



Case No: C2/2016/1829

Neutral Citation Number: [2018] EWCA Civ 3044
IN THE COURT OF APPEAL (CIVIL DIVISION)

Royal Courts of Justice
Strand, London, WC2A 2LL

Wednesday, 7 February 2018

Before:

LORD JUSTICE LEWISON

Between:

**THE QUEEN ON THE APPLICATION OF
SINGH**

Applicant

- and -

**THE SECRETARY OF STATE FOR THE
HOME DEPARTMENT**

Respondent

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The **Applicant** did not attend and was not represented

The **Respondent** did not attend and was not represented

Judgment
(Approved)
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LORD JUSTICE LEWISON:

1. This is a renewed application for permission to apply for judicial review. The appellant, Mr Singh, is a national of India, who arrived in the United Kingdom illegally and applied to the Secretary of State for the Home Department for indefinite leave to remain. That application was refused and a subsequent attempt to appeal was likewise refused. Nevertheless the appellant made another claim, which he said was a fresh claim. That was considered by the Secretary of State on 13 November 2014. She decided that it was not a fresh claim because all the points that he had raised had in fact been raised in the earlier claim.

2. Although she was under no obligation to do so, she went on to consider whether the appellant was qualified for indefinite leave to remain, either under the immigration rules themselves or in accordance with article 8 of the European Convention on Human Rights. In the course of a long and detailed decision letter, she decided that he was not eligible under the rules and that his rights under article 8 were not so interfered with that his return to India would be a breach of his private or family life. He applied to the upper tribunal for permission to apply for judicial review. That came before Upper Tribunal Judge Craig on 10 March 2016. The appellant did not appear on that occasion and, indeed, he has not appeared today. Craig J refused the application on the ground that there was no error of public law in the Secretary of State's evaluation of the case.

3. The grounds of appeal in support of this appeal do not identify any error of public law, which the Secretary of State is said to have made, rather the appellant disagrees with the Secretary of State's evaluation of the facts of the case. That does not amount to an

error of public law. There is, in my judgment no real prospect of a successful appeal in this case and for that reason I refuse permission to appeal.

Order: Application refused.