

272.7a Failing to comply with a direction from the Secretary of State

R v Ozor 2018 EWCA Crim 705 D pleaded to failing to comply with a direction from the Secretary of State, contrary to [Asylum and Immigration \(Treatment of Claimants etc.\) Act 2004 s 35\(1\)](#). D was from Nigeria. He arrived from Germany on false papers. For that he received 12 months. D then claimed asylum, which was refused. No appeal was mounted. He was taken to an asylum centre where attempts were made to get him to fill in an application form which would have enabled his deportation to take place. Without it no commercial carrier would permit him to board an aircraft. He was charged and sentenced to 12 months. He served his sentence and on his return to the asylum centre D refused to sign another application form. He was charged again and received 18 months. The Judge had started at 2 years and had given a 25% plea discount, saying he had no defence. Held. The Judge was perfectly entitled to start at the maximum, but D was entitled to a full plea discount, making **16 months**.