

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

CO/1440/2017

BEFORE THE HONOURABLE MR JUSTICE OUSELEY

IN THE MATTER OF AN APPLICATION FOR PERMISSION TO APPLY FOR
JUDICIAL REVIEW

B E T W E E N :

**R (ON THE APPLICATION OF
GUNARS GURECKIS)**

Claimant

- v -

**THE SECRETARY OF STATE
FOR THE HOME DEPARTMENT**

Defendant



ORDER

*2350
12.7.17*



UPON reading the Claimant's consolidated bundle and the Defendant's acknowledgment of service and summary grounds of defence;

AND UPON hearing counsel for the Claimant and counsel for the Defendant;

IT IS ORDERED THAT:

1. Permission to apply for judicial review is granted to the Claimant on the following grounds:
 - (1) Ground 1: "Misuse of rights" in the Immigration (European Economic Area) Regulations 2016 regulations 23(3), 23(6)(c), and 26 cannot be construed as including rough sleeping;
 - (2) Ground 2: The enforcement of the policy on European Economic Area (EEA) administrative removal version 3.0 in respect of alleged rough sleepers is unlawful as it is discriminatory;

- (3) Ground 3: The enforcement of the policy on European Economic Area (EEA) administrative removal version 3.0 in respect of alleged rough sleepers is unlawful as it is being applied systematically;
2. Permission is refused on all other grounds.

Case Management Directions:

3. The Defendant or any other person served with the Claim Form who wishes to contest the claim or support it on additional grounds must file and serve detailed grounds for contesting the claim or supporting it on additional grounds and any written evidence within 35 days of service of this Order;
4. Any reply and any application by the Claimant to lodge further evidence must be lodged within 21 days of service of detailed grounds for contesting the claim;
5. The Claimant must file and serve a trial bundle not less than 4 weeks before the date of the hearing of the judicial review;
6. The Claimant must file and serve a skeleton argument not less than 21 days before the date of the hearing of the judicial review;
7. The Defendant must file and serve a skeleton argument not less than 14 days before the date of the hearing of the judicial review;
8. The Claimant must file an agreed bundle of authorities not less than 3 days before the Date of the hearing of the judicial review; and

Listing Directions

9. The hearing is to be listed for 3 days, if possible by the end of October 2017, to be heard with *Cielecki* (CO/2016/2017) and *Perlinski* (CO/2384/2017). Account is to be taken of Counsel's availability where possible.

Dated: ~~12 July 2017~~ **29 JUN 2017**



Note for the Claimant

If permission has been granted the claimant or his solicitor must within 7 days of the service upon him of this order, lodge a further fee as detailed below, or a Fees exemption certificate if appropriate, to continue the proceedings. Failure to pay the fee or lodge a certificate within the specified period may result in the claim being struck out.

1.9(c) Permission to proceed £770

Where fee 1.9(b) has been paid and permission is granted at a hearing, only £385 of fee 1.9(c) is payable

Note for Defendant and Interested Parties

Where permission has been granted a defendant and any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve –

- (a) Detailed grounds for contesting the claim or supporting it on additional grounds; and
- (b) Any written evidence,

within 35 days after service of the order giving permission.

