



COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

FOURTH SECTION

CASE OF SINGH AND OTHERS v. THE UNITED KINGDOM

(Application no. 60148/00)

JUDGMENT
(Friendly settlement)

STRASBOURG

8 June 2006

This judgment is final but it may be subject to editorial revision.

In the case of Singh and Others v. the United Kingdom,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Mr J. CASADEVALL, *President*,

Sir Nicolas BRATZA,

Mr M. PELLONPÄÄ,

Mr S. PAVLOVSKI,

Mr L. GARLICKI,

Ms L. MIJOVIĆ,

Mr J. ŠIKUTA, *judges*,

and Mr M. O'BOYLE, *Section Registrar*,

Having deliberated in private on 16 May 2006

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 60148/00) against the United Kingdom of Great Britain and Northern Ireland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a British national, Pavittar Singh (first applicant), and two Indian nationals Paramjit Kaur and Pawandeep Singh (second and third applicants) on 24 May 2000.

2. The applicants were represented by Ms S Conlan of TRP Solicitors, a lawyer practising in Birmingham. The United Kingdom Government ("the Government") were represented by their Agent, Mr John Grainger of the Foreign and Commonwealth Office, London.

3. The applicants complained of the refusal to permit the entry into the United Kingdom of the third applicant, invoking Articles 8, 12, 13 and 14 of the Convention.

4. On 3 September 2002, after obtaining the parties' observations, the Court declared the application admissible.

5. On 4 November 2002 the Government requested an adjournment of the proceedings before the Court pending their appeal to the Immigration Appeal Tribunal (IAT) (regarding a second refusal of entry to Pawandeep Singh).

6. On 21 February 2003 the case was adjourned.

7. On 26 January 2004 the applicants requested postponement of the proceedings before the Court pending the outcome of an application for leave to appeal.

8. On 14 March 2006 and on 27 March 2006 the Government and the applicants respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

9. The first applicant, Pavittar Singh, a British citizen born in India in 1955, and the second applicant, Paramjit Kaur, an Indian national born in 1955, are married and living in the United Kingdom. The third applicant, Pawandeep Singh, an Indian national born on 9 October 1996, now lives with them.

10. The first and second applicants had proved unable to have a second child and so adopted the baby of a cousin living in India. The immigration authorities refused permission for the child, the third applicant, to join the family in the United Kingdom as adoptions from India were not recognised for the purposes of entry clearance and the child fell outside the rules for entry as he was not adopted due to the inability of his parents to care for him.

11. The applicants re-applied for entry and the Adjudicator upheld their appeal, finding discrimination under Article 14 of the Convention and a violation of Article 8.

12. On 3 December 2003 the IAT upheld the appeal on behalf of the Entry Clearance Officer (United Kingdom Government). On 20 January 2004 the Tribunal refused leave to appeal to the Court of Appeal.

13. On 30 April 2004 the Court of Appeal granted the applicants permission to appeal

14. On 30 July 2004 the Court of Appeal decided that the Adjudicator had been entitled to conclude that family life, for the purposes of Article 8, had been established on the facts of the case, since there were substantial links between the sponsors and the child, and the adoption, although not recognised by UK law, was a further factor which militated in favour of family life.

15. On 27 August 2004 the third applicant entered the United Kingdom.

THE LAW

16. On 14 March 2006 the Court received the following declaration from the Government:

“I, Mr John GRAINGER, Agent of the Government of the United Kingdom, declare that the Government of the United Kingdom offer to pay *ex gratia* the sum of GBP £42,475 (forty-two thousand four hundred and seventy five pounds sterling), which includes GBP 18,500 (eighteen thousand five hundred pounds sterling) for non-pecuniary damage, GBP 6,500 (six thousand five hundred pounds sterling) for pecuniary damage and GBP 17,475 (seventeen thousand four hundred and seventy five pounds sterling) for legal costs including Value Added Tax, to Pavittar Singh and Others with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.

This sum will be payable within three months from the date of notification of the judgment by the Court pursuant to Article 39 of the European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on it, from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the case.

The Government further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention.

17. On 27 March 2006 the Court received the following declaration signed by the applicants' representative:

“We, TRP Solicitors, note that the Government of the United Kingdom are prepared to pay *ex gratia* the sum of GBP £42,475 (forty-two thousand four hundred and seventy five pounds sterling) which includes GBP 18,500 (eighteen thousand five hundred pounds sterling) for non-pecuniary damage, GBP 6,500 (six thousand five hundred sterling pounds) for pecuniary damage and GBP 17,475 (seventeen thousand four hundred and seventy five sterling pounds) for legal costs including Value-Added Tax, to Pavittar Singh and Others with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.

This sum will be payable within three months from the date of notification of the judgment by the Court pursuant to Article 39 of the European Convention on Human Rights. From the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

We accept the proposal and waive any further claims against the United Kingdom in respect of the facts of this application. We declare that this constitutes a final resolution of the case.

This declaration is made in the context of a friendly settlement which the Government and the applicants have reached.

We further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention after delivery of the Court's judgment.”

18. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

19. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the case out of the list;
2. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 8 June 2006, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Josep CASADEVALL
President