

HOUSE OF LORDS

SESSION 2005-06
45th REPORT

APPEAL COMMITTEE

JANUZI (FC) (PETITIONER) V. SECRETARY OF STATE FOR THE
HOME DEPARTMENT (RESPONDENT)

REPORT

Ordered to be printed 24th October 2005

LONDON

(HL Paper 52)

FORTY-FIFTH REPORT

FROM THE
APPEAL COMMITTEE

24TH OCTOBER 2005

ORDERED TO REPORT

1. The petition of Gzim Januzi praying for leave to appeal was presented and referred to an Appeal Committee on 12 January 2004.
2. On 7 July 2004 the Appeal Committee in its 56th Report refused leave to appeal because the petition raised the same point of law as another appeal then pending in the House, namely, *AE (FC) and another (Appellants) v. Secretary of State for the Home Department (Respondent)*. The Secretary of State for the Home Department undertook not to seek to remove Mr Januzi from the United Kingdom before the judgment in *AE* and to consider the Januzi case in the light of that judgment.
3. In the event, the case of *AE* was settled and withdrawn before it reached the Appellate Committee. Mr Januzi therefore seeks to restore his petition for leave to appeal.

RECOMMENDATION

4. The Appeal Committee has decided that in these circumstances it would be right to vacate the Order made on 7 July 2004 refusing leave to appeal, and recommends that leave to appeal should now be given.

The Committee was attended by:

Lord Bingham of Cornhill
Lord Hope of Craighead
Lord Carswell