

ENGLAND AND WALES / JUDGMENT

Ahmed Sabbagh-Parry, R (on the application of) v Secretary of State for the Home Office & Anor

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Neutral Citation Number: [2026] EWHC 501 (Admin) IN THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION ADMINISTRATIVE COURT Case No: AC-2025-LON-002885 Royal Courts of Justice Strand, London, WC2A 2LL Date: 9 March 2026 Before : THE HONOURABLE MR JUSTICE MURRAY

- ----- Between : THE KING on the application of AHMED SABBAGH-PARRY

- and -

(1) SECRETARY OF STATE FOR THE HOME OFFICE

(2) SECRETARY OF STATE FOR JUSTICE Claimant Defendants

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- ----- The Claimant appeared in person. Mr Matthew Howarth (instructed by the Government Legal Department) for the Defendants Hearing date: 3 March 2026

- ----- Approved Judgment This judgment was handed down remotely at 10.30am on 9 March 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives. Approved Judgment Mr Justice Murray: R (Sabbagh-Parry) v SSHD 1. Last Wednesday, 4 March 2026 I heard the applications of the claimant, Mr Ahmed Sabbagh-Parry, who is currently a serving prisoner, for: i) ii) an extension of time to lodge his judicial review claim; permission to apply for judicial review against three related decisions of the first and second defendant; and iii) interim relief (as further described below). 2. Having heard detailed submissions, I refused all three applications, giving brief reasons, and indicated that I would provide my full written reasons by today. My reasons are set out in this judgment. Overview of the judicial review claim 3. By his judicial review claim, the claimant seeks to challenge: i) the decision of the first defendant, the Secretary of State for the Home Department, to bring deportation proceedings against him; and ii) the decisions of the second defendant, the Secretary of State for Justice: a) b) to refuse to release him on home detention curfew (HDC); and to refuse to grant him category D prisoner status, in each case due to his immigration status

and, in particular, due to the fact that the first defendant has notified the claimant that he is liable to deportation by reason of his criminal convictions. 4. The claimant seeks the following interim relief: i) that the first defendant be ordered: a) b) “to immediately withdraw their wrongful deportation case against me (the applicant), until they have at least a proper case to pursue”; and “to immediately contact the Prison and withdraw their misleading and unfair objections against my (the applicant) HDC/cat-D”; and ii) that the second defendant be ordered “to immediately grant me (the applicant) my HDC/cat-D if the only reason it is being refused is due to the Immigration Deportation case that I am facing”. 5. 6. The claimant represents himself in relation to these applications. As he is a serving prisoner, he appeared at the hearing before me via prison video-link. Both defendants are represented by Mr Matthew Howarth. For the hearing, I was provided with a considerable amount of documentation, including a lengthy bundle prepared by the claimant and filed in October 2025 in Approved Judgment R (Sabbagh-Parry) v SSHD support of his applications, together with a supplementary bundle filed in January 2026, and the claimant’s speaking notes dated 10 December 2025 as updated on 25 January 2026. At the hearing, the claimant provided an oral update regarding matters dealt with in the speaking notes. 7. The defendants filed an Acknowledgment of Service together with Summary Grounds of Defence, which they relied upon at the hearing before me. They also filed a bundle of relevant documents not already included in the claimant’s bundles together with an authorities bundle.

Background

8. 9. 10. 11. 12. 13. 14. 15. 16. 17. The relevant background includes the claimant’s immigration history and his criminal record and is somewhat complicated. I have reviewed the full Immigration Factual Summary prepared by the Home Office, which runs to 11 pages, as well as the other documents submitted by the parties. For present purposes, it is sufficient to note the following. The claimant was born on 25 December 1985. He is currently 40 years old. On 16 September 1997, at the age of 11, the claimant first entered the United Kingdom as a dependent of his mother, Ms Nidaa Sabbagh-Parry. She entered the UK on that date on a Syrian passport. On 13 March 1998, the claimant’s mother claimed asylum for herself and her three children, including the claimant. On 18 May 2000, the family’s asylum application was refused. The subsequent appeal against that refusal was dismissed on 29 January 2002, with appeal rights exhausted on 14 February 2002. On 4 November 2003, the claimant was convicted at Denbigh Magistrates’ Court of using a vehicle whilst uninsured, for which he was sentenced to disqualification from driving for two years. On 23 January 2004, the claimant was convicted at Mold Crown Court on two counts of possessing a controlled drug of class A with intent to supply, one count relating to heroin and the other to crack cocaine, for each of which he was sentenced to a two- year detention and training order (DTO), ordered to run concurrently, and one count of possessing cannabis, at that time a class C drug, for which he was sentenced to a four-month DTO, ordered to run concurrently with the other two DTOs. On 20 May 2006, the claimant’s mother was granted indefinite leave to

remain (ILR) as part of a family ILR exercise that included the claimant as a dependent. On 17 July 2007, the claimant made an application for naturalisation in the United Kingdom. On 10 December 2007, the claimant was convicted at Liverpool Magistrates' Court of: Approved Judgment R (Sabbagh-Parry) v SSHD i) ii) causing fighting or baiting of an animal, for which he was given a sentence of imprisonment for 60 days suspended for 12 months with a curfew requirement of 30 days and disqualification from having custody of any animal for five years; and using disorderly behaviour and threatening/abusive/insulting words likely to cause harassment, alarm, or distress, for which he was sentenced to a fine of £75. On 10 January 2008, the claimant's application for naturalisation was refused due to his criminal convictions. On 4 April 2008, the claimant was convicted at Liverpool Magistrates' Court of failing to surrender to custody at the appointed time, for which he was sentenced to a fine of £50. On 5 June 2008, the claimant was convicted at Liverpool Magistrates' Court for possessing cannabis (class C), for which he was sentenced to a fine of £100. On 16 February 2009, the claimant was convicted at Liverpool Crown Court of possession of cannabis (class C) with intent to supply and sentenced to two years and eight months' imprisonment. On 26 June 2009, the claimant was served by the first defendant with a stage 1 letter notification of liability to deportation, as a result of his criminal convictions. On 21 September 2009, the first defendant made a deportation order against the claimant. The deportation order was served on the claimant on 7 October 2009. As a result of the deportation order, the claimant's ILR was cancelled. On 25 September 2009, the claimant was convicted at Ipswich Crown Court of conspiring to supply a controlled drug of class A (namely, heroin). On 9 October 2009, he was sentenced to six years' imprisonment. On 24 November 2010, the first defendant agreed to reconsider the decision to deport the claimant due to ambiguity regarding his nationality, as it was accepted that he might be a stateless Palestinian and that further investigation of his nationality was required. On 6 November 2012, the claimant applied for a Home Office travel document (namely, a UK-issued document permitting a foreign national to travel outside the UK in the absence of a national passport from their country of origin). On 22 November 2012, that application was refused. On 28 August 2017, the claimant again applied for a Home Office travel document. This time the application was granted. The claimant was issued with a Home Office travel document on 19 July 2018. On the same day, he was also re-issued with ILR. On or about 3 July 2019, the claimant was arrested and remanded in custody in relation to alleged conspiracies to supply heroin, cocaine and cannabis during a period from June 2018 to the date of his arrest as part of an organised crime group ("OCG") based in Liverpool that had been supplying class A and B drugs on a commercial 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. Approved Judgment R (Sabbagh-Parry) v SSHD 29. 30. 31. 32. 33. 34. 35. scale in Merseyside and transporting drugs into South Wales for distribution in Cardiff. The OCG was alleged to have operated under his "hands-on" leadership. On 11 April 2022, following a trial at Liverpool Crown Court that began on 31 January 2022 in relation to the matters for which he was arrested in July 2019, the claimant was convicted of two counts of conspiracy to supply a controlled drug of class A (cocaine and heroin, respectively) and one count of conspiracy to supply a controlled drug of Class B (cannabis). On 12 April 2022, the claimant was sentenced to 19 years' imprisonment

on the class A drug supply conspiracy counts to run concurrently with a five-year term of imprisonment for the class B drug supply conspiracy count. On 16 February 2024, the Court of Appeal reduced the claimant's sentences on the two class A drug supply conspiracy counts to 17 years' imprisonment. On 18 December 2024, the claimant was served with a Notice of Decision to Deport under the Immigration Act 1971 and the UK Borders Act 2007 (the "Stage 1 notice"). I note that the Stage 1 notice refers to other criminal convictions of the claimant that do not appear in his Immigration Factual Summary, including convictions for battery, affray, possessing an article with a blade or point in a public place, and driving whilst disqualified. The Stage 1 notice is a "one stop notice" that includes a notice served under section 120 of the Nationality, Immigration and Asylum Act 2002. On 10 March 2025, having previously been granted an extension of time to respond, the claimant submitted detailed representations in response to the Stage 1 notice. On 31 March 2025, in response to a request for an update from the claimant, the first defendant confirmed that the issue of his nationality was continuing to be investigated, and the deportation proceedings would not move to the next stage until that investigation was completed. On 31 March 2025, the claimant, who at the time was (and currently is) a Category C prisoner applied for Category D status. That status would permit him to be moved to the open prison estate. At that time, the claimant was at HMP Risley. His application was refused by the second defendant, acting through the Governor of HMP Risley, on 1 April 2025, on the basis that he had been served with the Stage 1 notice. The notice confirming the decision noted the following: i) ii) iii) in response to the claimant's application, HMP Risley had requested a CCD3 form status report from the first defendant ("the CCD3"), which had not yet been received; the claimant had previously been reported as the perpetrator in three assaults while in custody; and the claimant's request for a Category change would be reviewed again on 30 September 2025. 36. On 4 April 2025, the first defendant issued the CCD3 to the second defendant, making clear that the first defendant did not support the claimant's move to open conditions Approved Judgment R (Sabbagh-Parry) v SSHD 37. 38. 39. 40. 41. because of the nature of his offences, the likelihood of his absconding, and his failure to cooperate with the first defendant in relation to the investigation of his nationality. On 5 August 2025, the claimant became eligible for consideration for HDC, his conditional release date from his sentence being 6 August 2026 (his licence and sentence expiry dates being 17 October 2036). The second defendant, acting through the Governor of HMP The Mount, refused to consider him for HDC based on his immigration status and the ongoing deportation proceedings. The claimant made representations to the Governor that exceptional circumstances applied. On 13 August 2025, HMP Mount notified the claimant that, as a foreign national prisoner who was liable to deportation and where a "decision to deport" had been served (referring apparently to the Stage 1 notice), he was statutorily excluded from HDC in the absence of exceptional circumstances and that it was not accepted that there were exceptional circumstances in his case. The claimant disputed the refusal of his request for Category D status by way of complaint through the prison internal complaints system. On 5 September 2025, Independent Prisoner Complaint Investigations (IPCI) concluded that the complaint was not upheld, finding that "the decision made by staff at The Mount was not unreasonable

and was taken at the appropriate level”. IPCI noted the contents of the CCD3 and the first defendant’s objections to the claimant’s being moved to open prison conditions. IPCI also noted that the claimant’s next categorisation review was scheduled for 30 September 2025. As at the time of the hearing before me, no Stage 2 decision had been made by the first defendant on the claimant’s human rights and protection representations opposing deportation. The first defendant has therefore not yet signed and served a deportation order on the claimant.

Procedural history

42. On 29 August 2025, the claimant filed: i) ii) iii) his claim form (N461) dated 21 August 2025 setting out the judicial review claim for which he is seeking permission; an application (N244) dated 21 August 2025 for an extension of time to serve the claim; and an application for urgent consideration (N463) in which he set out his application for interim relief and for expedited consideration of his application for permission to apply for judicial review and, if granted, the subsequent conduct of the claim. 43. 44. On 23 September 2025, the first defendant filed an application notice seeking an extension of time of 14 days to file her Acknowledgement of Service. On 7 October 2025, the first and second defendants jointly filed an Acknowledgement of Service and Summary Grounds of Defence. The first defendant’s statement of costs was included at paragraph 112(f) of the Summary Grounds of Defence. At paragraph Approved Judgment R (Sabbagh-Parry) v SSHD 112(g), it was noted that the second defendant would file his statement of costs as soon as possible. On 27 October 2025, the claimant filed a Reply to the defendants’ Summary Grounds of Defence, together with an updated Statement of Facts and an updated supportive bundle of evidence. On 2 November 2025, the claimant resubmitted his supportive bundle of evidence and updated versions of his statement of facts, bundle index, and his Reply to the defendants’ Summary Grounds of Defence. On 26 November 2025, the second defendant filed his Statements of Costs. On 28 November 2025, Lang J, to whom the applications had been referred for consideration on the papers, made an order listing the applications for an oral hearing and making appropriate case management directions to prepare the case for that hearing. In her reasons appended to the order, Lang J noted the following: i) ii) iii) iv) the applications should be considered at an oral hearing because there are multiple issues, including matters going to jurisdiction, and the matter is heavily contested; the claimant’s application for urgent consideration filed on 29 August 2025 “was regrettably overlooked by the Court”; it was undoubtedly the case that the claimant would seek to renew his applications at an oral hearing in the event that his applications were refused; and a deputy High Court Judge in another recent Administrative Court matter involving a claim by the claimant against the Crown Court at Liverpool and others had noted that the claimant had represented himself “competently, moderately and comprehensively”. On 10 December 2025, the claimant filed his speaking note further to Lang J’s order of 28 November 2025. He also confirmed that he had been moved to HMP Stoke Heath. On 12 December 2025, the defendants filed their Core Bundle and an authorities bundle (including relevant statutory

materials as well as cases) further to Lang J's order of 28 November 2025. On 25 January 2026, the claimant filed an updated supportive bundle of evidence, including his further statement of facts, and an updated speaking note. 45. 46. 47. 48. 49. 50. 51. The claimant's application for an extension of time 52. 53. I will deal first with the claimant's application for an extension of time. Under CPR r 54.5(1), a claim for judicial review must be filed "promptly, and in any event not later than 3 months after the grounds to make the claim first arose". The court has discretion to extend time where there is good reason for the delay. Approved Judgment R (Sabbagh-Parry) v SSHD 54. In his various statements of fact, in correspondence, and in his speaking notes, the claimant makes many complaints against the defendants about a wide variety of matters, but for the purposes of this claim, the challenged decisions are: i) in relation to the first defendant, the decision to issue the Stage 1 notice to the claimant on 18 December 2024 and/or the decision of the first defendant notified to the claimant on 31 March 2025 to refuse to accept his representations against the issuing of the Stage 1 notice; and ii) in relation to the second defendant: a) b) the decision dated 1 April 2025 to refuse the claimant's application to be re-categorised as a Category D prisoner; and the decision to refuse to release him on HDC on 7 August 2025 when he was first eligible or the decision on 13 August 2025 dismissing his appeal against that refusal on the basis that exceptional circumstances apply in his case. 55. 56. Given that the claim form was not filed until 29 August 2025, the claim against the first defendant and the claim against the second defendant in relation to the Category D decision are each clearly out of time. For purposes of his application for an extension of time to apply for judicial review, the claimant relies on the fact that he was in a position to submit his case to the Administrative Court on 27 May 2025. He was told, however, by the Administrative Court that he needed to file the claim in the Upper Tribunal (Immigration and Asylum Chamber) ("UTIAC"). UTIAC, in turn, told him that his case needed to be filed in the Administrative Court. Eventually the Administrative Court accepted that the claim could be filed with it but told the claimant that he needed to apply for an extension of time and that his documents bundle needed to be indexed, paginated, and hyperlinked or, if he was not able to do that, it needed to be submitted to the general office. This back-and-forth involved correspondence with the respective court offices over a period of several weeks before the claimant was finally able to submit the claim on 29 August 2025. The claimant submits that this delay was not his fault, and therefore he should be granted an extension of time. He also relies on the difficulties he was experiencing as a litigant in person dealing with this matter subject to the limitations of prison. 57. The defendants note that the claimant's grounds to make the claim arose potentially at different times: i) ii) iii) in relation to the first defendant, on 21 December 2024 when the Stage 1 notice was served or on 31 March 2025 when the first defendant rejected the claimant's representations in response to the Stage 1 notice; in relation to the second defendant's Category D refusal, on 1 April 2025; and in relation to the second defendant's HDC decision, on 7 August 2025 (or, I would add, on 13 August 2025 when the claimant's appeal against the HDC refusal was rejected). Approved Judgment R (Sabbagh-Parry) v SSHD

58. Mr Howarth submitted that all of these decisions occurred substantially outside the period imposed by CPR r 54.5(1) bar the second defendant's HDC decision, but even that claim was not filed "promptly" as required. He submitted that the claimant's explanation of the procedural confusion as between the Administrative Court and UTIAC, taken together with the limitations imposed by custody, were insufficient to justify the extensive delays involved, particularly given the claimant's evident ability to produce voluminous legal documents and correspondence while in prison. 59. 60. 61. In my view, the real issue is whether there is any arguable merit in the claimant's grounds for judicial review against the first defendant's decisions in relation to the deportation proceedings or the second defendant's decisions in relation to Category D and HDC. If there were, it is likely that the extensions of time needed would have been granted for the reasons put forward by the claimant as it is clear that the procedural confusion as between the Administrative Court and UTIAC was not his fault. His reliance on the limitations imposed by prison carries much less weight given his evident competence and ability to produce relevant written submissions and documentary evidence, although the limitations caused by the conditions under which he is working in prison should perhaps be given some weight if the focus is on CPR r 54.5(1)(a) – whether the claim was filed "promptly" – rather than CPR r 54.5(1)(b) – whether the claim was filed within three months of the grounds to make the claim arising. As at the end of May 2025, the claim against the first defendant could be said to have arisen, as suggested in the Summary Grounds of Defence, on 31 March 2025. If so, then that claim was within the time period stipulated in CPR r 54.5(1)(b) at that time, and the further delay was arguably not the claimant's fault. Similarly, the claim against the second defendant's Category D refusal was within time. At that stage, the HDC issue had not yet arisen. Accordingly, I turn to the real question for decision, namely, whether there is any arguable merit in relation to any of the claimant's grounds such that permission to apply for judicial review should be granted in relation to any or all of the challenged decisions. The claimant's application for permission to apply for judicial review Challenge to the deportation proceedings 62. The claimant argues that the deportation case against him is wrongful on multiple grounds. At the risk of over-simplification, his grounds may be broadly summarised as follows: i) ii) he is stateless as his father was Palestinian, and therefore there is no other country to which he can be deported; deporting him would breach his rights and the rights of his family members under Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), particularly having regard to his four children and other family members who are British citizens; Approved Judgment R (Sabbagh-Parry) v SSHD iii) iv) v) vi) vii) he is deeply integrated in the UK, having lived here for 28 years since the age of 11; he lacks knowledge of other societies and lacks significant connections outside the UK; he is concerned for his personal safety should he be deported to an Arab country where his lifestyle and beliefs might be considered to offend local laws, values, or norms; he presents a low risk of harm to members of the public according to his latest OASys assessment and other official records; there have been immigration proceedings against him since at least 26 June 2009, almost sixteen years, where the question of his nationality or statelessness has been at issue, which the first defendant has failed to resolve, and therefore the maintenance

of deportation proceedings against him over these long periods (due to delays by the first defendant in investigating his nationality/statelessness, those delays not being his fault) has been and continues to be unjust; and viii) the first defendant has provided misleading information to the second defendant, in the form of the Prison Service, which has led to the challenged Category D and HDC decisions of the second defendant.

63. Mr Howarth submitted, in brief, that the first defendant was obliged by statute to issue the Stage 1 notice having regard to section 32(1) of the UK Borders Act 2007, given that the claimant is unquestionably a “foreign criminal” convicted of serious drug offences and sentenced to 17 years’ imprisonment. None of the exceptions to deportation in section 33 of the 2007 Act apply. The Stage 1 notice specifically addressed the first defendant’s section 55 duties regarding the claimant’s children’s welfare. In short, Mr Howarth submitted, the first defendant has conducted the deportation proceedings to date in full compliance with the relevant statutory provisions and the Immigration Rules.
64. Mr Howarth submitted that the claimant’s assertion of statelessness does not preclude deportation proceedings, although it would be a relevant consideration in the Article 8 proportionality analysis. In any event, the first defendant is entitled to conduct a proper investigation into the claimant’s nationality status, as confirmed in correspondence with him. Furthermore, this claim is premature as there has not yet been a Stage 2 decision, following which the claimant will have the benefit of a substantive appeal process should he dispute the first defendant’s determination of the nationality and/or statelessness issues. During the appeal, expert evidence and detailed submissions can be properly considered.
65. 66. On behalf of the first defendant, Mr Howarth also rejected the various arguments raised by the claimant on Article 8, integration and private life, and procedural fairness and delay. In my view, it is clear that the claim against the first defendant is premature. The claimant has complained robustly about his various interactions with the UK Approved Judgment R (Sabbagh-Parry) v SSHD immigration authorities since the stage 1 letter he received on 26 June 2009, and he has complained specifically about the delay between his conviction and the Stage 1 notice issued on 18 December 2024, the delay since that time during which no Stage 2 decision has been reached, and the failure of the first defendant to give him a clear indication of when a Stage 2 decision will be reached. He has not, however, formally pleaded the delay as amounting to unlawful conduct or breach of statutory duty by the first defendant.
67. 68. During the hearing, in fairness to the claimant, Mr Howarth raised the question of whether I should allow an adjournment at that stage so that the claimant could be permitted to amend his claim to plead unlawful delay in reaching the Stage 2 decision. I concluded that, at this stage, such a claim would have no reasonable prospect of success, and therefore no purpose would be served by allowing an adjournment for that purpose. In summary, I found in relation to the claim against the first defendant that permission should not be granted given that the claim is premature, as no final deportation decision has been made, and the claimant will have an alternative remedy in the form of the substantive appeal process to challenge the Stage 2 decision and any deportation order made at that stage. There is, at this stage, no arguable ground of unlawful delay by the first

defendant in reaching the Stage 2 decision. Challenge to the HDC and Category D refusals 69. 70. 71. 72. Given that there is at present no viable public law claim against the first defendant in relation to the current deportation proceedings against the claimant, there is no basis for his claims against the second defendant. In each case, the second defendant has relied upon, and has been entitled to rely upon, the existence of those current deportation proceedings under the relevant statutory and policy frameworks applicable to prisoner categorisation and HDC in reaching his decisions on those matters. The claimant's argument that "exceptional circumstances" apply in this case under which the second defendant could have reached a different decision on either matter is largely based on his objections to the current deportation proceedings and his alleged statelessness. In any event, it is clear that the second defendant was entitled to find that no exceptional circumstances apply in relation to the first defendant, in the absence of a viable challenge to the current deportation proceedings. No other "exceptional circumstances" of any weight were articulated by the claimant in his statement of facts and grounds or in his written or oral submissions. For these reasons, I concluded that permission to apply for judicial review in relation to the claims against the second defendant concerning the Category D and HDC decisions should not be granted. Given that there is no arguable merit in any of the grounds put forward by the claimant, there is no point in granting the necessary extension of time in relation to any of the claims that require an extension of time, and accordingly the claimant's application for an extension of time is refused. Had the extension of time been granted, then permission would have been refused on each ground for the reasons I Approved Judgment R (Sabbagh-Parry) v SSHD have given. Where no extension of time is required, permission to apply for judicial review is refused for the reasons I have given. Application for interim relief 73. Costs 74. 75. 76. Turning to the claimant's application for interim relief, in light of the foregoing conclusions, there is no serious issue to be tried, and therefore there is no basis for the interim injunctive relief the claimant is seeking. His application of interim relief is therefore refused. That leaves only, therefore, the issue of costs. Each of the defendants has submitted a Statement of Costs and asks for their costs of the defending the applications, including the preparation of the joint Acknowledgement of Service and Summary Grounds of Defence, to be summarily assessed on the ordinary basis, in the amount of £3,993 for the first defendant and £5,385.50 for the second defendant. Having indicated my decision at the hearing, I invited the claimant to make any submissions he wished to make on the reasonableness or the proportionality of the costs sought by each defendant in their respective costs statements. He had no specific observations to make in this regard, but he did state that in his present circumstances he would not be able to meet any costs order. In contrast to the position in criminal proceedings, in assessing costs under the civil costs regime that applies in public law proceedings, I do not, in principle, take into account the paying party's means or financial position. Having reviewed each costs statement, I am satisfied that the amounts sought are reasonable and proportionate to the matters that were before the court at the hearing. I will therefore make a costs order in the usual terms in favour of each defendant in the amount sought in each defendant's costs statement.

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