



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

Claim Nos: CO/4606/2018,
CO/4608/2018

BETWEEN

**THE QUEEN
on the application of
(1) JP
(2) BS**

Claimants

- and -

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

ORDER

Before the Honourable Mr Justice Murray on 10 December 2019

Upon hearing Mr C Buttler for the Claimants and Ms J Williams for the Defendant on 2 May 2019

And upon handing down judgment on the claims

It is declared that:

The Defendant breached the rights of the First and Second Claimants under Article 14 (read with Articles 4, 8 and A1P1) of the European Convention on Human Rights, contrary to s 6 of the Human Rights Act 1998, by deferring the determination of their applications for ECAT leave until after the determination of their asylum claims rather than determining their applications for ECAT leave at the same time as making a conclusive grounds decision.

It is ordered that:

1. The Claimants are granted judicial review for the reasons set out in the judgment.
2. The provision that "*All outstanding asylum decisions should be taken before any consideration is given to whether the victim is eligible for discretionary leave*" in the Defendant's policy "*Discretionary leave considerations for victims of modern slavery (Version 2.0)*" is quashed.
3. The parties shall endeavour to reach agreement on the quantum of damages payable by the Defendant to the Claimants for breach of Article 14 (read with Articles 4, 8 and A1P1) of the European Convention on Human Rights, failing which the assessment of damages shall be transferred to the general list of the Queen's Bench Division and a

hearing shall be listed on the first available date in 2020 in consultation with counsel's clerks, time estimate ½ day.

4. The Defendant shall pay the Claimants' costs of the claim on the standard basis, to be assessed if not agreed.
5. There shall be a detailed assessment of the Claimants' publicly funded costs.