enclosed FORM within 7 days of the service of this order – CPR 54.12



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

CO Ref no: CO/9927/2012

In the matter of a claim for Judicial Review

The Queen on the application of

TAMILS AGAINST GENOCIDE

versus **SECRETARY OF STATE FOR HOME DEPARTMENT**

Notice of RENEWAL of claim for permission to apply for Judicial Review (C P R 54.12)

1. *This notice must be lodged in the Administrative Court Office and served upon the defendant (and interested parties who were served with the claim form) within 7 days of the service on the claimant or his solicitor of the notice that the claim for permission has been refused.*
2. *If this form has not been lodged within 7 days of service (para 1 above) please set out below the reasons for delay:*
3. *Set out below the grounds for renewing the application:*

4. *Please supply*
COUNSEL'S NAME:
COUNSEL TELEPHONE NUMBER:

Signed

Dated

Claimant's Ref No.

Tel.No.

Fax No.

To the Administrative Court Office, Royal Courts of Justice, Strand, London, WC2A 2LL