

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

BETWEEN

**THE QUEEN
On the Application of
XN**

Claimant

- and -

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

STATEMENT OF MATTERS RELIED ON

1. Practice Direction 54A to CPR Part 54 provides as follows:

17.1 If the parties agree about the final order to be made in a claim for judicial review, the claimant must file at the court a document (with 2 copies) signed by all the parties setting out the terms of the proposed agreed order together with a short statement of the matters relied on as justifying the proposed agreed order and copies of any authorities or statutory provisions relied on.

2. The Claimant is an asylum seeker from Angola. She and her toddler son are in receipt of accommodation and subsistence support from the Defendant under section 95 of the Immigration and Asylum Act 1999 ('IAA 1999').
3. Over the course of three months, between mid-February 2020 and 20 May 2020, the Claimant reported that she and her son sustained physical violence, emotional abuse, anti-social behaviour and harassment perpetrated by another female resident in shared accommodation provided by the Defendant in Hillingdon. The alleged abuse included an occasion where she reported she was kicked repeatedly in her stomach and knees, and punched in her back in front of her son, as well as an occasion when the perpetrator is alleged to have left a knife in front of her room as a threat, pouring tea and water on the flooring in front of the Claimant's room, causing her young son to slip and injure himself,

and repeatedly slamming the doors in the accommodation until late into the night as a form of harassment. The Claimant and her son stated that they were so frightened, they would lock themselves in their room if the perpetrator was in the house.

4. The incidents were reported to the police and to the Defendant, and her contractors, Migrant Help and Clearsprings Ready Homes, on 16 and 26 February, 5 March, 8, 9 and 14 April 2020. The Claimant's solicitors, Freedom from Torture (which provides psychological therapy to the Claimant) and Deighton Pierce Glynn also raised concerns about the continued risks posed to the Claimant and her son of ongoing abuse and harassment in correspondence between 9 April and 20 May 2020.
5. The Defendant accepts that she did not carry out a safeguarding investigation into the repeated incidents of violence and anti-social behaviour and that she should have done so under her *Breach of Conditions* policy.
6. It is the Claimant's case that the Defendant did not provide her and her son with safe and adequate accommodation in circumstances where she failed to consider at all the relocation of the alleged perpetrator from the shared accommodation. The only option offered to the Claimant was her relocation to shared accommodation, which took place on 20 May 2020 in the absence of alternatives. The Claimant and her son were moved to self-contained accommodation on 1 October 2020.
7. The reported impact of the Defendant's actions and omissions on the Claimant and on her son is recorded in the evidence provided by Freedom from Torture on 9, 14 and 24 April 2020 and 7 and 13 August 2020, as well as in the witness statements of Sasha Rozansky dated 5 May 2020, Georgina Colegate-Stone dated 2 June 2020 and in the Claimant's own words in a witness statement dated 2 October 2020. The Claimant and her son were moved to self-contained accommodation on 1 October 2020.
8. The Defendant's actions and omission between February 2020 and 20 May 2020 were a breach of the rights of the Claimant and her son under Article 8 of the European Convention on Human Rights and contrary to section 6 of the Human Rights Act 1998. The Defendant accepts that it is necessary for just satisfaction of the breach to make an award of compensation. The Parties wish to have a 2-month stay to explore a negotiated settlement of the quantum of compensation.

9. [Having considered the circumstances of this claim and the evidence filed by Freedom from Torture, the Refugee Council, the Helen Bamber Foundation, and the Asylum Support Appeals Project,] The Defendant has decided that she will amend her policy to incorporate a process for dealing with serious breaches of conditions of support or serious incidents of anti-social behaviour, harassment, verbal or physical abuse, threatening behaviour or assault in asylum support accommodation concerning supported persons who are not intimate partners or family members. The amendments will be informed by a review of her approach for dealing with such incidents which will involve consultation with key stakeholders including the National Asylum Stakeholders' Forum. Absent special circumstances, the review will conclude in February 2021 and an amended policy published by April 2021.

10. The Defendant recognises that pending review, there needs to be interim directions to her case workers and contractors, including Migrant Help and the contracted accommodation providers on the approach to dealing with serious breaches of conditions of support or serious incidents of anti-social behaviour, harassment, verbal or physical abuse, threatening behaviour or assault in asylum support accommodation concerning supported persons who are not intimate partners or family members. A note will be published and circulated internally to direct them to: (a) conduct a safeguard investigation into all such incidents; and (b) the need to elicit the alleged victim's wishes so far as concerns whether she or he wishes to remain or be relocated, and consideration of relocating the alleged perpetrator. If a decision is made that the alleged perpetrator is to be relocated, this should be done promptly. The Defendant will remind its case workers and contractors that the Home Office has overall responsibility for ensuring the investigation is carried out and outcomes determined.