Neutral Citation Number: [2026] EWHC 2583 (Admin)

Case No: AC-2026-LON-002066

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 14 October 2026

Before:

MS JUSTICE OBI DBE

- -

Between:

(1) KGT
(2) KMK
(3) KLM **Claimants**

– and –

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

- -

Mr Alex Goodman KC, Mr Ben Amunwa and Ms Mariya Peykova (instructed by **Deighton Pierce Glynn**) for the **Claimants**
Mr Alan Payne KC, Mr Matthew Howarth, and Mr Michael Harwood (instructed by **Government Legal Department**) for the **Defendant**

Hearing date: 6 October 2026

- -

JUDGMENT

Ms Justice Obi:

Introduction

1. This claim arises from the decision of 10 April 2026 by the Minister for Border Security and Asylum ("the Minister") to approve the third tranche (Tranche 3) of closures of asylum accommodation hotels. These closures included the Staycity Aparthotel in Lewisham, London ("Staycity"), where the Claimants were then accommodated. I refer to the Secretary of State as "the Defendant" and, where it is necessary to identify the decision-maker in relation to the Tranche 3 decision, to the Minister.

2. The proceedings originally concerned the adequacy of the Claimants' accommodation and the Defendant's decision-making in relation to it, including a proposed relocation of the Claimants to Aberdeen, as well as matters arising from the referral of the Second and Third Claimants to the National Referral Mechanism (for victims of trafficking). Events have substantially overtaken those aspects of the claim. The proposed relocation to Aberdeen was cancelled. The Claimants left Staycity and moved to self-catered initial accommodation in a hotel in Harrow, London on 2 July 2026. A later proposed relocation to Glasgow did not take place and, on 25 September 2026, the Defendant made a fresh decision concerning the Claimants' accommodation needs.

3. Shortly before the substantive hearing, in their Supplemental Note dated 2 October 2026, the Claimants stated that they no longer pursue Grounds 1, 2A and 3, which concerned their individual circumstances ("the Individual Grounds"). They reserve their position in relation to the merits of the Individual Grounds and the decision of 25 September 2026 and are considering separate proceedings concerning that decision. The lawfulness of that decision is therefore not before me and nothing in this judgment determines it.

4. The remaining claim is confined to Grounds 2B and 4, described by the Claimants as the "System Grounds". Ground 2B challenges the information and inquiry underlying the Tranche 3 decision on grounds of process irrationality and the duty of inquiry identified in *Secretary of State for Education and Science v Tameside Metropolitan Borough Council* [1977] AC 1014 ("the *Tameside* duty"). Ground 4 alleges breach of the public sector equality duty ("PSED") in section 149 of the Equality Act 2010. The two grounds overlap to some extent, as both concern the adequacy of the process by which the Tranche 3 decision was reached, albeit by reference to distinct legal duties.

5. The Defendant submits that both grounds are now academic. The Claimants dispute that conclusion and submit alternatively that, even if academic, the Court should determine them.

Background

6. The Claimants are asylum seekers as defined by section 94(1) of Part VI of the Immigration and Asylum Act 1999 ("the 1999 Act"). The Defendant accepts that they are destitute and eligible for asylum support under sections 95 and 96 of the 1999 Act. Such support may include accommodation which appears to the Defendant to be "*adequate*" for the needs of the supported person and any dependants. The Defendant exercises her powers under the statutory scheme, in part, through arrangements with private contractors for the provision of accommodation. The accommodation provided

includes contingency accommodation (sometimes called initial accommodation), usually in hotels or hostels, and dispersal accommodation, generally in longer-term, self-catered residential properties.

7. The Claimants are Indian nationals who arrived in the UK in March 2022. KGT is the mother of KMK and KLM. They were accommodated in contingency accommodation at Staycity from 8 December 2023 until 2 July 2026. In November 2025, the First Claimant requested that the family remain accommodated in London. On 24 November 2025, the Defendant declined to impose a permanent London or Greater London requirement but accepted a temporary requirement that the family should be accommodated within reasonable travelling distance of the Second Claimant's school until he had completed his A-level examinations.

8. In December 2025, the Defendant adopted a strategy for phased closure of asylum accommodation hotels. The programme was to be implemented in three tranches. On 10 April 2026, the Minister approved Tranche 3, comprising 12 family hotels, including Staycity. The Claimants do not challenge the wider policy of ending the use of hotels for asylum accommodation, nor the selection of Staycity for closure. Their remaining challenge concerns the process by which the Tranche 3 decision was made.

9. On 22 April 2026, the Claimants were notified of a proposed relocation to Aberdeen. The Defendant accepts that, in making that proposal, the Second Claimant's temporary education requirement had been overlooked as a result of a caseworking error. These proceedings were commenced shortly thereafter. The Aberdeen proposal was subsequently cancelled and was never implemented.

10. The Second Claimant completed his A-level examinations in June 2026. On 2 July 2026, the Claimants left Staycity and moved to self-catered initial accommodation in a hotel in Harrow. Staycity subsequently ceased to be used as asylum accommodation.

11. Thereafter, the Defendant made a further assessment of the Claimants' accommodation needs. On 30 July 2026, she refused their request for a London accommodation requirement. Dispersal accommodation was later identified in Glasgow, but the proposed move was challenged and did not take place. Following the provision of further evidence, the Defendant reconsidered the Claimants' circumstances and made a fresh decision on 25 September 2026. As I have explained in the introduction, the Claimants no longer pursue their challenges concerning the individual accommodation decisions and reserve their position in relation to the decision of 25 September 2026.

Procedural History

12. These proceedings were commenced on 5 May 2026, together with an application for urgent interim relief. On the same day, Farbey J granted a prohibitory order preventing the proposed relocation of the Claimants to Aberdeen. Permission to apply for judicial review was granted by John Halford (sitting as a Deputy High Court Judge) on 12 June 2026.

13. On 22 July 2026, the Claimants applied for expedition. Expedition was granted by Dias J on 14 August 2026, and the substantive hearing was subsequently listed for two days.

The order permitted the Claimants to file and serve Amended Statements of Facts and Grounds. Those amended grounds included Ground 2B.

14. There were a number of interlocutory applications in the period before the hearing. The only one relevant for present purposes concerns the late filing and service of the Defendant's skeleton argument. The skeleton argument was due by 4 pm on 29 September 2026 but was not filed and served until 2.30 pm the following day. The Defendant applied for an extension of time and relief from sanctions in respect of that delay. That application remained to be determined at the time of the substantive hearing.

15. The Claimants had applied for permission to rely upon further witness evidence, to which the Defendant objected. In light of their decision not to pursue the Individual Grounds, the Claimants confirmed in their Supplemental Note that they would not rely upon their second witness statements. Following the luncheon adjournment, the Claimants confirmed that they were not pursuing their application to adduce the remaining further evidence from Mr Ahmed Aydeed, a solicitor and partner at Deighton Pierce Glynn, Ms Sarah Evans, Casework Manager at Action for Refugees in Lewisham, and Ms Katya Griffin, Borough of Sanctuary Programme Manager at the London Borough of Lewisham.

16. During the course of Mr Payne KC's submissions, he invited the Court to determine whether Grounds 2B and 4 were academic before hearing his further submissions on the merits of Ground 4. Mr Goodman KC opposed splitting the arguments in that way. I declined to determine as a preliminary issue whether the grounds were academic, on the basis that there was sufficient overlap between that question and the substance of the remaining grounds that it would not assist the fair or efficient determination of the claim to decide those questions in isolation. I therefore heard full legal argument from both parties.

The Remaining Grounds

17. I set out Ground 4 first, before turning to Ground 2B. That order reflects the way in which the Claimants' case was presented by Mr Goodman KC and the relationship between the two grounds.

Ground 4

18. Ground 4 alleges that the Minister failed to discharge the PSED when taking the Tranche 3 decision. The Claimants emphasise that it involved the closure of 12 hotels accommodating families and the relocation of approximately 2,500 people in a compressed period. Mr Goodman KC submitted that the consequent need to relocate a substantial number of people, including vulnerable residents and those with protected characteristics, meant that the equality implications had to be considered at the strategic decision-making stage. He further submitted that there was no evidence that the Minister had been informed of, or had considered, the potential differential impact of the decision on the affected cohort, the availability of suitable alternative

accommodation, or measures by which adverse effects might be mitigated. He submitted that the PSED had to be discharged when the Minister made the strategic decision and could not be satisfied by the subsequent consideration of individual needs when particular accommodation decisions were made.

19. The Defendant disputes that analysis. Her case is that the Tranche 3 decision concerned the strategic sequencing of hotel closures, rather than the accommodation needs of individual residents. The timing of the closures took account of school-age children sitting examinations. Individual needs, including disability, treatment and location needs, were appropriately addressed through the existing policies and processes when individual accommodation was considered. Mr Payne KC submitted that the PSED was duly performed in the context of the decision being taken and did not require the Minister to determine the individual accommodation requirements of those affected before approving Tranche 3.

Ground 2B

20. Ground 2B alleges breach of the *Tameside* duty and process irrationality. The Claimants rely substantially on the same factual matters advanced under Ground 4. They contend that, before deciding upon the scale and timetable of the Tranche 3 closures, the Defendant was required to inquire sufficiently into the characteristics and needs of the affected cohort, the availability of appropriate alternative accommodation and the practical consequences of moving a substantial number of families within the proposed period.

21. The Defendant's answer is that the Minister had sufficient information concerning overall capacity and that it was neither necessary nor practicable at the strategic stage to anticipate the circumstances of each resident. Individual needs would properly be addressed through the individual accommodation-allocation process when particular moves were considered.

Issues

22. The issues to be determined are as follows:

    i. Whether the Defendant should be granted an extension of time and relief from sanctions in respect of the late filing and service of her skeleton argument.

    ii. Whether Ground 4 is academic.

    iii. If Ground 4 is academic, whether the Court should nonetheless determine it.

    iv. Whether Ground 2B is academic.

    v. If Ground 2B is academic, whether the Court should nonetheless determine it.

    vi. To the extent that either Ground 4 or Ground 2B falls to be determined, whether it is made out.

vii. What, if any, relief should be granted.

Relief from sanctions

23. The Defendant applies for an extension of time and relief from sanctions in respect of the late filing and service of her skeleton argument.

24. Applying the principles in *Denton v TH White Ltd* [2014] EWCA Civ 906, the breach was neither serious nor significant. The fact that the period of default was short does not make non-compliance with a court-ordered deadline immaterial. I also take into account that the application was made only after the deadline had expired. However, the delay did not disrupt the substantive hearing or cause material prejudice to the Claimants. The Defendant explained that it arose from late changes in counsel availability and the need for her counsel team to review and finalise the skeleton argument.

25. In all the circumstances, I consider it appropriate to grant relief from sanctions and extend time for filing and service until 2.30 pm on 30 September 2026.

Legal Principles: academic claims

26. The parties disagree as to whether the remaining grounds are academic and, if they are, whether the Court should nonetheless determine them. I therefore begin with the legal principles relevant to those questions.

27. The starting point is *R v Secretary of State for the Home Department, ex p Salem* [1999] 1 AC 450. The ordinary function of the Court is to determine disputes which directly affect the rights and obligations of the parties to the claim. Where a claim has become academic, it will generally not be appropriate for the Court to determine it merely in order to decide a point of law which no longer affects the parties' respective positions.

28. That is not, however, an absolute rule. In exceptional circumstances, the Court may determine an academic claim where there is sufficient reason in the public interest to do so. The discretion is to be exercised with caution. Relevant considerations include whether the same or similar issues arise, or are likely to arise, in other cases and whether the issue can be determined without detailed consideration of facts particular to a dispute which is no longer live: see *R (Zoolife International Ltd) v Secretary of State for Environment, Food and Rural Affairs* [2007] EWHC 2995 (Admin) at [36].

29. Whether a claim is academic and whether, notwithstanding that conclusion, the Court should determine it are therefore distinct questions. The latter requires the Court to consider whether there is sufficient reason in the public interest to determine an issue which no longer has practical consequences for the parties.

30. I apply those principles separately to Grounds 4 and 2B. Although there is some overlap between the grounds, the question whether each is academic, and whether it should nonetheless be determined, must be considered by reference to the nature of the particular challenge advanced.

Analysis

Is Ground 4 academic?

31. I turn first to whether Ground 4 is academic. The question at this stage is not whether the challenge is well founded, but whether its determination would now have any practical effect for these Claimants.

32. The decision challenged under Ground 4 is the Minister's decision of 10 April 2026 to approve the Tranche 3 hotel closures, including Staycity. That decision has been implemented. The Claimants left Staycity on 2 July 2026 and Staycity subsequently ceased to be used as asylum accommodation. The Claimants do not seek to reverse its closure.

33. Mr Goodman KC submitted that Ground 4 nevertheless remains live. He relied in particular upon the continuing nature of the PSED and the continuing consequences of the Tranche 3 decision for the Claimants. Their departure from Staycity resulted from that decision; they remain within the asylum accommodation system; and they may face further relocation as the Defendant continues to reduce the use of hotel accommodation. He submitted that the equality implications of the strategic decision therefore continue to affect them.

34. I accept that the PSED is a continuing duty. It is common ground that the duty applied when the Minister made the strategic decision on 10 April 2026, although the parties dispute what was required to discharge it at that stage. But the continuing nature of the duty does not make every challenge to an earlier decision under section 149 a continuing challenge for so long as consequences of that decision can be identified. Ground 4 concerns whether the Minister complied with the PSED when making the particular strategic decision on 10 April 2026. The continuing nature of the duty means that it falls to be discharged whenever the Defendant subsequently exercises a function to which it applies. It does not, without more, give a determination of the lawfulness of an earlier and implemented decision continuing practical effect for these Claimants.

35. Nor, in my judgment, does the Claimants' present accommodation position do so. Their departure from Staycity has occurred and cannot be reversed by the determination of Ground 4. Their accommodation needs have subsequently been the subject of further individual decision-making, most recently the fresh decision of 25 September 2026.

36. I recognise the Claimants' argument that there is a factual connection between the Tranche 3 decision and their subsequent position. Mr Goodman KC submits, in particular, that the closure decision affected the accommodation resources available to the Defendant and that the availability of those resources is itself relevant to subsequent decisions concerning their accommodation. I accept for present purposes that such a factual connection may exist. But it does not follow that determining whether the Minister complied with the PSED on 10 April 2026 would give the present challenge continuing practical effect. A determination of Ground 4 would not necessarily determine the lawfulness of any future accommodation decision, which would fall to be considered by reference to the circumstances in which it was made and the duties applicable to it.

37. I therefore conclude that Ground 4 is academic. Determination of whether the Minister complied with the PSED when making the Tranche 3 decision would not alter the Claimants' present accommodation, undo their departure from Staycity, or necessarily determine the lawfulness of any subsequent or future accommodation decision. Whether similar issues may arise again, whether determination would have wider public value, and the importance of identifying any past failure are separate matters relevant to whether the Court should nevertheless exercise its discretion to determine the merits.

Should the Court nonetheless determine Ground 4?

38. The conclusion that Ground 4 is academic does not determine whether the Court should nonetheless exercise its discretion to decide the merits.

39. Mr Goodman KC submitted that this is an appropriate case in which to exercise that discretion. He relied upon the importance and continuing nature of the PSED, the Defendant's continuing programme of hotel closures, and the likelihood that decisions affecting asylum seekers with protected characteristics will continue to be made. He submitted that the issue is not wholly fact-sensitive, that related issues may arise in other cases, and that determination of Ground 4 would serve a wider purpose by informing future decision-making and reducing the risk of repetition. He relied in particular upon *(DXK) v Secretary of State for the Home Department* [2024] 4 WLR 46*;* [2024] EWHC 579 (Admin)*, R (TG, MN, HAA and MJ) v Secretary of State for the Home Department [*2025] EWHC 596 (Admin) and R (Bridges) v Chief Constable of South Wales Police [2020] 1 WLR 5037*;* [2020] EWCA Civ 1058, and upon the public interest in identifying past failures so that they are not repeated.

40. I accept that those considerations carry weight. Permission was granted, Ground 4 has been fully argued, and the issue is capable of determination without resorting to a highly fact-sensitive inquiry. The PSED is an important statutory duty, and the Tranche 3 decision affected a significant number of asylum seekers accommodated in family hotels. I also accept that the fact that Ground 4 is academic as between these Claimants does not mean that its determination could serve no wider public purpose.

41. Those considerations weigh in favour of determination, but I am not persuaded that, taken together, they provide sufficient reason in the public interest to determine Ground 4. The principles governing the PSED are well established. Ground 4 does not raise an unresolved question as to the meaning or scope of section 149 requiring authoritative determination. The question is whether the Minister complied with that duty when making the Tranche 3 decision on 10 April 2026.

42. I have considered carefully the Claimants' submission that the issue is likely to recur as the Defendant continues to reduce the use of hotel accommodation. There plainly has been, and may continue to be, litigation concerning the Defendant's provision of asylum accommodation. But the existence of litigation in the same general field does not by itself establish sufficient public interest in determining this academic ground. What matters is the utility which determination of Ground 4 would have beyond this case.

43. On the material before me, I am not persuaded that the necessary wider utility has been demonstrated. I accept that further decisions concerning hotel accommodation may engage the PSED and that similar questions may therefore arise. But it has not been shown that determination of whether the Minister complied with the PSED in making this particular decision would resolve, or materially assist in resolving, an issue arising in another existing or anticipated dispute. The possibility of recurrence at that level of generality does not, in my judgment, establish that determination of the lawfulness of this completed decision is required in the public interest.

44. Mr Goodman KC also relied upon the value of identifying any past breach, both to vindicate the importance of the statutory duty and to guard against repetition. I do not discount that consideration. Compliance with the PSED is of particular importance where decision-making affects substantial numbers of persons with protected characteristics. But the importance of the duty does not itself establish sufficient reason in the public interest to determine an academic challenge. Nor, in my judgment, is the possibility that a determination may assist future administration sufficient, without more, to justify deciding an otherwise academic dispute.

45. Taking those matters together and recognising the importance of the issue raised by the Claimants, I am not persuaded that there is sufficient reason in the public interest to determine Ground 4 notwithstanding its academic nature. I therefore decline to determine its merits.

46. That conclusion expresses no view as to whether the Defendant complied with section 149 in making the Tranche 3 decision. Nor does it determine the lawfulness of any subsequent or future decision concerning the Claimants or the Defendant's accommodation estate.

Is Ground 2B academic?

47. Ground 2B challenges the process by which the Minister reached the Tranche 3 decision. The Claimants contend that the Minister failed to take reasonable steps to inform himself of matters material to that decision, in particular the accommodation capacity available to receive those displaced by the closure of the 12 family hotels and the implications of the proposed timetable for families and other vulnerable residents. The challenge is put both on the basis of the *Tameside* duty of inquiry and process rationality.

48. As with Ground 4, I am satisfied that Ground 2B is now academic. The decision challenged is the Tranche 3 decision of 10 April 2026. It has been implemented. The Claimants left Staycity on 2 July 2026, and their accommodation needs have since been the subject of further individual decision-making.

49. Mr Goodman KC submitted that Ground 2B nevertheless remains live because the consequences of the decision continue to affect the Claimants. In particular, he submitted that the decision to close 12 family hotels created pressure upon the accommodation estate and that the alleged failure to inquire at the strategic stage into capacity and the needs of the affected cohort cannot be separated from the subsequent difficulties experienced by the Claimants.

50. I accept that there is a factual connection between the Tranche 3 decision and the Claimants' subsequent position. But the inquiries which the Claimants say ought to have been undertaken were inquiries for the purpose of informing that decision. A determination now that further inquiries should have been made would not reverse the closure of Staycity, determine where the Claimants should now be accommodated, or otherwise alter their present legal or practical position.

51. Nor does the possibility of future moves keep Ground 2B alive. Any future accommodation decision will fall to be made in the circumstances then prevailing and will itself be subject to the public law duties applicable to it.

52. I therefore conclude that Ground 2B, like Ground 4, is academic. Whether there is nonetheless sufficient reason in the public interest for the Court to determine it is a separate question.

Should the Court nonetheless determine it?

53. I turn to whether the Court should nonetheless exercise its discretion to determine the merits of Ground 2B.

54. Mr Goodman KC submitted that there is sufficient reason to do so. He emphasised that Ground 2B raises a systemic challenge to the Defendant's decision-making at the strategic stage, rather than simply a complaint about what happened to these Claimants. He submitted that, before deciding to close 12 family hotels and relocate approximately 2,500 people, the Minister was required properly to consider the capacity of the accommodation estate and the consequences for the families and vulnerable persons who would have to be moved. He argued that questions of this kind are likely to arise as the Defendant continues to reduce the use of hotel accommodation, and that determination of the ground would assist future decision-making and avoid further litigation.

55. I accept that those considerations carry weight. Ground 2B has been fully argued, the proper discharge of the Defendant's functions in providing asylum accommodation is a matter of public importance, and decisions to close accommodation on this scale are capable of affecting significant numbers of people. I also accept that the issue may arise as the Defendant continues to reduce the use of hotel accommodation. I am not, however, persuaded that there is sufficient reason in the public interest to determine this ground.

56. First, Ground 2B does not raise an unresolved question as to the content of the *Tameside* duty or the principles of rational decision-making. The applicable principles are established. The issue is whether the Minister, in the particular circumstances of the Tranche 3 decision, took reasonable steps to inform himself sufficiently before deciding to proceed with the closures. The Defendant's formulation of the *Tameside* principles recognises that the inquiry is directed to the material before the Minister and whether, in the circumstances, a reasonable decision-maker could regard the inquiries made as sufficient.

57. The parties' submissions illustrate the fact-sensitive character of that inquiry. The Claimants contend that the Defendant ought to have examined more closely the available accommodation capacity, the implications of moving the affected cohort within the proposed timetable, and the particular consequences for families and vulnerable persons. The Defendant relies, amongst other matters, upon the capacity information available to her, the three-month period for implementation, the existing framework for individual accommodation decisions and the fluid nature of demand and capacity within the asylum estate. A determination of Ground 2B would therefore involve deciding whether the inquiries made were sufficient in the particular circumstances prevailing when the Tranche 3 decision was taken.

58. Secondly, I am not satisfied that deciding that question would have sufficient utility for future cases. The extent of the inquiries reasonably required before any future decision will depend upon the nature and scale of that decision, the information already available to the decision-maker, the state of the accommodation estate and the risks reasonably apparent at that time. A conclusion as to whether the inquiries undertaken before the Tranche 3 decision were sufficient would not establish what inquiries are required in materially different circumstances.

59. I have taken account of the Claimants' submission that further hotel closures are contemplated and that similar difficulties may therefore recur. That possibility gives the issue some wider significance, but does not, without more, provide sufficient reason to determine this academic ground. The material before me does not establish that there are other extant or anticipated challenges which would be resolved or materially assisted by determination of Ground 2B.

60. There is an important distinction between providing useful guidance and determining an academic dispute in order to prescribe how future decisions should be made. Given the fact-sensitive nature of the *Tameside* duty, determination of whether the inquiries undertaken in this case were sufficient would provide limited guidance as to what inquiries may reasonably be required in materially different circumstances.

61. I therefore conclude that there is insufficient reason in the public interest to determine Ground 2B notwithstanding its academic nature. I decline to determine its merits. As with Ground 4, that conclusion expresses no view as to whether the Defendant acted lawfully in reaching the Tranche 3 decision and does not determine the lawfulness of any subsequent or future decision concerning the provision or allocation of asylum accommodation.

Conclusion

62. For the reasons given above:

    i. Grounds 1, 2A and 3 are no longer pursued.

    ii. Ground 4 is academic.

    iii. There is insufficient reason in the public interest for the Court nonetheless to determine Ground 4. I therefore decline to determine its merits.

iv. Ground 2B is academic.

v. There is insufficient reason in the public interest for the Court nonetheless to determine Ground 2B. I therefore decline to determine its merits.

63. Accordingly, the remaining claim is dismissed as academic. For the avoidance of doubt, I have made no determination of the merits of Grounds 4 or 2B.

Acknowledgment

64. I am grateful to counsel and to the parties' solicitors for their assistance in the preparation and presentation of this case.

Consequential Matters

65. The parties should seek to agree an order reflecting the terms of this judgment.

66. If costs cannot be agreed, the question of costs will be determined on the basis of written submissions in accordance with the directions set out in the order.