



Government Legal Department

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London
WC2B 4TS

J Tomlinson

By E-mail

DX 123242 Kingsway 6 www.gov.uk/gld

Your ref:
Our ref:
RM/49/18

3 July 2018

Dear Mr Tomlinson,

Re: Your Freedom of Information Act request.

On 5 June 2018 the Government Legal Department (GLD) received a request for information from you under the Freedom of Information Act (FOIA) 2000

In relation to immigration judicial reviews in the Upper Tribunal (where the Home Office is the respondent), please could you provide me, as far as is possible and within the limits defined by FOIA, the following information:

- (1) *The total value of costs awarded in favour of the Home Office in each of the last five years;*

Such information that we have is not held centrally in a recorded form and could only be collated by manually checking all relevant files but at the disproportionate expense of time and cost under section 12 of the FOIA. Insofar as we have costs data about negotiated costs it is in general for all JR immigration claims. Costs awarded also includes costs awarded but not yet assessed ie the amount is not yet known.

- (2) *The total amount of litigation debt that is owed to the Home Office from immigration judicial reviews on the basis of cases from the last five years; and*

GLD does not hold this information

- (3) *The usual consequences of any unpaid litigation debt flowing from a judicial review (i.e. the steps taken when a costs order is not complied with).*

If costs due to the client are negotiated between the parties but not paid, GLD will usually submit a formal bill of costs and then obtain a default costs certificate if the amount of costs sought is not paid.

If the amount sought is still not paid then what happens next depends on instructions and the amount of costs due. Sometimes the client will follow its own cost recovery process. For example the Home Office guidance can be accessed at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/561536/ggfr-litigation-debt-v1_0.pdf

and/or GLD will be instructed to issue enforcement remedies.



One consequence of costs not being paid by someone subject to immigration control, for example, is that this fact is placed on their immigration file and they might not be let back into the country unless the costs due are met in full.

If you are unhappy with the level of service you have received in relation to your request you may ask for an internal review within two months of the receipt of this response. If you wish to do this you should contact me at the above address. It will help ensure that your complaint is properly considered if when requesting an internal review you also set out the reasons why you are unhappy with the service you have received.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote the reference number in any future communications.

Yours sincerely

Paul Woods
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