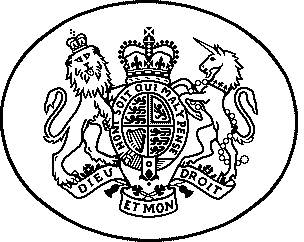
**In the High Court of Justice CO/3986/2020**

**Queen’s Bench Division**

# Administrative Court

**In the matter of an application for judicial review**

**THE QUEEN**

**on the application of**

**QBB**

**Claimant**

**-and-**

1. **SECRETARY OF STATE FOR THE HOME DEPARTMENT**
2. **FIRST TIER TRIBUNAL (SOCIAL ENTITLEMENT CHAMBER)**

**Defendants**

**On an application by the Claimant for urgent interim relief for the class to which he belongs**

Following consideration of the documents lodged by the Claimant

Following the making of the Order on 30 October 2020

Following consideration of the communications between the parties and the Court during today

**ORDER by the Honourable Mr Justice Fordham**

1. Until further Order, the First Defendant shall continue to provide accommodation under section 4 of the Immigration and Asylum Act 1999 to persons to whom the First Defendant is providing such accommodation at the date and time of this Order save where the First Defendant gives notice of a decision that the person is not or is no longer a destitute failed asylum-seeker under section 4.
2. The continuation (a) of paragraph 1 of this Order, subject to paragraph 3 of this Order and (b) paragraph 2 of the Order dated 30 October 2020, shall be considered by Fordham J at a remote inter partes hearing by BT conference call at 2pm on Friday 6 November 2020 (time estimate two hours). All documents filed and served by the parties relating to that hearing shall also be emailed to [Jessica.Turner1@justice.gov.uk](mailto:Jessica.Turner1@justice.gov.uk)
3. The First Defendant shall have liberty, it so advised, to apply on notice to vary or discharge paragraph 1 of this Order at a hearing prior to Friday 6 November 2020, such application to be listed for urgent oral hearing as soon as the Court is able to accommodate it.
4. The First Defendant shall inform the Court promptly of any decision to invoke the liberty to apply in paragraph 3 of this Order.
5. Costs reserved.

**Reasons.**

1. The application for class interim relief pending an urgent inter partes telephone hearing is before me today. D has indicated (pursuant to my Order 30.10.20 §3(a)) that D wishes an oral hearing on Friday to deal with continuation of interim relief in C’s case (§2). D has not clarified whether D wishes that hearing to address class interim relief (§3(b)) but I am taking it, until told otherwise, that this is so. That leaves the question of what to do today. I informed the parties that, as immediates judge, I was willing to convene an urgent remote BT conference hearing today. Neither party has asked for that. I have said I will deal with the matter on the papers.
2. My starting point is with a clear recognition of the respect which this Court must have for D as the primary decision-maker and policy-maker. This is encapsulated at p.39 para 124. However, I make this class order for these reasons (relying, where indicated, on what I have been told supported by a statement of truth: p.7). (1) Suspension on the eviction for this class was announced, temporarily, in the context of the March lockdown (27.3.20) (p.11 §8, p.15 §23) which can be linked to a public health rationale (p.32 §89). (2) The recent lifting of the suspension and beginning of evictions has been described as subject to the question of local restrictions (p.12 §9) with an exception for regional restrictions or lockdowns (p.17 §27, p.19 §30, p.19 at §a4). (3) The PJAST has held eviction to be human rights-incompatible in Tier 3 (p.12 §11, p.23 §45). (4) This Court has a ‘class interim relief’ jurisdiction (p.53 §6). (4) A new national lockdown is imminent, and evictions are said to be continuing (email from C’s Counsel today at 14:50). (5) D is considering her position following the announcement to impose national restrictions but no announcement to pause evictions has been made (email from GLD today at 17:12). (6) I have been given no reason, and shown no reasoned document, which addresses a basis for continuing with evictions in the circumstances. (7) By ‘holding the ring’ today, those currently accommodated and supported (the class) are and remain identifiable and concrete action can be taken and maintained. An Order made only on Friday may fail to ‘bite’ in cases where it was really needed, in circumstances where the harm and risk cannot readily be reversed. (8) I cannot currently see a justification for continuing with evictions, in destitution cases (the Order has an express qualification), in circumstances of existing regional restrictions and imminent national lockdown. (9) I am satisfied that there is a triable issue – on the basis of what I have so far seen, a strong one – and I am sure that the balance of convenience and justice, as at today, requires this Order. (10) D is protected in that, if D has a basis to lift this Order, whether it be articulated at Friday’s hearing before me or at a more urgent one (if greater speed is considered justified by D) then it can speedily be demonstrated. I am acutely aware of the importance of that opportunity. It is built into my Order.



Signed: Fordham J Date: ~~30.10.20~~ **2.11.20** at 18:16

**Date corrected by the Judge 4.11.20 11:52**

**BY ORDER OF THE COURT**

NOTE: This order takes effect from the date it was made.  In the light of the Covid-19 pandemic many court staff are working remotely.  A sealed order is or will be available by liaison with the court office.

**For completion by the Administrative Court Office**

Sent / Handed to

**either** the Claimant, and the Defendant [and the Interested Party]

**or** the Claimant's, and the Defendant’s [and the Interested Party’s] solicitors

Date:

Solicitors:

Ref No.