

# **R (on the application of Marouf) (Appellant) v Secretary of State for the Home Department (Respondent)**

**Case ID: 2021/0195**

## **Case summary**

### **Issue**

The sole issue in this appeal is: what is the territorial scope of the public sector equality duty ("**PSED**") in section 149(1) of the Equality Act 2010, which requires public authorities to have due regard to equality issues?

### **Facts**

The Secretary of State's Vulnerable Persons Resettlement Scheme (the "**Resettlement Scheme**") resettles in the UK those vulnerable refugees who have fled the conflict in Syria and who are referred to the scheme by the United Nations High Commissioner for Refugees (the "**UNHCR**"). The appellants are Palestinian refugees from Syria. The Appellants are outside the remit of the UNHCR because they are registered with the United Nations Relief and Works Agency ("**UNRWA**"). Whereas UNHCR has a specific mandate to assist refugees by local integration in the country where they are living, or by resettlement in a third country, UNRWA has no such mandate. It follows that in practice, Palestinian refugees cannot take part in the Resettlement Scheme.

The appellants brought judicial review proceedings challenging the lawfulness of the Secretary of State's adoption and operation of the Resettlement Scheme. The ground of challenge directly relevant to this appeal was that the Secretary of State had failed to comply with the PSED because she did not have due regard to the equality needs set out in that section.

The High Court held that the PSED did have extraterritorial effect. The Court of Appeal held that it did not. The Appellants now appeal to the Supreme Court.

### **Judgment appealed**

[\[2021\] EWCA Civ 348](#)

### **Parties**

#### **Appellant(s)**

Saleh Mohammed Toraane and another

#### **Respondent(s)**

Secretary of State for the Home Department

### **Appeal**

#### **Justices**

Lord Reed, Lord Hodge, Lord Burrows, Lady Rose, Lord Richards

**Hearing start date**

9 March 2023

**Hearing finish date**

9 March 2023

**Watch hearing**

9 March 2023 [Morning session](#) [Afternoon session](#)