

# **R (on the application of Majera (formerly SM (Rwanda))) (AP) (Appellant) v Secretary of State for the Home Department (Respondent)**

**Case ID: UKSC 2020/0008**

## **Case summary**

### **Issue**

Was the Appellant's purported grant of immigration bail by the First-tier Tribunal invalidated from the outset by defects in the Tribunal's order, and if not what are the consequences?

### **Facts**

In this case SM, a Rwandan national, is challenging the Court of Appeal's decision that the purported grant of bail by the Tribunal was void from the outset. SM served a prison sentence for robbery between 17 December 2005 and 30 March 2015. The Parole Board recommended his release on licence and he was moved into immigration detention. On 30 July 2015 First-tier Tribunal Judge Narayan decided SM could be released on immigration bail. Although no one noticed this at the time, Judge Narayan's order did not comply with the Immigration Act 1971 because it did not require SM to surrender to an immigration officer at a specified time and place or at all.

The Home Secretary imposed restrictions on SM. On a judicial review by SM, Judge Peter Lane held that SM remained on bail granted by Judge Narayan and therefore the Home Secretary's restrictions (save for the restriction prohibiting SM from entering employment paid or unpaid) had no legal effect. On appeal, however, the Court of Appeal decided the defects in Judge Narayan's order made it unlawful from the outset, so SM was never validly bailed and the Home Secretary was free to impose her own restrictions.

## **Judgment appealed**

[\[2018\] EWCA Civ 2770](#)

## **Parties**

### **Appellant(s)**

Sofiane Majera

### **Respondent(s)**

Secretary of State for the Home Department

## **Appeal**

**Justices**

Lord Reed, Lord Sales, Lord Leggatt, Lord Burrows, Lady Rose

**Hearing start date**

10 May 2021

**Hearing finish date**

10 May 2021

**Watch hearing**

10 May 2021 [Morning session](#) [Afternoon session](#)

**Judgment details****Judgment date**

20 October 2021

**Neutral citation**

[2021] UKSC 46