

Case summary

Issue(s)

The Supreme Court is asked to consider whether to return AM to Zimbabwe would violate his right under Article 3 of the European Convention on Human Rights not to be subjected to inhuman treatment by reason of his medical condition, in light of the decision of the European Court of Human Rights in *Paposhvili v Belgium* [2017] Imm AR 867.

Facts

AM was born in 1987 and is a national of Zimbabwe. He arrived in the UK in 2000 to join his mother, and he was granted indefinite leave to remain in 2004. In 2006, AM was convicted of a number of criminal offences and sentenced to a total of 12 months' imprisonment. In 2009, AM was convicted of offences relating to possession of a firearm and supply of heroin, and he was sentenced to nine years' imprisonment. The Secretary of State seeks to deport AM. However, AM is HIV positive. He was placed on the anti-retroviral medication, Eviplera, after having first tried another medication which produced significant side-effects. If AM is deported to Zimbabwe, a range of anti-retroviral medications would be available, but not Eviplera.

At a hearing before the First-tier Tribunal, counsel then appearing for AM relied on AM's medical condition and the limits on treatment available to him, in addition to the impact of his deportation on his wife and child, to advance a claim based on Article 8 of the European Convention on Human Rights. The First-tier Tribunal dismissed the claim. AM appealed, and the appeal was dismissed by the Upper Tribunal. In the Court of Appeal, AM based his appeal on Article 3, rather than Article 8, of the European Convention on Human Rights. The Court of Appeal dismissed the appeal. AM appealed to the Supreme Court.