

# G (Appellant) v G (Respondent)

Case ID: UKSC 2020/0191

## Case summary

### Issue

- (1) Does a child named as a dependent on a parent's asylum application have any protection from refoulement?
- (2) Can a return order be made under the 1980 Hague Convention even where a child has protection from refoulement?
- (3) Should the High Court be slow to stay an application under the 1980 Hague Convention prior to determination of an application for asylum?

### Facts

G is an only child of divorced parents. Until February 2020, her parents lived near to each other in South Africa. However, after telling friends that she was lesbian, G's mother began to experience persecution from her family in South Africa. As a result, she fled to England with G and made an application for asylum. Upon discovering that G had been taken to England, G's father made an application for her return under the 1980 Hague Convention. At first instance, Lieven J held that the father's application for a return order should be stayed pending the determination of G's mother's asylum claim. The Court of Appeal considered that, in the circumstances, the High Court was not barred from determining the father's application for a return order, nor was it barred from making such an order. The mother now appeals to the Supreme Court.

## Judgment appealed

[\[2020\] EWCA Civ 1185](#)

## Parties

### Appellant(s)

G

### Respondent(s)

G

## Appeal

### Justices

Lord Lloyd-Jones, Lord Hamblen, Lord Leggatt, Lord Burrows, Lord Stephens

### Hearing start date

25 Jan 2021

## Hearing finish date

27 Jan 2021

## Watch hearing

25 Jan 2021 [Morning session](#) [Afternoon session](#)

26 Jan 2021 [Morning session](#) [Afternoon session](#)

27 Jan 2021 [Morning session](#)

## Judgment details

### Judgment date

19 March 2021

### Neutral citation

[2021] UKSC 9