

This notebook tells you how you can get released from detention.

This notebook will be updated regularly. Please check that this is the latest version by looking at our website www.biduk.org or by contacting us by phone on 020 7247 3590.

BID has three offices. Each office deals with different Detention Centres:

BID South
for Haslar, Colnbrook, Dover
Tel: 023 92816633 Fax: 023 92821529

BID Oxford for Campsfield House, Lindholme
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BID London for Harmondsworth, Tinsley House, Dungavel,
Yarl's Wood, Oakington and HMPs
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Foreword: A message to all those in detention from an ex-detainee

My name is Dennis. I was detained at Dover Immigration Removal Centre for about 3 months. I was detained there after I had served a 15 month prison sentence for a criminal offence. On arrival at Dover IRC I was given bail forms by the Immigration Officer but I did not apply for bail because I felt that there was no hope of getting it. I had no sureties and no address. Soon after I arrived at Dover one of my cellmates applied for bail and he did not get bail. That discouraged me from applying for bail. My cellmate had put forward £1500 himself. I thought if my friend cannot get bail there was no hope for me with just £1. I then saw an advert for the BID workshop in the library. I got the notebook on bail and read it. When I read the notebook it still looked too good to be true that I could get bail but I decided to find out more and go to the workshop.

When I was at the workshop I started to think I could get bail. I thought BID would not waste their time and come to the Detention Centre if it were not possible to get bail. They helped me understand the way to get bail and the reasons I should give to the Immigration Judge. The workshop also made me understand that I could apply for bail many times. The first time I applied for bail I was not successful. I already knew from the workshop how I could apply for bail again so I was only a little upset.

My second application for bail was also unsuccessful. This time I was very upset. I did not want to apply for bail again because I could not see any hope of getting released. The bail summaries made me look bad and they got worse each time. It upset me to see what the Immigration Service was saying about me.

My friend encouraged me to apply for bail again. Without this encouragement I would have given up hope and remained in detention. I applied for bail a third time. On the hearing date for my third bail application I felt positive. I was disappointed because my accommodation provider did not come to court. The Judge still gave me bail. The Judge released me for the same reason that the previous Judge had used to refuse me. I found it strange that the same reasons were used by 2 Judges but they came to different conclusions. I felt really so happy to be released.

I am telling you this story because I think you can also get bail by representing yourself. You should try as many times as necessary. If you fail to get bail on one occasion you will learn how to correct things for your next application. It costs you nothing and you could gain so much. Good luck.

1. Introduction

What is bail?

Bail is when those who are detained by the Immigration Service are released, on certain conditions. All detainees have the right to apply for bail if they have been in the UK for at least 7 days.

Who wrote this notebook?

Bail for Immigration Detainees (BID) is a small non-governmental organisation. We are not part of the Home Office or the Detention Centres. We believe that everyone has the right to liberty. We help people in detention to challenge their detention and gain their freedom. We do this by:

- Giving telephone advice on how to apply for bail. The advice lines are open at certain times. Contact our offices using the contact details on the first page to get our current opening hours.
- Running workshops in some Detention Centres to teach detainees how to make their own bail applications.
- Making some bail applications ourselves. Because we are such a small organisation, we can only do this for a very small number of detainees.
- Keeping this notebook updated so that detainees can use the information and apply for bail themselves.
- Carrying out research and policy work about detention and bail. We use the information to ask the government, the courts and the Detention Centres for a change to bail and detention procedures.
- Training legal representatives on how to apply for bail and supporting legal representatives to help their clients in applications for release.

Why this notebook has been written

It has become difficult for detainees to find good quality legal representatives who will do a bail application for them. BID thinks every detainee should have a legal representative who applies

automatically for bail. Until this happens your only choice is to apply for bail yourself. This notebook tells you how to do this and get released.

How to use this notebook

- Read the whole of this notebook
- If BID runs a workshop in your Detention Centre, come to the next workshop
- Fill in the B1 Application for Bail form (see Attachments, Page 48)
- Write a statement (see Page 55)
- Send your bail application to the court
- Prepare for your hearing
- Tell BID the result of your hearing. You can use the fax letter (see Page 88)

This notebook is about bail only and not your main immigration case. The two cases are linked but separate because:

Your bail application case is about getting you released from detention.
Your immigration/asylum case is about why you should not be returned to your own country.

Why you should apply for bail

- You will get an independent person (called an Immigration Judge) looking at your detention to see if the Home Office arguments are strong enough to justify keeping you in detention.
- Your voice can be heard and you will not remain invisible behind the walls of a Detention Centre.
- If you do not have a legal representative you can still get released. This notebook tells you what you need to know. Many people have used this notebook. See Page 4 of this booklet for an example of a person who successfully applied for bail.

To apply for bail yourself

- You do not need to know the law.
- You do not need to know legal words.
- You do not need to speak English. You can ask for an interpreter.

Other information you can get

- A book called “Challenging Immigration Detention - A Best Practice guide”. It was written by BID and published in 2003 by an organisation called ILPA (The Immigration law Practitioners Association). This book advises legal representatives about bail. The Detention Centre library should have a copy of this book. If they do not have a book, contact BID and we will send one to them.
- We have attached a list of other organisations who you can contact who provide information and support to detainees (see Page 78).
- Bulletins by BID: BID writes papers on particular topics which provide information which will be of use to people in detention. These bulletins are available on our website or the BID office dealing with your Detention Centre.

The following bulletins are available from our website, or we can send them to you:

- Bulletin 18: LSC Pilot Project (to provide free legal representation for detainees): tells you how you can get free legal advice in detention.
- Bulletin 19: Section 4 Accommodation: tells you how you can apply for accommodation from the Home Office if you have nowhere to live on release (see page 67)
- Bulletin 20: Fast Track Procedure at Harmondsworth and Yarl’s Wood: explains about the Fast Track.
- Bulletin 21: The deportation of foreign nationals with criminal convictions and bail. It is important you read this bulletin if you have a criminal conviction and the Home Office is in the process of deporting you.
- Bulletin on the Rights of Detained Families.

By the time you are reading this there may be other bulletins available. You can call the BID offices to check whether there is one that might give you extra help in your case.

2. Dealing with a Legal Representative

Asking a legal representative to apply for bail

A legal representative, such as a solicitor, is the best person to ask for advice on bail or to make a bail application for you. It is part of his or her job to consider making applications for your release.

There is a letter on page 54 of this booklet to help you ask for information from your legal representative to find out what he or she is doing to get you released from detention.

There are a number of reasons your legal representative may give for not making a bail application, for example:

- He/She is trying to get you out of detention in another way.
- He/She is waiting for a change in your case (particularly where you have already had a bail application that has been refused).
- He/She says you need sureties or accommodation.
- You have 'Removal Directions' (the Home Office has issued you with notice that you will be removed from the UK), or you have no more appeals.
- He/She thinks that your bail application has little chance of success or says that he/she cannot use public funding. Note that you have a right of review (appeal) against a refusal of legal representation (see bulletin 19).

The Detention Duty Advice Scheme

The Legal Service Commission (LSC), an organisation funded by the government that organises and pays for free legal advice, has set up a scheme in Detention Centres to help detainees get legal advice. This scheme is called the Detention Duty Advice Scheme (DDA).

Each Detention Centre has a lawyer available 2 days a week. The lawyers will either come to the Detention Centres twice a week or

provide help on the telephone (for detainees at Haslar and Lindholme). The advice they give is free of charge.

BID has been told that you can make an appointment to see the adviser on the DDA scheme by going to the library of your Detention Centre and putting your name on a list.

The lawyers on the DDA scheme have been told by the LSC that they should look at your bail case separately from your main immigration case. In many cases detainees can apply for bail even when their main immigration case cannot be given public funding. BID has also written a bulletin about this scheme and you can get a copy of it from our website or by calling the BID office dealing with your Detention Centre. This bulletin tells you more about this scheme and how to complain if you are not happy with the DDA scheme.

Making a complaint about your legal advisor

To start with it is best to complain to your legal representative in writing. They are required to deal with complaints.

If you are still not happy with your legal representative, including your DDA, you can complain about them to 2 organisations:

1. Office of the Immigration Services Commissioner (OISC) at 5th Floor, Counting House, 53 Tooley Street, London, SE1 2QN, telephone number 020 7211 1500. If your legal representative is a solicitor you can also complain to the Legal Complaints Service. Their telephone number is 0845 608 6565.

If you are not happy with the service you have received, it is important that you make complaints because this can help improve the services provided to detainees.

If your legal representative or the Detention Duty Adviser will not help you get released from detention your only option is to apply for bail yourself. The rest of this notebook explains how you can do this.

Special Categories of Detainee

If you fall into any of the groups below it is very important that you speak to your legal representative or the Detention Duty Adviser immediately:

- **If you have Removal Directions.**

If the Immigration Service gives you 'Removal Directions', BID cannot help stop people from being removed from the UK.

- **If you are suffering from a serious medical condition or have mental health problems.**

The Home Office guidelines to the Immigration Service say people suffering from a serious medical condition or mental health problems should only be detained in "very exceptional circumstances".

- **If you are under 18 years old.**

The Home Office guidelines to the Immigration Service say that people under 18 who are alone in the UK should be detained only overnight while other arrangements are made.

If the Immigration Service does not believe that you are under 18, ask your legal representative or the Detention Duty Adviser to contact the Refugee Council Children's Panel (Tel 020 7582 4947). The Refugee Council Children's Panel may be able to send someone to visit you. The Immigration Service should arrange for a social worker to visit you to carry out an assessment of your age.

- **If you are a torture survivor.**

Torture is extreme ill treatment. Torture can affect you physically (affecting your body) and/or psychologically (affecting your mind). Sexual assault or rape can be torture too.

The Home Office guidelines to the Immigration Service say that where there is "independent evidence" that a person has been tortured this person should only be detained in "very exceptional circumstances". You should explain that you are a torture survivor to the medical centre in the Detention Centre and make sure the Immigration Service is also told about your torture.

There are independent medical experts who can write reports for court. In some cases, an organisation called the Medical Foundation for the Care of Victims of Torture can write reports for victims of torture. You can contact the Medical Foundation through your representative or through another doctor.

3. Ways to Get Released from Detention

There are five ways to get released from detention:

- By Temporary Admission / Temporary Release
- By Chief Immigration Officer Bail
- By Bail from the Immigration Judge
- By the High Court
- If your main immigration case is successful

Temporary Admission/Temporary Release

If the Immigration Service decides not to keep you in detention any longer they will let you live in the UK while your case is being sorted out. This is called Temporary Admission or Temporary Release. Sometimes the Immigration Service will release you on Temporary Admission without giving you any reason.

You can write to the Immigration Officer dealing with your case and ask them to release you on Temporary Admission. You can use the example letter at the end of this booklet (Page 76).

You should receive a response within a few days. If you are refused Temporary Admission you can apply for another way of being released.

Keep a copy of any letters that you write asking for Temporary Admission. If you do not receive a reply, and you then apply for bail from the Immigration Judge, it will be helpful to show the Judge these letters. She or he will see that you have not received a reply and may ask the Home Office to explain why they have not responded to your request.

You may also be offered Temporary Admission by the Immigration Service before you get to court if you apply for bail from an Immigration Judge and you have a strong case. If this happens you should accept the Temporary Admission because you will get an immediate release.

Chief Immigration Officer Bail (CIO bail)

This is bail which is given to you by a Chief Immigration Officer (CIO) who is part of the Immigration Service. You can apply for CIO bail by writing to the Immigration Service at your Detention Centre and asking them for CIO bail. They will pass your request to the relevant CIO.

Normally the CIO likes to have 2 sureties who can offer a lot of money (at least £5000 each). This sort of bail is hard to get so this notebook concentrates on bail from an Immigration Judge.

Sometimes a legal representative will tell you they have applied for bail. This could mean CIO bail. As with requests for Temporary Admission, keep a copy of any letters that you write asking for CIO bail. If you do not receive a reply, and you then apply for bail from the Immigration Judge, it is helpful to show the Judge these letters.

The CIO will make his/her decision in the office. You will not have a court hearing and normally you would not speak to the CIO. The CIO will ring your sureties to check their details and that they understand the obligations of a surety.

Bail from an Immigration Judge

This notebook deals mostly with bail from an Immigration Judge because this is the only independent check on your detention. You can ask the Immigration Judge to release you without having a lawyer to help you.

In this notebook when we talk about bail we will be talking about Immigration Judge bail unless we say otherwise. This is also known as AIT bail, because your case will be heard by an Immigration Judge in a court called the AIT (Asylum and Immigration Tribunal).

Who can apply for bail?

Anyone who is detained in immigration detention and has been in the UK for 7 days can apply for bail to the Immigration Judge.

By the High Court

The High Court is a senior court for England and Wales. Among other things the High Court can look at the way decisions have been made by other Courts and authorities (including the Immigration Service).

If the Immigration Service has detained you without following the law you may be able to ask the High Court to say whether your detention is within the law or not. This is called an “application for Judicial Review” or “an application for habeas corpus”.

Going to the High Court is complicated and expensive and normally you would need a solicitor and legal aid to help you do this.

If your main immigration case is successful

If you are successful with your main immigration case you should be released because the authorities no longer have the power to detain you.

4. The Law

This section tells you what law applies to bail applications. When thinking about the law applying to you it is best to think of it in stages.

<p>Stage 1</p>	<p>Right to Liberty</p>	<p>The starting point is that everyone has the right to liberty (the right to freedom). This right is an important principle of English law and is also given to you by Article 5 of the European Convention on Human Rights. The right to liberty is a basic human right.</p>
<p>Stage 2</p>	<p>Some people can be detained</p>	<p>Article 5 then goes on to say that a person’s liberty can be taken away in certain cases and by some government agencies. The courts will balance your right to liberty against the Immigration Service’s right to detain you. This is called the proportionality test. The courts will be looking at whether your detention is having such a bad impact on you (or members of your family) that you should be released.</p>
<p>Stage 3</p>	<p>The Immigration Service must act within the law</p>	<p>The Immigration Service and the Police are two of the authorities that can take your liberty away and</p>

		<p>detain you as long as they follow the law.</p>
<p>Stage 4</p>	<p>Are there alternatives to detention?</p>	<p>To follow the law the Immigration Service have to show that detaining you was the only option because if you were not detained you would not keep in touch with them. The guidance notes given to Immigration Judges say if at all possible you should be released. This is called the presumption in favour of liberty.</p>
<p>Stage 5</p>	<ul style="list-style-type: none"> • Will you abscond? • Is your removal imminent? 	<p>The main questions to answer when you apply for bail are whether you will abscond (lose touch with the Immigration Service) and whether your removal from the UK will be quick i.e. imminent</p>

Regular detention reviews

The law says that the Immigration Service has to look at your detention regularly to make sure that your detention is still necessary. Normally this is done once a month.

The Immigration Service is also required to review your detention if there has been a change of law or a change in your personal circumstances.

- When you are detained the reasons for detention must be given to you straightaway. This is usually on a form called an IS91R. If you are not given the reasons why you are being detained ask the Immigration Service to give them to you.
- The monthly detention reviews will be on a form called an IS93. If you do not receive one, you should tell the Immigration Judge in your statement. Keep copies of any requests you make for your IS93 forms.

5. Sureties/Cautioners

This section tells you:

- What is a surety?
- Do you need a surety to apply for bail?
- Who can be a surety?
- How much money is required?
- What does a surety do?
- What happens to the surety's money?

What is a surety?

A surety is someone who promises the court that he or she

- Has enough influence over you to make sure you keep in touch with the authorities if you are released from detention.
- Will pay money if you lose touch with the authorities, but will pay less (or nothing) if the surety has tried to stop this from happening.

In Scotland a surety is called a cautioner. Any money a cautioner pays needs to be given to the court in advance.

Do you need a surety to apply for bail?

No. You can still get bail if you do not have a surety. If you have a surety this may help to convince the Judge that you will keep to any conditions set for your release because the surety will tell the court if you do not (and shows that the surety and therefore others can trust the applicant).

If you do not have a surety, you will need to think of other arguments that you can make to convince the Judge that you will not run away if you are released. The Home Office will probably say that you are likely to abscond (which means run away).

If you have a surety, you will need to put the details of your surety on the bail application form. You can also use the statement (see example on Page 57) to explain your relationship with your surety. There is space on the form for two sureties but you can have more than this, or only one.

Who can be a surety?

Anyone who is legally in the UK can be a surety. This includes people with student visas, people with refugee status, people with work permits and European Union nationals.

Asylum seekers can stand as sureties (for example if a close member of your family is not detained they could stand surety for you). People who are unemployed and on state benefits can also stand surety.

If your surety has a criminal conviction, they are unlikely to be accepted by the Judge unless this is for a very minor offence which is spent ('spent' is a legal term to mean that enough time has passed since the conviction that it can now be ignored. There are different time periods for different offences. Some offences are never "spent"). In general it is better to have a surety with no criminal conviction.

It is a good idea for your surety to have met you as many times as possible so that she or he can explain to the Judge that she or he knows you well enough to make sure you keep in touch with the authorities. If they have not met you many times, the Judge may be happy with them if they have been in very regular telephone contact with you.

Your sureties need to attend the bail hearing because the Immigration Judge will want to speak to them. Normally the Immigration Judge will not accept a surety who does not come to court.

How much money is needed?

- There is no fixed amount.
- The surety needs to offer an amount they would not want to lose. For some sureties this may be £100 but for others it may be £500 or more. For an asylum seeker/person on benefits on Asylum Support, as little as £10 may be accepted.
- The money offered must belong to the surety and must be in their account to show the court. It cannot be money which is borrowed for example a bank loan or money from friends.

- The surety must bring bank statements or pay slips from the last three months to convince the Judge that he or she has the money.

Sometimes in court the Immigration Judge will ask the surety to increase the money being offered. If your surety cannot do this they must explain why.

When do you tell the court about your surety?

You must give details of your surety on the bail application form (see Page 48) because the Immigration Service will want to do a police check on your surety before your bail hearing to check that your surety is suitable. A person cannot just come to the court on the day of the hearing and be a surety. Normally the court and the Immigration Service need at least 48 hours notice of your surety so all the checks can be done.

What does the surety do?

Before you are released	After you are released
<ul style="list-style-type: none"> • Gives you all the information you need to fill out the surety section of the bail form. • Comes to court. 	<ul style="list-style-type: none"> • Stays in contact with you to check that you are keeping to the conditions of your release. • Tells the Immigration Service if he or she thinks you have broken the conditions of your release. • Comes to any bail renewal hearings.

What happens to the surety's money?

If you comply with all the conditions of release	If you do not keep to the conditions of your release	If you are given Temporary Admission or permission to stay in the UK or are removed from the UK
Your surety will not have to pay anything.	Your surety will be asked to come to a court hearing called "a forfeiture hearing". At this hearing the Immigration Judge will decide how much money your surety should lose.	Your surety's responsibility ends and they are no longer at risk of losing money.

Can you find a surety if you have no friends or relatives in the UK?

Many asylum seekers and migrants do not have any friends or relatives in the UK. The Bail Circle may find you a surety. Their contact details are in the useful addresses in the last section of this booklet (see Page 78).

A member of a visitors group may come to visit you and become a friend. Some may agree to act as a surety. Others may not. Any visitor will want to get to know you before acting as a surety. If you would like a visitor, you can contact the local group direct. Their phone number should be on a notice board in the centre. If not, you can reach them through the Association of Visitors to Immigration Detainees (AVID) (see Page 78).

6. Accommodation

Accommodation with a friend or relative

The person offering you accommodation needs to be legally in the UK. He or she does not need to be British.

The accommodation provider will usually need to show:

- An identity document, for example, a passport, driving licence, or status papers (refugee status papers, indefinite/exceptional leave to remain papers).
- If he or she rents the accommodation, the tenancy agreement/rent book and a letter from the landlord if it is unclear from the tenancy agreement that the person has permission for people to stay there.
- If he or she owns the accommodation, the mortgage documents or other evidence that he or she owns the house/flat.

Your bail application will be stronger if the person offering accommodation comes to court. The Immigration Judge may refuse the application if the person offering accommodation does not come to court. If the person cannot come to court, the Immigration Judge will sometimes accept a letter which explains why he or she cannot come to court and confirms the offer of accommodation.

Accommodation from Asylum Support (formerly called 'NASS')

Asylum Support is a department in the Home Office that arranges accommodation and support for some asylum seekers. Asylum Support policy keeps changing and may change again in the near future. For further information about getting Asylum Support accommodation please read the BID bulletin at the end of this booklet (see Page 67).

Accommodation with Social Services

If you are under 18, or have children, you may be able to get accommodation through 'Social Services' (local government) if you are released. Speak to your legal representative or the Detention Duty Adviser about this.

7. The Application Form

This section tells you:

- What form is used to apply for bail
- How to fill in the form
- Where to send your form
- What happens after you have sent your form to the court

The form needed to apply for bail

To apply for bail you will need to fill in a form called “Application to be released on bail” it is also called a B1 form. You can find this on Page 48 of this booklet. You can photocopy it or get it from the Detention Centre.

(BID has been told by the Home Office that upon arrival at a Detention Centre you should get a copy of a bail form.)

How to fill in the form

Fill in as much of the form as you can. You can apply for bail even if you do not have all the information.

	Section 1 - Personal information	What to write
A	Home Office reference number	<ul style="list-style-type: none"> • This number helps the court and the Home Office to find your file. • You will find this number on letters from the Home Office. It is usually the first letter of your surname and then 6 numbers like this H239854. • If you do not have a Home Office reference number put your port reference number here. • If you have neither number, put “don’t know”.
B	Your surname or family name	<ul style="list-style-type: none"> • Put your family name here. • If the Home Office, Immigration Service or Detention Centre know you by a different name put that down also so that all letters about your bail application can be given to you
C	Your other names	Put all your names except your family name here.

D	Address where you are detained	This is the address of the Detention Centre so that the hearing date can be sent to the right place.
E	Your date of birth	Write your date of birth like this 23/ 05/1975.
F	Are you male or female?	Put a cross in the right box.
G	Nationality or Citizenship	<ul style="list-style-type: none"> • This is asking you which country you are from. • If you have a different nationality from citizenship write both here for example Kurdish from Turkey. • If you have no nationality write "stateless". • If the Home Office have a different nationality write both like this "I am Kenyan but the Home Office say I am Ugandan".
H	Date of arrival in the UK	Write the date you entered the UK like this 23/01/06. If you only know the month but not the date, write it like this: 01/06.
I	Do you have a representative?	If you are making your own bail application tick the box which says 'No'.

	Section 2 - About your application	What to write
A	Do you have an appeal pending?	This is asking whether you are waiting to have your main immigration case heard in the Asylum and Immigration Appeal Tribunal.
B	Have you lodged a bail application before?	This is asking you if you have made a bail application to the court before. The court wants the number so that it can find your file.
C	The address you plan to live, if your application for bail is granted	Write the address where you will live if you are given bail. It is important that you write the correct address and postcode because the Home office will check whether this address is suitable and that the address exists. Please see section on address/accommodation on Page 22

	Section 3 - Personal information	What to write
A	Recognisance	This is the money you, not your sureties, can put forward. You do not have to pay it to anyone unless you abscond and then are re-arrested. BID suggests that you fill in this box by putting "£1".

B	Deposit	This <i>only</i> applies to people detained in Scotland. Write how much money, if any, you can offer the court. BID suggests you put at least £1 here.
C	Appellant's signature and date	Put your signature here and then put the date on the form.
D	Name of appellant	Put your name here.
E	Would you like to be considered for electronic monitoring	The Immigration Service is trying to keep in touch with people by using the telephone and tagging. If you are happy for this to happen put a cross in the 'yes' box. The Immigration Service needs to consider electronic monitoring as an alternative to your detention. You can use the letter on Page 76 to ask the Immigration Service to use electronic monitoring as an alternative to detaining you.

	Section 4 - About your sureties	What to write (see section on Sureties beginning on Page 18)
A	Surname or Family name	Put your surety's surname here. It is important that the name is spelled correctly because the Immigration Service will do a check to see whether your surety is suitable. If possible, copy the name from your surety's passport.
B	Other names	Put your surety's first name here. If your surety uses other names, put them here too.
C	Address	Put your surety's address here. It is important the address is right as otherwise the Immigration Service will not be able to carry out their checks and your surety may not be allowed to stand for you.
D	Occupation	Put the job your surety does here. People who are unemployed or retired can also be a surety so put "retired" or "unemployed" here if your surety is not working.
E	Recognisance	Put the amount of money your surety can offer here.
F	Date of birth	Put your surety's date of birth here
G	Nationality	Put your surety's nationality(ies) here
H	Passport numbers	Put the passport number of the surety here.

	Section 5 - The grounds on which you are applying for bail	
		In this box write “please see attached statement where I have explained the reasons why I think I should be given bail”. BID thinks it is better if you write the reasons why you should be released separately because this box does not give you enough space. Please see Page 55 (Attachments) for the guide to writing a statement. This is a very important part of your bail form and you should take time to write a full statement.

	Section 6 - At the hearing of your application	
A	Will you or your surety need an interpreter?	If you or your surety cannot speak English well you should ask for an interpreter at your hearing. You do not pay for the interpreter. The court pays the interpreters. If you are unsure, it is always better to ask for an interpreter.
B	If you or your legal representative has a disability, please explain any special arrangements needed for the hearing	If anything special needs to be done for you or your surety put it here, for example, if help is needed to get up stairs or medication needs to be taken at a set time.

	Section 7- Representation	
	All sections	If you are representing yourself, you do not write anything in this section.

	Section 8 - Declaration by appellant	
A		Put your signature here.
B		Write your name in capitals.

Where to send the form

When you have filled in the form you will need to send it to the bail clerk at the court which deals with your Detention Centre. The addresses are listed below. It is best to send your form by fax so you have proof that you sent it. Do not send the form to BID (unless we ask you to do this).

There is an example letter on Page 53 which you can use to ask the court to give you a particular date. The letter also asks the court to tell the Detention Centre that you must be taken to the court.

Here are the details of the various courts:

Detention Centre	Court	Fax number
Campsfield House	Newport	01633 416735
Colnbrook	York House	020 8831 3549
Dover	Taylor House	020 7862 4455
Dungavel	Glasgow	0141 242 7555
Harmondsworth	York House	020 8831 3549
Haslar	York House	020 8831 3549
Lindholme	Bradford	01274 267045
Oakington	Taylor House	020 7862 4455
Tinsley House	Taylor House	020 7862 4455
Yarl's Wood	Yarl's Wood	01234 224411

After you have sent the form to the court it is best to ring them the next day to check that they have received it and to ask when your case will go to court. You will need to call the telephone number below. Ask to speak to the bail clerk at the court to which you faxed your form. So, if for example you are detained in Dover, you ask to speak to the Bail Clerk at Taylor House. You can also use this number to contact the bail clerk if you do not hear anything after you have sent the form to the court.

There is one telephone number for all the Immigration Courts:

Telephone number for AIT Support Centre	0845 6000 877
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What happens after you have sent the form?

The court will send a copy of your form to the Immigration Service who will write a 'bail summary'. The bail summary is explained on Page 41.

The court will also send you a hearing date. This is the date you will go to court and have your application for bail decided by the Immigration Judge.

Normally the hearing date is within 3 days of the submission of the B1 application form but can be longer. If you want the court to set your date for a particular day then tell them in a letter when you send the application form. Your chosen date needs to be at least 3 days away if you want to ask for a particular date. There is an example letter on Page 53 which you can send with your application form.

What to do next

Now read sections 8 and 9 called 'Grounds for Bail' and 'Hearing Date'.

8. Grounds for Bail

<p>Examples of some of the most common reasons for detention advanced by the Immigration Service.</p>	<p>Ideas for arguments and evidence that may support your case. The questions are to help you think about your case. You will need to decide which information to include in your arguments for release.</p>
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<p>1.1 Detention because the Home Office says they will send you out of the UK in the near future (This is a very common reason given for detention.)</p>	
<p>1.1.1 You have exhausted all appeals Or You are at the end of your immigration case Or You have no ongoing asylum or human rights application Or There is no bar to removal</p>	<p>Is it correct that you are at the end of your immigration case?</p> <p>If you have an ongoing case, an appeal or Judicial Review, you can argue that the Home Office should not say that they are detaining you for removal because your case is not yet decided. Show the Immigration Judge evidence that your immigration case is not finished. Does your ongoing case give you a reason to stay in contact with the Immigration Service?</p> <p>If it is true that your immigration case is finished, but there are other reasons why you cannot be sent out of the UK, explain what these reasons are, for example if your husband/wife/partner has an ongoing asylum application the Immigration Service should not usually send you out of the UK, see section 2.4.3.</p> <p>If you have no ongoing case, but the Immigration Service does not set Removal Directions for you, you can ask to be released until Removal Directions are arranged. This may result in Removal Directions being arranged for you (so speeding up removal) or it may allow you to find out about reasons for any delays (in travel documents or problems sending people to your country, see below.)</p>
<p>1.1.2 You will be removed from the UK when travel documents have been received.</p>	<p>With some countries there are long delays in arranging travel documents. If you have been waiting for weeks or months for travel documents it is important to find out what is happening.</p> <p>If there are delays in arranging travel documents for you, you can argue that no progress is being made and so you should be released while waiting for travel documents.</p> <p>Write to the Immigration Office that has your file to ask what is happening with your travel document application. In your letter you should ask:</p> <ul style="list-style-type: none"> • When did the Immigration Service first apply for travel

	<p>documents?</p> <ul style="list-style-type: none"> • What progress has been made? • What was the latest contact the Immigration Service had with the Embassy or High Commission of your country of origin? • How long do they think it will take to get the travel documents? (This is important because if it takes longer you can use this to show an Immigration Judge how long you have been waiting.) <p>If you do not receive a reply to your letter, take the letter you wrote to court to show the Immigration Judge and explain that there was no reply.</p> <p>Sometimes when someone lists a bail application at the end of their case, the Immigration Service arranges 'Removal Directions' for the person. This can happen even if you have been waiting a long time for your travel documents.</p>
<p>1.1.3 You are detained whilst arrangements are being made to send you to another European country under the Dublin Convention</p>	<p>The Dublin Convention is an agreement between European Countries that gives the UK Immigration Service the right to try to send an asylum seeker back to another European Country that he/ she travelled through or claimed asylum in before arriving in the UK.</p> <p>If you want to challenge the decision to send you to another European country, ask a legal representative for advice.</p> <p>You can then argue that you should be allowed to live outside detention while arrangements are made to send you to the other country.</p> <p>Write to the Immigration Service office that has your file to ask what is happening on your case; ask where the Immigration Service is trying to send you; when they contacted the other country to try to arrange this (because sometimes there are long delays); and what replies the other country has given (if any). If there is no sign of progress, you can show this to the Immigration Judge in your bail hearing.</p> <p>Speak to a legal representative for more advice on the Dublin Convention.</p>
<p>1.1.4 You will be sent out of the UK soon under the Chicago Convention.</p>	<p>The Chicago Convention is an agreement between countries worldwide. The Immigration Service sometimes says that they will send you to a country that you travelled through on the way to the UK and that they can do this because of the 'Chicago Convention'. If the Immigration Service say they will send you to a country that you travelled through (outside of Europe), speak to a legal representative for advice.</p> <p>It is important to find out what will happen if you are sent to this other country (particularly if you have no travel documents). The</p>

	<p>country's consulate in the UK may be able to tell you or your representative. If you are not a national of that country, would they let you enter or is there a risk that you would be detained on arrival there? You may have the right to challenge the decision to send you to this country under the Human Rights Act. Ask a legal representative for advice.</p>
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<p>1.2 Detention to establish a person's identity or basis of claim</p>	
<p>1.2.1 You have given no evidence of your identity/nationality/age</p>	<p>Many people arrive in the UK without any identity papers. You may need to explain why you did not have any identity papers when you arrived.</p> <p>If the Immigration Service questions your identity, age or nationality, try to get documentary evidence of your identity if possible. Contact people in your country for evidence of your identity if possible.</p> <p>Do you know anyone in the UK who can support your application for bail by coming to court to confirm who you are or how he/she knows you? Can he/she be a surety for you?</p> <p>If you cannot find evidence of your identity, explain how you tried to get evidence of your identity and why this was unsuccessful. This will show that you are trying to cooperate.</p>

<p>1.3. Detention because the Home Office says they believe that a person will not comply with the conditions of Temporary Admission. If making this argument the Home Office will often try to show that you cannot be trusted. These arguments are common in bail summaries.</p>	
<p>1.3.1 You claimed asylum only when you were caught by the authorities in the UK (for example living illegally in the UK, driving a car without papers). Your claim for asylum or your human rights application is therefore only an attempt to prolong your stay in the UK.</p>	<p>If you lived illegally in the UK (either overstaying a visa or entering illegally) and so had no contact with the authorities, the Immigration Service will use this to say that you will lose contact with the authorities again. This is a strong argument for the Immigration Service and will weaken your application for release, but remember that people are released on bail even if they did lose contact with the authorities.</p> <p>If you only made an asylum/human rights application when you were arrested by the authorities, explain why you did not make your asylum application or human rights application earlier. Did you have access to legal advice? If so, what advice were you given?</p> <p>If you had never been in contact with the authorities in the UK, were you going to contact the authorities to apply to stay in the UK? Or why did you lose contact with the authorities, if you</p>

	<p>were previously in the UK legally?</p> <p>Why would you stay in contact with the authorities in future? What, if anything, has changed to give you reasons now to stay in contact with the authorities? Do you now have sureties? An address to live at? A family? Do you need medical treatment? A legal representative for your immigration case? What else will make you stay in contact?</p>
<p>1.3.2 You overstayed your visa and were caught living in the UK illegally.</p>	<p>Did you apply for an extension of your visa? If so, do you have evidence of this? Evidence to show you applied for an extension before the visa expired will make your case stronger. If you do not have evidence, why not? What legal advice were you given? Who sent off the application for an extension and when exactly? If you did not apply for an extension of your visa, why not? What legal advice were you given? Do you have any letters from your legal representative to show the advice you were given? You also need to explain why you would stay in contact with the authorities in future if released.</p>
<p>1.3.3 You were in the UK on a student visa and were caught working full time (or more hours than the visa allowed)</p>	<p>If you were not working more hours than permitted, do you have evidence of this? Can you get evidence from your school/college/ university to support your case? Write to the Immigration Service to ask what evidence they have that you were working longer hours than permitted. If you were working longer hours than permitted, why? Why would this not happen again? Do you have an ongoing immigration case? If so, can you argue that you should be released whilst your case is decided?</p>
<p>1.3.4 You changed address and did not tell the Immigration Service.</p>	<p>Is it correct that you did not tell the Immigration Service about the change of address? Who did you tell? Did you tell your legal representative and ask him/her to tell the Immigration Service? If so, write to your solicitor to ask for confirmation that you did tell him/her about the change of address. If you told the Immigration Service directly about your change of address write to them explaining when and where you told them of the change. Ask for them to confirm this. Keep a copy of this letter for any bail hearings. If you did not inform anyone of the change of address, why not? When did you change address? Was it not possible to tell your representative or the Immigration Service? Why would this not happen again in future? Did you keep reporting, if you had reporting conditions? If so, make this clear as it shows that you were still in contact with the authorities.</p>
<p>1.3.5 You did not report to the Immigration Service or police station when you were supposed to.</p>	<p>If you think you always reported as necessary, ask for details of when the Immigration Service claims you did not report. You can write to the police station or Immigration Office you reported to and ask for confirmation of the dates on which you reported, or for confirmation that you reported on the day that the</p>

	<p>Immigration Service claims you did not.</p> <p>If you did not always report, did you fail to report once/twice or had you not reported for a long time? Why did you not report? Do you have evidence to support your reason(s) for not reporting? In some cases the Immigration Judge may accept the reasons why you did not report, for example if you have evidence that you were in hospital for a medical problem.</p> <p>If you did not report one day, but continued reporting after that, write to the reporting centre to ask for confirmation of all the dates that you reported. Tell the Immigration Judge why you did not report on that day (or days). Why did you keep reporting again afterwards, when you were at more risk of being detained because you had failed to report previously?</p> <p>Did you know that you had reporting conditions? If not, write to the Immigration Service to ask them to confirm when and how they told you to report. Ask where the IS sent the letter telling you to report.</p>
<p>1.3.6 You missed an interview or a hearing for your immigration case and so cannot be trusted to remain in contact.</p>	<p>Did you know before about the interview or hearing that you missed? If not, you need to find out where the letters informing you of the hearing/interview were sent. The court and Immigration Service should usually send letters to both you and your legal representative. Did your legal representative know about the hearing/interview? Did he/she contact you? Do the authorities have the correct address for you? What advice did your legal representative give?</p> <p>If you knew about the interview/hearing but did not go, explain why you did not go. Was there a problem? If you were ill, do you have evidence of this? Did you tell anyone you could not attend? See also box 1.3.5 about not reporting as this may help you.</p>
<p>1.3.7 You are not cooperating with the Immigration Service.</p>	<p>If you are cooperating as much as you can, say so. If necessary, write to the Immigration Service to ask for details of the times when they say you did not cooperate. When you have more information about the ways in which the Immigration Service says that you are not cooperating you will be able to give more of an explanation to the Immigration Judge. If you receive no reply to your letter, it is important to show your letter to the Immigration Judge at the bail hearing. The Immigration Judge may disagree with the Immigration Service's view that you are not cooperating. If it is correct that you are not cooperating with the Immigration Service, the Immigration Service will use this to argue that you will not stay in contact with the authorities if released. Why will you not do what the Immigration Service wants? If you are refusing to sign travel documents or to give the Immigration Service information they ask for, you need to explain this to the Immigration Judge too. If</p>

	<p>you have given all the information you have, say so. If you are refusing to do something, why?</p> <p>It will be difficult to get bail if the Immigration Judge believes that you are not cooperating with the Immigration Service in order to stop them sending you out of the UK. If this is the case, ask a legal representative for advice, if possible.</p>
<p>1.3.8 You resisted removal on a previous occasion. Or You refused to get on the plane when the Immigration Service tried to send you out of the UK.</p>	<p>This is a strong argument that the Immigration Service can use against you, if it is correct, because the Immigration Judge may say that you have made your detention longer by refusing to leave the UK. If it is not correct that you resisted being sent out of the UK, say so.</p> <p>If it is correct, you will need to explain why you resisted removal. It is usually very difficult to be released on bail if you resisted removal previously, but not impossible if the Immigration Judge accepts your reasons for refusing to leave the UK. Think carefully about why you resisted removal and be prepared to explain this to the Immigration Judge. Where possible, find evidence to support what you are saying.</p> <p>If the only reason that the Immigration Service still cannot send you out of the UK is that you resisted removal previously, the Immigration Service may give you new Removal Directions when they receive your application for bail.</p>
<p>1.3.9 You have prior criminal convictions which show that you should not be trusted</p>	<p>Is it correct that you have previously been convicted of a criminal offence? If not, say so and ask for any evidence that supports what the Immigration Service is saying. Do you have evidence to support what you are saying, for example evidence that any charges against you were dropped.</p> <p>In bail applications there is the same presumption in favour of liberty whether you previously have served a criminal sentence or not. You can argue that you should not be punished further. Do you have any reports/documents from the prison or your criminal case that support an application for release?</p> <p>Do you have evidence of contact with the authorities, for example were you on bail before being sentenced? Did you comply with any bail conditions?</p>
<p>1.3.10 You tried to escape from detention. You are a determined absconder.</p>	<p>Write to the Immigration Service/MODCU for confirmation of what they think you did that was an attempt to abscond. It is important to ask for more information so that you can explain your actions to the Immigration Judge, especially if the Immigration Service has wrongly taken your actions to be an attempt to abscond.</p> <p>If it is correct, explain what happened and why. Why would you stay in contact with the authorities if released? The fact that you do not want to be in detention does not necessarily mean that you would lose touch with the authorities if you were released from detention.</p> <p>Is this correct? If not, say so.</p>

<p>1.3.11 You refuse to be interviewed by the embassy or consulate of your country of origin. Or You refuse to give information during interviews with the consulate or embassy from your country.</p>	<p>If you have an ongoing immigration case, you can argue that the Immigration Service cannot detain you so that you can be interviewed. This is because the Immigration Service cannot make an interview with your embassy or consulate a condition of Temporary Admission. If you are at the end of your case, an interview with the authorities of your country of origin may be one of the steps towards arranging Removal Directions for you so the Immigration Service has the power to detain you. Not cooperating is likely to weaken applications for bail. You will need to explain why you are refusing to cooperate and the Immigration Judge will decide if he/she accepts your reasons.</p>
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<p>1.4 Other 'reasons for detention' that have been included in bail summaries.</p>	
<p>1.4.1 Applications for release or bail have been refused before and therefore this one will be too.</p>	<p>This is a weak argument used by the Immigration Service. Immigration Judges cannot refuse a bail application simply because it was refused previously, otherwise there would be no reason for repeat applications. Make any changes since the last bail application very clear, even if the only change is the extra time spent in detention.</p>
<p>1.4.2 You are young, single healthy and fit to be detained.</p>	<p>The Immigration Service put this in bail summaries as a reason for detention, but it is not a strong reason for detention. In fact, if you are fit and well you could argue that you will be able to report as often as required and are unlikely to have any problems doing so. If it is not correct that you are fit and well, find evidence of this such as your medical reports.</p>

Points in Your Favour

<p>Points to support your application for release.</p>	<p>Ideas of evidence and arguments you can use. (Remember this is a not a list of all possible arguments for release, can you think of any more in your case?)</p>
<p>2.1 Contact with the Immigration Service</p>	
<p>2.1.1 You were in contact with the Immigration Service before you were detained.</p>	<p>Tell the Immigration Judge about all the times that you were in contact with the Immigration Service. For example, if you had reporting conditions and were reporting regularly, say so. Or when you claimed asylum were you told to go away and return another day? Did you return? If you did not lose contact with the Immigration Service previously, you can argue that there is no evidence that you would lose contact in future.</p>

2.2 Do you want to know the outcome of your asylum or immigration case?	
2.2.1 You have an ongoing asylum or human rights application	You can argue that the Home Office recognises that people with ongoing immigration cases have a reason to stay in contact with the authorities. In Section 38.1 of the Operational Enforcement Manual (05/09/05) it says, "...a person who has an appeal pending or representations outstanding might have more incentive to comply with any restrictions imposed, if released, than one who is removable". You can argue that you cannot be sent out of the UK soon if you have an ongoing asylum appeal (see Table 1.1.1 above). Tell the Immigration Judge if you have an ongoing case and any dates for forthcoming hearings. Does this give you a reason to stay in contact with the authorities?

2.3 No evidence that the Immigration Service can send you out of the UK soon	
2.3.1 There is a Home Office policy not to send people back to your country.	If you are already at the end of your case and there is a policy not to force people to return to your country, the Immigration Service must release you because they do not have the power to detain you. If you do not think that people are sent back to your country, you can ask BID if we have any information about returns to your country. If you have an ongoing asylum case, the Immigration Service does have the power to detain you because they are examining your claim, but you can argue that you should still be released, because if you win your case the Immigration Service will release you and if you lose your case the Immigration Service will need to release you (because they will then only have power to detain if they can send you back to your country).
2.3.2 You have been waiting a long time for travel documents for your country.	Before going to court, write to the Immigration Service office that has your file (ask the Immigration Officers in your place of detention if you are unsure where this is) and ask what progress has been made since your last bail application. See Table 1.1.2

2.4 Evidence of ties to the UK	
2.4.1 Your partner, husband or wife is British.	Can your partner bring evidence of his/her nationality to the bail hearing? Can you bring evidence of your relationship to the bail hearing? Even if he/she only has a little money, can he/she be a surety for you?
2.4.2 Your partner, husband or wife is a citizen of the European Union.	European Union nationals working or studying in the UK usually have the right to bring their husband or wife to the UK with them. Can your partner come to the bail hearing? Can he/she bring evidence of his/her nationality and your relationship?

<p>2.4.3 Your partner, husband, wife or children has/have an ongoing asylum application.</p>	<p>If your husband/wife or children have ongoing asylum applications in the UK, you can argue that you should not be sent out of the UK because Home Office policy says you should have the right to stay in the UK while their case is decided. Sometimes the Immigration Service does not recognise that you are married, so try to find any evidence you can of your relationship and your application will be stronger if your partner can come to the bail hearing. If you and your partner are not married, you can make the same arguments particularly if you have children together. You can argue that you should be released to be with your partner while his/her case is continuing. Even if your partner only has a little money, could he/she offer to be a surety for you?</p>
<p>2.4.4 You are a carer for somebody.</p>	<p>If you were someone's carer before you were detained can you get evidence that the person needs you for support (medical or otherwise)? Can he/she write a letter for you or come to court (if he/she is an adult). What effect has your detention had on the person/people you cared for? If you were caring for children, can someone, for example a Social Worker, confirm your role and responsibilities? This will show the affect that your detention is having on other people.</p>
<p>2.4.5 You have one or two sureties.</p>	<p>Sureties are evidence that you have a link to people in the UK. . Even if you have one or two sureties, prepare other arguments in your case.</p>
<p>2.4.6 You have links to a support group, community or religious establishment in the UK.</p>	<p>It can strengthen your application to show that you have links to an area and community in the UK. If you have links to a community in the UK, collect evidence of this. Can someone from the community come to court to confirm what support there would be for you if you were released from detention? Can someone write a letter, explaining how the community know you and what support network there would be for you if released?</p>
<p>2.4.7 Studies or work in the UK.</p>	<p>Bring evidence to the hearing of any legal work or studies that you were doing before your detention. This again shows your links to a community. Can you ask someone from your work or studies to write you a reference confirming your work/studies? Can they confirm whether you still have a place at college to study or whether a job is still being held open for you? Can he/she comment on how detention will affect your studies?</p>

<p>2.5 Home Office policy on detention is written in the Operational Enforcement Manual. Chapter 38.10 of the Operational Enforcement Manual says that the following groups of people should only be detained in “very exceptional circumstances”</p>	
<p>2.5.1 “There is independent evidence that they have been tortured”.</p>	<p>If you were tortured in your home country, did your representative arrange for a doctor to see you to give you a medical assessment about your torture? If not, ask your representative if he/she can arrange for a doctor to see you to make an assessment. Your legal representative, if you have one, should check medical reports before sending them to the Immigration Service. It is important to check that what the doctor says in the medical report is the same as what you say in any statements or interviews.</p>
<p>2.5.2 Pregnant women, (“unless clear prospect of early removal and medical advice suggests no question of confinement prior to this”)</p>	<p>If you are pregnant, does the Immigration Service know this? Do you have evidence of your pregnancy to show the Immigration Judge? If you have had medical problems during your pregnancy, have you got evidence of this? (This may affect whether or not you can fly on an aeroplane if the Immigration Service wants to send you out of the UK). Do you have Removal Directions? If not, you can argue that there is no evidence that you will be sent out of the UK soon.</p>
<p>2.5.3 You have a serious illness or mental health problems.</p>	<p>Do you have medical reports confirming your illness and any treatment you need? Does the Immigration Service have copies of any reports? If you have a serious illness, your representative should have sent medical reports to the Immigration Service and the Immigration Courts. Check that this is the case. Were you given treatment/care/therapies before you were detained that is no longer available to you? Does your illness require regular medical treatment? Can your doctor/consultant say what would happen if you did not receive this treatment? Does your need for treatment give you a reason for staying in contact with the authorities? If you lost contact, you would also lose access to healthcare.</p>
<p>2.5.4 You have a ‘serious disability’.</p>	<p>The guidelines do not say what a serious disability is, so if you identify yourself as having a serious disability, say what it is. How does this disability make detention even more difficult? Was support available to you outside of detention that is not available now that you are detained?</p>
<p>2.5.5 You are elderly.</p>	<p>Do you need assistance or care? What support do you receive in detention? What support did you receive outside of detention? If released, would you receive the support/help that you need.</p>

2.6 Other arguments	
2.6.1 Your children are detained with you.	<p>The Immigration Service has the power to detain children, but if detention is having a bad effect on your children, tell the Immigration Judge. Find evidence to support what you are saying where possible, for example if the health centre has any concerns about your children's development or health. If you have a welfare assessment you can show it to the Judge.</p> <p>Explain why you as a family would stay in contact with the authorities if released.</p> <p>BID has written a special bulletin for families who are detained. Please contact the BID London office to get this bulletin.</p>
2.6.2 You are a European national.	<p>The Immigration Service should not detain EU nationals unless they are being deported. Bring evidence to court of your EU nationality. Contact your consulate or embassy for help confirming your nationality.</p>

9. Hearing Date

This section tells you:

- What to do when you get your hearing date
- About the bail summary
- The people who will be in court and what they do
- What happens during a hearing
- What decisions can be made

How will you know the date of the hearing?

The Asylum and Immigration Tribunal will write to you to tell you the date when you will be going to court. They will do this by sending you a one-page document called a Notice of Hearing.

If you don't get the 'Notice of Hearing', ring the court to check what is happening. (See number on Page 27) Sometimes there are delays but you should receive your Notice of Hearing within one or two days from when you faxed your bail application form.

What to do when you get the hearing date

- Tell your sureties the court date so that they can come to court with you
- Tell the person giving you accommodation the court date so that they can come to court with you.
- Tell anyone else who is supporting your application the hearing date
- Check that an interpreter will be available (if you have requested an interpreter on your bail form) by ringing the AIT
- Check that the Detention Centre will be taking you to the court for your hearing.
- If they are not planning to take you, send a fax to the court immediately to tell them you have spoken to the Detention Centre staff and they are not planning to take you to your bail hearing. Tell the court you want to come to your bail hearing.
- Gather all the documents you need for your hearing. Here is a list of documents you may need for court:
 - A copy of your bail application form
 - A copy of the statement you have prepared

- The bail summary (see below)
- Your surety needs to bring their the original passport (not copies) or identity document
- Your sureties' bank statements for the past 3 months
- Proof of income like wage slips or benefits letters for the past 3 months
- Your accommodation provider needs to bring proof that he or she owns the property. A mortgage statement is normally enough. If your accommodation provider is renting property they will need a letter from the landlord giving you permission to stay at the property (or show their tenancy agreement if this allows them to have people to stay in the property). You can't stay with someone who is living in Asylum Support accommodation unless they are a member of your immediate family
- Any other documents which you think will help you. These could include requests for Temporary Admission or requests to see your monthly review forms (IS93 forms) where you have received no reply; documents to show that you have a medical condition; documents to show that you have co-operated with the travel documentation process but have not been given travel documents.

What happens before your hearing?

- When you make an application for bail the Immigration Service must respond with a "bail summary". This is a document which explains why you are being detained. The Home Office will put into this document all the reasons why they think you should not be released.
- You should get the bail summary by 2pm on the day before your hearing.

You need to go through every point of the bail summary and think how you can respond to each point to argue your case. You may want to write down the points that you want to make in court so that you do not forget them. If there are parts of the bail summary which are wrong, make a note of these so that you can calmly point these out to the Judge.

If you are only given the bail summary when you get to court, you can ask the Judge to give you more time so that you can prepare your arguments before going into court. It is reasonable for you to ask for one or two hours to do this if you are only given the bail summary on the day of your hearing.

Day of the hearing

- There may be more than one case for the court.
- The cases start at 10am. Each case is looked at by the Judge separately, so you may have to wait before your case starts.
- You will be kept in a room with the Detention Centre escorts until it is time for you to speak to the Judge. Use this time to read your statement and bail summary.

Who will be in the court for the hearing ?

Person	What is their role?
You	You are the most important person in the court. Your job is to explain why you should get bail.
Immigration Judge	<ul style="list-style-type: none"> • To decide whether to give you bail • The Immigration Judge is independent and is not part of the Home Office or Immigration Service • Call the Judge “Sir” if it is a man or “Madam” if it is a woman. • The Judge must give you a chance to speak. • Do not interrupt the Judge, especially at the end when you are being told the decision. If the Judge refuses your application they will not change their mind on that day.
The Home Office Presenting Officer (HOPO)	The HOPO is the lawyer for the Home Office and the Immigration Service. They will say that you should be kept in detention.
Court usher	They help the Judge with making sure that everyone is sitting in the right place. They are not involved in making a decision on your bail application. The usher may go in and out of the room.
Interpreter	This person will explain to you everything said in court. If you think the interpreter does not speak your language well, or understand you, tell the interpreter and the Judge immediately .
Sureties	To help you get bail.
Accommodation provider	To help you get bail.

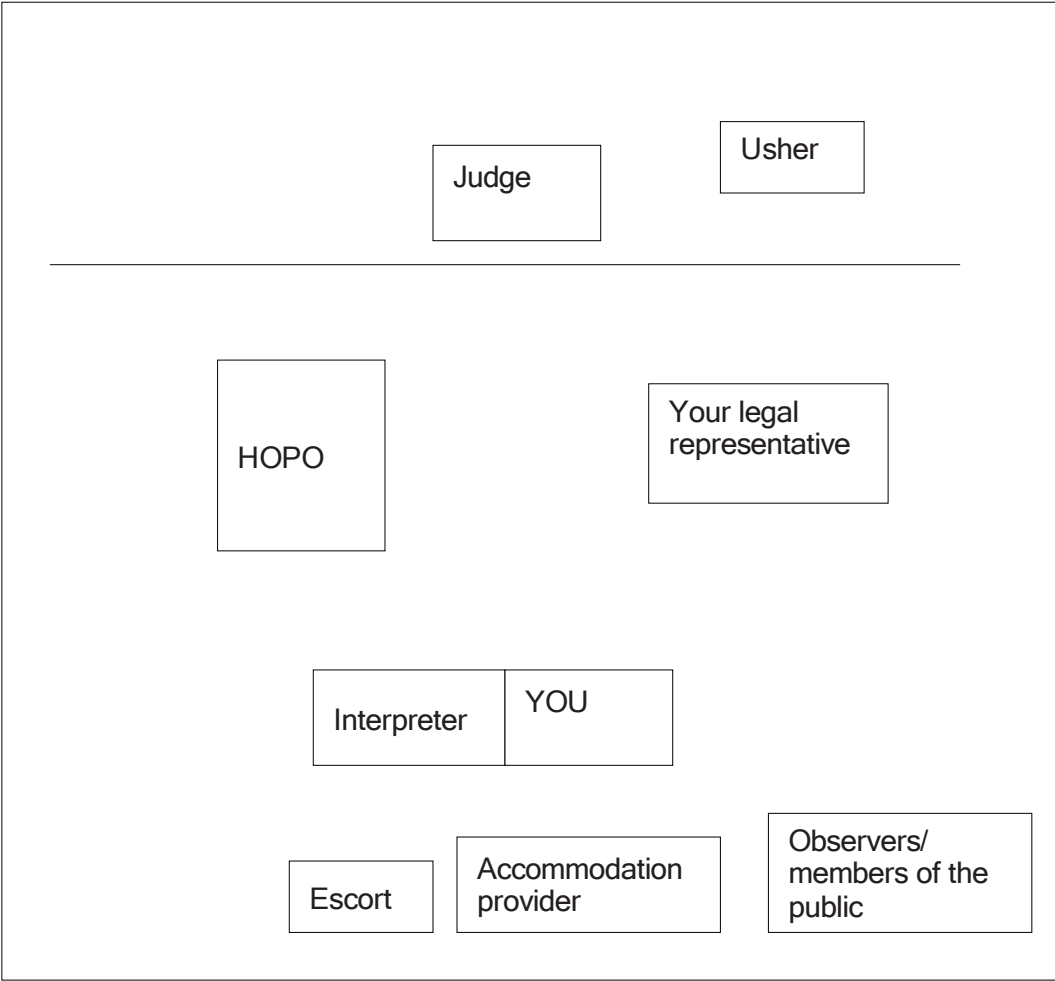
Escorts	They are required to be with you at all times.
Members of the Public	Court hearings are held in public, so anyone can go and watch a bail hearing. Normally the people at the back are other lawyers and friends/sureties of the detainees. Don't be frightened if the court is full.

What will happen during the court hearing?

All court hearings are different but this is what happens at a typical hearing. Remember that this may not happen at all hearings.

- Escorts will bring you from the court waiting room into the courtroom.
- The Judge will come into the room. Everyone will stand up. Make sure you stand up too.
- The Judge will check details like your name and should introduce the other people in the room.
- The Judge will ask the HOPO (Home Office Presenting Officer) whether he or she has anything to say. Normally the HOPO does not say anything beyond what is in the bail summary except that you should stay in detention.
- The Judge will ask you if you have anything to say. Check that the Judge has looked at your statement. Point out any parts of the bail summary where the Home Office has got the facts wrong.
- You will be asked to make a summary of why you should be released. Do not repeat everything in your statement. Tell the Judge the main things that are in your favour. Reply point by point to what the bail summary says.
- The HOPO may ask you questions.
- The Judge may ask questions about anything which is unclear.
- The HOPO will say why you should remain in detention.
- The Judge will decide whether you are suitable to be given bail. If the Judge thinks that you are not suitable to get bail the case will go no further.
- If the Judge thinks you are suitable for bail he or she will speak to your sureties and the person providing accommodation.
- The Judge tells you his or her decision and if bail is granted, the conditions of bail will be discussed.

This is a diagram of a typical court



The Decision

There are 3 possible results of a bail hearing:

Result	What this means	What next
Your application is granted	You have been successful and you will be released.	<ul style="list-style-type: none"> • The Judge will fill in a form and explain the conditions of release to you. These will usually say that you must live at the address you have given and that you must report at set intervals to an immigration office. • Make sure you follow whatever the Immigration Judge has told you to do otherwise you will be detained again and it will be difficult for you to get bail.
Your application has been dismissed	You will not be released and will be taken back to the Detention Centre.	<ul style="list-style-type: none"> • Make sure you get a copy of the written refusal of bail in court as this will help you to focus your preparation for your next bail application. • Do not give up! It is important that you apply for bail again because many detainees are released after 4 or 5 bail applications. (See foreword) • You can make another bail application after 28 days. • If something changes with your case you can make a bail application sooner and you do not have to wait 28 days
You withdraw your application for bail	This means that you decide to stop your case going ahead because of a problem. For example, your surety does not get to court in time or arrives at court without his bank statements.	<ul style="list-style-type: none"> • Sort out whatever problem stopped you from going ahead with your bail case and apply for bail again. • Sometimes the Immigration Judge will tell you to withdraw your case. If the Judge suggests this it is unlikely that you will get bail. It is probably better for you to withdraw your application for bail and apply for bail again.

What happens if something goes wrong at your hearing?

If something goes wrong at your hearing and you feel that you were treated very unfairly, for example, if:

- The Judge does not allow you time to read a bail summary which you are only given in court.
- The Judge does not allow you to speak.
- Someone in the courtroom is very rude to you.
- It seems that the law has not been applied correctly by the court.
- You are told that you are not allowed to make a bail application without having a lawyer present.

Make a note of exactly what happened and contact BID for further assistance. We want to help you apply for bail, and if there are problems for people who are representing themselves, we need to know so that we can follow the matter up so that others are not treated unfairly.

If you have read this notebook and are still unclear about how to apply for bail, please call the BID Office dealing with your Detention Centre (the numbers are on the cover of this notebook). We may be able to give you further advice on our helpline.

Attachments

We have attached the following documents to help you:

- Bail application form (B1)
- Letter to send to the court with bail application
- Example letter to legal representative
- Guide to writing a statement
- Example statement

- Section 4 Support application form
- BID Bulletin on Section 4 Support Leaflet

- Letter to the Immigration Service asking for Temporary Admission
- List of useful organisations
- List of solicitors dealing with immigration cases
- Letter to tell BID the result of your bail case

**To Bail Clerk
Asylum and immigration Tribunal**

BY FAX to fax number.....

Date.....

Dear Sir/ Madam

Bail Application

I am sending you an Application for Bail Form.

I am representing myself as I do not have a lawyer.

If possible please list my bail application on.....

(date: day, month, year)

Yours faithfully,

..... (sign here)

..... (Print your name here)

.....(put your Detention Centre name and room number here)

Example Letter to your Legal Representative

To

Representative's Reference:.....

Date:

Dear

Re: Name(s).....

Nationality.....Date of Birth.....

You represent me in my immigration matter. As you know, I am detained at the above address. I am sending this letter to ask whether you are making an application for my release. If you are already doing so, please tell me, in writing, what kind of application you are making.

If you are not already making an application for my release, please could you make a bail application to the AIT on my behalf.

If you are unwilling or unable to prepare a bail application for me at present, please send me a letter explaining why so that I understand what is happening on my case.

For my own records, please also send me any immigration documents that I do not already have (such as letters from the Immigration Service, my statement, translations, appeal forms and decisions from the Asylum and Immigration Tribunal).

I look forward to hearing from you as a matter of urgency.

Yours sincerely,

.....(Sign here)

.....(Print your name)

Guide to Writing a Statement to Explain Your Case

Use separate paper to type or handwrite a statement using the headings as a guide. It is here to assist you to include all relevant information for your bail application.

You should send your statement to the court with your B1 Bail Application form.

This is an example only. Do not send in this guide.

Statement of
Court Ref no
Date of bail hearing.....

My name is I am making this bail application myself because..... (explain why you have no lawyer). I have received some help from Bail for Immigration Detainees (BID).

My immigration history

(It is important to be brief at this stage. The adjudicator dealing with the bail application will not be looking at your main case. He/she will only be looking at whether you should be given bail.)

My detention history

- Explain when you were detained and at which centres

The reasons why I should be given Bail

The main things you need to explain are:

- Why the immigration service are wrong to say you will not keep in touch with the authorities
- Why you can not be removed quickly

I will comply with any conditions which are set for me because

- Explain why you will comply with bail conditions
- If you have previously broken any conditions why would it be different this time.
- Go through the list on page 30 of the Notebook for Bail part one and see if any of the list applies to you. If it does then explain it here.

Information about my surety/sureties

- Explain the sureties relationship to you
- What is the surety's immigration status
- How much money is the surety offering and why are they offering that amount.

- Explain how long you have known the surety.
- How often have you seen the surety - does the surety come to see you in detention
- Why will the surety be able to influence you to keep in touch with the authorities

Information about my accommodation

- Explain what your accommodation will be. Who is providing this for you. If it is a friend explain the friendship.

My comments on the bail summary

- Go through the bail summary sentence by sentence and explain why you do not agree with the immigration service

NB; it is important to explain in detail everything in your favour. For example if you have fully co-operated with the immigration service and the home office explain how you have co-operated.

Copy Documents I am attaching with this application

- 1.
- 2.

Copy everything you would like the adjudicator to look at and attach it to this statement. Make a list so it is easy to see why you have attached documents.

In your statement explain why you have attached these documents.

Example Statement For Bail (DO NOT COPY THIS)

This is to show you how to write a statement.
The examples here do not apply to you.

My immigration history

Example 1:

The first time I visited the United Kingdom was on the 23rd March 2004 as a student to study journalism. I completed my studies and then went back to Ghana on 14th June 2005. I arrived in the United Kingdom again as a visitor on 8th October 2005 and claimed political asylum on arrival at Heathrow Airport.

My asylum claim was fast-tracked and has been refused. My appeal was dismissed.

Example 2:

I arrived in the United Kingdom on the 23rd March 2004 inside a lorry. I was detained at Yarl's Wood Immigration Removal Centre on 24th March 2006 and claimed asylum. My asylum claim was refused. I appealed on the 3rd April 2006 and this was also refused. I have sent more information to the Home Office about my country situation. The Home Office is considering this as a fresh claim.

My detention history

Example:

I was detained at Harmondsworth Immigration Removal Centre on the 8th February 2006. I spent three weeks there. I was moved to Haslar Immigration Centre in March 2006. The immigration authorities then moved me to Dover Immigration Removal Centre on the 11th April 2006. I was ill because I am diabetic. I was taken to Dover Hospital for medical treatment on the 18th April 2006. I spent three days in hospital. I am currently still in detention at Dover Immigration Removal Centre.

The reasons why I should be given Bail

I will not abscond because:

Example 1:

I was granted temporary admission previously on 15th April 2006 and had to report two times per week to the police station. I failed to report to the police station on the 22nd April 2006 because I fell ill and had to visit my local doctor.

I failed to attend an interview on the 26th April 2006 because the letter was sent to the wrong address. Apart from this, I reported as required two times per week.

Example 2:

I have close contact with the Church in Leeds. If I am bailed to live with my surety in Leeds, I will go to church there every Sunday. The church has provided me with a letter in support of bail which I attach.

Example 3:

I am a diabetic and will keep in regular touch with a doctor. I need to get new medicine every few days.

I cannot be removed quickly because:

Example 1:

The immigration authorities said that travel documents should be ready by the 29th March 2006. But I have no travel document and it is now three weeks after 29th March 2006. My removal did not happen within a reasonable time so I ask to be released.

Example 2:

I have made fresh representations to the Home Office about my claim for asylum. I cannot be removed because these representations are still being considered.

I will comply with any conditions which are set for me because:

Example 1:

I have previously complied with conditions when I was granted Temporary Admission.

Example 2:

I am happy to sign on at the police station as often as required.

Information about my sureties

(if you have sureties - it is not a legal requirement to have sureties for bail to be granted)

Examples 1:

My surety Mr Patrick Kwami is my uncle. He has Indefinite Leave to Remain. He is employed as a dental technician. He does not have a criminal record. I have known my uncle since birth. My uncle is prepared to offer £200 as a surety if required. He has visited me at least once a week in detention and we also speak on the telephone.

Example 2:

My surety is Ms Nazma Begum who is a friend. I got to know her through the Visitors Group. She is a British citizen and is employed as an administrative assistant. She does not have a criminal record. I have known her for several months. She is prepared to offer £100 as a surety if required. She has visited me four or five times in detention.

Information about my accommodation

Example 1:

My accommodation will be at my uncle's address, Mr Patrick Kwami, which is High Road, Sutton, Surrey. I will have my own room. My uncle owns the property and will bring evidence of this to the hearing.

Example 2:

My accommodation will be at a Section 4 address. I will bring details to the hearing.

My comments on the bail summary

As soon as I get the bail summary, I will answer each point made by the Home Office.

**SECTION 4 APPLICATION FORM – SECTION 4 TEAM
(NO ASYLUM CASE OWNER)**



Home Office

Border and Immigration Agency

Section 4 Team

Block B Whitgift Centre, Wellesley Road, Croydon CR9 1AT

Tel: 020 8604 6902/6904/6910/6911

Fax: 020 8604 6908

APPLICATION FOR SUPPORT UNDER SECTION 4

THIS IS AN APPLICATION FORM AND DOES NOT GUARANTEE SUPPORT UNDER SECTION 4 OF THE IMMIGRATION & ASYLUM ACT 1999. THOSE REQUESTING SUPPORT MUST HAVE BEEN REFUSED LEAVE TO REMAIN IN THE UK AS AN ASYLUM SEEKER. THEY MUST DEMONSTRATE THAT THEY CANNOT NOW LEAVE THE UK AND ARE DESTITUTE. REQUESTS NOT ACCOMPANIED BY SUPPORTING EVIDENCE ARE LIKELY TO BE REFUSED.

DATE OF SECTION 4 APPLICATION:

APPLICANT'S DETAILS:

Name: D.O.B (day/month/year):
Nationality: H.O. Ref:
Asylum Support Ref. (if applicable): Port Ref:
Date of Asylum Application: Application Registration Card No:
Asylum Team Location:

CURRENT ADDRESS (including Tel No.):

REPRESENTATIVE'S DETAILS:

NAME: ORGANISATION:
ADDRESS:

TEL: FAX:
If support is provided any travel tickets should be sent to: Applicant/Representative
(Delete as appropriate)

If you wish to claim support for dependants, you should complete Annex A with their details.

Annex A completed and attached

Yes	
No	

(remaining 6 pages of S. 4 app form)

'The Protection of Liberty'

**BID Bulletin for Immigration Detainees
Number 19 - Updated September 2007**

Special bulletin on Section 4 accommodation for immigration detainees

Asylum support

There are different types of accommodation depending on what stage you are at in your immigration/asylum claim:

- **Section 98 accommodation:** this is initial, short term accommodation, for people at the start of the asylum process. If you received a refusal within 21 days you may still be eligible for Section 98 accommodation, but this is short term accommodation and should not be issued in reference to bail applications.
- **Section 95 accommodation:** this is long term accommodation also called 'dispersal' accommodation. If you have made a new application for asylum and this has been accepted as a fresh claim, you may be entitled to Section 95 accommodation. You will be provided with accommodation and a weekly payment of £41.40 if you are over 25 (£32.80 if you are under 25).
- Note that **families with children under 18** are normally still entitled to full Section 95 support (i.e. accommodation and weekly cash support) even if their asylum claim has been refused. Please refer to the BID family bulletin for further information.

- **Section 4 accommodation:** this is also known as 'Hard case support'. It is for people who have exhausted all their appeal rights but are unable to go to their home country. It is a limited and temporary form of support. It is available for asylum seekers who were unsuccessful in their claim and those that are detained under immigration powers but have not claimed asylum. If you are 'destitute' (homeless or without money for food) or going to be destitute if you are released from detention, you can apply for Section 4 accommodation provided by the Home Office.

You will not be able to choose the location you are moved to and you will have to stay at this address unless you are authorised to move. Section 4 support is usually a room in a house or flat and supermarket vouchers but no cash. The accommodation is self catering. In exceptional cases, full board accommodation may be provided depending on availability.

Are you eligible for Section 4 support?

If you are an asylum seeker and your claim for asylum was unsuccessful and you are applying for bail you have to show that:

- You do not have an address to live at if you are released on bail and,
- You have no other way of supporting yourself after your release i.e. that you will be destitute, and,
- You meet one of the following criteria below.

Criteria for Section 4 support:

You need to tick one of the boxes on page 2 to show:

- 1) You cannot be removed because of travel document problems;
or
- 2) You have applied for judicial review/reconsideration application and have been granted permission to proceed (in Scotland, only proof of application for judicial review is needed); or
- 3) There is no safe route of return to your home country; or
- 4) You are not fit to travel e.g. due to pregnancy or a serious health problem; or

- 5) You are willing to sign an agreement to go to your home country or
- 6) Your human rights will be damaged if the Home Office does not provide you with accommodation. One example of this is that you will have to stay in detention if you do not get an accommodation address.

If you are not an asylum-seeker (you do not have to be a refused asylum seeker to apply for Section 4 support if you are in detention and you are applying for bail), you do not have to meet the other Section 4 eligibility criteria. You simply write a letter to Section 4 asking for accommodation and support, explaining who you are, that you are applying for bail, and where you are detained.

Other conditions for Section 4 support:

- Your support will be reviewed every three months or less.
- Your support may be conditional on you making an application to the International Organisation for Migration (IOM), to voluntarily return to your country of origin, within ten days of living in your new accommodation. You will be sent information about the IOM. If you have an outstanding application for judicial review or reconsideration, then you should not be asked to make an application to the IOM, because your asylum/immigration case is still being considered by the courts.

What if I am not entitled to Section 4 support?

If you are still awaiting the outcome of your asylum application or you have submitted a fresh claim for asylum, you may be entitled to Section 95 support. You can apply for Section 95 support using the 'NASS 1 form'. The guidance notes and form are available at:

<http://www.bia.homeoffice.gov.uk/asylum/support/apply/>

Alternatively contact BID and we will send you the correct forms.

How to make an application for Section 4 support

Please see the flow chart in Annex A of this bulletin to decide which method of applying for Section 4 you should use.

If you are an asylum seeker, your asylum claim was unsuccessful and you are in detention:

As of 1 May 2007, there are two different Section 4 applications. The forms are very similar but you send the form to different places. Both forms are available from BID and on the BIA website:

<http://www.bia.homeoffice.gov.uk/asylum/support/apply/section4/>

1) Asylum Team Cases: this is for people who have claimed asylum after 5 March 2007. This form is faxed to the relevant Asylum Team, the contacts are in Annex B of the form.

2) Case Resolution Team cases: this is for those that have claimed asylum before 5 March 2007 (the form marked 'No asylum case owner'). This form is faxed to: **020 8604 6908** or **020 8604 6777**.

or posted to: **Section 4,**
9th floor East,
Whitgift Centre,
Block B, 15 Wellesley Road,
Croydon, CR9 1AT.

Completing the form

Page 1:

- You need to write the date that you are filling in the form at the top.
- You will need to write your name, nationality, date of birth and Home Office or Port reference, address, and date of asylum application on the front of the form. If you have applied for asylum support previously, you will need to write your 'Asylum Support Ref. number'.
- If you do not have a representative, you will leave the 'Representatives Details' section blank.
- If you have dependants (partner, children) you will need to complete Annex A and tick the 'yes' box at the bottom of the page 1. If you do not have dependants you need to tick the 'no' box at the bottom of page 1.

Page 2:

- You need to tick the box next to 'I am destitute'. You need to give the reasons why, something like 'I am currently detained in Immigration Detention at _____'. I am applying for

bail. If I am released on bail I will be destitute as I have nowhere to stay and I have no money to support myself.'

- You need to tick one of the five boxes below stating why you are applying for support.
- On the second page, you should give the date you made an application for asylum, and the date that this was refused or the date when your last appeal was refused. You should give any reasons why you need support. You should give details of your bail application and when you might be released. Write down any health problems. Write down any reasons why you cannot go back to your home country. Explain that you do not have any friend or relative who can support you when you are released;

Page 3:

This tells you the conditions of support under Section 4 should your application be successful. There is nothing to complete on this page.

Page 4:

Additional Information. This is where you state any medical needs you might have. For example if you have an appointment with the Medical Foundation for Victims of Torture, you need to state that here. If you have any disability that may affect your accommodation needs you should state this. If you have any family ties in a particular part of the country you should state this.

Page 5:

- Print your name, sign and date the form. You should also write "Priority 1 application" clearly on the front of the form, if you are in detention and applying for bail.

If you are detained under immigration powers but you have not claimed asylum

- You do not have to meet the criteria under Section 4, and you simply need to write a letter stating:

'I am detained at _____, I would like to apply for bail. I will be destitute as I have no accommodation or money with which to support myself.'

Write your name, date of birth and Home Office reference number if you have one.

- Alternatively you can complete a Section 4 application form, although you do not need to tick one of the boxes on page 2.

How long does it take?

You should hear from Section 4 within a few days. If you do not hear from them you can chase up your application or your letter:

- If you applied for asylum in the UK *after 5 March 2007* you will have a case owner who will be the main point of contact for dealing with all aspects of your claim including support related issues. The contact numbers for the regional teams are in Annex B of the Section 4 application form.
- If you claimed asylum before *5 March 2007* (you might have heard of your case referred to as part of the 'case resolution exercise or 'legacy') You can contact the Asylum Support Enquiry line on 0845 602 1739 for general asylum support enquiries. For enquiries about Section 4 support, contact 020 8604 6910/6912/6904/6902. or email:
section4customerservice@homeoffice.gsi.gov.uk

What happens when I receive my Section 4 address?

You need to write the Section 4 address you are given on your B1 application for bail form. Remember to write the full address, including the post code.

When you receive a date for your bail hearing, you need to contact Section 4 and give them the date for your bail hearing so that they can book the accommodation. ***NB: Your Section 4 accommodation will only be held for 14 days.*** If 14 days pass and you have not applied for bail, you will need to reapply for Section 4 support.

The detention centre should issue you with a travel warrant on the day of the bail hearing so that you can travel to your accommodation from the court if you are released on bail.

What if I am refused Section 4 support?

If you are refused Section 4 support, you can appeal to the Asylum Support Tribunal. You will be sent an appeal form so you can appeal.

- You must send the form back as soon as possible because the deadline is three days to appeal. If you cannot send the form back in 3 days, you must explain why e.g. you did not get the form on time and you are in detention.
- At section 1-2 of this form you will need to put your personal information, name, date of birth, nationality and your detention address.
- At section 3 of the form you will need to give the date of the letter refusing Section 4 support.
- At section 4 of the form you will need to say whether you want to attend your hearing, and whether you will need an interpreter, and what language you speak. If you have got a legal representative you will need to find out whether they can represent you in your asylum support appeal. You are likely to find that you will have to represent yourself as the Legal Services Commission will not fund legal representation in the Asylum Support Tribunal.
- At section 5 you will need to write on the form your reasons for appealing.
- It is important that you include the following point in your letter: "I have applied for bail but I have no place to stay. I will not be released unless I have accommodation. The decision to refuse me Section 4 support is damaging my right to liberty (Article 5 of the ECHR)".
- We strongly advise that you go through the letter refusing you Section 4 support and write down why you disagree with what the letter says.
- When you have a hearing in front of the Asylum Support Tribunal, there will be an interpreter. On Tuesdays and Thursdays there may be a free representative at the court called the Asylum Support Appeals Project who can help you (see contact details below).

How often is my Section 4 support reviewed?

- If you are given Section 4 support on the basis that you are taking all reasonable steps to leave the UK and have stated that you have registered with the IOM, but this information is not yet available to Section 4, then your support will be reviewed after two weeks. If this information is available to Section 4 then your support will be reviewed after six weeks, and then again after a further six weeks.
- If you are given support on the basis that you are pregnant, your entitlement to support will be reviewed six weeks after the date you are expected to give birth.
- If you are unable to leave the UK because of a physical impediment, your support will be reviewed in line with the asylum support medical adviser or medical evidence presented with the application.
- In all other cases, the review period is generally set at three month intervals.

Other organisations who may be able to help you with applying for Section 4 and asylum support:

Refugee Council: 240-250 Ferndale Road, London SW9 8BB.

Tel: 020 7346 6700 Fax: 020 7346 6701.

London advice line: 020 7346 6777.

Available Mondays, Tuesdays, Thursdays and Fridays: 10.00am to 4.00pm; Wednesday: 2.00pm to 4.00pm.

Migrant Helpline: 45 Friends Road, Croydon, Surrey CR0 1ED. Tel: 020 8774 0002

Asylum Support Appeals Project. Cornerstone House, 14 Willis Road, Croydon CR0 2XX. Tel : 020 8684 5873. Fax : 020 8684 5973. Advice Line : 0845 603 3884. Website: <http://www.asaproject.org.uk>

Alternatively contact BID and we will provide you with the information.

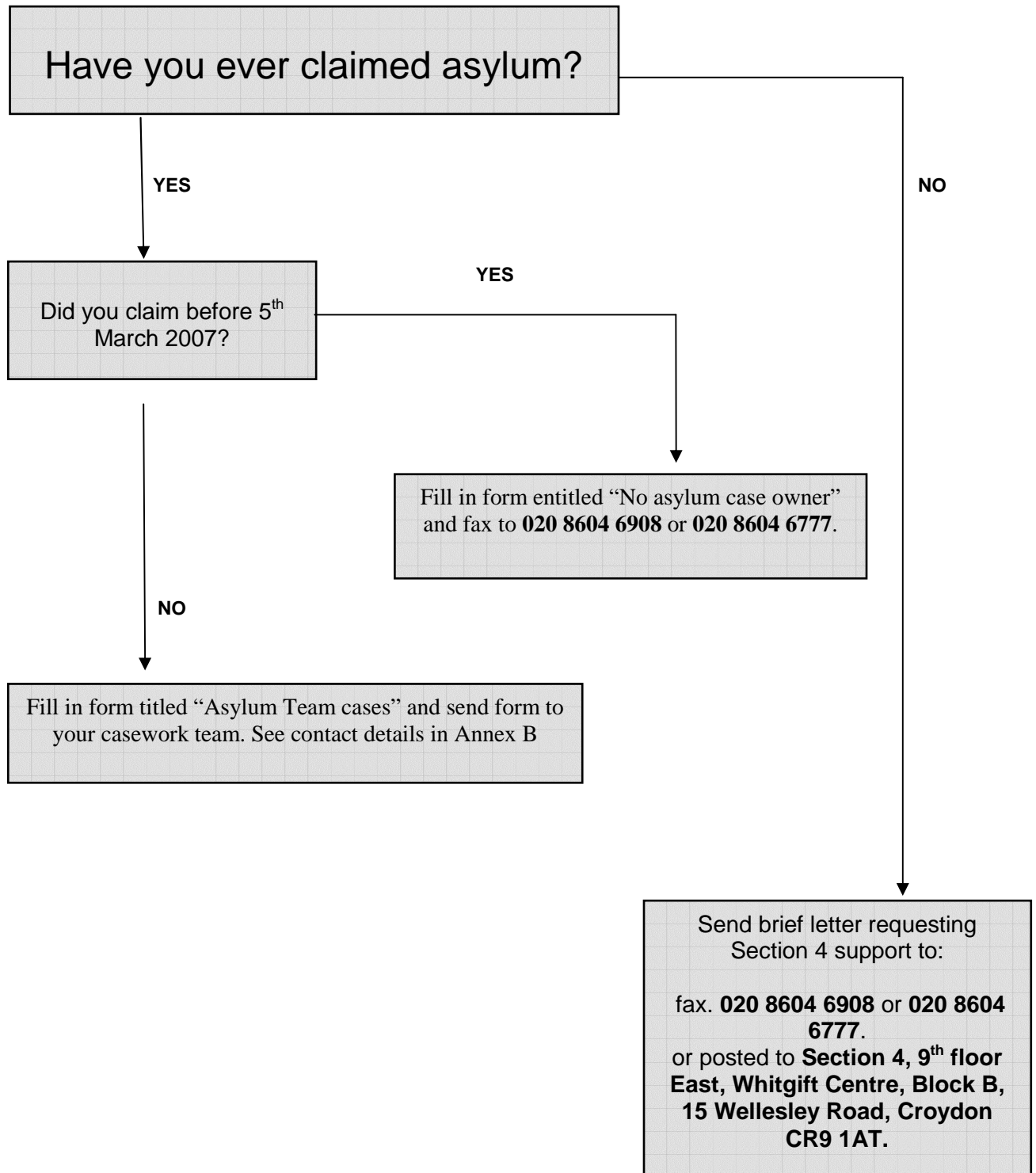
BIDs contact details:

BID London: tel: 0207 2473590.fax: 0207 2473550.

BID Oxford: tel: 0845 330 4536. fax: 0845 330 4537.

BID South: tel: 0239 2816633. fax: 0239 2821529

Applying for Section 4 support Flow Chart



Request for Temporary Admission

To Chief Immigration Officer

The date of this request.....

My name is.....

My nationality is.....

My date of birth is.....

My Home Office reference number is.....

I am detained at.....

My room number is.....

I would like you to release me on Temporary Admission to this address:

.....

.....

.....

POSTCODE:.....

I would like you to considered electronic monitoring as an alternative to my detention.
If you are not willing to consider electronic monitoring please write to me setting out
the reasons why.

I am making this request for the following reasons:-

Signed by.....

Visitors Groups

Visitors groups do not give legal advice, but can visit and offer support to some detainees.

If you are detained and would like to see if someone can visit you, contact the visitors

group for your centre or write to the Association of Visitors Groups (AVID) at

PO Box 7, Oxted, RH8 0YT Telephone number: 01883 717275

Detention Centre	Name of Visitors Group	Contact details
Campsfield House Detention Centre	Asylum Welcome	Tel: 01865 722082 Fax: 01865 792532
Campsfield House Detention Centre	Gay Men's Project Volunteers, Terrence Higgins Trust Oxfordshire	Tel: 01865 243389
Canterbury Prison	Kent Refugee Support Group	Contact through AVID (see above)
Cardiff Prison	Cardiff Prison Visiting Group	Tel: 02920 437114 Fax: 02920 497118
Dover Removal Centre	Dover Visiting Group	Tel: 01304 242 755
Dungavel / Greenock Prison (Gateside) / Corton Vale	Scottish Detainees Visiting Scheme	Tel: 0141 248 9799 Fax: 0141 243 2499
Durham Prison/ Holme House Prison / Lincoln Prison	Visiting Group	Tel: 01522 546 019 (Lincoln)
Harmondsworth HMP Holloway	London Detainee Support Group (LDSG)	Freephone number: 0800 5872096 Tel: 020 7226 3114 Fax: 020 7226 3016

Haslar	Haslar Visitors Group	Tel/Fax: 023 9283 9222
Lindholme	DAVID - Doncaster Association of Visitors to Immigration Detainees	Tel: 01302 782 928 Fax: 01302 516 505
Liverpool Prison	Liverpool Prison Visitors Group	Tel: 0151 709 7284
Norwich Prison	Justice & Peace Group	Tel: 01603 611 035
Tinsley House	Gatwick Detainees Welfare Group	Tel: 01293 434350 Fax: 01293 434351
Wandsworth Prison	Wandsworth Detainee Visiting Group	Tel: 020 8672 2887
Winchester Prison Tel:	Winchester Visitors Group	01962 852 028
Yarl's Wood	Yarl's Wood Befrienders	Tel: 01234 781 791

Advice and Information

These groups provide different kinds of advice and information. If there is no description after the group then it is an organisation that provides a wide range of advice (not legal) or support to asylum seekers. Contact the group nearest to your place of detention or where you lived before you were detained.

Asylum Aid

Can provide legal advice in some cases. Advice line: 020 7354 9264
Monday 2:00pm-4:30pm, Thursday 10am-12:30pm.

Asylum Welcome

276A Cowley Road, Oxford, OX4 1UR. Tel: 01865 722082 Fax: 01865 792532.

Bail Circle

A network of sureties for people in immigration detention, funded by the Churches

Commission for Racial Justice. Tel: 020 7654 7240 Fax: 020 7654 7222.

BID: Provides advice and assistance for bail applications.

BID London for Yarl's Wood, Harmondsworth, Oakington, Dungavel, Tinsley and other places of immigration detention (HMPs).

Address: 28 Commercial St, London E1 6LS. Tel: 020 7247 3590
Fax: 020 7247 3550

BID South for Dover, Haslar and Colnbrook.

Address: All Saints Centre, Commercial Road, Portsmouth, PO1 4BT. Tel: 0239 2816633 Fax: 0239 2821529

BID Oxford for Campsfield House and Lindholme.

Address: 276 Cowley Road, Oxford OX4 1UR. Tel: 08453 304 536
Fax: 08453 304 537.

Community Legal Service Helpline

Can help put you in touch with legal representatives in your area.
Tel: 08456 081122.

Migrant Helpline

Room 65, No 1 Control Building, Eastern Docks, Dover, CT16 1JA
Tel: 01304 203977
Fax: 01304 203995

Refugee Action

London: The Old Fire Station, 150 Waterloo Road, London, SE1 8SB. Tel: 020 7654 7700 Fax: 020 7654 0696.

Birmingham: The Wardlow Road Centre, Wardlow Road, Nechells, Birmingham B7

4JH. Tel: 0121 464 3548 Fax: 0121 464 2998
Bristol: 9 Hide Market, St Philip's, Bristol BS2 0BH. Tel: 0117 941 5960 Fax: 0117 955 5036. Advice line: 0117 941 5962
Leeds: Suite 7, Floor C, Josephs Well, Hanover Walk, Leeds LS3 1AB. Tel: 0113 244 5345, Fax: 0113 243 5448.
Leicester: Chancery House, 7 Millstone Lane, Leicester LE1 5JN. Tel: 0116 261 6200 Fax: 0116 261 6226
Liverpool: 64 Mount Pleasant Road, Liverpool, L3 5SD. Tel: 0151 7026300 Fax: 0151 7026684. Manchester: 1 Tariff Street, Manchester, M1 2HF, Tel: 0161 2331200 Fax: 0161 2364285
Nottingham: International Community Centre, 61b Mansfield Road, Nottingham, NG1 3FN. Tel: 0115 9418552 Fax: 0115 950 9980.
Portsmouth: Suite F3/4, 2nd Floor Venture Tower, Fratton Road, Portsmouth PO1 5DL. Tel: 02392 857561. Fax: 02392 857560
Plymouth: Prideaux Court, Palace Street, Plymouth PL1 2AY. Tel: 01752 235030. Fax: 01752 268805

Refugee Arrivals Project (RAP)

Room 0112, Ground Floor, Queens Building, Heathrow Airport, Hounslow, Middlesex TW6 1DN. Tel: 020 8759 5740 Monday to Friday: 09:30am - 5:00pm. Fax: 020 8759 7058.

Refugee Legal Centre (RLC): Detention and advice line: 0800

592398. Monday, Wednesday and Friday, 10:30am - 4:30pm.

Refugee Council

London advice line: 020 7346 6777. Monday, Tuesday, Thursday, Friday 0:00am - 1:00pm and 2:00 - 4:00pm, Wednesday 2:00 - 4:00pm.

Yorkshire and Humberside advice line: 0113 386 2210. Monday, Tuesday, Thursday, Friday: 9:00am - 4:00pm (closed Wednesday).
East of England advice line: 01473 297 900. Monday, Tuesday, Thursday, Friday: 10:00am - 1:00pm and 2:00 - 4:00pm (closed Wednesday).
West Midlands advice line: 0121 6221515. Open Monday, Wednesday, Thursday, Friday: 10:00am - 12:00pm and 2:00 - 4:00pm.
Children's Panel advice line: 0207 346 1134. Open Monday to Friday: 9.30am - 5.30pm.

United Nations High Commission for Refugees (UNHCR) UK section The primary purpose of this organisation is to safeguard the rights and well being of refugees. It will in some cases intervene in individual cases. Tel: 020 7759 8090 Fax: 020 7759 8119.

Scottish Refugee Council (Glasgow and Edinburgh): Tel: 0800 085 6087.

Asylum Support (formerly called 'NASS')

Asylum Support Customer Service Line: Tel: 0845 602 1739 (9am-9pm Monday - Friday)

Finding Legal Representation and Complaints

Office of the Immigration Services Commissioner (OISC).

Office of the Immigration Services Commissioner (OISC), 5th Floor, counting House,

53 Tooley Street, London, SE1 2QN Tel: 020 721 11613 Fax: 020 7211 1553. General enquiries: Tel:0845 000 0046.

Immigration Advisers are regulated by the Office of the Immigration Services Commissioner (OISC). This means that advisors must meet the requirements and standards of the OISC. The OISC has a list of immigration advisors so you can contact them for contact details of immigration advisors. The OISC also deals with complaints about the ability of anyone giving immigration advice and service, including solicitors. The OISC wrote leaflet called 'Legal Advice for People who are detained by the Immigration Service'. The leaflet explains what you should expect from your

representative, how to find a representative and how to make complaints to the OISC. Ask for a copy of this leaflet from the library in your detention centre or call the OISC on 0845 000 0046 to request a copy.

The Law Society

The Law Society, 113 Chancery Lane, London WC2A 1PL Tel: 0207 242 1222. The Law Society is the representative and regulatory body for solicitors of England and Wales. The Law Society can provide details of solicitors, for example solicitors specialising in immigration case. You can contact the Law Society at the address above and details of immigration solicitors are on their website: www.solicitors-online.com. You can make a complaint about your solicitor to the Legal Complaints Service by visiting www.legalcomplaints.org.uk or calling the helpline on 0845 608 6565.

A note about making complaints:

If you are unhappy with the service given by your representative, you have the right to make a complaint, but think carefully about the effect that the complaint may have on your relationship with your representative. Unless you have a complaint about a bill, it is usually advisable to try to resolve the problem by writing to the person responsible for handling complaints at your legal representative's firm/organisation, before making a complaint to the OISC or the Legal Complaints Service. If you make a complaint to the OISC or the Legal Complaints Service, it is a good idea to send, with your complaint, a copy of the letter you first wrote to the firm.

Border and Immigration Agency (BIA)

To make a complaint about the Border and Immigration Agency, you can write to:

Complaints Unit, Border and Immigration Agency, PO Box 1384, Croydon, Surrey CR9

3YJ, or you can email on ind.cu@homeoffice.gsi.gov.uk. Tel: 0870 241 6523. Fax: 020 8760 4310

UN Working Group on Arbitrary Detention

One section of the United Nations, called the Working Group on Arbitrary Detention, investigates cases of arbitrary detention. For

more information about this group and a copy of their questionnaire, their address is: Working Group on Arbitrary Detention, c/o OHCHR-UNOG, 1211 Geneva 10, Switzerland. Fax: 00- 41-22-917.90.06. More information about making a complaint to this group is available on their website:

<http://www2.ohchr.org/english/issues/detention/complaints.htm>

Complaining to a Member of Parliament

Members of Parliament (MPs) represent the people living in their area. In some cases where there are compassionate circumstances and where all other applications and appeals have failed, MPs may intervene on a detainee's behalf. They can also deal with complaints about your treatment in detention and the reasons for your detention. Find out who your Member of Parliament is by phoning 020 7219 4272. You will need to give the postcode of the detention centre that you are in or of your address, if you lived in the UK, before being detained. You can then contact your Member of Parliament on 020 7219 3000.

LIST OF IMMIGRATION SOLICITORS

Name	Address	Telephone	Fax
LONDON			
Asylum Aid		0207 3775123	020 7247 7789
Luqmani Thompson	77-79 High Road, Wood Green, London, N22 6BB	0208 3657800	020 8826 0169
Birnberg Peirce & Partners	14 Inverness St. Camden NW1 7HJ	0207 9110166	020 7911 0170
Popkin & Co.	3A Leroy House, 436 Essex Road, London, N1 3QP	0207 6882300	020 7688 2301
Christian Khan	42 Museum St. London, WC1A 1LY	0207 8311750	020 7831 1726
Refugee Legal Centre	Nelson House, 153-157 Commercial Road, London, E1 2DA	0207 7803200	Free phone: 0800 592 398 020 7780 3201
Deighton Guedalla	30-31 Islington Green, London N1 8DU	0207 3595700	020 7359 9909
Sutovic and Hartigan	11 High St. London, Norvin House W3 6NG	0208 9935544	0208 993 2555
Elder Rahimi	45-55 Commercial St. London E1 6BD	0207 7027799	0207 377 8800
White Ryland	54 Goldhawk Rd, London, W12 8HA	0208 7409393	0208 762 0007
Fisher Meredith	Blue Sky House, 405 Kennington Road, SE11 4PT	0207 0912700	0207 091 2800
Wilson & Co	697 High Road	0208	0208 808

	Tottenham, London, N17 8AD	8087535	3393
Lawrence Lupin	2nd Floor, Dexion House, Wembley, London HA9 DEF	0208 7337200	0208 733 7250
Glazer Delmar	223-229 Rye Lane London SE15 4TZ	0207 6398801 0800 7836916	0207 358 0581
Clore and Co.	126 North End Road London W14 9PP	0207 3815321	0207 386 0134

OXFORD

Turpin Miller & Higgins	1 Agnes Court, Oxford Road, Oxford, OX4 2EN	0186 5770111	0186 574 9099
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MIDLANDS

TRP Solicitors	Lee Bank Business Centre, 55 Holloway Head, Birmingham, B1 1HP	0121 6164700	0121 6430700
Tyndallwoods Solicitors	Priory Gate, Steelhouse Lane Birmingham B4 6EB	0121 6241111	0121 624 8401

NORTH

A S Law	8 Myrtle Parade, Liverpool, L7 7EL	0151 7071212	0151 707 2458
Browel Smith	Pearl Assurance House 7 New Bridge Street New Castle upon Tyne NE1 8AQ	0191 2211611	0191 241 8200
David Grey	Old County Court, 56 Westgate Road, Newcastle upon Tyne NE1 5XU	0191 2329547	0191 230 4149
Jackson & Canter	3rd Floor reception, 88 Church St.	0151 2821961	0151 282 1963

	Liverpool, L1 3HD		
Parker Rhodes	14 Moorgate St. Moorgate Rotherdham, S60 2DA	0170 9511100	0170 9371 917
Halliday Reeves	2nd floor, Kingsway House Waterdale, Doncaster South Yorkshire DN1 3JZ	01302 560969	01302 560 663
Greater Manchester Immigration Aid Unit	400 Cheetham Hill Road Manchester Lancashire	0161 7407722	0161740 5172
Harrison Bundey	219-221 Chapelton Road Leeds, LS7 3DX	0113 2007400	0113 237 4685

CIVIL ACTION SOLICITORS

Bhatt Murphy	27 Hoxton Square, London, N1 6NN	0207 7291115	020 77291117
Leigh Day & Co	Priory House, 25 St John's Lane, London, EC1M 4LB	0207 6501200	020 72534433
Bindman and Partners	275 Gray's Inn Road, WC1X 8QB	0207 8334433	020 7837 9792
Fisher Meredith	Blue Sky House, 405 Kennington Rd, SE11 4PT	0207 0912700	020 7091 2800
Hickman and Rose	144 Liverpool Road, London, N1 1LA	0207 7002211	020 7609 6044
Birnberg Peirce and Partners	14 Inverness St. Camden, NW1 7HJ	0207 9110166	020 7911 0170

Law Centres provide legal advice and there might be one near you. To find out about the nearest Law Centre contact the Law Centre Federation on:

Tel: 020 7387 8570

Fax:0161 272 0031

www.lawcentres.org.uk

or call the Community Legal Service on 0845 345 4345.

Citizen Advice Bureaux (CAB) have sometimes contracts with the Legal Services Commission and can provide free Legal Immigration Advice. Contact the Head Office (020 78332181) to find out your local CAB and they might be able to help.

Fax To BID

Fax number 020 7247 3550

From.....(put your name here)
Detention Centre.....
Pager no/ext no/room no.....

Use of Notebook

I would like to tell you that I have used the notebook. (Tell us what you think about the notebook)

I applied for bail and the result was Successful/Unsuccessful
(please tell us what happened at your hearing. Use extra paper if necessary)

The purpose of this 'Notebook on Bail' is to advise detainees of their rights in relation to bail. It does not aim to advise you on your application to stay in the UK.

This 'Notebook on Bail' is not a comprehensive statement of the law relating to detention and bail and it *cannot* replace a legal representative.

We have tried to make this 'Notebook on Bail' as accurate as possible at the time of printing, but we cannot take responsibility for any errors and warn you that the law and detention policy may change.

To check that you have the latest version of the 'Notebook on Bail', please call BID on 020 7247 3590. We will send immigration detainees the latest version for free.

The Reference for this edition is "Notebook on Bail - January 2008"

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A Free Guide for Detainees
By
www.biduk.org