



Neutral Citation Number: [2020] EWHC 2111 (Admin)

Case No: CO/2076/2020

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

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 31 July 2020

Before :

THE HON. MR JUSTICE MURRAY

Between :

THE QUEEN on the application of
EK (a protected party,
by his litigation friend MADELEINE CROWLEY)
- and -
SECRETARY OF STATE FOR THE HOME
DEPARTMENT

Claimant

Defendant

Ms Grace Capel (instructed by **Duncan Lewis Solicitors**) for the **Claimant**
Mr Richard Evans (instructed by the **Government Legal Department**) for the **Defendant**

Hearing date: 15 July 2020

Approved Judgment

Covid-19 Protocol: This judgment was handed down by the judge remotely by circulation to the parties' representatives by email and release to BAILII. The date and time for hand-down was deemed to be 10.30am on 31 July 2020. A copy of the judgment in final form as handed down is available on request by email to the administrativecourtoffice.listoffice@hmcts.x.gsi.gov.uk.

Mr Justice Murray :

1. The claimant, EK, is seeking:
 - i) an anonymity order under CPR rule 39.2(4);
 - ii) interim relief in the form of release forthwith to suitable accommodation to be provided by the defendant, the Secretary of State for the Home Department, under section 4(2) of the Immigration and Asylum Act 1999; and
 - iii) permission to apply for judicial review to challenge the immigration detention of EK on various grounds.

Anonymity

2. An anonymity order is sought on behalf of the claimant under CPR r 39.2(4) on the basis that he is a protected party, lacking mental capacity, with serious mental health difficulties. The defendant has not opposed the order sought. Given the claimant's status as a protected party and having regard to the specific circumstances of this case, I consider that it is necessary to make this derogation from the principle of open justice in order to protect the claimant's rights under Article 8 of the European Convention on Human Rights. This consideration, in this case, outweighs any general public interest in identifying the claimant in any report of the proceedings. There are otherwise no reporting restrictions, this hearing (while conducted remotely) was open to the public and this judgment is public. The claimant shall be known as "EK" for purposes of these proceedings.

Relevant background

3. EK is a national of Sierra Leone born on 28 March 1981. He is currently in immigration detention at HMP Leicester. He first entered the United Kingdom on 3 October 2002, when he was 21 years old, with his mother and siblings.
4. On 24 October 2005 EK was convicted at the Crown Court in Kingston-upon-Thames of three counts of robbery and one count of theft. He was sentenced to three years and six months' imprisonment and recommended for deportation.
5. On 5 May 2006 EK was notified by letter of his liability to deportation, and on 11 August 2006 the Secretary of State issued a decision to make a deportation order against EK.
6. On 7 November 2006 the First-tier Tribunal (FTT) dismissed EK's appeal against the deportation order, which had been made on human rights grounds. On 4 December 2006 an application to the Administrative Court for reconsideration of that decision was refused, and on 14 December 2006 EK's appeal rights were exhausted.
7. On 2 February 2007 the Secretary of State issued a signed deportation order in respect of EK.
8. On 11 April 2007 EK was convicted of arson at Canterbury Magistrates' Court and sentenced to 30 days' imprisonment. He had apparently set fire to his bedding in prison. He said that it was an attempt to kill himself.

9. On 20 July 2007 EK was arrested for possession of Class A drugs with intent to supply, having been found to have 141 wraps of cocaine in his possession while in immigration detention. No further action was taken due to the fact that he was shortly to be deported.
10. On 27 September 2007 EK was deported to Sierra Leone on an emergency travel document.
11. Some time during October 2010, in breach of the deportation order, EK re-entered the UK on his own passport.
12. On 4 July 2011 EK came to the attention of the police while urinating in a public place and was arrested as an illegal entrant, in breach of his deportation order.
13. On 13 July 2011 EK claimed asylum. A screening interview was conducted on 14 July 2011 and substantive interviews were conducted on 11 October 2011 and 13 February 2013.
14. On 9 January 2014 Dr Shiraz Ahmed, a speciality doctor in psychiatry (a sub-consultant role) at the Leicestershire Partnership NHS Trust, issued a confidential psychiatric report, prepared at the request of EK's solicitors, Duncan Lewis Solicitors ("Duncan Lewis"), dealing with a number of issues, including a psychiatric assessment of EK and assessment of his mental capacity. Dr Ahmed diagnosed EK as suffering from a severe mental health disorder due to psychoactive substance abuse, namely, excessive use of cannabis. He considered that EK presented with a good prognosis if he refrained from use of cannabis and engaged in a full course of psychological therapy. He assessed EK as presenting with a mixed capacity to take part in legal proceedings.
15. On 29 May 2014 EK's asylum claim was refused, but the decision was not immediately served on him due to his claims to have attempted suicide. Following psychiatric assessment and the production of a report, the Secretary of State's decision refusing asylum was served on EK on 5 August 2014.
16. On 30 March 2015 the FTT allowed EK's appeal against the decision to refuse asylum, due to error in her decision-making process, and the Secretary of State was directed to reconsider the decision.
17. On 11 April 2017 EK was arrested and charged with possession of a firearm with intent to cause fear of violence.
18. On 2 May 2017 EK was notified that his asylum application would be refused as a result of his convictions in 2005 for robbery and theft, in respect of which he had been imprisoned for at least two years.
19. On 28 September 2017 EK was acquitted after trial at the Crown Court of possession of a firearm with intent to cause fear of violence, possession of a firearm and possession of ammunition, but was made subject to a three-year restraining order not to contact two witnesses in the case. EK was then taken into immigration detention.

20. On 23 October 2017 the Secretary of State agreed an emergency travel document for EK with the authorities of Sierra Leone.
21. On 9 November 2017 Dr H Oozeerally, a medical general practitioner at the immigration removal centre where EK was then detained, issued a report under Rule 35(3) of the Detention Centre Rules 2001, assessing EK's account of torture by the Sierra Leone authorities as consistent with scarring on his back and forehead.
22. On 23 November 2017 the Secretary of State refused EK's protection and human rights claim and concluded that there were no grounds on which to revoke the deportation order.
23. On or about 22 December 2017 EK was released from immigration detention.
24. On 2 January 2018 EK appealed to the FTT against the decision to refuse his protection and human rights claim.
25. On 30 August 2018 Dr Imran Jamil, a consultant forensic psychiatrist, issued a confidential psychiatric report, prepared at the request of Duncan Lewis, concluding, among other things, that EK suffered from schizotypal disorder and not drug-induced psychosis. Dr Jamil also noted EK's chaotic lifestyle in the UK over the years, which Dr Jamil attributed to his schizotypal disorder, antisocial personality traits and chronic misuse of illicit drugs and alcohol. Dr Jamil suspected that EK might be suffering from Attention Deficit Hyperactivity Disorder (ADHD) and recommended that EK should be assessed by a suitable expert. Dr Jamil did not consider that EK would benefit from psychotherapy as he would not comply and would not be psychologically minded to engage with the therapists, as had been evidenced in the past.
26. On 11 September 2018 EK was found in a Leicester side street with a female child, EB, a looked-after child who was subject to a full care order, then 17 years old. A child abduction warning notice ("CAWN") had already been prepared to serve on him in relation to EB. It was read to him, his understanding was verified, and he signed it. EB was in supported accommodation. On 12 September 2018 EB was reported missing, and support workers reported this to the police. On 13 September 2018 EB was found at EK's mother's accommodation in Derby.
27. In relation to these events, on 1 October 2018 EK was convicted at Leicester Magistrates' Court of taking a child without lawful authority so as to remove her from lawful control and sentenced to an 18-month community order with a six-month alcohol treatment requirement and a 25-day rehabilitation activity requirement.
28. On 2 October 2018 an initial CSE (Child Sexual Exploitation) THRIVE assessment was completed in relation to EK. In the assessment it was noted that EK had been issued with a CAWN in relation to EB and another CAWN in relation to another female child, SJ. The assessment also noted mental health concerns in relation to EK, including transient psychosis and depression, as well as a history of alcoholism and an instance of self-harm, where he had cut his wrist in front of his then-girlfriend. The assessment includes the following notes:

“[EK] has been seen outside William Hill Bookmakers talking to young females aged 13-15yrs and seen to be drinking alcohol, he has also been seen to hug the girl

...

... it appears that [EK] is in a relationship with [EB] (10/09/2001) who has been CSE victim, they were seen to hold hands and hug each other, he has denied that they are in a relationship

... CSE child [SJ] went missing for 5 days, it appears that she was staying with [EK], she said that she had sex with him but said she was 17yrs. ...[SJ] was found at an address with [EK]

... [EK] was in a relationship with a 16yr old girl who attending [sic] Queen Elizabeth college ... [EK's] mobile phone has been triaged, it shows conversation between him and [EB], [EB] talks about having sex with him

... [EK] seen in McDonald near to 3 young females

... [EK] has been issued a CAWN in relation to [SJ] (29/01/2003). He has been issued a CAWN for [EB] ..., [EK] states that [EB] told him that she was 20yrs and lived with a drug dealer

... Photo's have been found on [EK's] phone, these show 2 images of [EK] and [EB] on a bed, he is topless and she doesn't appear to have a top on”

29. On 18 October 2018 EK was seen at Leicester Royal Infirmary's Accident and Emergency Department in the company of EB.
30. On 8 November 2018 EK was convicted at Leicester Magistrates' Court of assisting a child (namely, EB) to run away or stay away from a responsible person and sentenced to 24 weeks' imprisonment, suspended for 12 months, with an alcohol treatment requirement and a rehabilitation activity requirement. He was also made subject to a restraining order not to contact EB. Due to this conviction, his sentence imposed on 1 October 2018 was revoked, and he was re-sentenced on the same terms as the sentence imposed for his conviction on 8 November 2018, to be served concurrently.
31. On 21 December 2018 EK was convicted at Leicester Magistrates' Court of three breaches of the restraining order imposed on him and of breaching his suspended sentence order due to the breaches of the restraining order. He was sentenced to 8 weeks' imprisonment concurrent on each breach of the restraining order. The suspended sentence imposed on 8 November 2018 of 24 weeks' imprisonment was activated in full and made to run consecutively to the 8-week sentence, for a total sentence of 32 weeks' imprisonment.

32. On 11 April 2019, at the end of the custodial portion of his sentence, EK was detained under immigration powers as a person subject to a deportation order.
33. On 4 July 2019, while EK was in immigration detention, although he had not been convicted of a sexual offence, he was made the subject of a sexual harm prevention order (SHPO) issued by Leicester Magistrates' Court, preventing EK for a term of 5 years from having any contact with any female under the age of 18 years. (Neither counsel had a copy of the SHPO, which was therefore not in the hearing bundles.)
34. On 19 July 2019 the FTT refused EK's application for immigration bail.
35. On 20 August 2019 the clinical lead nurse at HMP Lincoln confirmed that EK was receiving psychiatric treatment while in detention, with a diagnosis of mood instability and chronic psychosis, for which he was prescribed medication in the form of mirtazapine and risperidone, the only other issue being that he heard voices and that treatment was helping him in this respect.
36. On 21 August 2019 a consultant psychiatrist, Dr John Stevens, issued a certificate of capacity confirming the claimant's lack of litigation capacity.
37. On 4 September 2019 Dr Stevens issued a report, prepared at the request of Duncan Lewis, in which he diagnosed EK with paranoid schizophrenia. Dr Stevens also considered that EK was likely to have Korsakoff syndrome, a form of dementia or amnesic disorder, which in this case may have arisen from brain damage due to alcohol abuse. This would account for EK's memory defects. Unlike Dr Jamil, Dr Stevens found no symptoms of ADHD.
38. On 16 October 2019 the Probation Service completed an OASys assessment in respect of EK, which identified that he posed a medium risk of reoffending and a low risk of serious harm to the public, known adults and prison staff and prisoners. The Probation Service concluded that EK posed a medium risk of harm to children. It was noted that he was subject to a SHPO. The Probation Service concluded that release accommodation for EK in Leicester would be unsuitable, given that his offending had occurred here.
39. In December 2019 EK's solicitors provided two addresses to the Secretary of State as proposed addresses to which EK could be released on immigration bail, however they were assessed as unsuitable by the police.
40. On 10 March 2020 EK's appeal to the FTT was listed before Judge Sutherland Williams for a case management hearing. The judge stated that EK's representatives had not complied with directions set on 10 January 2020. The matter was listed for a substantive hearing on 6 April 2020.
41. On 10 March 2020 the claimant made an application for accommodation under section 4 of the Immigration and Asylum Act 1999 ("the 1999 Act").
42. On 13 March 2020 the FTT granted the claimant bail in principle, subject to a probation-approved address being provided by 3 April 2020.

43. On 23 March 2020 Professor G C Fox, a consultant psychiatrist, issued a report, prepared at the request of Duncan Lewis, in which he found that there was evidence that EK had a mixed personality disorder and a schizotypal disorder. Professor Fox noted that Dr Stevens had diagnosed paranoid schizophrenia and that EK's cognitive symptoms may point to Korsakoff Syndrome, which involves impairment of recent and remote memory. Professor Fox did not appear expressly to confirm this diagnosis in his report (which, in any event, was assessed by Dr Stevens as "likely"), but Professor Fox did not discount it. He noted that EK's cognitive presentation was different from the presentation recorded by Dr Stevens. Professor Fox suggested that this was likely due to EK having made some limited improvement during the intervening months. It was unlikely, however, that EK would recover full cognitive functioning.
44. Professor Fox recorded EK's account of unusual beliefs about spirits and voodoo and hearing voices, but he did not find evidence of any active acute psychosis. He agreed with Dr Stevens that EK did not suffer from ADHD.
45. Professor Fox agreed with Dr Stevens's conclusion as to EK's mental capacity and his lack of capacity to conduct litigation proceedings. Professor Fox considered that EK posed a moderate risk of reoffending. He was in agreement with the OASys assessment of 16 October 2019. His conclusion as to EK's risk of reoffending was based on his history of previous offending, his underlying mental health issues (paranoia, abnormal beliefs and impaired cognition) and his limited insight. Professor Fox noted that EK did not appear to have any insight into or awareness of guilt for his offending.
46. Professor Fox considered that EK did not have capacity to understand the conditions of the restraining order imposed on him, and EK's ability to comply with the restraining order would be affected, in any event, by his memory impairment. EK could not explain why he was in prison, and Professor Fox considered that this was due to his cognitive impairment. Professor Fox noted that EK had met with mental health services in prison and had taken his medication, but, in the past, his attendance regarding therapy had been patchy and he had refused to engage in group therapy.
47. On 6 April 2020 EK, without informing his solicitors, expressed a desire to return to Sierra Leone and signed a disclaimer withdrawing his appeal to the FTT.
48. On 15 April 2020 Duncan Lewis sent a pre-action protocol letter to the Secretary of State.
49. On 21 April 2020, when acknowledging receipt of the pre-action protocol letter, the Secretary of State informed Duncan Lewis that EK had expressed a desire to return to Sierra Leone and had signed a disclaimer withdrawing his appeal. Duncan Lewis responded that day noting that EK lacked capacity and that the disclaimer was of no effect for that reason. The Secretary of State did not and does not dispute that the disclaimer was of no effect.
50. On 21 April 2020 the Secretary of State accepted that EK is eligible for accommodation under section 4 of the 1999 Act, and a request was submitted by the Secretary of State on that day to the accommodation provider to identify suitable accommodation.

51. On 23 April 2020 the Secretary of State sent a letter to Duncan Lewis confirming her decision to maintain EK's detention following a detention review that had been conducted in light of Covid-19.
52. Further pre-action communications were exchanged between the parties, but they were unable to resolve matters. A further pre-action protocol letter was sent on 27 May 2020. On 4 June 2020 the Secretary of State responded, maintaining the decision to detain and rejecting the challenge to the provision of accommodation.
53. This claim was issued on 8 June 2020.
54. On 17 June 2020 Choudhury J considered EK's urgent application for interim relief and, amongst other things, ordered that the application be listed for an oral hearing (in accordance with the remote hearing protocol), on notice to the Secretary of State, on the first available date after 25 June 2020, with a direction that the Secretary of State file and serve her response by 16 June 2020. Choudhury J did not on that occasion make an anonymity order as he considered that the basis for one was not properly set out, but he noted that it could be considered at the hearing of the interim relief application, as it has been.
55. On 23 June 2020 the Secretary of State filed an Acknowledgement of Service, Summary Grounds of Defence ("SGD"), her response to EK's application for interim relief and a bundle of supporting documents, principally monthly detention reviews, monthly progress reports and GCID notes. The Secretary of State provided redacted correspondence relating to her search for section 4 accommodation for EK in a supplementary bundle.
56. The chronology prepared by the Secretary of State and appended to her SGD summarises the dates on which detention reviews were undertaken and cross-refers to the records in the defendant's bundle. It also records the dates of the monthly progress reports sent to EK.

Grounds

57. EK seeks to challenge his detention on five grounds:
 - i) Ground 1: EK's detention breaches the third *Hardial Singh* principle, there being no realistic prospect of removal within a reasonable period on account of barriers to removal posed by:
 - a) EK's outstanding appeal to the FTT, which presents a statutory bar; and
 - b) the suspension of flights to Sierra Leone due to the Covid-19 pandemic;
 - ii) Ground 2: EK's detention breaches the second *Hardial Singh* principle, the reasonable period having already expired;
 - iii) Ground 3: the Secretary of State has failed to take reasonable steps to secure accommodation and/or there has been unreasonable delay in the provision of accommodation;

- iv) Ground 4: the Secretary of State has breached the Equality Act 2010 and/or has breached her common law duty of enquiry in respect of continued detention; and
- v) Ground 5: the Secretary of State has breached the Equality Act 2010 in relation to release arrangements and/or accommodation under section 4 of the 1999 Act.

Conclusion on permission to apply for judicial review

58. In relation to permission to appeal, I am persuaded that the first three grounds are arguable. Although I have serious doubts about grounds four and five, given the interrelationship between the grounds, I consider that the claimant should have the opportunity to argue all of his grounds. Accordingly, I grant permission on all grounds.
59. I have set out the chronology above in some detail because I consider that it is relevant to the question of interim relief, which I find difficult in this case.

Interim relief

60. The *American Cyanamid* principles apply to the claimant's application for interim relief, appropriately modified to reflect the public law context of this application. The claimant must show that there is a real prospect that at trial he will succeed in demonstrating that his detention is unlawful. If that hurdle is surmounted, then I need to consider whether the balance of convenience favours the grant of relief. When considering the balance of convenience, the public interest is a relevant factor: *R (Medical Justice) v Secretary of State for the Home Department* [2010] EWHC 1425 (Admin) at [12]-[13].

Serious issue to be tried

61. I have granted permission. I consider that there is a serious issue to be tried.

Balance of convenience

62. In relation to the balance of convenience, I note that the FTT approved immigration bail on 13 March 2020, subject to the condition that a suitable address was found. Accordingly, the FTT must have been satisfied continued detention was no longer necessary. It is clear, however, given EK's multiple mental health difficulties and the risk of reoffending that he poses that the address to which he is released must be suitable, which is why the FTT granted of bail was conditional.
63. The Secretary of State provided evidence that she has made various attempts to identify a suitable address and that addresses provided on behalf of EK were found to be not suitable by the police or probation service.
64. Mr Richard Evans, counsel for the Secretary of State, submitted that EK poses a high risk of further offending and gave several reasons for that, including his various prior convictions, his past breaches of court orders, the fact that he re-offended while subject to a community order and while subject to a suspended sentence order, the fact that he is subject to an SHPO, that he has failed to comply with two CAWNs and

that he has no right to employment and no recourse to public funds. Mr Evans also noted that the GCID records show that EK had previously failed to report on 20 October 2015 and 29 November 2016, while subject to a reporting requirement, and on 13 February 2017 was found not to be in compliance with his reporting conditions.

65. The Secretary of State maintains that EK also poses a high risk of harm, particularly to children, given his offences for child abduction, which were committed despite having been served with CAWNs and in breach of a restraining order.
66. At [28] I have set out some notes from the CSE THRIVE assessment prepared in relation to EK, which is the principal evidence before me, apart from the fact that an SHPO was issued against EK, that there was a sexual element to EK's contacts with EB and SJ. I note, however, that EK has never been convicted of a sexual offence.
67. The question arose during the hearing as to whether EK was subject to notification requirements under the Sexual Offences Act 2003 ("SOA 2003") simply by virtue of the imposition of the SHPO in the absence of a relevant conviction. Under section 103(2) of the SOA 2003, EK became subject to the notification requirements from the making of the order until the order (as renewed from time to time) ceases to have effect.
68. As I have already noted at [38], the OASys assessment of 16 October 2019 assessed EK as posing a medium risk of reoffending, a medium risk of harm to children and a low risk of serious harm to the public, known adults and prison staff and prisoners. It was noted in the assessment that EK was subject to a SHPO. The Probation Service concluded that release accommodation for EK in Leicester would be unsuitable, given that his offending had occurred there. The Probation Service concluded that EK posed a medium risk of harm to children. Professor Fox agreed with the OASys assessment in relation to risk of reoffending and risk of harm.
69. Mr Evans was not able to say why the Secretary of State's assessment differed from the OASys assessment or that of Professor Fox. The factors cited by Mr Evans in support of the Secretary of State's assessment that EK posed a high risk of offending would have been considered by the FTT, which nonetheless granted conditional bail.
70. Mr Evans submitted that the evidence showed that the Secretary of State has been taking steps to obtain accommodation, but that suitable one-bed properties are limited. Moreover, there have been particular difficulties sourcing accommodation due to the restrictions resulting from the Covid-19 pandemic. None of the addresses put forward by EK's representatives have been suitable. The Secretary of State has repeatedly chased the accommodation provider, but so far a suitable address has not been identified.
71. Mr Evans submitted that part of the impact of the Covid-19 pandemic has been the Secretary of State's decision that for three months she would not be requiring people to leave accommodation following the final disposal of their asylum claim or appeal, as would normally be the case. This has had a negative impact on the supply of accommodation. The limits on removal partly caused by the Covid-19 pandemic have also resulted in more individuals being eligible for release and requiring accommodation, which has increased the demand for accommodation.

72. I have no reason to disbelieve the Secretary of State's evidence in relation to her efforts to find a suitable release address for EK. It would be fruitless to order the Secretary of State to do something immediately or within a very restricted period that cannot be done immediately or within that restricted period. EK's offending history, particularly in relation to children, and his mental health issues present additional challenges in sourcing suitable accommodation and particularly so during the Covid-19 pandemic.
73. Ms Grace Capel, counsel for EK, submitted that EK would have strong incentives, were he released, not to abscond or reoffend. There would be a high level of monitoring of him, given that he would be subject to reporting and electronic monitoring requirements. Fear of the consequences of breaching the SHPO would be a further incentive to him not to reoffend. Although she conceded that he had occasionally breached reporting requirements in the past, he had "for the most part" reported and his failures to report may have been connected with his mental health.
74. The problem that I had with these submissions as to EK's incentives to comply with post-release conditions is that his mental health and, specifically, his cognitive difficulties, especially as highlighted by Dr Stevens and Professor Fox, would appear to make it likely that those incentives would not have the beneficial effect on EK and ensure his compliance in the way that they would for a healthy person with normal cognitive function.
75. In response to a question from me, Ms Capel made it clear that EK's representatives are not seeking an order to release EK from detention without a suitable address having been found. She said, simply, that it was her experience that if the court ordered EK's release to a suitable address within a specified period, the Secretary of State would find a suitable address within that period.
76. Another factor relevant to the interim relief application, in my view, is that there is no evidence that EK's detention is causing any deterioration in his mental health. Professor Fox, in fact, highlighted what appear to be improvements in his mental health and cognitive functioning over the months between Dr Stevens's assessment of EK and Professor Fox's assessment. Having said that, Professor Fox also found, as I have summarised above, that EK continues to suffer from serious mental disorders and impaired cognitive functioning that is unlikely ever fully to recover.
77. In response to the foregoing point, Ms Capel noted that, although neither Dr Stevens nor Professor Fox highlighted any negative impact of detention on EK's mental health in their assessments, their reports were commissioned for purposes of EK's FTT appeal, and neither psychiatrist was asked specifically to consider the impact on EK's mental health of his detention. It seems to me, however, that each psychiatrist would have been bound to notice if EK's mental health was deteriorating due to his detention and, if so, he would be bound to mention it in his otherwise quite detailed report. The lack of a clear negative impact of his current detention is a factor that I weigh in considering the balance of convenience in this case.

Conclusion on interim relief

78. Having attempted carefully to balance the foregoing factors, I consider that some form of interim relief is necessary. It would, however, be wrong to issue an order that

cannot practically be complied with or that would force the Secretary of State to release EK to accommodation that is not wholly suitable given his complex needs.

79. Immigration bail having been approved in principle by the FTT, as well as support under section 4 of the 1999 Act by the Secretary of State, the Secretary of State should continue using best endeavours to source suitable accommodation. I propose to make an order to that effect, requiring the Secretary of State to provide a statement to the court on or before a date falling two weeks after the date of the order confirming that suitable accommodation has been found or, if not, detailing the steps that have been taken during that period to find suitable accommodation and explaining why those steps have not been successful. The order will require further weekly reports until suitable accommodation is found or further order. I will reserve this matter to myself and will, if necessary, direct a further hearing to consider the position and whether a further order is necessary. Given the length of time that EK has been in detention, I will also order expedition of his claim.