



**In the Upper Tribunal
(Immigration and Asylum Chamber)
Judicial Review**

In the matter of an application for Judicial Review



The King on the application of
MA
(a child by his litigation friend ASM)

Applicant

-v-

Secretary of State for the Home Department

Respondent

JR-2020-LON-000416

NOTIFICATION of the Judge's decision

Final Damages Decision/Order by Upper Tribunal Judge Blum:

UPON hearing Ms. M Knorr, Counsel, instructed by Wilson Solicitors LLP, for the Applicant and Ms H Masood, Counsel, instructed by the Government Legal Department, for the Respondent at a remote hearing held at Field House on 1-2 October 2020 and 15 December 2020.

AND UPON the Tribunal granting remedies as set out in its Order of 15 December 2020 (at paragraphs 1 to 4) and making an order with respect to costs (at paragraph 6).

AND UPON the parties having complied with the directions concerning damages at paragraph 5 of the Order of 15 December 2020 and the Tribunal's further orders of 7 June 2021 and 15 September 2021 varying and supplementing those directions, and the Tribunal having considered the parties submissions with respect to damages together with the other documents filed in this claim as relevant to damages.

It is further ORDERED that:-

1. The Respondent is to pay the Applicant £10,500 in non-pecuniary damages for the breach of his Article 8 ECHR family life rights within 28 days of the sealing of this Order.
2. In addition to the costs awarded to the Applicant at paragraph 6 of the 15 December 2020 Order, the Respondent do also pay the Applicant's reasonable costs since 15 December 2020, to be assessed if not agreed.
3. The Respondent shall make a payment on account of costs in the sum of 40% of the Applicant's bill of costs within 28 days of receipt of the same.
4. The Applicant's legally aided costs be subject to a detailed assessment.
5. Permission to appeal is refused (no application for permission was made and the damages judgment does not disclose any arguable legal error).

Signed: *D. Blum*

Upper Tribunal Judge Blum

Dated: 20 April 2023

The date on which this order was sent is given below

For completion by the Upper Tribunal Immigration and Asylum Chamber

Sent / Handed to the applicant, respondent and any interested party / the applicant's, respondent's and any interested party's solicitors on (date): 20/04/2023

Solicitors:

Ref No.

Home Office Ref: EIU/5313641

Notification of appeal rights

A decision by the Upper Tribunal on an application for judicial review is a decision that disposes of proceedings.

A party may appeal against such a decision to the Court of Appeal **on a point of law only**. Any party who wishes to appeal should apply to the Upper Tribunal for permission, at the hearing at which the decision is given. If no application is made, the Tribunal must nonetheless consider at the hearing whether to give or refuse permission to appeal (rule 44(4B) of the Tribunal Procedure (Upper Tribunal) Rules 2008).

If the Tribunal refuses permission, either in response to an application or by virtue of rule 44(4B), then the party wishing to appeal can apply for permission from the Court of Appeal itself. This must be done by filing an appellant's notice with the Civil Appeals Office of the Court of Appeal **within 28 days** of the date the Tribunal's decision on permission to appeal was sent (Civil Procedure Rules Practice Direction 52D 3.3).